SB 2 DEBATE - SECOND READING

REPRESENTATIVE DARBY: Once again, I'd like to thank the members of the House Select Committee on Redistricting for their hard work and attention to this matter. We had a quorum of members for five hearings—two in Austin over a Friday and Saturday, and one each in San Antonio, Dallas, and Houston. At each hearing, and to the members of the house, I made my door open and invited members and interested groups to sit down with me. I was pleased to visit with the Texas NAACP to hear their concerns. These meetings and hearings provided myself and the committee numerous opportunities to hear public testimony on all maps under the committee's consideration. In the end, the committee found that the court-ordered interim maps to be legally sufficient to meet our legislative duties to enact maps that comply with the constitutions of the United States and Texas under the Voting Rights Act.

Members, the floor substitute for SB 2 reflects—members, the Plan 172 is the court-ordered interim map used for the 2012 election cycle of state senators. The court-ordered plan retained 27 of the 31 districts as they passed in the state. Members, I'd like to postpone SB 2 until the end of the calendar.

[Representative Darby moved to postpone consideration of SB 2 until the end of the calendar, and the motion prevailed.]

SB 3 DEBATE - SECOND READING

DARBY: The floor substitute for SB 3 reflects the census geography of Plan H309, the court-ordered interim map used for the 2012 election cycle to elect the members of this house. This plan was ordered by the three-judge panel from United States District Court for the Western District of Texas in the Davis and Perez lawsuits. I lay out this substitute to ensure that if this body considers and adopts amendments that the members are able to see the changes made to their district boundaries and, ultimately, the enrolling clerk is able to make the necessary changes to the bill. The D.C. court denied preclearance to the state house plan because it concluded that the originally passed plan eliminated four minority districts. The interim plan restores those four minority districts while configuring 122 of the 150 districts in the identical manner as they did in the 82nd Legislature. This interim plan also garnered support from plaintiffs and defendants alike, including the Texas Latino Redistricting Task Force and many others. The State of Texas worked together on a compromise plan that was largely adopted by the court.

Members, there are a few amendments filed on this substitute. Since I believe the district court drew a map that complied with the constitution and the Voting Rights Act, I will be evaluating these amendments on a couple of criteria: that it does not create a harm or a risk to further litigation by violating the constitution's "one person, one vote" principle regarding population deviation;
MARTINEZ FISCHER: Okay. And then, so, we lacked the presence and involvement of an outside counsel. We had access to Legislative Council in some capacity, but we never heard from Attorney General Greg Abbott, or any representatives from the attorney general’s office, is that true?

DARBY: We never heard from them in committee.

MARTINEZ FISCHER: And, in fact, you as chairman said that you were not going to require that he come before the committee, that’s correct?

DARBY: That’s correct.

MARTINEZ FISCHER: And, in fact, you encouraged members to reach out individually and—I know I did, I don’t know if anyone else did, but I did on two occasions—and the attorney general never came before the committee even to observe, even to send somebody—who couldn’t provide information for whatever reason, and I found that to be a little bit odd and I want to know how you feel about it.

DARBY: Well, I would hope that the attorney general would have been open to meet with all members of the committee, or his staff, so—

MARTINEZ FISCHER: Did you think that that was—I mean, in terms of operating fairly, do you think it would have been fair to be able to know the position of the attorney general even though we know his general position as we’re in litigation and he has signed onto a brief dealing with the applicability of Section 5 of the Voting Rights Act? Despite those things, the attorney general never came in to tell us what his position was on these interim maps, is that correct?

DARBY: That’s correct.

MARTINEZ FISCHER: And what troubles me by it is I can Google his name and I can see press accounts where he doesn’t seem to have a problem making his position known to reporters, but, for whatever reason, he has a reservation about making those comments known in a legislative tribunal, and I can’t understand that. Can you explain it on his behalf?

DARBY: I cannot speak for the attorney general or his staff.

MARTINEZ FISCHER: Are you disappointed that he didn’t come to the committee?

DARBY: Well, I never asked him to come to the committee.

MARTINEZ FISCHER: Well, now that I’m telling you that I’ve asked him twice, are you disappointed that he didn’t come?

DARBY: Well, I would hope the attorney general and his staff would be responsive to all members of the legislature.

MARTINEZ FISCHER: Do you think that we could have done this process better had we had input from the attorney general by and through participation on the committee?

DARBY: You know, I don’t know if I’d characterize it as better. Certainly, it may have been different, but I don’t necessarily—

MARTINEZ FISCHER: Well, I’ll give you a good example. We talked in committee about adjusting population deviations in Dallas County—you didn’t come up with that all by yourself did you?