

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6198

BILL NUMBER: HB 1271

NOTE PREPARED: Dec 18, 2006

BILL AMENDED:

SUBJECT: Redistricting Commission.

FIRST AUTHOR: Rep. Torr

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: *Redistricting Commission-* The bill establishes a Redistricting Commission to create, hold hearings on, take public comment about, and recommend plans to redraw General Assembly districts and congressional districts.

Commission Staff and Administrative Services- The bill requires the Legislative Services Agency (LSA) to provide staff and administrative services to the Commission. The bill establishes standards to govern the Commission and LSA in the creation of redistricting plans.

Penalty Provision- The bill provides that a person employed by LSA or under contract with LSA may not knowingly or intentionally use political data in the creation or evaluation of a redistricting plan. The bill provides that a person may not knowingly or intentionally solicit, aid, induce, or cause a person employed by LSA or under contract with LSA to use political data in the creation or evaluation of a redistricting plan. The bill makes a violation of these restrictions a Class D felony.

General Assembly, Appropriation, and Repeal Provisions- The bill provides that if the Constitution of the State of Indiana does not require the General Assembly to establish legislative districts, the Commission's recommendations for legislative and congressional districts become the plans for those districts. The bill provides that, if the Constitution so requires, the General Assembly must meet and enact redistricting plans before October 1 of a redistricting year. The bill authorizes the General Assembly to convene in a session to act on redistricting bills at times other than the times the General Assembly is currently authorized to meet. The bill repeals the current law relating to congressional redistricting. The bill appropriates from the state General Fund the amounts necessary to pay the expenses of implementing the statute.

Effective Date: July 1, 2007.

Explanation of State Expenditures: *Redistricting Commission-* The proposed Commission would have five members appointed by the President Pro Tempore of the Senate, Speaker of the House, Senate Minority Leader, House Minority Leader, and the Chief Justice of the Indiana Supreme Court. Commission members would be required, during a redistricting year, to hold at least one public hearing in the northern, southern, and central regions of Indiana. By August 1 of a redistricting year, the Commission would adopt and submit a redistricting plan to the consideration of the General Assembly. Commission members would be eligible to receive the same per diem and mileage reimbursement for their service as an interim study committee established by the Legislative Council.

Commission Staff and Administration- The LSA would staff the Commission meetings. LSA would also produce maps, map descriptions, and receive and evaluate publicly submitted maps and comments on the Commission's behalf. LSA would likely be able to carry out these provisions within LSA's existing level of resources. The next redistricting year will be 2011.

General Assembly Provisions- In a redistricting year, the General Assembly would meet to consider the Commission's redistricting plan recommendation and enact legislation before October 1. Given the dates in the bill for Commission action, a special session would likely be required to consider the Commission's recommendation. The following table presents cost estimates for an six-day special session to adopt a redistricting bill(s). However, since the bill does not specify the length of a special session, the actual cost will depend on future legislative action. The estimate uses *current* per diem and travel costs, which will likely not be the same in 2011.

Estimated Costs for a Six-Day Special Session	
Legislators (150 total)	Six Session Days
Per Diem*	\$73,980
Travel**	\$11,736
Total***	\$85,716
* As of 10/1/06, Legislators receive \$137 per diem for every day in session (including Sat. & Sun.) and \$54.80 per diem for every day not in session. The net effect on expenditures is an additional \$82.20 per diem for every day in session.	
** Legislators are entitled to mileage for one round trip per week while in session.	
*** The House & Senate would also incur an unknown minor amount of expense for temporary session staff (doorkeepers & other temporary staff).	
<i>Note:</i> Under the bill, if the state Constitution, at a future date, did not require the General Assembly to establish legislative districts, the General Assembly would not have to convene a special session to adopt a redistricting bill.	

Penalty Provision: An employee or contract employee of LSA that knowingly or intentionally used political data to create or evaluate a redistricting plan or a person that knowingly or intentionally solicited, aided, or induced an employee or contract employee of LSA to use political data would commit a Class D felony. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class

A misdemeanor depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: *Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class D felony is \$10,000. However, any additional revenues would likely be small.

Explanation of Local Expenditures: *Penalty Provision:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

State Agencies Affected: Department of Correction; Legislative Services Agency.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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