

SUBJECT: Confirming state Senate districts under federal court settlement plan

COMMITTEE: Redistricting— favorable, without amendments

VOTE: 6 ayes — D. Jones, Glaze, Giddings, Grusendorf, Hunter, Price

0 nays

5 absent — Hightower, Kubiak, Marchant, Moreno, Wilson

SENATE VOTE: On final passage, April 25 — 28-0

WITNESSES: No public hearing.

BACKGROUND : In January 1995 plaintiffs in *Thomas v. Bush* filed a lawsuit challenging 13 of the 31 Senate districts as being unconstitutionally gerrymandered. In June 1996 a settlement was proposed by the plaintiffs and defendants, including the governor, the lieutenant governor, the speaker of the House, the attorney general, and the secretary of state.

The settlement agreement plan was submitted to the three-judge federal panel in Austin considering the *Thomas v. Bush* lawsuit. The Austin panel approved a temporary redistricting plan, for the 1996 election only, that reflected most, but not all, of the revisions in the settlement agreement. In September 1995 the federal court panel in Austin announced a temporary settlement plan for Senate districts that reconfigured eight Senate districts used in the 1994 election. Both the settlement agreement and the court's more limited changes have been cleared by the Justice Department under the federal Voting Rights Act.

The court's plan was used for the 1996 election only, and the court gave the Legislature a deadline of June 30, 1997, to submit a permanent plan for Texas Senate districts.

On April 10, the Third Court of Appeals overturned a district court ruling that would have required all senators to run in 1998 if the Legislature enacted the settlement plan, which the district court considered to be an apportionment under Art. 3, sec. 3 of the Texas Constitution. Attorney

General Morales subsequently announced that he would not appeal the decision.

(For additional background, see House Research Organization Focus Reports Number 74-16, *State, Congressional Redistricting Update*, October 6, 1995, and Number 74-27, *Redistricting: Courts Say Try Again Before Next Census*, October 15, 1996.)

DIGEST: SB 715 would enact the court-ordered Senate settlement lines used for the 1996 election for the election cycles in 1998 and 2000.

The Senate district lines in SB 715 would be a continuation of the districts enacted by the 72nd Legislature in the Third Called Session and modified by the federal court in *Thomas v. Bush* (No. A-95-CV-186-SS) on September 15, 1995.

It would be the intent of the Legislature that SB 715 is not an apportionment of the Senate under Texas Constitution, Art III, sec. 3, and that the intent of the bill would be consistent with the April 1997 decision of the Third Court of Appeals in *Armbrister v. Morales* (No. 03-97-00011-CV).

SB 715 would not affect the membership or the districts of the Texas Senate of the 75th Legislature.

The bill would take immediate effect if finally approved by a two thirds record vote of the membership of each house.

NOTES: HB 6 by D. Jones, enacting a revised federal court settlement plan for state representative districts, passed the House on March 13 and was reported favorably, without amendment, by the Senate Committee of the Whole on Redistricting on April 24. HB 772 by D. Jones and SB 1193 by Barrientos, which would enact a congressional redistricting plan to meet a federal court deadline, are pending in the House Redistricting Committee and Senate Committee of the Whole on Redistricting, respectively.