Exhibit 26 to Davis Intervenors’ Opposition to Plaintiff State of Texas’ Motion for Summary Judgment

House Journal (Excerpts)- May 20, 2011
The house met at 11:30 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 1184).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burmam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbrand; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Na Matthias; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

RULES SUSPENDED

Representative Thompson moved to suspend all necessary rules to take up and consider at this time, on third reading and final passage, the bills on the local, consent, and resolutions calendar which were considered on the previous legislative day.

The motion prevailed.

MOTION FOR ONE RECORD VOTE

On motion of Representative Thompson and by unanimous consent, the house agreed to use the first record vote taken for all those bills on the local, consent, and resolutions calendar that require a record vote on third reading and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.
MAJOR STATE CALENDAR
SENATE BILLS
SECOND READING

The following bills were laid before the house and read second time:

SB 31 ON SECOND READING
(Solomons - House Sponsor)

SB 31, A bill to be entitled An Act relating to the composition of the districts for the election of members of the Texas Senate.

SB 31 - REMARKS

REPRESENTATIVE SOLOMONS: SB 31 is the senate bill creating the revised senate districts in light of the 2010 census. Members, this is the senate’s version of our redistricting map. They had their map; we have ours. The senate created this map after receiving some public input through seven interim hearings around the state. And after releasing the proposed map, the Senate Committee on Redistricting had two public hearings on the map. The plan creates 31 senate districts with an average population of 811,147.

The map was approved. The senate attorneys have reviewed the map and believe it complies with the Texas Constitution and the Voting Rights Act and other applicable laws. The map was approved by the senate by a vote of 29-2. And according to legislative tradition, if we both get this far, the senate does not amend the house map, and the house does not amend the senate map. The Senate Committee on Redistricting approved our map, HB 150, without any senator offering even a single amendment, and the full senate approved HB 150 on second reading, again, without any senator offering any amendment to our map. So, they respected our map and are hopefully expecting us to respect their map.

The senate is waiting for us to proceed so they can move forward on our HB 150 redistricting map to final passage. They moved it out on second reading. We are trying to do that today, to move ours to third reading, so we can be in the same playing field. And I do want to personally appreciate the courtesy of Senator Seliger, who has had a tough job over there, both for the senate maps and our map, and demonstrated that, moving our map without an amendment, and I believe that we should show the same courtesy to them as they showed to us on our map. I would ask none of you to offer any amendments, however, I do think there are a couple filed, but I want to talk to those members. And I would—I'd be happy to yield, all I was going to do was—unless there was somebody willing to withdraw their amendment, then I just want to move passage, and hopefully we can pass it on to third reading, so we can take that up maybe tomorrow. But, yes, I'll be happy to yield.

REPRESENTATIVE CASTRO: Burt, can you tell us how many majority-minority districts are there in this proposed version of the senate map?

SOLOMONS: How many majority-minority districts? I don't know, it's the senate map.

CASTRO: Or, minority-majority districts, I should say.
SOLOMONS: Well, we talked about this. I have a whole list that Senator Seliger sent over here of all the various—for a final number, I don’t know how many there are.

CASTRO: Do you know whether it has changed much from the current senate, the lines existing now, versus—

SOLOMONS: I don’t want to say there’s a specific number in the change or not. I don’t know, it’s a senate map, and I didn’t really look at that aspect. They did send over some information about each of the districts, if anybody had a question about a specific district.

CASTRO: Okay, thank you.

SOLOMONS: It’s on—all the same information, just like we did ours, is on RedAppl if you want to look at it and see how it is. I’m sure most of you will have hopefully already looked at it. I know there was some questions about one of the districts about whether or not it was protected or not, but other than that, it’s just a senate map.

REPRESENTATIVE RAYMOND: I’m sorry, Mr. Chairman, I was not here when you laid out SB 31, I was actually in the senate. So, I apologize I missed your opening remarks. I do want to ask you, however, could you remind me how far it is from your home to here? Two hundred and something miles?

SOLOMONS: From my home?

RAYMOND: Two hundred and something?

SOLOMONS: I guess when we do the mileage, I think it’s—from Carrollton, 200 miles or so. Actually, from my apartment—I measured it once from my apartment—from my house to my current apartment was 220 something miles.

RAYMOND: Right, so 220 miles, so if there was a state senate district in SB 31 that ran from Carrollton to here, just in terms of common sense, do you think that would make sense?

SOLOMONS: It might. I mean some of these districts are huge. I mean they really are, the senate—unless you're in the—

RAYMOND: Well, then we aren't going to agree on this, Mr. Chairman.

SOLOMONS: Unless you're from Dallas County, or perhaps Harris County, if you start including counties, some of them are smaller than others. Some of them—there's a lot of counties in it.

RAYMOND: I don’t think there are any, in the map that you are putting before us, I don’t think there are any districts that run from Carrollton to Austin.

SOLOMONS: No, I don’t think there are any from Carrollton to Austin. There apparently is one running up from your area to Travis County.

RAYMOND: There’s one that runs from where I live, 230 miles from here, and from where Representative Guillen, my deskmate, lives, which is 303 miles from here, to here. From 300 miles away to Austin; from the Rio Grande Valley, from Laredo to Austin. And so, there are a lot of reasons why this is not a good map,
but I assure you, if you stop and look at it, and if you had worked on this map—I know you, by my understanding, you pretty much just accepted the map and didn't work on it, and I understand that. But, I have to point out part of my concern with this map. It's clearly—with reference to my district in Laredo, the city of Laredo that I represent is very different from the city of Austin.

SOLOMONS: I understand that. I know Senate District 21 seems to be rather lengthy, but we didn't draw that. We didn't draw this. They went through their process over there.

RAYMOND: I understand, Mr. Chairman. It's just that—

SOLOMONS: I understand.

RAYMOND: I don't think this map will survive the courts, either.

SOLOMONS: There are members, probably on both sides, that think that our respective maps look funny in some districts, but it's their map and that's what we are kind of doing.

REPRESENTATIVE RODRIGUEZ: Burt, Mr. Chairman, this is along the same lines of what Mr. Peña Raymond was talking about. Travis County, now this map is divided four ways. We have four senators now representing, according to this map, representing Travis County. And the one that I take particular interest—all of that I take particular interest with, or objection to, mainly because the county itself, as you know, has over 1 million people in it, and it easily could be drawn to have two senators. One representing the bulk of the city, do you agree with that? That the population is such that you could create basically one senator representing the entire city?

SOLOMONS: Let me just tell you what I've learned this redistricting process. You have to move where the populations are, and I'm not going to try to second guess what the senate did in how they divided Travis County. The arguments from some of the Travis County folks is that it should be primarily one person. However, in all the urban counties, they're all divided. They've all got divisions. Every one of the major urban counties, in drawing a redistricting map, has been divided in at least three, four ways, and maybe some five ways.

RODRIGUEZ: Yeah, well, and I agree with that. You have a lot of the bigger counties that do have more than one senator. I think that makes sense, but to have four for Travis County is hard to—

SOLOMONS: I'm sorry.

RODRIGUEZ: I said, I agree with you. I think you're right. Obviously, the larger populated counties tend to have more than one senator, I agree, but whether it's four or five, I'm not sure if that's very common.

SOLOMONS: That is pretty darn common.

RODRIGUEZ: You know, let's say Dallas and Houston, but they're much bigger than Austin.
SOLOMONS: Bexar County, Travis County, Harris County, Dallas County, Tarrant County—all are major metropolitan areas—are divided. And there are people who are okay with that, and there are some who think that is not necessary, but when you start looking where the numbers have to come from, that's why you seem to see that on these maps.

RODRIGUEZ: Well, this is going to be the last thing that I mention on this, I know this isn't your map. I know you didn't draw this, but this is my opportunity to, at least, let the members know how I feel about this, and ask you a couple of questions. The objection that I have to this is also—my district, which is predominately Hispanic, is now entirely in Senator Zaffirini’s district, who I have a lot of respect for, but as Richard Raymond mentioned to you before, I think the problem with this map is the assumption that someone with a Spanish surname is the same, no matter where they are in the State of Texas. And I will tell you that being from South Texas I know that the needs of South Texans are very different than the needs in Austin. Someone with a Spanish surname in Austin has different interests than those in South Texas, in the Valley, and in Laredo. And I think that's the problem with this map. And again, I know this isn't what you drew up, but I think that's going to be very problematic in the courts, potentially.

SOLOMONS: All I can say is that they drew it, the numbers seem to work, and you needed the populations. There were population center issues about where the population is coming from.

RODRIGUEZ: My concern is that it is done at the expense of minorities in urban areas, and that's really what concerns me—

SOLOMONS: And I understand that, but I would say based on what I saw on the map, all the counties are going to be very well represented even though some may think, "Well, it shouldn't have been that many." "Maybe it could have been more." But they're all going to be represented by some wonderful senators. They're just asking us to approve their map.

RODRIGUEZ: Well, Chairman, I respectfully disagree with that. Thank you.

REPRESENTATIVE BURNAM: Chairman Solomons, what is the most difficult job someone might be assigned in the legislative process during the redistricting session?

SOLOMONS: In my opinion, redistricting or the budget, one or the other.

BURNAM: And so, it's not my intent to suggest that the messenger should be killed today. However, I really think it's a terrible plan, and I want to ask you some questions to see if you know what you are attempting to do, with the bill that you are carrying, to my home district and my home county. Are you aware that both I and Representative Veasey testified before the senate committee concerning what they are proposing to do to the senatorial district that most of our constituents live in today?

SOLOMONS: I did not know that you and Mr. Veasey testified over on the senate side. No, I didn't.
BURNAM: Well, we both testified against the bill. Are you aware why we testified against the bill, because of what it does to Senate District 10?

SOLOMONS: I didn't know you testified over there, so how would I know why you didn't want the map?

BURNAM: Well then, maybe this line of questioning was designed so you know a little bit about how bad this bill is for Tarrant County, and particularly the people that I represent. Are you aware that under the proposed lines, the concentrations of African Americans in Tarrant County are busted up, are cracked into four different senatorial districts?

SOLOMONS: I believe Tarrant County has got four senatorial districts, right.

BURNAM: Well, and are you aware, more specifically and importantly, the concentrations of African American populations are cracked up into those four different senatorial districts? Are you aware that is also true of the Hispanic population?

SOLOMONS: As I understand it, the senate drew their map, their attorneys approved it, they don't think it's a violation. I understand that you and Mr. Veasey feel like there are some issues with that, yes.

BURNAM: Well, in fact, more specifically, if you looked at my—District 90, that I currently represent, which I'm sure you are aware, is over 70 percent Hispanic. The District 90 that I currently represent is cracked into three different senatorial districts. It is impossible to crack the district into three different senatorial districts, when the district is over 70 percent Hispanic, without cracking those populations into three different senatorial districts. Are you aware of that?

SOLOMONS: I'm aware that some of the districts go into, I would guess, your district, as well as Mr. Veasey's, towards the city of Fort Worth.

BURNAM: Well, correct. In fact, I've mentioned on this floor before, I'm the only representative that only represents Fort Worth.

(Speaker in the chair)

Amendment No. 1

Representative Alonzo offered the following amendment to SB 31:

Plan No. S139

[At the time of this printing, the text of Amendment No. 1 was unavailable. The proposed map and reports associated with this amendment are viewable at http://gis1.tlc.state.tx.us/.]

REPRESENTATIVE ALONZO: Mr. Speaker, members, in the committee, I had mentioned that I had considered presenting a plan that allowed for a Hispanic opportunity district, and in the end, Mr. Veasey presented it. So, what I'm going to do is bring it before you. And, I know, I'm being very respectful of Chairman Solomons' comments about the process of respecting the senate and they are
listening to the house plan. But, let me tell you, with all due respect to Mr. Solomons, you know, we have to have a discussion. Let me tell you why we have to have a discussion.

As you'll recall, I have consistently mentioned, consistently mentioned the increase of the population in the census from 2000 to 2010. And I have consistently mentioned that in the last 10 years, the increase of the population of the State of Texas was 65 percent Hispanic. Members, 3 million more people are in the state. Three million more people in the state, which has led us to have an additional four congress people. But, what’s more important than consistently mentioning that there's an increase in population in the state, one of those big increases is in North Texas. In Dallas, about 1 million Hispanics; in Fort Worth, 500,000. It takes approximately 800,000 to create a senate district. So, even though I'm not very good at math, I think what that means is that we would get two Hispanic opportunity districts. Two opportunity Hispanic districts for the senate. Two. But in this amendment, I'm being fair; I'm not asking for two, I'm asking for one.

Members, this amendment, what it does is connect Dallas and Fort Worth. In considering the increase in population of Hispanics, there is no Hispanic member in North Texas in the senate to argue for senate district—there is no opportunity at this time. So what I'm trying to do is rectify, rectify, rectify, rectify that misnomer that has occurred in North Texas. No more, no more, no more, no more will you not consider the Hispanics in North Texas. We've got 1.5 million in two counties. We're there, this is an opportunity, even though we couldn't say it in the senate, we are saying it here in the house.

REPRESENTATIVE BRANCH: Mr. Alonzo, do you think it's possible, or impossible, to rectify your statements between the growth of the Hispanic population, which I think we all acknowledge, and also the dispersion of that growth? Because I know, even in your district, you were short. What was your house district short in population?

ALONZO: About 30,000.

BRANCH: Thirty-thousand. And I think your good friend and colleague, Representative Anchia, what was his district short?

ALONZO: About the same number.

BRANCH: Was it closer to 50,000?

ALONZO: It was close to that.

BRANCH: Yes, would that be a possible number?

ALONZO: That is possible, and you're 100 percent correct at the moment. And let me tell you why I say, "at the moment." The reason I say, "at the moment" is this—in my opinion, if I may comment real quick, in my opinion there—

BRANCH: Thank you, sir.

ALONZO: —is more to the story, because, in my opinion the count was not correct. But, at the moment, even with that necessity for our districts, there's tons of folks in North Texas.
BRANCH: Yes, and I just wanted to make sure that the point was made; in case you disagreed, I wanted to hear your point. There seems to be a large dispersion of growth in Texas of all ethnicities, and particularly Hispanic, and therefore it's not been concentrated. So, in our county of Dallas, where sometimes people are under the illusion that there's a higher concentration in certain areas, even in west Dallas County, we were short population, isn't that correct?

ALONZO: That's correct.

BRANCH: Thank you.

ALONZO: But, you know, just to add—addition to the comments that Mr. Branch—it goes back to the discussion we've been having of redistricting that's at two levels. One level is fair, and the other level is legal. Depending on who draws the line, that determines the fairness at the time. But yet, there's another little asterisk Mr. Dan Branch likes to point out. We have to consider the legal part, as well.

BURNAM: Mr. Alonzo, your proposed amendment would create a Hispanic district that is a majority Hispanic?

ALONZO: A Hispanic opportunity district.

BURNAM: A Hispanic opportunity district. In what area does it cover? Tarrant and Dallas County?

ALONZO: That is correct. It covers Dallas and Tarrant County, yes.

BURNAM: And are you aware that Senator Wendy Davis offered in the senate an amendment that would create a Hispanic opportunity district and the senators voted that down?

ALONZO: Well, I appreciate it. At least my prayer was answered in the senate side, at least for consideration.

BURNAM: At least it was up for consideration. Do you think it's possible that it may be impossible to convince some of our members on the house floor that what they're doing is not only illegal, but not right, and unfair?

ALONZO: I think it's possible that they're listening, because they are. I can tell, because I can see their eyes looking this way, and I appreciate the listening, members, because this affects us all, and we have to take into consideration the two issues—what's fair, and what's legal. And I'm here to be helpful members, I'm trying to be a helpful kind of guy. The helpful part is for you to put those two issues into consideration; one is the fairness issue, and the other one is the legal issue. So, in all fairness, and being legal, we want to take this map into consideration, and that's why I bring it before you.

BURNAM: Representative Alonzo, while I might prefer a map that is a majority-minority opportunity district that's entirely within Tarrant County, and I believe that is possible to do, and that would be the fairest thing to my county. Can you appreciate why I've supported your amendment? To make sure that we have this discussion about what is happening with the high population growth of Hispanics in the state, and what appears to be an intentional—an
intentional—attempt to create retrogression by reducing the number of senatorial
districts that minorities can actually have an impact in deciding who their
representative in the senate is.

ALONZO: And let me comment, Mr. Burnam. You'll hear, members, what I
said in this discussion, besides the legal part and the fair part, is the word
Hispanic opportunity districts. I'm not saying that it's me or somebody else that
should be elected— whoever the district decides. In your case, Mr. Burnam, we
have that situation, it is a Hispanic opportunity district, the Hispanic population
in that district decided on yourself. In Houston, we have what's called a "Gene
Green" congressional district that is a Hispanic opportunity district. The
Hispanics in that district decided to elect Mr. Green. What I'm saying is, let's
create an opportunity—the numbers, members, are so big; they are big. Can you
imagine 1 million and half a million? That's 1.5 million. I think it's time. We're
in the 21st century. How long must we wait? We have to wait a long time,
members, for us to create an opportunity, for state reps to get elected, for city
council folks to get elected, JPs to get elected, judges to get elected. This is now
time. We've come to that point on those elections. Now is the time, we can say
that today in this house that this house recognizes the change, it's positive, it's
good. This is an opportunity for us to have a Hispanic opportunity district in
North Texas.

BURNAM: So, Representative Alonzo, in conclusion my question would be, do
you believe that it is possible to create a fair and legal district in North Texas?
But that has not been done, we've not been given that opportunity with the senate
bill that has been sent over here, but we can with your amendment?

ALONZO: No, but under this plan it's legally possible and fairly possible.

BRANCH: Mr. Alonzo, you've been talking about legal and fair.

ALONZO: Yes.

BRANCH: And, would you agree that fair is often subjective and in the eye of
the beholder?

ALONZO: That is correct. In the eye of the beholder of the majority of the
decision-makers. That's why, Mr. Branch, let me tell you what I commented the
other day—

BRANCH: And is that why we have laws and try to get through, because
fairness can be different for all?

ALONZO: That is correct.

BRANCH: In fact, wasn't it your 35th President, John Kennedy, that said, "Life
is not fair"?

ALONZO: Not only that. One of the examples I used in our redistricting
hearings, Mr. Branch, was this. We make decisions as legislatures, and
somebody else interprets it. We might like it, we might not like it, but we live
with it. And one of the examples I used, members, as Mr. Branch pointed out
about interpreting, and making sure it’s legally right. In 2000, there was an election for president. In my opinion, the process said that Al Gore won, but the Supreme Court said George Bush won. I didn’t like it, but I lived with it.

What’s going to happen here, we’re going to present this map. If you help me today, if you help me today, that will be done with, I think. But, if you don’t, we’ll have an interpretation—but again, as I walk away from the podium I want to thank Chairman Solomons for allowing us to be a part of a big effort that took a long, long time going around the state and hearing different opinions. In closing members, I ask that you—just to let you know, I’m going to give you some information, but it’s coming, it’s coming, it’s coming. The chairman has advised me that he is going to move to table. I’m not surprised. So, you will not be surprised that I ask that you vote no on the motion to table. It’s possible to vote no on the motion to table.

SOLOMONS: This is the senate map, and I appreciate the lively discussion, and the passion that Mr. Alonzo shares in trying to have what he believes is fair, more minority districts. But, this is a senate map and we’re trying to move it to third reading so we can get our map done, as well for what we did on this house floor for some odd 16 hours, or whatever it was. So anyway, I’m going to move to table. I do think the map is legal—according to the senate attorneys. And they put a lot of work into it over in the senate, and I ask you to table Mr. Alonzo’s amendment.

Representative Solomons moved to table Amendment No. 1.

The motion to table prevailed by (Record 1196): 98 Yeas, 46 Nays, 4 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Issler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbrand; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naughton; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C); Howard, D.; Johnson; Strama.
Absent, Excused — Patrick.
Absent — Torres.

STATEMENT OF VOTE

When Record No. 1196 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

Amendment No. 2

Representative Martinez Fischer offered the following amendment to SB 31:

Plan No. S154

[At the time of this printing, the text of Amendment No. 2 was unavailable. The proposed map and reports associated with this amendment are viewable at http://gis1.tlc.state.tx.us/.]

REPRESENTATIVE MARTINEZ FISCHER: Members, this is a map that I think is something you can support, because it’s actually SB 31 with two tweaks in two areas, Senate District 17, and Senate District 10. We know the obvious. We argued this during house redistricting, but I’ll restate it for the purposes of potential Section 5 challenges down the road. Last decade, 89 percent of all growth in this state was minority population, and over 65 percent of that growth in Texas has been Latino population growth. Today, Latinos make up over 37 percent of the Texas population, and over 33 percent of the Texas voting age population. Simply put, minorities, African Americans, Hispanics, and Asian Americans combined, now constitute more than 50 percent of the voting age population in Texas.

I think the senate has done a good job in drawing their map. However, in doing so, they made some mistakes, in my view, in two districts. And I said District 17, which is currently represented by Senator Joan Huffman, today, as we speak, has a 42.4 percent African American, Hispanic voting age population. The map, as passed by the senate, reduces that to 35 percent. The amendment that I’m offering increases the African American, Hispanic voting age population to 59.7 percent, making it a minority opportunity district. And looking at it more specifically, if you just want to look at Hispanic voting age population, and African American voting age population by itself, SB 31 for District 17 has a 20.2 percent Hispanic voting age population and a 12.8 percent African American voting age population. This amendment increases these percentages to 37.4 HVAP and 23.1 BVAP. This plan, S154, will increase African American VAP by 10.3 percent in District 17. It impacts Senator Jackson’s district by taking the current district and running it all the way up to Port Arthur to connect African American communities in Port Arthur, Texas.

With regard to Senate District 10. We create a minority-majority district in the metroplex that’s actually a CVAP district, which is one of the highest thresholds in minority districts to indicate you can draw a CVAP district in the metroplex if you wanted to. Those are very difficult to draw on the state. Courts have been very willing to scrutinize a map that does not look at population in a
CVAP capacity. This is what District 10 does. **SB 31** had a combined African American, Hispanic voting age population of 35.2 percent. Currently, it's 42.40, so we regress back a bit. This amendment will increase the BHVAP to 75.2 percent. In order to create this minority-majority seat, District 10 goes into Dallas County, it takes minority population from District 9, belonging to Senator Harris, District 16, Senator Carona, and District 23, Senator West.

With respect to Senator West, the net effect of what it does, because you have to be very sensitive with Senator West's district, his African American voting age population actually goes up 3.7 percent, and his Hispanic population actually reduces. So, it becomes even a stronger African American district for Senate District 23. It still performs the same way with its election data, but it does make that district even stronger in terms of African American voting age population. That's what this does.

I think that when you look at this in the big picture you will probably see some Section 5 challenges with respect to these districts and whether or not you could have created this minority opportunity districts. This amendment only does that, it does not impact anybody else. Although, there is probably potential in other parts of the state, and I'll let those who wish to do that, independently, take that up on their own, but these are the most egregious violations, in my view, of Section 5, and that's why I wanted to bring a map with minimal changes, and that's why we only make these changes in 17 and 10. And I certainly would ask the author of this—or the sponsor of **SB 31** to find this acceptable to him for the purposes of Section 5.

**REPRESENTATIVE VEASEY:** I wanted to ask my deskmate, Trey Martinez Fischer—one of the things that happened during the congressional re-redistricting that took place back in 2003 was the fact that republicans had a certain percentage that was elected statewide, like, let's say that they got, you know, 50 plus percent of the votes, so they deserve a certain percentage of the congressional seats. Now, are you familiar—I'm sure you're aware of this, and I think you probably just laid it out, that the Hispanic population and the African American population of this state now constitutes the fact that there should be 11 or 12 Hispanic centers and even three or four African American centers. Does your map sort of fall into the same sort of line of thought that the republicans preached a few years ago, saying that certain percentages should line up according to a certain population?

**MARTINEZ FISCHER:** Well, to be very clear about it, I think this map is clearly about population. I mean, we've always taken the view that we let the politics fall where the politics fall, but we draw the map based on the demographic growth, and if districts can support that growth, and I think—that's why I don't want to come to this floor and say that we can redraw every senate district in the state. But there are two areas where you've got explosive minority population, but in fact, in reality, when those senate districts came back, the minority population, instead of growing, diminished. I think that's problematic. I think, at a minimum, they should have maintained some semblance of a status quo and perhaps maybe moved up incrementally, but it actually went backwards. And that's what we were alerted to, and that's why I thought, in these two areas, we
can adjust this by just purely looking at the demographic shifts and not care about the politics, and draw a map that will comport with those changes. And so that's what we attempted to do with Senate Districts 10 and 17.

VEASEY: One of the things that’s also disturbing about the map that passed out of the senate and that passed out of the House Redistricting Committee, is the fact that so many African American and Latino communities were either stranded and put into far-flung reaching rural districts, or either they were unnecessarily packed. How does your map address the issue of packing in areas that have been stranded?

MARTINEZ FISCHER: And, I will say this—respectfully, I’ve had a lot of time to work with Chairman Solomons on redistricting, and we’ve had some very good conversations. But I think as far as analyzing this map with regard to District 10, it’s very difficult to accomplish what has been accomplished here by dispersing minority communities when in fact, in the metroplex area, that's where some of the strongest growth has occurred. And so, when you look at Senate District 10—what’s been drawn in the senate—this is not anything anybody did over here. It doesn't comport with the demographic growth, it doesn't comport with the minority opportunities, and you can't take a district that's a coalition minority district that is growing and growing and then disperse it, and not make up for it somewhere else. And so, because the complexity of District 10 has changed so much, that’s frankly the easiest district to draw in the entire state because there’s so much opportunity in the minority community. And now, we’ve drawn here a minority CVAP district that's over 50 percent—that is actually the hardest district to draw, demographically speaking. So, if we could draw it on a couple days notice by looking at the senate map and making adjustments to it, then certainly, the senate could have drawn it, if it wanted to. I think argument on argument, you know, the argument’s going to be—the potential is there. We have demonstrated that there is a demographic potential to draw a CVAP district in the metroplex, and the question is going to become, why wasn't it done? What was the compelling reason to not do it, and where did you offset that? And arguably, if you diminish in 10 and you diminish in 17, and you're not making up for it anywhere, I think it's going to be very difficult to respond to on a Section 5 argument. But, I don't have the last word, and I know as much as Burt Solomons has done the work on this, he knows he doesn't have the last word. We'll let those at the justice department or the D.C. Court, the District of Columbia, wherever the Section 5 review will take place, we’ll let them decide. But, we need stuff like this. We need demonstrations like this to show, as an exhibit, that it could have been done.

And I know we're running out of time in the session, and there's been very little time afforded to look at the senate map. I know the argument about taking it as a courtesy and passing the map because they will pass our map, and I understand that. I respect that tradition. But when it comes to voting rights, when it comes to representing communities of color, when it comes to what MALC is trying to accomplish in representing the Voting Rights Act, we could not let this go by. And so, that's why we've taken the time to draw a very limited
map in making changes in the two biggest areas that needed to be changed, recognizing there are still other places on the board that probably could have been changed and should have been changed. And had there been more time to vet that, I think we could have brought that argument to the floor, but I think this is the best that we could find on a very short notice as to, you know, the lack of minority opportunity existing in the Texas Senate at a time when the demographic population is growing at rates that's unimaginable to other places in the country.

VEASEY: What type of message do you think we are sending if the African American population continues to grow, and the Latino population continues to grow at the level at which it's growing, but we continue to create opportunities, and draw opportunities in redistricting for the Anglo population that's not increasing as fast—and particularly in the rural areas, where it's not increasing nearly as fast. What type of message are we sending about who these opportunities are for when those populations are growing faster? I just think that we could be sending the wrong message here, especially to the black and Hispanic community, by saying that you're decreasing but we are going to use your numbers so we can create additional opportunities for our community and not your community.

MARTINEZ FISCHER: I think that looking at demography and looking at the potential in the minority growth, you could redraw the senate map in a much different way, and I concede that. But, in just being consistent, and looking at the growth, and looking at the target areas where that growth occurs, you could draw a reasonable map that comports with the overwhelming view of the state senate and maybe grant them that deference and that courtesy that Chairman Solomons alluded to. But in these two areas it's just too obvious to ignore, and so in being consistent about respecting those demographics, that's why we do the census.

We do the census to know what our state looks like, and we want to know what our total population is so that we can get money, and then we have the obligation, once every decade, to draw these maps, and you know, the maps ought to represent the shifting demographics. And what I said earlier—I don't know if you caught this—today, as a result of the census, more than 50 percent of the voting age population in the State of Texas is either African American, Hispanic, or Asian. But yet, you won't find that reflection in our maps, and I think we can do a much better job. That is the obligation that MALC has undertaken with respect to any district that has a single-member district. We did this with the State Board of Education. We did this with the Texas House. We put an amendment on the Railroad Commission Sunset to make the argument. You know, since 1891, there's only been three Hispanics elected to serve on the Railroad Commission, since 1891. And we're still doing these districts statewide.

We made the argument that you can do three districts, and you can run them for the same amount of terms, and rotate the chair to comport with the house desire in the railroad commission map, but we did it there, as well. And so, when it comes to the senate, you know, I'm mindful of the courtesy, I'm mindful of the deference, but I'm also more cognizant of the Voting Rights Act. I'm more cognizant of our duty, as minority lawmakers, to represent the voiceless. And if
you look at that senate map, the voiceless people on those maps are communities of color, and that’s what I try to correct in Senate District 10 and Senate District 17.

VEASEY: Representative Martinez Fischer, since the Voting Rights Act was passed in the mid-1960s, in Tarrant County they have always started with the fact that southeast Fort Worth, which is the largest African American community in Fort Worth, and the north side, that both of those areas would be in one senate district. Why do you think under this plan, that was passed out of the senate and passed out of the house committee, that they seek to remove both of those districts out of the Fort Worth core district, or in this case, Senate District 10?

MARTINEZ FISCHER: I’m not going to pretend to know. I’m not going to speculate, but I can tell you it has nothing to do with demographics. If demographics was the paramount concern protecting the growing minority population, protecting minority opportunity districts, if that was the primary driver of the senate map, Senate District 10 would look much different. If protecting a growing minority coalition district in 17, you would want to expand that growth were you could, and not take it back. I mean, it goes back—it goes from 42.40 percent today to 35.2 percent. It goes back seven percentage points at a time when the growth is unspeakable for minorities, particularly for Latinos. Excuse me, I’m sorry, that's in 10. In 17 it's about the same, 42.40 to 35.20 on the African American, Hispanic VAP. Our amendment improves that substantially. It makes it a true minority opportunity district. It gives minorities the opportunity to represent the candidate of their choice, and it is truly a coalition district. It is a 37 percent HVAP district under my amendment and a 23.1 percent BVAP district.

SOLOMONS: I do appreciate the passion, as well, of Mr. Martinez Fischer. I’m not sure where 17 and 10 meet on this field, but let me just say this. This is a senate map. His map does more than just affect two districts. It really affects quite a bit of the state. It is a senate map. Their senate lawyers have assured Mr. Seliger that it meets the Voting Rights Act. Mr. Martinez Fischer's map actually is redrafting his vision of what the senate maps ought to look like—senate districts ought to look like. I would beg to differ that we shouldn't be doing that, and I would ask that we move to table Mr. Martinez Fischer's amendment.

REPRESENTATIVE C. HOWARD: Representative Solomons, do you realize that Representative Fischer's map splits Fort Bend County into four separate senatorial districts?

SOLOMONS: I believe that Mr. Martinez Fischer's amendment affects quite a bit of the state in a way that I don't think this house would like to see it, and I'm pretty sure the senators wouldn't like to see it, and it's their map.

C. HOWARD: And the other aspect of that—we talked about community of interest, and minority representation. One of the fastest growing populations is the Asian American population, and his map actually disperses that into four different sections, dispersing that minority representation. Are you aware of that?
SOLOMONS: No, but thank you for telling us.

C. HOWARD: Thank you, I think we need to table this amendment.

VEASEY: I wanted to ask you a question about this map that I, quite frankly, find a little bit disturbing. Back in 2001, is it your understanding—

SOLOMONS: The senate map is disturbing or Mr. Martinez Fischer’s version of the senate districts is disturbing?

VEASEY: No, the senate map. But you're right, we're not on that particular amendment. When you are ready to close, I'll come back.

BURNAM: Chairman Solomons, I'd like to ask a clarifying question—something I thought I heard you say in an exchange earlier about putting a higher priority over the interest of the 31 people that serve the people of Texas on the other end of the capitol, versus the 150,000 people that I represent in Fort Worth. Let's be clear—

SOLOMONS: I don't believe I said that, but go ahead.

BURNAM: That's the reason I want a clarifying question.

SOLOMONS: I don't believe I said that. I said this is a senate map and, quite frankly, I appreciate the vigor, and the passion, and the idea that some of the members feel as if they should have another version for minority purposes and Voting Rights Act. And I would only add that I believe the attorneys for Senator Seliger and the senate have said that they believe this complies with the constitution, Texas Constitution, and Voting Rights Act. And you know as well as I do, should we pass this map, and they pass our map, and it goes to the governor's desk, and then there are probably going to be several lawsuits over certain aspects of these maps, and we'll figure out, you know, from a third party perspective. But, right now, the attorneys and the folks involved in the redistricting process, in their interpretation, seem to think that this does comply with the Voting Rights Act.

BURNAM: Right, but the purpose of my clarifying question is just to make sure that everybody is clear that the 31 people serving over there do not fall under the protection of the Voting Rights Act, and almost 80 percent of my constituents, and almost 80 percent of Mr. Veasey’s constituents do fall under the protection of the Voting Rights Act. I just wanted to make sure that you're clear on that. And you are, aren't you?

SOLOMONS: If that's your opinion. I understand what you're trying to do.

BURNAM: I'm just trying to clarify the debate.

SOLOMONS: Well, I'm telling you that they based their map, after a number of hearings, and based on what they believe the interpretation is. I understand you have a difference of opinion—

BURNAM: Well, actually, there was only one hearing, and it was an abbreviated hearing, and it was less than 24 hours notice. Is that not correct?
SOLOMONS: They had seven interim hearings around the state. They had two public hearings, of which, by the way, no one showed up—for the public, on the second hearing. No one.

BURNAM: Chairman Solomons, is it not true that they only had one hearing on this bill and it was conducted within less than 24 hours notice?

SOLOMONS: That’s not true.

BURNAM: It was less than 30 hours notice?

SOLOMONS: You said they only had one hearing. They had two hearings and no one came to the second hearing. That's my understanding.

REPRESENTATIVE MADDEN: Burt, I was looking at the district that they have in this amendment that is Senator Huffman's. And it was brought up earlier by Mr. Raymond that it was, like, 200 some miles from Carrollton down to Austin. Do you have any idea how many miles would have to be driven to get from one end of Senator Huffman's district that they have to the other, and how many of those would have to be swum, instead of driven, because of the layout they have in that district?

SOLOMONS: I have no idea. It appears that some of his versions of what he thinks the district should look like, seems to be rather lengthy.

MADDEN: I measured it. I think it's about 350 miles that they'd have to go from one end to the other.

SOLOMONS: Well, as Mr. Alonzo said, and Mr. Branch mentioned, fair and legal is perhaps in the eye of the beholder.

MADDEN: And how fair would it be for the senate to have to swim that length from Galveston up to the further parts of East Texas they have in that map?

SOLOMONS: I don't think you should have to swim across your district.

MADDEN: I don't think that either.

SOLOMONS: That's just me.

Representative Solomons moved to table Amendment No. 2.

MARTINEZ FISCHER: They do have swimming lessons in the 17th, please don't confuse yourself. And, frankly, that district is actually drawn that way as it came out of the senate, we just picked it up in Brazoria and took it to Port Arthur. If you looked at Senate District 19, you'd need more than some floaties to get through that senate district from San Antonio to El Paso. You've heard the arguments. This is a demonstration to show what can be done. We don't have the last word—I don't, Chairman Solomons doesn't, but respectfully, this is the only place where we can make the argument to start the process. And so, with that, if any members are concerned about voting rights, minority voting rights, Voting Rights Act, I’d ask you to please vote no on the motion to table, and—I ask you to vote no.
LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business:

Pickett on motion of Menendez.

SB 31 - (consideration continued)

The motion to table prevailed by (Record 1197): 99 Yeas, 44 Nays, 5 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otter; Parker; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; King, T.; Lozano; Lucio; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C); Howard, D.; Johnson; Mallory Caraway; Strama.

Absent, Excused — Patrick; Pickett.

Amendment No. 3

Representative Veasey offered the following amendment to SB 31:

Plan No. S149

[At the time of this printing, the text of Amendment No. 3 was unavailable. The proposed map and reports associated with this amendment are viewable at http://gis1.tlc.state.tx.us/]

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hilderbran requested permission for the Committee on Ways and Means to meet while the house is in session, at 4:15 p.m. today, in 3W.15, to consider SB 1546, SB 1574, and SB 1927.

Permission to meet was granted.
COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Ways and Means, 4:15 p.m. today, 3W.15, for a formal meeting, to consider SB 1546, SB 1574, and SB 1927.

SB 31 - (consideration continued)

REPRESENTATIVE VEASEY: Members, I wanted to share this plan with you, 137, but before I go into the plan let me be clear about one thing. Yesterday there was a column, I believe it was in one of the major newspapers here, that said I was—when we had our redistricting hearing, over in the Ag Museum, that I was in there, "fighting hard for the incumbent" in Senate District 10. That could be the furthest thing from the truth. Whenever I argue these points, or whenever I make the arguments that I do in redistricting, particularly as it pertains to Tarrant County, I am making arguments on behalf of the constituents that I represent in southeast Fort Worth that are largely African American and Latino. And also, the constituents in Representative Burnam's district in north Fort Worth who were split up and put in the Senate District 12 and flung into Denton County.

I am making arguments on behalf of these constituents and for these constituents only, and we need to be 100 percent clear on that, and I would appreciate it that when we're talking about redistricting that if the other elected officials in this body and the people that talk about redistricting and send this message out to the State of Texas through different medias, that it stay focused on the constituents that are being discriminated against. And the plan that was passed out of the senate and was passed out of the house, and not on a single senator, particularly the incumbent in Senate District 10, because that is not what it is about. It is about people in Stop Six, near southeast-side Fort Worth, the north side, Rolling Hills, Everman, Forest Hill in my district, that have been sent out to a rural area where the people that live in that area came and testified—the republicans that live in those counties—they came and testified and said that they did not want to be in a district that included urban Tarrant or urban Dallas Counties.

BURNAM: Representative Veasey, you serve on the redistricting committee here in the house, correct?

VEASEY: Absolutely.

BURNAM: And you took the somewhat unusual measure to go testify against the proposed senate lines in the senate redistricting hearings, correct?

VEASEY: Yes, I did.

BURNAM: And I also did the same thing, is that correct?

VEASEY: Yes.

BURNAM: And you represent a majority-minority district and I represent a majority-minority district, and an overwhelming portion of both of our districts—in my case, all of Fort Worth—all my district is within the city of Fort Worth right now and almost all of your district is within the city of Fort Worth
right now, with the notable exception of Forest Hill, which is the first majority African American city council in the State of Texas for suburban—so, we both support highly minority communities—

VEASEY: Yes.

BURNAM: And it was revealed in the testimony in the senate hearing that the four minority city council members from the city of Fort Worth have all sent letters or signed a letter objecting to cracking your legislative district and my legislative district into three different senatorial districts, is that correct?

VEASEY: That is correct.

BURNAM: Isn't it also true that, as a part of the testimony, the constable that represents an overlapping area of my legislative district, Constable Sergio De Leon, sent a letter objecting to cracking his constable district into three different senatorial districts, is that correct?

VEASEY: Yes, that is correct. Yes.

BURNAM: And, lastly, but most importantly to you and me on a personal level, isn't it true that the Lake Como Neighborhood Advisory Council has sent a letter pleading to put them in with southeast Fort Worth because they are the largest African American neighborhood in Fort Worth, not in southeast Fort Worth?

VEASEY: That was Como's first priority, was to ask that they be put back in the senate district with southeast Fort Worth, like they had been for years.

BURNAM: And you know that I have said for at least the last year and a half that my first priority is to restore the Lake Como community whom I represent—they represent over 10 percent of my constituency—to restore them to the same senatorial district, that they had been in for over 20 years combined, with southeast Fort Worth, is that correct?

VEASEY: That's correct.

BURNAM: And what came to surprise us is that while they put the Lake Como community in District 10, they took most of southeast Fort Worth out of District 10, is that correct?

VEASEY: That is—yes, they put us in Senate District 20—most of—

BURNAM: The other thing that totally surprised us, they took the historical north side, one of the oldest barrio communities in Fort Worth, they took all of the north side Diamond Hill communities and put them in a senatorial district dominated by Denton County, is that correct?

VEASEY: That is absolutely correct.

BURNAM: So, what they've done in putting the Lake Como community over in a district that is centered in Fort Worth, but taking southeast Fort Worth, they have cracked the African American communities in Fort Worth into two different senatorial districts. Is that correct?
VEASEY: To paraphrase the great author, Ellison, they wanted to make sure that we were—that the black and Latino communities and Tarrant County were put in a basement and shut off for the next 10 years to make sure that we will not be able to have any influence in the senate districts.

BURNAM: Well let's make it clear—

VEASEY: And this plan that I'm laying out corrects that and makes it fair.

BURNAM: And let's make it clear, in the case of District 90, the district that I represent, the north side, north of downtown, north of the river, is a heavily Hispanic and some African American district now, but that Hispanic community has been cracked away from the Hispanic community on the south side, the other historically large Hispanic community in Forth Worth, and they are divided—separated—into not two, but three different senatorial districts. I think you have a good amendment, there should be no objection to this amendment. All this does is correct the illegal proposal to crack African American, Hispanic communities in Forth Worth and the larger Tarrant County and puts them into one district so they can have a viable voice in electing who and deciding who their senator will be. Thank you very much for offering the amendment.

VEASEY: And, not only is this plan more fair than the plan that was passed out of the senate, which is a very unfair plan that Representative Solomons laid out today, the plan that I have, that I'm laying out also takes into consideration the testimony that we heard from various communities in and around North Texas. We had a republican from Hood County come out and testify and say that they did not want to be in a senate district that came into a large urban area. The same thing with republican officials that came in from Johnson County—I fix that on this map. And those of you that are familiar with Tarrant County may know the story from several years ago about the city of Benbrook. They were upset about an African American football coach that was hired—because Benbrook is in Fort Worth ISD—they were upset about an African American football coach that was hired because that was the first time one had been hired there, and so they wanted to secede from the Fort Worth ISD and start their own school district. They said they could have a school district like Aledo or like Granbury were it not for the Fort Worth ISD. One of the things—and the older parts of Benbrook, along 377, definitely have a flavor to them like a Granbury or an Aledo community, and so one of the things that I did on this plan is I put southeast Fort Worth back into an urban-dominated—

SOLOMONS: Mr. Veasey, I think—didn't you bring this one forth yesterday? Mr. Veasey brought this amendment to the committee and the committee did not approve. I understand Mr. Veasey’s concern about his district and which district it is in, and the communities around there, but, once again, I would ask you to table Mr. Veasey’s amendment as the committee did in not approving it, because it seems as if the senate felt that that was where the population had to come from. That’s where they needed to go, and it does not violate the Voting Rights Act. So, anyway, I’m going to ask you to table Mr. Veasey’s amendment.

Representative Solomons moved to table Amendment No. 3.
VEASEY: I disagree with Chairman Solomons tremendously. This act clearly violates the Voting Rights Act. There are many neighborhoods in which they could have put in Senate District 22 that fit in more neatly with 22, with Hood and Johnson Counties and areas that go all the way down to Falls County, than southeast Fort Worth. The story I was telling a minute ago about Benbrook along 377, the Benbrook community fits in very nicely with the Granbury communities. Hood County, Johnson County, Cleburne, named after Confederate generals, those are more communities of interest, and the various restaurants and watering holes along 377, those are communities of interest. Those communities, they do things, they congregate together, they church together; we need to make sure that southeast Fort Worth is with a more urban community. Benbrook and other parts of Fort Worth would fit in a lot neatly—more nicer with Senate District 22. It is clear that the motive behind putting southeast Fort Worth in Senate District 22 is to make sure that votes don't have to count, and when you think about the Legislative Redistricting Board and the comments that they made, they specifically said that the minority communities in Senate District 10 were not being fragmented and that the communities of interest were being kept together. Now, those same comments that were produced by republicans on the Legislative Redistricting Board are being ignored so they can discriminate against voters in southeast Fort Worth. The plan is completely unfair.

We need to go, and move forward, and have a good plan that everyone can be proud of where everyone has a fair chance. When you look at the number of African Americans and Hispanics and the numbers that have grown in Tarrant County, it is clear that in trying to create this new seat that they would like to create that they are putting the interest of people with money and voters that aren't growing as fast as African American and Latino voters in front of those who deserve opportunity and deserve to be able to elect a state senator of their choice. I ask that you be fair, that you do the right thing, that you have a good story to go back and share with your kids and your grandchildren, that you are on the right side of a civil rights issue. The Voting Rights Act—people fought hard, people died, people sacrificed a lot to make sure that we would have fair elections in this country and to make sure that people would have the opportunity to have fair representation. We do not want to turn back the clocks today and vote against the Voting Rights Act, to vote against the civil rights legacy that we have in this country. Let's do the right thing and vote no on the motion to table.

The motion to table prevailed by (Record 1198): 96 Yeas, 42 Nays, 5 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Button; Cain; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Harcastle; Harless; Harper-Brown; Hartnett; Hilderbrand; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Paxton; Peña; Perry; Phillips; Pitts; Price; Quintanilla;
Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; King, T.; Lozano; Lucio; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Raymond; Reynolds; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C); Howard, D.; Johnson; Mallory Caraway; Strama.

Absent, Excused — Patrick; Pickett.

Absent — Alvarado; Brown; Carter; King, S.; Workman.

STATEMENTS OF VOTE

When Record No. 1198 was taken, I was in the house but away from my desk. I would have voted no.

Alvarado

When Record No. 1198 was taken, my vote failed to register. I would have voted yes.

Carter

When Record No. 1198 was taken, I was temporarily out of the house chamber attending a hearing for the Committee on House Administration. I would have voted yes.

S. King

Amendment No. 4

Representative Veasey offered the following amendment to SB 31:

Plan No. S137

[At the time of this printing, the text of Amendment No. 4 was unavailable. The proposed map and reports associated with this amendment are viewable at http://gis1.tlc.state.tx.us/.]

VEASEY: I wanted to lay out a statewide plan here. I think this plan, also, is much more fair than the plan that was passed out of the senate and passed out of the house redistricting committee a day or two ago. This amendment can produce the same, or better, Hispanic districts along the border without going into Travis County. One of the things that's also addressed, that Representative Solomons talks about—the SSVR numbers are equal or greater than the SSVR numbers in the proposed map. Travis County is already a Hispanic opportunity district and the map gives Hispanics the opportunity to also elect the person of their choice in District 14, and also keeps in line with the submissions that were made by the Legislative Redistricting Board back in 2001, and keeps the insular
minority communities of 10, 9, 14, and 16 together. Of course, under the plan that was voted out, 10, 9, 14, and 16 have been greatly fragmented and packed unnecessarily and we want to make sure that that doesn't change. Of course, in Senate District 10, in Tarrant County, the Anglo population, currently, is below 50 percent and they make that over 50 percent, which is illegal, and it's also a violation, and that is corrected in this statewide plan also.

BURNAM: Representative Veasey, while maybe we weren't ready to support your first amendment which addressed, exclusively, the problem of the likely illegality of the proposed Tarrant County plan, this proposal addresses, in addition to Tarrant County, the concerns that have been articulated concerning the cracking of Latino populations here in Travis County?

VEASEY: Yes.

BURNAM: And you say that it provides for an opportunity district in the southern portion of the state that doesn't exist in the current plan?

VEASEY: Yes, absolutely.

BURNAM: Could you explain that one a little bit better? What does that provide us?

VEASEY: I have the map right here. It's a—and I don't have the exact numbers right in front of me, but I can explain it to you—but, I can promise you that the map that I have here today, this statewide plan, that the opportunities are much more in line with the state when you look at the number of Hispanics that have increased statewide and the African American populations that have increased statewide, it's much more in line. It also falls under that same philosophy that the republicans used back during the redistricting, where they said we make up a certain percentage of the statewide elections, therefore, we should have an equal proportion of those congressional seats. Well, I do that—that is what this particular amendment follows. This amendment follows the same republican doctrine of—and just replace republican with the word African American and Hispanics—that if there are a certain number of Hispanics, a certain number of African Americans, and a certain voting percentage, which I believe President Barack Obama received about 43, 44 percent of the vote in 2008, and that is what this senate map reflects.

BURNAM: Under the existing senate district lines, there are only three senatorial districts that are anchored on the Rio Grande between Brownsville and Laredo and are majority Hispanic districts. What does your proposal do?

VEASEY: In my proposal—and I'm going to have to let you look at it—is a—because I had to put this together very quickly, I didn't have the chance to look at it like I would like to, but based on what I was given by my legal counsel, it rectifies some of the mistakes that were in the—

BURNAM: So, it doesn't represent the retrogression that the proposal—that Representative Solomons brought to us?

VEASEY: It fixed all the retrogression that has taken place in the proposed—
BURNAM: And it attempts to address the issue of the increasingly, larger and larger Hispanic population in our state as opposed to when the lines were drawn a decade ago.

VEASEY: Absolutely. One of the things that disturbs me about the statewide plan that was voted out of the house committee, that's on the floor today, and one of the reasons why I wanted to submit this plan, was that if you look at the rural populations and you look at the—versus the African American and Hispanic population that's increasing in the state, it's clear that many of those opportunities for the rural senators and populations that aren't growing quite as rapidly, are being maintained and even increased on the backs of African Americans and Latinos, and that's unfair.

BURNAM: So this form of retrogression you're talking about is they're achieving these lines on the backs of urban Hispanics and African Americans?

VEASEY: That—if there's anything that is clear about this map, it is that fact that the population increases in the state are being used to preserve the old guard.

BURNAM: That's kind of like you're trying to adopt the balanced budget, isn't it? It's essentially the same thing—on the backs of the working minorities in this state. Thank you.

VEASEY: Thank you. Members, I ask that you vote for this particular plan. All of the problems in Tarrant County, in Dallas County, Harris County, are rectified under this map. This is a map that we can go to the Justice Department with and be proud. I think it is something that will reflect nicely on our state, because whenever you get into these redistricting battles and things are done blatantly, for instance, when you take southeast Fort Worth all the way down into—past Falls County, past McClendon County, it leaves a very negative perception on the state. It makes it look like Texas is not a friendly place for African Americans and Latinos to reside, and even though it is one of the fastest growing areas for African Americans and Latinos, and we want to make sure that our state keeps its friendly face. We also want to make sure that we do the right thing not only morally, but what is legal, and in keeping with the Voting Rights Act. I can tell you that this plan, Plan 137, keeps us in line with the Voting Rights Act and it's fair to all citizens.

SOLOMONS: Mr. Veasey's prior amendment affected all but three districts, this amendment affected all the districts in his look at how he believes the senate map should look, and he's basing it on a variety of arguments that he believes are relevant, so, I'm going to move to table.

(Aycock in the chair)

Representative Solomons moved to table Amendment No. 4.

VEASEY: Members, I close, and ask you to vote no on the motion to table.

The motion to table prevailed by (Record 1199): 98 Yeas, 44 Nays, 6 Present, not voting.
Yeas — Aliseda; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbrand; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; King, T.; Lozano; Lucio; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naïshtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker; Aycock(C); Howard, D.; Johnson; Mallory Caraway; Strama.

Absent, Excused — Patrick; Pickett.

Amendment No. 5

Representatives Turner and Y. Davis offered the following amendment to SB 31:

Plan No. S153

[At the time of this printing, the text of Amendment No. 5 was unavailable. The proposed map and reports associated with this amendment are viewable at http://gis1.tlc.state.tx.us/.

REPRESENTATIVE TURNER: I want to echo and reaffirm what you have heard from Representative Trey Martinez Fischer and Representative Veasey. This map, that is being filed by the Legislative Black Caucus, creates the two African American districts, Districts 13 and 23, and then the Hispanic districts that are included in 19, 20, 21, 26, 27, and 29. It also creates two minority impact districts, the District 10 and District 15. There are a total number of minority districts of 11 that are included in this amendment. We just believe that with the added growth that has occurred, and where that growth has occurred, that these minority districts, both African American and Hispanic, and minority impact districts should be incorporated and adopted, and therefore we are putting forth this amendment for your consideration.

REPRESENTATIVE Y. DAVIS: Thank you, Representative Turner, I appreciate you bringing these maps to us. Are you aware that all of the districts needed population added except for a couple of districts down in the Valley—the senate districts—they needed population added?
TURNER: Yes.

Y. DAVIS: And are you aware that in this Plan 153, we actually put intact and keep the minority district together in District 10, which is a concern that Representative Veasey and Burnam had with regard to destroying integrity of 10 and the minority population?

TURNER: And that's why from the outset I want to reaffirm and echo what Representative Veasey, Representative Burnam, and Representative Trey Martinez Fischer had to say.

Y. DAVIS: And, with this map it is our intent to increase the overall population of minority districts that will be reflective of the population of minorities in the State of Texas, is that correct?

TURNER: That is correct. And let me just say—I don't see Representative Solomons. There's Representative Solomons, I don't know if you've had an opportunity to see it, but I would say to you that this would enhance the State of Texas. Quite frankly, if it was on the local and consent calendar, it would pass.

SOLOMONS: I'm going to move to table Mr. Turner's statewide substitute plan. It's his version, I believe, of what the senate districts should look like, and based on a variety of factors, the senate, however, voted their plan out and they were told, as I understand it, that that meets the Voting Rights Act, and should we pass this map, I'm sure some of these same arguments you've heard today are going to be at the courthouse, and we'll just have to let them decide. But at the end of the day, that it is a statewide substitute based on what Mr. Turner believes needs to be done.

Y. DAVIS: Thank you, Chairman Solomons, are you aware that in this plan we essentially leave the core of all the districts intact, except by adding population to them without taking the core districts away?

SOLOMONS: If you tell me that, that's fine.

Y. DAVIS: And, I appreciate you have no interest in trying to review it, but I just want to go through these questions just for the record since you have no interest in looking at it. Districts 20 and 27, Senator Hinojosa and Senator Lucio's district, they were not cut because they were already within deviation, are you aware of that?

SOLOMONS: I'm not aware of that. Your plan, I know, as the senate plan did on a variety of the senate districts, based on the information that was presented to me from Senator Seliger—from his notebook—in what they represent in each of those districts

Y. DAVIS: And, when you visited with Senator Seliger, did he indicate his plan maximized minority participation—minority districts throughout the State of Texas? Did he indicate that this plan would maximize the populations so that you would maximize the number of opportunity districts for minorities to be elected in?
SOLOMONS: My notes reflect from him is that his attorney told him that the map that they finally approved from the senate met the Voting Rights Act requirement in the Texas Constitution and other applicable laws, I guess someone else will end up having to determine that.

Y. DAVIS: And I appreciate that, but my question was, did he indicate whether or not, in doing so, that his map would create the most minority districts that create the greatest opportunities for districts for minorities to be represented in, even understanding that it meets the Voting Rights Act? My question is whether or not his plan maximized the opportunity for minorities to be—

SOLOMONS: He did not tell me that. We didn’t have that conversation, he did not tell me that.

Y. DAVIS: Thank you. Did he indicate to you whether he was aware that District 10, it tore up that district in terms of minority representation in those communities? Did you all discuss what happened to district 10 in his map?

SOLOMONS: I have notes from what he sent over in connection with District 10. We didn’t discuss in any detail, but I do have his notes as to what happened in District 10 and what he is—with the understanding of what District 10 did. The combination of black and Hispanic voting age population was only 42.4 percent, 17.9 percent black and 24.8 percent Hispanic. The SSVRs with only 12.1 percent, and so whether or not it was a protected minority district or not, there were issues that were discussed by the lawyers over there and how that worked, they don’t believe that it’s a protected minority district. In the new District 10, the black plus Hispanic VAP is 35.2 percent, 13.4 percent black and 22.1 percent Hispanics. The SSVR is 11.3 percent, 59.4 percent of the voting age population is Anglo. These are the notes that I have on that.

Y. DAVIS: Let me ask you another question, as it relates to minority impact districts, did he indicate if there were any other minority impact districts that could have been drawn?

SOLOMONS: I’m sorry, he was talking to me to remind me that the current district is 52 percent, so if you’ll repeat the question again—

Y. DAVIS: I was just—to get with what he was talking about, so we can go back and cover that, I was just trying to ask you about the integrity of those communities—minority communities being torn up in District 10. But my next question was whether or not they looked at if there were any other minority impact districts that could be drawn, that they did not draw in the senate plan?

SOLOMONS: I don’t know. Ms. Davis, I only have the notes. One of the notes was of how the district was made up based on population issues—wasn’t so much a community interest, and that may be an issue down the road, but if the numbers work the way they were supposed to work, what they believe for the Voting Rights Act, we'll see.
Y. DAVIS: And I was just trying to talk about communities of interest and the last question I have is, one of the interests we have is to create additional districts, obviously, so I was wondering if they considered whether or not there could be other districts that could be created that they chose not to create? Is that—

SOLOMONS: Senator Seliger and I did not have that conversation. Members, I’m going to move to table Mr. Turner’s amendment and ask that you do so.

Representative Solomons moved to table Amendment No. 5.

TURNER: We have taken a lot of time to go through and draw these maps. We do believe these maps are in the best interest of the State of Texas. It takes into account where the growth has taken place in this state and, again, it maximizes African American and Hispanic minority impact districts, and I would ask for your favorable consideration. I now would ask you to vote no on the motion to table, and allow us an opportunity to further debate this amendment.

The motion to table prevailed by (Record 1200): 93 Yeas, 48 Nays, 4 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Harcastle; Harless; Harper-Brown; Hartnett; Hilderbrand; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keiffer; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Weber; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Johnson; King, T.; Lozano; Lucio; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Smith, T.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; White.

Present, not voting — Mr. Speaker; Aycock(C); Howard, D.; Strama.

Absent, Excused — Patrick; Pickett.

Absent — King, P.; Larson; Mallory Caraway.

VEASEY: Members, I know that asking you to do the right thing in regard to redistricting is tough. Back when the Voting Rights Act was passed, in the 1960s, a lot of the folks—there weren’t very many African American or Hispanic elected officials at that time. I think if you look at the pictures that are hanging on the ground floor, that you won’t start to see Hispanic or African Americans that are serving in the legislature until around the late 1960s. A lot of those folks
that served in the legislature prevented many African Americans and Hispanics from serving, for many, many years before the passage of the Voting Rights Act. They were good people, just like you were. The people that served here back in the 1940s, 1950s, they were good folks, just like all of you are. And, so, I know that asking you today to do the right thing, as it pertains to the Voting Rights Act, is tough for you, just as it was tough for those folks that served here 40, 50 years ago. I’m asking you to not do this to our state.

When you look at the growth patterns in this state, particularly in the metroplex and other large urban areas, you'll see that the Hispanic and African American population has outpaced the population of Anglos in this state. We have to have fair representation. You can't have a system of design and map that continues to promote Anglo candidates and the old guard over the fast growing Latino and black populations. It’s just not fair. There’s no way to argue that it's fair. And if you look at the way—how these districts work, chopped up and produced to basically dilute the African American and Latino growth, there is no way that you think it's fair. I mean, look at the Legislative Redistricting Board, which in 2001 was dominated by republicans, and this is what they said when they submitted the plan to the Department of Justice, DOJ, for preclearance, it says, "this plan generally avoids unnecessarily fragmenting significantly black and Hispanic insular communities, even when such communities are not large enough to constitute a voting majority of senate districts. As a result, Districts 14, 15, 9, and 10 contain significant minority communities that are essentially kept intact within these districts.” That is—those are words that are produced by republicans. Now, those words are being trampled. Now, those words are being totally disregarded so the people that live in the state senate districts and rural areas and areas that aren’t—populations that aren’t growing as fast as minority populations in the state can continue to have the same level of representation, and even greater representation, at the expense of those who are choosing to move here and call Texas home.

The African American community in the Dallas-Fort Worth area is the second fastest African American growing area in the entire country, only behind Atlanta, Georgia. The Latino community in Dallas-Fort Worth is the fastest growing Latino community in the entire country. You cannot look at Senate District 10 in particular, and when you think about—and I know that everyone in the Tarrant delegation, in particular, knows the communities of—the south side, near southeast side, that make up near southeast—make up southeast Fort Worth, also the communities of Forest Hill and Everman. You cannot look at that map that stretches all the way down to Falls County and think that that’s fair.

The people that served before you, that sat in these seats, they knew that the discrimination back in the 50s and 60s that was happening against African Americans, most of those people knew that wasn't fair, some of them probably were prejudiced people, but most of them knew that that was not fair. But they could not find the courage within themselves to do the right thing. Even when something was greatly happening that was discriminatory. They could not do the right thing because they thought that they were not going to get reelected, and so they let discrimination take place. I’m asking you to not do that today. Have a
good story to tell to your kids and your grandkids when you get ready to leave here that, despite the fact that your constituents may not have been sympathetic to the African Americans being flung all the way into—and isolated and sent all the way into McLennan County and Johnson County, and places that some people have absolutely nothing in common with, that you did the right thing. That you did what the people before you—what the people 50 years ago could not do. And that you stood up for civil rights, you stood up for the Voting Rights Act, and that you changed Texas history forever.

BURNAM: Representative Burnam joins his colleague from Tarrant County. Marc and I represent the two majority-minority districts in Tarrant County, and what is done to the representation for our constituents is unforgivable. Unfortunately, pretty consistent with the theme of this legislation, the total indifference, lack of concern, beyond the neglect, what we’re about to see, today, is another example of why Texas is under the Voting Rights Act, because in many ways we continue to behave just like the old south, the old confederate state that we are, consistently ignoring the rights of minority communities. In the case of Tarrant County, we take the African American population and crack it into four different senatorial districts. We take the Latino population and do exactly the same thing. It’s harshest in the senatorial district I represent now, because the inner city, entirely within the city of Fort Worth—the district that I represent right now—is cracked into three different senatorial districts, two of which are dominated by populations outside of Tarrant County. I’m asking you—I don’t really have high expectations, but I’m asking you to hear the appeals of four minority city council members of Fort Worth, our JP, our neighborhood associations—this is wrong, and unfortunately, you’ll probably not listen, and we’ll just have to see you in court, and we’ll have a delay in implementing the new senatorial lines. I ask you to vote no against this horrible bill.

ALONZO: I’m going to be brief, but I just wanted to come and oppose this plan, because, as I mentioned when I was making my comments, it was time to let folks know that there’s a significant amount of population, Hispanics in North Texas. You remember when Chairman Solomons began his presentation, he said in the business—and I won’t use his exact words, but in the business of redistricting, you go where the population goes. Guess what? The population goes to North Texas. Population is in North Texas—the numbers are there. One million Hispanics in Dallas County, 500,000 in Tarrant County. The population is there.

Now, with this amendment that I presented, that could have fixed that discussion, it showed that 63 percent of the population would have been Latino and 57 would have been Hispanic voting age population. Members, one of the things that’s going to be considered, as Chairman Solomons pointed out, that the Voting Rights Act was enacted in 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 has covered jurisdiction under Section 5 of the Voting Rights Act, which requires federal review of election changes in covered jurisdictions and blocks changes denying or abridging the right to vote on accounts of race, color, or because of
discrimination based on membership of a language minority. Changes that lead to retrogression for racial language minorities, respective of effective exercise of the electoral franchise.

Members, Texas was responsible for 107 Section 5 objections interposed by the justice department under Section 5 from 1983 to June 2006. Ten of these objections were aimed at blocking statewide voting changes that would discriminate against minority voters. The reason I point that out—the discussion has been, on the one hand, there was a discussion of fairness, on the other hand on the legal—that the proposed map is legal. I propose to say that it's not. We created opportunity to fix it, and it was tonight. You have one more opportunity to fix it, and that's by voting no on this bill. I strongly urge you, members, I strongly urge you. I come here from North Texas to let you know we have a growing population, we have growing opportunities, we want to have an opportunity to participate at the state senate level.

SOLOMONS: I appreciate your courtesies and your patience with this, this entire session on redistricting. If we're able to move to third reading, hopefully, we'll, for the first time in a long time, pass both a house map and a senate map. I understand the concerns of some of my colleagues, particularly in a couple of the districts, but I would ask your indulgence to pass this on to third reading.

SB 31 was passed to third reading by (Record 1201): 92 Yeas, 48 Nays, 7 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Harcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; Kleinschmidt; Kolkhorst; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Creighton; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Johnson; King, T.; Kuempel; Lozano; Lucio; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker; Aycock(C); Howard, D.; Keffer; King, S.; Mallory Caraway; Strama.

Absent, Excused — Patrick; Pickett.

Absent — Lyne.
STATEMENTS OF VOTE

I was shown voting present, not voting on Record No. 1201. I intended to vote yes.

Aycock

I was shown voting present, not voting on Record No. 1201. I intended to vote no.

Mallory Caraway

REMARKS ORDERED PRINTED

Representative Burnam moved to print remarks on SB 31. The motion prevailed. (Speaker in the chair)

COMMITTEE GRANTED PERMISSION TO MEET

Representative S. Miller requested permission for the Committee on Homeland Security and Public Safety to meet while the house is in session, at 5:15 p.m. today, in 3W.9, to consider pending business. Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Homeland Security and Public Safety, 5:15 p.m. today, 3W.9, for a formal meeting, to consider pending business.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 5:15 p.m. today, in 3W.15, to set a calendar. Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 5:15 p.m. today, 3W.15, for a formal meeting, to set a calendar. (Ritter in the chair)

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

SB 587 ON THIRD READING (Darby - House Sponsor)

SB 587, A bill to be entitled An Act relating to jurisdiction in certain proceedings brought by the attorney general with respect to charitable trusts. SB 587 was read third time earlier today and was postponed until this time.
Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 20, 2011 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 753 Raymond SPONSOR: Zaffirini
Relating to the recruitment and retention of certain caseworkers employed by the Department of Family and Protective Services.
(Amended)

HB 1495 Munoz, Jr. SPONSOR: Hinojosa
Relating to the application of the Information Resources Management Act to public junior colleges and public junior college districts.
(Amended)

HB 1665 King, Susan SPONSOR: Fraser
Relating to the notification requirements regarding certain land use regulations in an area near military facilities.
(Amended)

HB 1818 Harper-Brown SPONSOR: Hinojosa
Relating to the continuation and functions of the Texas State Affordable Housing Corporation; providing penalties.
(Committee Substitute/Amended)

HB 1887 Villarreal SPONSOR: Hinojosa
Relating to tax administration of and procedures for property tax protests and appeals; changing the elements of an offense.
(Committee Substitute/Amended)

HB 1951 Taylor, Larry SPONSOR: Hegar
Relating to the continuation and operation of the Texas Department of Insurance and the operation of certain insurance programs; imposing administrative penalties.
(Committee Substitute/Amended)

HB 2742 Kleinschmidt SPONSOR: Estes
Relating to the business of structural pest control.

HB 2817 Taylor, Larry SPONSOR: Duncan
Relating to certain election practices and procedures.
(Committee Substitute)

HB 2825 Otto SPONSOR: Williams
Relating to the composition and appointment of the board of directors of a corporation to which the board of regents of The University of Texas System delegates investment authority for the permanent university fund or other funds under the control of the board of regents.

**HB 3410**  
Smithee  
SPONSOR: Duncan  
Relating to the managing underwriters for surplus lines insurance transactions and to the collection of surplus lines insurance premium taxes for those transactions.  
(Amended)

**HB 3573**  
King, Susan  
SPONSOR: Fraser  
Relating to limiting the disclosure of certain information regarding certain charitable organizations, trusts, private foundations, and grant-making organizations.

**HB 3788**  
Marquez  
SPONSOR: Davis  
Relating to the authority of a county civil service commission to administer oaths and issue subpoenas; providing a penalty.  
(Amended)

**HCR 151**  
Lavender  
SPONSOR: Eltife  
In memory of Bowie County Transport Deputy Sherri Jones.

Respectfully,

Patsy Spaw  
Secretary of the Senate

**Message No. 3**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Friday, May 20, 2011 - 3

The Honorable Speaker of the House  
House Chamber  
Austin, Texas  

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 1581**  
Ogden  
SPONSOR: Aycock  
Relating to state fiscal matters, and certain administrative and business matters, related to public and higher education.

Respectfully,

Patsy Spaw  
Secretary of the Senate
APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 19

Agriculture and Livestock - SB 616
Business and Industry - SB 1425
Corrections - SB 1209, SB 1617
County Affairs - HB 3832
Criminal Jurisprudence - SB 295, SB 407
Culture, Recreation, and Tourism - SB 1841
Defense and Veterans' Affairs - SB 1493, SB 1737
Economic and Small Business Development - HCR 147, SB 627, SB 1175
Higher Education - SB 32, SB 145, SB 149, SB 162, SB 568, SB 850, SB 975, SB 1730, SB 1909
Homeland Security and Public Safety - SB 86, SB 150, SB 364, SB 530, SB 876, SB 1237, SB 1292
Human Services - SB 76
Insurance - SB 1686
Judiciary and Civil Jurisprudence - SB 473, SB 481, SB 482, SB 791, SB 819, SB 1159, SB 1196, SB 1228, SB 1545, SB 1560, SB 1751, SB 1887
Licensing and Administrative Procedures - SB 1044, SB 1789
Land and Resource Management - SB 1044, SB 1789
Natural Resources - SB 573, SB 609, SB 635, SB 765, SB 987, SB 1073, SB 1361
Pensions, Investments, and Financial Services - SB 812, SB 1319, SB 1664, SB 1671, SB 1810
Public Education - HCR 152, SB 224, SB 1042, SB 1094, SB 1113, SB 1114, SB 1383, SB 1557, SB 1620
Public Health - SB 8, SB 81, SB 620, SB 1360, SB 1857
State Affairs - SB 669, SB 809, SB 855, SB 899, SB 981, SB 1002, SB 1069, SB 1393, SB 1605, SB 1638, SB 1907, SB 1910
Ways and Means - SB 326, SB 422, SB 597, SB 682, SB 915, SB 1070, SB 1120, SB 1130, SB 1185, SB 1404, SB 1413, SB 1441
ENGROSSED

May 19 - HB 1690, HB 1693, HB 3743, HB 3848, HB 3864, HB 3865, HB 3866

SIGNED BY THE GOVERNOR

May 19 - HB 15, HB 46, HB 906, HB 984, HB 1032, HB 1346, HB 1625, HB 2561, HCR 45
REPRESENTATIVE BURNAM: I’ll be very brief. This is SB 31, it cracks both the African American and Hispanic communities in Tarrant County into four different senatorial districts. I believe that it is illegal, immoral, and wrong, and I want to make sure that anybody that has those concerns votes against it.

REMARKS ORDERED PRINTED

Representative Burnam moved to print remarks on SB 31.

The motion prevailed.

SB 31 was passed by (Record 1254): 96 Yeas, 47 Nays, 3 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolpack; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otter; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Burnam; Castro; Coleman; Creighton; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hochberg; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C); Howard, D.; Strama.

Absent, Excused — Alvarado; Flynn; Hernandez Luna; Woolley.

STATEMENT OF VOTE

When Record No. 1254 was taken, I was excused because of important business. Had I been present, I would have voted no.

Alvarado

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

(Bonnen in the chair)