

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7527

BILL NUMBER: HB 1265

NOTE PREPARED: Jan 18, 2007

BILL AMENDED:

SUBJECT: Redistricting Commission.

FIRST AUTHOR: Rep. Avery

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: *Redistricting Commission*- The bill establishes the Redistricting Commission (the 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 the LSA in the creation of redistricting plans.

Penalty Provision- The bill provides that a person employed by the LSA or under contract with the 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 the agency or under a contract with the agency to use political data in the creation or evaluation of a redistricting plan. The bill provides that violation of these restrictions is a Class D felony.

Repealer- The bill repeals current law relating to Congressional redistricting.

Continuous Appropriation- The bill continuously appropriates from the state General Fund the amounts necessary to pay the expenses to implement the statute.

Effective Date: July 1, 2007.

Explanation of State Expenditures: *Redistricting Commission*- The proposed Commission would have four members appointed by the President Pro Tempore of the Senate, Speaker of the House, Senate Minority

Leader, and the House Minority Leader. The four appointed Commission members would elect, unanimously, the fifth member, which would serve as the Commission Chair. 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 on the Commission's behalf. The LSA would likely be able to carry out these provisions within LSA's existing level of resources. The next redistricting year will be 2011.

Penalty Provision: 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.

Continuous Appropriation- The bill would require continuous appropriations from the state General Fund to the LSA to cover the amounts necessary for the Commission and LSA to carry out the provisions of the bill.

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:

Fiscal Analyst: Chris Baker, 317-232-9851.