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OFFICE OF THE ATTORNEY GENERAL
EXECUTIVE ADMINISTRATION



BILL RATLIFF

Lieutenant Governor of Texas
President of the Senate

State Senator
District 1

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June 5, 2001

RQ-0388-JC

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OPINION COMMITTEE

FILE # ML-42022-01
I.D. # 42022

The Honorable John Cornyn
Attorney General of Texas
P.O. Box 12548
Austin, Texas 78711-2548

Dear General Cornyn:

Please accept this letter as a request for an opinion from your office on the following question:

Do the duties that a senator that is elected to perform as lieutenant governor under Article 3, Section 9 of the Texas Constitution include service on the Legislative Redistricting Board as prescribed by Article 3, Section 28 of the Texas Constitution?

Article 3, Section 28 of the Texas Constitution creates the Legislative Redistricting Board (LRB), which consists of the Lieutenant Governor, the Speaker of the House, the Attorney General, the Comptroller of Public Accounts, and the Commissioner of the General Land Office. The purpose of the LRB is to apportion state house and senate districts in the event that the Legislature fails to do so at the first regular session after the publication of the federal census. A question has been raised as to whether the duties that a senator that is elected to perform as lieutenant governor under the Texas Constitution include service on the LRB and the legal impact that such service-or lack thereof- would have on the legality of a redistricting plan.

Because this is a question of statewide significance and public interest, I request that you give it your immediate attention and expedite your response. Please do not hesitate to contact me or Eric Wright of my office with any questions that may arise in preparing your opinion on this matter.

Very truly yours,

Bill Ratliff
Lieutenant Governor of Texas