By: Mike Villarreal H.B. No. 3389

A BILL TO BE ENTITLED

AN ACT

relating to the reapportionment of state legislative, congressional, and judicial districts and the creation, function, and duties of the Texas Redistricting Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle A, Title 3, Government Code, is amended by adding Chapter 307 to read as follows:

CHAPTER 307. TEXAS REDISTRICTING COMMISSION

Sec. 307.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Redistricting Commission established by Section 28a, Article III, Texas Constitution.

(2) "Plan" means a redistricting plan for the Texas Senate, Texas House of Representatives, or Texas congressional districts adopted as provided by Section 28a, Article III, Texas Constitution, and this chapter.

Sec. 307.002. OATH. Before serving on the commission, each person appointed shall take and subscribe to the constitutional oath of office.

Sec. 307.003. ELIGIBILITY. The eligibility of a person to serve on the commission is as prescribed by Section 28a, Article III, Texas Constitution.

Sec. 307.004. PROHIBITED ACTIVITIES. A member of the commission may not:

(1) campaign for elective office while a member of the commission;

(2) actively participate in or contribute to the political campaign of a candidate for a state or federal elective office while a member of the commission;

(3) serve as or be a candidate to be a member of the Texas Legislature before the third anniversary of the date the commission adopted a redistricting plan for that body during the member's service on the commission; or

(4) perform an activity for which a person is required to register under Section 305.003.

Sec. 307.005. OPERATION OF COMMISSION. (a) The legislature shall appropriate sufficient money for the compensation and payment of the expenses of the commission members and any staff employed by the commission.

(b) The commission shall be provided access to statistical or other information compiled by the state or its political subdivisions as necessary for the commission's reapportionment duties.

(c) The Texas Legislative Council, under the direction of the commission, shall provide the technical staff and clerical services that the commission needs to prepare its plans.

Sec. 307.006. DUTIES. The commission shall:

(1) adopt rules to carry out the constitutional duties of the commission and to administer this chapter; and

(2) act as the legislature's recipient of the official census data and maps from the United States Census Bureau pursuant to the federal decennial census.

Sec. 307.007. REDISTRICTING PLAN; FORM. (a) For each plan or modification of a plan adopted by the commission, the commission shall prepare and publish a report that includes:

(1) for each district in the plan, the total population and the percentage deviation from the average district population;

(2) an explanation of the criteria used in developing the plan, with a justification of any population deviation in a district from the average district population;

(3) a map or maps of all the districts; and

(4) the estimated cost to be incurred by the counties for changes in county election precinct boundaries required to conform to the districts adopted by the commission.

(b) The commission shall make a copy of a report prepared under this section available to the public.

Sec. 307.008. REDISTRICTING PLAN STANDARDS. (A) A plan adopted by the commission must conform to the standards provided by Sections 25, 26, and 28a, Article III, Texas Constitution.

(b) In developing a plan, the commission may not consider:

(1) the potential effects of the districts on incumbents or potential candidates for office;

(2) the residence of any elected official or potential candidate for office;

(3) any information involving the past political performance of a specific geographic area, except as necessary to comply with federal law; and

(4) data concerning party affiliation or voting history, except as necessary to comply with federal law.

Sec. 307.009. HEARINGS. (a) After proposing an initial plan or subsequent modification for each body for which the commission is required to adopt a plan, the commission shall hold public hearings in not less than four different geographic regions to consider each plan or modification.

(b) The commission shall provide public notice of a hearing not less than 14 days before the date of the hearing.

(c) After reviewing all information received at each hearing, the commission shall make all necessary revisions of the initial plan or modification before final adoption of a plan or modification of a plan.

Sec. 307.010. DISCLOSURE OF DATA REQUIRED. The commission shall make all plans submitted to the commission, including the commission's initial plans and all subsequent modifications, hearing transcripts, minutes of meetings, maps, narrative descriptions of proposed district, and other data used by the commission available to the public through the use of an Internet website and other appropriate means.

Sec. 307.011. SUBMISSION OF PLAN. On adoption of a plan or modification of a plan by the commission, the commission shall submit the plan or modification to the governor, the secretary of state, and the presiding officer of each house of the legislature.

Sec. 307.012. CESSATION OF OPERATIONS. (a) Following the initial adoption of all plans that the commission is required to adopt, the commission shall take all necessary steps to conclude its business and suspend operations until the commission reconvenes as provided by Section 28a, Article III, or Section 7a, Article V, Texas Constitution, if it does reconvene.

(b) The commission shall prepare a financial statement disclosing all expenditures made by the commission. The official record of the commission shall contain all relevant information developed by the commission in carrying out its duties, including maps, data, minutes of meetings, written communications, and other information.

(c) After the commission suspends operations, the secretary of state becomes the custodian of its official records for purposes of election administration. Any unexpended money from an appropriation to the commission reverts to the general revenue fund.

Sec. 307.013. CHALLENGES TO PLAN. After a plan or modification of a plan is adopted by the commission, any person aggrieved by the plan may file a petition with the supreme court challenging the plan.

Sec. 307.014. RECONVENING OF COMMISSION FOR REAPPORTIONMENT OF JUDICIAL DISTRICTS. (a) If the Judicial Districts Board fails to make a statewide reapportionment of judicial districts under Subchapter F, Chapter 24, unless the commission is already reconvened, the commission shall reconvene on September 1 of the year provided by Section 7a(e), Article V, Texas Constitution, to make the statewide reapportionment as required by Section 24.946(a).

(b) The commission shall complete the reapportionment of judicial districts as soon as possible within the time provided by Section 7a(e), Article V, Texas Constitution.

(c) The commission's reapportionment of judicial districts becomes effective as provided by Sections 24.948 and 24.949.

(d) Following the effective date of a reapportionment of judicial districts, the commission shall take all necessary steps to conclude its business and suspend operations in accordance with Section 307.012. The commission shall suspend operations after the 90th day after the September 1 on which the commission's authority to adopt a reapportionment plan for the judicial districts begins, unless the supreme court grants the commission additional time to conduct its activities.

SECTION 2. Section 24.945(e), Government Code, is amended to read as follows:

(e) The legislature, the Judicial Districts Board, or the Texas [~~Legislative~~] Redistricting Commission [~~Board~~] may not

redistrict the judicial districts to provide for any judicial district smaller in size than an entire county except as provided by this subsection. Judicial districts smaller in size than the entire county may be created subsequent to a general election in which a majority of the persons voting on the proposition adopt the proposition "to allow the division of _____ County into judicial districts composed of parts of _____ County." A redistricting plan may not be proposed or adopted by the legislature, the Judicial Districts Board, or the Texas [~~Legislative~~] Redistricting Commission [~~Board~~] in anticipation of a future action by the voters of any county.

SECTION 3. Section 24.946(a), Government Code, is amended to read as follows:

(a) The board shall meet in accordance with its own rules. The board shall meet at least once in each interim between regular sessions of the legislature and shall exercise its reapportionment powers only in the interims between regular legislative sessions. Meetings of the board shall be subject to the provisions of Chapter 551, except as otherwise provided by this subchapter. A reapportionment may not be ordered in the interim immediately following a regular session of the legislature in which a valid and subsisting statewide reapportionment of judicial districts is enacted by the legislature. Unless the legislature enacts a statewide reapportionment of the judicial districts following each federal decennial census, the board shall convene not later than

the first Monday of June of the third year following the year in which the federal decennial census is taken to make a statewide reapportionment of the districts. The board shall complete its work on the reapportionment and file its order with the secretary of state not later than August 31 of the same year. If the Judicial Districts Board fails to make a statewide apportionment by that date, the Texas [~~Legislative~~] Redistricting Commission [~~Board~~] established by Article III, Section 28a [~~28~~], of the Texas Constitution shall make a statewide reapportionment of the judicial districts not later than the 90th [~~150th~~] day after the final day for the Judicial Districts Board to make the reapportionment, and that apportionment takes effect as provided by Sections 24.948 and 24.949.

SECTION 4. This Act takes effect January 1, 2009, but only if the constitutional amendment proposed by the 80th Legislature, Regular Session, 2007, establishing the Texas Redistricting Commission to establish legislative and congressional districts and revising constitutional redistricting procedures is approved by the voters. If that proposed constitutional amendment is not approved by the voters, this Act has no effect.

H.B. No. 3389 By _____

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MAR - 8 2007 Filed with the Chief Clerk

MAR 2 0 2007 Read first time and referred to Committee on Redistricting

_____ Reported ____favorably (as amended)
(as substituted)

_____ Sent to Committee on (Calendars)
(Local & Consent Calendars)

_____ Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of _____ yeas, _____ nays, _____ present, not voting

_____ Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Engrossed

_____ Sent to Senate

_____
CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

_____ Received from the House

_____ Read and referred to Committee on _____

_____ Reported favorably _____

_____ Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

_____ Ordered not printed

_____ Laid before the Senate

_____ Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(_____ yeas, _____ nays)

_____ Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(_____ yeas, _____ nays)

_____ Senate and Constitutional 3 Day Rules suspended by a vote of _____ yeas, _____ nays

_____ Read third time, _____, and passed by a (viva voce vote)
(_____ yeas, _____ nays)

_____ Returned to the House

_____
SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,

_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;

_____, _____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)