

1-1 By: Duncan S.J.R. No. 41  
1-2 (In the Senate - Filed March 13, 2009; March 31, 2009, read  
1-3 first time and referred to Committee on State Affairs;  
1-4 May 12, 2009, reported favorably by the following vote: Yeas 8,  
1-5 Nays 1; May 12, 2009, sent to printer.)

1-6 SENATE JOINT RESOLUTION

1-7 proposing a constitutional amendment to replace the attorney  
1-8 general on the legislative redistricting board with the  
1-9 commissioner of agriculture.

1-10 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 28, Article III, Texas Constitution, is  
1-12 amended to read as follows:

1-13 Sec. 28. The Legislature shall, at its first regular  
1-14 session after the publication of each United States decennial  
1-15 census, apportion the state into senatorial and representative  
1-16 districts, agreeable to the provisions of Sections 25 and 26 of this  
1-17 Article. In the event the Legislature shall at any such first  
1-18 regular session following the publication of a United States  
1-19 decennial census, fail to make such apportionment, same shall be  
1-20 done by the Legislative Redistricting Board of Texas, which is  
1-21 hereby created, and shall be composed of five (5) members, as  
1-22 follows: The Lieutenant Governor, the Speaker of the House of  
1-23 Representatives, the Commissioner of Agriculture or other head of  
1-24 the executive department that oversees agriculture in this state  
1-25 [Attorney General], the Comptroller of Public Accounts and the  
1-26 Commissioner of the General Land Office, a majority of whom shall  
1-27 constitute a quorum. Said Board shall assemble in the City of  
1-28 Austin within ninety (90) days after the final adjournment of such  
1-29 regular session. The Board shall, within sixty (60) days after  
1-30 assembling, apportion the state into senatorial and representative  
1-31 districts, or into senatorial or representative districts, as the  
1-32 failure of action of such Legislature may make necessary. Such  
1-33 apportionment shall be in writing and signed by three (3) or more of  
1-34 the members of the Board duly acknowledged as the act and deed of  
1-35 such Board, and, when so executed and filed with the Secretary of  
1-36 State, shall have force and effect of law. Such apportionment shall  
1-37 become effective at the next succeeding statewide general election.  
1-38 The Supreme Court of Texas shall have jurisdiction to compel such  
1-39 Board to perform its duties in accordance with the provisions of  
1-40 this section by writ of mandamus or other extraordinary writs  
1-41 conformable to the usages of law. The Legislature shall provide  
1-42 necessary funds for clerical and technical aid and for other  
1-43 expenses incidental to the work of the Board, and the Lieutenant  
1-44 Governor and the Speaker of the House of Representatives shall be  
1-45 entitled to receive per diem and travel expense during the Board's  
1-46 session in the same manner and amount as they would receive while  
1-47 attending a special session of the Legislature.

1-48 SECTION 2. This proposed constitutional amendment shall be  
1-49 submitted to the voters at an election to be held November 3, 2009.  
1-50 The ballot shall be printed to permit voting for or against the  
1-51 proposition: "The constitutional amendment to replace the attorney  
1-52 general on the legislative redistricting board with the  
1-53 commissioner of agriculture."

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