

BILL ANALYSIS

Senate Research Center

S.B. 714
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Cmte of the Whole on Leg & Cong Redistricting
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As Filed

DIGEST

On January 26, 1994, a suit was filed in Houston challenging some of Texas' congressional districts as having been racially gerrymandered (now Vera v. Bush). This type of lawsuit was based on a case in North Carolina in which the United States Supreme Court in 1993 recognized a new basis for suing (Shaw v. Reno). The Vera plaintiffs tried to interrupt the election shortly before the 1994 primary, but the court refused. The court granted intervenor status to the Justice Department and to individuals represented by the NAACP Legal Defense and Education Fund and MALDEF.

The three-judge federal court held a trial for a week in late June. In mid-August 1994 the court found unconstitutional all three of the 24 districts challenged--District 20 in Dallas (Congresswoman Eddie Bernice Johnson) and Districts 18 and 29 in Houston (Congressional members Sheila Jackson Lee and Gene Green). Again, the court decided not to interrupt the election but ordered the state to correct the districts by March 15, 1995. The state appealed to the Supreme Court. Also, the Supreme Court granted a stay so that the legislature did not have to redraw at the time.

The Supreme Court did not hear the case in its 1994 terms as had been hoped, but in its 1995 term. The case was argued in December 1995. The decision, handed down on June 13, affirmed the decision of the lower court. The district court in Houston concluded that state had waived its opportunity to redraw districts for the 1996 election. The court decided to interrupt the 1996 election and redraw districts itself, even though the primary election had already been held. The district court received 18 plans proposing changes to the districts. Lieutenant Governor Bob Bullock submitted two plans as examples of how the districts could be changed. House of Representative Speaker Pete Laney recommended one of the two plans submitted by the Lieutenant Governor. The plan changes nine districts--the three which has been held unconstitutional and six adjoining districts.

The court used the plan recommended by the Speaker and submitted by the Lieutenant Governor as a starting point for its court-ordered plan. The court changed four districts in addition to the nine districts changed by the speaker's plan. The court set the special election for the 13 districts for November 5 (the day of the general election). Because of multiple candidate in some of the races, the court set December 10 as the date for runoffs in those races where no one received a majority of the votes on November 5. The court-ordered lines apply only to the 1996 election. The court set June 30, 1997, as the deadline for the legislature to redraw congressional districts.

PURPOSE

S.B. 714 enacts the court-ordered congressional lines (PLANC746) used for the 1996 election as the lines to be used for the 1998 and 2000 elections. The plan has a deviation of 4,637 people (8.02 percent) from smallest to largest district. This deviation compares to a deviation of zero for the plan (PLANC657) used for the 1992 and 1994 elections. The deviation of 4,637 is in the thirteen districts changed by the court; the other 17 districts retain a deviation of zero.

The attached computer reports -- 300B, 425B (with 1996 elections), and 425B (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. (Hard copy only)

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

ARTICLE I

SECTION 1. Provides that the districts are composed of the counties or parts of counties as specified in Article II of the bill. Indicates that each district is a single-member district.

ARTICLE II

SECTION 1. District 1 is composed of all of Bowie, Camp, Cass, Delta, Franklin, Harrison, Hopkins, Lamar, Marion, Morris, Panola, Red River, Rusk, Titus, Upshur, and Wood counties; and parts of Gregg, Hunt, and Nacogdoches counties.

SECTION 2. District 2 is composed of all of Angelina, Cherokee, Grimes, Hardin, Houston, Jasper, Liberty, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, and Walker counties; and part of Montgomery and Nacogdoches.

SECTION 3. District 3 is composed of parts of Collin and Dallas counties.

SECTION 4. District 4 is composed of all of Fannin, Grayson, Rains, Rockwall, and Van Zandt counties; and parts of Collin, Cooke, Dallas, Denton, Gregg, Hunt, Kaufman, and Smith counties.

SECTION 5. District 5 is composed of all of Anderson, Freestone, Henderson, Leon, Limestone, Madison, and Robertson counties; and parts of Brazos, Dallas, Kaufman, and Smith counties.

SECTION 6. District 6 is composed of parts of Dallas, Ellis, Johnson, Parker, and Tarrant counties.

SECTION 7. District 7 is composed of part of Harris County.

SECTION 8. District 8 is composed of all of Washington county; and parts of Austin, Brazos, Harris, Montgomery and Waller counties.

SECTION 9. District 9 is composed of all of Chambers, Galveston, and Jefferson counties; and part of Harris County.

SECTION 10. District 10 is composed of part of Travis County.

SECTION 11. District 11 is composed of all of Bell, Bosque, Coryell, Falls, Hamilton, Hill, Lampasas, McLennan, Milam, Mills, and San Saba counties, and part of McCulloch County.

SECTION 12. District 12 is composed of parts of Johnson, Parker, and Tarrant counties.

SECTION 13. District 13 is composed of all of Archer, Armstrong, Baylor, Briscoe, Carson, Castro, Childress, Clay, Collingsworth, Cottle, Crosby, Dickens, Donley, Floyd, Foard, Garza, Gray, Hale, Hall, Hardeman, Hemphill, Hutchinson, King, Knox, Lamb, Lipscomb, Lynn, Montague, Motley, Potter, Roberts, Swisher, Wheeler, Wichita, and Wilbarger counties; and parts of Cooke, Denton, and Lubbock counties.

SECTION 14. District 14 is composed of all of Aransas, Bastrop, Blanco, Burleson, Caldwell, Calhoun, Colorado, Fayette, Gonzales, Hays, Jackson, Lavaca, Lee, Matagorda, Refugio, Victoria, and Wharton counties; and parts of Austin, Brazoria, Travis, Waller, and Williamson counties.

SECTION 15. District 15 is composed of all of Bee, Brooks, De Witt, Goliad, Hidalgo,

Karnes, Live Oak, and San Patricio counties; and parts of Jim Wells, Kleberg, and Willacy counties.

SECTION 16. District 16 is composed of part of El Paso County.

SECTION 17. District 17 is composed of all of Borden, Brown, Callahan, Coke, Coleman, Comanche, Concho, Dawson, Eastland, Erath, Fisher, Haskell, Hood, Howard, Jack, Jones, Kent, Martin, Mitchell, Nolan, Palo Pinto, Runnels, Scurry, Shackelford, Somervell, Stephens, Stonewall, Taylor, Throckmorton, Wise, and Young counties; and part of Tom Green County.

SECTION 18. District 18 is composed of part of Harris County.

SECTION 19. District 19 is composed of all of Andrews, Bailey, Cochran, Dallam, Deaf Smith, Gaines, Hansford, Hartley, Hockley, Moore, Ochiltree, Oldham, Parmer, Randall, Sherman, Terry, and Yoakum counties; and parts of Ector, Lubbock, and Midland counties.

SECTION 20. District 20 is composed of part of Bexar County.

SECTION 21. District 21 is composed of all of Bandera, Burnet, Gillespie, Glasscock, Irion, Kendall, Kerr, Kimble, Llano, Mason, Menard, Real, Schleicher, and Sterling counties; and parts of Bexar, Comal, Guadalupe, McCulloch, Midland, Tom Green, and Williamson counties.

SECTION 22. District 22 is composed of all of Fort Bend County; and parts of Brazoria and Harris counties.

SECTION 23. District 23 is composed of all of Brewster, Crane, Crockett, Culberson, Dimmit, Edwards, Hudspeth, Jeff Davis, Kinney, Loving, Maverick, Medina, Pecos, Presidio, Reagan, Reeves, Sutton, Terrell, Upton, Uvalde, Val Verde, Ward, Webb, Winkler, and Zavala counties; and parts of Bexar, Ector, El Paso, and Midland counties.

SECTION 24. District 24 is composed of all of Navarro County; and parts of Dallas, Ellis, and Tarrant counties.

SECTION 25. District 25 is composed of part of Harris County.

SECTION 26. District 26 is composed of parts of Collin, Dallas, Denton, and Tarrant counties.

SECTION 27. District 27 is composed of all of Cameron, Kenedy, and Nueces counties, and parts of Kleberg and Willacy counties.

SECTION 28. District 28 is composed of all of Atascosa, Duval, Frio, Jim Hogg, La Salle McMullen, Starr, Wilson, and Zapata counties; and parts of Bexar, Comal, Guadalupe, and Jim Wells counties.

SECTION 29. District 29 is composed of part of Harris County.

SECTION 30. District 30 is composed of part of Dallas County.

ARTICLE III

SECTION 1. (a) Except as provided by Subsection (b), defines "tract," "block numbering group," and "block" as the geographic areas identified by that term on the maps and computer files received by the state from the United States Commerce Department (USCD) as set out in the Texas Legislative Council's Redistricting Map Data Base. If one of these geographic areas in the Legislative Council system differs from the area as defined by the information received from the USCD the information in the Council's system controls.

(b) If the area of a water block in the Council's; system differs from the area as defined by the USCD, then the description in USCD's information controls.

(c) This subsection only applies if a tract is divided between two or more districts. If a water block in the USCD's information is not listed in this bill, then the water block or the portion of a water block is included in the contiguous block in which the water block is contained. If the waste block is contiguous with more than one block, then it is included in the block with which it shares the longest common boundary according to USCD information.

(d) Defines "block group" and indicates how they are designated.

SECTION 2. Provides that it is the intent of the legislature that if any geographic area is erroneously left out of the bill, a court reviewing the bill should include that area in the appropriate district in accordance with the intent of the legislature using any available evidence of that intent, including such evidence as used by the Supreme Court in a 1922 case involving house districts (Smith v. Patterson).

SECTION 3. Effective January 1, 1999, repeals the previous legislative enactment of congressional districts (PLANC657).

SECTION 4. Provides that the districts created by Article II apply to the election of members of the congressional delegation beginning with the primary and general elections in 1998 for members of the 106th Congress. Article II does not affect the membership or districts of the congressional delegation to the 195th Congress.

SECTION 5. Emergency cause.

Effective date: upon passage.