BILL ANALYSIS

Senate Research Center

H.B. 6
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Redistricting
5-20-97
Enrolled

DIGEST

On January 25, 1995, the same group of individuals who filed the suit challenging congressional districts and a few other individuals filed a new suit challenging state legislative districts (Thomas v. Bush). The suit alleges that certain districts are racially gerrymandered and that the districts violate the right to a secret ballot. The suit challenges 54 of 150 house districts, and 17 of 31 senate districts.

On March 29, the case was transferred from Houston to Austin. The court in Austin denied the state's request for a stay. The trial date was originally scheduled for August 14 and later changed to October 3. The court allowed several groups to intervene on the side of the state: 12 of 14 Republican senators, three Democratic senators, Senator Montford, and individuals represented by NAACP-Legal Defense Fund and by MALDEF. The court also allowed a third-year law student to intervene as plaintiff.

On May 29 (the last day of the 74th Regular Session) the House passed H.R. 1242 directing attorneys representing the state in the Thomas case to seek a judgment from the court using the then-current house districts (PLAN H738) as modified by the original settlement proposal (PLAN H846). The settlement would change 44 of 150 house districts in seven counties: Bexar, Collin, Dallas, Jefferson, Harris, McLennan, and Williamson. In July 1995, the court held a status conference on the proposed settlement. The court decided that it could not order the proposed settlement into effect for the rest of the decade without first holding the old districts unconstitutional and the new districts constitutional.

In a hearing on August 31, the court expressed concern that some of the house districts in the settlement had not been challenged. Judge Garwood commented no evidence was presented that the districts changed in Collin, Jefferson, McLennan, and Williamson counties had been originally drawn for racial reasons. These eight districts (two in each county) were dropped from the proposed settlement. The proposed changes for the other 36 districts remained as originally presented to the court, affecting Bexar, Dallas, and Harris counties.

The lead plaintiffs in the Thomas case have said that they will drop their lawsuit if the legislature enacts the settlement plan.

The changes in the original settlement proposal for Collin, Jefferson, McLennan, and Williamson counties were identical to legislation filed in the 74th Legislature: HB 1363 (Jefferson County, PLAN H799); HB 1378 (Williamson County, PLAN H816); HB 1625 (Collin County, PLAN H798); and HB 2864 (McLennan County, PLAN H808). The proposed change for McLennan County would have made District 57 (held by Republican Representative Rusling) more Republican. Based on the1994 general election for all statewide races, District 57 would have changed from 61.5 percent Democratic to 59.8 percent. Based on the 1996 general election, District 57 would have changed from 56.1 percent Democratic to 54.4 percent. Representative Rusling lost in the 1996 election to Democratic Representative Dunham.

The town of Grove in Jefferson County is currently split between District 19 (R. Lewis), with 0.2 percent; District 21 (Stiles), with 72.3 percent; and District 22 (Price), with 27.5 percent.

The community of Anderson Mill in Travis and Williamson counties is currently split between District 47 (Keel), with 1.8 percent; District 52 (Krusee), with 68.7 percent; and District 53

(Hilderbran), with 29.5 percent. The city of Round Rock in Travis and Williamson counties is currently split between District 47 (Keel), with 0 percent; District 52 (Krusee), with 97.7 percent; and District 53 (Hilderbran), with 2.3 percent. The city of Leander in Travis and Williamson counties is currently split between District 47 (Keel), 0 percent; District 52 (Krusee), with 41.9 percent; and District 53 (Hilderbran), with 58.1 percent.

PURPOSE

H.B. 6 (PLAN H863) enacts the court-ordered house settlement lines (PLAN H848) used for the 1996 election as the lines to be used for the 1998 and 2000 elections. H.B. 6 also enacts the exact same changes in Collin, Jefferson, and Williamson counties which were submitted to the federal court in the initial settlement proposal, but dropped from the final court-ordered settlement. H.B. 6 does not include any changes for McLennan County. (Article II)

H.B. 6 places all of the community of Grove in District 21 (Stiles) except for the 0.2 percent in District 19 (R. Lewis). District 21 would decrease from 46.4 percent of Beaumont to 43.4 percent, and District 22 would increase from 53.6 percent of Beaumont to 56.6 percent.

H.B. 6 places all of the community of Anderson Mill in District 52 (Krusee), except for the 1.8 percent in Travis County. District 52 would increase from 68.7 percent to 98.2 percent of Anderson Mill. Places all of Brushy Creek in District 52, which had been split between Districts 52 and 53 (74.1 percent to 25.9 percent). Would split Georgetown between Districts 52 and 53 (100 percent to 0 percent) which had all been in District 52. Places all of Leander, except for the 0 percent in Travis County, in District 53, which had been split between Districts 52 and 53 (41.9 percent to 58.1 percent). Places all of Round Rock, except for the part in Travis County, in District 52, which had been split between Districts 52 and 53 (97.7 percent to 2.3 percent). District 53 (Hilderbran) would no longer have part of Austin in Williamson County, but would now represent Florence.

The attached computer reports--300B, 426B (with 1996 elections), and 427B (with 1994 elections) by the Texas Legislative Council--are part of the bill analysis and contain information by district related to population deviation, total and voting age population by race and ethnicity; voting age non-citizen population; and for the 1994 and 1996 general elections, total and Spanish surname voter registration population, voter turnout totals, and partisan composition based on statewide election returns.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Sets forth the composition of districts 21, 22, 52, 53, 66, 67, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 114, 123, 124, 125, 126, 127, 128, 129, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 147, 148, 150.

SECTION 2. Provides that the districts established by this Act apply to the election of the members of the Texas House of Representatives beginning with the primary and general elections in 1998 for members of the 76th Legislature. Provides that this Act does not affect the membership or districts of the Texas House of Representatives of the 75th Legislature.

SECTION 3. Emergency clause.
Effective date: upon passage.