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HB 150 - DEBATE

REPRESENTATIVE P. KING: Since this is a little different than we usually do these, Mr. Speaker, could you kind of walk through for all the members what the order of events will be today with regard to amendments to the bill and then floor substitutes, just so it may actually be possible, if we can know that, to kind of withdraw some things and streamline some things?

SPEAKER STRAUS: Mr. King, for starters, Mr. Solomons is going to lay out his bill. Then we're going to go through by counties in alphabetical order.

P. KING: And that will be presentations of what those counties are on the map, not amendments at that point?

SPEAKER: That's correct. We're going to start with Bexar County—purely a coincidence.

P. KING: Purely coincidence, I understand, it's alphabetical. But then, after Mr. Solomons finishes laying out his bill, then the first thing to occur would be a—the full-force substitutes?

SPEAKER: No, that's not correct. The next thing that will occur are amendments to Mr. Solomons' bill, based on the county in alphabetical order.

P. KING: Okay, making sure I understand that, then—so, they'll go county-by-county in alphabetical order. And then, will those be framed as perfecting amendments, author perfecting amendments, or will those be independent amendments?

SPEAKER: If they're framed, as amendments to the amendments.

P. KING: Okay. I'm sorry, if I'm not asking it very clearly, forgive me. Are these Mr. Solomons' amendments or are these amendments at large from the body?

SPEAKER: They'll be amendments at large from the body.

P. KING: Parliamentary inquiry.

SPEAKER: State your inquiry.

P. KING: Has that been traditionally how we've done restricting maps? I think on regular bills—now I understand this is different—but on regular bills, is it not the process for there to be author's perfecting amendments and then full floor substitutes, and then once those are completed, if not adopted, then you're back on the Solomons bill at that point and there are amendments to that bill?

SPEAKER: Yes, Mr. King, this is the way it's been done the last time we did redistricting.

P. KING: Okay. So last time, in 2003, when we did congressional redistricting, that's how we did it?

SPEAKER: In 2001, the journal's here, if you would like to take a look.

P. KING: Okay. No, I have full confidence in what the parliamentarian said.

REPRESENTATIVE DUTTON: Parliamentary inquiry, Mr. Speaker.

SPEAKER: State your inquiry.

DUTTON: Is it necessary for us today to suspend the rules regarding time limits on either the author or on either people sponsoring amendments?

SPEAKER: Could you restate the question, please?

DUTTON: Well, if I understand correctly, Mr. Speaker, there are time limits that we have for an author speaking. I'm trying to inquire as to whether or not we need to suspend that rule today given the fact that this is a different bill or kind of situation?

SPEAKER: Mr. Dutton, we understand the importance of the bill before us, and we'll take up the suspensions as they come.

DUTTON: I'm sorry. I didn't hear you.

SPEAKER: I said we understand the importance of the discussion over the bill and the amendments today, and we'll take up the suspensions as they come.

DUTTON: I understand that, but I was talking about the time constraints that are built into our rules regarding speaking at the front mic and whether or not we need to suspend those.

SPEAKER: Mr. Dutton, it's 20 minutes to lay out and 10 minutes to talk.

DUTTON: I understand and that's why I'm asking do we need to suspend that? I know what the rule says, but do we need suspend that at this point so we don't keep having to go back and redo this all over and over again all day?

SPEAKER: Mr. Dutton, it's the chair's intention is to take up each suspension as they come along.

DUTTON: Each suspension of the rules in regards to speaking?

SPEAKER: Suspension of time.

DUTTON: Okay. And I guess my question is, Mr. Speaker—I'm sure you're answering me and I don't get it—but is that a rule that we can suspend at the moment, so we don't have to keep taking it up as we go through it? Because I would imagine for us to lay out a hundred—all of the counties that—that would exceed the 20 minute rule, so we'd have to start by having a suspension of that rule for Mr. Solomons actually to lay out the bill.

SPEAKER: Mr. Dutton, it's our intention to take the suspensions as we normally do on a bill, and if we need to suspend, we can entertain that at that time.

DUTTON: Okay, all right.

SPEAKER: Chair recognizes Representative Solomons.

REPRESENTATIVE SOLOMONS: Thank you, Mr. Speaker and members. This is an historic day. I'm sure members want to get this over with today, and I really have some things I need to say initially. We have a number of amendments. We'll deal with those as they come up. We have some maps up front showing the plan as the committee proposed. The plan actually has the proposed new districts for the Texas House of Representatives. I need to lay out some things that I need to do with the plan, and then we'll go ahead, and then I'll, you know, be happy to take questions.

In order to meet the equal representation requirements under the U.S. Constitution, we need to apportion a 23 percent growth in the states among 150 districts. We also need to comply with the county line rule under Article III, Section 26 of the Texas Constitution, which forbids us from breaking county lines. And by the way, there is something like 44 states that have a county line rule of some sort. The smallest district, District 90, is 4.9 percent below the ideal district size of 167,637 and the largest district, District 103, is 5 percent above the ideal size. The committee substitute before you has a total deviation of 9.9 percent with a mean of 2.68 percent deviation.

Now members, throughout the process, the committee appreciated the feedback that we all received from most of the members of this body. Not everybody can be happy with everything that's going on, and, particularly, some people may have some changes they may want to try to make for their districts. But for the most part, we didn't have all our colleagues actually produce what they wanted in proposed maps for their districts or for the rest of the state. With that said, we as a committee received and put together a full state map as best we could. This is a map that directly represents the input that was provided to our offices, and committee office, for the members of this house and members of the public throughout the interim hearings throughout the state, and three hearings during this session. I recognize that some members are not going to be pleased with the results of the map. Like I said, they may want to make adjustments, that's why we have an amendment process. This is a difficult process for the committee members, including myself, and it's very personal to the committee members and myself and to everyone here about what we're going to do. This is very historic. We only do this once every 10 years or so and, quite frankly, I'm grateful for all the support we've received so far.

With the shifts in population across the state, there's a clear need for several pairings. It was my intent to limit the pairing as much as possible, and the committee agreed, and this is the map that has been proposed to you. The pairings are as follows: Representatives Flynn, and Cain; Ritter and Hamilton; Landtroop, and Perry; Chisum, and Hardcastle; Driver and Burkett; Harper-Brown and Anderson; Representatives Scott and Torres; and Representatives Hochberg and Vo. We seem to have some amendments involving that so we'll deal with that later. In each of the pairings it was my goal and the committee's goal to give each member the opportunity to win their district and, therefore, we purposely did not pair any republicans with democrats. But at the

end of the day, we think the map is very reflective of the house as a whole. As a result of those pairings there was a need to reincorporate eight districts into a full state map. These eight new districts are predominately anchored in the suburban counties across the state that experienced the largest growth. They include districts in Montgomery, Brazos, McLennan, Collins, Fort Bend, Wise, Tarrant, Denton, and Williamson Counties.

Recognizing the growth of the Hispanic population in this state, we tried to create a new Hispanic opportunity district and strengthen other Hispanic districts. First, statewide, the map increases the number of districts with Spanish surname voter registration exceeding 50 percent from 29 to 30. Specifically we increased the SSR—SSVR—in District 90 in Tarrant County and District 148 in Harris County. Both of these changes were made at the request of MALDEF. Second, we created a new strong Hispanic seat in Nueces County, and as a whole, Nueces has an SSVR of 49 percent. So, it would not have been possible to create two Hispanic seats within Nueces County. Third, we created a new coalition minority opportunity district in Tarrant County.

And at the end of the day, for those keeping track, I believe that we are presenting you a map that's still a work in progress. That's why we have—it was a very member-driven map from the ground up, and my goal continues to be—is to pass a fair and legal map which represents the people of Texas. I wish I could just move passage and everybody was happy, but apparently we have a number of amendments, and we'll have to deal with those. I think that the map, based on some of the amendments I saw, I think we can improve the map. I think the committee agrees we probably could improve the map and so that's what we'll try to do today. With that being said, you know, my job today, I believe, is to help direct the process and I will try to do my best job in doing it and I'm sure all the members will try to do the best jobs they can to improve the map. And with that said, I'd be happy to yield for a question.

REPRESENTATIVE MARTINEZ: Mr. Chairman, thank you for your leadership on this and the hard work and dedication behind it. I just have a few questions in regard to this. The first one was, I remember at the beginning when we started the proceedings and you were going to have your committee meet about the drawing of the lines. You did mention that this was a member-driven map, am I correct?

SOLOMONS: We tried to do that. Yes, sir.

MARTINEZ: But your statements were that it was a member-driven map and the problems I have with it is the fact that a lot of amendments that some of the members—especially some of the ones from the Valley—have were not taken into account or adopted by the committee. So, my other question is, who exactly is Gerardo?

SOLOMONS: Who is what?

MARTINEZ: Oh, I'm sorry, Gerardo. What is his job with the map?

SOLOMONS: Gerardo—he's with the speaker's office and was helping coordinate this with Ryan Downton, who is general counsel for the committee, and we're trying to—you know, it's hard to do it by yourself. Like my good

friend Tommy Merritt once said at the end of the last, 2001, to try and do it all by himself along the with help of others. Well, at the end of the day, you know, you try to do the best job you can, and we had staff. Bonnie Bruce is our committee clerk and also, my chief of staff. We had Ryan Downton, and we had Gerardo to help us, the guy with the beard, and we had Addie Crimmins in trying to help our committee staff. We were just trying to take as much input as we could, and I know that some of the members' maps that were submitted were not approved by the committee, but it is a process. And that's what we're here to do today.

MARTINEZ: And my question on Gerardo is does he work for the house, or does he work for only the speaker, or only the committee? How does that work? Is he the members' person to go to, or is he only a certain individual's person to go to?

SOLOMONS: He is working out of the speaker's office, but at my direction to help us put this together. He has some experience, obviously, in all of this, as well as Ryan Downton down in the committee office, helping draw a map. And, you know, it's something you have to have some people help, and the whole process is trying to get input from everyone, and I needed some help to do it. He's actually working at my direction, although he's out of the speaker's office.

MARTINEZ: Okay. So he doesn't work for the house of representatives? He doesn't work for the members?

SOLOMONS: Well, he's here to help the members because he's working with me trying to help the members do what they need to do.

MARTINEZ: How much experience does he have in drawing maps? How many years of experience does he have?

SOLOMONS: I don't know. I'd have to ask him. He's got a lot of experience in it. He tells me that he has over a thousand hours working in RedAppl.

MARTINEZ: Okay. And that's just this session, or is that in prior sessions? Has he ever done it before?

SOLOMONS: You'd have to ask him. I mean, he is familiar with the redistricting law, and he has spent a thousand or more hours on RedAppl. He understands how to draw maps, he understand the dynamics, and he was of great assistance to me and the committee.

MARTINEZ: I'm sure if we would have gotten some of my staff members who have over a thousand hours in drawing maps on RedAppl, they could have done a much better job with the Valley. But with that in place with the Rio Grande Valley, do you remember Representative Gonzales and myself and Representative Muñoz testifying in your committee about the Valley delegation map?

SOLOMONS: Yes, I'm aware of that.

MARTINEZ: And we were very upset with the Valley delegation map because of the way the lines were drawn and there was confusion by Representative Peña about Edcouch also being in the Mid-Valley and we had to clarify that's called the delta area, not the Mid-Valley. And we had that discussion between him and I, are you aware of that?

SOLOMONS: Yes, I guess.

MARTINEZ: Okay. So the three of us did testify in that committee, and I believe there were several other members that did testify in that committee in regard to the map and the problems with the map that they had.

SOLOMONS: Right. Remember, with all due respect, I had—as a chairman—I had to propose a version. We went through the process of getting—a lot of people liked it, a lot of people didn't like it or had suggestions to fix it. We held a hearing, ya'll testified, as well as others—and the committee has 17 members—and this is the map that was voted out of the committee. There were opportunities to have amendments in that committee and whatever was done—I wasn't telling members what to do. It was the committee. And for all practical purposes, and I've made this statement before, it maybe the "Solomons plan" in a sense that you have to put a name in RedAppl. But at the end of day the map that's here on the floor today for consideration is the House Redistricting Committee's plan—proposed plan—for the members to consider.

MARTINEZ: Right. Mr. Speaker.

SPEAKER: Mr. Martinez, for what purpose?

MARTINEZ: I raise point of order against further consideration of committee substitute **HB 150** that it violates Rule 4, Section 18 of the Texas House Rules.

SPEAKER: Bring your point of order down front. Members, Mr. Martinez raises a point of order pursuant to Rule 4, Section 18. The chair has reviewed the minutes of the proceedings and it is thankful for the input provided by Mr. Martinez. It's the chair's opinion that Rule 4, Section 18 has been complied with. The point of order has been respectfully overruled. Chair recognizes Representative Solomons. Mr. Dutton, for what purpose?

DUTTON: There are some of us who couldn't hear you back here. I didn't know if it was—

SPEAKER: The point of order was overruled.

DUTTON: It was overruled. Parliamentary inquiry, Mr. Speaker.

SPEAKER: State your inquiry.

DUTTON: As I understand Mr. Martinez's challenge based on the rule, it was that two or three members of the legislature who testified were not included in the minutes, is that correct?

SPEAKER: That's correct. That was basis for the point of the order.

DUTTON: Right, and I assume that the exception in that rule which relates to not having a list of legislators is the basis for the parliamentarian's ruling?

SPEAKER: That's correct.

DUTTON: The reason we do redistricting is based around the constitutional requirement for one man, one vote. Is that your understanding also?

SOLOMONS: We do redistricting because the constitution requires us to do redistricting every 10 years.

DUTTON: And that requirement is based around the U.S. Constitution requirement based on one man, one vote. Is that your understanding?

SOLOMONS: For congressional it does; for one man, one vote, it does. But it requires a state to do apportionment and redistricting. There's an apportionment process based on the U.S. Census data, and it requires the states to do redistricting. That's why we do it every 10 years.

DUTTON: Right. Let me ask you about the U.S. Census data. I assume you just took the census data as it was given to us, as it was transmitted to us based on the different precincts, the DTD?

SOLOMONS: If you recall, the U.S. Census Bureau sent us their official numbers in two or three parts, and that's what we are required to use.

DUTTON: And when you say, "required to use," you are aware that states are allowed to do certain adjustments to the census data. But, I guess, my question is you didn't make any adjustments to that data, did you?

SOLOMONS: I don't believe we did. We use the U.S. Census Bureau data as provided to us.

DUTTON: And so, if that's the case—for example, let me give you an example. That means that wherever the population that was counted for the census, wherever they resided based on that census data, is incorporated into our redistricting plans.

SOLOMONS: The census data that we use is as they gave it to us.

DUTTON: All right. And you're aware that in Texas there are about 157,000 people in Texas prisons, are you not?

SOLOMONS: Yes, I am. I think you were very kind about giving me some information about all of that.

DUTTON: Right, and part of—in that information, it talks about how to treat people in prisons. And the census information I gave you indicated there were one of three ways you could treat that. You could either count them in the prisons where they are, you could not count them at all, or you could count them at their pre-incarceration address. And in terms of your map, which one of those did you use?

SOLOMONS: Well, since we had not adopted any changes, we used the census data as to where they—the data they had as to where they had been prior to incarceration, I think.

DUTTON: You used the data that—say again?

SOLOMONS: No wait, hold on, I'm sorry, that was my fault—where they actually are.

DUTTON: You counted them, for example, in the prisons where they are, is that right?

SOLOMONS: Yeah, I apologize. That's right.

DUTTON: And if you think along with me in terms of the one man, one vote rule—

SOLOMONS: We didn't adopt—this state's never adopted anything other than that. If the state had adopted something other than that, I would have used it, but we never had adopted anything different than to use it where the census data says they are, where they're located.

DUTTON: You are aware that I had a bill that would have changed that though, right?

SOLOMONS: Well, no—well, this session or last session?

DUTTON: Both.

SOLOMONS: It didn't pass, did it? If it would have passed, then it was the law, then that's what I would have had to use.

DUTTON: Okay. But even failing to have it even considered or passed, you didn't see any reason not to take a look at counting inmates at their pre-incarceration address? You just assumed that you would count them based on the way the census had them, which is counting them in the prisons where they are.

SOLOMONS: I tried to follow the law that we currently have—same thing with the constitution. We have a number of members who want to cut county lines, but we have a constitutional article that says we can't. So I'm just trying to follow the law, but I didn't use discretion to try to do something different. I stuck with what I believe and what I was told was the law and in effect now for us to do this.

DUTTON: But there's no law requiring that we count them in the prisons where they are, is there?

SOLOMONS: There's no law adopting something other than that. That's where the data is and we adopted, we used the U.S. Census data. We didn't do anything to adjust it. This body and legislature has never done anything different, Mr. Dutton. I know you were trying to get me—you wanted me to be aware of the issue, and I appreciate that. And you wanted me to consider that, and when you look at numbers, yes, I understand what you're getting to, but when trying to do it, for legal concerns, I tried to use what the law is now. The committee basically proposed this map based on what the current law is.

DUTTON: But there is no current law requiring—you did it based on tradition or history, as I understand it, because you can't point me to any law requiring you to count them in the prisons where they are.

SOLOMONS: The only thing I can get to at this point to respond to your question is, I used what I'm required to use, which is U.S. Census data—U.S. Census data—and that is where they were incarcerated.

DUTTON: Now, let me move on, then, because you're aware of—that 60,000 of those 157,000 inmates come from Harris County?

SOLOMONS: I guess.

DUTTON: Yeah, and if those 60,000 inmates who you now have counted someplace other than Harris County, had we used those numbers for Harris County numbers, it's more likely that we would be at 25 representatives as opposed to 24. Are you aware of that?

SOLOMONS: It probably would have changed the dynamics for Harris County, yes, sir.

DUTTON: Right. And so, to the extent that we don't use them—count inmates at their pre-incarceration address—you essentially create districts that happen to be far more powerful in terms of the way this one man, one vote rule. Let me explain to you what I mean. For example, if we had a hundred members in each district; for example, and yet 10 of those—10 people in one district were inmates, that means that 90 people now would have the same force and effect as a hundred people in another district. And is it your understanding that that would violate the one man, one vote rule?

SOLOMONS: I am just trying to do what is legal and what we have done in the past and I was told. And, quite frankly, it seems to me to be the legal thing to do is use the census bureau data as it exists and where they say the people are, not anything different. And you know what, in my opinion, if you actually—as Mr. Geren points out, the Texas Constitution requires us to use the U.S. Census data. Be that as it may, it may be something that, you know, you or others want to take to the courts and change if we don't adopt something differently. But I don't have a statute, I don't have anything to guide me other than to use the U.S. Census data as it's provided.

DUTTON: Are you aware that the states of New York, and Delaware, and Maryland have all now counted inmates at their pre-incarceration address, sir?

SOLOMONS: That may have been in the reading material you gave me.

DUTTON: It is. I think one of them just did it here recently.

SOLOMONS: I mean, I read that early on, but it may have been in the data, in the articles you provided me.

DUTTON: Right. And my question though has to do with the sort of the violation of this one man, one vote rule, which is a constitutional requirement, a U.S. constitutional requirement. And I guess my question for you is, when the U.S. Constitution conflicts with the Texas Constitution, I'm aware—at least my understanding is that the supremacy clause overtakes any state constitution or statutory challenges that may be in conflict. Is that right?

SOLOMONS: So, what are you asking me?

DUTTON: Well, I'm asking you, is that correct?

SOLOMONS: I think it's for the courts to decide on, just like the county line rule. If some other groups, Hispanic groups, MALDEF and all, think the county line rule is incorrect, then the federal law should preempt it. But the courts need to decide that, not me.

DUTTON: Well, you raise the county line rule, but to the extent that the county line rule conflicts with the U.S. Constitution, it's your understanding, and I think it's mine at least, that the U.S. Constitution would prevail.

SOLOMONS: If the U.S. Supreme Court wants to decide your issue about the inmates or the county line rule and we'll deal with those issues as they come up, but I'm not going to do it. I'm going to go on what I'm told that I need to do to comply with the current existing law. And that's what I tried to do, and that's what the committee proposed, that this map proposed to—this map is proposed to the house for consideration based on what the current law is today.

DUTTON: And is it your understanding that every jurisdiction in Texas would have to comply with what you say the current law is? For example, all the counties, in drawing lines, would have to use the same data that you use.

SOLOMONS: We're required to abide by the Texas Constitution and the law as we know it today.

DUTTON: Are you aware that some Texas counties actually exclude inmates? When looking at county commissioner precincts, for example.

SOLOMONS: No.

DUTTON: Well, would it surprise you—

SOLOMONS: Let me tell you, Mr. Dutton, I greatly respect you and I know you're a very bright lawyer at one of the institutions around here. But at the end of the day, I didn't keep up with county redistricting. I didn't keep up with anything but trying to just keep my head above water for the Texas House, now.

DUTTON: I understand. I'm not asking really whether you kept up, Burt. I'm asking that—you keep saying, based on current law, you had to use census data as it was given to you. And I'm just trying to point out to you that that is not the case when it comes to certain counties. For example, Anderson County, Bee County, Brazos County, or Bell, Childress, Concho, Dawson, Grimes, Karnes, Madison, Mitchell, Pecos, Walker, and Wood Counties all exclude inmates from their count when it comes to developing or redrawing lines for commissioner's courts. And the reason some of them did that, at least in Anderson and Concho counties, the reason they did that is because excluding the inmate population prevented the creation of a precinct that would have consisted entirely of inmates. And so, to the extent that we choose not to do that, we basically have now transferred 60,000 potential voters from Harris County, for example, to somewhere else in the state, wherever the prisons happen to be. And so I'm just wondering—we didn't factor that in. And I appreciate the fact that you sort of answered my question, but I guess at the end of the day you're saying that—and

my only question is—what law is it that you're using to say we have to use the census data?

SOLOMONS: Texas Constitution.

DUTTON: The Texas Constitution, and can you give me the chapter and verse of the Texas Constitution that requires we use the census data as it's given to us, without any adjustments?

SOLOMONS: I don't know which article, but it is the Texas Constitution. I'm sure we have somebody who can tell us the article, if you need to know, but I suspect you already know what that article is.

DUTTON: I know what the article is, but I can tell you that the article doesn't really say what you just said. I do know it, but the question I have, Burt, again, relates to the fact that I believe that your map, even given the good intentions that you may have had, simply do violence to the U.S. Constitution, and to create some reliance on Texas constitutional principles—

SOLOMONS: Article III, Section 26, it also includes using the United States Census data.

DUTTON: Right. And it doesn't mandate that, though, does it?

SOLOMONS: It says that we're supposed to use it. It says, quite simply, "the members of the house of representatives shall be apportioned among the several counties according to the number of population and each as nearly as may be on a ratio obtained by dividing the population of the state as that ascertained by the most recent U.S. Census"—United States Census—"by the number of members of which the house is composed, provided"—

DUTTON: And in the information I gave you, if you would—you don't have that with you, do you? You don't have the data that I submitted to you?

SOLOMONS: I don't have the articles, no.

DUTTON: Okay. I was just going to refer you back to the provisions of the U.S. Constitution, which I believe trump the Texas Constitution.

SOLOMONS: Right. And when the United States Supreme Court says it trumps it, then we'll all have to use it.

DUTTON: And so, you're inviting a challenge to this on that basis then, I assume?

SOLOMONS: I'm sorry, what?

DUTTON: Well, you seem to be suggesting that unless the supreme court tells you that you can use something other than the census data, despite all the evidence to the contrary—

SOLOMONS: Unless Texas were to adopt something different, right now I think your arguments are for the courthouse. And certainly if it's the U.S. Supreme Court, which we all respect as lawyers and members of this society, want to tell us that federal law changes whatever the Texas Constitution or the Arizona

Constitution or whatever, then everybody will have to live with that and deal with it. Unless Congress, of course, passes something else.

DUTTON: I understand. But the reality is, Burt, other than what you're suggesting, you don't give any respect, then, to the fact that other states have done something different and even counties in Texas are doing something different.

SOLOMONS: I don't know why the counties are doing something different and I'm not sure I even talked to the various states that you mentioned. And we have 50 states, not all 50 states, not 49, and Texas is not, but at the end of the day, I don't know why they did what they did and the reasons for it. I just don't.

DUTTON: Well, I'm not asking if you know that. I'm just saying that—

SOLOMONS: I understand what you're saying, that there are some other states that have taken a different look and approach. And some counties are apparently doing it, but I don't know why.

DUTTON: In Texas. But your basis is to abide by the rigid rule that you say that the Texas Constitution prohibits you from doing anything other than using the census data, as it's given to you?

SOLOMONS: Well, I am told that other states have passed legislation of which you would like us to consider, and you've even carried bills, but Texas has never done that. So, unless we have something else to go by, some either law that we've adopted or the U.S. Supreme Court says we have to do something different, I'm taking a strict interpretation of what I think we need to do, and the committee as well, under what the current law is today in Texas. And I'm not sure—

DUTTON: Well, I happen to disagree with you, Burt, but I'll let somebody else ask questions because I think that one of the obligations that we have is to make sure that representation is adequate throughout the state. And using the census numbers without any respect for the fact that you've got 150—you have almost got a whole legislative district in prison in Texas.

SOLOMONS: I respect your point.

DUTTON: And the fact that you—the fact that we give no consideration to that seems to me to violate at least two of the three principles—

SOLOMONS: And that's your opinion, and I respect your opinion and your viewpoint.

DUTTON: And I thank you for answering my questions, as well.

SPEAKER: Mr. Martinez Fischer, for what purpose?

REPRESENTATIVE MARTINEZ FISCHER: Parliamentary inquiry.

SPEAKER: State your inquiry.

MARTINEZ FISCHER: Thank you, Mr. Speaker. And, Mr. Speaker, as you know we had a very robust discussion about the point of order offered by Representative Martinez, and there appears at least to some of us to be a conflict in the rules and I would like to have that discussion with you in a series of

parliamentary inquires. So, if I may, Mr. Speaker, under Rule 4, Section 3, Subsection 5, Subsection 7, it appears to me that the committee chairman has the discretion to prepare all committee reports and to direct and supervise all committee personnel working for the committee chairman. Am I reading Rule 4, Section 3 properly?

SPEAKER: Can you state the section again for me, please?

MARTINEZ FISCHER: Yes, sir. Mr. Speaker, Rule 4, Section 6 and I'm—there is eight subsections. I think they are all applicable but you know Subsection 5 being applicable to what I just asked and Subsection 7 as well. And the essence of my inquiry is, it seems to me, under Rule 4, Section 6 that the committee chair has a standard of authority to control the deliberations and manage and supervise the deliberations of their respective committees. Is that the purpose of Rule 4, Section 6?

SPEAKER: Mr. Martinez Fischer, Rule 4, Section 6 says, "determine the necessity for public hearings, schedule hearings and be responsible for directing the posting of notice of hearings as required by the rules."

MARTINEZ FISCHER: Yes, sir. And I believe it says—at least the rules I have and they are for the 82nd Legislature. It also says, "preside at all meetings of the committee and control its deliberations and activities in accordance with acceptable parliamentary procedure." Under Sub 5, "direct the preparation of all committee reports. No committee report shall be official until signed by the chair of the committee or by the person acting as chair." Also "have the authority to employ and discharge the staff and employees authorized for the committee and have supervision and control over all staff and all employees." That indicates to me that this describes all the powers and duties and obligations and responsibilities of the committee chair that conducts committee hearings pursuant to the rules and the powers outlined by the rules. And Rule 4, Section 6 seemed to me to determine the scope of the committee chairman's power and authority, is that correct?

MR.SPEAKER: Mr. Martinez Fischer, there are also other provisions in Rule 4 that deal with how a committee chairman conducts his proceedings.

MARTINEZ FISCHER: And they're all prescribed under the heading of duties of the chair, correct?

SPEAKER: Rule 4, Section 6 does describe duties of the chair.

MARTINEZ FISCHER: Yes, sir. So, in other words, they're not optional. I mean, these are your duties if you're going to chair a committee. These are your duties as chairman. These are the requirements. These are the obligations. These are your responsibilities, correct?

SPEAKER: Yes, sir, that's correct.

MARTINEZ FISCHER: Thank you, Mr. Speaker. And when there seems to be a dispute over the testimony of certain witnesses that I believe have substantial implications, maybe not necessarily for the purpose of discussion at the speaker's rostrum but perhaps in various courts of law, perhaps the Department of Justice

insofar as it relates to districts that are occupied by minority members of the legislature that are protected by the Voting Rights Act. And it appears to me that there are some witnesses who believe that they made themselves available to the Committee on Redistricting for the single and sole purpose to register their position on **CSHB 150**. And while the committee held a public hearing, it wasn't a requirement that members of the legislature other than the committee members be in attendance. There was no requirement that every member of the legislature, you know, attend these hearings, correct?

SPEAKER: Yes, sir. Mr. Martinez Fischer, members are always free to attend whatever committee hearings they wish.

MARTINEZ FISCHER: And for those that have chosen to go, that have the option to go and felt that they were going for the purpose of registering their sentiments on the proposed **HB 150** some of them believe that viewpoint would be reflected in the actual minutes prepared by the committee chairman, which is the duty of the committee chairman under Rule 4, Section 6. And it's been explained to the chair by certain members of the legislature who desired to make their intentions known that they were suggested that they weren't required to fill out necessary forms. And I believe that it was determined that the representations that were made to those members were done so by members of the redistricting committee in terms of staff that are supervised and under the employ and under the direction of the chair. And so we have other testimony where that admonishment was not adhered to and those members persisted in having their viewpoints registered on paper. And because those members refused the admonishments of the staff of the Committee on Redistricting, they were allowed to register their viewpoints not just in live testimony but in the committee amendments that are reflected from the House Committee on Redistricting. And so my question is, if a chair acting under his authority under Rule 4, Section 6 and on the one hand a member who chooses to ignore admonishment of committee staff for the purposes of being reflected in the minutes gets the benefit of being recognized as having been there and having registered their sentiment and those that respected the chairman's committee's admonishment are now nowhere on the face of the committee report and there's an objection to that. I don't understand how the chair can consistently apply Rule 4, Section 6 and all of its subparts and Rule 4, Section 18 that makes it very clear and express that members of the legislature are excepted from being listed in the committee report and excepted from having to fill out a witness affirmation form, under Rule 4, Section 20. And so how can we reconcile those rules—those three rules—when it seems to subjectively apply to members who persist and those who abide by the committee's power under Rule 4, Section 6 to abide by the desire of the chair, only to be rewarded by having their testimony not reflected or having their viewpoints not reflected in the committee minutes?

SPEAKER: Mr. Martinez Fischer, the chair believes that those members appearing before a committee on which they do not sit are exempt from the requirement of completing a sworn statement before testifying in committee

under Subsection (b) and the requirements of the names of all persons who testify are listed on witness lists and in the committee minutes under Subsection (a).

MARTINEZ FISCHER: And under Subsection (b) it's very clear, Mr. Speaker, that it says that the minutes for each public hearing of a committee shall also include an attachment listing the names of persons other than members of the legislature. And so why is it—it's permissible and why is it that **HB 150** is in order when the committee minutes reflect the names of members of the legislature when Rule 4, Section 18(b) says that they don't have to be there? And how can **HB 150** be in order under Rule 4, Section 20 when the committee reports and the witness affirmation forms reflect that a member of the legislature filled out a witness affirmation form and is accepted by the committee if they're are not required to do so under those rules, then why were they accepted by the committee chair? And why is this bill in order and why should not this bill be sent back to committee to be in compliance with these rules?

SPEAKER: The bill is in order with Section 4—Rule 4, Section 18 and I think you'll have to take it up with Mr. Solomons about how the hearings are conducted.

MARTINEZ FISCHER: Well, I do if I'm in his committee but I'm on—but I'm in your committee now and you get to make the decisions because you're the chair, respectfully. And so while I would love to have this conversation with Burt, I feel compelled to have it with you. And so, I want to know the chair's ruling that how can **HB 150** be in order when we have two representatives of the house listed in the committee minutes which is a direct violation of Rule 4, Section 18(b) and we have two members of the house of representatives who have filled out sworn witness statements which is a direct violation of Rule 4, Section 20. And I realize the point of order was not raised with respect to the committee chair requiring witness affirmation forms of these members when they were excluded, but I believe that if I'm going to abide by your prior rulings that the members are exempted. That I believe conversely that if a chairman requires a member of the legislature to submit a witness affirmation form, which we can only assume, that was the desire of the chair because it was accepted that I believe that **HB 150** should fall for violating Rule 4, Section 18(b) and Rule 4, Section 20. And so, I would like to raise that point of order.

[The speaker overruled the point of order.]

REPRESENTATIVE FARRAR: Mr. Solomons, 89 percent of Texas' population growth in the last decade was non-Anglo, so, can you tell me why this map does not increase the number of effective minority opportunity districts?

SOLOMONS: It does improve minority districts. It does. We've created, let's see, we currently have 29, we now have 30, and we tried to include what MALDEF has even suggested on trying to beef up a couple of districts, including your's, for Spanish—SSVR's.

FARRAR: I'm glad you brought that up, actually, because I want to get back to that. But, so, you claim that your plan creates additional Latino districts based on the number of districts that are 50 percent or more in Spanish surname voter registration?

SOLOMONS: We tried, we tried to follow the law and one of the primary tools you use is SSVR's. So at the end of the day, and I have notes, I guess. But you know, if—one of the primary indexes you look at are SSVR's. So we were trying to deal with minority districts and what those populations, you know—and I've got the notes if you would like me to read it into the record just like ya'll from different positions want to read things into the record. I'll be happy to do it. The map increases the number of districts to 30 and increases the likelihood that all members in the Hispanic community in those districts would be able to elect representatives of choice. There are two minority majority districts with black voting age populations above 50 percent and the committee map maintains two districts with BVAP's exceeding 50 percent. The map sort of speaks for itself. You know, we didn't create five or six or seven or eight or 10, but we did try to beef that up and meet what we thought we needed to do under the Voting Rights Act.

FARRAR: Right. But I'm glad you brought up my district because I'm below 50 percent and yet it elects—not just at the state legislature but in local elections, the coalition there has elected Hispanic representatives. So are you aware that the DOJ guideline says, quote, "there is no specific demographic percentage that determines effectiveness. You have to do a functional analysis of the individual district including turn out and election results," end quote. Are you aware of that DOJ guideline?

SOLOMONS: You do regression analyses and you do look at the numbers. You do look at regression analyses for those done—Leg. Council does those on a variety of districts. There are—you know, primarily redistricting is a numbers issue, it seems to me. And that's one of the things I tried to go on is basically what the numbers are and what I was advised that we needed to do for certain districts to try to ensure compliance with the Voting Rights Act as best we could.

FARRAR: Could you—of course this applies—I understand you—in your first plan you eliminated the, I guess, what you would call a protected district, mine and Representative Burnam's in Fort Worth and then in the substitute replaced them. And you've been counting that as two new seats. But back to the question of the performance of the district. When, for instance, in my area—in my district where you have bumped the Hispanic number up above 50 percent yet the district is performing electing Hispanics, can you see that you would actually be squandering Hispanic voters that could be used to draw another seat? So, in other words, in packing my district that district's—that population could have been used to draw another or to boost another seat to become a Hispanic seat.

SOLOMONS: I'm not sure what you're wanting me to admit to.

FARRAR: That it wasn't necessary to increase that number. Do you see that?

SOLOMONS: I know what the committee put out. Based on what we were told what we needed to do with several different districts to try to ensure better compliance with the Voting Rights Act. You may disagree, but that's what the committee is advised to do.

FARRAR: Right. But that could have been done in other areas. In other words, the minority population that drove the growth in the state was not used in a way that actually promoted minority representation. In fact, it's gone the other way, and I've got some colleagues that have some other questions as well.

SOLOMONS: Well, that may be a disagreement in opinion on how we did it, but what we were trying to do was accomplish the goal of having a legal map trying to bring as much compliance as we could to the Voting Rights Act with what we had in a member driven map.

REPRESENTATIVE TURNER: Thank you, Mr. Chairman Solomons. And I've heard the dialogue that you had with Representative Farrar as relates to the impact of **HB 150** on Hispanic, Latino districts. Can you tell us what is the impact on **HB 150** as it relates to African American districts? The number of districts in **HB 150** for African Americans, any idea?

SOLOMONS: I don't know the exact number. There are a number of primarily black districts. There are in Dallas County and Harris County as well and Bexar County, I think.

TURNER: I know that you gave out a specific number as it relates to Latino districts. Do you not have an exact number in terms of the impact of **HB 150** as it relates to African American districts?

SOLOMONS: Well, most of the time you're looking at minority opportunity districts, and you look at various districts as you well know, Mr. Turner, that you are trying to ensure that the numbers suggest that they are protected under the Voting Rights Act. And what we tried to do, for example, in your district we know we moved some people over in the version that's before you today.

TURNER: Right.

SOLOMONS: But when you look at SSVR's there's a mixture of those. And Hispanics did not settle in just one area of the state or one particular district. They spread out throughout the process.

TURNER: Right. In my district; for example, roughly 7–8,000 African Americans were taken out of my district, so there are fewer African Americans in my district. But I guess the question that I am posing in general, in drawing **HB 150** was the focus—I mean how much time did you or the committee and/or the staff take in drawing this map with an emphasis on African American districts, if any? If not—I mean the answer is what it is. If there was no emphasis taken in terms of drawing African American districts I can accept that answer as well.

SOLOMONS: Well, one of my valued colleagues on the committee just pointed out that the current map, under BVAP's, 50 percent were two; 40 percent were 11. Under the new proposed map before you today on the BVAP's for 50 percent

were still two but for 40 percent it moved up to 12. So we did try to increase it somewhat.

TURNER: Okay. Because that's important in terms of opportunity districts for African Americans, in terms of the groups that you have met with have ya'll met with any African American groups in drawing up **HB 150**?

SOLOMONS: Did I meet personally with—

TURNER: Did you, the staff, anybody, anybody that is connected with drawing **HB 150**, have any of ya'll met with African American groups?

SOLOMONS: I personally didn't meet with a lot of groups. I met with a lot of members of this body, but I didn't meet with a lot of groups. Now some groups may have proposed or given us information from outside sources, but I didn't personally meet—I can't remember any group that I really met with other than possibly one or one representative of one group. I think I met with one representative of one group, but not the Black Caucus.

TURNER: But in terms, for example, the NAACP or any groups like that, that ya'll may have met with.

SOLOMONS: The only person that I remember meeting with in my office about a particular issue that they had was a representative of, I believe MALDEF that came to my office.

TURNER: Okay. And the reason that I'm asking is that in terms of **HB 150** I am sure **HB 150** reflects the input coming of meetings or conversations or dialogue with various members, whether it was MALDEF, whether it's U.S. Chambers of Commerce. You name it.

SOLOMONS: You asked me if I met with anyone. I told you who I met with. However, as my staff reminds me that we—apparently the staff reached out to the NAACP as a group, I guess, but we did not receive feedback from them any specifics of any sort.

TURNER: Okay, as you know, there are several amendments, and I know we are going to be getting to them soon, but the Texas Legislative Black Caucus has filed several amendments in terms of how opportunity districts for African Americans should be drawn. But just in terms of just getting my arms around where we are, I'm just interested in knowing separate and apart from members whether or not there is any input coming from any groups representative of the African American community where that input was included in the drawing of **HB 150**?

SOLOMONS: All I know is we reached out. We got some—from some folks, I guess, we've gotten input from. Me personally the only person to ever set up an appointment to come to see me was a representative, a lawyer, that looked at the MALDEF proposed maps, wanted to come talk to me about those maps and a lot of them had county cuts and all. And we had discussion and that was only one. Our staff apparently reached out and pretty open ended about, hey, if you got anything give it to us, and we didn't get a lot of feed back in specifics.

TURNER: Quite frankly, Mr. Chairman, the staff has never reached out in terms of asking me as chairman of the Texas Legislative Black Caucus for any input at all. No one has asked any input from me. I chair the Texas Legislative Black Caucus. And as far as I know, I'm not aware that the staff has reached out to anybody else. I stand to be corrected.

SOLOMONS: I respect you highly, and you are someone who has known me since I got here. You were here before me. You are a senior member. We office down the hall from each other. Other than us passing in the hallway very easily I guess I could have come down to your office or you could have come down to my office, but we never had a conversation. You and I both know with your position we never had a conversation where you expressed anything to me specific about what your group was wanting to do. You know that.

TURNER: Except I made it very clear that I was adamantly opposed to 7 or 8,000 African Americans being taken out of my district?

SOLOMONS: Well, I understand that. That had to do with your district. But as a group of who you represent and what you try to accomplish with that group and I appreciate that, but you and I both never had a conversation in your role with the Legislative Black Caucus.

TURNER: Right. Well, the timeline has been very, very abbreviated.

SOLOMONS: I've, been pretty available. Everybody on this floor knows I've been pretty available, if somebody wanted to talk to me they certainly could have talked to me either for themselves or representing a group that could have come and seen me.

TURNER: Okay. Did ya'll reach out to other groups?

SOLOMONS: I'm sure we had a general reach out. I don't know what that means, but we were basically pretty open. And I know our committee clerk and Ryan down in the Redistricting Committee and Gerardo, everybody who was working on this trying to accommodate as many people as we could. We were pretty open ended. You could come see us anytime almost. We've been around here working pretty diligently ever since I got the appointment.

TURNER: Right. So, is it fair to assume that the staff did not affirmatively reach out to others, but the staff simply waited for people to come to them to talk to them about—

SOLOMONS: I'm sure we reached out affirmatively in some cases. I can't give you specifics at this moment, but I'm sure we reached out pretty specifically. We had a number of people calling, and they were trying to bring their input. Just like, you, you know, just like anything else, you basically are trying to make yourself available, you try to reach out where you can but you expect people to actually bring you their ideas and their suggestions and their specifics. And you can't hold everybody's hand. All you can do is be open and try to receive whatever you're getting for the most part.

TURNER: But I am sure everyone is cognizant of the Voting Rights Act and the impact not just on the Latino community but also on African Americans as well. And I will tell you that one of the reasons why I'm standing here is because it seems as though that the conversation is so much one sided. But having said all of that, there are maps that are incoming in the form of amendments that are presented.

SOLOMONS: I know that there are some amendments. Thank you.

REPRESENTATIVE VEASEY: I know that you are in addition to chairman of this committee you live in Denton County now but you're from the Dallas area. You're very familiar with Dallas having grown up in north Dallas. And I wanted to ask you, in Dallas County the Anglo population decreased by 198,000 people between 2000 and 2010 that is a negative growth rate of 20.2 percent. The Hispanic population grew by 243,000 plus, the African American population grew by 73,000 plus, and the Asian population grew by 30,000 plus. Anglos now only make up about a third of the city, about 33 percent of Dallas County. And so with these numbers in mind, why didn't you create anymore new opportunity districts in Dallas? You still allow Anglo voters to control 68 percent of the district. It doesn't seem like to the numbers are adding up on the Dallas County portion of the map.

SOLOMONS: You want to know why we have the map that we have for Dallas County?

VEASEY: Not the map that you have, but specifically why do Anglos still control so much of the district when they've moved into—it sounds like—maybe into your area or the other surrounding counties?

SOLOMONS: Well, Dallas County had a reduction in population. We had growth in certain districts that were already existing. And this is a member driven map by Dallas County, and the committee didn't see that they needed to create new districts at this point. We have a number of protected districts under the Voting Rights Act in Dallas County, but overall we are having to pair some people in Dallas County. But primarily where the growth was in a lot of existing protected districts.

VEASEY: The other question that I have for you is, in Tarrant County there's a new coalition district in District 101 but with that in mind in HD 93, why did you retrogress so much in HD 93? It was a majority minority district as well. And so that's the one that Representative Nash represents, the lightning bolt district, the very thinly shaped district that goes up to the Denton County border.

SOLOMONS: In Tarrant County?

VEASEY: Yes.

SOLOMONS: Anyway, the Dallas County—when I said it dropped, it actually didn't grow in the relevant areas. But for Tarrant County, you were an integral part of drawing the Tarrant County map along with your colleagues in Tarrant County. And the way ya'll presented a map that seemed to be agreed to by everyone in the configuration, that's the map that we put in for Tarrant County.

VEASEY: Right, we all agreed—

SOLOMONS: So the drop in county—and you were very much a part of that entire map drawing.

VEASEY: Absolutely. And we all agreed to our respective districts that have now been changed. Those maps have been changed. My district and Representative Burnam's district in particular were changed.

SOLOMONS: Right, and that was—

VEASEY: And they were not changed with our approval. They were changed by the approval of other people in majority Anglo districts and not our district.

SOLOMONS: Well, let me look at my notes. And I know Mr. Geren was integral in working with you on that. Let's see. So what's your question in particular?

VEASEY: My question in particular is the 101. The 101 is a new coalition district that is created.

SOLOMONS: Okay.

VEASEY: And I know the numbers in the new 101 very well—

SOLOMONS: The 101 is the one you wanted to create.

VEASEY: Right, right.

SOLOMONS: The question about District 90?

VEASEY: Ninety-three, in particular. I'm just trying to figure out why that thinly drawn lightning bolt district?

SOLOMONS: Would you like Mr. Geren to talk to you about that?

VEASEY: I don't mind at all.

SOLOMONS: Okay, because you guys worked together on it and might as well talk to him about it.

REPRESENTATIVE GEREN: Mr. Veasey, District 93 was a minority district but that became District 101. There was, as you know, excess population in Tarrant County of about 180—oh 180 plus thousand—excuse me, about 160,000. And that 160,000, a good portion of that is in the new District 93 which does not resemble the old District 93 at all. And MALDEF asked us to increase the Hispanic voting population in one of the districts and that's what changed District 90.

VEASEY: Right. And I understand that. But you also understand too, that, that legally that means nothing, because that district was already a Hispanic opportunity district, and what you did by doing that was you had to pull District 90 far into my district and what has been a traditional—

GEREN: I don't think any of us own a district. I think you represent a district, Mr. Veasey.

VEASEY: Excuse me?

GEREN: I don't think that you own a district. I think you represent it.

VEASEY: Absolutely. I think we all represent all 150 districts.

GEREN: And I think you do a very good job with it.

VEASEY: Thank you. The district that I represent now, District 90, goes pretty far in to there and both districts were already functioning well as an African American opportunity district and a Hispanic opportunity district.

GEREN: I think that Mr. Solomons and the committee decided that it would be better and MALDEF asked the committee to increase the population to ensure that there's a better opportunity for the Hispanic voters to prevail in that district.

VEASEY: But the district was already an Hispanic opportunity district.

GEREN: And it has more Hispanic opportunity now than what it was.

VEASEY: And the one thing about the Voting Rights Act is that you cannot draw the districts so a person, a particular person can get elected to office.

GEREN: I don't believe there's any particular person been picked out by Mr. Solomons or anyone on the committee to be elected.

VEASEY: The Voting Rights Act is about the community being able to pick the person of their choice.

GEREN: And I think that they can.

VEASEY: And the person of their choice was already being—they were already doing that. You don't get to change the line.

GEREN: Well, I don't think—now some new people have the opportunity.

VEASEY: You don't change it to get rid of somebody or elect somebody.

GEREN: I don't think—I don't believe that there was any intention to get rid of somebody or elect anyone in doing that. I just think that there was an effort to increase the Hispanic population in that district.

VEASEY: Well, the districts were already acting as a Hispanic district.

GEREN: I'm not arguing that point with you. I'm just telling you what it does now.

MARTINEZ FISCHER: Thank you, Chairman Solomons. I was just listening to the exchange with you and then with Representative Geren and Representative Veasey. And so, is it your contention that the two new Hispanic opportunity districts are current District 90 occupied by Representative Burnam and District 148 currently represented by Representative Farrar?

SOLOMONS: Their SSVR numbers were increased slightly. That's why there's a difference from what they turned in because we were advised basically we needed to do that just for additional protection to make sure that they were where they needed to be. That's the only reason they're in there.

MARTINEZ FISCHER: But are those the two districts that you said in your initial lay out that there was a creation of two Hispanic districts. Did I hear you say that?

SOLOMONS: That was not—I said we created a new opportunity district. I think that's in Nueces County in that regard where we beefed that one up to be a minority protect—I mean minority majority district. The two that we were talking about before had to do with just increasing SSVR slightly because it was felt by the legal team that, you know, that we should do that. That's why we did it.

MARTINEZ FISCHER: And so, with respect to Farrar and Burnam's districts, the legal advice that you received was to not just have them as a HVAP district but to have them with a higher percentage of SSVR.

SOLOMONS: For example, in District 101—do we think it's protected by the Voting Rights Act? We may not think so, but that's really a legal matter for the courts. And as far as 90 is concerned, the voting age population includes non-citizens and other non-voters. As a result, District 90 is not currently a Hispanic district—a majority district with respect to Spanish surname voter registration. That figure is currently at 45 percent. At MALDEF's request we wanted to increase the Hispanic voting strength of District 90. That's why. That's the only reason we did it.

MARTINEZ FISCHER: That's the only reason—it's not your contention that District 90 was not performing and that minorities weren't given the opportunity to elect the candidate of their choice? I mean, that's not your contention?

SOLOMONS: You know as well as I do what we're trying to do is produce a legal map. I mean, the only thing the speaker asked me to do was try to have a map in the best interest of the entire state and try to have a legal map in doing so. So when you have the numbers of lawyers that are involved in redistricting, you get opinions and ideas on what you need to do. So that's why some adjustments were made. We'll let the courts decide basically on what they want to do if it's so challenged. If not, then it will stay pretty much with what this body decides.

MARTINEZ FISCHER: Right. Right. And I know that for some that don't believe in resolving things at the courthouse I know that's hard for them to digest. I think you and I both recognize that this may just be one of the beginning chapters in a long, you know, redistricting litigation book that's being written.

SOLOMONS: You know, I was kind of hoping not to have that so much on the Texas House map. Maybe congressionally, but not the Texas House map. But you and I both know that there may be—whatever we do on this house floor hopefully will be a good strong legal map. However, some groups and some folks may end up being dissatisfied, and that's what the courts are there for. And for some independent consideration as to what may be some changes, if any. There may be no changes. There may be a change here and there. We don't know that. We can't foresee that. All we can try to do is come up with what we think, in this body, and what the committee did was come up with what they thought was a good, strong, legal, fair map. Now the question is, what this body does to it after amendments. And however it comes off this floor, we'll still try to have a strong legal map, I hope. And whoever is dissatisfied will certainly have a chance to do whatever they do in the process of redistricting. In my opinion, it's sort of a shame in a way to all have to spend years and years and years with this

in litigation when in fact it may be something that can be resolved very quickly and shortly thereafter.

MARTINEZ FISCHER: Well, maybe we can sit down and look at each other's amendments and maybe avoid that all together. I'll meet you halfway and—but I understand, Chairman Solomons, I understand what your intent was in District 90. What made my ears perk up was I thought it was being construed that District 90 was given more Latinos so that it could be a Latino district, when I believe that it was performing fine. I agree that any district could be enhanced to make it perform better, and so I just wanted to make sure there's not credit being taken for District 90 becoming a Latino district when I think it's, you know, at least it's our contention that it was already performing.

SOLOMONS: Well, that's your contention, but District 90 was not currently a Hispanic majority district with respect to SSVRs. And so, the figure is currently only really at 45 percent. So, we did that and we made that adjustment at the request of MALDEF so that might not be a situation where we have to get into later. That's why we did it.

MARTINEZ FISCHER: Okay. But understanding MALDEF sentiments aside, it seems to me that saving except the 2010 election that district seemed to perform pretty consistently. And minorities seem to have the opportunity to elect the candidate of their choice. But can I—let's digress. Did I hear you say that you believe there's a new minority opportunity district that was to be drawn in Nueces County?

SOLOMONS: I believe what we did in Nueces County was because the numbers were so close we decided at the end that we probably should do something that was more in line with Hispanic and other. So that's what we did, yes.

MARTINEZ FISCHER: Which district is that?

SOLOMONS: It's one of those things you can't find when you need to but go ahead.

MARTINEZ FISCHER: Well, I guess I'm just trying to see where the new opportunity is because I thought that the Coastal Bend had two performing minority opportunity districts, and I see in your map that what used to be District 33 has now been removed from the Coastal Bend and now resides somewhere in Rockwall outside of Dallas.

SOLOMONS: What?

MARTINEZ FISCHER: What I said is when I looked at the map—

SOLOMONS: Oh, here's Coastal Bend—wait a minute, hold on. Oh, here it is. It's not in my little book, that's why. All right. Let me put it on the record because we are all about the record apparently. Why did Nueces get the two seats? The apportionment of seats in each county was determined by taking the ideal population size of a district, 167,637, and dividing the total population for each county in the state. And the case in Nueces County when you divided the ideal district size you got 2.03. The Texas Constitution requires a county be apportioned to a number of seats that is as near as may be. So even though there

are three members that reside in Nueces you can really only have two seats. So why didn't we create two Hispanic majority seats in Nueces County? The overall population in Nueces has an SSVR of 49 percent; as a result it is impossible to draw two Hispanic majority seats within Nueces. We decided to draw only one strongly Hispanic district to allow the Hispanic community in Nueces to elect a representative of their choice, and all three members of the Nueces County representatives agreed to the map. So as far as that goes that's what we did on the record. That's why we did it. Mr. Hunter and his colleagues along there agreed to that.

MARTINEZ FISCHER: Okay. And I don't know that, but I take you and them at their word.

SOLOMONS: Well, that's what we did.

MARTINEZ FISCHER: Well, I do know that it appears to me that district had two performing minority opportunity districts, and they seemed to be working quite fine. And there were opportunities where we cut county lines in your map so that you could add population. And I'm just curious why you didn't do that in that area of the state when you easily could have?

SOLOMONS: I'm not sure why because the map doesn't unnecessarily cut any county lines. It's only where—you know, redistricting, you know, it says you have a county line rule, but it's pretty clear that you don't unnecessarily go around cutting county lines. Nueces County in how it's located and where it is, is why we did what we did.

MARTINEZ FISCHER: I think you—if I'm not mistaken your map makes about 17 cuts. And I guess what I'm saying is that why couldn't one of those cuts—I mean is it conceivable that one of those cuts could have been in the Coastal Bend that would have resulted in there being not just one minority opportunity district but two?

SOLOMONS: I don't know. My response is we didn't unnecessarily cut any county line where it didn't absolutely need to be done. Not just to do it to create new districts but because it absolutely had to be done in the context of what was being accomplished in that area.

MARTINEZ FISCHER: So when you took a district in South Texas and you took a member's district out of Webb County and put it in Hidalgo County, what was the justification for that?

SOLOMONS: I'm reminded that we only cut in one area and everything else was spill overs. Spill overs are not cuts in county lines. Spill overs are not.

MARTINEZ FISCHER: Well, I think they break a county line.

SOLOMONS: Well, they don't cut them intentionally to go—they're because of the population numbers. It's not because you're going around to do that.

MARTINEZ FISCHER: Right. So why didn't the district that currently spilled over into Webb continue to go into Webb and instead made the decision to veer into Hidalgo?

SOLOMONS: I don't know. The committee—this is the map the committee proposed based on what we were advised and how we have to abide by the law, and that's what we did.

MARTINEZ FISCHER: But you are chairman of the committee, and you and I had a reasonable discussion about map drawing. I think it's hard to deny that it raises a question, at least in my mind, that a district that currently spilled over into Webb County all of a sudden spilled over into another county which some would argue results in the prevention of drawing an additional district in South Texas because of that new spill over taking population out of Hidalgo County.

SOLOMONS: Well, the MALDEF map didn't do that. As I was reminded the MALDEF map—there was some physical constraint in what you have to do for that. And we only had cut county lines where it was absolutely necessary, obviously, as the map reflects. And the spillovers are just the spillovers and that's what you have to deal with.

MARTINEZ FISCHER: And what I would prefer to do and it's curious to me but I know that there are several members from the Rio Grande Valley delegation that would probably be more appropriate to have the discussion with you but it just—it's curious to me that we can spill over into Hidalgo County and justify it, but we can't spill over outside Nueces County and justify it by maintaining two minority opportunity districts that are currently there today. It just sort of flummoxes me that we can do it in the very tip of South Texas but we can't do it in the Coastal Bend. And while I recognize you didn't draw this map by yourself and you don't take credit for the, you know, the overall production, I think you would have to acknowledge with me that that is a curious inquiry as to how the committee can be selective in one part of the state and—

SOLOMONS: Well, depending on the amendments today we'll see what happens, and somebody can keep track and mention that. But really, at the end of the day, it will be a matter for—we think we did the right thing. The committee thinks it did the right thing. We'll see what the amendment suggests if that happens today. But it may be that when you-all—whoever is dissatisfied. The courts may or may not agree with it, but we think we did it the way we needed to do it because of the way the territories are—the counties are positioned, where the numbers are and how it all works together. So we didn't have a disagreement. Redistricting is not a perfect science. You go as much as you can by the numbers but you have spillover areas, you have the way lines are drawn. You know, a lot of it depends on the SSVRs.

MARTINEZ FISCHER: Mr. Speaker, parliamentary inquiry.

CHAIR (Madden in the chair): State your inquiry.

MARTINEZ FISCHER: Would you please explain to me the rules under Rule 5, Section 11; Rule 5, Section 12, with regard to privileges on the house floor?

CHAIR: Give us a second. Rule 5, Section 11 sets out people who are entitled to privileges of the floor. Among those people are members of the house, employees of the house when doing their official duties that are determined by

the chair, and the Committee on House Administration. Rule 5, Section 12 deals with admittance within the railing and also allows officers and employees of the house to be admitted within the rails when those officers and employees are actually engaged in performing their official duties as determined by the Committee on House Administration.

MARTINEZ FISCHER: Thank you, Mr. Speaker.

CHAIR: Thank you.

MARTINEZ FISCHER: Is the chair advised that the speaker's counsel is considered to be an employee of the house?

CHAIR: The chairman of the House Administration informs the chair that the employee of the house has been granted admittance to the house.

MARTINEZ FISCHER: I appreciate that from the chairman of the House Administration. But my question is an employee of the house—is he a state employee?

CHAIR: He receives a check from the comptroller's account as if he is a state employee. Are there any other questions, Mr. Martinez Fischer?

MARTINEZ FISCHER: Does that constitute that he is an employee of the house because every state employee gets a check from the comptroller, regardless, of whether they work for the house?

CHAIR: He has been issued a Texas House of Representative badge as an employee of the Texas House of Representatives in the speaker's office.

MARTINEZ FISCHER: Now, an employee who is an employee of the house who has been granted permission by the chairman of the House Administration to be on the floor of the house, are there any rules or prohibitions in terms of where that employee locates himself or where that employee engages in debate directly or indirectly with members of the house of representatives?

CHAIR: Mr. Martinez Fischer, where would you like the employee to be standing?

MARTINEZ FISCHER: Well, I think he can be wherever the chairman of House Administration decides for him to be, but my question is, is he authorized to debate on the floor of the house? Is he authorized to confer and give legal counsel to those proponents of **HB 150**? And if he is, I would like the chair to also recognize the other members of the house who also have counsel under their employ, so if we're going to have a legal repartee we should make it uniform and let all parties bring their lawyers to the floor.

REPRESENTATIVE WALLE: Chairman Solomons, I am going to talk to you—I don't know if you want to flip to your Harris County section, but I want to talk to you about Harris County.

CHAIR: Members, let's have a little order. If you have conversations, can you please move them outside the rail? Thank you, members.

SOLOMONS: Do you want to talk about Harris County?

WALLE: Talk about Harris County.

SOLOMONS: All right. Let me find the section and see where to proceed.

WALLE: Okay. And in Harris County we actually had the same amount of growth as the state as a percentage and we are still losing one seat. We are moving from 25 seats to 24 seats. In addition to that are you aware that Harris County lost Anglo population but grew significantly in Latino and African American population?

SOLOMONS: If you say so.

WALLE: I'm asking you this question: Are you aware?

SOLOMONS: If you say so. I don't have any reason to disagree with you at this point.

WALLE: Okay. Let me enlighten you on some of the numbers—with specific numbers that we have for Harris County.

SOLOMONS: Please do.

WALLE: Okay. Thank you. Allow me to do that. Harris County decreased by 82,000 people between 2000 and 2010, which was a negative of a 5.7 percent growth while the Hispanic population grew by about 551,789. African American population grew by 134,564, and the Asian population grew by 76,827. With those numbers in mind why would your bill **HB 150** create no new minority opportunity districts in Harris County and eliminate an effective coalition district which is represented by my good friend Hubert Vo, in House District 149, while diluting the Latino HVAP percentages in HD 137 by 4.4 percent, represented by Chairman Scott Hochberg?

SOLOMONS: Mr. Walle, I appreciate you asking those questions and if you will give me some indulgence—I'll kind of go through what our reasoning or my reasoning or the committee's reasoning was in connection with Harris County.

WALLE: Thank you.

SOLOMONS: Okay. One of the questions that we sort of anticipated was why did you decrease Harris County to 24 seats? The apportionment of seats to each county was determined by taking the ideal population size of the district, 167,637 and dividing it into the total population of each county in the state. In the case of Harris County, when you divide—divided the ideal district size you got 24.41. Article III, I think, of section—Article III, Section 26 of the Texas Constitution requires that each county may be apportioned a number of seats that is as near as may be. For Harris County that is 24 districts. But the redistricting map passed by the legislature in 2001 gave Harris County 25 seats even though it should have been rounded to 24. And one of the questions that you and others are concerned about is why can't we do the same thing? Well, actually the map passed by the legislature only gave Harris County 24 seats the last time we did redistricting. At that time Representative Coleman, Dutton, Farrar, Hochberg, Thompson, and Turner all voted for the map that gave Harris County 24 seats. The Legislative Redistricting Board actually changed the seats to 25. And, you know, it's just my

preference and I think the purpose of the committee we passed a map that passes the senate and is signed by the governor. So LRB did not become involved in that, but I wasn't on the Legislative Redistricting Board that voted 25 seats. So I can't be sure of how they reached their decision.

WALLE: Do you know that—

SOLOMONS: No. Let me finish.

WALLE: Okay.

SOLOMONS: That aspect of the plan was never challenged in court, so we don't know if it would have survived judicial scrutiny. We don't want to take a risk with this map over that issue. Now, you get into Representative Hochberg, Representative Vo, why did I or why did the committee map as proposed and under consideration now, pair Representative Hochberg in District 137 and Representative Vo in 149, because there has been some discussion anyway about whether or not they are in protected districts. Apparently our legal team doesn't think they represent formally protected districts. And if you think they are protected coalition districts, they also don't think so. So, when you also count the Asian community for Representative Vo's district, doesn't that make it protected? We don't think those districts are protected either. So if these minority populations form a cohesive block, then are they protected? Well not necessarily. I understand there may be only one thing that a court looks at, but they can also look at a lot of other factors. So I don't know the specifics of how they are going to decide all that at the court if that's where this goes, but the idea that somehow there was an issue of 24 versus 25 is very clear that the numbers, if you do it according to the Texas Constitution, you round down. You don't round up based on those numbers.

WALLE: Where does it exactly say that? According to the LRB it is my understanding that these were protected, and the conclusion was that they were protected because these are both districts that have communities of interest that have elected their candidate of choice regardless of their race. These are coalition districts where these folks have been given the opportunity to represent them and I think represent them very, very well.

SOLOMONS: And I understand there's a disagreement. I understand it that people are upset, but the map before this body right now is based on not just somebody's idea of what we want to do. It's based on what we think the law is. And that's why.

WALLE: I would say where in the law do you come to that conclusion?

SOLOMONS: The Texas Constitution says that you divide these—each county to be apportioned a number of seats as nearly may be. And for Harris County that's 24 districts on 24.41. If you were 24.5 or 24.56 or 24.6 you would normally round up. But you don't round up when it's below 24.5, you round down. If you want to take that position. I wasn't on LRB. I don't know why that was done. I remember being a house member here and voting for a map and it goes to LRB and comes back differently. So what a lot of members thought that

their districts were supposed to look like. That's one of the problems you run into here.

WALLE: Thank you.

SOLOMONS: And I'll be happy to yield for a question for my good friend Mr. Hochberg.

REPRESENTATIVE HOCHBERG: Mr. Chairman. I guess the—if you've looked at the history and I'm sorry that you weren't at the hearing where I testified or I guess where anybody testified after the map was laid out, but if you look at the history in Harris County it was not just the LRB—I'm sorry. Mr. Chairman? Mr. Chairman.

SOLOMONS: I'm sorry, I was handed a note. Go ahead. I'm sorry.

HOCHBERG: The testimony that I gave at your committee that you were unable to attend, was that not only did the LRB decide that 25 was an appropriate and legal number based on numbers that are so close to where we currently are that you couldn't possibly tell that the census isn't that accurate. But that prior legislatures had done the same thing. This was not the first time that this was done. It was not the only time that it was done and yet not in the history of any of that with any of the legal challenges had anybody ever said, "Oh, no you can't do this map because it rounds Harris County up to 25." We were even further from 25 in an earlier approved redistricting plan that passed muster with the courts. So I don't understand where you get the requirement that it has to go down.

SOLOMONS: Well there was never really a court challenge to all that. I know that at the time that I was told historically that Tarrant County was actually a 10.6 or something and they were thinking of even suing over it and decided not to. There's never been any final determination by a court of how you read that and why you have to do what you do. But when the constitution says it's nearly as may be that tells me as a lawyer, that's probably the better practice to round down and not round up. I wasn't on LRB. I don't even know who was on LRB in 2001.

HOCHBERG: It doesn't matter whether—what was in the LRB.

SOLOMONS: Because they did it.

HOCHBERG: They did it. But also this legislature did it in the previous cycle and the cycle before that at one point was down as low as 24.3.

SOLOMONS: And that's fine, but you even voted for it in 24 last time. I mean—

HOCHBERG: And I,—

SOLOMONS: We are doing what this house did last time in rounding down—

HOCHBERG: Chairman, did I ever make a statement or did any of the people you mentioned there ever make a statement that it had to be 24 because that was the legal requirement?

SOLOMONS: Didn't say that it had to be 24.

HOCHBERG: Thank you, Mr. Chairman.

SOLOMONS: Didn't say it had to be 24. In fact that's what happened on the floor of the house.

REPRESENTATIVE Y. DAVIS: I need to ask some questions with regard to retrogression on your map. And I know you've been talking about specific districts, but I just want to talk about the overall need to get some understanding. Is it your understanding that as a part of the challenge for redistricting that we should not create maps that are retrogressive in terms of limiting or changing the number of districts for minority representation? Is that your understanding?

SOLOMONS: We don't think this map is retrogressing.

Y. DAVIS: I know, but is it your understanding that it should not be retrogressing?

SOLOMONS: We should make every effort not to make it a retrogression map. If you want to have a legal map.

Y. DAVIS: Okay. And in terms of the retrogression map, what does it mean in your mind in terms of retrogressing? Is it because we changed the number of districts, we lowered the number of minority districts? Would you explain to me what the committee considers retrogression?

SOLOMONS: Well, a lot of what we do on those kinds of things are based on what people behind the scenes, i.e. Lege Council, lawyers, everybody who goes through those processes. I'm not clear on everything that the lawyers look at but I do know that they analyzed approximately ten elections for the elected offices which we are affecting and determined whether the candidate of choice of the minority majority would have won with the change precincts of the new district. And I can't tell you nor suggest that anybody on the committee tell you a real detailed explanation of what they do with precincts which were not originally in the district and where that candidate was not an option. But there are several programs that run in the retrogression analysis and that's what they do. And they tell us based on those that we get; for example,—

Y. DAVIS: I'm asking—

SOLOMONS:—wait a minute, let me respond. For example, the SBOE map. There was some concern about a particular SBOE district. I forgot which one it was, but it was one where it would appear that the initial map or the initial proposed view of that map was proposed. After they did retrogression analysis on those, they came back and said that they thought that there might be some problems, and so we had to reduce that based on what lawyers and the programs run tell us based on the numbers. That's what we are doing. None of us here probably—well, I say that. There is probably somebody in this body out of 150 know more about it than some of the majority of the members including myself. But it's actually looking at the past elections, how they ran the program and the data of how they try to determine as best they can what is retrogression or what they think is retrogression versus what is not. And when they think there could

be a problem if you want to try to draw a legal map and you were trying to do that and not have retrogression, we try to make some adjustments.

Y. DAVIS: Okay. So my question is, based on there not supposed to be retrogression in the Voting Rights Act, is protecting against retrogression to make sure that we don't inadvertently do any form of discrimination as it relates to voting and voting patterns?

SOLOMONS: I don't know what you mean about discrimination. I just know that when you have protected districts it's about allowing a minority opportunity district to elect their person of choice. It's about making sure that if they were already under some kind of protection of the Voting Rights Act then we need to abide by that as best we can.

Y. DAVIS: But what was the basis? You have to understand that the basis of the Voting Rights Act has a direct relationship to past performances of discrimination and, therefore, those Acts were put in place. So you can't ignore that issue. So you've got to have that as part of the discussion. I mean you said you didn't want to.

SOLOMONS: Well, I don't think anybody is intentionally trying to discriminate against anybody. It's really pretty much run by the numbers and what the lawyers tell us is what could be retrogression issues under the Voting Rights Act, and we're trying to abide by that.

Y. DAVIS: Well, I understand that, but you were saying you can't consider that, and I don't want us to lose sight—

SOLOMONS: I didn't say that I wasn't going to consider it. I said I'm not sure what I don't understand in connection of consideration in that context of maybe—maybe I didn't understand what you were meaning and I apologize.

Y. DAVIS: Okay. But retrogression in this instance means that the voting rights put in place that you would not be retrogressing in the map, so that they would have the effect of discriminatory practices in voting patterns that occurred in the past.

SOLOMONS: No. We do see an opportunity—

Y. DAVIS: And when you reduce those districts in your map, you reduce the number of minority seats. Is that correct?

SOLOMONS: What we are trying to accomplish in this, Ms. Davis, is that when you look at retrogression you are looking at reducing a minority's opportunity to elect the one of their choice. And that's what you are trying to do. And I looked at it in that light and that's how, since I have been appointed to the committee, I learned it. But I can tell you right now—you know, it's hard to tell exactly other than they give you and they say in the last ten elections here's what happened. They have a modeled computer program, and they are trying to get as close as they can to ensure that they can comply with the Voting Rights Act.

Y. DAVIS: And I appreciate that. My question is, when you take a districting change political relationships to put minorities in districts where they would not have any value in terms of the election process and/or change the cohesive makeup of the districts, would that have the effect of maybe being retrogressive? Could that be perceived as retrogressive?

SOLOMONS: Well, actually you know, one of the first things that happened when I got appointed to this position, I had to try to bone up a little bit at least on some election law. Apparently there's a lot of standards which the courts look at, communities of interest, retrogression, a variety of thing that are involved in this. Not just one factor. It is a combination of things.

Y. DAVIS: I'm going to get to those others. I just wanted to start with this so that I understand what your parameters were in terms of how you addressed the issue of retrogression. I will now go and talk about communities of interest and the compactness of districts. And I want to understand the things that you considered because I saw some of the maps where the districts were a little squiggly and I remember as a member of the body being criticized for democrats' gerrymandering. And so I want to understand what parameters were you all considering when you talk about communities of interest and compactness because there appears that may not have been—that's not considered the same thing I'm considering.

SOLOMONS: Sometimes you'll have a little squiggly thing that's on the map but it may be because of just the nature of how the land is construed where people live, the SSVRs, voting age populations. There maybe some of that. You can talk about, you know, gerrymandering and all of that business. But based on what I saw in some of the cases, some of them are pretty darn obvious, and some that you might think are really aren't. Because you're looking at trying to abide by the Voting Rights Act.

Y. DAVIS: And so that's why I want to understand what it is you considered when you talked about retrogression. I think I heard you indicate you were looking on only the voting pattern kind of was the driving factor and whether or not—

SOLOMONS: And compactness, just what you said, compactness, communities of interest, retrogression issues by, by modeling and how the SSVRs and a variety of different issues go into the entire package. You're right it does. It is a variety of different things. One of the things that you do look at in retrogression, even though I don't know all the specific details, is that you really do look at past elections and who—and whether or not the particular district has given an opportunity—minority protected district is given an opportunity and not have a reduced number or an impermissible reduction of what they think is retrogression. And that's what we tried to accomplish with the map.

Y. DAVIS: And so, when you look at your map do you see fewer minority districts or fewer minority—possibility of minority districts based on whatever this combination of facts as you considered? Do you find that to be inconsistent

with saying that it may have the effect of being retrogressive because it lowered the number of minority protected districts, based on that?

SOLOMONS: We have one pairing, and we don't even—one pairing in Harris County in particular between two democrats. We don't think those are protected districts.

Y. DAVIS: Let me ask you with regard to protected districts. Is it your thought that based on the Voting Rights Act, if a district is African American today and it becomes a Hispanic district, that in fact that, that district still is protected? Or would you think that you change one for the other? How does the committee handle the change in the district from African American to Hispanic?

SOLOMONS: Look at minority opportunity districts to elect the person of their choice based on what currently exists and what redistricting and what lawyers want to suggest—that you need to be careful about—

Y. DAVIS: Does the committee, but does the committee consider it retrogression if you have an African American district that becomes a Hispanic district? Does the committee view that as being retrogressive as it relates to an African American district changing over to become a Hispanic district or does the committee treat that as one?

SOLOMONS: I'm not sure I can answer that question properly. I do know that when we are—

Y. DAVIS: Well—

SOLOMONS:—what we were doing was looking at minority opportunity districts. I know that's what I was looking at—

CHAIR: Members, we are going to begin the process of amendments.

[Amendment No. 1 by Menendez was laid before the house]

REPRESENTATIVE MENENDEZ: Currently our lines between mine and Representative Castro are along a major arterial street. Whoever drew the map moved it down to a highway and it really just took a little bit of geography and no homes are involved, no voters involved. It's been agreed to, it's acceptable to the author and I move passage.

[Amendment No. 1 was adopted]

[Amendment No. 2 by Farias was laid before the house]

REPRESENTATIVE FARIAS: Real briefly what Representative Garza and myself have been talking about is a small area in southern Bexar County that I've represented for the last three sessions that I have been here in the House of Representatives. And what it does is, during the process Representative Garza had to give up fifty thousand constituents and so I took about oh, about eight precincts of his, or more, in trying to help him in the folks he had to release in an area he did not want to represent. And so his big concern was that he wanted to keep his percentage of 50.1. There is an area in the southern Bexar County that I was mentioning. It's off of 281 and 1604, if you are familiar with Bexar County. And they are not even full precincts but they are parts of four precincts and the

folks that live out there have suffered with bad water, poor water pressure for, for many years. And they have been my constituents. And I have been working with them for all this time. So we just made some adjustments to the map where he would keep the percentage of the folks that he needed and I would take back that area that he took in when he redrew his map. And so it's just a rural community in Bexar County. It is one of the poorest communities in Bexar County and there is an organization by name of—they go by—they're a volunteer organization. They are emergency rehab units and every year I have been helping these folks with raising funds for their volunteer services and, and also for the things they do for the children's hospitals in Bexar County, in San Antonio. And so the district that I am in without the amendment I could be comfortable with it, but it wouldn't be just to these folks that I've represented, and I would not be doing my job as a state representative if I do not come up here and argue their point because I need them in my district because of who they are and, and what I represent. It's not about anything else. There's nobody lives out there that I would be worried about challenging me. It's all about these folks that depended on me for the last five years or so that I come up here and argue their point and later on you will hear an argument of debate regarding water issues in Bexar County that affect these folks. And so with that being said, I've visited with Representative Garza. He's not going to oppose my recommendation. I just visited with him. He said he would not oppose it, and he could live with the will of the house, and if he likes he can come up and say that. But I just visited with him—I was late coming up having a last minute conversation with the representative. And I do respect him a whole lot. But this is an area that's about the people that I have helped for many, many years. And so, I have accommodated him with what he would like to have in his district, and so I'm glad that he said he will leave it to the will of the house. And, and so, I ask that the members of the house please consider allowing me to have an area that I've had for the last three sessions and that I've represented. It's a rural community. It's in the Whispering Winds area. Like I said it's in a southern Bexar County and these folks will expect me to represent them. And so with that Mr. Chairman—

PEÑA: Representative, I just wanted to make sure I understood. Is this a plan that's agreed to by all the people that are affected by your amendment?

FARIAS: The people in the district or the people that are affected by me moving this—

PEÑA: Yeah, the other representatives.

FARIAS: It doesn't affect, Representative Peña, it doesn't affect, just myself and Representative Garza. It doesn't affect anybody else in Bexar County.

PEÑA: But is it an agreed to amendment? Because we have to decide—

FARIAS: No, no what he just told me was that he would leave it to the will of the house. That was his last comment to me. And so I don't think that as a yes or a no, but he's not holding anybody to a position of voting against my amendment. He's letting it go to the will of the house.

PEÑA: Did you present this to the committee—these proposals early on?

FARIAS: I proposed it through Mike Villarreal—through the delegation. I also sent a letter to the speaker, and I sent a letter to every member of the delegation so they understood where my position was at.

PEÑA: Very good, representative. Many of us are in a quandary as to how to vote on this. And I'm sure that many of the members want to know whether or not there's an agreement on this. But you are telling me that the representative has simply said that he's not going to agree, but he'll leave it to the will of the house?

FARIAS: That is my understanding as I left his desk maybe three minutes ago.

REPRESENTATIVE ALISEDA: Mr. Farias, have you done an analysis as to how this proposed change affects Mr. Garza's republican numbers?

FARIAS: We didn't look at republican numbers because the last conversation we had was that his big concern that he did have a minority district, and he wanted to keep it without changing the numbers. So we kept it at 50.1 percent that he had. He said he would be happy with that.

ALISEDA: You will concede that Mr. Garza is a republican; is that correct?

FARIAS: I believe that's what I heard.

ALISEDA: Well, it is something for the body here to consider that Mr. Garza's republican numbers would actually drop with your proposed amendment.

FARIAS: We never looked at the republican numbers but I assure you in the area—if you want to talk about democrats and republicans, in the area that he will be taking from me, I guarantee him that he will lose those precincts because they are democratic precincts. But I'm giving him some area around Lackland Air Force Base that we believe to be very military, and there are some republican votes there. But I assure you that if Mr. Garza insists on having these precincts I've worked for three different elections and I can assure you and him that he will lose those precincts. So, I believe I am doing him a favor, representative.

ALISEDA: Lose them to who?

FARIAS: Pardon me?

ALISEDA: Lose them to who?

FARIAS: I believe he'll have an opponent.

ALISEDA: Okay. The only argument I would make and I want the other republican members in this body to know that these numbers—going back on historical voting patterns for the particular precincts and blocks involved, they tend to be more republican than those that you are asking to be now amended to your—

FARIAS: I don't know what numbers you are looking at, but I can show you that the poll—I can show you what I've won.

ALISEDA: All right.

WALLE: Representative Farias, what—and I'll be honest with you I don't know all of Bexar County and I don't know the lay of the land but just for my understanding, how long have you been in the legislature?

FARIAS: This is my third session.

WALLE: Your third session. And you obviously served those folks very admirably. Do they want you to be their representative?

FARIAS: Well, they have reelected me three times. So, I believe that I have done my due diligence with the folks out there.

WALLE: And is it safe to assume that—that just if we are now talking about democrats and republicans—we're not going to get into that, I'm not going to get into that—those boxes in that area have supported you; is that correct?

FARIAS: Yes, they have in that whole area. And I did give up a lot of the Summer Shed, if you're not familiar with it, and I gave a lot of the rural community that I represented. And you might not want to talk democrats and republicans and I didn't either. I didn't bring that up. But I assure you I know the folks out there and Mr. Garza will probably be better off not having those precincts.

WALLE: And how many terms has Mr. Garza served?

FARIAS: He's a freshman.

WALLE: Thank you.

REPRESENTATIVE VILLARREAL: Joe, thank you for bringing your amendment. I know this is not a partisan issue with you. This is about communities of interest, isn't it?

FARIAS: Exactly.

VILLARREAL: And these are neighborhoods and communities that you have represented for many years and have come up here to Austin and worked on many issues for them?

FARIAS: For three sessions and I continue to as we speak.

SOLOMONS: Let me just explain what I think are some relevant issues to this. First of all, the amendment—the Bexar County map was at least initially agreed to and voted on by a majority of the delegation, does not have the agreement of all affected members. The proposed District 117 was drawn to bring together rural and suburban communities and interests in south and west Bexar County. The amendment as proposed creates a jagged and awkward line that divides these communities and creates an island along I 37 that connects to the west of the district by only a tiny strip of land. And a proposed map cleanly follows the proposed map as it exists today, follows the Medina River, a natural barrier that divides the rural and urban counties—communities in south Bexar County. The amendment reduces the compactness of both 117 and 118. It increases number of split precincts in District 117 from one to seven and in District 118 from nine to fifteen, and increases the number of split VTD's in District 111 from one to seven and in District 118 from 10 to 15. It does have a negative impact on District 117;

republican numbers. It is a district that—it goes from—let's see—pretty much—that's pretty much it. I guess the will of the house—I'm going to make a motion to table but it really will become a matter for the will of the house, I suppose, but I'm going to oppose it because of the reasons stated. It's trying to lay out what I think the amendment does in connection with compactness and increases the split of precincts and increases the number of split VTDs.

FARIAS: Mr. Speaker, members, this is about a neighborhood who is extremely poor. And I would not be a good representative if I was not up here fighting for those folks that I've represented for the last six years. That's all I'm asking for. I'm not asking for new territory. I'm asking for an area that I represented for the last three terms. And so, as y'all take the vote, please, consider that this is just about a sliver of southern Bexar County which doesn't include a lot of houses, but I'm here because I want to go back to those folks and be able to tell them that I stood up at the front mic and argued my point to keep them and be able to represent them. So I ask that y'all vote on my behalf and on behalf of the people that I represent and I've represented for the last six years is all I'm asking for. This isn't about democrats to me, it's not about republicans. It's about the area that I've had for years. And so with that, I ask for your support.

[Amendment No. 2 was tabled.]

[Amendment No. 3 by R. Anderson was laid before the house.]

[Amendment No. 4 by R. Anderson to Amendment No. 3 was laid before the house.]

REPRESENTATIVE R. ANDERSON: Thank you, Mr. Speaker, members. This is a difficult day for, for those of us in Dallas County, especially those of us who have been paired. And, quite frankly, I want to say this amendment seeks to amend the layout of Dallas County but I cannot tell you how appreciative that I am to the committee and to Chairman Solomons for his leadership. But this draws me into a district that pairs with me a very good friend, Linda Harper-Brown. I believe that the district that is as it is currently drawn in the committee map is a fair and legal district that could be won by either Representative Harper-Brown or myself after a very difficult primary contest. But that being said, I believe there's another way to keep the core districts and communities of interest together. It keeps Mesquite, Garland, Richardson, Carrollton, Addison, Irving and Grand Prairie predominantly intact. It also reflects the diverse neighborhoods that are located within the city of Dallas. And like the committee map it keeps African American and Hispanic communities of interest intact. Like the committee map, it keeps seven republican districts above fifty-two and a half. But the four districts with lowest republican voting strength in this map—

GIDDINGS: Representative Anderson, if this amendment should go on, what effect does it have, if any, does it have on the rest of Dallas County?

R. ANDERSON: It is very similar in lay out for the majority of Dallas County for most of those—most of the districts on the west and the south. It predominantly—what this does, it does pair members on the north and east

portion of the county. Whereas, right now we have Representative Harper-Brown and myself that are paired, this map would pair Representative Sheets with Representative Hartnett, would also, would also pair Representative Driver with Representative Button.

GIDDINGS: The, the other question that I have, Representative Anderson. There's only one district in Dallas that had an overage.

R. ANDERSON: That was yours, correct?

GIDDINGS: That was mine. That is certainly a district that is a community of interest and has demonstrated so in so many ways. What does your map do to District 109?

R. ANDERSON: District 109 has a deviation of 1.2 percent so the—it shows a 2047 increase. So, you are still above deviation as well as the percentage of African American and Hispanic voters. It's still very similar.

GIDDINGS: Thank you. In terms of the district, what percentage of District 109 would be left intact? I had a conversation with a member just a little bit earlier today, they said that if you have too many shoes in your closet and you decide to give some away to charity, you don't then intend to go and acquire some new ones. So how much of the district that I represent would be lost under your plan?

R. ANDERSON: I do not have a specific number, the only—there are two precincts in Cedar Hill on the west side of Highway 67. There are some precincts on the west side of I 35 that in order to make all the map fit—in order to make everything meet Voting Rights Act, etc.

GIDDINGS: Representative Anderson, I think I well understand what you are trying to do and, and to some degree I have some sympathy with that. But in terms of representing my district, you probably know that Cedar Hill, Lancaster, DeSoto, Duncanville, consider themselves under a label called "Best Southwest."

R. ANDERSON: Correct.

GIDDINGS: And they are in fact a community of interest. They generally act in concert as it relates and work with the legislature and so forth, and so any actions that I take in terms of District 109 will have to keep those communities of interest together, and I hope you understand that.

R. ANDERSON: Ms. Giddings, I absolutely understand that, and that's why the only adjustment really was that west side of Highway 67 of Cedar Hill that operates a little bit differently than the other side.

REPRESENTATIVE HARPER-BROWN: The amendment that you are drafting, does it still put Irving into four different districts?

R. ANDERSON: Does it put—hang on just a minute. I'll tell you. No, ma'am, it does not. It puts it in three different districts.

HARPER-BROWN: And Garland, does it put them in three or four different districts?

R. ANDERSON: Garland is in two—Garland is in three.

HARPER-BROWN: Three districts, and Mesquite ends up in three districts?

R. ANDERSON: Mesquite ends up basically intact.

HARPER-BROWN: All right. It still pairs two different sets of republicans—

R. ANDERSON: Yes, ma'am.

HARPER-BROWN:—Sheets with Hartnett, and Driver with Button.

R. ANDERSON: Yes, ma'am.

HARPER-BROWN: Does it move District 105, which is the district I currently hold right now, it moves into five cities, did you realize that?

R. ANDERSON: It still keeps Irving and Coppell predominantly in your district. I do believe it catches a piece of Dallas and catches a small piece of Farmers Branch.

HARPER-BROWN: And of Lewisville. It also picks up Lewisville according to Leg. Council. So now District 105 which is totally within the city of Irving and has an Irving representative, which is what they want in Irving, will now represent part of Dallas, part of Farmers Branch, part of Lewisville, part of Coppell, and a part of Irving.

R. ANDERSON: But does it keep the majority of Irving intact in your district?

HARPER-BROWN: It does keep a majority of Irving intact, but it also creates a large portion of Coppell, it's not all of Coppell now into the same district, whereas, District 105 does not represent any of Coppell right now.

R. ANDERSON: And, again, what we tried to do in this map was to create the strongest districts that were fair to all concerned.

HARPER-BROWN: Which is what my amendment would do too only it does not affect everyone else in Dallas. It only affects the west side of Dallas.

R. ANDERSON: It would absolutely affect those of us south of you.

HARPER-BROWN: And then does it decrease any of the minority districts in your map?

R. ANDERSON: Not that I'm aware. We took great pains to try and avoid that.

HARPER-BROWN: Okay. Thank you.

REPRESENTATIVE DRIVER: Representative Anderson, I'm sure you know that I've represented northeast Dallas County for some 18 years. And you may have noticed on the map that came up that I lost almost all of my core city. The town that I grew up in, the town that I've worked in, the town that I have represented. Town that I've lived in for over 50 years, the town that I've worked in for almost 40 years, and all of a sudden under the new map they thought fit to take my core interest of Garland and cut it in two and just leave me, drive me all the way down the right side of Dallas County—

R. ANDERSON: Yes, sir.

DRIVER:—with no explanation, no reason for it, other than the fact that some people wanted parts of the city of Garland. Some of the members, you may know, have gotten a few phone calls. A few phone calls and emails from the city of Garland, representatives from the city council, from the different citizens out of Rowlett also. Rowlett has been in my district for almost 18 years. Also a huge core of interest—community of interest. And under your map it puts these communities of interest back together for those cities to be able to be represented in a better way in your interest, right?

R. ANDERSON: That is correct. In fact, that was one of the things that I was attempting to do, not only for the cities of Garland and Mesquite but also for the city of Irving, so that they retain the representative that had primary responsibility for Irving, one that had primary responsibility for Grand Prairie, one for Richardson. You know these communities that have been represented for numbers of years, that they still have that representation and if they are not cut into numerous different sections.

DRIVER: It's a unique concept. I want to make sure that you knew how much I appreciate you settled down in talking with me about what my community of interest needed. And I want to make sure you realize that that did not happen when the Dallas County map was drawn up.

R. ANDERSON: Well, I can't speak for the committee. I know the committee worked incredibly hard to create a fair map that will pass muster. I believe that it does. But I believe that what this map does is this map puts true communities of interest together. It keeps core constituencies together. It doesn't—in my case, in the proposed map, the city of Grand Prairie winds up with up to—between—we have five—three in Dallas County, two in Tarrant County, one in Ellis County. So we already have a number of representatives. I saw maps early on that put it in as many as nine different districts.

And what I'm attempting to do for all of the cities within Dallas County is to keep those core constituencies together, and also to create a map that is fair to both democrats and republicans. This map shows that of the eight republican districts and this is something that everybody needs to hear. In Dallas County of the eight republican districts under this map, six of the eight are stronger. Six of the eight are stronger republican districts. Now mine is not. Mine goes to the—the district that I'm in goes from 52.7 and drops back to 51.6, based on the McCain-Obama election. And the reason I am doing that is because I think it's the right thing to do. I've been sent here to represent the citizens of Grand Prairie and south Irving, and that's what this map attempts to do.

DRIVER: I appreciate it, and I appreciate you doing that. But most of all I want to express my appreciation of you working with me because Chairman Solomons mentioned a while ago that this was a member driven map, and I think he thinks that may be for the entire of the State of Texas. But for the Dallas County when you don't have any input into your own county and input into protecting your core interests, your city, your citizens, the people you represented for 18 years, I appreciate you at least giving me the chance to.

REPRESENTATIVE JACKSON: I heard you say that this maintained Irving and Coppell in Representative Harper-Brown's district. Are you aware that Coppell is not in Representative Harper-Brown's district?

R. ANDERSON: It current—right now, it is not. Under this map it would be.

JACKSON: Do you know whose district it's in?

R. ANDERSON: That would be Mr. Jackson's.

JACKSON: And do you know that Mr. Jackson would like to keep Coppell?

R. ANDERSON: I understand that Mr. Jackson would like to keep Coppell.

JACKSON: I appreciate what you are trying to do, I just don't agree with it.

R. ANDERSON: I certainly appreciate that and I—

JACKSON: It messes with a lot of people up north.

R. ANDERSON: It does, but it also creates stronger republican districts throughout Dallas County and not just for individuals.

JACKSON: I don't necessarily agree with that and—

R. ANDERSON: And yours and mine are both weaker than what they were under the committee map.

JACKSON: Well, I will tell you that the district that was drawn for me is not the one I would draw for me.

R. ANDERSON: Yes, sir.

JACKSON: But I have agreed to give it a—but I have already given, Representative Anderson.

R. ANDERSON: I understand, sir.

MARTINEZ FISCHER: Representative Anderson, I was curious. I was looking at your plan and I wanted to know if you are aware that House District 104 that belongs to Representative Rick Alonzo has a current SSVR which is a Spanish surname voter registration, today at 58.3 percent and under the proposed Solomons' map that SSVR drops to 50.1 percent, but it's still above the 50 percent threshold for the purposes of the Voting Rights Act. I wanted to make you aware or ask you if you are aware that your proposed plan reduces Alonzo's SSVR to 45.5 SSVR?

R. ANDERSON: I did not see that one individually whenever I looked at it from a voting rights standpoint. What I understand the rule to be is that it is looked at a macro basis it is not looked at a micro basis on an individual district by district analysis.

MARTINEZ FISCHER: Okay. If looking at your amendment at a macro level, do you create any additional minority opportunity districts?

R. ANDERSON: We do not create any additional. We leave the—we've attempted to leave the ones that are currently in existence there. We looked at representative—in House District 104. House District 104, when we originally

drew it, had a—was over 90 percent African American and Hispanic. That was too high. We pulled it back to where I believe it is 86, right around that 85 number.

MARTINEZ FISCHER: Okay. Well, if at that macro level if your plan doesn't create an additional minority opportunity district, I think we know that the Solomons' plan speaks for itself and doesn't do that either then there is the potential that with your map, at least as it pertains to Representative Alonzo, that it could have a retrogressive effect. And I didn't know if you were aware of that.

R. ANDERSON: I appreciate you bringing this specific number. We attempted to avoid any form of retrogression at all. I think you can tell from the testimony—what I have been up here saying, we attempted to keep communities of interest together. That is what we were attempting to do. If we didn't do it 100 percent, I am—I would be happy to accept floor amendments.

MARTINEZ FISCHER: And I would defer. This is a Dallas County issue. I am concerned about the overarching voting rights implication—

R. ANDERSON: Yes, sir.

MARTINEZ FISCHER:—no matter where it is in the state, but I imagine that the Dallas delegation probably should confer about this. And I defer to Representative Alonzo, and then the groups you have been—the members you've been working with, but I just had to raise that with you because it certainly hit my radar.

R. ANDERSON: Thank you.

[Amendment No. 4 was adopted.]

TURNER: Representative Anderson, it just came to my attention and let me get your comments on this, it says that amendment 220 would eliminate two African American opportunity districts. True or not true?

R. ANDERSON: Not true.

TURNER: And explain, because that's the information that I'm getting.

R. ANDERSON: The Districts 109, 111, 110, would still be African American opportunity districts.

TURNER: Are the numbers being reduced in anyway?

R. ANDERSON: Not that I'm aware of.

TURNER: And do you know what the numbers are presently in terms of—

R. ANDERSON: I don't have it up here with me, sir.

TURNER: Okay. All right.

Y. DAVIS: Representative Anderson, I know you've been trying to figure out Dallas County, and I applaud you for your efforts. Tell me what your plan does to District 111 and 109.

R. ANDERSON: In which respect?

Y. DAVIS: In terms of the movements that you made in our district.

R. ANDERSON: As it pertains to a specific precincts or as it pertains to an African—or as it pertains to the black and Hispanic percentage?

Y. DAVIS: As it relates to areas, communities, and as it relates to the population.

R. ANDERSON: As it relates to areas in 109, we remove—excuse me, in 111 we moved the southwest portion of Cedar Hill, on the west side of 67, we moved it to House District 106, excuse me, House District 107 on this map.

Y. DAVIS: Okay. It didn't come from District 111. It came from 109?

R. ANDERSON: I'm sorry, it did. It came from 109.

Y. DAVIS: Okay.

R. ANDERSON: District 111 we left predominantly intact, we had some of the Mountain Creek area that went to Representative Alonzo.

Y. DAVIS: Are you familiar with that Mountain Creek area? And I assume you are.

R. ANDERSON: Yes, ma'am, I am.

Y. DAVIS: Okay. So when you move Mountain Creek area to 104, didn't you destroy communities of interest? Because where you had to put it in 104 aren't you removing it where the communities of interest are with the other parts of Mountain Creek, versus what's currently in 104?

R. ANDERSON: No, ma'am. Whenever—

SPEAKER: Representative Bonnen raises the point of order. The gentleman's time is expired. The point of order is well taken and sustained. Chair recognizes Representative Hartnett in opposition.

REPRESENTATIVE HARTNETT: There has been a lot of work among Dallas County members on our map. All of us have had a lot of input and discussion in this over the last few weeks. I appreciate what Rodney is trying to do, but it has a chopping effect on a lot of communities of interest. For example, in my district, it destroys my north Dallas district that's been in with east Dallas—

DRIVER: Mr. Speaker?

SPEAKER: Mr. Driver, for what purpose?

HARTNETT:—I have never represented for.

DRIVER: Could I ask the gentleman a question?

SPEAKER: Mr. Hartnett, do you yield?

HARTNETT: I yield for one question. Yes.

DRIVER: Sir, in your opening statement, you said that this was a lot hard work for the Dallas delegation. When I—

HARTNETT: I didn't say Dallas delegation, I said members of the Dallas delegation.

DRIVER: Okay. Excuse me for not being exactly correct. But when you say that don't you imply that everyone was involved in the discussion?

HARTNETT: Well, my understanding is that every one of us has talked about this map quite a bit.

DRIVER: Well, Dan's map?

HARTNETT: No. About the Dallas County map that has been Solomons' **HB 150**. All of us spoke at length with Burt about the map. And so, I was just making the point that there has been a lot of work and discussion that's gone into the map. I am not saying everybody agrees with it by any means.

DRIVER: I just got the impression, when you laid that out it seemed like you were trying to say that a lot of people had input into the map that was dropped in.

HARTNETT: Well, I think all of us had input, now that doesn't mean that the map was drawn the way we wanted.

DRIVER: I would have to disagree with your statement that all of us had, since I did not, in my communities of interest for the ones that got cut up. Now maybe that was by design, maybe it wasn't, but when your community of interest gets cut up, and you don't have any input into the map that was dropped in, I don't think it needs to be implied to the house that there was a lot of participation in the map that was dropped in. I just want to point that out. Thank you.

HARTNETT: Obviously, I don't know who all Burt talked to, but I know there was a lot of discussion by all of us, and as far as my district, it destroys my north Dallas community of interest, puts me in with east Dallas that I have never represented in my 20 years. It also puts me into Garland, which I've never represented in 20 years. So I urge you to reject the Anderson map.

HARPER-BROWN: I'm, please, going to ask you to vote against the amendment or for the motion to table as this District 105 which is wholly within the city of Irving right now, will now be spread into five different cities. It will go into Dallas, Farmers Branch, Lewisville, Coppell, and Irving. And as far as our community of interest, the City of Irving would like to keep the District 105 as much in Irving as possible. So, please, support the motion to table.

MARTINEZ FISCHER: I will not start to make you think that I'm a member of the Dallas County delegation. I'm not. We have a better basketball team in Bexar County. Nevertheless, nevertheless, we will help where help is needed. I rise because I am concerned about the implications on voting rights, and I know that I told members of the Mexican American Legislative Caucus that I would rise when I felt the need that we needed to be concerned about voting rights and this particular instance, as it pertains to Hispanic opportunity districts, it does reduce a protected SSR district in 104, Representative Alonzo. It takes from a 50.1 percent of the Solomons' plan down to a 45.5 percent under the proposed amendment. That is unacceptable to the Mexican American Legislative Caucus. I also know that there's some impact on the African American community. And I defer to the chair and the members of the Texas Legislative Black Caucus to voice those concerns. I know they have already been reiterated on the mic, but for that reason

I would ask the members that are concerned about voting rights to vote to table the Anderson amendment, respectfully.

JACKSON: Mr. Speaker, members, on being up in the corner of the county, I kind of feel like an innocent bystander, until this map came up, and now become a victim. And I don't like being a victim, so I would encourage you to either vote against this map or vote for a motion to table. Thank you.

REPRESENTATIVE ALONZO: I thank Representative Martinez Fischer to join us in this effort. I think one of things that we've heard throughout the state and definitely today, is the issue of voting rights. The reason we deal with that is because, as I said throughout the debate, we are going to do what's fair and what's legal. Right now with this vote, you are taking a legal position on the Voting Rights Act. An example that Representative Martinez Fischer pointed out, when you take the SSR from 58 to 50 to 45, you're decreasing the opportunity for a minority to get elected. In this case, me. So just to put a face to the law, this is it. I ask you to vote no on the bill and vote for the motion to table. Thank you.

REPRESENTATIVE BRANCH: In addition to some of the legal concerns that have been raised, and I appreciate Representative Anderson's efforts—he's been in a tough position and I know he worked hard on this. But there are legal concerns, and it doesn't have the agreement of the members, or majority of the members, like we do on the other map. So, I would respectfully concur on the motion to table.

SOLOMONS: I think you've heard the dialogue and discussion from a variety of members, and I'm going to move to table only on that basis that there appears to be a number of members against it. And you all will have your opportunity to decide. There is something to be said about the SSR—SSVR reductions in the black voting age population reductions, and there is some concerns on that basis and legal risk, but I think the members will make their decision but I'm going to move to table.

R. ANDERSON: Thank you, members. I respectfully disagree with some of the—I want to say testimony, but with member's statements up here. This map that we've drawn is what I call the statesman's map. Because it maintains the majority of seats with their core districts intact. It combines districts that have had large population losses, instead of dramatically changing representation throughout all of Dallas County. It keeps communities of interest together. It keeps African American and Hispanic communities together without unnecessarily dividing physical communities. To my republican colleagues, why is this important to you? The specifics are in the numbers, but if you exclude one district, the one that I currently represent, six of the other seven districts currently represented by republicans in Dallas County have equal or stronger districts under this map than the committee map.

DRIVER: Representative Anderson, was it your understanding that when we started to take up the redistricting process, the community of interest, was it extremely—supposed to be an extremely high priority?

R. ANDERSON: Yes, sir.

DRIVER: I just wanted to make sure that the rest of the house realized that. Thank you very much.

R. ANDERSON: Thank you.

[Amendment No. 3, as amended, was tabled by Record No. 569.]

CHAIR (Sheffield in the chair): Members, we're moving onto the last Dallas County amendment, and it's Plan 219.

[Amendment No. 5 by Harper-Brown was laid before the house.]

ALONZO: Mr. Speaker.

CHAIR: Plan 219.

ALONZO: Mr. Speaker.

CHAIR: Representative Alonzo, for what purpose?

ALONZO: Parliamentary inquiry, Mr. Speaker. Mr. Speaker, I just want to make it clear that we've already established it had debate that we are having, that's going to be put on the journal; is that correct?

CHAIR: That's correct.

ALONZO: In addition to that I just want to make it clear that in my position opposing the Anderson plan, that it was because it decreased for Hispanic opportunity districts, especially in District 104, and I would like that to reflect on the record. Thank you, Mr. Speaker.

HARPER-BROWN: Members, this amendment will keep more of the city of Irving in the 105th District and allow District 115, which is Jim Jackson's district, to encompass the city of Carrollton and the city of Farmers Branch. Otherwise, it was my intent to change as few districts as possible in Dallas County. The amendment protects the community interest of these cities, and also improves the compactness of the districts effected. And Representative Jackson agrees with me—is in agreement on this amendment. And I move passage.

GIDDINGS: Representative Harper-Brown, District 109 is a district that is strong in terms of it's being a community of interest; additionally, the governmental entities in that area tend to move together. As a matter of fact, they call themselves "Best Southwest," you are aware of that?

HARPER-BROWN: Yes.

GIDDINGS: And the district that I represent, District 109, what does your map do with the core of this district? District 109 is the only district in Dallas County that had an excess population, which the common sense theory would say that it should not be acquiring any new population, but just giving up some population. So what does your map do?

HARPER-BROWN: It still has 109 in Cedar Hill, DeSoto, Lancaster, Hutchins, and Wilmer.

GIDDINGS: Okay. Grand Prairie, as I understand it under your map, some of Grand Prairie is brought into this district, and Grand Prairie is not a part of the so-called "Best Southwest."

HARPER-BROWN: It may be. Grand Prairie may be. There may be a small piece of Grand Prairie in your district, but not a very large portion of it.

GIDDINGS: Okay. I think your map destroys the core of District 109, which is a minority opportunity district. It is very definitely a community of interest. It has the highest voter participation of any state representative district in Dallas County. In any of Dallas County. And it is the only district with an overage. And so, I understand what you are trying to do, Representative Harper-Brown, but I would have to oppose your map, based on being a void for "Best Southwest" and the rest of District 109.

HARPER-BROWN: And I appreciate their standard and would say though your "Best Southwest" cities are still included in your district.

R. ANDERSON: Representative Harper-Brown, may I ask, no more than ten minutes ago, you were talking about communities of interest for the city of Irving, correct?

HARPER-BROWN: That's right.

R. ANDERSON: And what happens to the community of interest of Grand Prairie in your map?

HARPER-BROWN: I don't believe that the community of Grand Prairie is set up as badly in this map as it was in the original map.

R. ANDERSON: So, in other words, you are saying it's still cut up significantly.

HARPER-BROWN: I'm not sure if it is set up—so I can agree that it's—

R. ANDERSON: How many districts does Grand Prairie—the Dallas County portion of Grand Prairie, divided into in your map?

HARPER-BROWN: Let me look. I believe it's set up into three.

R. ANDERSON: Okay. Do you have a portion of Grand Prairie in your map?

HARPER-BROWN: Yes.

R. ANDERSON: Does Representative Alonzo have a piece?

HARPER-BROWN: Yes, I believe he does.

R. ANDERSON: Does Representative Anchia have a piece?

HARPER-BROWN: Yes.

R. ANDERSON: Does Representative Davis have a piece?

HARPER-BROWN: That one I'm not sure about.

R. ANDERSON: And does Representative Giddings have a piece?

HARPER-BROWN: She may.

R. ANDERSON: So, in other words, it gets cut into five pieces in Dallas County.

HARPER-BROWN: That may be true, I'm not sure.

R. ANDERSON: I'd like the record to reflect it cuts the 15th largest city in Texas into five pieces in Dallas County. Plus it also—remember Grand Prairie also has two in Tarrant County, one in south—in Ellis County. So we now have seven people representing Grand—where would the representation from Grand Prairie come from?

HARPER-BROWN: I'm not sure.

R. ANDERSON: Okay. So it would come from either—from yourself, as well as the other. It's coming from somewhere other than somewhere in Grand Prairie, correct?

HARPER-BROWN: I'm not sure if she was still living in Grand Prairie—

R. ANDERSON: Okay. And the other question is, are you aware that Grand Prairie is the fastest growing city in Dallas County?

HARPER-BROWN: No, I was not.

R. ANDERSON: Okay. It is. It's growing fast on the southwest point. Do you think that Grand Prairie is a community of interest?

HARPER-BROWN: All I know is that this amendment is fair and legal and I request the members to—

R. ANDERSON: So, in other words, you believe that Irving is more important than Grand Prairie, correct?

HARPER-BROWN: That's not what I'm saying. I'm saying that the—

R. ANDERSON: Irving is a—

HARPER-BROWN:—Irving is what I represent and I'm—

R. ANDERSON:—just like I represent the city of Grand Prairie, correct?

HARPER-BROWN:—and I continue to represent Irving, have the 105th District within the city of Irving.

R. ANDERSON: Okay. And so what will happen to that portion of Grand Prairie that you represent if you continue to represent Irving?

HARPER-BROWN: Well, I want Irving to have the majority of the district and the City of Grand Prairie will have a small portion. As a matter of fact, there is 11,000 people outside the City of Irving that will be represented. They will be represented by someone that cares about them as much as they do the rest of their district.

R. ANDERSON: Just like I am trying to protect the city of Grand Prairie, correct?

HARPER-BROWN: And I understand that.

R. ANDERSON: Thank you.

Y. DAVIS: Representative Harper-Brown, you just indicated to me that your amendment only affected, or you led me to believe that your amendment only affected you and Jim Jackson, but that's not exactly true; is that correct?

HARPER-BROWN: No, that's right. And that's not my intention to infer that. My intention was that the majority of the change is within Jim Jackson's district and the 105th District in the original map.

Y. DAVIS: But what you did to 111 is pretty substantial, wouldn't you say? You make a big change in District 111 as it relates to what the impact does—your amendment does.

HARPER-BROWN: I don't believe it was a substantial change to 111, but it was a change to 111.

Y. DAVIS: Okay, but when you were talking to me you didn't tell me you made a change to District 111. Also, does your amendment have the effect of making Ms. Caraway's district Hispanic majority versus African American majority?

HARPER-BROWN: I believe that the amendment is legal and keeps—

Y. DAVIS: No, no, No. We can't determine the legality of it because it hasn't be challenged. But the question is, did you in fact change the district from a majority African American based on your amendment to majority Hispanic?

HARPER-BROWN: I can't—I'm not sure about that. I'm not sure what the majority is—I'm not sure what the majority currently is.

Y. DAVIS: Okay. Okay. Your map—your amendment right now, what's the majority of that district now? Based on your amendment, what is it, what is it currently?

HARPER-BROWN: Just one second. Just one second, if you would.

Y. DAVIS: I don't want to use up everybody else's time so I'm going to ask you another question as you are thinking through that. I know the answer to my question is that it becomes the majority Hispanic district versus African American, but as it relates to District 111, did you in fact add another community that has nothing to do with District 111. Did you add another city?

HARPER-BROWN: I'm not sure how it compares to what you have now on 111 but on 111—on 110, it is a 39.6.

Y. DAVIS: No, I didn't ask you about the numbers on District 111. I asked you about the numbers of 110 as it relates to the population. But now I'm talking about geography in District 111, and communities of interest. Did you add a different community to that district?

HARPER-BROWN: If it goes into—Grand Prairie is added to that district.

Y. DAVIS: And so, that would be, in fact, adding a totally new community, wouldn't you say?

HARPER-BROWN: Yes.

Y. DAVIS: I want to just rise against this amendment. First of all, Ms. Harper-Brown said that this amendment did only move her in prearranged discussion between her and Jim Jackson, when in fact this amendment goes way beyond that; it impacts a lot of our districts in the southern sector. She in fact pairs me and Representative Anderson's district, so she puts an entirely new neighborhood and community of interest in District 111. It's never been part of District 111. So to the extent that it has the appearance of being retrogressive—it creates a minority district—changes it from African American to Hispanic, which we believe means it is retrogressive. We have to oppose this amendment. And I would move to vote against this amendment.

R. ANDERSON: I was up here 15 minutes ago and talking about saving communities of interest throughout Dallas county, trying to be as fair about the distribution as possible. One of the arguments against that was that one individual representative had picked up some additional cities. Now, this same representative is trying to protect one individual city in the city of Irving. Whereas, what I was attempting to do is to protect all of the communities of interest. Truth be told, I don't have a problem. I greatly appreciate what the committee did in drawing districts in Dallas County. I came up and argued my point for the city of Grand Prairie, what we—where we are now is, I will support Dallas County as it pertains to the committee map and I urge you to do so, as well, and to vote against this amendment.

JACKSON: Members, this is difficult stuff, I know. And you know, I really want the city of Addison back in my district. I know I can't have it. This amendment puts some stuff in the district I represent that I really would rather not have. But it's an amendment I can live with, that I believe—

TURNER: Brother Jackson, does this amendment pair? Does it pair Representative Davis with someone?

JACKSON: I'm not aware. I can only speak to the district I represent, and the district that Harper-Brown represents.

TURNER: But in terms of—but you are not aware whether it's going to pair—

JACKSON: I'm just going to speak on my perception of what it does in the area that I represent. You will have to leave that other issues for someone else because I really don't have the information.

TURNER: Right, but you do recognize that the amendment impacts not just your area, but others, as well?

JACKSON: I have heard that.

TURNER: Okay, then I will wait for someone else.

JACKSON: And as I said, I know it impacts some other districts, I just don't know exactly how. But it impacts the district I represent, too, and in fact it impacts it in some ways I would rather probably not impact it. But I know that sometimes you have to give—sometimes, as I said earlier, I thought I was an innocent bystander until I saw last map then I discovered that I was a victim. In this case I'm not quite a victim but I think what I give here is for the major good

of others. So I'm certainly willing to do it and I intend to support and vote for this amendment, and I hope that you will do so, also. Thank you.

REPRESENTATIVE ANCHIA: Mr. Speaker and members, I just want to talk really quickly about a couple of things that this map does to District 103 which is the district I represent. It moves me completely out of Carrollton and Farmers Branch, which I represented from the beginning of my service here. But more importantly what it does is that it reduces the Spanish surname voter registration in the district that I represent, and I think that's problematic, and it's something that the author of this amendment didn't talk to me about or any of the other members that this amendment affects. It seems like the author drew the minority districts in this map without talking to the minority members of the delegation. I think that's problematic, and I hope that you would prevent the reduction of Spanish surname voter registration in the district I represent by voting no on this amendment. Thank you.

CHAIR: Chair recognizes Representative Solomons to speak on the amendment.

TURNER: Representative Solomons, does this amendment, as far as you know, is it pairing Representative Davis with Representative Anderson?

SOLOMONS: Yes, it does.

TURNER: And is that different from what is presently existing in **HB 150**?

SOLOMONS: Yes, sir. What the amendment does is, Ms. Harper-Brown, Representative Harper-Brown, redrew the entire—almost—a large part of the west side of Dallas County different from what is currently before you under the current map.

TURNER: Does it reduce African American representation in the district?

SOLOMONS: There doesn't seem to be a legal problem in connection with that—now it does effect Representative Anchia's district problematically, there is some—

TURNER: Does it reduce the number of African Americans in the district?

SOLOMONS: Well, I don't know if Representative—the number of the—in Representative Anchia's district or Ms. Davis' district?

TURNER: In Representative Davis' district.

SOLOMONS: I can't—I don't have anything that tells me that.

TURNER: Is that not important on the—

SOLOMONS: It may be important, but I don't have it right here and I don't want to speak out of turn and say it does. I think what is does do is, it breaks up Grand Prairie far more than what the original map does. It redraws the west side of Dallas County. It reduces Representative Anchia's SSVR numbers problematically simply but not enough for Leg Council to have an over-concern and—

TURNER: What about—

SOLOMONS:—it's clear to me from the debate that there are members in Dallas County that may like it, and there's members that really don't like it, and it does take Representative Anderson and move him into Ms. Davis' district.

TURNER: What about Representative Barbara Mallory Caraway? Does it change the makeup of her district from being an African American district to less of an African American district?

SOLOMONS: Unfortunately, unless you want to give me a break to go find out more about that, I don't have the answer to that. I don't want to speak as if it's affirmative and it's absolute unless I really know what those numbers are.

TURNER: And the reason why I'm asking, because—

SOLOMONS: Well, we may actually get some here. When you say that, somebody always wants to come up and help, and that's a good thing.

TURNER: Right. If you would look at the numbers to tell us whether or not the numbers in Representative Barbara Mallory Caraway's district are negatively affected.

SOLOMONS: Apparently, Ms. Giddings, in trying to help, has pointed out that the SSVR is reduced in Ms.—in District 110.

TURNER: And that's Representative Barbara Mallory Caraway's district, which is an African American—

SOLOMONS: Yes.

TURNER: And the reason why I ask is, that it's my understanding that you are speaking on the amendment and not against the amendment.

SOLOMONS: Well, I'm speaking on it, but one of the things that I wanted to make it clear was that I wanted to lay out what I thought the problems were. Partially, with this particular amendment, one of the reasons I probably don't have as much information as I might have on another amendment is because it didn't appear—it didn't pose any legal problems for me to have to do that. It was really going to be up to the members in Dallas County and the rest of this body as to what they really wanted to do on this.

TURNER: Does it now appear after receiving the information that it does pose a legal problem on, specifically—

SOLOMONS: It imposes a reduction, whether it's problematic or not, I don't know.

TURNER: Well specifically, as it relates to retrogression, because now you have three people that are specifically speaking against it; Representative Anchia, Representative Davis, and Representative Barbara Mallory Caraway's district that's been affected. And the numbers in the districts are reduced from what they are even under **HB 150**. I mean, does it now appear, based on the information before you, and based on your information in your own map, that this amendment produces retrogression?

SOLOMONS: I was advised that it poses no legal problems on its face. It doesn't mean that the underlying portion might not have some issues. But it doesn't seem that—you know—if legal counsel and Leg Council had said this is retrogression, absolutely this is a problem or creates unreasonable risk, it would—I would have been happy to say that. They apparently didn't—whatever the changes are appear to be in some sort of range that they don't feel like it is a severe legal problem, and I would need to bring it to the attention of the house or for the members to know about.

TURNER: Mr. Chairman, do you need time to visit with your legal counsel? To see whether or not the amendment adversely affects Representative Barbara Mallory Caraway's district, Representative Davis' district, Representative Anchia's district—

SOLOMONS: If you want me to be accurate, and the body wants me to take a few minutes to do that, I will be happy to do it.

TURNER: No, Representative Solomons, I simply would like you to—

SOLOMONS: I would. Actually I don't mind doing that because I want to have as accurate information as I can for the body on these amendments.

TURNER: And I'm simply—

SOLOMONS: If you're okay with me doing that, I'm okay with me doing that.

TURNER: I simply do not want amendments or a map on the floor that brings about retrogression. That's specifically my point. And I don't want to—I don't want the members to be voting on an amendment or a map that reduces the representation of African Americans on this floor. Now, if it means taking more time to visit with your lawyers, I suggest that you do that because a lawyer—being a lawyer of 30 years, I see retrogression.

SOLOMONS: Guess what. I think that I just asked and got permission that it would be nice, number one, for me to take about a five or ten minute break, number one. Number two, it would probably be helpful anyway based on today. So, if you want to, we—

TURNER: Do you want to pick it up tomorrow morning?

SOLOMONS: No, I'd actually like to—I don't want to have to wear this suit again. It's one of my better suits. At the end of the day, I think I'd like to do maybe five minutes, six minutes, something like that, just to verify for the house body, because I do think that it's an important issue, and I agree with the members and I'd be happy to do that.

[Amendment No. 5 was withdrawn.]

[Amendment No. 6 by Harper-Brown was laid before the house.]

SPEAKER: Members, we are back on the Harper-Brown amendment. Chair recognizes Representative Solomons.

SOLOMONS: Thank you, Mr. Speaker, members. Representative Turner and I were talking about some retrogression and if there were issues about Ms. Caraway's district, and we have run some numbers; he and I discussed that, and I'll let Mr. Turner speak to that, as well. But it appears that the percentage increases are very, very minute and not perhaps material although there are some changes.

TURNER: And that is correct from what I saw. There were some changes that did not appear to be material. Mr. Chairman, let me ask one question just to make sure that I'm clear. Were the numbers that I saw, were they numbers that we're comparing to what is existing under **HB 150** to the amendment, or were they numbers looking at where Representative Barbara Mallory Caraway's district is currently, and where they would be under the amendment of Representative Linda Harper-Brown?

SOLOMONS: Those numbers, from what we could gather, the plan that I was showing you was actually her amendment of what it did, as to what they ran. The current numbers are statistically for, say, black VAP under the current—what we exist in today is 42.2 percent. In Plan 153, which is the proposed plan by the committee before the body of the house now, is 42.5 percent. The—there's a change of only .03. Ms.—that's what we actually have now, and it's in District 119, I mean 110. The percentages of any change—although it does change downward, it changes .03—I mean it's like nothing. It's like .03 or something percent—it's very minimal, but there is a change. Now, for those members who have—well, I'll just wait—

TURNER: Okay. So just—so that we are very clear, Chairman Solomons, today when you look at the African American numbers just today, regardless of **HB 150**, today the numbers are I think you said—is it 42 percent?

SOLOMONS: Forty-two point two percent.

TURNER: Okay. And then under **HB 150** it is—

SOLOMONS: Yeah. Plan 153, which is the committee substitute, is 42.5 percent. That's black VAP.

TURNER: And under Linda Harper-Brown's amendment, it would be—

SOLOMONS: Pretty much, it's 42.2 percent, which brings it back to the current plan which we're under now.

TURNER: Okay. Let me yield—

SOLOMONS: But you are talking about voting age versus total? The numbers when you really look at it are—if you look at that it says total and then it says VAP. The totals look like they are 39.6 percent, but the VAP is really 42.2 percent.

REPRESENTATIVE MALLORY CARAWAY: And I do apologize, our chair—for not being here for this discussion—but our chairman for the Homeland Security and Public Security called a meeting to vote, so, I really thank you and appreciate all of you who are speaking on behalf of District 110. So, the numbers

that Ms. Harper-Brown or this amendment is actually promoting is 39.4 percent, and then she said to me that it would take it to 39—up 39.6 percent. So what numbers are what, because you're saying 40, in the 40 range—

SOLOMONS: Well, the primary concern for retrogression is really—I mean all the numbers are important, but one of the things that they look at, I was told, was that you really need to look at the voting age population. That's really a key indicator more than really the totals may be. But when you really look at those—what Ms. Harper-Brown has done is really taken what we had under Plan 153, the one before you, from 42.5 percent back down to 42.2 percent. But that's pretty much where you are today.

MALLORY CARAWAY: Well, under the existing plan, what's the Hispanic—what are the Hispanic numbers?

SOLOMONS: The Hispanic VAPs under the current—under your district, its Hispanic VAP is 41.7 percent. Under the plan that we had was 45.5 percent, and so 3.8 percent negative—3.8 percent positive deviation. And what she's talking about in her plan is somewhere around, oh, I suppose, totally you would have 16.9 or 16.3 percent. What Leg Council is basically saying to us and what the legal guys are saying is that there is a change but it's within a very minute amount that they don't know if it's a retrogression or not. Now, you all may think it's retrogression but—

MALLORY CARAWAY: I do.

SOLOMONS:—it may create issues in court or not. It's something certainly—

MALLORY CARAWAY: Why do we keep talking about the court here? When we—there is—because people—apparently, what Ms. Harper-Brown is trying to do in her particular proposal, she retrogresses District 110 from an African American seat to a Hispanic growth seat, and that is retrogression. And so I don't understand why, even if it's a small or a what you're considering a small deviation of growth, that that merits changing the whole map and a whole—just not impacting District 110 but to accompany other people in the northern part of Dallas County.

SOLOMONS: You know what? Part of this discussion should have been with Ms. Harper-Brown. I am just telling you what I know based on these numbers that the percentages of increased Hispanics is through normal growth. It is not something that's a great addition. What everything—here's what's going on. Our legal people basically believe, and Leg Council says, you know, it doesn't appear to pose any legal problem. Whether or not there's retrogression or not is really up to the courts and it's so minute that they don't think it would be a problem. But then some others might think it is a problem. So, I'm not arguing whether it is or not. I'm telling you I don't know and I don't—and it's so minute that it may or may not make any difference in that context of legalities, of what we all have to deal with in redistricting.

MALLORY CARAWAY: Well, let me ask you this—this should have been a conversation that I should've had with Ms. Harper-Brown at what point? Because according to what you recommended is that representatives should have conversations with people if we're going to change it. The first time saw this was when I walked out of a meeting and you, the body, was discussing the negative impact that it could have on retrogression. So, obviously, this rule-changing or the lack of input—it is a very convoluted process. And it's really dishonest, because when you're asking District 110 to be part of a process and the people who are making these proposals—in fact, I was under the belief that if the amendments had not been—according to what's been instructed with the community, if it had not been agreed to then it wasn't going to be up for discussion, so—

SOLOMONS: Let me just respectfully interject something. Because you've been busy with your committee, you know, everybody is busy going back—you had Homeland Security and some other committees. Ms. Harper-Brown's amendment according to the calendar rule has been out there for a bit, not necessarily just folded up and we just did it this minute, number one. Number two, I actually thought the committee wrote a darn good Dallas County map, and I do think that was based on the input from all of the Dallas County members and, quite frankly, there has been some disagreement. Ms. Harper-Brown disagrees with the map as it exists today. We drew it, we voted it out, we thought it was a good district, a good way to draw West Dallas. Ms. Harper-Brown has redrawn the west side of Dallas. It is up to this body if they want to agree with it or not.

Y. DAVIS: Wait a minute, Mr. Speaker, before you tell me about time, let me ask him a question. Hold on just one minute before whoever wants to call time. Mr. Chairman, one of the earlier questions that I raised and one of the ones that I really need you to clarify from the committee's perspective, is whether or not you all interpret retrogression to not mean that if you flip a district from African American to Hispanic. Isn't that retrogression based on our interpretation from our lawyers with regard to the Voting Rights Act? It says when you flip a district and it has the potential to not elect a neutral person who was in that protected district, it's retrogressive. Now does that—is that your interpretation—is that what the committee is working on or not? Because that's a major issue.

SOLOMONS: I don't believe—I don't know that her amendment—

Y. DAVIS: No, no, No. just answer my question. From the committee, as chairman of the committee, would you answer the question relative to what your interpretation of retrogression as it relates to flipping those districts so we'll know what the committee's position is on how you interpret that?

SOLOMONS: The committee's position is based on and my position is based on what lawyers tell me in the litigation aspect of redistricting that, quite frankly, what you don't want to do is as they do an analysis that you are retrogressing a particular district from a minority opportunity district to choose someone that they want to choose. And so whether or not there's a few more Hispanics or few more black is not necessarily the issue. It is about minority opportunity to choose

someone in a—under the Voting Rights Act—a minority opportunity district. That's all I know about it.

Y. DAVIS: So, it is your position that African Americans seats are not protected, or African American—

SOLOMONS: I didn't say that.

Y. DAVIS: Well, that's what you are—I'm trying to understand that.

SOLOMONS: I didn't say that.

Y. DAVIS: Well, explain it to me then.

SOLOMONS: I didn't say that.

TURNER: Chairman Solomons, and I think we all want to be clear. Can your committee tell us at what point can the African American percentage in any district presently held by an African American be reduced where it isn't considered to be retrogression.

SOLOMONS: With a specific percentage, no.

TURNER: Because—and then I have been told that there is a magical number as relates, for example, to a Latino district where their numbers can be reduced, where the lawyers are saying that is retrogression. Is there a similar determining factor as it relates to African American districts? And if there is not, that's fine. I simply want to know what the answer is. The second question is that if—

SOLOMONS: Well, wait a minute, whoa, whoa, whoa. Let me just tell you what I think the answer to that is what I said before about whether or not retrogression is done and whether or not it actually is. It's not clear on everything that everybody looks at. If you have a magic number in mind and some of the lawyers told you what that magic number is, I bet you I can find another lawyer that says, well it's not exactly that, it could be that, it's probably—it could be something else, as well.

TURNER: If there is a reversal where African American—

SOLOMONS: I'm not opposing the amendment, number one. I understand what you're trying to do in connection with what I think, what you think the committee thinks or thought of at the time, and I appreciate that. I can tell you right now that I don't have an answer, an exact answer. I can tell you if you flip something, you're bound to have it reviewed.

TURNER: Yes.

SOLOMONS: And I don't know what those numbers are, and what that absolute percentage is, or all the factors, but I would suspect just out of common sense and what little legal training I guess I've had over the years, that yeah, if you're going to flip it, you're probably going to have to be under some sort of scrutiny.

TURNER: Well, and precisely the point that we are making here is that with respect to District 110, represented by Representative Barbara Mallory Caraway, where that district had a plurality of African Americans—that district is no longer where African Americans are in, is the number one group, for example—that now

there has been a reversal by virtue of the amendments that are being put forth in this house. And the argument that, and the position that we are taking is, that brings about retrogression as it relates to African American districts presently held by African Americans.

SOLOMONS: I think what you're doing is what every good lawyer does—and in this case, with the concern about how our districts look—that you're creating some reasonable doubt, possibly. Is this going to be something that the courts can look at? My legal people seem to think it's so minute, perhaps not, probably not. On the other hand, your perspective on it might be something that the courts actually say, yeah, it's a little bit more than it should be. I can't answer that right now. It's her amendment. You know, I didn't really expect this dialogue on her amendment as such, and I apologize for that to the membership. But going back and looking at what they're pulling up on her plan, it seems that when you go back on, at least to 2010, 2008 to 2010, and you look at totals of VAPs, there is some change, not for the betterment of what—

TURNER: But, Representative Solomons, I don't apologize, I don't apologize for these questions—

SOLOMONS: Well, I don't apologize for the—I just wish I had a better answer for you.

TURNER: Well, because, number one, I think it is very important for African Americans not to participate in our own demise. And we are not here to participate in our own demise. Neither are we here to participate and see lines drawn where our interest is being effectively diluted. We're not interested in that. And when we're looking at this amendment tied to **HB 150**, our interests are being effectively diluted. And as the chairman of the committee, if you're not going to oppose the amendment, in light of our concerns, then it only adds to our concerns. And so, I would respectfully ask you to oppose the amendment based on the concerns that have been advanced, or there is, I think—it only adds to our concerns as—

SOLOMONS: And I understand that and I appreciate that concern. I had indicated that I wanted to leave this to the will of the house. The will of the house is obtained in a couple of different ways—by motion to table and just on the amendment. If your issue is that you would rather have me have a motion to table, and depending on the outcome of that, is still the will of the house. I'm not going to say I'm not going to do that. But, I mean, I understand where you're coming from.

TURNER: We are not interested—

SOLOMONS: And, you know, for consistency, maybe I should.

TURNER: We are not interested in being an ineffective representative group in the Texas House of Representatives or in the State of Texas. Now if the body chooses to pass this map with that amendment, so be it. But let it be very clear that you are passing it over the objections of the Texas Legislative Black Caucus and the people that we represent because we view it as outright retrogression.

SOLOMONS: Well, here is what I might try to do. I'm going to—what plan are we—219—hold on.

SPEAKER: Ms. Giddings, for what purpose?

GIDDINGS: Thank you, Mr. Speaker. I was going to ask the gentleman to yield for a question but it looks like, Mr. Speaker, he was in the process of trying to answer a question.

SOLOMONS: I was going to say, because of Mr. Turner's concern, and the black caucus' concern, and about trying to have a fair process, and try to be as consistent as possible, that sort of thing. You know, it does give me great concern, I don't want to appear to be inconsistent. Okay. I really believe that this body will decide on what they want to do. Whether there is a motion to table, whether it's the will of the House, whatever happens. At the end of the day, it seems to me that Ms. Harper-Brown's amendment does two things in particular for sure. One, it takes what Dallas County, as a group, basically tried to drop in and we had to wrap up some things and draw a map, and basically it changes the plan. It changes it dramatically enough at Grand Prairie, it changes the west side of the area. It does affect some other districts. Maybe not so much legally, as you all may think, but it does address and affect some of that. And at the end of the day, I think that's what we are going to have to decide—whether we think it's enough and what this body wants to do on her amendment, just like on the amendment she may have in the—

GIDDINGS: I tried to give you enough time to get your point over without using all the time. Well, what we believe is this: There is enough growth in Dallas County, in terms of African Americans, that we can maintain—at least maintain and we believe that we can, in fact, increase the African Americans minority opportunity districts without negatively affecting what is going to happen to Hispanics. So, I want to make that very clear. Number two, we want to make very clear that 110 goes from a majority—a plurality African American opportunity district to a plurality Hispanic district. We want to point that out and we believe that's retrogression. The next thing—

SOLOMONS: I have some disagreement about that, but go ahead.

GIDDINGS: Okay. I'll tell you what, let us just ask you the questions. We have a lawyer like you do. What is the VAP population for African Americans in that African American opportunity today, and what does it go to under the Harper-Brown amendment? And then give us the same information for Hispanics, and let's see where the plurality is.

SOLOMONS: According to these numbers it doesn't change anything then from today.

GIDDINGS: The plurality of African Americans in 110 today is what number, sir?

SOLOMONS: Well, the 42 percent is voting age. If you are talking about the plurality of the total number, it is 39.6.

GIDDINGS: So, today, not under the 150 or 153, but as we live today, her district is—

SOLOMONS: We need to be consistent, Helen. The total versus VAP. The VAP says the voting age population stays exactly the same as under the current map that we live under now. Not the proposed plan, not under her amendment, it's what it is today. That hasn't really changed. What we did, we raised it little bit in the proposed plan, and Ms. Harper-Brown brings it back, but doesn't bring it back lower than what you already have today.

GIDDINGS: Well, our numbers show that entirely different. So, we have to get back and get those numbers because even if I use what Ms. Harper-Brown has given us, it goes from 42.2 plurality—

SOLOMONS: If I can just finish and have one question, fine. Because I just wanted to point out something to you, and I'll be happy—I don't care. Here is the point. We want accurate information. At the end of the day, 16.99 percent is now. Oh, I'm sorry, 16.9 percent. Can't read the writing. The current—what you have now—under the current is 18.2 percent. That's what you have now. I mean there—it actually goes down. So what we are understanding on Hispanics. But you are right and all of you are right on Ms. Caraway's district and what is occurring with this map, this amendment. The amendment is changing numbers. The question is by what percentages. Are they enough to create reasonable doubt or issues of retrogression or whatever? So whether or not there are legal concerns or not, the legal guys tell us it's within some ranges that they don't seem to have the same concerns that they may have on some other amendments. But I'm not discounting what you are saying.

GIDDINGS: Okay. Well, obviously we need to huddle after this, Mr. Chairman, because the numbers we have produced by Leg. Council obviously show us that the plurality changes from one to the other, and we are using the numbers that came out to us with that amendment.

SOLOMONS: Okay.

GIDDINGS: There's no question about that.

SOLOMONS: Okay.

DRIVER: Members, I need to correct something that Chairman Solomons said. This infers that the Dallas delegation was all inclusive in the drawing of the Dallas County map. It was dropped in. It was not all inclusive. That's a false—and it was false information he was given about it. The Harper-Brown amendment, in my opinion, draws weaker Republican districts, and I move to table.

HARPER-BROWN: I just want to clarify something Representative Solomons said. The numbers that I have come from Lege Council. I want to be sure that all my colleagues at the back understand. The black VAP now, currently in 110, is 42.2 percent. In the new amendment that I am proposing is 42.2 percent. It does not change. On the SSVR currently—the SSVR in 110 is 18.2 percent, and it goes now to 16.9 percent. So it's actually less Hispanic surname voting voters,

SSVR. It's actually less, 110—and those numbers came directly from Lege Council. So, members, I move to pass this amendment.

[Amendment No. 6 was tabled by Record No. 570.]

[Amendment No. 7 by Ritter was laid before the house.]

REPRESENTATIVE RITTER: Members, this amendment is agreed upon Representative Deshotel and myself, and it just moves, I believe, just one little block from the Solomons plan, as is, from my portion to Representative Deshotel's. It's all agreed upon. I believe it is acceptable to the author.

[Amendment No. 7 was adopted.]

[Amendment No. 8 by Rodriguez was withdrawn.]

[Amendment No. 9 by Rodriguez was laid before the house.]

REPRESENTATIVE RODRIGUEZ: This amendment adds a precinct, Precinct 101, to my district. In Chairman Solomons' map, Precinct 101 is currently in Representative Dukes district, District 46. I talked to Representative Dukes, she agrees with this amendment. This is actually the map that Representative Dukes and I presented to Chairman Solomons, so this is kind of going back to that. Also in the amendment there is Precinct 222, which is currently, according to Solomons' map, is not in her district. And we put that back in her district, as we all agreed to in Travis County. This tracks the African American migration here in Travis County at the northeast part of Travis County. And finally, members, I have run several scenarios with precinct 101 in my district and found that my constituents are still able to elect a candidate of their choice in the four different down ballot contests. And with that, I will answer any questions if there are any.

REPRESENTATIVE DUKES: Representative Rodriguez, this amendment, it affects only Travis County and the eastern portion of Travis County. Is that correct?

RODRIGUEZ: The eastern part of Travis County and the northeastern part of Travis County, that is correct.

DUKES: And Precinct 101 has historically been in what district?

RODRIGUEZ: Historically, it has been in your district.

DUKES: Precinct 101?

RODRIGUEZ: 101.

DUKES: And this was a precinct that we agreed upon in movement because of the need to add additional voters to your district.

RODRIGUEZ: That's correct. And it also being heavily Hispanic and trending Hispanic as well. It also, Ms. Dukes, has a tie in with a high school in my district, Johnson Memorial High School, in my district, and so a lot of those kids that are in Precinct 101 actually go to that highschool and to the feeder school and middle school as well.

DUKES: And the reason being was because there has been a lot of interaction between you and the previous representative of District 51, and the individuals in the community associated with Precinct 101 that we chose to move that precinct.

RODRIGUEZ: That is true. There is a lot of history of interaction between—with the traditional District 51 and Precinct 101. So, I think bringing them in is actually a community of interest. So I think combining them and getting them all in the same district is a benefit.

DUKES: And Precinct 222 is a precinct that mirrors the migration of the African American voters who have historically lived in central Austin that I represent in District 46 that now tend to populate the Pflugerville community in one of the precincts there. Which, in this case, happens to be 222, is that correct?

RODRIGUEZ: That is correct.

DUKES: So the point being that we were attempting to prevent any retrogression of African American voters in District 46, and prevent retrogression of Hispanic voters to District 51, and we came to a painless solution.

RODRIGUEZ: That is correct.

DUKES: In any way do you feel that this violates Section 5 of the Voting Rights Act?

RODRIGUEZ: No, Ms. Dukes, it does not. I don't believe that it does at all. Any reduction in any Spanish surname voter registration or Hispanic are very minimal, and I talked to attorneys. It doesn't make any difference in terms of election history. It wouldn't make any bit of difference in that, and so I think this doesn't violate it in any way.

DUKES: And this was a gentleman's and gentlewoman's agreement?

RODRIGUEZ: A gentleman's and a gentlewoman's agreement.

DUKES: I think it's a good amendment.

MADDEN: Mr. Rodriguez, when I heard this amendment in committee, the concern that the committee had, in both ways, is was the regression either in the African American communities, in Ms. Dukes or your district, or the Hispanic communities in either yours or her district. Can you give us what the current Spanish surname voting numbers are in your district, as it currently exists and what it would be under the Plan 153 and what it is with this amendment? And then can you give us the African American numbers for Ms. Dukes precinct or District 50 in those same three?

RODRIGUEZ: District 46 is where Ms. Dukes is.

MADDEN: District 46.

RODRIGUEZ: Yeah.

MADDEN: I have District 50 here.

RODRIGUEZ: Okay. Let me tell you my numbers. And I can tell you this, I'm not sure about the African American numbers if we don't have it—I do know that the African American numbers go up by about one or two—by very, very small number, but it does go up, the African American numbers. For mine, the current map, what I represent today, the Spanish surname voter registration is 38.7 under Chairman Solomons' map it goes down to 38—rather 36.6, and with this agreement that Representative Dukes and I have come to it goes to 36.2.

MADDEN: So it goes down from what it currently is in Representative Solomons' map and it goes down even further.

RODRIGUEZ: It goes down .4 percent.

MADDEN: Okay. And you don't have the African American numbers for Ms. Dukes' district.

RODRIGUEZ: I know it goes up slightly, but I'm not sure.

MADDEN: Okay. And that's true from current.

RODRIGUEZ: Yeah, the voting age it goes up .6. Yeah, 21.7 for African American it goes up .6 for African American numbers?

MADDEN: As compared to the Solomons' map or compared to the current numbers?

RODRIGUEZ: We're checking on that real quick. I will say this—that's one of the changes with Precinct 222, there is an African American population in 222. Which is why when we bring it in like this amendment does you actually increase the number by .6 points.

MADDEN: Okay. And that does that to Ms. Dukes'?

RODRIGUEZ: Yes, it adds to hers.

SOLOMONS: This is really a minor thing in connection with what they're trying to do. I don't see there being any legal issues of any kind of consequence, but we wanted to ensure a couple of points and so, I'm going to leave it to the will of the house so we can all vote for it, and take away all kind of potential argument. I don't think there are any, but you know how these things go.

[Amendment No. 9 was adopted by Record No. 571.]

[Amendment No. 10 by Veasey was laid before the house.]

VEASEY: Members, this map I believe more accurately reflects Tarrant County and the growth we have experienced. If you have read any of the articles in the *Star Telegram*, or seen any of the other figures that are out, you will note that most of the growth in Tarrant County, and in the city of Fort Worth over the last decade, has been Hispanic and African American. Under my amendment, this creates a new minority opportunity district in District 96. It wouldn't be a shoo-in, but it would be a new minority opportunity district. Under the current plan that we're in right now, we have four out of ten districts that are majority black and Hispanics. Under the Solomons' plan—under the amendment that was voted out—only three of those district are now minority opportunity.

Once again the problem with the math is that most of the growth has been African American or Hispanic, but yet African American and Hispanic voting has been reduced to three districts. That is a huge problem. Also under the current plan, as it was earlier noted, my district was unnecessarily packed. My district crossed I-35 to go into southwest Fort Worth that has a growing number of African Americans. And it was unnecessarily tacked because Lon Burnam's district that he represents was brought into southeast Fort Worth. District 90 was brought into the African American community into District 95, once again unnecessarily. We all signed off on our respective districts, everyone's districts stays the same except the two districts that are minority districts. Every district that was represented by Anglo republican in Tarrant County stayed the same. The only two districts that changed were the district that I represent and the Hispanic district that Lon represents. And that alone is unfair in itself. I'd be happy to yield for any questions that the gentle lady has.

REPRESENTATIVE TRUITT: Mr. Veasey, at what expense?

VEASEY: At what expense?

TRUITT: At what expense does your map do what you want it to do?

VEASEY: I don't think that my map—there is no expense that is made.

TRUITT: Oh indeed, there is an expense, Mr. Veasey.

VEASEY: If there is—

TRUITT: Is it true—I've heard a lot of discussion today about communities of common interest.

VEASEY: Yes.

TRUITT: The map that I'm looking at that you proposed splits a lot of communities with common interests right down the middle. How many minority districts are there in Tarrant County now?

VEASEY: Right now, there are four.

TRUITT: No.

VEASEY: Yeah, there are. I can tell you which ones they are. I live in Fort Worth and I'm—

TRUITT: I'm not sure that's correct—

VEASEY: I can tell you exactly where they are.

TRUITT: Where's the greatest amount of growth in Tarrant County been?

VEASEY: In the southern sector and in the northern sector.

TRUITT: The greatest numbers.

VEASEY: In the northern sector and the southern sector of the county.

TRUITT: Predominantly more so—is it true that the population between—the excess population between Mr. Geren's district and my district are almost adequate to populate a new district?

VEASEY: I certainly would not argue that there has been tremendous growth in the northern triangle in between your district and Representative Geren's district, and I can also assure you—

TRUITT: And I can safely say that your map cuts our communities of common interest right down the middle.

VEASEY: I can also assure you that there has been tremendous growth in southwest Fort Worth, particularly as it relates to the African American community.

TRUITT: And the maps that all 10 of us—

VEASEY: That were probably just a minuscule Anglo a few years ago is now majority black independent school districts.

TRUITT: Isn't it true that all 10 of us signed off on the map for Tarrant County, and we all agreed that we could live with the districts, and that is what is reflected in Mr. Solomons' map?

VEASEY: That is not true. All 10 of us signed off on our individual districts. My district—I'm sorry, Representative Geren very eloquently corrected me earlier and I want to get away from saying my district, but the district that I represent and the district that Lon Burnam represents, the two districts that are the most minority in the entire plan, when it came back to the committee those were the two that were changed. Every other district that is represented by the rest of you stayed the same. Our districts changed. There's a big line going through the middle of my district. Representative Geren picked up the Como community, and I think everybody over there knows Charlie and I think they are more comfortable being represented by Lon. But if you look at the major changes that took place from after the point in which we signed off, the big change that has happened in the districts were represented by the minorities, and we didn't approve them.

TRUITT: Well, I certainly didn't approve what you're trying to do to my district, either.

VEASEY: Well, my intention was not really to mess with your district at all. The biggest problem that I had was with my district, Representative Burnam's, and the growing number of African Americans in southwest Fort Worth and Arlington that I think are being—

TRUITT: So I respectfully request—

VEASEY: Personally, I think are personally being retrogressed.

TRUITT: So, I respectfully request that you—the district I represent the communities of northeast Tarrant County. Northeast Tarrant County is more than a geographic description. It is a reflection of communities of common interest. This map splits them in half and worse, and they will not stand for it. I respectfully request that you adjust—if you want to adjust your lines to accomplish what you want, that you move your lines farther to the south and not mess with northeast Tarrant County.

VEASEY: I totally agree with you. I don't have any interest in messing with Tarrant County.

TRUITT: So you'll withdraw your amendment, is that what you're saying?

VEASEY: Well, what I'm saying, I would be more than willing to work with you on that, but I think that Representative Geren and Representative Solomons have said that the map is the way it is and that my district is going to be packed, that Lon's district is going to be packed, also unnecessarily. And I don't think we're going to be able to change the map right now, but I would be more than willing to work with you because I did not mean to mess with northeast Tarrant County.

TRUITT: I have listened a lot today, and I'm sure we'll continue to hear a lot more about communities of common interest, and I cannot in good faith sit back and say nothing and watch my communities of common interest decimated by this amendment.

VEASEY: I understand, that's why I'm up here arguing right now. I don't want that sword going through this middle of my district that was changed with the amendment that happened in committee.

REPRESENTATIVE BURNAM: Representative Veasey, are you aware that within the last 10 or 15 minutes I have heard two of our Tarrant County colleagues express that they thought that the map adopted by the committee was a map that we approved of, and that in fact is not the case?

VEASEY: That is not the case. We all approved our individual districts.

BURNAM: In fact the district that I represent currently was and has essentially been the same since it was first created by the federal court the first time Tarrant County had single member districts back in 1978.

VEASEY: Absolutely.

BURNAM: Since the creation of this district, neighborhoods that are incredibly important and protected by virtue of their minority status in District 90 include the Lake Como community where your mother and grandmother live.

VEASEY: Yes.

BURNAM: And the Lake Como community has always, since the time of establishing single member districts, been a part of District 90. Is that correct?

VEASEY: That is absolutely correct.

BURNAM: And are you aware that the neighborhood that I live in, the Fairmont neighborhood, has always been in District 90, and in the plan as proposed by the committee this neighborhood that consists of two precincts is split down a street, in the middle of the neighborhood, leaving me in the district but leaving my neighbors across the street out of the district?

VEASEY: It absolutely splits those districts. Vicki very eloquently talked about communities of interest a minute ago, and those communities, when you look Ryan's Place and you look at Fairmont and you look at those various

neighborhoods along the Hemphill Corridor, those are communities of interest, absolutely.

BURNAM: And so, in offering up your amendment today, those are two examples of corrections that you're trying to make in neighborhoods that are protected and were established in District 90 by the federal judges in 1978. We could go on and expand about the Ryan's Place neighborhood. And are you aware that the precinct where my predecessor Doyle Willis lived all his adult life and was in District 90 is now ripped out of this district?

VEASEY: Yeah. And that's very unfortunate. And something else you should know about this map, along with the rest of the body, is that District 96, which is currently represented by Representative Zedler, that is one of the fastest growing minority areas in the entire county. And right now they have a shot to decide who gets elected in that district. Under the plan that was voted out, they do not have that opportunity anymore. It's like all that growth, everything that has happened over there in the last 10, 20 years. The changes in the school district there. Nothing, it's absolutely nothing. They've become completely irrelevant under what was voted out.

BURNAM: So the county line plan alternative that you are offering is an attempt to prevent the retrogression that the committee recommendation represents?

VEASEY: The plan that I have it looks like Tarrant County. The plan that I have it looks like Fort Worth. It does not look like, with all due respect to Vicki, that our county is Southlake. And under this map you would think that the entire county was Southlake because you would think that the demographics of the entire county were the demographics of Southlake, and that is not the case. We live in a very diverse county, and we need to have diverse representation in these districts. And the plan that was voted out absolutely does not achieve that.

BURNAM: So, very importantly, the district that you currently represent, which is clearly minority opportunity district, you are trying to protect from having it being, frankly, invaded by the district that I currently represent?

VEASEY: I wouldn't say being invaded but I do think that by having that finger go into the district—having that little sword go into the district—

CHAIR: Representative Bonnen raises a point of order that the gentleman's time has expired. The point of order is well taken and sustained. Anyone wishing to speak on, for, or against the amendment? Chair recognizes Representative Geren to speak against the amendment.

GEREN: I'm respectfully going to have to move to table this amendment. As Mrs. Truitt says, it divides—it splits several communities right down the middle. Fort Worth is split. It doesn't have—there's no question that Fort Worth has to be split because the population is so large. The same thing with Arlington. But these other communities are split. This map also drops the Hispanic voting age for District 90 to below 50 percent where currently under the House map that voting age is over 50 percent. And—excuse me, the map as proposed by the House Redistricting Committee. There are only—currently there are only three

districts that have minority majority populations in Tarrant County, not four. And under the map that's proposed by Mr. Solomons there are three minority majority districts. And, yes, if Mr. Burnam has a question I'd be happy to try to answer it.

BURNAM: Isn't it true, Chairman Geren, that under the current existing lines that we were all elected under the district that I represent is 47.2 SSRV?

GEREN: I believe that's probably correct. And under the new map it raises to over 50 percent, which I think makes it a healthier minority Spanish voting age district.

BURNAM: It makes it healthier in that regard. Isn't it also true that to enable—to accomplish this, isn't it true that they now created the district where I'm now over 8,000—

GEREN: Hold on do you mind speaking into the microphone instead of turning your head?

BURNAM: I'm sorry.

GEREN: Thank you.

BURNAM: Isn't it true that the plan that is proposed reduces the size of my district to be 8,200 plus people below the standard count?

GEREN: It's well within the deviation, however.

BURNAM: It's barely within the deviation.

GEREN: It is within the deviation.

BURNAM: And the way they achieve the increased percentages is by taking the Lake Como community out, which is an overwhelming minority majority community. Isn't that correct?

GEREN: That's correct. And I'd be more than proud to serve them.

BURNAM: Well, I know you would be more than proud serve them, but they expressed a preference to be represented by someone that they feel like they've had a long-term working record with.

GEREN: Well, maybe, but you know I've only had two calls, and they haven't said we need Lon Burnam.

BURNAM: Well, they haven't said they need Lon Burnam. What they've said is they want to be kept in District 90 and they want to be kept in District 90 because it's a minority impact district. I don't mean to debate. I wanted to just make it clear what is happening here. The reason I think it's important that we consider this amendment is the individual members' preferences were not respected in the committee process, and I'll be speaking in favor of—

GEREN: I don't disagree with you that the map that we turned in is not the same map that is on this map. With that, members, I would make a motion to table this amendment.

VEASEY: Once again folks, and this is why I said Lon and I were talking about this earlier. We have this saying in Fort Worth that I don't like. It's called the "Fort Worth way," and it's something folks downtown use when they want to get everybody else to comply and not say anything. But I will tell you that we have a very diverse county, we have a very diverse city, and it is not represented that way on the map that was voted out of committee. And on top of that the only districts that were changed against members' wishes were the two minority districts, the ones that are heavily minority. And that is the one I represent, District 95, and the one that Representative Burnam represents. When you look at Representative Geren's district, which is a very upscale district, and Representative Shelton's and everyone else that represents the Fort Worth area, all of those were kept the same. Mine was drastically altered from what we respectively individually agreed to, and so was Representative Burnam's. And with respect to the SSVR argument that has been raised over and over again, I was happy to see that MALDEF sent out a letter today saying that Representative Burnam's district and Representative Farrar's district were already minority opportunity districts, where Hispanics controlled the district. So just increasing that number means absolutely nothing at all. It means nothing legally and it's just something people were saying today and throwing around. The fact of the matter is that the map that I have actually—and I'd be more than willing to work and make some changes—it more accurately reflects what the city of Fort Worth looks like. It more accurately reflects what the city of Arlington looks like which I believe now is probably majority minority city. And it more accurately reflects what our county looks like. Maybe our county didn't look like this 20 years ago, but I'm telling you what it looks like now. And my plan more accurately reflects that. And I'd be more than happy to answer questions from my neighbor in Fort Worth.

BURNAM: Representative Veasey, you served on the redistricting committee, correct?

VEASEY: That is absolutely correct.

BURNAM: And you voted against the plan, correct?

VEASEY: Yes, I did.

BURNAM: And specifically you believe that the Tarrant County portion of the plan represents retrogression in your district, in part because it excessively packs?

VEASEY: The district excessively packs. It takes me over I-35 into areas that are currently represented by other representatives, and it makes it a lot harder for them to have any impact. They were having impact in that district. Under the plan that each of us individually agreed to, my district was already sufficiently African American, as your district was already sufficiently Spanish.

BURNAM: And do you believe that it also represents retrogression in District 90 in that it plucks out a huge minority community and puts them in a community in the same legislative district as Azle which is in the northwest corner of the county and doesn't have anything in common with the Lake Como community?

VEASEY: The Lake Como community which is the community that I'm from and where my mom went to school back when the schools were still segregated that she finished from. I can tell you they were hurt when they were taken out of a congressional district, and now they have no influence in the current congressional district that they are in. They were hurt when they were taken out of the old Mike Moncrief senate district, which I believe was Senate District 12. Now they are in a senate district that goes all the way up to Denton County. And like I said they know Charlie. They know Charlie's family. Charlie's brother wouldn't have been elected to congress if it had not been for the Como community. So they know his family.

BURNAM: You're absolutely right. Charlie's brother wouldn't have been elected to congress if I had not run that voter turnout bank for him back when, helping him to turn out the vote back in Como.

VEASEY: So he's known. But I can assure you that the way you vote versus the way Charlie votes would be more reflective of the community and make my grandmother, who will turn 99 this year, it will make her much happier.

BURNAM: I want to ask you about the other two districts that we believe potentially represent retrogression. It is clear to both you and I that the districts that you and I currently represent are—represent the retrogression that is pervasive in this plan. And specifically with you it is packing and with me it's packing and cracking. And in the instance of District 96 which has a proven track record that it is a coalition district when there is a heavy voter turnout as opposed to when there's a low voter turnout. Is it your belief that African Americans in particular and minorities in general have been cracked to assure reelection of a white representative that does not receive minority votes?

VEASEY: Absolutely, you wouldn't think that Tarrant County was one of the fastest growing African American and Hispanic counties in the entire country.

BURNAM: It is one of the fastest growing Hispanic and African American counties in the entire country. The county is adding one seat because there's going to be 11. But the overall retrogression that you're trying to fix is instead of having three minority districts with 10 we're only going to have three with 11 and that is achieved by retrogression in the two that are most clearly minority represented at this time.

VEASEY: I want our maps to look like Tarrant County.

BURNAM: Well, I hope the wisdom of the house is that they recognize it is in the house's best interest to vote to table—I mean, vote against tabling—because they assure there will be retrogression in Tarrant County. And my attorneys have assured me today that we will be in court as soon as it's enacted.

GEREN: Mr. Veasey, are you aware that there were changes made in the districts that Dr. Shelton represents, that Ms. Patrick represents and Ms. Nash represents and that I represent, and they didn't know anything about it either? Are you aware of that?

VEASEY: I'm aware that there were slight changes made to it.

GEREN: There were changes made and you indicated that there were no changes made. And I hardly think that you can call the District 99, a current District 99 affluent when I represent Pelican Bay, Texas, which is one of the most—do you realize one of the poorest cities in the State of Texas.

VEASEY: I agree with you.

GEREN: And are you aware that Castleberry ISD is one of the poorest districts in the State of Texas?

VEASEY: I agree with you on that and I erred. What I meant is the portion—

GEREN: I appreciate you admitting your error.

VEASEY: Members, please, vote no on the motion to table.

[Amendment No. 10 was tabled by Record No. 572.]

[Amendment No. 11 by Burnam was laid before the house.]

BURNAM: Members, I have a perfecting amendment to this amendment. It is acceptable to the author because I authored it.

[Amendment No. 12 by Burnam to Amendment No. 11 was laid before the house.]

BURNAM: Members, Plan 236 is an attempt to comply with an artificial rule that's been established in this process that I disagreed with, as does the Justice Department. So before I lay this amendment out and explain it, I want to read to you something that is a quote from the Justice Department Redistricting Guidelines 2011. It says, "In determining whether the ability to elect exists in the benchmark plan and whether it continues in proposed plan, the attorney general does not rely on any predetermined or fixed demographic percentages at any point in the assessment. Rather, in the department's view, this determination requires a functional analysis of the electoral behavior within the particular jurisdiction or election district." The fact of the matter is, we thought we had an agreed-to plan, and that plan was acceptable for District 90. District 90 was established by a federal judge in 1978. It was the first time that we had single member districts in Tarrant County. At that time, as I have discussed in the layout of Mr. Veasey's amendment, a number of communities, neighborhoods, minority majority minority neighborhoods such as the Lake Como community, the Fairmont neighborhood that I live in, were all included in this district. Plan 236 does not quite meet the 50 percent threshold that was arbitrarily created for the convenience of promoting this bill, but it does come to 49.1. It is a really, really ugly map. I'm almost embarrassed at how ugly this map is, but it does restore the Lake Como community into the district, and it restores my own neighborhood into the precinct—district as opposed to being divided right down the middle. How it achieved 49.1 percent is picking up census tracks here and there in Mark Shelton's district and Mr. Veasey's district and Charlie Geren's district. And I believe the only reason anybody would oppose this is because they are trying to artificially suggest that they created a Hispanic opportunity district. That opportunity exists, has existed since the creation of the district by a federal judge in 1978, and will continue to exist. Communities of interest,

specifically minority communities of interest, have been ripped asunder, and that in itself represents a form of retrogression. I move adoption.

[Amendment No. 12 was adopted.]

BURNAM: Members, I really said what I needed to say about this. I'm trying to restore communities of interest within my district. In particular I am anxious to recover the Lake Como community because of my relationship with this community my entire life and their relationship to District 90 for the entire life of single member districts as it was created by the federal judges in Fort Worth. Again, the neighborhoods that I have mentioned are the Lake Como community and my own neighborhood. My wife and I have lived on Sixth Avenue for 31 years, and the west side of the street where we started living in the district 31 years ago is no longer in the district. The east side of the district where we chose to buy is in the district. And I know that sounds a little peculiar, but that's way the map was adopted. I want to emphasize to you that I believe the courts will find and my attorneys who will be representing people in the district believe that changing this district as proposed by the committee represents a form of retrogression. My continuing to discuss it represents a form of filibuster not recognized in the house, but I've been asked to continue to talk about the issues concerning retrogression in Tarrant County for a few minutes. The issues in Tarrant County are, first is the retrogression in the predominantly African American district represented by the excessive packing of that district. The retrogression in my district represents the artificial nuance of just two or three percentage points in the registered Hispanic voters, when, in fact, the proposed map takes out over 10 percent of the voting population in this district, which is the minority constituency in the Lake Como community. It rips it out and puts it in a district in far northwest Tarrant County in Azle. And while the people in Azle are wonderful folks they just don't have very much in common with my innercity Fort Worth constituency, the Lake Como community. I'm extremely concerned that in a district that is largely a no growth district that you would put me at such a low number. It undermines the one person, one vote. It might reduce my workload in my district office but that's not my objective. My objective is to continue to let the people of District 90 have this coalition district that is clearly Hispanic driven, majority Hispanic. The district is currently 70 percent Hispanic. It's just that there aren't that many registered voters, and we're working on that every week. My district manager goes to the citizenship seminars and does voter registration. We're continuing to increase voter registration in the district every session.

REPRESENTATIVE S. MILLER: Mr. Burnam, where is your district located now, and how is it affected by this current amendment?

BURNAM: I have proudly said the entire time I've been in the legislature that I am the only member that only represents Cowtown because my district is the only district that is entirely contained within the city of Fort Worth. And it is made up of numerous neighborhoods, all of whom contribute very significantly to the wealth of what we have in Cowtown, USA. My district is predominantly minority precincts. I am going to be losing that claim to fame as a result of

redistricting and that's rightful just distributing the population. We accept and recognize that under any plan I need to start representing or the District 90 needs to start including the Sansom Park municipality, which is just to the northwest edge of Fort Worth. It needs to start representing the Blue Mound community, which is just to the north of Loop 820 and just west of I-35.

S. MILLER: That's close to Saginaw and Meacham Field, that area?

BURNAM: Well, I do have the Meacham Field area now. I have everything inside Loop 820. I don't have Saginaw, it's just outside Loop 820 and I won't be picking up Saginaw because it's, frankly, got too many white people in it, whereas Blue Mound is 50 percent Hispanic registered voters.

S. MILLER: But then you would come back down from Blue Mound Road to 28th Street, the North Side Coliseum?

BURNAM: I have all of the—I used to be able to say, until Charlie got the museums in the last round of redistricting, I used to be able to say that I had everything that you come to Fort Worth to see. I have the stockyards. I have one of the most exciting downtown cities in the country, and I had the museums. But during the last redistricting Charlie got the Amon Carter Museum and the Modern Art Museum and that complex with the Will Rogers Coliseum. And I miss having that, but Charlie is big into the fat stock show and rodeo. And I can appreciate how much he enjoys representing that part of Fort Worth. I miss it. But I have the Southwestern Baptist Seminary in the district. I have the Carter-Riverside community, which is a long famous community for its involvement and commitment to the city of Fort Worth, and I'm going to lose some of that in the redistricting process.

S. MILLER: What about the downtown district?

BURNAM: Well, I currently have all of the downtown area. Unfortunately, because of population trends, downtown has moved from being predominately low to moderate income people of color to predominately higher income white folks. So I'm going to lose all of the downtown area as a part of the redistricting already, and I've accepted that as a necessity.

S. MILLER: Does that include the convention center and the new hotels and renovations?

BURNAM: I'm going to lose the convention center and all those wonderful hotels downtown. And I'm going to lose a lot of cultural attractions downtown that I'm going to regret having to lose, but I understand.

S. MILLER: And who would pick that up?

BURNAM: Mark is going to pick that up. Mark Veasey will be moving into the downtown area, and it will be the whitest and most republican part of Mark's district.

SOLOMONS: And I know Lon is going have a question, and I'll yield in just a second. I understand what Representative Burnam is doing, but I do have some legal concerns. We tried to iron out what those legal concerns are, and one of the

problems is that this amendment reduces, even with his amendment to the amendment, reduces the SSVR District 90 below 50 percent. Now his amendment to the amendment involving Como brought it from 48.4 percent to 49.1 percent, but it's still below 50 percent. We took testimony from MALDEF that basically said this was one of the districts they thought needed to be above 50 percent. We had testimony to that effect. We effectuated that testimony on behalf of trying to ensure that we had this district above 50 percent, trying to accommodate what we thought needed to be done and also what MALDEF thought needed to be done. This by itself it doesn't look like much, but when you start talking about statewide retrogression analysis, we've got to be consistent. Let me put it this way, I don't want to be inconsistent with this district and then go into Harris County and listen to that issue and maybe some other places. So the idea that MALDEF even testifies to the effect—specifically to two districts and this being one of them that it needed to be above 50 percent. That's why we did what we did. As much as I respect Representative Burnam and understand what he's trying to do in connection with this, it's not just sitting off by itself. Some arguments can be made that it's already a minority opportunity district, etc., etc. But we have specific testimony, and so I respectfully going to have to move to table this amendment.

BURNAM: Now, Chairman, were you not able to hear Representative Veasey when he talked about the letter earlier where representatives of the Latino community have said that that criteria is not particularly important in this instance and that in fact it's—we're talking about barely more than one percentage point in one criteria?

SOLOMONS: I understand what the letter seems to indicate, but it doesn't repudiate and take back the testimony by MALDEF on the record as well. I am trying to be consistent and be very conservative in what we're doing as far as the legal risk involved in this map. I know it doesn't make some people happy, but I think that's in the best interest of the map as a whole and the body as a whole. And I understand. I am very sympathetic, don't get me wrong—put that on the record—but at the end of the day when you look at retrogression statewide analysis we've got MALDEF testifying very specifically to your district. We have a letter that says it shouldn't be a big problem. But at the end of the day, we've got conflicts on that and we're off to the side trying to discuss that. And I felt like it was in the best to go ahead and not have an unnecessary legal risk in connection with it. So I'm going to respectfully move to table.

BURNAM: Burt, can I ask you a couple of other questions?

SOLOMONS: Sure.

BURNAM: Okay. Did you have the opportunity to hear me when I was reading the quote from the Department of Justice Redistricting Guidelines that they put out this year?

SOLOMONS: Go ahead.

BURNAM: Oh, would you like for me to read it into the record again?

SOLOMONS: Sure, go ahead.

BURNAM: I'll go ahead and do that. "In determining whether the ability to elect exists in the benchmark plan and whether it continues in the proposed plan, the attorney general does not rely on any predetermined or fixed demographic percentages at any point in the assessment. Rather, in the department's view, this determination requires a functional analysis of the electoral behavior within the particular jurisdiction or election district." Mr. Solomons, you are proposing to rip out Lake Como which is at the heart of this district and consistently votes with the majority Hispanic community in support of a candidate that they prefer in school board elections, in city council elections, and legislative and congressional elections. And while I understand that you're trying to establish a norm here, do you understand that it looks a little hypocritical to people that are looking at it closely because if you were really following the MALDEF recommendation you would create five new Hispanic districts not just call Representative Farrar's and my district new Hispanic districts. Those two communities in Harris County and Tarrant County already vote for who they want to vote for, and those minority communities don't want to have their districts ripped up.

SOLOMONS: You know what? It's not hypocritical especially when MALDEF doesn't mention your district as one which they testified and said they need it to be above 50 percent. If your letter said that, yes, it may not be a qualifying factor. In fact in District 90 it's not an issue. We agree it's not an issue. Then we wouldn't have this debate. At this point in time, they haven't retracted that testimony and I'm going to move to table.

BURNAM: All I'm asking you is to let the people in the Lake Como community stay in the district that they have been in since it was created by a federal judge in 1978. Additionally, I'm asking you to let my across the street neighbors, with whom we have been neighbors for 30 years, stay in District 90. That's been District 90 since they moved into that neighborhood. I think it's completely inconsistent when you look at the broad scope of things to say we're going to rip this district up so we can pretend that by adding a few census tracks here and a few census tracks there that are randomly scattered around the edges of the district that you are making this any stronger of a Hispanic impact district. So I would ask you to vote no on the motion to table.

VEASEY: Mr. Burnam, you have read the letter that MALDEF put out today in your District 90. And District 148 in Harris County that is represented by Representative Farrar.

BURNAM: I'm familiar with the letter and I have read the comments from the Department of Justice concerning redistricting guidelines into the record today twice.

VEASEY: And you are aware that the MALDEF, NAACP, Texans for Lawsuit Reform, the Texas Public Policy Foundation, all sorts of groups and organizations have input and influence. And they lobby members on what they think should be a good redistricting plan, but all those recommendations are not taken. And I was just wondering. Do you think that Chairman Solomons or the body is going to let

one organization draw the entire map because I don't think that every recommendation that MALDEF has made has been accepted. And so, I'm trying to figure out when they've already put out a letter saying that your district is already Hispanic opportunity district and so is the 148 represented by Representative Farrar—

BURNAM: You know and—

VEASEY:—why we are letting them have the control in these two instances?

BURNAM: Mark, in answer to your question, I am glad you brought up the NAACP because it couldn't have been clearer to me for longer that the representatives of the NAACP in Fort Worth are extremely agitated about a number of things with regard to this redistricting process. One, they are agitated that I'm being forced down further and further into your district and dividing that community, dividing the JP districts, dividing constable districts, dividing city council and school board districts in a historically—the southeast part of Fort Worth that is represented by African Americans. In doing that, it forces you into the west side—west south side of Fort Worth. I'm clear that the NAACP doesn't like that and I'm clear that the NAACP does not like the idea of ripping Como out of District 90 because Como has been a part of the District 90 legislative district since the federal judge established it. And I think it is equally clear that this is all a contrivance to look like we're not in retrogression. And this amendment that we are talking about right now is the last opportunity to avoid significant retrogression in Tarrant County. We have retrogression in your district. We have retrogression in my district. We have retrogression in the east Arlington district, and we have retrogression in District 96. That makes this an illegal plan. And as soon as the governor signs a plan like this into law, there will be a lawsuit filed by the NAACP in Fort Worth over it. And I'm trying to help us get on down the road. Let's resolve Tarrant County now, right here within the next few minutes in a way that we can avoid litigation on Tarrant County.

VEASEY: When you look at the fact that the chairman won't move at all and restore the districts back to their original status, even though it was already a Hispanic district, and when you look at the fact that the press reports that wrongly came out the next day after the hearing saying that there are two new Hispanic districts we're creating, you see that they are trying to create this false sense that two new Hispanic districts were created when in fact they were already Hispanic opportunity districts.

BURNAM: I think everybody is going to see through this false contrivance, and I think everyone is going to recognize that the chairman's unwillingness to bend and be flexible and work is part of the problem with not only the plan in Tarrant County, but the state as a whole. And I think that's the reason we are going to end up in court and not know for sure what our lines are going to look like by the filing deadline in January.

[Amendment No. 11, as amended, was tabled by Record No. 573.]

[Amendment No. 13 by Walle was laid before the house]

WALLE: This amendment creates a community of interest for the city of Sugar Land and for the Asian American residents of Fort Bend County. This amendment is not a partisan amendment, it doesn't create a district for republican or democrat, it simply unites the community of interest. The map that came out by the committee seemed to be convoluted and violated the city boundaries. Its split precincts fractured the city of Sugar Land and diluted Asian American voting power in Fort Bend County. This amendment reunites the city of Sugar Land and restores an opportunity for Asian Americans in Fort Bend County. The current HD 26 is 33 percent "other" which is the closest proxy we have for Asian American voters. The Solomons committee map is made up of 20 percent "other." This to me is clear retrogression. This amendment puts over 30 percent "other" or Asian American into HD 26. Also the combined African American, Hispanic group makes up 34 percent and with Asian Americans over 30 percent this creates a great opportunity for a coalition formation so that any one of the three minority groups could elect a candidate of their choice. Asian Americans would have the greatest single voice in this district, something that doesn't really exist anywhere else in the state. Mr. Speaker, I move adoption.

REPRESENTATIVE C. HOWARD: Okay. Do you realize that the three representatives that represent Fort Bend County have all signed off on the plan that we have. We have worked together. We have represented the majority of these three districts. And the fourth one that's being created we have—one of the three of us has represented the majority of it, also. So, we've already agreed to this plan. We like the plan. Everybody's agreed to it and we don't feel like we need to change this plan. Are you aware of that?

WALLE: I'm aware of that.

C. HOWARD: We've all signed off on it.

WALLE: Well, I would only add that Fort Bend County obviously is not in Harris County, but it's important to the Houston region, to the Harris County region, and Asian Americans make a significant population voting bloc in that county that I believe that they need to have somebody that they can have the opportunity to elect.

C. HOWARD: Mr. Walle, are you aware that the majority of the Asian community is in District 26 which I've represented for the last 17 years? And as a matter of fact I had a group of them here yesterday with a resolution. I've represented those people. I get along well with them. I go to all their events. They ask me to represent them which I do, and we do have two Asian Americans on our city council which I represent—the city, the majority of it. And we already have that. They are already represented.

WALLE: Are you asking me a question? I'm not—

C. HOWARD: I'm asking you, are you aware that we already have that representation? They are primarily concentrated in the city of Sugar Land, are you aware of that?

WALLE: The way I would answer your question is that being that there are significant amount of Asian Americans in this county. It would be very important for the future and the future growth of Fort Bend County that they have an opportunity to elect, and it doesn't have to be somebody that's Asian American, but somebody that represents their interest. And as you so eloquently stated, you are stating to me that you represent their interest, and I take your word at that.

C. HOWARD: Well, they are concentrated already. They are concentrated in the city of Sugar Land. You are saying they are all over the county. Their concentration is within the city limits.

WALLE: Within the city of Sugar Land, correct.

C. HOWARD: Yes.

REPRESENTATIVE ZERWAS: I'm sorry I missed some of the dialogue between yourself and Representative Howard in terms of the proposal that you are looking at making for Fort Bend County. You are a Harris County representative, correct?

WALLE: Correct.

ZERWAS: And to the east side there, correct?

WALLE: Correct, correct, north.

ZERWAS: Can you give me a little bit of background what drew your interest to Fort Bend County?

WALLE: For me—and I mentioned this earlier. I think you were out when we had the—

ZERWAS: Yeah, I apologize.

WALLE:—the Asian American communities for us in the Houston region in the Harris County region—and I admit I am from Harris County, there's no denying that. But Fort Bend County in the explosion of the Asian American population in Fort Bend County, particularly the city of Sugar Land, as Representative Howard corrected me on, has seen a significant increase. And I believe that it's important that they have somebody that they can elect and represent their interest. And it will be a candidate of their choice. And as I mentioned before, it might not be an Asian American, but I think for the future it's important that if there's an Asian American, and it might be a republican. Asian American republicans from Fort Bend County, they have the opportunity to elect that person.

ZERWAS: And I think those considerations as Representative Howard and myself and Representative Reynolds looked at, how do we best represent the exploding growth in Fort Bend County is in fact reflected in the map that Representative Solomons put forth. I certainly can't speak to the cultural diversity in Sugar Land, and that diversity is actually reflected in the city council, on school boards and things like that, where I think you see a tremendous diversity of representation there. And I think as I heard Representative Howard say at the tail end of his comments, you know, the opportunity for those people to run and to run competitively there I think is there. And I can't—I must say it was not accidental that, you know, the map appears as it is. I think someone is taking into

consideration the cultural diversity as a reflection on that map. I would suggest that perhaps your amendment was trying to attempt to reflect that also, is that correct?

WALLE: And I agree with that notion because Fort Bend County is very diverse. I have family members that live in Rosenberg, and it's a very culturally rich county and I admire it for it. And for me, I think—my chief of staff, Neesha Davé, is from Fort Bend County. And so for me I think that having folks that are reflective of their communities is very important. And in Fort Bend County that's just—it's an international county. There's no single—there will be no single majority population or ethnic group in Fort Bend County, and I think it's a great, rich culture down there.

ZERWAS: Would you agree that the individuals that do reside there and do represent and know those communities and cultures pretty well probably reflected that in the proposed map?

WALLE: I would say that in the proposed map I think that what we need to do is fast track that because my amendment particularly tries to increase the amount of Asian Americans in Fort Bend County and particularly for an Asian American to be elected in that district. And for me, I would say that we need to fast track that.

ZERWAS: And I don't know if fast tracking is the right way to look at it or if we should be doing things with our district maps that fast tracks anything. But I certainly think that we ought to be, you know, considerate of the diversity of the population and I would have to say that I think that personally that map is reflected in what we see in the Burt Solomons' proposal that we have before us. I know you don't agree with that or else you wouldn't put forward an amendment with that—

WALLE: Correct.

ZERWAS:—but that I would also say there's probably more than one way to skin a cat, but if I were to look at a map those people that live in that particular district day in and day out know those communities probably are going to come up with a pretty accurate map. Would you agree with that?

WALLE: Well, I would say that for me, and being somebody from Harris County where we're adjoining Fort Bend County, and I'll give you an example. Representative Hubert Vo has a coalition district where there is no single majority minority but they do have a large segment of Asian Americans that have decided—that whole community has decided to elect Representative Hubert Vo. Well, you know in this current proposal we eliminate the opportunity to bring back Representative Hubert Vo, and I think it's—at one instance we were—I'm trying to make sure that we have a coalition district for—with this amendment for Fort Bend County for an Asian American to have the opportunity to win a seat. At the same time we are eliminating Hubert Vo's district, that community's district in Harris County, and I think it's wrong.

ZERWAS: Well, I'm certainly not here to speak to, you know, the particular dynamics that are going on over there. I think we got with the size of Fort Bend County, growing like it has and trying to make sure that people have the opportunity to be represented in a fair fashion, I'd have to say I think that we have our hands full with that. But I would have to say that, you know, I believe the original map that is proposed by Chairman Solomons is the one that does reflect the opportunity for any culture to come forward and step forward and run a fair and balanced race out there. And I'm not saying yours doesn't, but I would say the map that basically has been generated by those individuals that live in that district reflects that. And I think it probably reflects it better than somebody else looking at it from outside in. And so, I appreciate your consideration in all of this. We are very fortunate in Fort Bend County to have the population that we have out there, but I would have to say also, respectfully, that the map that Representative Solomons has brought forward to us will in fact allow any individual from any cultural background to run a fair and competitive race in that environment.

WALLE: Well, we will see the next election cycle if that pans out, Dr. Zerwas.

C. HOWARD: Members, I'm really a little bit confused why a representative from Harris County is coming in to Fort Bend County showing us how we need to do our redistricting and that three of us who were there, two republicans and one democrat, have already decided how we want to have our districts represented in the future. They are fair districts. They are all within a couple of hundred people in each of the districts. We talked about—Mr. Walle talked about the diversification of the Asian community. They are concentrated primarily in my district. I've been representing those people for 16 years. They've overwhelmingly voted for me, I've never lost an election—less than 60 percent and I get along well with those people. Representative Zerwas has represented Wharton County for all the time that he's been in the legislature. That's going to be part of the new district that will encompass the part of Fort Bend county. The majority of the new district will still be Fort Bend County, so we've been representing this area. We'd like to keep representing it. Again, Representative Reynolds is the third representative in the county. He's signed off on the district. He's happy with his district. I'm happy with mine. Representative Zerwas is happy with his. So I would ask you to oppose this amendment.

SOLOMONS: Apparently you've heard some of the dialogue. This amendment was really not drawn by Mr. Walle and by any members of the affected district. And I haven't heard anything but from Mr. Walle that they are in favor of it. It does put Avalon in District 26 and, quite frankly, from what I can gather and some of you have gathered that they are not in favor of it. So we'll let the will of the house but I'm going to move to table and I'm probably going to oppose the amendment.

WALLE: Again, members, this explosion of the Asian American community in Fort Bend County is one of the fastest growing counties in the state and in our region. But for us it's important, and I'm sympathetic to the Asian American community in Fort Bend County. It's a community that needs representation and I

think that you have to have somebody that both interest, and to a certain extent—and sometimes they need somebody they can confide in. As mentioned before there is some new elected officials from the Asian American community down at Fort Bend County that have been elected. It's important that they have an opportunity to elect somebody that reflects their views. And if it's somebody that looks like them, then that's more the better because that's somebody that represents their issues. And I vote in favor—against the motion to table.

FARRAR: Mr. Walle, would you say that sometimes it's taken in our history of our state, outside groups, outside interests to do perhaps what members of our body weren't willing to do? For instance, I've got a district that was created by a lawsuit and several of us here have those sorts of districts and, of course, those—somebody from the outside had to come in because this body wasn't willing to do that. Would you had say that—

WALLE: Correct.

FARRAR:—similar to what you are trying to do?

WALLE: Correct. And being that we have single member districts now—allowed in the early 70's to have the great Mrs. Thompson in this body. Allowed folks that represented them and sometimes looked like them and have the opportunity to elect somebody that voted their interest. And again, this amendment doesn't, you know, it's not a—it's actually a swing district to be honest with you, but it would increase the opportunity that an Asian American could win.

FARRAR: So you are demonstrating that there's—the possibility is there. Even though, perhaps that the folks affected have made a different decision.

WALLE: That's correct.

FARRAR: And Harris County is directly adjacent to Fort Bend County, correct? It's not like you are coming in from Mars or somewhere.

WALLE: No, I mean a lot of people—I would say—a good number of people from Fort Bend County work in Houston, in the central business district, in Greenway Plaza, in the medical center, work at the University of Houston, work at UT med center, Baylor, I mean, it's a highly educated community and they work in Harris County.

[Amendment No. 13 was tabled by Record No. 574.]

[Amendment No. 14 by Hunter was laid before the house.]

REPRESENTATIVE HUNTER: This is something that we didn't get in committee. We got in one precinct changing it to two precincts, and it meets the criteria and it's been approved by the committee.

[Amendment No. 14 was adopted.]

[Amendment No. 15 by Morrison was before the house.]

REPRESENTATIVE MORRISON: This amendment impacts only Representative Kleinschmidt's district and my district. What we are looking at doing is just exchanging two counties by moving DeWitt County back into my district which I

have represented since 1999 and keeping the communities of interest more intact and moving Karnes County into Representative Kleinschmidt's. The exchange of counties leaves both districts within the allowable population deviation. And I have spoken to Representative Kleinschmidt and the amendment is acceptable to him. And I also believe the amendment is acceptable to the author. So, thank you, Mr. Speaker and members. I move adoption.

[Amendment No. 15 was adopted.]

[Amendment No. 16 by T. King was laid before the house.]

REPRESENTATIVE T. KING: This amendment that I have addresses two counties in South Texas, La Salle County and Jim Hogg County. I'll give you a little background, just a minute here. I've represented La Salle County for a number of years now. It is part of the Winter Garden community which is comprised of several counties, Dimmit, Zavala, La Salle, Frio Counties make up the Winter Garden area. I do business in La Salle County, all of the things that we do when we represent an area for a long, long time. It's part of the local COG development council in that area, play ball there and have business interests there and the whole issue like that. The Solomons' map is—and in the district that Mr. Solomons has drawn for district 80 there, the district I represent, I'm already picking up 90,000 new people that I have never represented before. And they moved La Salle County into district 35, and they moved Jim Hogg County which I've never represented, so that's actually 95,300 people that are new into the district—into district 80. And so, what my amendment proposes to do, ladies and gentlemen, is to take La Salle County and move it into district 35 and—no, I'm sorry—to take La Salle County and move it out of district 35 into district 80 that I represent and I have represented for years. And take Jim Hogg County and move it into district 35 which Representative Aliseda currently represents. He's never represented Jim Hogg County or La Salle County, either one. Jim Hogg County has 5,300 people, La Salle County has 7,500 people. The demographics are about the same. The Spanish Surname Voter Registration is about the same. And, quite candidly, it doesn't change Mr. Aliseda's district very much. It changes his district from a 55.1 percent republican district in the Obama election—no a 55.5 percent republican district in the Obama election to a 54.9 percent republican district, if you make this change. He's never represented either one of those counties and I have represented La Salle for a long, long time and it's a good fit. And I've already taken 90,000 new folks into the district and I think there is an amendment to the amendment which is acceptable to me because I'm a reasonable kind of person.

[Amendment No. 17 by Raymond to Amendment No. 16 by T. King was laid before the house.]

REPRESENTATIVE RAYMOND: Members, the proposed district 80 that Representative King has right now comes into Webb County which I represent, Laredo and Webb County. And this amendment to his amendment simply puts some landmarks that are currently in my district, back in my district and involves

movement of no people whatsoever. It's acceptable to Mr. King, acceptable to Mr. Solomons and I move adoption.

[Amendment No. 17 was adopted]

T. KING: Members, I visited with a number of you about this and this makes a negligible difference in the electoral numbers of the district. But it's a huge difference and if you look at the maps on your computer it just looks better. It makes a straight line instead of a crooked line, and in terms of travel and working—La Salle County is a lot easier—

ALISEDA: Mr. King, you and I have talked about this amendment; is that not correct?

T. KING: Yes, we have.

ALISEDA: And you understand that I'm not happy with this amendment?

T. KING: I understand that you are concerned about losing three-tenths of a percent. Yes, sir.

ALISEDA: That's not really the way I perceive it. You understand I'm a freshman. And—how long have you been here?

T. KING: That's patently obvious, yes, we do understand that you are a freshman. Yes, sir.

ALISEDA: All right. How long have you been here, sir?

T. KING: I have been here eight terms.

ALISEDA: All right. And how long was it since you have had an opponent?

T. KING: I'm sorry?

ALISEDA: How long has it been since you have had an opponent?

T. KING: Oh, three or four terms.

ALISEDA: All right. You understand that I'm likely to draw an opponent and any reduction in my republican numbers could affect the possibility about whether I come back or not. Would you agree with that?

T. KING: I would, and I'm likely to draw an opponent also. But you know I'm a big boy, and I'm okay with that. That's why we run for office, Mr. Aliseda.

ALISEDA: You will concede with me though that this particular change to my district does in fact reduce my republican numbers?

T. KING: By maybe three-tenths of a percent in the Obama election which was a high watermark for the democrats in our part of the world. Yes, sir.

ALISEDA: And perhaps in the Obama election but if you go further down the ballot where my election is likely to end up, closer to the Supreme Court races, it significantly reduces my numbers. For example, in the district I'm currently in I won my election by 1600 votes. The amendment that you have will reduce my republican numbers by about 600 votes down ballot.

T. KING: Well, you know, I have a lot of sympathy for you there, Mr. Aliseda. But, you know, we're not here to try to reelect certain people. We're here to draw districts that make sense for Texans and the folks that we represent in South Texas.

ALISEDA: Let's talk about—

T. KING: Let's talk one at a time here, Mr. Aliseda.

ALISEDA: Let's talk about making some sense, Mr. King, because La Salle County is in the Eagle Ford Shale. We are going to talk economic sense now. La Salle County is in Eagle Ford Shale.

T. KING: And the economics are important to you, Mr. Aliseda?

ALISEDA: Well, they are in the sense that I'm trying to keep community of interest with Eagle Ford Shale. And I happen to have in my other part of the district McMullen County, Live Oak County, and those also lie in Eagle Ford Shale. So economically that would be a community of interest with the rest of the district. Jim Hogg County happens to be several—

T. KING: Let me tell you we don't draw the districts for what's best for the economics of the members either. But, that being said, the Eagle Ford Shale is also in three of the four counties that I represent. It is in—that I will be representing, it is in Webb County, it is in Dimmit County, it is in Zavala County, it is in Frio County, that's four and in La Salle County. But like I said, if you want to talk about that, that's just—

ALISEDA: I could say the same about the Atascosa—currently in my district. But you understand I oppose you in this amendment.

T. KING: I do understand that and I visited with you extensively about it and you understand that it's a district and it's a county that I have worked for a long time and it's been in my district and it makes a marginal change in your electoral reelection possibilities.

ALISEDA: I do have in my district change about 90,000 people. So I understand where you are coming from that is something that you have to deal with when you go through this process but I would ask that the other republican members in the House and my freshman class members vote against you on this amendment.

T. KING: I was hoping you would say that because you pointed out that I have served here eight terms. And in eight terms and all the debate I have ever had here I have never called on the Democratic or Republican Party to support me on anything. I called on each of the members as representatives of their individual districts to make decisions that are good for Texas and for their districts and not for one party or the other.

ALISEDA: Redistricting unfortunately is a very political process. It's probably one of the most political things we do here every ten years. So yes, I think partisan politics can play a role in here.

T. KING: Yeah, what you are worried about three-tenths of a percentage point—

ALISEDA: I disagree with it that much. If it was—

T. KING: I think you should be more worried about the people that we represent and communities of interest—

ALISEDA: If it were only that—

T. KING: Winter Garden community is a community of interest. La Salle County, the Middle Rio Grande Development Council COG has been a part and COG for—ever since we've had a COG in the early 70's. There's all kinds of reasons except for the fact that you just don't want to do it.

ALISEDA: No, if it was only .3 percent I probably wouldn't care but it's significantly more than that.

T. KING: It might be five-tenths of a percent. Yes, sir.

ALISEDA: Thank you, Mr. King.

T. KING: You're welcome. Members, I move the adoption of this amendment. Or is it acceptable to the—

SOLOMONS: Mr. Speaker, members, that—you know I've known Representative King since we came in together in '95. Ya'll know Mr. Aliseda. I think you heard the debate. Mr. Aliseda is going to stand up here and argue why we shouldn't vote against it. Mr. King has made his argument. This is one of those things where it is negligible in some numbers but it seems to be—it does have some impact. Not a lot and there is some. And this is one of those tough decisions that ya'll are going to have to make on this because it's so minor in numbers, but it means a lot to both parties. And, you know, in trying to conduct this—whatever we are doing—series of amendments. There are some things that I feel very strongly about. There are some things I have told the members I'll move to table and there's some things I said that I wanted to do and I wanted to defend the map and I wanted to defend the committee's work. This is one of those rather negligible issues that we only for the members themselves I think ya'll have to make your decision based on what they are doing. So, yes, Mr. Smith, that's exactly what I'm doing.

ALISEDA: Members, you know Mr. King and I have been getting along very well this session. I consider him a brother from another mother. But this is one of the things that we discussed often, and I have my reasons. I honestly believe that Jim Hogg County besides taking me way down south almost to the edge of the valley there or at the edge of the valley, it does change my republican numbers.

VILLARREAL: Mr. Aliseda, so is this amendment just about Jim Hogg County?

ALISEDA: It is about taking one county that's currently drawn in the Solomons' map, La Salle County, and giving that to Mr. King and him giving me another map—excuse me, another county that has been in the Solomons' map, Jim Hogg County, and attaching it to my district.

VILLARREAL: And is—does it change your ethnic composition any at all?

ALISEDA: Yes, it does.

VILLARREAL: How?

ALISEDA: A very small percentage it actually reduces my Hispanic voting age population.

VILLARREAL: How about your Spanish surnamed registered voters?

ALISEDA: It increases it a little bit more.

VILLARREAL: So, Mr. King's amendment increases the number of Spanish registered voters.

ALISEDA: Spanish surnamed registered voters but it's not—

VILLARREAL: Thank you. Spanish surnamed registered voters.

ALISEDA: It drops my voting age population, Hispanic voting age population.

VILLARREAL: And we know that Spanish surnamed registered voters is really the relevant population to look at if you want to get a sense of a minority group's or a Hispanic population's ability to elect the candidate of choice; is that right?

ALISEDA: I would leave that up to Mr. Solomons.

VILLARREAL: And—nonetheless I will answer it for you. And the answer is yes. Spanish surnamed registered voters are really the groups that participate in elections, not people who are non-citizens who happen to be Hispanic, who are being counted. So, you are fighting this amendment because it actually increases the number of Hispanics that can vote in your election?

ALISEDA: No, I'm not fighting for that.

VILLARREAL: No, but that is the consequence of fighting this amendment.

ALISEDA: We are talking less than .02 percent.

VILLARREAL: Well, let's just be honest because you made a very significant public record in wanting to oppose this because it reduces the number of republican votes that you'll receive. And isn't it true that is a consequence of boosting your district with Spanish surnamed registered voters?

ALISEDA: I would disagree that is the consequence.

VILLARREAL: You are admitting that what Mr. King is attempting to do is put in more or at least restore, restore the number of Spanish surnamed registered voters.

ALISEDA: I'm not conceding that my district necessarily loses.

VILLARREAL: Are you aware that your district actually drops in Spanish surnamed registered voters from where it is today in the district you got elected into to the Solomons' map from 38 to 40 percent?

ALISEDA: I don't—

VILLARREAL: Are you aware of that?

ALISEDA: I don't think those numbers are correct.

VILLARREAL: Well, they are. I'm sorry. This is Anglo voting age population. Anglo voting age population actually increases from 38 to 40 percent.

ALISEDA: So you are using Spanish surnamed for what you want to talk about but now you want to talk about Anglo voting age population rather than using Hispanic voting age population. You want to compare apples and apples or apples and oranges?

VILLARREAL: I'm just trying to make the point that your district has become less. It has been lessened in Spanish surnamed registered voters. Mr. King's amendment attempts to make a difference with—regarding communities of interest, the effect of which is that it will increase your share of Spanish surnamed registered voters, and you seem to be opposed to that.

ALISEDA: I'm not opposed to that. I'm opposed to the fact that it changes my district into a more democrat district.

VILLARREAL: It changes your district into a district with more voters who are Hispanic—actual voters. Not voting age population.

ALISEDA: Less than .02 percent.

GARZA: Jose, I want to acknowledge and ask you a question. I remember your testimony from the voter ID bill and maybe this is a little retribution for that, I don't know. But this is about redistricting and about winning an election and representing the people in your district. I just want to ask you how hard did you work to win your election?

ALISEDA: My district is composed of seven counties. The current district is composed of seven counties. I ran that district up and down for months and months and months, so I worked very hard.

REPRESENTATIVE GARZA: And I know a lot of people here have talked about their relationship with their constituents. Do you feel that you represent something that is a little different being a Hispanic, being a republican but also being rural and representing a certain demographic of Hispanic or a certain demographic—

ALISEDA: I do believe that Hispanics need to have two parties representing them. Not just one. If one party represents them and they get taken for granted and the other party ignores them. So this is why I think it's important that we have two parties representing an ethnic minority and I think the entire body ought to be thinking about that when they cast this vote.

GARZA: And how do you think your representation as a Hispanic candidate, as a republican office holder for your district is different when it was previously held by—what is the difference? I want to find out, what's different this time around? Why are you sitting here as a representative of that district, of that area?

ALISEDA: Because my district is a conservative district, and I ran as a conservative and I vote as a conservative, and my opponent was a liberal.

GARZA: So, would you say that the attitude of the Hispanics in your current district the way it is being presented and we are supposed to defend the author's map because of the amount of work that they took in putting this together. I mean, do you feel comfortable that it needs to stay the way it is?

ALISEDA: I believe that the current map, although difficult for me, is better for me than the map Mr. King is proposing by adding this additional county and taking away one of the counties. And the reason I believe that is I'm already just like Mr. King is upset about running and what is almost completely a new district I'm doing the same. And it's a gamble for both of us. I understand that. And I wish I could keep some of the counties that I have lost in this redistricting process, but realistically, given what's happened in Nueces county, what's happening in the valley, things had to shift. So I'm absorbing counties that belong to Mr. Hunter for example. Counties that belong to Mr. Lozano or to Mr. Guillen, and that's why I'm apprehensive about even any changes on a map that I've looked at already and have agreed to.

GARZA: Okay. Well, I already told you that I think you are a rock star and I think no one is going to represent people in your district better than you. Jose, thank you for answering my questions.

ALISEDA: I move to table.

T. KING: I appreciate your attention on this and I apologize to each and every one of you for dragging you into something like this. For people that have been around here for a little while, quite candidly, we would have never gotten to this level. And some of the folks that are in charge around here are probably surprised that we are here doing this discussion. But I think it's clear that the changes that it makes to Mr. Aliseda's district are minimal. Whether it's two-tenths of a percent, or four-tenths of a percent, it's minimal. Any changes that it might make to Hispanic voting age population I think it shows a two-tenths of a percentage change in the Hispanic voting age population. So, the numbers are really not relevant. The relevant issue is that you have a community of interest here for La Salle County and Hebbronville where Jim Hogg County is, it is a great place. I have absolutely nothing against the men and women who live in that community. It's a great place. I've just never represented it and it's not part of the Winter Garden which is basically the part north of Laredo and this is a county that I've represented for a long time. They've indicated to me that they would like to stay in the district and that I'm representing. And there just is no reason not to have anyone. You look at the amendment, and I ask you to do that, ladies and gentleman, on the computer screen you will see that it creates straight lines instead of crooked lines, and it just esthetically looks a lot better. And it's a lot more compact and it's communities of interest. It's not a partisan issue in my view. And I understand that Mr. Aliseda is afraid that he's going to lose his reelection. And, ladies and gentlemen, we all have those issues when we get up here, but that's the part of the thing we do when we sign up here. I don't think it's a republican or a democrat issue. It's simply—this is one of those amendments where we are going to be able to make a judgment based on what's good for that area of Texas and the communities of interest and recognize in the things that

have been going on in here. And with that I close and ask for your favorable consideration on this. I think Mr. Solomons left it up to the will of the house if I heard him correctly and I ask for your favorable support on this, ladies and gentlemen. I move adoption.

[Amendment No. 16, as amended, was tabled by Record No. 575.]

[Amendment No. 18 by V. Gonzales was laid before the house.]

REPRESENTATIVE V. GONZALES: Actually this amendment, members, is an amendment by myself, Representative Martinez, and Representative Muñoz. You know, throughout the day I've heard many times from colleagues that about how much their districts mean to them, and I'm no different. We've also heard colleagues object to amendments because they make major changes to their districts, and I can definitely understand that because the proposed map dramatically changes the districts in Hidalgo County. In fact my district is dismantled completely. I'm left with 1.5 percent of my district, 1.5 percent of my district. If you want to get a laugh, and it's been a long day and you might need one, come look at the map that I put up here and it will show you the configuration of the district that I have. I won't comment what it looks like, you can make that determination for yourself, but it is not a pretty picture. It is a completely different district from the one I've represented. District 40, which—oh, not only is my district dismantled the number has been changed and I will no longer be District 41 under the proposed map, I would be District 40. The old District 40 that is currently belongs to Representative Peña would have 1.1 percent of its original district left. So basically the two districts have been swapped. They have been swapped and the democratic precincts have been lopped off Representative Peña's district. So they tried to make it a republican district. Not only did my district become dismantled in the process, Representative Armando Martinez's district was changed. He took in a different community of interest he never had. District 36 belonging to Representative Muñoz was changed leaving him with 57.2 of his district. The VTDs which are my precincts in my old district, 14 of them were split. We heard this morning Chairman Solomons object to Farias' amendment because it increased the number of split VTDs. Well, in this one 14 VTDs have now been split. Hispanics have been packed and cracked in this map. In fact, my current district has an SSVR that we've been talking about today of 69 percent. It would now have 87.4 percent packing Hispanics into the new district. Whereas Representative Peña would go from 88.3 percent to 63.9 percent. A dilution of Hispanic voters of 24.4 percent.

MARTINEZ: And speaking—being that our testimony wasn't in the minutes from the committee, and we were all against the current map that was drawn, the Solomons' map for the valley. Just a quick question. Does this map create a new house district in the Rio Grande valley?

V. GONZALES: No, it does not. It does not create a new house district. One of the complaints we've had and there's another amendment that will come up later is the fact that Hidalgo County is one of the fastest growing areas in the state. So

is Cameron County. Despite the fact that we have an excess population in both counties, we did not get a new district.

MARTINEZ: And to accommodate Representative Peña and his party, they have done packing. Can you explain the packing for me? The SSVR in your current district, District 41, is what? Is it 69 percent?

V. GONZALES: Sixty-nine percent and now my new district would go to 87.4 percent, an increase of 18.4 percent.

MARTINEZ: So that's where we get the packing from because we are packing more people into your new district?

V. GONZALES: More Hispanics.

MARTINEZ: More Hispanics.

V. GONZALES: More Hispanic surnames.

MARTINEZ: So the SSVR in Representative Peña's current District 40 right now, as it is right now, what is that percentage?

V. GONZALES: 88.3 percent.

MARTINEZ: But under the proposed plan that would be what?

V. GONZALES: It would be 63.9 percent, a drop of 24.4 percent.

MARTINEZ: Which is a clear indication of—

V. GONZALES: Cracking.

MARTINEZ: Cracking—

V. GONZALES: Diluting Spanish surnames.

MARTINEZ: So the new proposed District 41 which is the old District 40. See—what they had to do is go and swap your numbers, am I correct?

V. GONZALES: The numbers were swapped I believe because I had pointed out to the committee that you compare the old district it follows the incumbent. And if you look at the numbers of the SSVR in your old district, compare it to your new district and it follows the incumbent. So they just switched the numbers and said, okay, now we are comparing 40 to 40, and you are really comparing two different districts.

MARTINEZ: So how does that district rank as far as size in the State of Texas? Is it one of the largest or is it one of the smallest?

V. GONZALES: Well Representative Peña's new district would be one of the smallest.

MARTINEZ: Okay. And what would that deviation be?

V. GONZALES: I believe it's a deviation of 4.—

MARTINEZ: A negative 4.1 percent—

V. GONZALES: A negative 4.1 percent.

MARTINEZ: Which is a population of 160,238 people; am I correct?

V. GONZALES: Yes.

MARTINEZ: So our districts would go up in population but Representative Peña's new district where they are cracking it is going to go down in deviation, and the population is going to get smaller only for one reason.

V. GONZALES: Yes, one reason and that is to give him a district where he can be elected. But the reality is this. And let me point this out because I think it's a very important fact. The lines did not need to be changed. We all had excess population. This was not a situation where somebody needed to go and take somebody else's population in order to create a district that would be the right size. We all had excess, and that's what this amendment does. If I can real quickly, let me say what the amendment does. The amendment is going to put us basically back to where we were. It will decrease a little of the population so that that way we are not over the amount we need to be since we all had excess. In fact, I think Representative Peña had like 30 almost 32,000 extra. So it will put us back, it will preserve the communities of interest, it will not split any VTDS. It is going to be more in line with everything that we've been talking about today. It is going to assure that we are not violating the Voting Rights Act and it's going to just leave—we are not going to be putting us in new cities. Right now I'm in seven new cities under the proposed map, and all the cities I have including my core city of McAllen, Texas is gone. What I have left of McAllen is the street I live on. The street I live on and right around the corner from my home. And the rest of the city is gone.

MARTINEZ: So, in regard to your new district, what percentage of your district is left because of this new proposed plan?

V. GONZALES: One point five percent of my district is left.

MARTINEZ: I only have 72 percent of my district left, and that is a big change because they have changed the communities of interest. But let me ask you a question. Do you live in your district?

V. GONZALES: I do live in my district, of course I do.

MARTINEZ: Okay. And do you know where this quote came from. "I'd rather not say where I live. If I run for election I definitely live in the district, he said." Do you know where that quote came from?

V. GONZALES: I saw that quote for the first time today, and it came from an article in one of the papers back home.

MARTINEZ: It came from the Mid-Valley Town Crier and that was Representative Peña's quote in that paper—

V. GONZALES: Yes, it is.

MARTINEZ:—because they are questioning where he currently lives in his district. But if they change this map and he gets his way, then he will now live in the district that he would represent, am I correct?

V. GONZALES: That's correct based on what's in the article.

REPRESENTATIVE MUÑOZ: Representative Gonzales, when were you elected to Texas house?

V. GONZALES: Back in 2004.

MUÑOZ: And since 2004 have you represented current District 41?

V. GONZALES: I have.

MUÑOZ: And have you been involved in any competitive elections since 2004?

V. GONZALES: Yes, as a matter of fact I have.

MUÑOZ: And have you had any general election opponents?

V. GONZALES: I have had general election opponents twice.

MUÑOZ: And in the past few elections, have you been a preferred candidate of choice from constituents in District 41?

V. GONZALES: Apparently so. They've reelected me. And I'm proud to say that despite the fact that I always had a marginal district, I always won my election with a significant amount of the votes.

MUÑOZ: And you are familiar with Section 5 of the Voting Rights Act, right?

V. GONZALES: I am.

MUÑOZ: And is your district subject to Section 5 preclearance?

V. GONZALES: Yes, all of our districts are down in that part of Texas.

MUÑOZ: If there's retrogression in minority strength or minority citizens to have the preferred choice is now protected, will your district be precleared?

V. GONZALES: No. I don't believe our districts will be pre-cleared because they would have to be redrawn and in compliance with Section 5.

MUÑOZ: Now, in regard to the current house bill that we are debating today, prior to the map being unveiled, did you submit any proposed changes to the map?

V. GONZALES: Yes, as a matter of fact if you recall, Representative Muñoz, you and I and Representative Martinez submitted an amendment to the map, and we all testified at the hearing.

MUÑOZ: So the chairman and the committee members are aware of the proposed changes and the amendments that we had offered, right?

V. GONZALES: Yes, they were.

MUÑOZ: Now, were they also aware that you were the preferred candidate of choice in 2004 since you were first elected?

V. GONZALES: Yes, I believe so. I've been reelected each time.

MUÑOZ: Now, regarding the changes in your current district, currently, as you mentioned earlier, less than 2 percent of your current district is in the new proposed district; is that correct?

V. GONZALES: That's correct.

MUÑOZ: Now would you have to establish new member-constituent relationship?

V. GONZALES: I would have to start all over. I would end up losing the cities of Sharyland, of Alton, of Palmhurst, most of McAllen and the part of Edinburg that I have always represented and I would gain seven new cities.

MUÑOZ: Now, when you—in your proposed new district, are Hispanics compacted? Or packed?

V. GONZALES: Yes. In the proposed district they are going to add more Spanish surname voters.

MUÑOZ: Now what happens—and I think you mentioned earlier—to your current district under the map that we are debating at this point in time?

V. GONZALES: I'm sorry, could you repeat that for me?

MUÑOZ: I guess specifically regarding to VTDs. Were VTDs split in your current district?

V. GONZALES: Yes, 14 of them were.

MUÑOZ: And what else was done to your current district, in terms of not only splitting VTDs.

V. GONZALES: Well, they split 14 VTDs, my communities of interest are gone. You know the people, the new cities that I would represent I'm sure they are all wonderful people but I've never represented them and they weren't the ones who elected me. The people who elected me, I think, are the ones who expect me to run and they would be put into another district that they didn't ask to be put in.

MUÑOZ: Do you think that by removing the VTDs from your current district that that is a violation of Section 5 of the Voting Rights Act?

V. GONZALES: Absolutely.

ALISEDA: Ms. Gonzales, as I understand it you were at the redistricting committee hearing when MALDEF testified that this particular map would not violate the Voting Rights Act.

V. GONZALES: What I remember, Representative Aliseda, one, that MALDEF was talking about looking at how do they create more minority districts within the state. That's what they were looking at under Section 2. My complaints were under Section 5. The question was asked of Luis Figueroa as to whether he saw any other violations and he said that he didn't know of any. I spoke to Luis Figueroa afterward and he mentioned to me that he was going to go back and look because he wasn't aware of this. He was looking for the creation of new minority districts. So, frankly, I think that asking that question—I don't know if Luis had not had an opportunity to look at the minutiae of every district down south or whether his focus has been on creating new districts but at that point afterward he told me, I need to go back and look at his information.

ALISEDA: But his information was that it would not violate the Voting Rights Act; is that correct? Yes or no.

V. GONZALES: That's what his testimony was. But I would be happy to share this information with him, so that he can see the numbers for himself because they speak to it better than anything else now.

ALISEDA: And this particular map that you are proposing—and once again we are going to talk about partisan politics because this is a partisan process—does in fact change Mr. Peña's republican numbers; is that not correct?

V. GONZALES: What it does, yes it does. And let me tell you why, Representative Aliseda. What it does is it puts us back to creating communities of interest. It goes back to not splitting VTDs. It is not going to take Hispanic surname voters out and pack them and crack them. It is going to be a much better map. Now we do not redistrict as you know, or as I believe you know, we do not redistrict to accommodate a party affiliation or to accommodate a member who has decided to switch parties. We redistrict—

ALISEDA: I disagree with that assertion.

V. GONZALES:—because redistricting—

ALISEDA: I disagree with that assertion. I think that it is one of the considerations that you can have in a redistricting process. So there we would not agree on. But looking at—

V. GONZALES: Quite frankly, I don't believe that you throw three members under the bus to save one, I don't. And I think that that's being done under this now.

ALISEDA: Let's talk about the possibility—

SPEAKER: Representative Sheets raises the point of order: the lady's time is expired and the point of order is well taken and sustained.

REPRESENTATIVE OLIVEIRA: Mr. Speaker, members, this is my fourth redistricting that I've gone through, and I've seen some very interesting things and creative maps. I have even seen some fist fights on the house floor, and it wasn't between Mrs. Thompson and myself. It's been a very interesting process, redistricting. And I noticed in the last couple of amendments, the discussion has been about partisanship. Certainly redistricting has some elements of partisanship, but the issue here that we are bringing to you is a very simple one. The United States Constitution, the Voting Rights Act, and even our own Texas Constitution is very clear that if you combine Cameron and Hidalgo County, you would be able to create 7.05 districts. Excuse me, gentleman, please. You will be able to create a brand-new minority opportunity—majority probably—precincts or districts for a Hispanic in the Rio Grande Valley. Now this is not intended to be against Mr. Peña who is my friend, or Mr. Guillen, or anybody else. It is simply about complying with the law of our great nation and our great state. It says, you must, you must, you shall advance opportunities for minorities to get seats. Why do we have these laws? Because historically minorities were never at the table. Blacks, Hispanics, Asian Americans, could never get elected. So, these laws were promulgated and passed and our basic constitutional principles based on the one man, one vote rule that we would be able to have more representation. And here

this is one instance where Chairman Solomons did cross county lines. And the sacred county line rule that he has not wanted to violate, he did. And in this particular—abomination in **HB 150**—he did it and he did it in a way that discriminates against minority voters and minority representation. Quite simply put, between the two counties, Cameron County has enough for 2.4 percent of a representative. Hidalgo has enough for 2.6 percent. These two counties could have been together, kept the representatives they had and had a brand-new seat. So when we are talking about and making perhaps a record for others to review, please note that in this particular instance my good friend Chairman Solomons has made the most blaring error. You could have created one new Hispanic seat—and done minimal, minimal problems for all the members involved—

BURNAM: Chairman, did I just hear you say that you felt like there is a little inconsistency in the process of the day? And in this instance it seems like what is good for the goose is not good for the gander when it comes to the rule of not crossing county lines?

OLIVEIRA: Yes. I mean, this is one instance where it's blatantly clear that this particular bill without this amendment, the bill as presented to us on the floor today did violate the county rule which seems to be a sacred principle behind this particular piece of legislation. So I'm submitting that if it's such a good rule, why did you do it here and why did you do it in a way that prevented an Hispanic representative and prevented the one point some-odd million people in the Rio Grande Valley from having a new voice, a new person at the table, and somebody to come up here and advocate for their needs and for their issues and be their representative? And that is a gross error in **HB 150**.

BURNAM: And do you see that inconsistency as being analogous to another inconsistency where apparently —we drive for over 50 percent Hispanic voters as the criteria in creating minority districts on some occasions, and on other occasions we're not really concerned about that.

OLIVEIRA: I'm very concerned about that. I think the rule is clear that you don't have to have a 50 plus district to be a minority opportunity district. In fact many of us are elected today in districts that don't have those kinds of percentages, and I'm talking about minority members. When I first arrived here in 1981 there were maybe five Hispanics, and we had—when we had our caucus meeting it was at a breakfast table. And over the years only through the courts did we get the relief we needed and did we get the representation that we were entitled to. And I think it's the very same thing for African Americans in Texas and the very same thing for people like Representative Vo who deserve a seat at the table as well.

BURNAM: So over the years, it appears that the only way the legislature is willing to—well the legislature is not willing to do it. Over the years in order for Latinos to get the fair representation they are entitled to, they have to take it to the courts. And over the years the experience in Tarrant County—the only way we ever got to single member districts for this kind of representation—is through the courts.

OLIVEIRA: I think that's exactly right. In fact, almost every lawyer on both sides of the docket in these cases will tell you that every gain that the minorities have made is not because of the votes in this august body. It has happened because folks went to the courthouse to get the relief to see that the one man, one vote rule was honored and that people got their fair amount of representation. So I think it's a little sad today that in this year of our Lord 2011 we are still having the fights we had in '81, '91, 2001, and, God forbid, in another ten years for now.

BURNAM: And so what you are suggesting is that, if we are going to bust county lines, we should bust it for the purposes of adhering to the Voting Rights Act and assure those five Hispanic districts that have not been created in this process.

OLIVEIRA: I absolutely agree. I think the county line rule is an important rule, but it is not—it is not the thermometer, it is not the gage to decide all of these issues. There has been an overreliance upon the people that are in favor of this bill that have not recognized that. And I think we will have to see, I guess, the relief at the courthouse for itself.

BURNAM: Thank you for indicating that you think the Voting Rights Act is really important.

GUILLEN: Chairman, I am a little confused. You are talking about how the counties of Cameron and Hidalgo should have been—the leftover of those two counties should have been put together.

OLIVEIRA: Correct. And it has been done in previous redistricting where there was a representative—I believe, it was done in two different redistrictings, where there was a representative elected from a part of Cameron and a part of Hidalgo County. So there's historical precedent for this and it being a minority district as well.

GUILLEN: First of all, I pulled up the amendment on the amendment system, and it doesn't show what you're advocating for.

OLIVEIRA: This particular amendment I will agree does not create the seventh district. Those maps were laid out earlier today that would have created the seventh district.

GUILLEN: So what you are talking about—

OLIVEIRA: What has happened here because you were protected, my friend, and you got population from Hidalgo County so that you didn't have to keep the population you had before. What has happened here is Cameron and Hidalgo County because of that protection given to you, when you didn't need it to keep your minority opportunity district or your majority minority district, that population was sacrificed for your benefit and perhaps for Representative Peña. And I speak with you in as friendly a tone as I can. But this issue is bigger than you or me or Mr. Peña or even the other members of the valley delegation.

GUILLEN: Well, I appreciate that you make the assumption that something was drawn to my benefit. I am not sure about the logic behind that. But I wanted to make sure I understood that everything you've been arguing about does not apply to the amendment that's about to be voted on, is that right?

OLIVEIRA: The amendment is to fix the balance of what has happened in Hidalgo County which is another abomination when you look at what it did to current members and what it did to their particular districts and how it divided communities of interest and how it changed Hispanic voter registration populations and basically also violated the Voting Rights Act and the constitution.

SOLOMONS: This is—we've heard a quite a bit of debate and this is one of those things where it's very personal to members and not an easy decision for the members of this body I'm sure. his amendment switches some precincts between District 41 represented by Representative Peña and District 40 represented by Representative Gonzales. I don't know that it materially impacts the SSVR's of either district or caused any major legal concerns. It does negatively impact Mr. Peña—I guess, Mr. Peña's District 41's republican numbers. This is a very personal thing to all these members in Hidalgo County. Members need to pay attention and do what they think is best. I just want to speak on the amendment in the sense that Mr. Peña and Mr. Guillen have not agreed to the plan but you have to understand the concern that Ms. Gonzales has in connection with her district. So ya'll have to make another hard decision. So that's all I really want to say and I think Mr. Peña wants to close, and he'll move to table. And I don't really think that I want to answer any questions.

MARTINEZ: Well then, Mr. Speaker, parliamentary inquiry.

SPEAKER: State your inquiry.

MARTINEZ: Who drew the lines for this district? For the Rio Grande Valley? Mr. Solomons' map?

SPEAKER: Redistricting committee.

MARTINEZ: Excuse me?

SPEAKER: The redistricting committee.

MARTINEZ: But who was the one drawing the lines? Who was telling them how to draw the valley map?

SPEAKER: The chair is not advised.

MARTINEZ: So the chair doesn't know and the chair cannot tell me who was telling them how to draw the lines? Because obviously people would give their input, members give their input if this is a members' map.

SPEAKER: Chair is not advised—

MARTINEZ: Can the vice chairman come out and tell me? The chairman can't? Of the committee?

SPEAKER: You have to ask Mr. Villarreal.

MARTINEZ: Mr. Villarreal, would you, please, answer that question for me? Since the chairman has yielded the floor? Mr. Speaker, would the gentleman yield?

SPEAKER: Chair recognizes Representative Villarreal.

MARTINEZ: Thank you, Representative Villarreal for standing there and answering questions. First of all, who drew the lines for the valley map? Who gave the ideas for the valley map?

VILLARREAL: I'm going to give you an answer. I don't know.

MARTINEZ: That seems to be the answer, but somebody had to have given the input because obviously the majority of the members from the valley gave their input to the committee. It didn't matter to them because they didn't draw it the way we had asked. Especially when it's supposed to be a members' map, as our chairman has mentioned from the beginning of the session. So who drew the map? Who gave the authority for this map to come out?

VILLARREAL: Well, who gave the authority for the map to come out? The answer to that is the committee.

MARTINEZ: So the committee—

VILLARREAL: I understand your concern and I share it. I don't support what happened in the valley. As you know, I voted against the map coming out of committee. I believe that another Hispanic district can be drawn with a combination of population in Cameron County, Hidalgo County, and Willacy County, and we failed to do that. For that reason I believe this map is compromised legally.

MARTINEZ: So, then let me ask you, did the map—whatever was brought up to the committee, it doesn't matter who drew it or ya'll don't know who drew it so ya'll can vote on it? The committee can vote on something they don't know anything about?

VILLARREAL: Well, I can tell you this, ultimately, the chairman puts his name on the map and owns the map and brings it to the committee for feedback and a public hearing and every individual on the committee has an opportunity to voice their concerns and cast ye or nay vote.

PEÑA: Members, I rarely get up here to speak. I certainly haven't gotten up to speak on an individual bill in the last two sessions except for when I had a bill before you. And I can understand the quandary that you all are having because I had it a moment ago when I had to make decisions about Dallas—uncomfortable. I did not draw this map. But there are certain things I do know and certain things I did ask for. I said one, please, don't pair any of my colleagues. Don't pair my colleagues because I want them to have an opportunity. I think Representative Gonzales is a fine member. She's a liberal member but that's fine. I'm a conservative member, that's fine. No, no, No. Please, I mean no disrespect.

I wanted everybody to have a point of view and I certainly wanted everybody with a variety of opinions to have a point of view. So, when asked I said, please, don't pair my members. The other thing I said was if there's going to

be spillover I would rather have an experienced member come into the valley than a freshman. And so Representative Guillen, who you know, is somebody who is respected, senior member, and so that was my suggestion. Those are the two suggestions I made. Let me finish, Armando. And so there's a very conservative district in the valley. One I would say. And it is has been a 50/50 district. That was represented by Representative Gonzales. I live fairly nearby. Then there are other districts that are fairly democratic. And so I think—this is my observation of the map you want to put the conservative member in the conservative district. You want to give Representative Gonzales a very democratic district. And that she has. She is not paired with me. Representative Martinez represents the same area that he represented before, save an additional area which is considered part—what we call the Mid-Valley. That's fine, representative—everybody has their place. This is what I believe to be fair. I think Representative Gonzales will go on to win without an opponent. It is a very democratic district, probably in the eighties. She is a strong democrat. She will get elected. The district that has been drawn that everybody reportedly says is for me is actually 52 percent democratic district. That's fine. Because I believe that conservatives should have a voice and at least should be able to compete in the valley which I call my home. And so, for those of you who are out there deciding what is fair, what is right, please, listen to what I said. I believe this is fair, this is just, this is right. We have an experienced member that comes into the valley. The committee tried it's best not to break the county line rule because it's in our constitution. If the court says, a court, preferably the Supreme Court or a federal court, says that the county line rule can be ignored, then that's fine. I would love to have an extra district but until court says so that's what the committee did. And then everybody has their place. So I ask the members who are out there to stand with me on this. Obviously there are strong opinions, but I do think that things are a little too personal here.

MARTINEZ: Representative Peña, you talked about pairing. Was there a snowball chance that there was going to be pairing in the valley?

PEÑA: No. Somebody asked me a question what do you want and I said—

MARTINEZ: I didn't ask you that. I asked you whether there was a chance that there will be pairing in the valley?

PEÑA: Somebody asked me the question. I simply said, I do not want to be paired, nor do I want my colleagues to be paired. That's what I said.

MARTINEZ: But that's not what I asked you. Is there a chance of a member's being paired in the valley with a population growth that we have?

PEÑA: That's a question that—

MARTINEZ: Simple yes or no.

PEÑA: I don't know the answer to that. It was not something I decided.

MARTINEZ: Do you support creating a new minority seat in the Rio Grande Valley in Hidalgo County?

PEÑA: Yes.

MARTINEZ: You do support that?

PEÑA: I do.

MARTINEZ: You do support that? So, you will support this amendment?

PEÑA: No, I didn't say that. I will—this amendment doesn't create a new Hidalgo County district.

MARTINEZ: Will you support a new district in Hidalgo County?

PEÑA: Sure, if you can get the courts to agree that that's legal, yes.

MARTINEZ: Do you live in your district right now?

PEÑA: I do.

MARTINEZ: Your current district?

PEÑA: Yes. And let me tell you a little bit of slur that you threw at me earlier. The reporter asked me, where do you live, and I said I'm selling my house and I intend to move. And he said if you intend to move, where do you intend to move to and I said, well, if I intend to run for reelection, I will live in the district. But I'd rather not reveal that because I'm in the process of purchasing something. That's what I said.

MARTINEZ: Under your proposed plan, you have a drop of 24 percent under the SSVR.

PEÑA: Understand, that this is not my proposed plan.

MARTINEZ: Okay. Did you have any input on the plan?

PEÑA: I told you the input that I had which is I did not want my colleagues paired. Which was done.

MARTINEZ: So you didn't have any input whatsoever on the drawing of the lines in Hidalgo—

PEÑA:—that I gave.

MARTINEZ: Representative, answer my question.

PEÑA: Yes.

MARTINEZ: Okay. So did you have any input on the lines being drawn in Hidalgo County?

PEÑA: I had some input.

MARTINEZ: What was your input?

PEÑA: I asked that the members, my colleagues in the valley not be paired. I asked that the conservative member get a conservative district, and I asked that the other members represent the areas that they have. You getting the Mid-Valley. I asked that a senior member like Representative Guillen come in if there was spillover. I think that's basically what I asked for.

MARTINEZ: Did you have any input in the way your district was drawn?

PEÑA: No. When I met with the members what I said to you was, look I expect that the republicans are going to maximize the conservative seats. That's what I told you, you can recall that. And I said I will not draw this map because one, I did not want to be involved. And two, that I didn't want to be involved in pairing or being involved in affecting my neighbor's districts.

MARTINEZ: So, the drawing of your lines in your district you didn't have any input in?

PEÑA: No, I never even bothered to learn the redappl—

MARTINEZ: How many times did you meet with the valley delegation to talk about the map?

PEÑA: I think we had one valley delegation meeting.

MARTINEZ: Where you said what?

PEÑA: I said, look, guys, get ready—there's a conservative district here, I would expect that republicans to maximize their seats and be protected.

MARTINEZ: Thank you. Thank you. That's all we needed.

REPRESENTATIVE CASTRO: Representative Peña, you agree that that map looks almost like a Transformer Cartoon or—

PEÑA: Yes, it looks like a running man.

CASTRO:—a Tetris video game.

PEÑA: Yeah. Look, Joaquin, the district is fairly compact compared to the other districts in the state, if that's your question.

CASTRO: It looks like a Transformer Cartoon or a Tetris video game and the reason I ask that question is because historically the lack of political power in the valley has had very practical consequences. For example, there is no medical school in the valley.

PEÑA: Amen.

CASTRO: There's no law school in the valley.

PEÑA: Amen.

CASTRO: There are very few doctoral degrees in the valley compared to other parts of the state—

PEÑA: Amen.

CASTRO:—and so you would agree that they are very practical, political and economic consequences to the decisions that are made in redistricting?

PEÑA: Amen. And let me tell you this. Democrats ruled this state for decades. And we suffered in squalor. Okay. And it's only until recently that some Hispanic republicans have stepped forward that your party has decided to start paying attention to the people in South Texas.

CASTRO: You are right. And there was a conservative democrat that controlled the state and tended to favor the rural areas and we lost. Now what I don't understand is for years now getting ready for the decennial census, I've been reading that the valley is one of the fastest growing parts of the state and one of the fastest growing parts of the nation. Yet in Texas there's no new legislative districts for the valley?

PEÑA: There needs to be.

CASTRO: So you agree that there needs to be a new seat now?

PEÑA: I think there ought to be if the court would give us the permission to break the county line rule. But the county line rule is in the constitution—

CASTRO: The county line rule—the county line rule is broken several times in the map—and I want to give you one example. One example, Aaron, and then I'm going to—I'll ask you a question at the end. When there was a debate going on between Representative Farias and Representative Garza, or he wasn't debating, but we were debating Representative Farias' amendment. Representative Solomons made the point that there was a natural boundary in San Antonio so that Representative Farias would have cut in—Mr. Speaker, can I finish asking him my question?

CHAIR (Hopson in the chair): Representative Bonnen raises the point of order that the gentleman's time is expired. The point of order is well taken and sustained.

CASTRO: Mr. Speaker, I would ask permission to extend to finish my questions. I'd like to finish my question.

CHAIR: Members, this is the first request for extension of time. The question is limited to Mr. Castro finishing his question. Members, is there any objection? Hearing none, so ordered.

PEÑA: I yield to finish the question.

CHAIR: Mr. Castro.

CASTRO: My question is in five parts. No, I'm just kidding.

PEÑA: See, that Harvard education gets you far.

CASTRO: So, Aaron, Representative Solomons made the point that in San Antonio the reason that he was going to table Joe's amendment is because there was a natural boundary in the proposed map, and that the amendment made the boundaries much more jagged. If you look at the valley map, the whole thing is jagged. There's hardly a straight line in there. How do you justify those two—how do you reconcile the justification on the San Antonio map and what we see here in the valley?

PEÑA: The entire map has that sort of thing, and you know I didn't draw the map so I can't answer. I move to table, please.

V. GONZALES: . Thank you for your patience. I know this is not an easy one. I do want to say, you know, I'm concerned about the arguments I heard about pairing. The reality is there was not going to be any pairing. We have so much excess population in our county as you well heard. We could have easily created a new district. And the idea that Ryan Guillen would be a new member, veteran member, brought in. I have a lot of respect for Representative Guillen, but he's always been a part of our delegation. It's not bringing a new member and he has sufficient population in his own district that he didn't need to move over into Hidalgo County. The reason I brought this amendment is because I'm trying to restore our communities of interest. I'm trying to keep precincts from being divided. I'm trying to assure that the Spanish surname voting registration numbers are valid under the Voting Rights Act. And I'm trying to give the people that have voted for us, the people that they asked for to represent them. You know I read a blogger say that well, this will be a more democratic district for me and that I should be happy about it. The reality is that those are not the people that elected me. I'm proud of the fact that I have many republicans that voted for me. I don't appreciate the characterization of what my voting record is. In fact, I can say that until recently, Representative Peña and I probably had a very similar voting record. And so this is about making sure that the preferred candidate of choice stays in their district. And that's what this amendment does. It does it not only for myself but it does it for Representative Martinez and for Representative Muñoz. Three of the four that are in Hidalgo County at the present time. And with that, members, I ask that you, please, vote against the motion to table.

GARZA: Representative Gonzales, I just want to respectfully ask you a couple of questions. You mentioned that the redistricting of the map only allows you to retain only 1.5 percent of your current district.

V. GONZALES: Yes.

GARZA: Are you aware that there's 14 representatives in this room that have zero percent of their current district?

V. GONZALES: No, I'm not aware of that. I haven't seen those amendments today. Perhaps they were brought up but I didn't hear that.

GARZA: Well, through the pairing.

V. GONZALES: Oh, through the pairing. Okay.

GARZA: Yeah, that's—they actually have zero percent.

V. GONZALES: That doesn't mean a zero percent. I don't agree with that assessment of it.

GARZA: The next question I would ask is, I left the valley. I have an interest of who represents me because I have—I currently own two properties. I own one property at Daffodil and Ware—are you the current representative of that area?

V. GONZALES: Yes, I am.

GARZA: I also own a property in Sharyland Plantations which was my residence when I left the valley in 2006. And that's on Shary Drive in Sharyland Plantations. Now, are you the current representative in that district?

V. GONZALES: No, Sharyland Plantations, that part of it is Representative Muñoz's.

GARZA: That is Representative Muñoz. And if I'm not mistaken is there not 100 percent Hispanic representation in the house currently in the valley from Mission, Rio Grande City to Cameron County?

V. GONZALES: Yes, if you are asking if all the representatives are Hispanic? Yes, we are.

GARZA: Okay. So there's 100 percent Hispanic representation?

V. GONZALES: Yes, there is.

GARZA: So really, what we have created is a new constitutional minority district in that knowing the area of the valley and the area of this current map represents is more of and—I want to applaud Representative Aaron Peña for having the courage to represent a party that's been underrepresented in the valley. I had many conservative friends when I lived in the valley that felt that they could not be represented fairly unless they ran under a one party system.

V. GONZALES: So what we've actually—

GARZA: So—excuse me—what we've actually created, is the constitutionally stronger valley and in that conservative Hispanic because are not all the districts heavily majority Hispanic, 65, 80 percent?

V. GONZALES: Representative Garza, I have had two republican opponents each time. There was choice given to the voters in the last two elections and they chose me over the republican opponent. So they've had a choice. This is not about whether a republican—

GARZA:—a state representative's seat—

V. GONZALES: There's been a marginal district, as you heard, representative, my district it's always been a marginal district.

GARZA: And I have—when was the last time when a republican held a state representative's seat in the valley as we know it today?

V. GONZALES: Never and that shows that the preferred candidate's choice—

GARZA: Okay. That was all the questions I had, Representative Gonzales.h.

V. GONZALES: Okay. Ken Fleuriet in '93, and I stand corrected.

FARIAS: I got here a little bit late. While my colleague was up here ranting and raving about republicans and democrats, so I missed the conversation, but it's really strange—do you—why would a person like that, a representative, who I challenge on the little bitty space would come up here and defend Representative Peña when he wouldn't even come up here and defend himself? You know why people do that?

V. GONZALES: I'm not advised.

FARIAS: Well, they do it because they don't want to stick up for themselves. But let me ask you, didn't Representative Peña—under what party did he run this past election?

V. GONZALES: He ran as a democrat.

FARIAS: He ran as a democrat. And now we didn't try and turn this into a republican, democrat debate. We tried to speak on the issues about minority districts and the population. And I believe the conversation was initiated by the folks that came up here and addressed me about being republican. So the gentleman runs as a democrat; is that correct?

V. GONZALES: Yes.

FARIAS: And then after he wins what does he do?

V. GONZALES: He switched parties.

FARIAS: I'm sorry?

V. GONZALES: He changed parties.

FARIAS: He changed parties. Yet, now when it's time to redistrict, he seems to be saying, well, I represent the republican party. Do you agree that he bamboozled all the folks there that voted for him in the last election?

V. GONZALES: I'm not going to comment on that. And I think that's for them to decide when they go to the polls.

FARIAS: Well, personally I think that's what he did. You might not answer that but I believe that now he's doing the same thing to save his seat and continue to be a state representative; do you agree with that?

V. GONZALES: I think the lines have gone in such a way that you leave me with 1.5 percent of my district. Yes, there has been some hanky-panky going on. I'll agree with that. And, frankly, thank you for bringing that up because I feel very strongly about my district as so many of us do. And I do not want to ever bail on my district. These are the people that elected me, and they're the ones that I'm standing up for today.

FARIAS: That is why you and I and the rest of these folks here are here today as representatives of our districts in the best way we can, whether it be republican or democrat who is in our district. We try to represent them all equally.

V. GONZALES: Members, I move for adoption of the amendment.

GARZA: And again my intention is not to get involved in the valley, as Representative Munoz calls it. I just think, constitutionally, conservative Hispanics need to be represented in the conversations today, and that was my only intention and I apologize. There was no disrespect intended for the delegation in the Rio Grande Valley, which I love very much. My wife wishes she was still there.

VEASEY: Representative Gonzales, I wanted to make one thing clear so everyone will understand. In the valley, when Hispanic republicans are elected into office, isn't it generally the case that the Anglo voters that also live in the valley, who have a right to vote just like anyone else, that those are the voters who elect those Hispanics into office and not the majority of the Latino voters?

V. GONZALES: I think that's an accurate description.

VEASEY: Thank you.

V. GONZALES: Members, I move for adoption of the amendment. And thank you again for your patience. Oh, I'm sorry. There is a motion to table. So please vote against the motion to table.

[Amendment No. 18 was tabled by Record No. 576.]

[Amendment No. 19 by V. Gonzales was laid before the house.]

V. GONZALES: Members, I'm not going to go over everything we just heard. This amendment was one that was an attempt to create more of a republican district for Representative Pena and to still keep the core of the district, the communities of interest, together. It would be one where it would allow us to continue to represent the cities that we currently have. It would mean that Aaron Pena would end up with the most conservative district in the county. So this amendment is somewhat of a compromise from the last amendment that took us back to where we had been. And I ask for adoption.

SOLOMONS: I think from what we heard for the last several minutes over the prior debate, this is a similar amendment. I think there's similar or the same issues. I think the members will vote their consciences.

V. GONZALES: Members, again this one is an attempt to even out the districts. It would give Representative Pena the most conservative district in the valley while allowing the communities of interest to stay together. We are all concerned about the Voting Rights Act and I think this will comply. I also ask you this. My district has been reduced to 1.5 percent under the current map. We are setting precedent here. Today it's me, tomorrow it can be you. I ask you to remember that when you do your vote, and I ask you to vote against the motion to table.

[Amendment No. 19 was tabled by Record No. 577.]

[Amendment No. 20 by Smithee and Hardcastle was laid before the house.]

REPRESENTATIVE SMITHEE: This amendment covers about half the state geographically but only about 10 percent population wise. It's my amendment along with Mr. Hardcastle's and Mr. Turner's that we've been working on. But seriously this is an effort to do some things in West Texas. I've talked to, I believe, everyone affected by the amendment, and nobody has a problem with what we are doing. The two significant things that we are going to accomplish here is that we will avoid the unnecessary pairing of Mr. Perry and Mr. Landtroop, and then we will also eliminate a good part of that district that has drawn so much attention, that linear district that goes pretty much to the width of Texas, over 350 miles. It's still going to be fairly a wide district when you look at

it, but it's also going to have some breadth to it as well. These districts are more compact than the original plan. They seem to fit together well. And like I said, it was a joint effort of the people in our area. I think it works better not only for the members from West Texas, but more importantly for the constituents because we do preserve the communities of interest and we make these districts geographically compact. And so, with that—I don't know if Mr. Hardcastle wants to say anything, but I would move for adoption.

[Amendment No. 21 by Perry to Amendment No. 20 was laid before the house.]

REPRESENTATIVE PERRY: Members, this is an amendment that cleans up some inter-district stuff that does not affect the district as a whole. It's between me and Representative Frullo, and more importantly it just really cleans up some stuff that has been asked about by voters in the district. Let me lay out the facts. Lubbock is surrounded by a 22 mile loop access road. Currently, District 84, Representative Frullo's district, is internal to the loop for the most part. Probably 95 percent or more of his district is included in that with the exception of a little finger that goes up inside the loop that I'm a party to. That finger is a derivative of the past political agenda. The people involved in that particular finger have no interest in being in the political process anymore and from a voting strength perspective, the district that I'm trying to divest myself of voted 64 percent in the last race for McCain and voted 59 percent for Rick Perry. So, it's not like I'm trying to pass off a different party affiliation. This district complicates the voting process. It complicates the electoral process. People are confused at what part of the district is. We just need to clean this up at this time from where we are at. It's been like this for years. Most of the people that I talk to agree that it's just time to get that fixed. So, I would ask that you support this amendment. Thank you.

REPRESENTATIVE FRULLO: I'm sure what you've heard is from the heart and meant to be the best intentions, but I would I think otherwise. The amendment that we heard was entirely within Lubbock County. It impacts two districts, mine and Mr. Perry's, and I'm against this. I found out about this amendment yesterday around noon, and I don't like it. It doesn't help my district, and what it does is it adds about 16,000 new residents to my district and takes out about 4,000 to get me to the new number. I really wish that we weren't taking up your time to discuss this, but unfortunately we are. And I think that what it does do with the Smithee amendment is it addresses the pairing issue which we are all for removing. This amendment is not needed. It's not consistent with my current district.

REPRESENTATIVE HILDERBRAN: Representative Frullo, what does this do in terms of the original map for Lubbock in terms of where Texas Tech University is located, which is currently in your district? Did the original Solomons map that was brought this day include Texas Tech in your district?

FRULLO: Yes, it did. The Solomons map included Texas Tech in my district and the Smithee map also includes Texas Tech in my district, and both maps are drawn to have the same new district. What this amendment to the amendment

does is change that district. As I mentioned earlier, the amendment to the amendment is not needed.

HILDERBRAN: So what does it do that you don't like? It seems like Texas Tech is in your district, no matter what, in all three versions. So how does it change your district?

FRULLO: Well, what it does is that my district originally needed about 10,000 people. This adds 16,000 and then pulls out 4,000 that I had represented in the past. And in the new areas that were added, approximately 10,000 people are in new or higher growth areas which can expand as the population increases. This picks up an area that's land-locked.

MARTINEZ FISCHER: Thank you, Mr. Speaker and members. I do not live in West Texas but I know members of MALDEF asked me to let them know when there are issues that put us in a position to vote for maps that we may not ultimately agree on in the bigger picture. And so, I believe this is a fight between West Texas members that may have a legitimate dispute, but as far as I'm concerned I intend to vote a white light on this. And I just wanted to advise members of MALDEF and those concerned about voting rights that they may want to pay attention to this. Let somebody else have this fight. We can sit this one out.

PERRY: Members, I'm not sure what—I have five rural counties basically. This is the only thing that fits an urban category. Mr. Frullo's district is 100 percent urban, inside a loop, with the exception of probably one or two percent which is a finger that crawls up inside the district. It makes no sense from a voter's perspective. It makes no sense from an electoral perspective. This does not dilute the republican vote in that area. It doesn't change anything on a district. We've got plenty of republicans to go around. It's just been something that's been out there for more than 10 years. It's a community of interest in my opinion. Those folks in that little finger area need to be removed.

REPRESENTATIVE GONZALEZ: You represent what area of the state?

PERRY: I represent the South Plains region. Under the Smithee amendment, which we expect to be adopted, it would be Lynn County, Terry County, Borden County—

GONZALEZ: And you justify that as West Texas?

PERRY: Well, it's South Plains, West Texas.

GONZALEZ: And where is the county that's located with the westernmost county in the State of Texas?

PERRY: Except El Paso.

GONZALEZ: Okay. So El Paso is West Texas, and you all are—

PERRY: Far West Texas.

GONZALEZ: Far West Texas.

PERRY: There you go.

GONZALEZ: Okay.

REPRESENTATIVE MARQUEZ: If the speaker will—for the record, correct the fact that West Texas is El Paso County, and we do not have a dog in this.

PERRY: Yes. Yes.

MARQUEZ: Okay. Thank you.

PERRY: But I just ask that members consider what this does to the district. It cleans the electoral process. It does not impugn either one of us from the voting perspective. It makes sense to do it. It's been out there 10 years. It was politically motivated back then. That day has long been gone. It needs to be corrected—and I think this is time to do it. I'd ask for your support. Thank you.

REPRESENTATIVE MARGO: Mr. Perry, in El Paso we refer to Lubbock as Yankee land.

PERRY: I hear you.

MARGO: Okay.

[Amendment No. 21 was tabled by Record No. 578.]

[Amendment No. 22 by Gallego to Amendment No. 20 was laid before the house.]

GALLEGO: This adds Loving County to District 74. It was the fastest growing county in District 74. It grew from 67 people to now 82. A growth rate of 22 percent. And it's acceptable to the author.

SMITHEE: The amendment is acceptable to the author and I would move adoption.

[Amendment No. 22 was adopted.]

[Amendment No. 20, as amended, was adopted.]

SPEAKER: Members, we're going back to Harris County. Representative Turner, Representative Woolley, Representative Coleman, Representative Bohac. Members, the house will stand at ease until 8:50 p.m.

[Amendment No. 23 by Woolley was laid before the house.]

REPRESENTATIVE WOOLLEY: Mr, Chairman, members this is an amendment that affects some of the districts in Harris County. It's been discussed and agreed to and there is an amendment to the amendment.

[Amendment No. 24 by Coleman to Amendment No. 23 was laid before the house.]

REPRESENTATIVE COLEMAN: What we've all worked together in the affected districts that are part of Speaker Woolley's amendment and have agreed to a substitute amendment that the members believe is a good part of the plan to put into **HB 150**. And—

WOOLLEY: Mr. Coleman, we did, we all worked together in the back room, and you know it changed your district some to a number that is about what you have now. I'm not sure what we ended up with.

COLEMAN: It's 38.2 percent. And from 39.2 percent in the map. But what I have now is 38.2 percent.

WOOLLEY: Right. And it was—you know, it was below what we were told that might be acceptable as a black opportunity district. And we know that it's worked for you, but we wanted to make sure that it is a black opportunity district.

COLEMAN: That is correct.

WOOLLEY: Can you give me that assurance?

COLEMAN: I can give you that assurance. And I also believe that these changes do not—are not retrogression of District 147. And also, that it is still an effective opportunity district where African Americans can elect the candidate of their choice and have that opportunity to do so based on this map.

WOOLLEY: All right. As long as you can give me that assurance.

COLEMAN: I do give you that assurance.

WOOLLEY: I will accept the amendment. Thank you very much.

COLEMAN: Thank you very much.

SOLOMONS: I think you've already addressed it but I want to be very specific because I think we set out some legislative intent and I would just like to make sure that it's very precise. And I don't mean to be disrespectful—

COLEMAN: That's fine and I understand that you've had to deal with preciseness for—you have a tough job.

SOLOMONS: Too many weeks.

COLEMAN: Yeah.

SOLOMONS: I want—I know this amendment reduces the black voting age percentage in District 147 from 39.2 percent to 38.2 percent. And Mr. Coleman, do you believe that it is retrogressive?

COLEMAN: No.

SOLOMONS: All right. And do you believe that because District 147 is non African American majority district now?

COLEMAN: It is not an African American majority district. It is an effective opportunity district for African Americans and has been so for the last 20 years and before.

SOLOMONS: So, it's been successful in the past?

COLEMAN: It has been successful in the past and it has been—

SOLOMONS: You believe that it's going to be successful in the future.

COLEMAN: Yes, sir.

[Amendment No. 24 was adopted.]

WOOLLEY: Mr, Speaker, members, I move adoption of Plan 191, and it's acceptable to the author.

[Amendment No. 23, as amended, was adopted.]

[Amendment No. 25 by Bohac was laid before the house.]

REPRESENTATIVE BOHAC: This amendment is between my district and Representative Farrar's district. It swaps a block between us impacting a total of 150 people. This amendment does not impact legality of either district since it is such a small change. Representative Farrar has agreed to this as well. And I move adoption. And it is acceptable to our esteemed author.

[Amendment No. 25 was adopted.]

[Amendment No. 26 by Alonzo was laid before the house.]

ALONZO: This amendment that I propose is the MALDEF amendment. And what I also did added an amendment to the package that said Dallas County would add three new districts. And members, I have spoken a lot of times about what we're trying to do here in the redistricting process. What I say is what's legal, what's fair. And in the legal process I said that we wanted to increase as many Hispanic opportunity districts and that's why in the MALDEF amendment I added that we increase the plan to have three opportunity Hispanic districts. But aside from that what this plan also did was, have two districts in west Texas that gave an opportunity for Hispanics to get elected out of the Odessa area and the Lubbock area. But members in the spirit of time and Mr, Speaker—

BURNAM: Representative Alonzo, I'm reading your proposed amendment with some concern because it discusses that maybe your proposed amendment challenges the county line rule and puts a preference for Section 2 of the Voting Rights Act. Have we seen other examples during the course of the day where the county line rule has been violated for the convenience of minimizing Latino representation in the valley?

ALONZO: And I am very well aware of violating the county rule and let me tell you that; for example, in the West Texas area there's not a violation of the county rule but more of an opportunity of dealing with the county rule to create an opportunity for Hispanics to get elected in West Texas. And let me—permit me for a minute. We saw the debate in West Texas and we had folks from west Texas create their debate and what's going on. And what happens, members, is this. West Texas lost two districts because of the loss of population. But in West Texas there was an increase of Hispanic population. And with my proposal we would create an opportunity to have two opportunity districts to elect Hispanics in West Texas by violating—by using the county rule to create an opportunity. And if I may, Mr, Burnam—

BURNAM: So, Representative Alonzo, is it your contention that clearly, if the plan offered by the committee is prepared to violate the county line rule to the detriment of Hispanic representation in the valley, then, clearly, we should be

prepared to violate the county line rule in West Texas to maximize the opportunity for Hispanic representation?

ALONZO: The answer is, yes. And let me tell you why I say that.

BURNAM: Well, you are going to have to speak a little louder because it's getting harder to hear you.

ALONZO: I'm going to try. And the reason I'm going to try is this. Under the process that we were working, the state constitution says that you cannot violate the county rule. But then it goes to another level which is the U.S. Constitution and federal law. In my opinion, and I would assume that the courts will decide that the court—not that I will decide, but the courts will decide that what's going to happen in this. If by violating the state constitution county rule, you have an opportunity to create more Hispanic opportunity districts, that will be allowed.

BURNAM: So, would it be your contention that not only should we be prepared to violate the county line rule in West Texas where we can in fact create an opportunity district that we should not violate the county line rule in South Texas as the plan has done to undermine the representation of Hispanics?

ALONZO: Well, I would want to do everything I can to make sure that all the rules are applied. But in this case, the reason there is a Voting Rights Act is because the Voting Rights Act said, look, let's look at the state law and if we can take it to another level for—we have a federal law that allows for districts that can create an opportunity, in this case, which I'm arguing for Hispanics to get elected, then that's what we are going to have to do.

BURNAM: So, while I'm glad that you have offered us this opportunity to consider violating the county line rule, is it true that you also have another amendment proposal that would not pair my good friend and new member from Dallas County against another member of Dallas county and will have an opportunity to support what you're trying to do with another amendment?

ALONZO: That is correct. That is not my intent and as I spoke to my good friends from Dallas. The main purpose of presenting this proposal is to talk about the opportunities. But just so you know what I'm going to do and I was going to—if the speaker would allow me, I'm going to withdraw this proposal and speak through it in another fashion.

BURNAM: Well, I thank you for this opportunity to have this dialogue about violating the county line rule and how it appears that we are being very hypocritical in this process because we are willing to violate the county line rule when it's convenient to undermine and contribute to retrogression of representation of Hispanics. But apparently we are not willing to consider violating the county line rule when it would enhance Hispanic representation. But in this instance I'm really glad that you are withdrawing this amendment, and we'll be considering another amendment that accomplishes the same without pairing one of our new colleagues from Dallas county against another. Thank you.

[Amendment No. 26 was withdrawn.]

REPRESENTATIVE JOHNSON: Representative Alonzo, this amendment—did we ever talk about this before you laid this amendment out or before you filed it? Did we ever have any discussion about this at all?

ALONZO: No, we did not.

JOHNSON: Well, if we had, I would have strenuously objected to you even submitting it because I'm sure at this point if you were not aware of it when you filed it that it actually pairs me and Representative Caraway. Do you understand that that's what your amendment does?

ALONZO: Well, let me tell you I—your thoughts and that's one of the reasons I'm going to withdraw this amendment.

JOHNSON: I appreciate that.

TURNER: Representative Alonzo, by laying the amendment out—by laying it out, you were not intending for this amendment to have any legal effect, are you?

ALONZO: That is correct.

TURNER: Okay. So you are just laying it out for the purposes of laying it out, but in no way are you intending for it to have a legal effect now or even after this legislative session?

ALONZO: That is correct.

[Amendment No. 27 by Martinez Fischer was laid before the house.]

SPEAKER: Chair recognizes Representative Martinez Fischer.

MARTINEZ FISCHER: This is an amendment that represents a MALC statewide plan. Before I get into laying it out, there is a simple amendment to the amendment that I drafted for an inadvertent error that I did in Dallas County that was brought to my attention by Representative Eric Johnson. So, I would like to bring that amendment to the amendment.

[Amendment No. 28 by Martinez Fischer to Amendment No. 27 was laid before the house.]

MARTINEZ FISCHER: This is an amendment to the amendment that actually takes Representative Eric Johnson's black voting age population and restores it to its current percentage which I didn't do intentionally. It was inadvertent. And I'm glad that he brought it to my attention. So the amendment to the amendment is acceptable to me as the author of the amendment.

[Amendment No. 28 was adopted.]

GALLEGO: Mr, Martinez Fischer, I have a couple of West Texas questions for you. We've had a little bit of a conversation about it, but in my lifetime, just in my lifetime, we have seen a change where there were only eleven counties in West Texas that had a Latino population of at least 15 percent. But now in fact, even as long ago as 1990 about half of the counties had populations of more than 20 percent, and in fact most counties have populations in West Texas of about 40 percent Latino population. Is that your understanding?

MARTINEZ FISCHER: I'm excluding El Paso, when you take El Paso out of the West Texas factor there is still—Latinos represent 40 percent of the West Texas population. And so it's only fitting and appropriate that that population be acknowledged with an opportunity for those constituents, those Texans, to have an opportunity to elect the candidate of their choice, but unfortunately, despite their growth, as you know, Representative Gallego, what happened to West Texas has certainly changed the course of the region, based on census numbers that we saw just this year that suggest that there was a very big decline in population in West Texas. But all the while Latinos maintained their growth, and they maintain large percentages of growth, but yet you will not find that growth reflected in any house district. And so this is what part of my lay out in this plan will seek to remedy that.

GALLEGO: Well, there are no new minority opportunity districts that are created. And whether you're talking about the rural parts or, you know, urban is a relative term, but Odessa, Amarillo, Lubbock, Midland, the panhandle, all of those areas the Latino population is pretty significant, and yet there's not really an opportunity in any one of those particular districts to elect the candidate of their choice. Is that your understanding?

MARTINEZ FISCHER: I'm sorry, Mr. Gallego?

GALLEGO: Is that your understanding?

MARTINEZ FISCHER: It is my understanding. And, you know, again, if you look at the trend, you look at what's happening, you see tremendous opportunities to create districts where we all represent different constituencies. And as Texas is starting to change demographically so must representative districts to meet those changes. And in West Texas, again, despite the massive population loss to the region, you still see the region robust and dynamic Latino population that probably deserves a district or two. At least on the map that I'm offering, two opportunities to elect the candidate of their choice. And it's not anything to do with partisanship. I think we know the West Texas region has a conservative bent. But it certainly deals with giving communities of color the ability to put their candidate of choice in office. Whether they be a Hispanic democrat or a Hispanic republican, the fact that they are Hispanic is what matters in the map that I'm offering.

GALLEGO: Well, even as you look across Texas, the Latino population is the fastest growing part of the population in Texas. And yet, it doesn't seem like the Latino population was rewarded with the commensurate number of Latino seats—new seats or opportunity seats even in this particular proposal.

MARTINEZ FISCHER: You don't. And I mean, in my lay out, you know it's undisputed that 89.9 percent of all growth in the last decade was minority growth. Was Asian, African American, Hispanic. Hispanics alone made up 67 percent of that growth but—

GALLEGO: So, the 89 percent of the growth is minority. And two-thirds of that is Latinos and yet the number of minority seats or Latino seats in particular is not really commensurate with that growth?

MARTINEZ FISCHER: It's not, I mean, you won't see that reflected anywhere. And the irony is that those numbers, that growth that we've all taken credit for, that's going to allow Texas to have four new congressional districts and we've acknowledged the responsible demographics for bringing those opportunities. But when it comes to the state house, it's almost that we seem to ignore the fact that the minorities have driven the state in terms of representing that dynamic growth. And it's almost 90 percent, but if you look at our current maps that we have today and you look at the **HB 150**, you don't see the growth reflected in the Solomons' proposal. And so, what this map seeks to remedy is to demonstrate that if you wanted to create minority opportunities, you certainly can. And so when a map is presented to the body, that suggests this is the way it has to be, I'm here to say that that's not the case. Particularly when it comes to the minority community, we didn't even make the effort. And, in fact, I would argue that we had opportunities to create new districts and rather than do that, we took those existing districts and just made them more minority so that we didn't have to create an additional district in—you know we know about packing and we know about over populating. And it seems to me that there is a trend that seems to suggest that minority districts are packed in heavily populated. And when you do that you just conveniently do not have the population to draw new districts.

And so, this is not a perfect map, and I have said this to anybody. I've talked to people who have looked at this map and I said listen, if we work off the status quo and you give us the additional minority seats that we're talking about, you can draw this map however you want. I had a very good conversation with Lois Kolkhorst who said "your map cuts one of my counties." I said, well, if we did, we cannot grow the minority community in your county. And so, if you work with me on taking these minority districts we'll do your district however you want. You can draw it however you want. But allow us the opportunity to demonstrate that the minority community is certainly relevant. We are—we should be given the appropriate credit for the growth that we've demonstrated in this state. And that growth should transcend itself into the political representation that they should have, not just in the state house but in the State Board of Education, the state senate and in the Congress. I imagine we're talking about creating congressional seats based on the same population and guess what? There are minority districts being discussed. And so, it's not as if this is a rare phenomenon or an anomaly, this is a reality. But we have yet to embrace that reality. When, again, we draw a map under the auspices of protecting incumbents, under the auspices of taking minority performing districts and making them more minority, so that we just don't have the population to spare to add additional districts. I don't think it's mean spirited. I think it's intentional. But I also think that I have an obligation, as do you, as does any minority member of the legislature, to actually demonstrate that if you wanted to do this, you most certainly could. And this is what the map I'm offering suggests—that with specific reference to minority community, Hispanic community, you can put two

districts in West Texas. You can put a district in South Texas. You can put a district in the Dallas metroplex and you can put a district in the Harris County area. And we are not doing that. And when you don't do that, you are denying minorities the opportunities to be relevant in this body. And I think that whether people want to support that or not, that's up to them. But I know it's up to me, and I think it's up to every minority member of this legislature to say we are going to stand together to make sure that minorities are accounted for no matter where they are. Because when we are bringing this body to look more and more like the state it actually represents, then I think we are doing justice to our constituents.

And so, it's not an anti—you know, there are pairings in this map. You know I've talked to people who have been paired. There is pairings in Chairman Solomons' map. He doesn't make any apologies for it. I mean he regrets it. I certainly regret it. But I recognize this: anybody who wants to bring a map that will take into account the relevance of the African American and Hispanic and Asian growth that we have in this state, let us have that opportunity, and we'll cede the rest of the state to you to draw however you see fit. But don't tell me that we cannot do it. Don't tell me that the numbers aren't there to support it. Don't tell me that we count for an apportionment but we don't count for single member representation. Just don't tell me that because that's not being truthful to me or the constituents that we represent or the communities of color that have made this state a very strong and robust state. You know, tell me that that's not your priority, and I will accept that. Unfortunately, it may not be the priority of this body or the leadership of this body, but it's certainly deemed to be a priority to members that are under the Voting Rights Act. And whether you are a DOJ or the D.C. circuit court for the District of Columbia, they have a different standard. And I take my hat off to Chairman Solomons. We served on committees together. We have been on the same side of several battles. We've battled each other. We've all—you know almost anybody who has ever debated or had a serious issue with Chairman Solomons knows that you cannot have one without those exchanges becoming heated. But yet we find a way to overlook that and come back and—

CHAIR (Smithee in the chair): Representative Sheets raises a point of order. The gentleman's time has expired. The point of order is well taken and sustained. Is there anyone wishing to speak on, for, or against the Martinez-Fischer amendment? Chair recognizes Representative Solomons in opposition.

SOLOMONS: I appreciate the dialogue between the parties. Mr. Martinez-Fischer has several different amendments statewide that all go into the issue of breaking county lines. Unnecessarily, in my opinion, and in violation of the Texas Constitution. The splits—the legal issues are splits a number of counties. One, two, three, four, five—about 20 counties whatever it is. One, two, three, four—over 30. Some of them are split two different ways. I think we need to abide by the Texas Constitution on the county line rule. And I am going to move to table this amendment. And I appreciate the—like I said I do appreciate the dialogue. I do appreciate their creating the record that they think they need to create for legal challenges, perhaps, about the county line rule. But we are

obligated to abide by the Texas Constitution. So I'm going to move to table this amendment.

MARTINEZ FISCHER: Mr, Chairman, first thank you. I was trying to say is that you know you are the type of member that you have the ability to disagree and disagree passionately because you believe in what you do and you work hard. And sometimes things get personal and heated, but at the end of the day you are always willing to shake it off, shake hands and we move onto the next issue. I'm not the only one that admires you for that. I think we as members of this body appreciate you for that—you can play hard and work hard. So first, thank you for that. But having said that, we've discussed this issue with the county line rule, and I submit to you that you are indeed correct. I take the position—it's my contention that federal courts, federal authorities have construed that the permissibility of breaking county lines to create minority opportunity districts. I understand your position today as the chairman of redistricting and as a member of this body of your allegiance to upholding your interpretation of the Texas Constitution, but we just have a disagreement on the applicability of the county line cuts. I think we should have the discussion now. I think you believe that we should have it. If this matter were to move into some sort of a litigation phase before some—you know some authority whether it be in a court of law or with the Department of Justice, but that is a dispute that you and I have. Am I capturing that correctly?

SOLOMONS: I think we do have a difference of opinion. I mean it—to me it's not a matter so much of interpretation. I think that's exactly what the Texas Constitution says. I do appreciate your position. I also know that one of the—in fact early on when we first started the bill, we had some discussion about who I talked to and I know that there was a very fine attorney on behalf of the Hispanic community in one of the groups. I think it was MALDEF talking about the county line rule and the idea that their position was that federal law could preempt this. But they also, I think, understood my position and what this body has to do in abiding by the Texas Constitution at this point.

MARTINEZ FISCHER: And when we say that perhaps that federal law could supersede or preempt our state constitution. I mean it's—you know it's U.S. Constitution or federal statutes that derive from the U.S. Constitution and so, just like we couldn't have—if we had a state amendment that said, you know, there should not be freedom of religion, we know that state constitution at some point in a federal discussion could be problematic given the first amendment of the U.S. Constitution.

SOLOMONS: The Texas Constitution in the county line rule is not in the U.S. Constitution. Freedom of religion is in the U.S. Constitution. And it's in the Texas Constitution as well as I believe. But at the end, it is a situation where unless this body and the legislature, both chambers wanted to produce a Texas—an amendment to the Texas Constitution have it voted on by the people of Texas that says, we are not going to have a county line rule, we are sort of obligated to follow the Texas Constitution, unless I think a higher authority, and I don't believe that even the Department of Justice. I think it's—you've got to have

the U.S. Supreme Court basically strike it down for some reason. But right now, that's not the law. And we are trying to abide and have a fair and legal map. And there's some disagreements about what some people think is fair and legal, and we think it's fair and legal to abide by the Texas Constitution.

MARTINEZ FISCHER: And I know that you know while freedom of religion is in the U.S. Constitution I also know that, you know, the Voting Rights Act is a derivative of the U.S. Constitution that deals with equal protection under the 14th Amendment and so forth. But let's—I know we don't have a lot of time I want to talk to you about—you and I have a fundamental disagreement on what is considered a county cut and what you consider to be a spillover. And I've used a precise example of the Rio Grande Valley where I believe—and I don't want to speak for you but my interpretation of what you told me is you know bringing over Representative Guillen's district into Hidalgo County is just a spill over and not necessarily a county cut is that—

SOLOMONS: It's a necessary spill over because of the U.S. Census data and how you draw those lines. It's not a county cut issue. We only have, I think, one county cut in this entire map where it's absolute necessary. I don't think the Texas Constitution—and we can talk about the differences of interpretation—but I don't think the Texas Constitution allows the House Redistricting Committee to arbitrarily just start cutting county lines. Just because—even though I understand, you know, about minority districts—or for any reason, I don't think it allows us to do that.

MARTINEZ FISCHER: Okay. And, you know, I think that we can respectfully disagree on that. But I think that you do acknowledge that 89.9 percent of the growth in this state in the last decade is, you know, borne at the hands of minorities being African American, Asians, and Hispanics?

SOLOMONS: The—let me go back to my initial. We—what the actual demographics of the state are, is 70.4 percent white which includes Hispanic, 11.8 black, 0.7 American Indian, 3.8 Asian, 0.1 Pacific Islander, 10.5 other race, which is, you know, on the census. How you fill those out. And 2.7, two or more races. So when you talk about the Hispanic population it's about 41.8 percent is the Hispanic population in context.

MARTINEZ FISCHER: The state population?

SOLOMONS: Right.

MARTINEZ FISCHER: But I'm talking about in terms of the growth. The measurement of the growth by demographic by ethnicity—

SOLOMONS: Hispanic population is the second largest demographic in the State of Texas and grew by 41.8 percent. It is not the fastest growing demographic, though, but it is a fast growing demographic.

MARTINEZ FISCHER: And we recognize that fastest growing demographic is not the metric, it's how big you are is the metric, I would think. Do you believe that it's the—that for the purposes of acknowledging minority growth it's percentage and not the total population increase?

SOLOMONS: Well—let me ask something before we talk about that. My notes indicate based on the census numbers, in fact, the three ethnic groups that grew faster than Hispanics were Asians grew at 71 percent. Native Hawaiians, believe it or not, grew 50 percent and American Indian population grew 44 percent. So we are talking about some growth by a variety of groups. Now Hispanics are singled out in a lot of ways in the press and other ways as being the largest demographic growing population in the state. But when we boil it down truly to who grew faster and grew in greater numbers at a faster rate—

CHAIR: Mr. Sheets raises the point of order. The gentleman's time has expired. The point of order is well taken and sustained.

MARTINEZ FISCHER: Mr. Speaker, I move to extend another 10 minutes.

CHAIR: Question of time. Is there objection? There is objection. Members vote aye, vote no from your boards.

SOLOMONS: And Mr. Raymond reminds me those are percentages, not actual numbers, but they are percentages.

MARTINEZ FISCHER: And my inquiry is based on, you know, population. Like what could you tell me what the Native American population is from 2000 to 2010 or the Asian population from 2000 to 2010—

CHAIR: The gentleman's time is expired. There has been objection to the extension of time. So we are going to have you vote. Division vote—It's a record vote. Members vote aye, vote nay.

BURNAM: Parliamentary inquiry. Exactly what are we voting on?

CHAIR: Voting on—

BURNAM: Extension of the time—that whether or not we are going to continue the debate on an alternative statewide plan that would enhance the Hispanic representation opportunities in Texas House of Representatives? Okay. Thank you.

[The request to extend speaking time was not granted by Record No. 579.]

MARTINEZ FISCHER: With all due respect to my good friends and colleagues from the Harris County area, they work really hard to come up with a map and worked together and put this body to a pause for a three hour period and yet we are here to debate the first alternative statewide map and you may be tired and you maybe a little upset, but guess what, I'm tired and I'm upset too. My map is not the reason why we are here at midnight. So the lack of courtesy extended to a member to lay out a statewide alternative when we can spend three hours to deal with a county I think is something that I never thought I'd see happen on the floor of this house. And we made extension after extension, accommodation after accommodation, but be that as it may, I think it's important to recognize where we are at. What this map does is it takes the current **HB 150** and it takes Spanish surname voter registration at 50 percent or more that's currently 30 in the proposed map to 34 under this amendment. It takes the Hispanic voting age population of 50 percent or more from 34 under the Solomons' proposal to 42. It

takes the African American voting age population from 2 under the Solomons' proposal. This is—black voting age population—50 percent or more from 2 under the Solomons' plan, to 3 under this plan. Combined African American, Hispanic voting age population at 50 percent or more. It takes the Solomons' map which is at 53 to 62 and we do all this while shrinking the total deviation which is a big constitutional issue. We grow the state with minorities, with smaller districts. At 9.69 total deviation to Burt—excuse me, to **HB 150** to 9.90, almost to the maximum deviation. So using those metrics, we are only to maintain the status quo and in fact go backwards on Hispanic opportunity districts? Not acknowledging the growth of the African American community. And we can do that with a map that's a 9.9 deviation, but yet I can come up with an alternative that's not perfect, I recognize. But with the 9.6 or 9.7 total deviation, we can grow the map with five Hispanic opportunity districts.

I think there's something wrong in the analysis of **HB 150**. And if we don't want to have that conversation, I respect the chairman's view that the Texas Constitution is what matters on this floor. I say, especially to those of you who do not like to have these matters end up in court, don't like having disputes in court, litigations, this is exactly where we are going to go. And if we have that conversation—I know the chairman, I take his word, when we get there and then we can have this discussion. And I know that I feel confident that we will have that discussion in some juncture. And I believe—I think what this amendment does—again, I congratulate the chairman for working really hard on a task I'm sure that he didn't volunteer for—but simply to pack and deny minorities their opportunity just so that we can perpetuate the status quo is not good enough anymore in today's Texas. Today's Texas is changing. West Texas alone is proof positive of that. But this map does not reflect and does not keep up with the changing pace of our state. And for that, I will ask you to vote no on the motion to table.

[Amendment No. 27, as amended, was tabled by Record No. 580.]

[Amendment No. 29 by Martinez Fischer was laid before the house.]

V. GONZALES: Members, if you heard throughout the day and throughout the evening, about the growth that we've experienced with the minority population in the state, especially with the Latino population, the two largest cities in the Rio Grande Valley, or the two largest counties, are Hidalgo and Cameron County. According to the 2010 census, the combined population of those two counties is over 1.18 million people. That population surpasses the amount required to justify a new house seat in that area. You heard earlier from our colleague Rene Oliveira, and he was adamant about how important it is to create this seventh seat in the Rio Grande Valley because of the growth. And because of—despite the fact that we like our good friend Ryan Guillen, his district already had enough population and did not need to spread into Hidalgo County. Yet we can have another representative that would provide more representation for our area which is what the people that elected us to come here to Austin expect from us. Despite the fact that our county believes we had an under count and there's a lawsuit pending on that, there is no question that we still have the population to create a

seventh seat. This amendment reflects that growth and creates that new seat which is House District 72. This particular area of the map—this particular map will preserve the core of the districts. It will not split any VTDs that we've talked about earlier this evening. The SSVR number would be acceptable with no deviation of more than five percent. So I ask you to, please, vote for this amendment, and let's create another seat in the Rio Grande Valley.

SOLOMONS: Members, you've been hearing the dialogue and understand the concerns by our Hispanic colleagues in connection with this. We are also back in the same dialogue in the sense that we've been hearing from the beginning and throughout the debate about splitting county line rules, and I'm going to move to table.

V. GONZALES: Members, we all want to avoid a court case. I think this is a very clear indication here of something that will get us in court. When you have the growth you've had in these two counties with the high Hispanic population—there's no question about that—and we're not creating a seat. So I ask you to vote no on the motion to table.

[Amendment No. 29 was tabled by Record No. 581.]

[Amendment No. 30 by Martinez Fischer was laid before the house.]

GALLEGO: I think this is an issue just with respect to creating some additional minority seats in North Texas. And I would be happy to have a conversation, but since nobody is asking questions, it's a conversation that I had with Mr. Martinez Fischer earlier about the opportunity to create some of these seats. So, I would move adoption of the amendment.

SOLOMONS: The variety of these maps are all in discussions of various regional activities—regional divisions and county line breaks. And I think we have all heard that discussion before, and we're of the position the committee had in following the Texas Constitution. I'm going to move to table.

ALONZO: Mr. Gallego, just a couple of questions. You presented your bill. The reason I want to ask questions about West Texas, Mr. Gallego, is because in the efforts that the MALC plan is trying to do is to address the increase in the Hispanic population in West Texas, is that correct?

GALLEGO: Yes, sir.

ALONZO: And let me tell you why I say that. Not too long ago, I was in a meeting with one of the state agencies in Fort Davis, and I said what do you think the population is in Hereford, Texas? And you know what—the Hispanics in Hereford, Texas, you know what they said?

GALLEGO: I am sure they give you a low number.

ALONZO: Zero. And I said, what do you think about 90 percent? And the reason I bring it up is because you represent a part of Texas as to west and moves on north of the west. And what the Mexican American Legislative Caucus is trying to do is address the question in this amendment, in this bill that says, yes, there was a drop of the population in West Texas, and as a result two districts are being

lost. But because of the increase of the Hispanic population, there is an opportunity to have two Hispanic districts in West Texas. So I just wanted to thank you for bringing this bill forward.

GALLEGO: I will tell you, Mr. Alonzo, as I indicated with Mr. Fischer, from 1960 to 1990 there was tremendous growth in the Latino community. And I think if you look at most school districts—Mr. Hochberg would probably be a better resource—or if you look it up on the Internet, if you look at the number of school kids by ethnicity in the school districts, not only in far West Texas where I live but in the panhandle and in other regions. That number is now majority Latino. I mean, it's clearly a growing population. And if it's not addressed in this redistricting, it will have to be addressed in the next one because that population is surging. There is the issue, as Mr. Solomons indicated, of whether you can break open county lines in terms of—and that's an issue that folks are pretty sensitive about and pretty protective of. I will tell you that I love the counties that I represent right now, and this proposal for me would have me give some of those up. And it's—it's not the district I can't stand here and tell you that it is my district because I kind of object to that. Because it isn't mine. It belongs to the people who live in it. And I have the privilege of representing them. And what this amendment for me represents is an opportunity for me to say to the Latino community in West Texas that there are ways that and they are going to continue to look for the growth and there are ways their voices can be heard. And this is one of those ways.

ALONZO: And I think what you are doing is by presenting this bill, we are saying we are not going to forget West Texas.

GALLEGO: We are not going to forget West Texas and particularly the Latinos who live there, who have for a long time been under-counted and underrepresented in many of the elected offices out there.

[Amendment No. 30 was tabled by Record No. 582.]

[Amendment No. 31 by Martinez Fischer was laid before the house.]

RAYMOND: The Solomons' redistricting plan fails the Coastal Bend by reducing its political strength, by eroding neighborhoods and communities of interest throughout Corpus Christi and Nueces County. Specifically **HB 150** seeks to dilute an already low voting power by dissecting communities with district lines. For instance, the neighborhood around Hillcrest Park and the T. C. Ayers Recreation Center, Precincts 30 and 38 is the historical center of Corpus Christi's African American community. These neighborhoods are grouped into the District 32, diluting their voting strength. Precincts 45, 46, 64, 85 are well established Latino neighborhoods around William's Park in Corpus Christi. These precincts are split into two districts, diluting the voting strength of Latinos in Nueces County and further eroding community of interest. Precincts 115 and 116 which is the area around St. Andrews Park, and is also a heavily Latino minority neighborhood, are split into two different districts. Also, it moves a new south side—moves Precincts 115, 116, 3, 88, 29, into two state representative districts, further diluting minority voting rights. **HB 150** then takes Precincts 4,

20, 93, 114, 118 which are Latino neighborhoods near Crestmont Park and Cabaniss Field and places them into District 32, but not to preserve a minority seat. The precincts are split just enough to ensure that Latinos are only 49.2 percent of the population. Not only does it dissect communities of interest, members, but **HB 150**, as currently drawn, violates federal law and the Texas Constitution. Section 5 of the Voting Rights Act (42 USC section 1973c) prohibits the enactment of any practice or procedure that either has a retrogressive effect on the voting rights of minority voters or was adopted with the purpose of discriminating against minority voters. Generally, retrogression means diminishing the political strength of the minority voters in the status quo. Current minority opportunity districts are anchored in Nueces County. **HB 150** eliminates one such district altogether and moves it to Rockwall County to create a new Anglo majority district over 400 miles away. As a result, **HB 150** violates Section 5.

In contrast, the Mexican American Legislative Caucus plan for the Coastal Bend complies with the one person, one vote standard and protects the existing Latino opportunity districts in the Coastal Bend. The MALC plan divides communities of interest in the creation of an extra Latino majority district. The Solomons' plan does so to reduce minority representation in the Coastal Bend. We and MALC—as MALC members we will work with any plan that ensures the Latino minority community a representative commensurate with their population growth. The whole county rule has been interpreted by Texas courts to mean making the fewest cuts as possible to preserve the one person, one vote standard. In this instance MALC's plan avoids the significant retrogression of the minority voting interest. All state house plans cut counties. The MALC plan does so to ensure minority voting strength. The Solomons' plan does so to support an unconstitutional gerrymander that dilutes minority voting strength. Coastal district modification—let me just mention how the Coastal Bend amendment differs from the other MALC amendments. The Coastal Bend modification is essentially the main MALC plan moving the Bee County voting Precinct 17 from District 33 to District 35. The purpose of the move was to strengthen the district's lines between the districts in Beeville, Texas and to balance the deviations between the districts so that both districts were more evenly—most districts more evenly account for the under count of the Latino population in the 2010 census. The move results in a more even line division between the districts and balances the deviation so that District 35 goes from a deviation of minus 4.7 before the change to minus 3.6 after the change. And District 33 goes from a deviation of minus 1.1 to minus 2.2 percent. Members, I move adoption.

SOLOMONS: This is a continuation of the dialogue on the Texas Constitution county line rule, and I'll move to table.

[Amendment No. 31 was tabled by Record No. 583.]

[Amendment No. 32 by Martinez Fischer was laid before the house.]

ALONZO: Thank you, Mr. Speaker and members. I'm going to be very brief. First let me tell you what I'm trying to do in this plan, mainly focusing on Dallas County and Tarrant County. Right now, as it relates to Hispanic opportunity

districts, we have two in Dallas County and one in Tarrant County. With this proposal, we are given an opportunity for three districts in Dallas County and two in Tarrant County. As a result of—because of the overpopulation of Latino majority districts in Dallas County, it serves one over-arching goal: to limit Latino influence in Dallas County house districts. Therefore, **HB 150** violates the one person, one vote principle in Dallas County. As a result by packing existing minority opportunity districts and by using the state's whole county rule to limit the creation of minority opportunity districts in Tarrant and in Dallas County and in light of the fact that racially polarized voting continues and—in Texas and in Dallas and in Tarrant Counties **HB 150** violates Section 2 of the Voting Rights Act. The MALC plan complies with the one person, one vote, creates additional minority districts and maintains Hispanic minority districts. Members, I'm going to keep it short. The chairman has not asked to table yet but instead of giving a three-page speech, I'm going to ask that this document that I put together be put into the record without objection. Is that okay, Mr. Chairman?

[The motion to place the document in the journal was granted.]

2011 Redistricting - Texas House of Representatives

Regional Legal Issues

HB 150 v. MALC Plan

I. Dallas/Tarrant Metroplex

A. Potential legal issues with **HB 150**

1. One person, one vote

a. The Rule: The 14th Amendment of the United States Constitution and Article I, Section 3 of the Texas Constitution require that districts be drawn based on total population and that the districts be as equal in population as is practicable. Variations to account for legitimate state interests are permitted. However, variations from population equality for political gain or to limit minority political influence and participation or some other illicit goal would violate the Constitution. (*Cox v. Larios*, 542 U.S. 947 (2004))

b. The facts: The total population of Dallas County according to the 2010 census is 2,368,139. The ideal district size for Texas House districts to achieve population equality between districts is 167,637. If districts in Dallas were drawn to achieve population equality, each district would contain about 169,153 persons, or 1,516 persons less than one percent above the ideal district size. Moreover, if the state were to take into consideration the fact that minorities (especially Latinos) in urban areas, such as Dallas, were undercounted, minority majority districts would be somewhat underpopulated to account for the undercount. Instead, **HB 150** substantially overpopulates Latino majority districts in Dallas County and across the state. There are currently two functional Latino majority districts in Dallas: Districts 103 and 104. Both are substantially overpopulated at +5 percent for District 103 and +3.07 percent for District 104. Together, Districts 103 and 104 are overpopulated by 13,526 persons for an average deviation of +4.04 percent.

c. Result: The overpopulation of Latino majority districts in Dallas County serves one over-arching goal: to limit Latino influence in Dallas County house districts. Therefore, **HB 150** violates the one person, one vote principle in Dallas County.

2. Section 2, Voting Rights Act

a. Rule: Section 2 of the Voting Rights Act, 42 U.S.C. §1973 prohibits discrimination in voting by states or their political subdivisions. Minority voters challenging a voting practice or procedure, such as a redistricting plan, or a rule governing redistricting plans, must show: that they are politically cohesive (that they generally vote together in elections); that nonminority voters vote sufficiently as a block to defeat the minority preferred candidate; and that absent the offending practice or rule, a district can be drawn that would give the minority group a fair opportunity to elect a candidate of their choice (generally in Texas that means that a district can be drawn with a minority voting majority). Use of state rules in a manner that violates Section 2 violates federal law. Use of racial gerrymandering tools, such as packing and fragmenting minority populations, is evidence of a Section 2 violation.

b. Facts: Elections in Texas are racially polarized, that is minority voters generally vote together and Anglo voters generally vote differently than minority voters. This is also the case in Dallas and Tarrant Counties. Moreover, in Dallas and Tarrant Counties, Latino voters and African American voters are politically cohesive, that is they generally vote together and nonminority voters generally vote as a bloc against the minority preferred candidates. Use of the "whole county rule" necessarily fences minority voters in Tarrant County away from minority voters in Dallas County. **HB 150** limits minority opportunity districts by: packing minority population into already existing minority opportunity districts; using the "whole county rule" to fence out minorities in Tarrant County from minority voters in Dallas County; no new minority opportunity districts are created in Dallas and Tarrant Counties; and alternative plans including the MALC plan for Dallas and Tarrant counties create up to two additional minority majority opportunity districts by unpacking existing minority opportunity districts and/or not limiting district lines by the "whole county rule."

c. Result: By packing existing minority opportunity districts and by using the state's "whole county rule" to limit the creation of minority opportunity districts in Tarrant and Dallas Counties, and in light of the fact that racially polarized voting continues in Texas and Dallas and Tarrant Counties, **HB 150** violates Section 2 of the Voting Rights Act.

B. Alternative Plan for Dallas and Tarrant Counties - MALC Plan

1. Complies with one person, one vote
2. Creates additional minority opportunity districts
3. Maintains existing minority opportunity districts

GIDDINGS: Representative Alonzo, just a quick question. What does your map do in terms of—is this a statewide map?

ALONZO: It is but what we've done in—just so you'll know, ma'am. In all the plans that Representative Martinez-Fisher has presented, what we've done every time we made a presentation, we focus on a certain part of the state. This is the

same plan that Representative Martinez-Fischer presented for the Coastal Bend, for South Texas, for San Antonio. This is just talking about Dallas and what it does in Dallas is create an opportunity for three districts in Dallas County and three districts, I mean in two districts in Tarrant County.

GIDDINGS: Okay. In Dallas County, does it preserve the African American Districts 110, 109, 111, does it preserve those districts?

ALONZO: Yes, ma'am. Yes, ma'am.

GIDDINGS: Okay. So there's no retrogression—

ALONZO: No, ma'am.

GIDDINGS:—in terms of African Americans districts in Dallas?

ALONZO: That is correct. Yes, ma'am.

RODRIGUEZ: Mr. Alonzo, this—basically your amendment, what it does for Dallas County is that you believe, as I believe I think, that we could do better in Dallas County in terms of Hispanic representation; is that correct?

ALONZO: That is correct.

RODRIGUEZ: This will maximize the number of Hispanics I think is due in Dallas County; is that correct?

ALONZO: That is correct.

JOHNSON: What does your proposed map do to District 100 in terms of black voting age population?

ALONZO: I cannot tell you specifically, but what we tried to do is, as I answered, Ms. Gidding's districts did not minimize whatever we have at the moment.

JOHNSON: So, explain that one more time. I'm sorry.

ALONZO: Ms. Giddings asked earlier if we maintained the districts that we have as it relates to African American districts. And the answer is yes.

JOHNSON: Well, she didn't ask about District 100. That's the district I'm asking about.

ALONZO: And the reason I'm answering that way is because your district is an African American district and I am answering the same way.

JOHNSON: Okay.

SOLOMONS: This is for a continuation of a dialogue and I understand—I think we have in Dallas County drawn a fair and legal map and in Tarrant County as well, and I want to defend that, and I'm going to move to table.

REPRESENTATIVE CARTER: Representative Alonzo, what does this map do to republicans in Dallas County?

ALONZO: I think we try to be as fair as possible.

CARTER: And who may be paired under your map in Dallas County?

ALONZO: I do not have that in front of me, ma'am.

CARTER: You don't know. This is your map, correct?

ALONZO: That is correct.

CARTER: But you don't know whom you paired under Dallas County, under your own map?

ALONZO: I do not have that in front of me. No.

CARTER: Okay. But you admit that it must pair at least four members of Dallas County, is that correct?

ALONZO: That is probably true, yes.

CARTER: And has this map gone through the committee process? Yes or no.

ALONZO: I'm sorry?

CARTER: Has this map gone through the committee process?

ALONZO: No.

CARTER: Okay. Thank you.

ALONZO: I would ask that you vote against the motion to table. And before I leave the mic, I know there's been a lot of discussion as far as whether it's retrogression or not. And what I would like to add, Mr. Speaker, there was discussion and there was back and forth about whether it was retrogression or not. It is my contention that there is under the 150 plan. And MALDEF submitted a letter to the house of representatives regarding that, and I would like to ask that it be submitted as part of the record.

[The motion to place the letter in the journal was granted.]

Letter From MALDEF To House Redistricting Committee

April 27, 2011

The Honorable Burt Solomons

P.O. Box 2910

Austin, TX 78768-2910

Dear Chairman Solomons,

I write to provide further information regarding Plan H153, the proposed redistricting plan for Texas State House of Representatives. Based on MALDEF's analysis, H153 is retrogressive and raises serious concerns under Section 5 of the federal Voting Rights Act.

The Voting Rights Act was enacted by Congress in 1965 to protect racial and ethnic minorities from discrimination in voting and is widely considered one of the most effective civil rights laws in American history. Texas is a covered jurisdiction under Section 5 of the Voting Rights Act, which requires federal review of election changes in covered jurisdictions and blocks changes that a covered jurisdiction cannot prove "neither ha[ve] the purpose nor will have the effect of denying or abridging the right to vote on account of race or color, or [because of membership in a language minority group]." (*Riley v. Kennedy*, 553 U.S. 406, 412 (2008)) Section 5 prohibits election changes that are

"retrogressive," i.e. changes that "lead to a retrogression in the position of racial [or language] minorities with respect to their effective exercise of the electoral franchise." (*Beer v. United States*, 425 U.S. 130, 141 (1976))

Texas was responsible for 107 Section 5 objections interposed by the Department of Justice under Section 5 from 1982 through June 2006. Ten of these objections were aimed at blocking statewide voting changes that would discriminate against minority voters.

In the most recent round of statewide redistricting, the state adopted a redistricting plan for the Texas House of Representatives that fractured Latino populations across South and West Texas and resulted in the loss of Latino electoral control in four districts. When Texas submitted the plan for Section 5 preclearance, the DOJ objected to the Texas House plan, noting that the state had reduced by four the number of districts in which Latino voters would be able to elect their candidate of choice. See attached letter. Notably, the DOJ analysis did not turn solely on the number of districts in the plan that contained a majority of Spanish surnamed registered voters (SSVR). Although SSVR is a consideration in the retrogression analysis, the ultimate evaluation "depends on an examination of all the relevant circumstances, such as the ability of minority voters to elect their candidate of choice, the extent of the minority group's opportunity to participate in the political process, and the feasibility of creating a non-retrogressive plan." (*Georgia v. Ashcroft*, 539 U.S. 461, 478 (2003), citing *Johnson v. De Grandy*, 512 U.S. 997, 1011-1012 (1994)) As explained by the U.S. Supreme Court, "No single statistic provides courts with a shortcut to determine whether a voting change that retrogresses from the benchmark." (*Georgia v. Ashcroft* at 461, citing *Johnson v. De Grandy*, at 1020-1021) Section 5 was amended by Congress in 2006 to ensure that voting changes reduce the ability of the minority community to elect their candidates of choice should not be precleared.

In the current (benchmark) redistricting plan for Texas House of Representatives, Latinos comprise the majority of registered voters in 29 districts. Latinos comprise the majority of voting age population, but not the majority of registered voters, in an additional seven districts (51, 78, 90, 103, 137, 144, 148). Plan H153 eliminates one district in which Latinos comprise the majority of registered voters (District 33). Plan H153 also raises the Latino population in two existing Hispanic voting age majority districts: 90 and 148. Our analysis of primary and general elections has led us to conclude that Districts 90 and 148 in the benchmark plan are districts in which Latino voters currently possess the ability to elect their candidates of choice. Adding Latino voters to Districts 90 and 148 does raise the SSVR but does not create new Latino opportunity districts that can offset the loss of District 33.

Thus, Plan H153 reduces the number of districts in which Latinos can elect their candidates of choice. By contrast, the Texas House plan offered by the Texas Latino Redistricting Task Force adds Latino population to Districts 90 and 148 and also creates three additional Latino majority opportunity districts. In light of the significant growth in the Latino community since 2000, and the

availability of redistricting plans that offer more equitable electoral opportunities for Texas Latinos, we believe that Plan H153 is retrogressive. Please feel free to contact me with any questions regarding this letter.

Sincerely,
Nina Perales
Director of Litigation
Encl.

Letter From Assistant Attorney General

The Honorable Geoffrey Connor
Acting Secretary of State
P.O. Box 12060
Austin, Texas 78711-2060

Dear Secretary Connor:

This refers to the 2001 redistricting plan for the Texas House of Representatives, submitted to the attorney general pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on August 17, 2001; supplemental information was received through October 12, 2001.

We have considered carefully the information you have provided, as well as census data, comments and information from other interested parties, and other information. As discussed further below, I cannot conclude that the state's burden under Section 5 has been sustained in this instance. Therefore, on behalf of the attorney general, I must object to the 2001 redistricting plan for the Texas House of Representatives.

The 2000 census indicates that the state has a total population of 20,851,820, of whom 11.5 percent are African American and 31.9 percent are Hispanic. The state's voting age population (VAP) is 14,965,061, of whom 10.9 percent are African American and 28.6 percent are Hispanic. One of the most significant changes to the state's demography has been the increase in the Hispanic population. Between 1990 and 2000, the Hispanic share of the state's population increased from 26 to 31.9 percent. Statewide, African American population remained stable.

Under the Voting Rights Act, a jurisdiction seeking to implement a proposed change affecting voting, such as a redistricting plan, must establish that, in comparison with the status quo, the change does not "lead to a retrogression" in the position of minority voters with respect to the "effective exercise of the electoral franchise." (See *Beer v. United States*, 425 U.S. 130, 141 (1976)) In addition, the jurisdiction must establish that the change was not adopted with an intent to retrogress. (*Reno v. Bossier Parish School Board*, 528 U.S. 320, 340 (2000)) Finally, the submitting authority has the burden of demonstrating that the proposed change has neither the prohibited purpose nor effect. (*Id.* at 328; see also Procedures for the Administration of Section 5 (28 C.F.R. 51.52))

The constitutional requirement of one person, one vote mandated that the state reapportion the house districts in light of the population growth since the last decennial census. We note that the redistricting plan submitted by the state

was passed by the Legislative Redistricting Board (LRB), which had assumed reapportionment responsibility under Article III of the Texas Constitution after the state legislature was unable to enact a redistricting plan.

The LRB held a series of meetings and hearings, culminating with a meeting on July 24, 2001, at which it considered new plans submitted by LRB members. The LRB adopted three amendments making substantive changes to the plan then under consideration. These amendments consisted of approximately 14 discrete changes.

The Texas House of Representatives consists of 150 members elected from single-member districts to two-year terms. Under the existing plan, there are 57 districts that are combined majority minority in total population, and 53 are combined majority minority in voting age population. With regard to those with a majority minority voting age population, 31 districts have a majority Hispanic voting age population, seven have a majority black voting age population, and the remaining 15 districts have a combined minority majority voting age population. There are 27 districts where a majority of the registered voters have a Spanish surname.

An initial issue arises as to the appropriate standard for determining whether a district is one in which Hispanic voters can elect a candidate of choice. The State of Texas has provided, and accepted as a relevant consideration, Spanish-surnamed registered voter data as well as election return information and voting age population data from the census. We agree with the state's assessment, although we also consider comments from local individuals familiar with the area, historical election analysis, analysis of local housing trends, and other information intended to create an accurate picture of citizenship concerns. (*Campos v. Houston*, 113 F.3d 544, 548 (5th Cir. 1997))

Our examination of the state's plan indicates that it will lead to a prohibited retrogression in the position of minorities with respect to their effective exercise of the electoral franchise by causing a net loss of three districts in which the minority community would have had the opportunity to elect its candidate of choice. Although there is an increase in the number of districts in which Hispanics are a majority of the voting age population, the number of districts in which the level of Spanish surnamed registration (SSRV) is more than 50 percent decreases by two as compared to the benchmark plan. Moreover, we note that in two additional districts SSRV has been reduced to the extent that the minority population in those districts can no longer elect a candidate of choice. In the state's plan, these four reductions are only offset by the addition of a single new majority minority district—District 80—leaving a net loss of three.

As described more fully below, when coupled with an analysis of election returns and other factors, we conclude that minority voting strength has been unnecessarily reduced in Bexar County, South Texas, and West Texas. Because retrogression is assessed on a statewide basis, the state may remedy this impermissible retrogression either by restoring three districts from among these problem areas, by creating three viable new majority minority districts elsewhere in the state, or by some combination of these methods.

With regard to the problem areas we have identified, in Bexar County the 2000 census data indicated that the county population constituted 10.4 ideal districts. As a result of the state's constitutional requirement of assigning a whole number of districts to the more populous counties, known as the "county line rule," the state reduced the number of districts in the county from 11 in the existing plan to 10. Although the state has admitted that the reduction to 10 would not have precluded it from maintaining the number of majority Hispanic districts at seven, it in fact chose to reduce that number to six. Initially, the state asserted that it had created an additional majority Hispanic district in Harris County so as to offset the loss of the Bexar County district and identified District 137 as a compensating district. Because the state's obligation under Section 5 is to ensure that the redistricting plan, as a whole, is not retrogressive, such a course of action is not impermissible. However, in the supplemental materials that were provided on October 10, 2001, the state notified us that if any district should be considered as the replacement, District 80 in South Texas—not District 137—should be the one which offsets the loss of the majority Hispanic district in Bexar County.

When the state is considered as a whole, however, this argument is ultimately unpersuasive. While District 80 indeed adds an additional district in which Hispanic voters in South Texas will have the opportunity to elect a candidate of their choice, in two other districts, as discussed below, they lose this opportunity, resulting in the net loss for Hispanic voters of one district in South Texas.

In South Texas, Hispanic voters will lose the opportunity to elect their candidate of choice in District 35. The new district is created from existing Districts 31 and 44 and pairs a nonminority and a Hispanic incumbent. The Hispanic incumbent currently represents a district which has a Spanish surname registration level of 55.6 percent; that level drops to 50.2 percent in the proposed plan while the Hispanic voting age population decreases from 57.8 to 52.1 percent. Over half (58 percent) of the new district's configuration is from the nonminority incumbent's former district. Our analysis indicates that District 35 as drawn will preclude Hispanic voters from electing their candidates of choice.

In addition, in Cameron County, District 38 reverts to a configuration that previously precluded Hispanic residents from electing a candidate of their choice. The Spanish surnamed registration level is reduced from 70.8 to 60.7 percent, and the Hispanic voting age population decreases from 78.7 percent to 69.6 percent. The state removed over 40 percent of the core of existing District 38, 90 percent of whom are Hispanic persons, and replaced it with population that is 45 percent nonminority. While the Hispanic voters in District 38 still remain a majority of voters in the district, because the area is subject to polarized voting along racial lines and under the particular circumstances present in this district, it is doubtful that Hispanics will be able to elect their candidate of choice.

Finally, the districts adjacent to Districts 35 and 38 have levels of Spanish surnamed registered voters exceeding 80 percent, and Hispanic voting age population exceeding 90 percent, both of which are far beyond what is necessary for compliance with the Voting Rights Act. Thus, the reductions in Districts 35

and 38 were avoidable had the state avoided packing Hispanic voters into the districts adjacent to them. Moreover, overall the state fragments the core of majority Hispanic districts in this area, thus affecting member-constituent relations and existing communities of interest in these districts at a disproportionately higher rate than it does other districts in this part of the state. This fragmentation is unnecessary and disadvantages Hispanic voters by requiring them to establish new relations with their elected representatives. It also deviates from the state's traditional redistricting principles in a manner that exacerbates the retrogression in South Texas.

As for West Texas, Hispanic voters lose the opportunity to elect their candidate of choice in proposed District 74. The Spanish surname registration level decreases from 64.5 to 48.7 percent, and the Hispanic voting age population decreases from 73.4 to 57.3 percent. Significantly, the state did not need to reconfigure existing District 74 because the existing configuration under the 2000 census was underpopulated by only 894 persons, a deviation of 0.64 percent. Such unnecessary population movement supplements our finding in our election analysis that Hispanic voters in District 74 will suffer a retrogression in the effective exercise of the electoral franchise. (See Guidance Concerning Redistricting and Retrogression under Section 5 of the Voting Rights Act, 42 U.S.C. 1973c, 66 Fed. Reg. 5411, 5413 (Jan. 18, 2001))

Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory effect. (*Georgia v. United States*, 411 U.S. 526 (1973); see also Procedures for the Administration of Section 5 (28 C.F.R. 51.52)) In light of the considerations discussed above, I cannot conclude that your burden has been sustained in this instance. On behalf of the attorney general, I must object to the 2001 redistricting plan for the Texas House of Representatives. Beyond the specific discussion above, however, in all other respects we find that the state has satisfied the burden of proof required by Section 5.

We note that under Section 5 you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that the proposed changes neither have the purpose nor will have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group. (See 28 C.F.R. 51.44) In addition, you may request that the attorney general reconsider the objection. (See 28 C.F.R. 51.45) However, until the objection is withdrawn or a judgment from the District of Columbia Court is obtained, the redistricting plan continues to be legally unenforceable. (*Clark v. Roemer*, 500 U.S. 646 (1991); 28 C.F.R. 51.10)

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action the State of Texas plans to take concerning this matter. If you have any questions, you should call Mr. Robert Berman (202-307-3718), Deputy Chief of the Voting Section.

Sincerely,

Ralph F. Boyd, Jr.
Assistant Attorney

General

Civil Rights Division

[Amendment No. 32 was tabled by Record No. 584.]

[Amendment No. 33 by Martinez Fischer was laid before the house.]

WALLE: We believe that the Solomons' committee substitute on redistricting plan fails Harris County by splitting communities of interest and disrupting neighborhoods. **HB 150** as it is currently drawn violates federal law and the Texas Constitution. Again, as we've mentioned plenty of times this evening, Article III, Section 26 of the Texas Constitution requires that the state cut as few county lines as possible while still complying with equal population between districts for the Texas House of Representatives. This Texas Constitution requirement is often referred to as the whole county line rule. The Texas Constitution also forbids discrimination on the basis of race and national origin. Using the ideal district size for a Texas House of Representatives district, Harris County county lines can be maintained without breaking any of the county rules. In addition to that, when we reduce the amount of members from 25 to 24, it dilutes—we believe it dilutes minority representation in Harris County. **HB 150** uses the whole county rule in such a fashion as to allocate only—again 24 districts, for Harris County, resulting in a creation of no new Latino opportunity districts, to further its goal of avoiding the creation of a new Latino majority district in Harris County. **HB 150** packs existing Latino opportunity districts. **HB 150**, therefore, violates Article I, Section 3(a) and Article II, Section 26 of the Texas Constitution. Furthermore, the MALC plan, in contrast, for Harris County complies with the one person, one vote standard and the whole county line rule. It creates an extra Latino majority seat compared to the current plan and two more than **HB 150**. It also maintains existing minority opportunity districts without packing existing districts to maintain partisan advantage or incumbent protections. In short, the MALC plan balances the needs to preserve communities of interest and the constitution mandates to promote and protect minority voting strength.

REPRESENTATIVE ALVARADO: Representative Walle, I'm like you—share your comments on Harris County being reduced to 24 seats. But also the breaking up of communities of interest, can you talk about some of those? I know there are several, but some of those that stick out. For example, maybe the Heights or some of the other areas that break up communities of interest?

WALLE: Well, what the—initially with the initial amendment for Harris County you have four representatives that were going to represent Harris County, in particular in the Heights neighborhood of Houston. With the amendment to the amendment, that breaks it down to three representatives that would potentially represent the Heights. So in essence it takes out all of Representative Farrar's area of the Heights which was wholly in her district and breaks it up into three

districts. So that community of interest which is the Heights is broken up into three state rep districts.

ALVARADO: Okay. Would you say that the vast majority of the growth in Harris County is—can be accredited to the minority community?

WALLE: Yeah, it would be the Latino community, Asian community, and the African American community that has exploded in Harris County.

ALVARADO: And how many minority opportunity districts are created under **HB 150**?

WALLE: Well, that's the issue. The argument is that they've created one additional Latino district. But in Harris County what you have is retrogression because what you do is at one level you pack all the majority Latino districts. By doing that you dilute the opportunity for other Latinos that—where the growth has been in the suburban areas. Where African Americans, Hispanics, and Asians have grown in the suburban areas and you dilute the opportunity of those areas such as Representative Vo's current district an opportunity for those folks to elect somebody of their choice.

ALVARADO: And that was my next question. The coalition districts or Latino majority districts, that being Representative Hochberg and then the coalition district was Representative Vo, that those are pretty much destroyed?

WALLE: No. Those are pretty much eliminated. And the argument is that you create—by keeping it at 24 you create another Latino district which is far from the truth because you have Representative Scott Hochberg that represents a lot of Latino residents, but their candidate of choice is Representative Hochberg. You have Representative Vo that has a coalition district that chooses to elect Representative Vo, and then you basically wipe out an opportunity for those community members to elect somebody that have been—that are doing very well in Harris County.

ALVARADO: Thank you, sir.

HOCHBERG: Mr. Walle, you are talking about my district, about Mr. Vo's district, and there has been some discussions that for some reason my district is not a protected district, have you heard those? It's obviously been paired and destroyed so, somebody must have felt that it wasn't—it didn't merit voting rights protection. Have you heard that?

WALLE: I've heard that, and many of us beg to differ. We believe that your current district is a protected district. We also believe that Representative Vo's district is a protected district.

HOCHBERG: Do you know that when District 137 was created, there was an analysis that said that the plan that created it successfully draws a fifth majority Hispanic VAP district in southwest Harris County and called it a multi ethnic district with significant black, Hispanic and Asian populations? Do you know who called it that?

WALLE: I don't.

HOCHBERG: Would you be surprised to know that that was the Legislative Redistricting Board who called it that in justifying their plans to the Justice Department?

WALLE: I think those comments were—now I'm being reminded of your comments from earlier discussions—that was the comments that were made by the LRB.

HOCHBERG: And it was considered to be a Hispanic performing district even though with a Hispanic population, voting population of a little over 50 percent. And do you realize that now under—that my current district has a Hispanic voting age population of about 60 percent?

WALLE: Yes.

HOCHBERG: And so, how could it possibly not be a protected district?

WALLE: And that will be the argument for the litigation, quite frankly, because we believe that your district in its current form is a protected district because obviously the majority of the voters in that district are Latino, but they continue to elect you. That does delve into splitting of district of the areas that you represent currently where, if I'm correct, they draw a line through apartment complexes to try to dilute minority representation, and for me that—

HOCHBERG: Yeah, and in fact there was a VTD. Despite all of the discussions about not cutting the VTDs that we heard earlier today about other districts. There's a VTD that was cut, that as you point out goes directly down the center of an apartment complex. So you would actually have to find out the unit number of the person of the apartment complex before you knew whether it was in my district or in a district that is currently represented by Ms. Davis?

WALLE: That's correct. And I would add that, how do you defend that, cutting a whole apartment complex?

HOCHBERG: I don't think you can. And they also cut the Sharpstown community in half which has also been a clear community of interest that is about 7,000 single family homes which is larger than some of the towns that we hear discussed that nobody even considered cutting.

WALLE: Correct. And we have this additional redistricting going on in the city of Houston elections where there is an effort to bring back those communities of interest so that the Latino community in southwest Houston can elect somebody from their community in southwest Houston, because the traditional areas of Latino growth in north and east end are just not the case. It's been shown in your district, in southwest Houston. It's been shown all over the county, but right now there is an effort the Latino community has come together for southwest Houston so that they elect a city council member from their community. And what this does too is—

REPRESENTATIVE VO: Representative Walle, are you aware that District 149 is a majority minority district?

WALLE: Yes.

VO: Right now, District 149 is composed of 90 percent—

CHAIR: Mr. Sheets raises a point of order. The gentleman's time has expired. The point of order is well taken and sustained.

VO: Extension of time, Mr. Speaker.

[The request to extend speaking time was granted by Record No. 585.]

VO: Representative Walle, you know that the District 149 is a majority minority district right now?

WALLE: Yes, sir.

VO: And it has about 20 percent Asians, 20 percent Hispanics, and 20 percent African Americans. And you know the people of District 149 have every election sent me back here to the legislature for the last four sessions now?

WALLE: That's correct, and we are glad to have you and hope to keep you.

VO: And you also know that it is a community of interest because we have—people from District 149 came up two weeks ago to come up here and testify, and one is that the Asian community to be represented and there were like hundreds and hundreds of e-mails sent to the members of the Redistricting Committee, too. So that clearly shows that District 149 is a district of community of interest, right?

WALLE: That's correct. And I would add that because of your—obviously the initial election that you had, you were elected by a very small margin and every successive election you increased the margin of your victory, and that's to your credit because you worked your district, representing as an Asian American from Vietnam your story is very compelling. And there's a reason why your voters have continually sent you back here to Austin to fight for their interest. But not just so much for the interest of Asian Americans, but all your constituents, because you have several dozen languages that are spoken in your district.

VO: Exactly. The district that I represent has a portion of the Alief School District and we have 72 different spoken languages within that school district. And outside my being elected, there was another Asian American who was elected in the school board, and last year there was another Asian American who was elected to the city council.

WALLE: That's the testament of the strength of the Asian community. And what I don't understand about this map, and let me be clear, as to why they would go after the lone Asian American from Harris County, one of two Asian Americans in the state of Texas. One of two. And they are going after eliminating your district, and I just don't think it passes constitutional muster. That they would try to eliminate your district and then at the same time say that we are creating another Latino district with parts of Representative Scott Hochberg's district, when it already is a protected district.

VO: Under this proposed plan right here, under **HB 150**, District 149 would be eliminated and the Asian community will be represented by four different districts under this proposed plan. So you can tell that the Asian wards will be diluted, right?

WALLE: That's correct.

VO: All right.

FARRAR: Mr. Walle, a moment ago Mr. Vo asked for an extension of time. You are aware that Mr. Vo's district was eliminated in this plan, correct?

WALLE: That's correct.

FARRAR: Yet 36 members of this body voted against the extension of his time. Are you aware of that?

WALLE: Yes, ma'am.

FARRAR: How do you think that will bode in the court challenge?

WALLE: Well, I think that it doesn't bode well that we wouldn't extend the amount of time, because this is very personal. Let alone for us in Harris County, where are eliminating one district, but we are eliminating Representative Hubert Vo, who has done an excellent job representing his constituents.

FARRAR: And who represents in effect the minority opportunity district.

WALLE: And it's an effective minority opportunity district because there's no single majority minority, and he's been able to win elections this last election cycle by several thousand votes, I believe. And I think it's a travesty that we wouldn't give him the opportunity to try to defend his district.

FARRAR: Thank you.

SOLOMONS: We think that the map in Harris County is legal, and I know the Harris County delegation worked on an amendment for Harris County, we think that's legal. And so, I would move to table.

WALLE: Chairman Solomons, one of the things that concerns us in Harris County is why we would move from 25 to 24 and basically eliminating an opportunity district like the one that Representative Vo represents, where there is no single majority minority, and that those folks have continued to send him back here.

SOLOMONS: Well, Mr. Walle we have discussed that at length today. We discussed it earlier on at length and also when I laid out the bill and discussed Harris County. We talked about whether or not we thought those were protected districts, and we don't think they are protected districts and—

WALLE: Why do you think they are not protected?

SOLOMONS: We don't think they are protected under the Voting Rights Act, and that's what my legal people tell me, number one. And number two, since we've already discussed this at length, I don't know that I really—not to be disrespectful at all, I think we've talked about that quite a bit already today during—when I

first laid out the bill and during some processes and besides that Harris County went back in the backroom and basically after reaching some agreement and trying to go through the process there was an agreement by many of the Harris County delegation in drawing a map as it was and I don't think it's illegal—

WALLE: We disagreed, but I don't think—we were not informed that a 24 map was going to be submitted. Okay. That map was submitted to you without any of the other democratic members from Harris County being informed of such map. And that's the issue that many of us from Harris County have is that we were not informed that those maps had been submitted, signed off on, a 24 map. When we were trying to negotiate to get a 25 map. And for us, we take that very personally because one, you are eliminating Representative Hubert Vo and pairing him with Representative Hochberg. And at the same time packing the other Latino—other majority minority districts. So for us, the process wasn't clean for us.

SOLOMONS: I appreciate your opinion.

WALLE: And I'm glad you are taking it. The community—why do we try to pack a lot of the majority minority districts in Harris County?

SOLOMONS: I don't know that we are packing, as you would suggest, minority districts. From minority—

WALLE: Let me rephrase my question. Why do we choose to over populate nearly every minority majority district in Harris County?

SOLOMONS: As you well know, the Hispanic population in Harris County did not settle in one or two particular districts. They are spread on it and assimilated throughout Harris County, number one. Number two, as I suggested before, I respect your opinion and I respect your situation in connection with how you feel about the 24 versus 25 and we have discussed that quite a bit, so far. And we've created a record on that for your discussion to do whatever you wish to do about that. We think the Harris County map is legal—the one that proposed by the committee—and we think the map that was rearranged for Harris County after a two-and-a-half-hour delay or so is legal, and that's why we have what we have today.

WALLE: I apologize for the delay. And I know it's late, but for many of us from Harris County the notion that we would reduce one of our delegation from 25 to 24 and for us is unacceptable. We've had a—particularly for a bipartisan delegation to have 25 members is very important for us. We have a lot of diversity. A lot of diversity of opinion in Harris County and to dilute our delegation from 24—from 25 to 24 is something that doesn't sit well with most of us. It definitely doesn't sit well with me. And I know there's been a lot of debate back and forth on this issue, but for us it's very personal. Particularly for Representative Hubert Vo and Representative Hochberg that have served us, this body, with respect and kindness, and somebody that both of them that we deeply respect and they are close personal friends and we don't hear anybody—I know there's a lot of pairings going on all over the state, but these folks are dear

friends. And we just—doesn't sit well with us tonight. And I move against the motion to table.

[Amendment No. 33 was tabled by Record. No. 586.]

[Amendment No. 34 by Martinez Fischer was laid before the house.]

MARTINEZ FISCHER: This is an amendment that I want to lay out and I want to discuss. I will be withdrawing the amendment. I will not be asking the body for a vote on it. But it's a continuation of the discussion that Chairman Solomons and I have regarding the whole county rule. I do not believe that the Texas Constitution requires us to maintain a whole county rule if that means we deny the addition of minority opportunity districts. I'm not a fan of that. Chairman Solomons says he's been very minimal in his what I call cuts, he calls them spill overs. You know we will let someone else decide who is right. But when I count the spill overs, to use his term, in **HB 150**, I find 17 spill overs or 17 county breaks, and so what this amendment does is it draws a statewide map using the same number of spill overs, county breaks, 17. And when you do that, you can still draw an overall statewide map that increases minority opportunity and, yes, because it's a whole county it may also impact a district that has a minority opportunity if you adhere to the principle of not breaking county rules. But for the purposes of demonstration and looking at our whole county map, we can take Spanish surname voter registration, at 50 percent or more, and increase it from Solomons' 30 to our 32. We can take Hispanic voting age population of 50 percent or more, and look at Solomons' where his map gives 34 seats following his exact same number of cuts we can do 37. If we look at the African American voting age population of 50 percent or more, Solomons' map does two we can do three and still adhere to 17 cuts or spill overs. If you look at combined African American, Hispanic voting age population of 50 percent or more, we can take Solomons' map that has 53, members, and produce 59. If you look at one of the harder maps to draw which is Hispanic citizen voting age population or HVAP, using 17 cuts—Solomons' map will give you 30 districts and we'll give you 31.

So again, it's only a result of the dynamic growth of the minority community that you can do this even under some of the most restrictive adherence to the county line rule that Chairman Solomons has so eloquently defended today over and over again, has acknowledged that that's what he believes the state constitution obligates him to do. We certainly know that discussion will continue over, and we will have the federal interpretation of the state constitution. But it's just using his rule, you can still draw the maps with minority opportunity. I don't think it's perfect, and so, this is not a perfect construct. This is not the way we should be drawing maps. If we can grow the state with minority opportunity I believe it's permissible under the interpretation of our constitution and under federal law and under preemption that you can make breaks to grow minority communities. But even working under the Solomons' rule, working under his rules of engagement we can still do a better job. And so with that, you know, I wanted to make sure that was part of the purposes of the record. I do intend to withdraw this map. Be happy to take a question from Representative Aliseda but I will not be asking for a vote on this.

ALISEDA: Mr. Martinez Fischer, how many versions of your map have we heard tonight?

MARTINEZ FISCHER: Well, this is my second amendment.

ALISEDA: But there's been the other maps we heard tonight that bear your name on them. I assume they are different versions of your very first map, is that correct?

MARTINEZ FISCHER: There are eight amendments. Seven of them are the same maps with whatever region that was part of the debate. So if it was—whether it was Coastal Bend or the valley or Harris or Dallas or Fort Worth metro, there were some VTD tweaks to make it a separate stand alone amendment.

ALISEDA: All right. I've sat at my chair and let you all make a record. But I would like to state my objection to all those maps and including this one. And the reason is every one of them for some reason has messed with my district which is currently represented by a Hispanic republican. And this particular map that you are trying to lay out and intending to withdraw in fact turns me from a district that is, predominantly Hispanic into a predominantly Anglo district. So I'm trying to show that—I'm not sure that partisan politics were involved in drawing your maps in addition to minority politics. But with respect to this map, I think that is what happened here.

MARTINEZ FISCHER: And I believe if you listen to what I said—And I agree with you, it does—but it does so when you draw a map specifically under the rules that Chairman Solomons has laid out of not breaking whole counties. This is the effect, in this amendment it happens to be yours. In other amendments it happens to be the denial of minority districts in West Texas, denial of minority districts in Nueces County, a denial of minority districts in Hidalgo County and Cameron County. And so, yes, I agree with you. When you do maps based on whole counties with a purpose other than looking to grow minority opportunities it does impact.

ALISEDA: My observation about this map as well as the other maps, the other intended purpose appears to be some kind of partisan politics which apparently you and your comrades have not wanted to hear, up to this point.

MARTINEZ FISCHER: Do you see any comrades up here, Representative Aliseda?

ALISEDA: I take that back, I'm sorry, members of your party.

MARTINEZ FISCHER: Well, let me tell you, it seems to me that you are the only one taking the mic talking about partisan politics. And I will have you know that if you look at the maps for the West Texas Hispanic opportunity districts, I would go take a look at some of that election data. I'm not going to talk about partisan politics because I don't care about partisan politics when it comes to creating minority opportunity districts because if minorities are truly representing those minority opportunity districts we don't have to worry about politics, Representative Aliseda.

ALISEDA: I disagree with you.

MARTINEZ FISCHER: The comrades and I, Representative Aliseda, do not have to worry about partisan politics.

ALISEDA: I would disagree with you. Every one of these maps, each one of them seems to fool with a republican district and make it into a democrat district. And it also has the same effect, I suppose, as the increasing minority representation, but it crosses county lines and does not take into account incumbency and does not take into account the incumbent's party. And that's why I would object to every one of these. And the last one in effect takes me and makes me a republican—

MARTINEZ FISCHER: Thank you, Mr. Chairman. I want to thank Representative Aliseda because I couldn't make the point better myself. When you adhere to the whole county lines, you change the complexity of districts. Whether I disagree that every single map affected his district, I whole heartedly agree that this amendment affected his district, but that's what happens all over the State of Texas when you limit the growth to county lines. And so, I couldn't have had a better witness to make that case for me. So I want to thank him for that. And with that Mr. Speaker and members, thank you for indulging me but I certainly would like to withdraw the amendment. Thank you.

[Amendment No. 34 was withdrawn.]

[Amendment No. 35 by Turner was laid before the house.]

TURNER: Thank you, Mr. Speaker and members. I think there's an amendment to add to this amendment first.

[Amendment No. 36 by Turner to Amendment No. 35 was laid before the house.]

TURNER: Let me explain what this amendment to the amendment does. It increases the black voting age population to 40.3 percent from 39.6 percent to prevent retrogression issues. This as it relates to District 100. The amendment affects Districts 100, 101, 103 and 108 as follows: it moves the non-black population from District 100 to District 101 and 108. It moves the Hispanic population from District 100 to 103, and transfers the black population from District 103 to District 100. And the total population affected is 2,708 individuals. And it's acceptable to this author.

[Amendment No. 36 was adopted.]

TURNER: Recognizing the lateness of the hour, let me just say this. Other than for today you have not heard much conversation from African Americans with respect to this entire redistricting process. There has been very little input provided to this committee process as it relates to African Americans. I will tell you that this is a statewide map being presented by the Texas Legislative Black Caucus. Let me also say to you that the Texas Legislative Black Caucus is highly diverse. There are 17 members of the Texas Legislative Black Caucus, there are democrats and republicans. This map is not a political map. It has nothing to do with democrats or republicans. It has nothing to do with whether you are a

progressive, a liberal or a conservative. Nothing at all. And if you will notice most, most of the members of the Legislative Black Caucus, I would say 16 of 17 have signed on to this amendment. It doesn't matter to us whether you are a democrat or a republican. It doesn't matter to us whether you are conservative or whether you are liberal. What does matter to the members of the Texas Legislative Black Caucus is that we remain visible and viable in the state of Texas. That we do not want to be treated as if we do not exist. And we do not want to be ignored. And so in this particular amendment which is a statewide amendment, we are just as much interested in maintaining a James White as we are interested in maintaining a Dawnna Dukes or Harold Dutton or Senfronia Thompson.

What we find in **HB 150** is that it negatively and adversely impacts on African American representation in the State of Texas. And that we find 150 to be retrogressive, and we find that the input has been very, very limited. So let me tell you what it does. Plan 202, the Texas Legislative Black Caucus statewide amendment to the Black Legislative Caucus plan—the main overriding goal was to increase and maintain minority representation statewide. There are 38 Hispanic majorities above 50 percent total population districts in plan 202. There are 13 African American opportunity districts above 38 percent in plan 202. There are 13 districts with the combined black and Hispanic population above 50 percent, two of which are currently held by the Texas Legislative Black Caucus members, Representative Dukes and Representative McClendon. There is one Asian plurality opportunity district, District 26 in Fort Bend County. In total, there are 63 minority opportunity seats statewide plus one Asian plurality district. In Harris County, the plan pairs Representative Legler and Representative Hernandez Luna, but protects Representative Hochberg and Representative Vo. This plan creates eight open seats statewide. In West Texas, the plan does not take aim at any particular members, but presents a configuration which is similar to what is presented in Plan 153 which was passed by the committee. The main exception is in Lubbock where minority representation is enhanced in District 84. In East Texas, the population reduction necessitated the pairings and configurations as presented in this plan. This plan utilizes the MALC proposal no. 2 for Bexar County which maximizes minority representation. And this plan utilizes a MALC proposal for South Texas by adding one district in the Rio Grande Valley.

Unlike the committee plan, the Texas Legislative Black Caucus plan satisfies the constitutional and statutory requirements for redistricting. Unlike the committee plan, the TLBC plan will satisfy the preclearance requirements of Section 5 of the Voting Rights Act. The TLBC plan protects the rights of African American voters in Texas as it must to pass legal muster. The committee plan doesn't. The TLBC plan recognizes that the legal requirements are not just about numbers, they are about the reality of each plan as it will affect the rights of voters. The TLBC plan respects those rights, the committee plan does not. The TLBC plan maintains the core of existing districts. It honors existing political structures and alliances. It respects the realities for the hard-working citizens of our state who volunteer their time and energy. The committee plan does not. So when you look at what is presented in Plan 202, it is about maintaining African

American districts—and I will say with the adoption of 202, it makes **HB 150** much more responsive. It does not make it retrogressive and it's one that I think all of Texas will benefit regardless of your political persuasion affiliations.

DUTTON: Let me thank you for your plan. I do recognize that the work that you have put into this and that the members of the Mexican American Caucus and the Legislative Black Caucus have put into it to make sure that we could draw a plan, that I believe, after looking at it would certainly pass legal muster but seems to be fair to the citizens of this state and that's what really, I think, is the ultimate test for me.

TURNER: I will agree. I will tell you, and I stand to be corrected, it is the only plan that has been presented today that carries bipartisan support. It is the only plan that protects the rights of people, whether you are democrats or republicans. And it is the only plan today—

SOLOMONS: Well, thank you, Mr. Speaker and members. With all due respect to the efforts of Mr. Turner and the concerns that they have, I do believe that the map that the committee has proposed is not retrogressive. It is legal, and I am going to move to table.

DUTTON: Mr. Solomons, do you have any—are there any legal challenges that exist in Mr. Turner's plan versus the plan that's on the floor today?

SOLOMONS: I'm sorry, do I have any what?

DUTTON: Have you taken a look at Mr. Turner's plans?

SOLOMONS: Yeah.

DUTTON: And does it—in your estimation, are there any legal challenges that you see to his plan that might not be in your own plan?

SOLOMONS: He has Plan 202 and let's see, 202 has—and he amended it. The idea that we are—you know, he amended a variety of counties and there's some issues about, in 202 in particular, he still splits counties. It's a black caucus statewide proposal, and I understand that. I think there are some legal issues in connection with how he splits communities of interest and also the county lines. He tries to increase the number of SSVRs—

DUTTON: Let me ask you this then, Mr. Solomons. The number of minority opportunity districts in your plan versus Mr. Turner's plan, can you speak to that?

SOLOMONS: I can speak to the fact that our plan is legal, that we believe it's legal, the attorneys tell me it's legal. Everybody that's associated with the plan itself that the committee proposed on its face was legal, to the best of their knowledge.

DUTTON: Well that's not my question though, Mr. Solomons. Let me ask it again. Perhaps you didn't understand me. My question is, in both plans, in your plan and Mr. Turner's plan, I assume since you looked at them and examined them that you recognize that each of those plans create minority opportunity districts, have you not?

SOLOMONS: They attempt to, yes, but it also splits county lines, too.

DUTTON: Okay. I'm going to get to that because your plan also splits county lines, too. I think it was already figured out, haven't we?

SOLOMONS: We split a county line one time. It was absolutely necessary. We had some spillover areas in the state, as you well know. We stayed within county lines where we needed to stay within county lines to try to adhere to the Texas Constitution.

DUTTON: But I think you'll agree with me that the constitution doesn't make exception for one time or a thousand times, does it?

SOLOMONS: Well, it basically does say that if you have to do it, that it is absolutely necessary. The idea is not to break a county as a guide to all of us in connection with what the current law is.

DUTTON: So, here we are at 1:37 in the morning, and you finally admit that there are some exceptions to the county line rule?

SOLOMONS: Well, no. We've been talking about this all day, about the county line rule. Everybody knows, and everybody can look at the map over here, Mr. Dutton, and see that we had to split—in one place, it's absolutely necessary. And the issue is, the issue is there are spillover areas because of the U.S. Census data—what do you do? You try to adhere to the Texas Constitution and the county rule, and I'm not going to admit that we did anything wrong.

DUTTON: Okay. I didn't think you would. But let me ask you—again, my question, though, about the minority opportunity districts in your plan. How many minority opportunity districts exist in the plan that you brought forth?

SOLOMONS: I want to say we basically had—if I recall, we had minority opportunity districts, it's hard to gauge that—I know we went from 29 to 30 for Hispanic minority opportunity districts. We have a number of black voter protected districts in the state through—mostly in the urban areas, obviously—in Dallas County and Harris County.

DUTTON: My question is—and maybe you don't know the answer, Mr. Solomons, but my question has to do with the total number of minority opportunity districts in your own plan.

SOLOMONS: On the face of it right now as you said it's 1:40 in the morning. It's kind of hard for me to judge exactly, and I don't have that available data right here in front of me. I think the map is pretty self-explanatory, what we have and what we don't have. And I would assert still that we're not going to break the county line rule in violation of the Texas Constitution.

DUTTON: Except when you think it's necessary, though.

SOLOMONS: Except when it's absolute—the adjective is absolute, or adverb is—absolutely necessary and, you know, we're going to—

DUTTON: Well, I think in Mr. Turner's plan he's indicated there are 63 minority opportunity districts. And do you know whether your plan has more than 63 or fewer than 63?

SOLOMONS: Right now off the top of my head, no.

DUTTON: So you have no idea. You don't even know if you have—

SOLOMONS: I'm not advised at 1:40 in the morning. No, sir.

DUTTON: Well, unfortunately, Mr. Solomons, this plan is going to be here tomorrow. And so I think it's probably incumbent upon all of us—if you've gotten tired maybe we ought to move to adjourn until we can all come back with a fresh mind.

SOLOMONS: Well, if you want to ask me tomorrow when I close and we try to pass on third reading, I will assume that you'll ask that question again, and perhaps I will be a little fresher and to be able to give you some exact numbers if you'd like, or a better explanation for you, Mr. Dutton.

DUTTON: I may get to ask you in a deposition, too, Mr. Solomons.

SOLOMONS: I'm sorry, what?

DUTTON: I may get to ask you that in a deposition, as well.

SOLOMONS: I'm sure it will.

DUTTON: Yeah. And so, you're opposing Mr.—your motion to table is based on what?

SOLOMONS: For Plan 202 in particular, it splits a number of counties unnecessarily. It splits Nueces four ways, splits Cameron County, splits Upshur County, splits Goliad and Victoria Counties in just Plan 202 alone.

DUTTON: And you believe that it does what in terms of legal—

SOLOMONS: I think that violates the Texas Constitution.

DUTTON: And do you place again the Texas Constitution above the Voting Rights Act, for example?

SOLOMONS: I know that we've taken an oath to uphold the Texas Constitution. We're guided by the Texas Constitution, and since the State of Texas has not, as we discussed earlier, adopted anything differently, and since there is no federal law by the Supreme Court that says that I should do something different, the committee did what we thought we were supposed to do based on what our attorneys advised us.

DUTTON: I'm not sure I understand your answer, Mr. Solomons, because I think there is enough federal law that tells you what you need to do. And I'm not sure what you mean when you say that there's no federal law telling you what not to do. My question, though, had to do with where—were there any conflicts between federal law and the Texas Constitution in your plan?

SOLOMONS: No.

DUTTON: There were no conflicts at all?

SOLOMONS: We tried to adhere to the Voting Rights Act as we understand the Voting Rights Act to be. We are trying to adhere to the Texas Constitution and to all laws applicable to redistricting.

DUTTON: So, in your plan, you never were faced with a choice between the Texas Constitution and federal law or the U.S. Constitution?

SOLOMONS: I would restate that we tried to adhere to all redistricting laws as we understand that law to be in doing this redistricting plan. The committee passed out a plan for proposal for this body, and we think it's legal.

DUTTON: Mr. Solomons, you have said that about 8,000 times today, and I got it, so I'm not asking you that, okay? That's not what I'm asking. What I'm asking you is were there any conflicts in your plan between federal law, either the U.S. Constitution and federal statutes and the state's statutes on the state constitution?

SOLOMONS: Not that I'm aware of.

Y. DAVIS: Mr. Chairman, as you were talking about this plan, you indicated that there was a problem with the splitting of counties and districts and communities of interest. In your plan, are you aware that you split up added communities that were not in districts in Dallas County?

SOLOMONS: It's kind of hard for me to hear right now because—I'm sorry, Ms. Davis?

Y. DAVIS: You mentioned that one of the problems with Plan 202 had to do with it violated communities of interest in many instances. And in your plan, in Dallas County, you violated that same rule. Why does it work for you to do it in Dallas County versus this plan?

CHAIR: Mr. Sheets raises the point of order that the gentleman's time has expired. The point of order is well taken and sustained.

TURNER: Again, let me just quickly say that this is not a political substitute to **HB 150**. And it's important to know, even at 1:45 in the morning, that this is an amendment to maintain, protect African American representation in the State of Texas.

Y. DAVIS: Mr. Turner, I want to make sure that we really illustrate what this Plan 202 does. How many minority districts are we creating, are you able to tell me, versus the plan before us?

TURNER: Yes, in total there are 63 minority opportunity seats statewide, plus one Asian plurality district. There are 13 African American opportunity districts above 30 percent and there are 13 districts with a combined black and Hispanic population above 50 percent, two of which are currently held by black caucus members, Representative Dukes and Representative McClendon.

Y. DAVIS: And with this plan, Representative Turner, doesn't it allow us to even look at other districts around the state so that we can have those African Americans across the state be represented that currently don't feel like they're being represented in some of these districts?

TURNER: That's correct. And as far as in the Lubbock area, that provides even an opportunity there. I think in Bell County, there is an opportunity there. That is also a part of Plan 202.

Y. DAVIS: And, again, you indicated this is not a political map. What was the basis of us trying to offer a map with a plan, to create what?

TURNER: To make sure that there is no retrogression. That is number one. There are presently 17 African American legislators on the floor of the Texas House, and we come from both parties. This bill does not pit one against the other. It is not about trying to eliminate the republicans who are part of the Texas Legislative Black Caucus. It's not trying to remove democrats. And of those 17, I believe 16 have signed onto this amendment. So it's not about trying to pit one party against another. We simply don't want a regression or a decrease in the number of African Americans that are on the floor of the Texas House or have an opportunity to serve in the Texas Legislature.

Y. DAVIS: Mr. Chairman, as it relates to the whole redistricting process and maps and things that have been drawn, I know that we had a question earlier about who drew the maps in South Texas. To the extent that we as a Legislative Black Caucus, what was our concern about having a map drawn because of the input—lack of the input into the process, is that not correct?

TURNER: Well, it seemed as though the discussion was very much one-sided where African Americans were not included in any appreciable sense in the discussion as it relates to the redistricting process. And so, what we have done is that we have put together a map, a statewide map, that is reflective of the demographics in this state and that protects African American representation without really impeding on anyone else. And that's what this does. And I think what we were finding is that the way this debate and the discussions were going, we did not want to participate in our own demise.

Y. DAVIS: And at this point, this map does protect us from being challenged for retrogression, is that correct?

TURNER: That is correct.

Y. DAVIS: Thank you.

TURNER: Members, I would ask that you take a favorable look at 202. And, again, I think it's important as we debate this topic—we certainly, as African American members, don't want to participate in our own demise. And when you listen to the discussion that has been taking place over the last several weeks on redistricting, African Americans have not been a part—in any real, viable way—a part of that discussion. The amendment before you clearly represents what our interests are, interests that need to be protected, and therefore, we would put forth

this plan for favorable consideration, either now or down the road. Having said that, I would ask that you to vote no on the motion to table.

[Amendment No. 35, as amended, was tabled by Record No. 587.]

[Amendment No. 37 by Alvarado was laid before the house.]

ALVARADO: Thank you, Mr. Speaker and members, I am respectfully disagreeing with my deskmate here on the proposed **HB 150** and I'm offering the amendment because I do feel that **HB 150**, does not accurately reflect Texas' growth or its diverse population. What this amendment does is that it maximizes minority majority opportunity districts, and it also addresses the Harris County issue that you've heard many of us talk about, which keeps Harris County at 25 districts as opposed to the 24. The map creates a total of 57 districts where voters can elect a candidate of choice. And it also creates five new coalition districts, and protects a majority Hispanic district and a coalition district that would otherwise be combined in Harris County. In regards to Harris County, nearly 100 percent of the growth in Harris County is attributed to the minority community, meaning the Hispanic community, African American community, and the Asian community. Yet, there is no new minority opportunity district that is created. In fact, a Latino majority district is wiped out, as well as a coalition district that is completely wiped out.

WALLE: You mentioned the explosion of the Latino growth, and particularly Harris County from—and we've had the discussion about the 24 map that we currently have. Do you believe that is retrogressive in reference to Latino and minority interest in general?

ALVARADO: It absolutely is, and I still think there has not been a very clear or a very satisfactory explanation as to why Harris County is taken to 24. There is no precedence for rounding, in terms of rounding down, for Harris County. The last couple of decades Harris County has been rounded up, whether it was here on the floor in the legislature or in the LRV process.

WALLE: And it's your view with the current 25 map that would be proposed that would fall within the deviation of getting us to hold 25?

ALVARADO: Yes. Is well within the deviation, and I know that the democrats in the Harris County delegation have voiced strong opposition to taking Harris County to 24. We do have some bipartisan support back home. Our Mayor, who is a democrat, and our county judge, who is a republican, have expressed their interest in keeping Harris County at 25.

WALLE: Right. And I just actually pulled up that letter from Judge Ed Emmett and Mayor Anise Parker, they support a 25 map. Which actually can be an incumbent protection map.

ALVARADO: That is correct, and I think you or somebody raised the point earlier that there was a good portion of the Harris County delegation that did not have input into the first map that was drawn at 24, and there has been discussion back and forth on how they were told to draw a map of 24. That dialogue and that debate has gone back and forth.

WALLE: So the notion that this was a member driven, particularly in Harris County; a member driven process, is it your view that it wasn't a member driven process because a certain segment of our delegation submitted a 24 map, and we were still debating on if we were going to do 25?

ALVARADO: That is correct. And I know that we did work on something this evening, and we are trying to work with what we have, but in the initial process, yes, that is correct.

WALLE: Okay. Thank you.

ALVARADO: Thank you.

Y. DAVIS: Ms. Alvarado, what do you do to District 111 in this map?

ALVARADO: District—which one was that?

Y. DAVIS: District 111.

ALVARADO: You are paired with Representative Anderson, and I understand that is—there's one precinct that could address that and resolve that.

Y. DAVIS: I'm sorry?

ALVARADO: You were paired with Representative Anderson, and I'm told that by one or two precincts, if we address those that will resolve that issue.

Y. DAVIS: Okay. Do you have an amendment to the amendment that would address that?

ALVARADO: Yes.

SOLOMONS: Respectfully, I rise to move to table my deskmate's plan 226 map and would want to talk about couple of things that involves the committee map. The committee map actually increases the number of minority majority districts to 30. It increases the likelihood that members of the Hispanic community in those districts may be able elect representatives of their choice. There are two minority majority districts with black age voting populations above 50 percent. The committee map maintains two districts with BVAPs exceeding 50 percent. Two districts in the committee map currently have black voting age populations exceeding 50 percent. Every map that I've seen trying to draw more minority, Hispanic or black, districts did so by breaking county lines. Ms. Alvarado's amendment is problematic because it does create 25 districts in Harris County. We believe it violates Article 3, Section 26 in the Texas Constitution, which requires us to divide districts between the counties as nearly as may be. When we divide the Harris County by the ideal district, you get 24.4 districts and 24.4 is closer to 24 than 25. So we felt we must draw 24 districts in Harris County. Now Ms. Alvarado statewide map does create a 25 districts in Harris County, but it also does a variety of pairings around the state, including in Dallas County, by pairing—well, around Dallas county, but Branch and Sheets, Beck and Cook, and a variety of other folks throughout the process, it is an entirely new statewide plan. And I am going to move to table Ms. Alvarado's amendment.

ALVARADO: Mr. Speaker, I close.

[Amendment No. 37 was tabled by Record No. 588.]

[Amendment No. 38 by Coleman was laid before the house.]

COLEMAN: Thank you, members. I'm going to try to be brief and get some time back. What I want to do is put this information in the record, then just ask the chairman to do what he's going to do and we can go. What this amendment does, and it's a statewide amendment, the substitute creates a number of opportunity and coalition districts where Hispanic, African American, and Asian voters can elect the candidate of their choice from 56 to 59. A sharp contrast with **HB 150**, which reduced that number to 51. The core communities of all existing minority opportunity districts are maintained and the substitute—the number of minority opportunity districts is increased to 49 compared to 47 in House Bill—**CSHB 150**. District 105 and 138, in addition to the new 27, in lost Nueces districts are in both plans. Latinos are responsible for 65 percent of the state's population growth, and this substitute increases the number of Latino opportunity districts from 35 to 36, while cutting less county lines than **CSHB 150**. It cuts the number of Latino opportunity districts—which cuts the number of Latino opportunity districts to 34.

Additionally, the substitute strengthens three existing Latino districts 35, 78, and 137 to ensure the effectiveness, in contrast with **CSHB 150** and the way it treats those same districts. This substitute increases the number of minority coalition districts, and areas of rapid minority growth, to 10. Again, in contrast to the elimination of five minority coalition districts in **CSHB 150**. Substitute corrects the construction of HD 149, that's the Vo district, and also a pairing between 26.6 Anglo VAP in HD 149 and the neighboring Hispanic HD 137 on **CSHB 150**, pairing that will clearly violate the Voting Rights Act. I would dispense with the reading of this and ask the members to allow me to put this information into the journal.

Coleman Substitute for CSHB 150: Providing Fair and Legal Representation for Those Responsible for Texas Population Growth

Better than **CSHB 150**, as a matter of law and public policy, the Coleman substitute increases the number of effective minority districts. Recognizing the fact that 89 percent of Texas population growth in the past decade was non-Anglo, the Coleman substitute increases the number of effective opportunity and coalition districts where Hispanic, African American, and Asian voters can elect the candidate of choice from 56 to 59, a sharp contrast with **CSHB 150**, which reduced that number to 51.

- The core communities of all existing minority opportunity districts are maintained and the Coleman substitute number of minority opportunity districts is increased to 49, compared to 47 in the current and **CSHB 150** plans (new Districts 105 and 138 in addition to new 27 and "lost" Nueces district in both plans).

- Latinos are responsible for 65 percent of the state's population growth, and the Coleman substitute increases the number of Latino opportunity districts from 35 to 36 while cutting less county lines than **CSHB 150**, which cuts the number of Latino opportunity districts to 34.

- Additionally, the Coleman substitute strengthens three existing Latino districts—35, 78, and 137—to assure their effectiveness, in sharp contrast the way **CSHB 150** treats those same districts.

- The Coleman substitute increases the number of effective coalition districts in areas of rapid minority population growth to 10, again in contrast to the elimination of five minority coalition districts by **CSHB 150**.

- The Coleman substitute corrects the destruction of HD149 (Vo) by **CSHB 150**, preventing a pairing between the 26.6 percent Anglo VAP HD149 and the neighboring Hispanic HD137, a **CSHB 150** pairing that would clearly violate the Voting Rights Act.

Regional Representation for Rapidly Growing Minority Population

- **Harris County:** Minority population was responsible for over 100 percent of Harris County population growth because Anglo population decreased by over 82,000 since 2000. The Coleman substitute creates an additional Latino district (138), an additional minority coalition HD132 that is 67.3 percent non-Anglo VAP and preserves HD149 as an 80 percent non-Anglo district. The Coleman substitute would provide minority opportunity in 58 percent of the districts in a county that is 67 percent non-Anglo, compared to 46 percent of the districts in **CSHB 150**.

- **Dallas County:** Minority population was also responsible for well over 100 percent of Dallas County population growth because Anglo population decreased by over 198,000 between 2000 and 2010. The Coleman plan creates a new Latino district, 195, (65.9 percent Latino and 60 percent Latino VAP) while preserving two existing 70 percent Latino districts. The plan also creates a new HD102 that is 80 percent non-Anglo and 67.5 percent black and Hispanic VAP, and preserves the majority minority coalition D101. The Coleman substitute would provide minority opportunity in 64 percent of the districts in a county that is 67 percent non-Anglo, compared to 42 percent of the districts in **CSHB 150**.

- **Tarrant County:** In Tarrant County, where almost 89 percent of the population growth was non-Anglo, the Coleman substitute maintains communities of interest and the core of effective minority opportunity Districts 90 and 95, and creates two "new" coalition districts, HD106 (similar to and less Anglo than HD101 in the **CSHB 150** plan) and a majority minority HD96.

- **Fort Bend County:** Fort Bend County is now 62 percent non-Anglo, and the Coleman substitute creates 70 percent non-Anglo coalition District 28 (over 22 percent Asian VAP) in addition to the "new" African American District 27.

- **South Texas:** District 35 is currently only 56.4 percent Hispanic voting age population (HVAP) and has not consistently elected the Hispanic candidate of choice. **CSHB 150** dilutes HD35, HVAP by 1.5 percent to 52.9 percent, but the Coleman substitute increases HVAP to 63.9 percent while preserving all other Latino districts in the region, including Hidalgo County districts that are radically altered in **CSHB 150**.

- **El Paso:** Four of the districts in El Paso currently range between 73 percent and 92 percent HVAP, while HD78, which only elected the Hispanic candidate of choice once in the last decade, is only 62.8 percent HVAP.

CSHB 150 makes no effort to increase HVAP or Spanish surname voter registration in HD78 like it does in other urban districts, but the Coleman substitute does increase both to make HD78 more likely to perform effectively in the coming decade.

Coleman Substitute: Fair and Legal Representation for All Texas Communities

- Preserves the core communities of all existing minority opportunity districts and creates a net gain of two additional minority opportunity districts.
- Maintains existing coalition districts, including the one represented by Representative Vo, and increases the number of coalition districts to 10, providing representation for the marginaling of multiethnic suburban communities in high growth areas.
- Recognizes communities of interest and attempts to maintain incumbent relationships across partisan lines, except where population change and the Voting Rights Act requirements force such changes.
- Conforms to the "county line rule," resulting in one less county cut than the **CSHB 150** plan.

House Plan Comparison

	CSHB 150	Coleman	Benchmark (Current)
County Line Cuts	14	13	N/A
Minority Opportunity	4 7 * (3 weak)	49	47 (3 weak)
Latino	3 4 * (3 weak)	36	35
African American	13	13	12
Effective Coalition Districts	4	10	9
Total Effective Districts	51	59	56
Incumbent Pairings	8	9*	N/A

Notes:

• "Weak" Latino opportunity districts are districts that failed to elect Latino candidates of choice in recent elections and/or would experience retrogression under the **CSHB 150** plan (35, 78, 137). By improving these three districts, the Coleman substitute plan would make it more likely that an additional five Latino districts would perform effectively in the coming.

• The basis for an "effective" minority district in the chart above is a district that is over 50 percent minority voting age population (either African American, Latino, or coalition) that has also performed effectively for minority candidates of choice.

1. This chart assumes current HD27 moved from coalition to African American status. Two additional coalition districts (46 and 120) elect African American officeholders.

2. In the **CSHB 150** plan, all four coalition districts are less than 33 percent Anglo VAP, the same as the current benchmark plan. The Coleman plan creates five coalition districts that are less than 33 percent Anglo VAP. **CSHB 150** eliminates all the other effective coalition districts that are in the current plan and the Coleman substitute.

3. The pairings in the Coleman plan could be reduced by one by moving the District 28 incumbent a few blocks.

SOLOMONS: Mr. Coleman knows I, as well, need to put some things in the record. So, Mr. Coleman's statewide proposal of the amendment, the way we are looking at it, is problematic because it reduces the number of Hispanic majority seats, based on SSVRs, from 29 in the current map to 27 under the proposal. In contrast, the committee map creates 30 SSVR Hispanic majority seats. This map also creates nine pairings of incumbents, compared with eight of the committee map, or seven if it's been reduced by an amendment, which I don't think it has been. But the legal issues seem to be that it reduces the number of BVAP majority districts from two to one, and reduces the number of SSVR, Hispanic majority districts from 29 to 27. We think the committee map is not only legal, it's not retrogressive, and I know some folks probably disagree with that, but we believe it is not retrogressive, and we are going to—I'm going to have to move to table respectfully.

COLEMAN: I disagree with everything that Burt just said and I ask you to vote no on the motion to table.

[Amendment No. 38 was tabled by Record No. 589.]

REPRESENTATIVE CHRISTIAN: Many times we, in this place, find ourselves for and against. Being for something or against something should never, ever allow us to extend any dishonorable statements. Any insinuation of dishonesty attacks against the integrity of any member in this place. Our people have sent us here to represent them. Pete Laney, former speaker, I always admired his statement before every vote was, members, vote your district. That's what our job is. And we've done the job today, but this hour of the night, our constituents should be proud of everyone in this building. Committee has been most honorable. I'm a pretty loud guy. I'm not bashful about saying my opinion. I know Burt, our chairman, I served as vice chairman on the committee under him, and we agreed the vast majority of the time but we disagreed. Chairman Solomons is an honorable man. He has done an honorable job in this process, and I commend him for the job he has done and his committee has done. If at any time I have ever been a part of a broadcast as I do on the YouTube, Facebook, Twitter, that honestly I don't know anything about. These kids know the computer and internet much better than I do. But to disagree is not dishonorable.

The work this committee has done should be commended. The integrity with which Chairman Solomons has conducted this entire time is honorable and should be respected and applauded. But to disagree is also honorable if it's done in an honorable means. And tonight I stand here commending and honoring the committee, its good work. Honoring the chairman of his leadership, but disagreeing with the map. And, quite frankly, back to the statement that Speaker

Laney said many times. It just does not do the best for my district. This map divides my district into four separate former represented districts. I right now go far north in an area where 78 percent of my supposedly new constituents I've never met. I don't believe it was necessary for my and 14 other member districts to be taken in that direction. I think there was a better alternative, but I respect the process. I lost. We need to come to the point—I remember Bob Bullock many times would—the stories that I've heard of him, he would get quite cranky with the people in his office and use a few expletives that are not appropriate in any arena. And after he used those expletives, telling those around how low they were in their opinions, he would say okay, guys, gals let's go have dinner. And then they would go have a good time. That's the honorable way we in Texas should do business. Honorably agree, honorably disagree. And it's with that that I respectfully come tonight with a question in my mind after 15 years or so, a decade and a half of being a state representative, that partisan politics is appropriate.

GEREN: Mr. Christian, I agree with most of what you're saying, but if the map was broke, why didn't you offer some way to fix it?

CHRISTIAN: Mr. Geren, we did offer a means to fix it. In fact, the—we met tonight, the majority of the legislators from our part of the state had a plan for East Texas that we do agree on.

GEREN: Did we get to vote on it Mr. Christian?

CHRISTIAN: Sir?

GEREN: Did we get to vote on it, Mr. Christian?

CHRISTIAN: No, sir. I'm sorry that you did not. In fact—

GEREN: Thank you, Mr. Christian.

CHRISTIAN: We did apply, asked for the opportunity to do that, and the conditions for us presenting our East Texas process, or East Texas map, had several requirements that we did not feel, as a majority of the East Texas representatives, we could abide by. That's what disappoint me about the system that we have in this map. The majority of your East Texas representatives tonight, seven to be exact, wanted to present a plan. And the conditions that were given for us to do such did not reach the agreement of both those that would approve our presentation nor for us of the conditions we had to meet. And one of the conditions was to approve the map as a whole. And we, as seven representatives from deep East Texas, flat did not approve of this map as a whole. We don't feel it does the best for Texas. Doesn't mean we don't respect the process, the committee, the chairman, or anybody else. It's just not right for our constituents. So, tonight members, I thank you for the opportunity to stand before you. I commend the chairman, the committee, and their good work.

GEREN: Mr. Christian, there was nothing—was there anything that would prohibit you from having an amendment tonight, that said you had to sign on to the whole plan?

CHRISTIAN: It was an agreement, verbally, that we would stand and approve the map.

GEREN: In order to have an amendment in front of this body?

CHRISTIAN: That is correct.

GEREN: I think there were a lot of amendments—were there not a lot of amendments tonight that were up, that were either approved or voted down but no—was Mr. Rodriguez required to approve the plan if his went on?

CHRISTIAN: I hope not.

GEREN: And I don't believe yours would have been either. I wish you would have thrown yours out there so we could have looked at it.

CHRISTIAN: We would have, but the conditions for which we were going to be allowed to was just not agreeable. And those conditions were legitimate put before us, and we considered the alternatives and the options we had to present our map. And again, that was not the purpose I came before you tonight in disagreeing with this to bring this up. The reason I stand before you is to apologize to the chairman, to the committee, if ever, I or anything I have ever been included with, has dishonored this body or that committee or the chairman. They have handled it correctly. They won. That's honorable. I lost. I hope that's also honorable too. But I will not stand before you tonight and say that I agree with this map. It did not allow, I believe, my opinion, the free representations for the people of my district and of East Texas and I will vote no on approving this map.

GIDDINGS: I have basically stayed away from the back mic and saved my brief remarks until this time. To my good friend, Chairman Solomons, that I've worked on being aye with since I came in the door and since he came in the door, and to the hard-working members of this redistricting committee. Not only are they members of this committee and members of the house, but many of them I consider to be very, very good friends. I want to thank them for the time, the many hours that they spent, and I want to acknowledge their hard work.

Having said that, our goal as a legislature should be to achieve, as near as possible, equal district population and equal access and, because of the Voting Rights Act, pay special attention to opportunity districts for minorities. And I think it's important to note in the State of Texas that the Voting Rights Act came into being under a Texan, Lyndon Baines Johnson in 1965. I think it is also important to note that the extensions, the last extensions of the Voting Rights Act, the Fannie Lou Hamer, Rosa Parks, Coretta Scott King Act, was signed into law on July 27, 2006 by another Texan by the name of George W. Bush. One a democrat, the other a republican. I was very pleased to have had the opportunity to speak with Governor/President—at that time—Bush, and asked his support of the extension of the Voting Rights Act for Texas, which I did not think he was going to do, but interestingly enough he did. Not only did he do that, but I had a personal invitation, from him, to attend the signing of that bill. And I did attend.

And so, it's interesting that Texas has a direct connection, from a democratic president in the beginning and a republican president in the end, with the Voting Rights Act.

With **HB 150**, with all due respect, I'm not sure, I don't believe that we achieved access for minorities. As you know Mr. Chairman, I was very, very interested in this process from the very beginning. I talked to you, basically, on day one. You told me to prepare my map, submit it to the committee clerk, which I did. And submit—to the general counsel, who was right across the hall, which I did. I joined with two of my colleagues, several of my colleagues, as a matter of fact, Representative Davis, Representative Mallory Caraway, and I believe Representative Alonzo and others, and we also submitted maps, and none of those maps, of course, were, in fact, accepted as we attempted to represent the people in south and southwest Dallas County.

Here is why and where I think the map is problematic. I think we do very little by way of creating influence districts, which I think is critical, in terms of the Voting Rights Act, number one. Number two, I think there is a racial disparity impact in the African Americans have less representation and fewer opportunity seats than could have or should have been created or achieved, which I also think is in conflict with the Voting Rights Act. Number three, I think that communities of interest were preserved in nonminority districts, but the same standard of tests was ignored in minority districts. Communities of interests were unnecessarily disturbed, both as a function of geography, shared interest, or political cohesiveness. And as an example, I used District 109, which is one of the highest voter performing districts in this state. And as you well know, Mr. Chairman, it is the highest voter performing district in Dallas County. And it was the only district in Dallas County that had an overage. But we didn't just go in and take out the overage in District 109. We, in fact, took some away and added some and brought in another city and divided a city, none of which was necessary.

As one of the colleagues, who shall remain anonymous, said to me when we talked about this, when I decided that I had too many shoes and I give some of them away to the Goodwill, I don't acquire new ones, I just leave them the extra ones. And that would have been the thing to do to make this district remain a district where there is a shared community of interest, where there is political cohesiveness. We cross county lines to keep some districts intact, but not others. There was no consistency, and further, I don't think it speaks well for us that in some cases we couldn't seem to find out who drew certain lines in the map. I think it would have been far better if those persons who served on this committee had drawn all of those lines, at least in one case. The vice chair said that he didn't know who drew the lines, and the chair I think did not answer the questions. In the final analysis, as harsh as it might sound from this microphone, under Section 5 of the Voting Rights Act, the legislature always bears the responsibility of establishing the absence of a racially discriminatory purpose. That is the burden that we bear. I'm not really sure that we met that burden, particularly as it relates to African American districts. Thank you.

VILLARREAL: First, I want to recognize my chairman and his great work this evening, from morning to this evening, well morning until morning. Sometimes I can talk to Burt and we will be having conversations and I'll stop and ask him are you mad at me? And he'll say, no, it's just the way I communicate. And sometimes it's hard to tell, but I want to say that tonight, you know, for about fourteen hours or so, he's been up here at the front mic taking all of our amendments and being—well he's just kept his cool and done a great job and so, thank you. I want to recognize him for that. He has given us all a chance to bring our ideas forward. To speak our peace, to represent our districts, and thank you. I also want to thank the many people who make up his team Bonnie, Addy, Gerardo, on the speaker's staff, Ryan, this is definitely a team effort, and I can't wait until we get to go home.

Before I get off the front mic though, I do want to address a couple of points. I've been thinking a lot about this redistricting process. And I want to first say that there are some things that I think we do really well. And it can be a model, and our model, for the rest of the country. The way this body is hardwired, in many ways, to be bipartisan, to elect a presiding officer with a coalition, always, on the house floor of democrats and republicans, to run the process in a way where you see republican chairmen and democratic chairmen, or you see a committee with a chairman who is of one party and a vice chairman who is of another. I think those kinds of important procedures help us make decisions that are right for all of Texas. We could do a lot better in this area of redistricting, and we need to do better because our state is changing rapidly, and it is so important that we create a map that really does reflect the changing demographics of our state. This isn't like any other state that may be a small and changing 5 percent, 8 percent, every decade. We're a large, diverse state that is growing even more diverse. We grew more than 20 percent over the last decade. We grew in double digit figures the previous decade. We've got to make sure that this body is responsive to the larger state. We do that through this redistricting process.

I'm going to be voting against this map because I believe, while it has been fair in some regards, being a creation of the members, being a member driven map, there—I don't think it has been fair in its attempts to reflect where we are today in Texas, demographically. We could have drawn another Hispanic opportunity district in South Texas. We didn't do that. We ended up, in my opinion, decreasing, in fact, the number of Hispanic opportunity districts by one. Finally, there are some important and effective minority coalition districts in Harris County. One that has been totally eliminated and another that has been weakened to nonexistence. I know we'll have a chance to debate this and try that in the courts. I had hoped that we could somehow do both; be a process that is sensitive to incumbents, while also protecting Voting Rights Act, and living up to what I think is ultimately fair for the entire state in reflecting today's demographics.

I know, from ten years ago, when my district was eliminated by the LRB, that this is a process, it's going to continue, and that the most important thing during this first stage is, you know, to not lose one's head. And I think we've kind of accomplished that, but it is an ongoing process. I hope that when the dust

settles, in the end we produce a map that is better balanced, respects our constituents' interests and maintaining a relationship with their incumbents, but better reflects the demographics of Texas. Thank you.

HOCHBERG: I'll try to take a very short amount of time. It should be no surprise to anybody that I'm voting against **HB 150**. Let me first not only thank Burt for his courtesy, always being a gentleman the way he has led this debate today. You do the house proud, even when we disagree. And let me also thank the speaker, really, for setting the tone and allowing us to fight our battles and go off in the back for however many hours that was and maintain his patience. It means a lot to all of us. Ten years ago I went through this process and I came out at the end—I'm actually better off this time, because last time I was paired with two other members, not just one. And that district was sliced and diced and it is ably now represented by three members of this house in different parts. But at the same time, the LRB created a new district of the left over pieces, the parts that nobody wanted. And I moved over there and ran and had the honor of winning. And it's two communities, one is the old Sharpstown subdivision of 6,000, 7,000 thousand homes. One of the areas called Gulfton, which nobody knew what to do with. In fact, Gulfton is all of our newcomers. It's an area that used to be swinging single's apartment complexes, and Patricia, you remember the bottom dropped out of the market, and it suddenly became the place where people who had nothing could move in cheap. Tremendous challenges in that area. And nobody really wanted this district because there was not a lot of voters. Huge numbers of people. In fact, when I took that area, another person in politics, who represented that area in another office, said don't even go over there because they don't vote anyway and just don't do anything for them. I didn't treat it that way. We've worked with that area, it's got a long way to go, but it does have a voice now, and if it was held together it would continue to have a voice. I see what happens to it on our city councils. Where it is chopped into three pieces and nobody is responsible for any of it.

I would be against this map if I wasn't paired, the way that area was treated. Where not only does the map cut the area, it cuts a single apartment complex in two. So, in order to know who represents you, you're going to have to get a unit number to figure out whether you are at this side or that side of the line. That defies all concept of communities of interest. When we talk about and wring our hands about participation and elections going down, about civic engagement going down, about people being skeptical, that's the kind of stuff that I think that drives our constituents up the wall. How can they be in this district, you mean I got to figure out where in the complex they are calling me from, in order to know to know whether they're a constituent or not? Same thing with the Sharpstown subdivision. It's bigger than a lot of the towns we protect and we ought to protect. Chopped off, not because there was another community of interest, but because it was a convenient way to achieve a partisan goal. I think we can do better than that. I think maybe the computers have gotten us to the point where we can draw districts without having to talk to people about what's really together and what's really apart, and I hope as the process goes on that we make improvements that keep some of these areas together because it's tough for all of us if people

disconnect from the process, and when we have such complications and trying to figure out how to help them. And this process is supposed to empower people, not unempower people. I'm going to vote against **HB 150** with respect to the chairman, and look forward to continuing working with you, and I imagine that we will meet each other in another venue as this process goes on. Thank you, members.

SOLOMONS: Thank you, Mr. Speaker and members. I think Mike already, the vice chair, thanked the speaker. And I want to thank the speaker and his staff, Gerardo, Ryan, and Bonnie, and Chris, and Hali and David Hanna, and Jeff Archer and the entire committee, and Mike in particular as vice chair, in working with the committee. I can assure you that when I first came here in 1995 I would never in million years thought I was going to be a chairman of redistricting. It is what it is, and it's hard to please everybody in every area in every district, and it's a very personal process for every member individually. It is especially hard for me because I know so many of you so well. And redistricting has gotten to be pretty much, it looks like in some ways, from what I can tell, a bunch of numbers and legalities. And maybe it should be improved in some way, but it is what we have right now, and it is redistricting, is what it is. It's a very difficult process.

We had a great committee. I'm sorry I couldn't answer every question the way some people wanted me to answer them. I just tried to do the best I could at the end of the day, and I want that to be the last note for the day, as it's been our new phrase for the session. I want to thank all of you for your courtesies. You all have been great in working with each other as much as possible. You've been great with me and with the members of the committee and with the staff and it means a lot. And I'll keep it short and I will just move passage. Thank you.