

BILL ANALYSIS

Senate Research Center
81R5599 JSA-D

S.J.R. 41
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State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Constitution requires the legislature, at its first regular session after the publication of the United States decennial census, to apportion the state into senatorial and representative districts. However, the constitution further provides that, if the legislature fails to make such apportionment, the duty to make such appointment falls to the Legislative Redistricting Board of Texas, which is composed of five members: the lieutenant governor, the speaker of the house of representatives, the attorney general, the comptroller of public accounts, and the commissioner of the general land office.

In the event of a legal challenge to a plan adopted by the board, it is the duty of the attorney general to represent the state in such proceedings. The fact that the attorney general is a voting member of the board as well as its attorney presents a potential conflict of interest. Replacing the attorney general with the commissioner of agriculture would remedy the potential conflict of interest.

S.J.R. 41 proposes a constitutional amendment to replace the attorney general on the legislative redistricting board with the commissioner of agriculture.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 28, Article III, Texas Constitution, to provide that in the event the Legislature shall at any such first regular session following the publication of a United States decennial census, fail to make such apportionment, same shall be done by the Legislative Redistricting Board of Texas, which is hereby created, and is required to be composed of five (5) members, as follows: The Lieutenant Governor, the Speaker of the House of Representatives, the Commissioner of Agriculture or other head of the executive department that oversees agriculture in this state, rather than the Attorney General, the Comptroller of Public Accounts, and the Commissioner of the General Land Office, a majority of whom shall constitute a quorum.

SECTION 2. Requires the proposed constitutional amendment to be submitted to the voters at an election to be held November 3, 2009. Sets forth required language of the ballot.