Exhibit F
HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

SUPPLEMENT

SIXTY-THIRD DAY — WEDNESDAY, APRIL 27, 2011

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—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?
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
obligated to abide by the Texas Constitution. So I’m going to move 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 spillover 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?