HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, FIRST CALLED SESSION

SUPPLEMENT

EIGHTH DAY — TUESDAY, JUNE 14, 2011

CSSB 4 - AMENDMENTS

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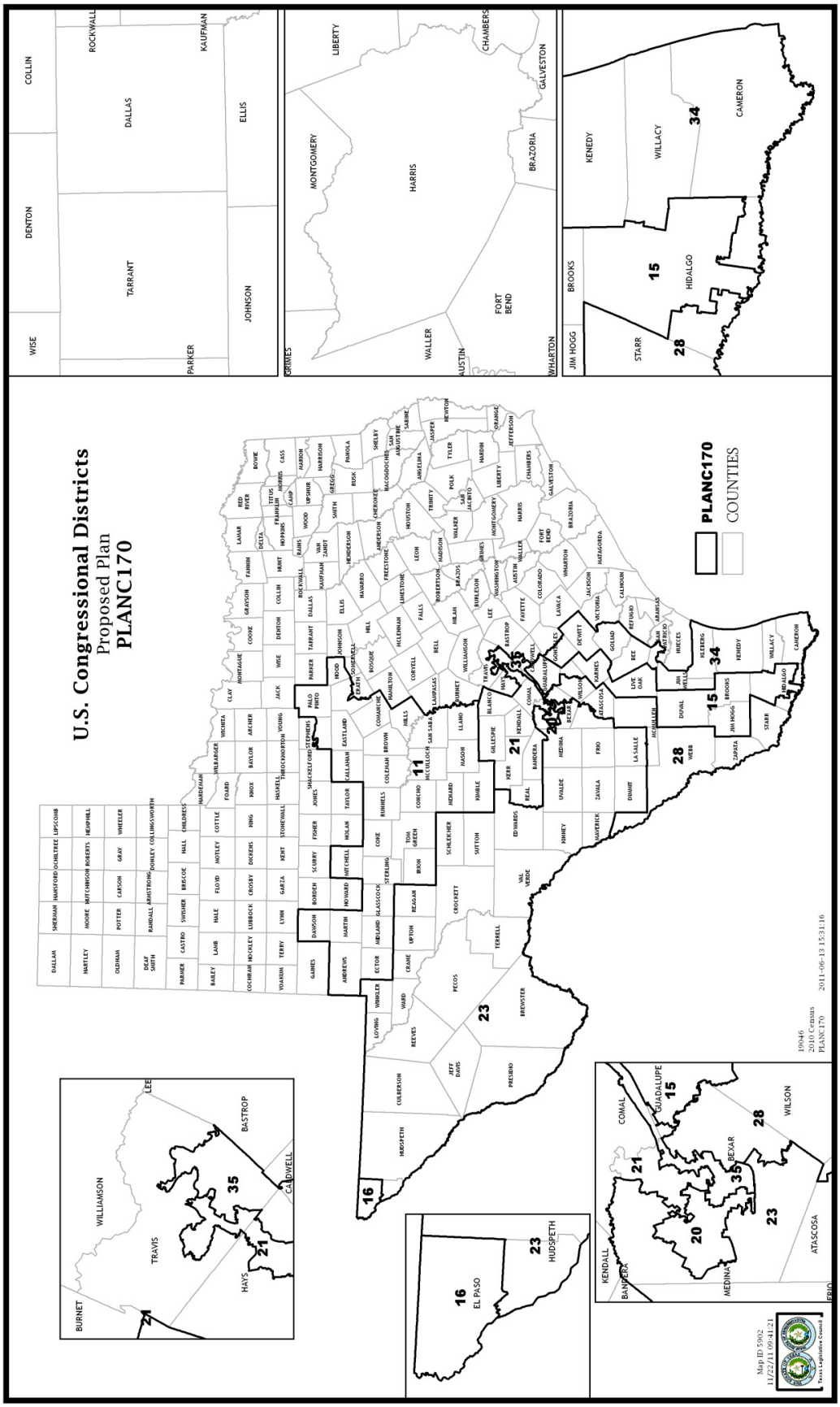
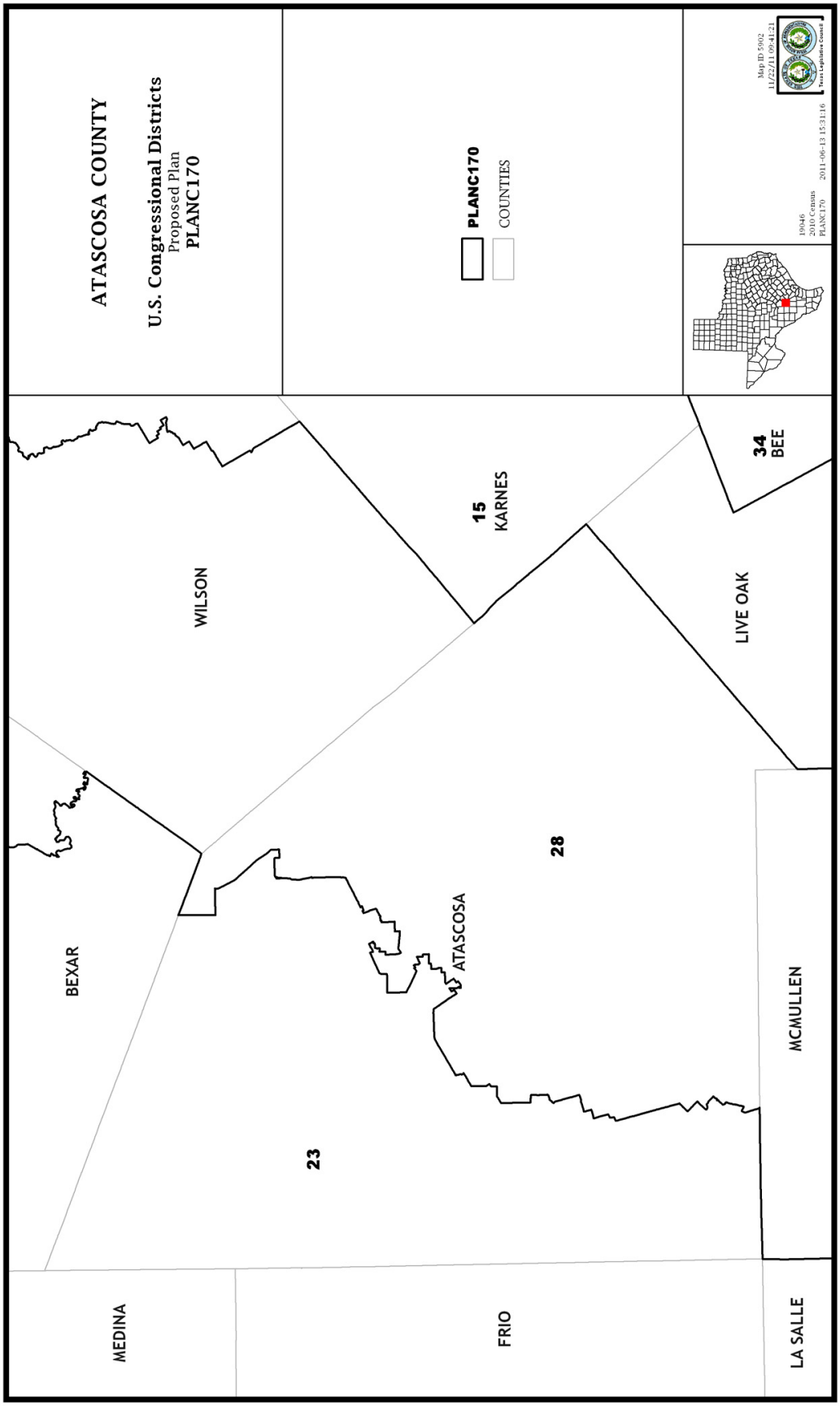
Amendment No. 1 (by Solomons)

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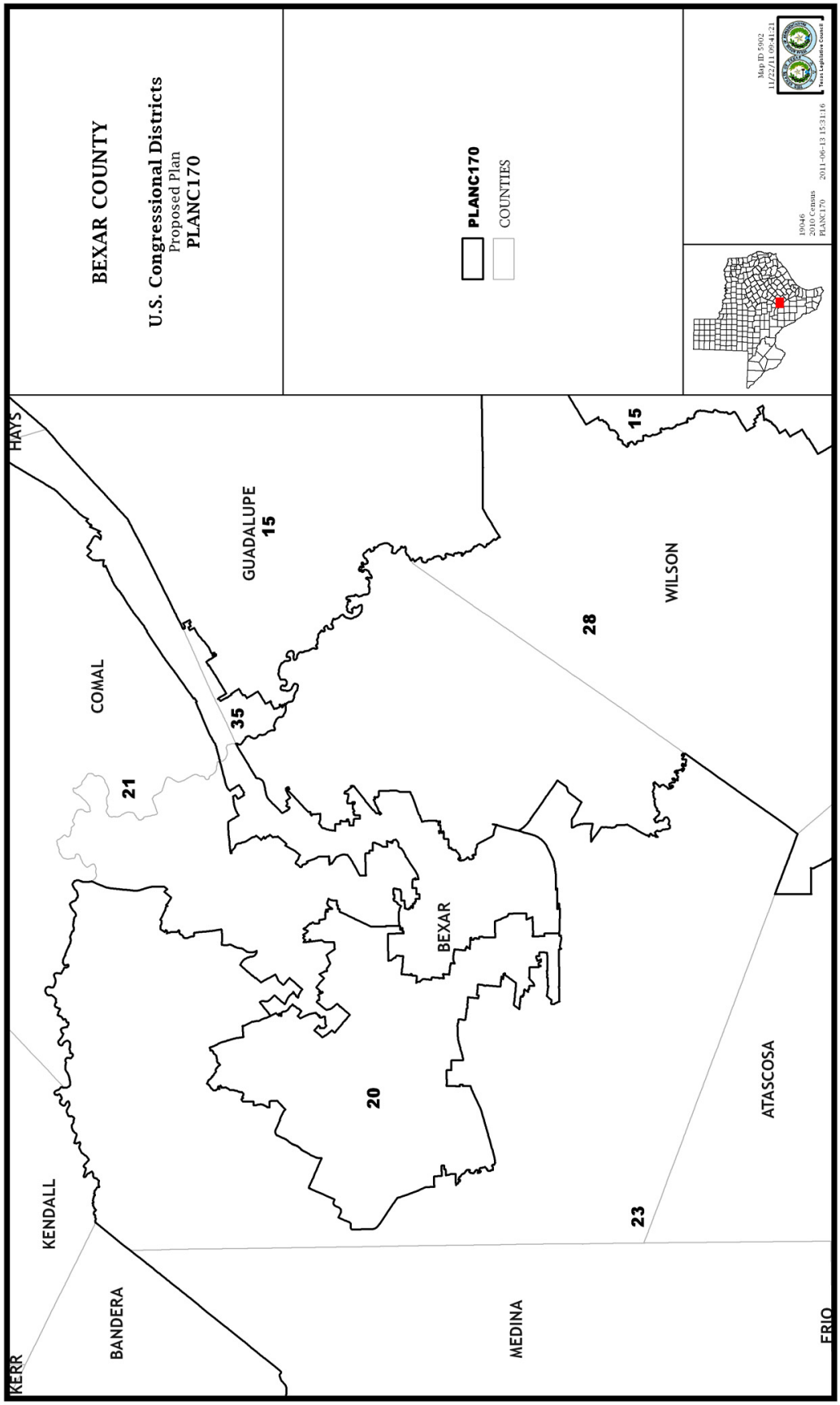
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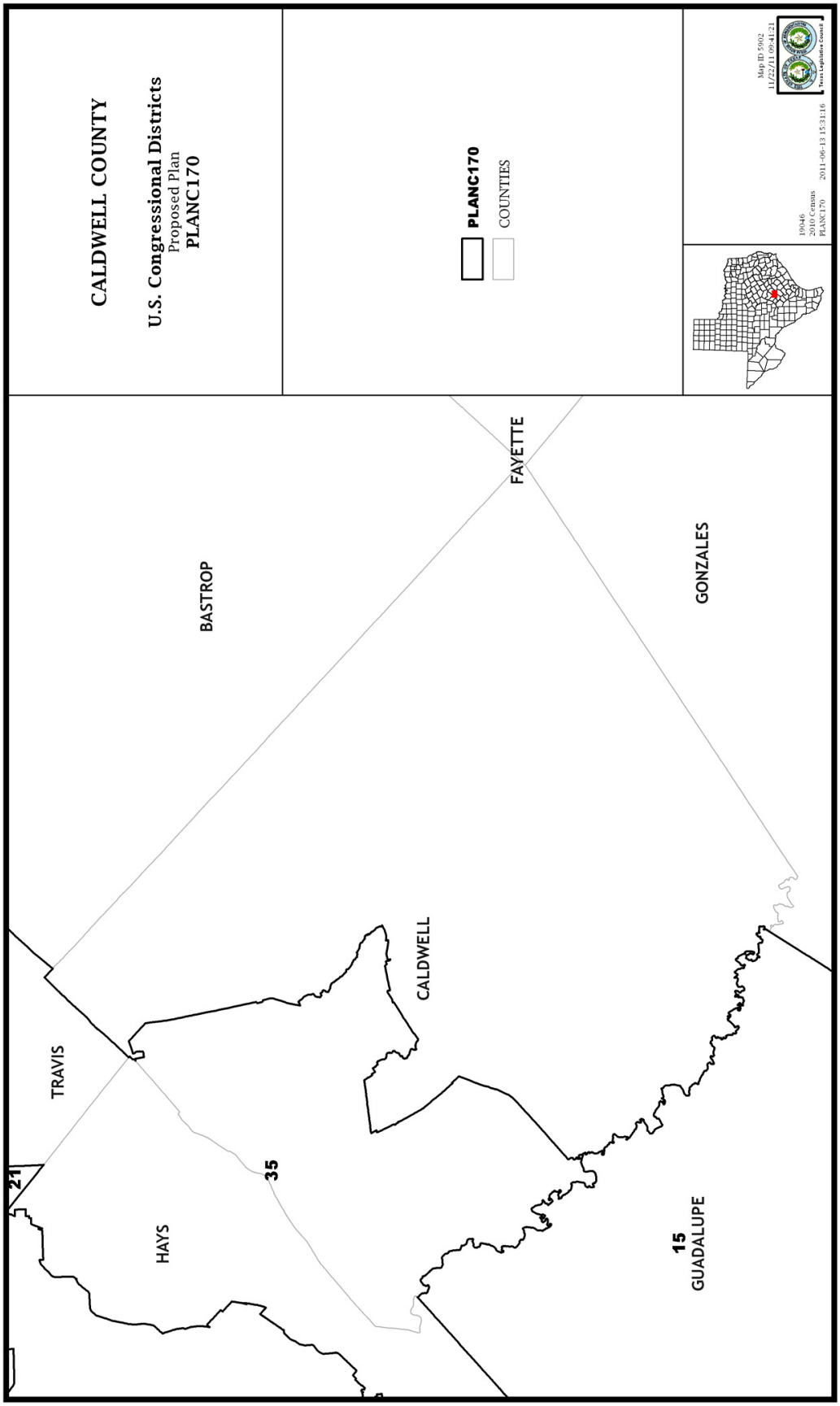
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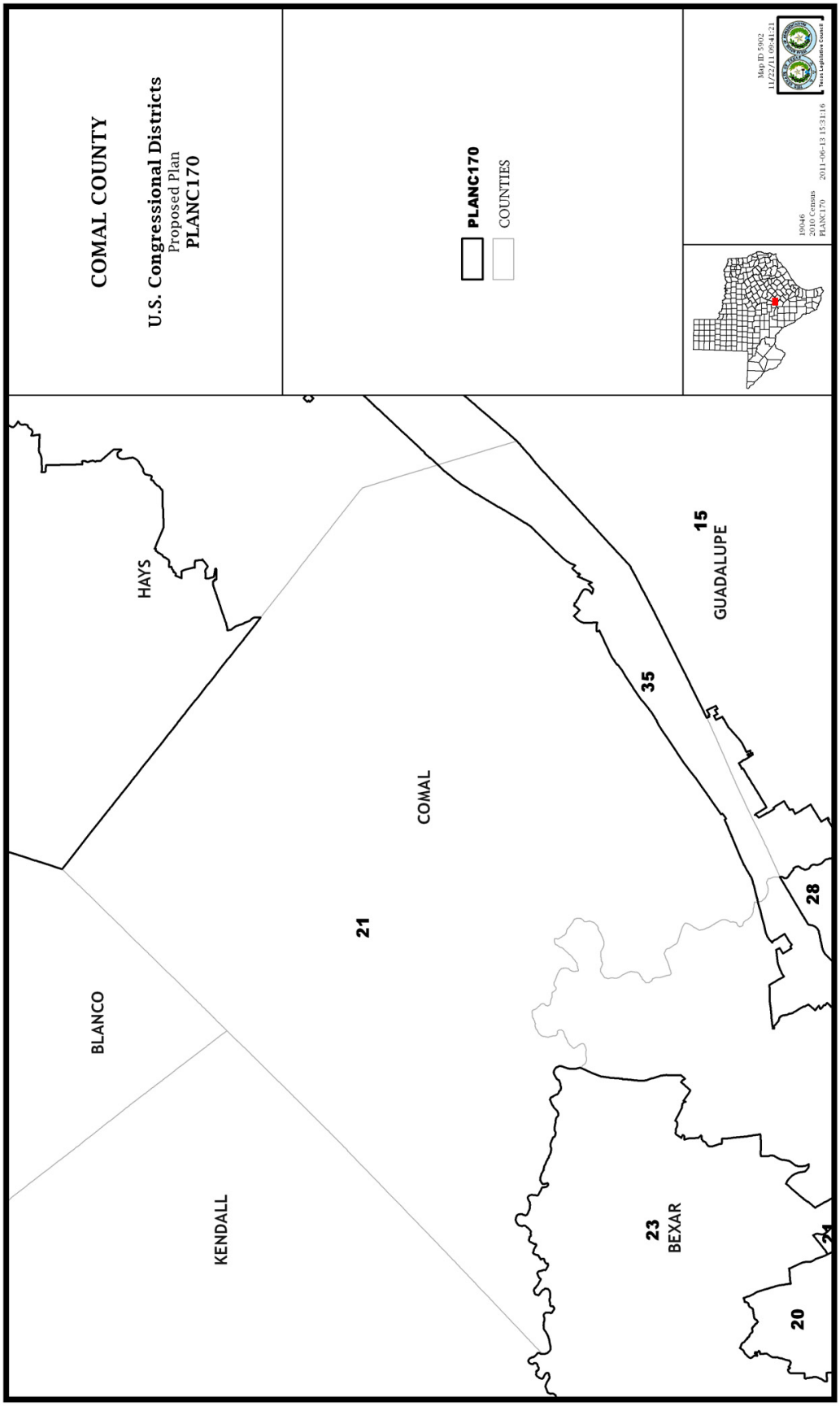
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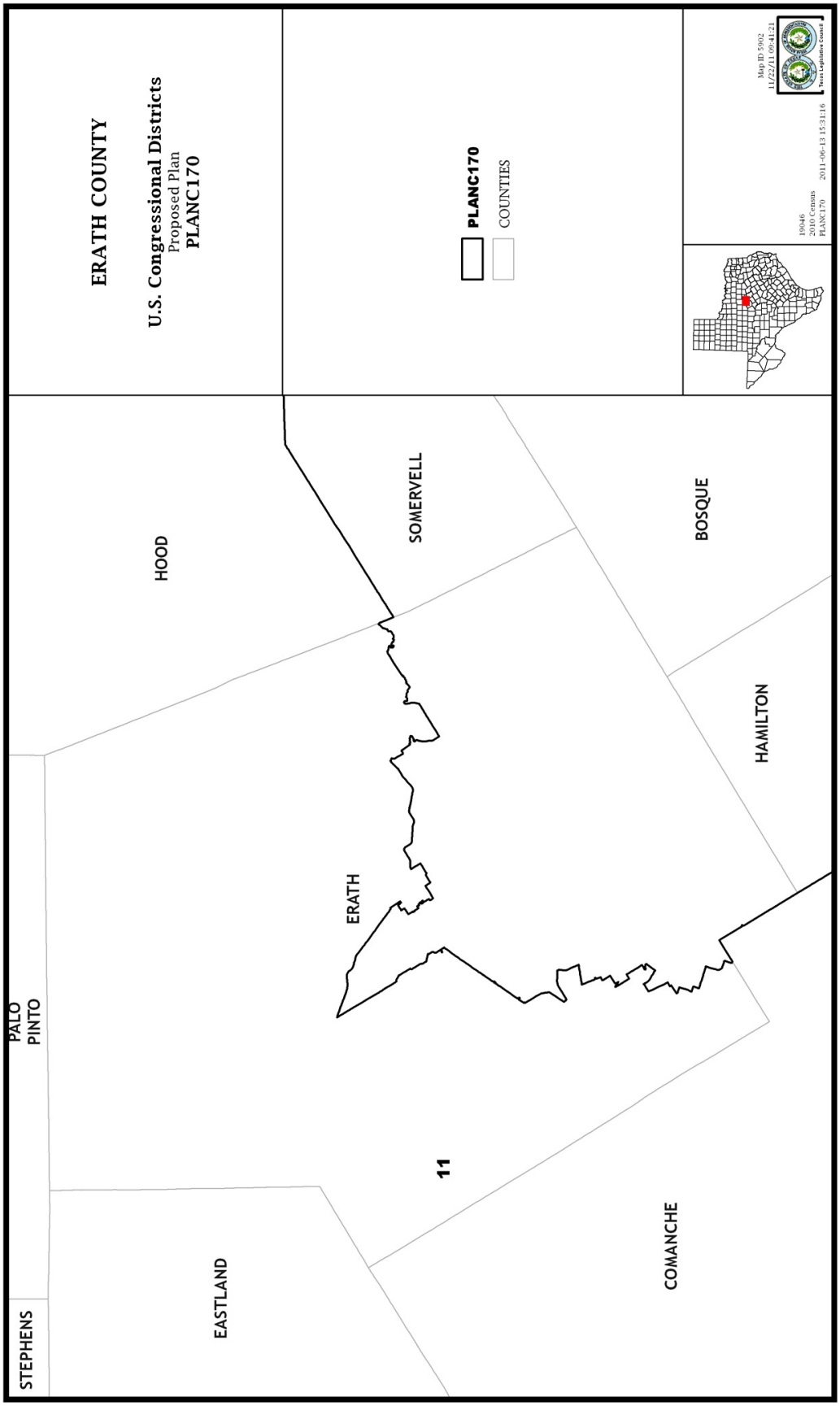
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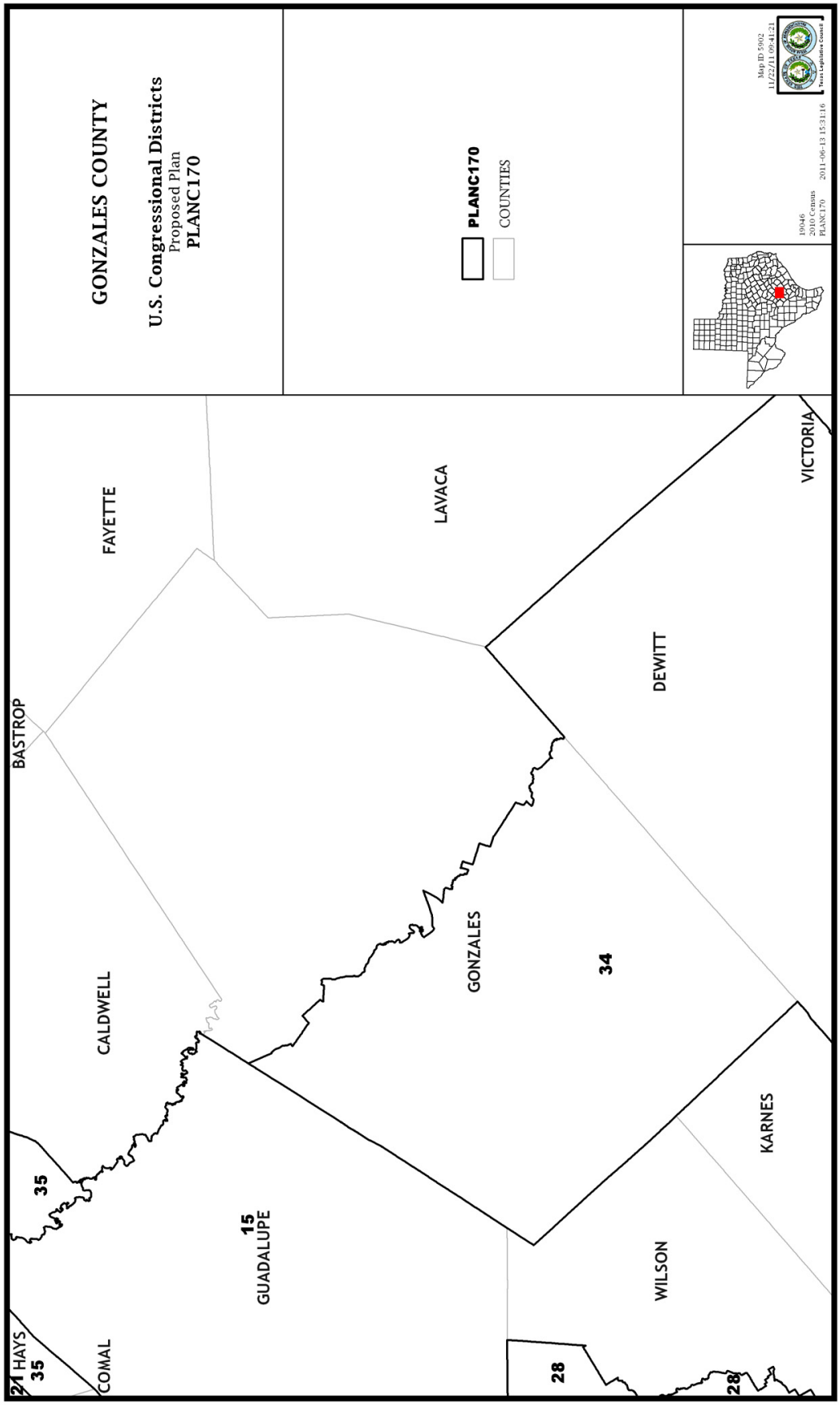
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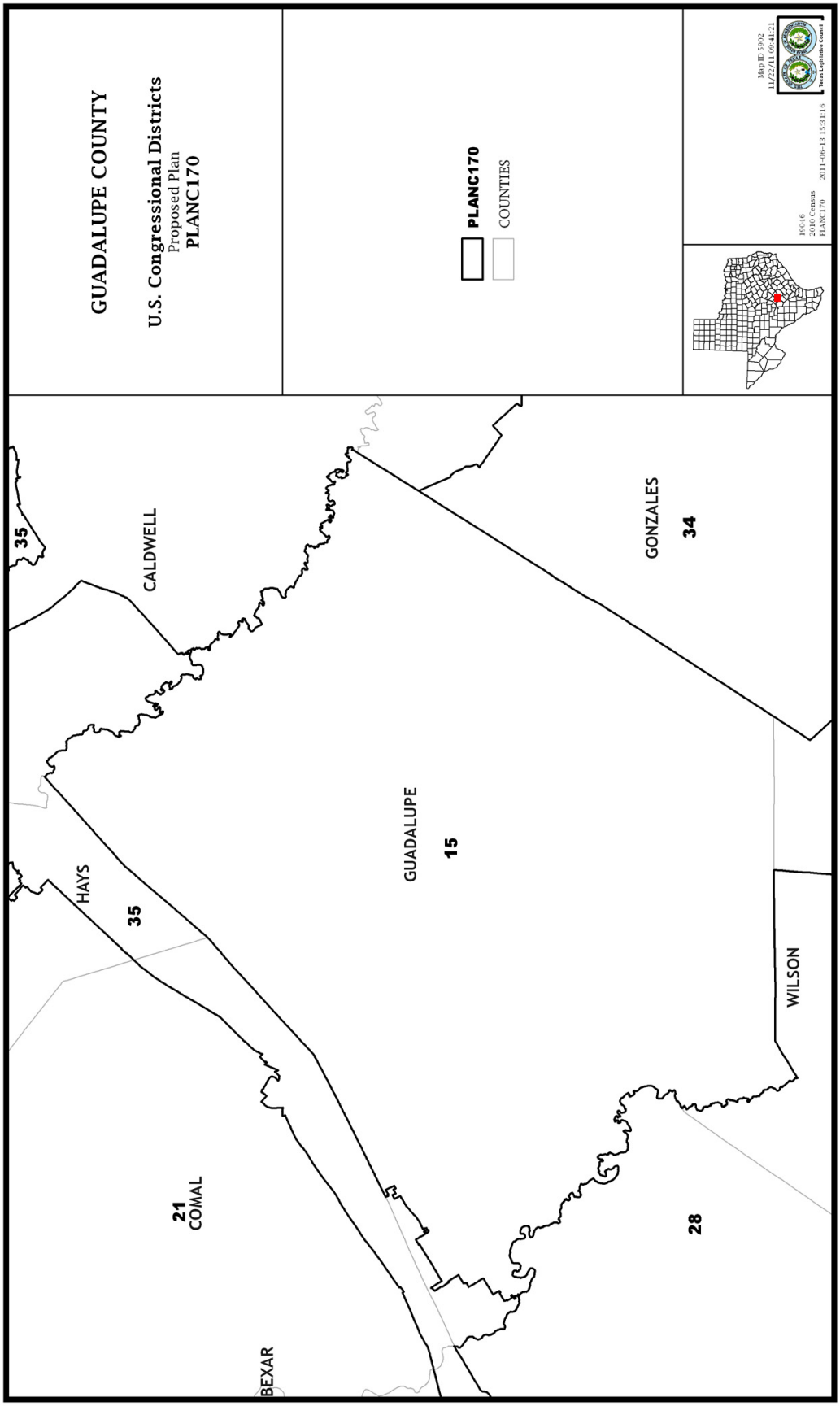
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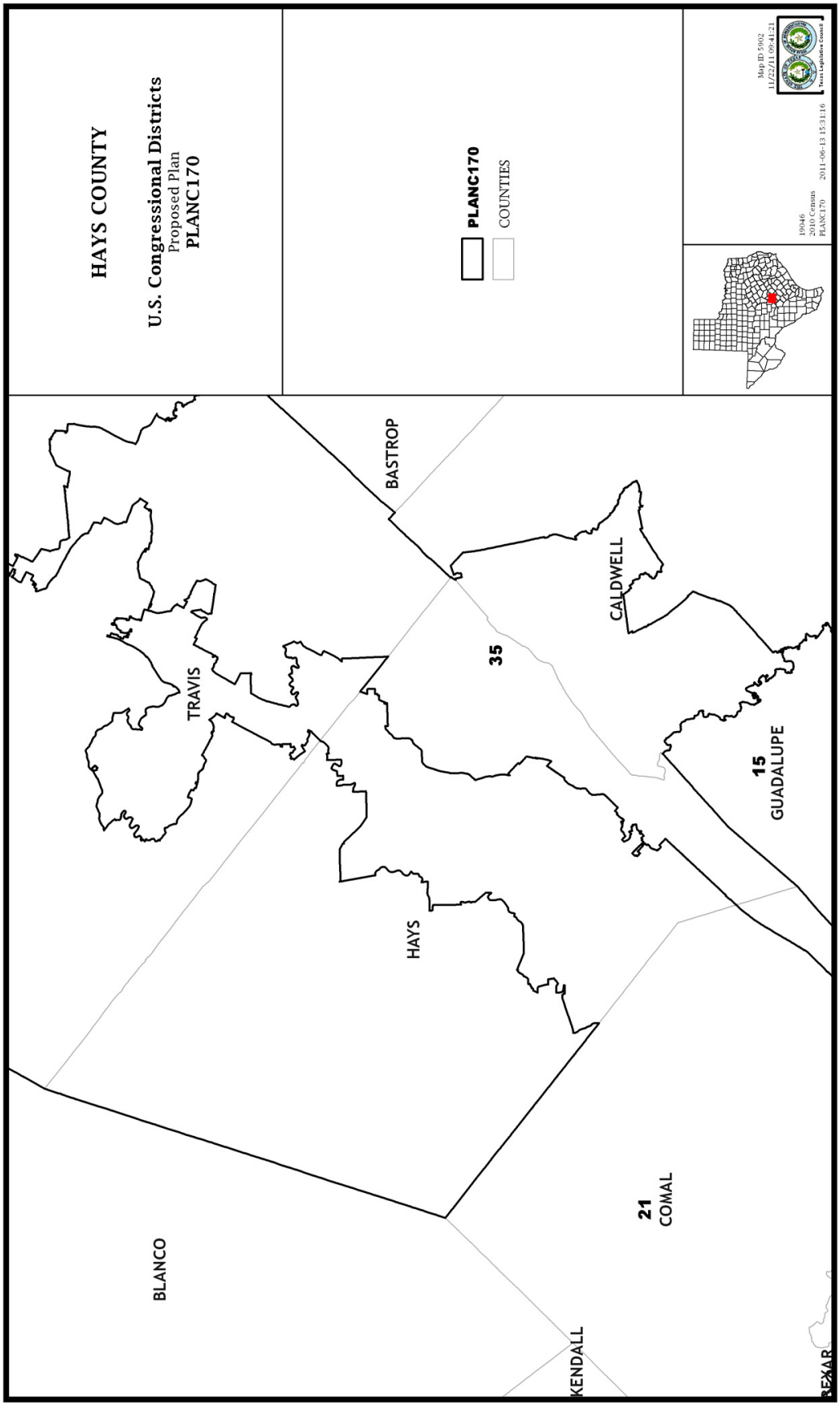
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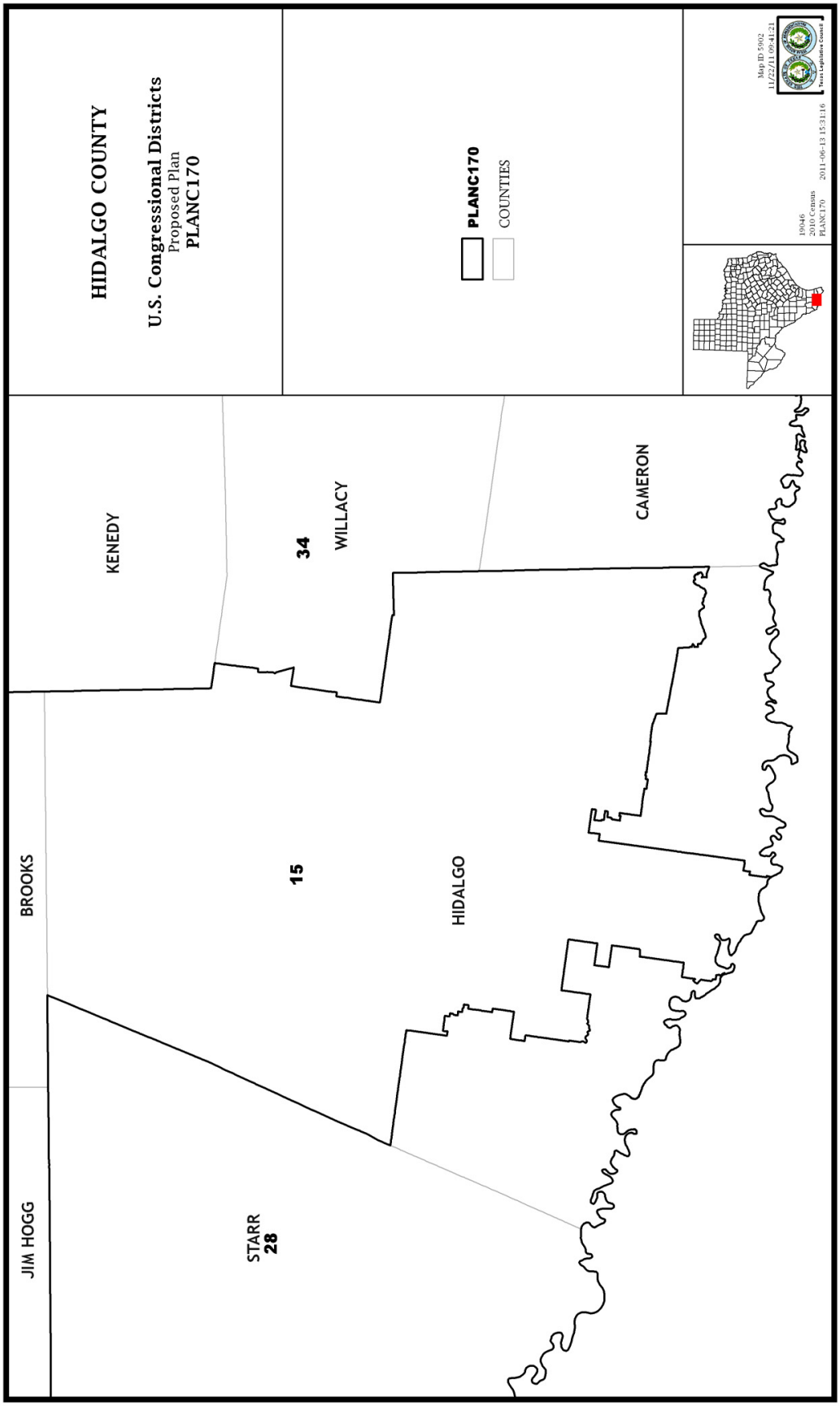
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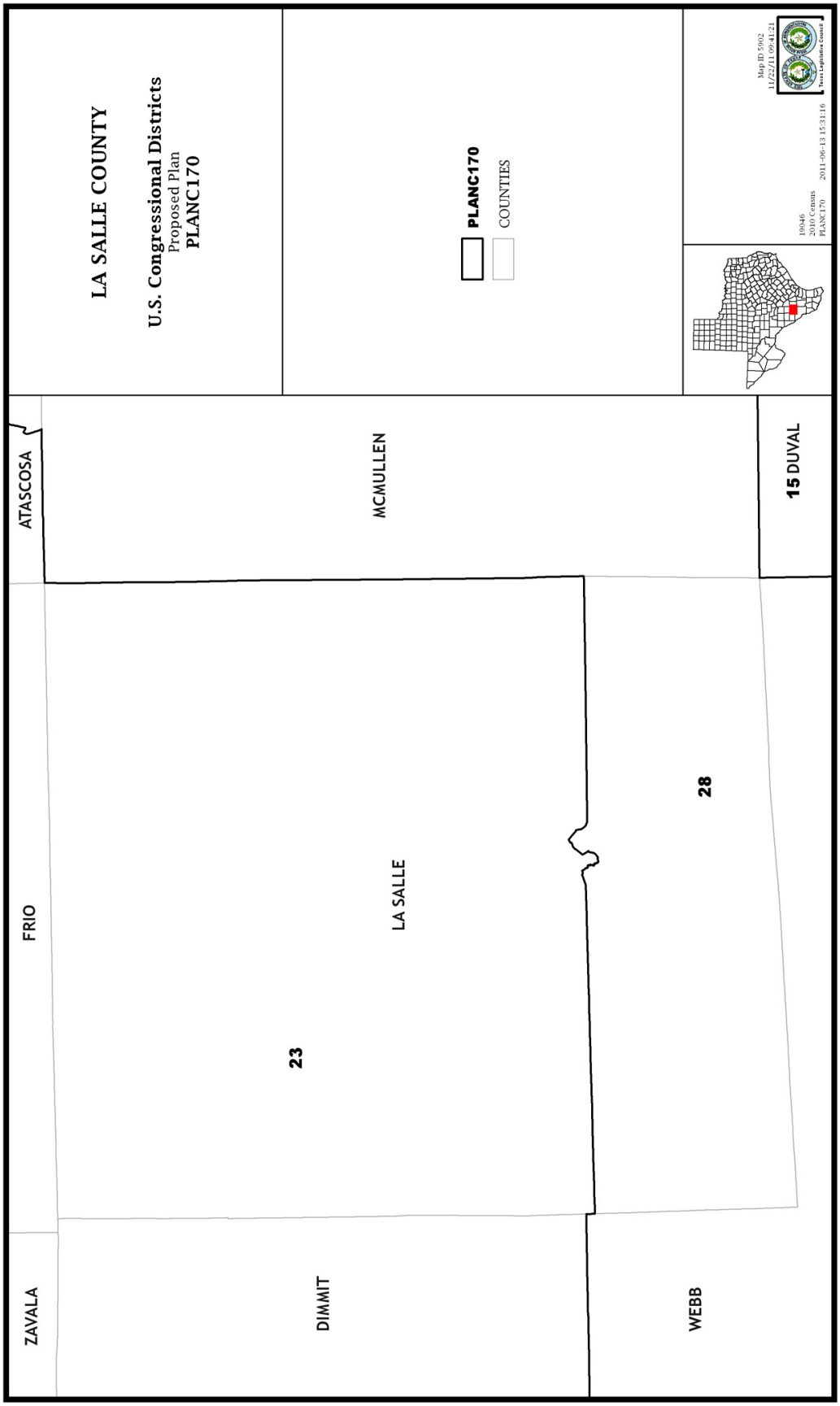
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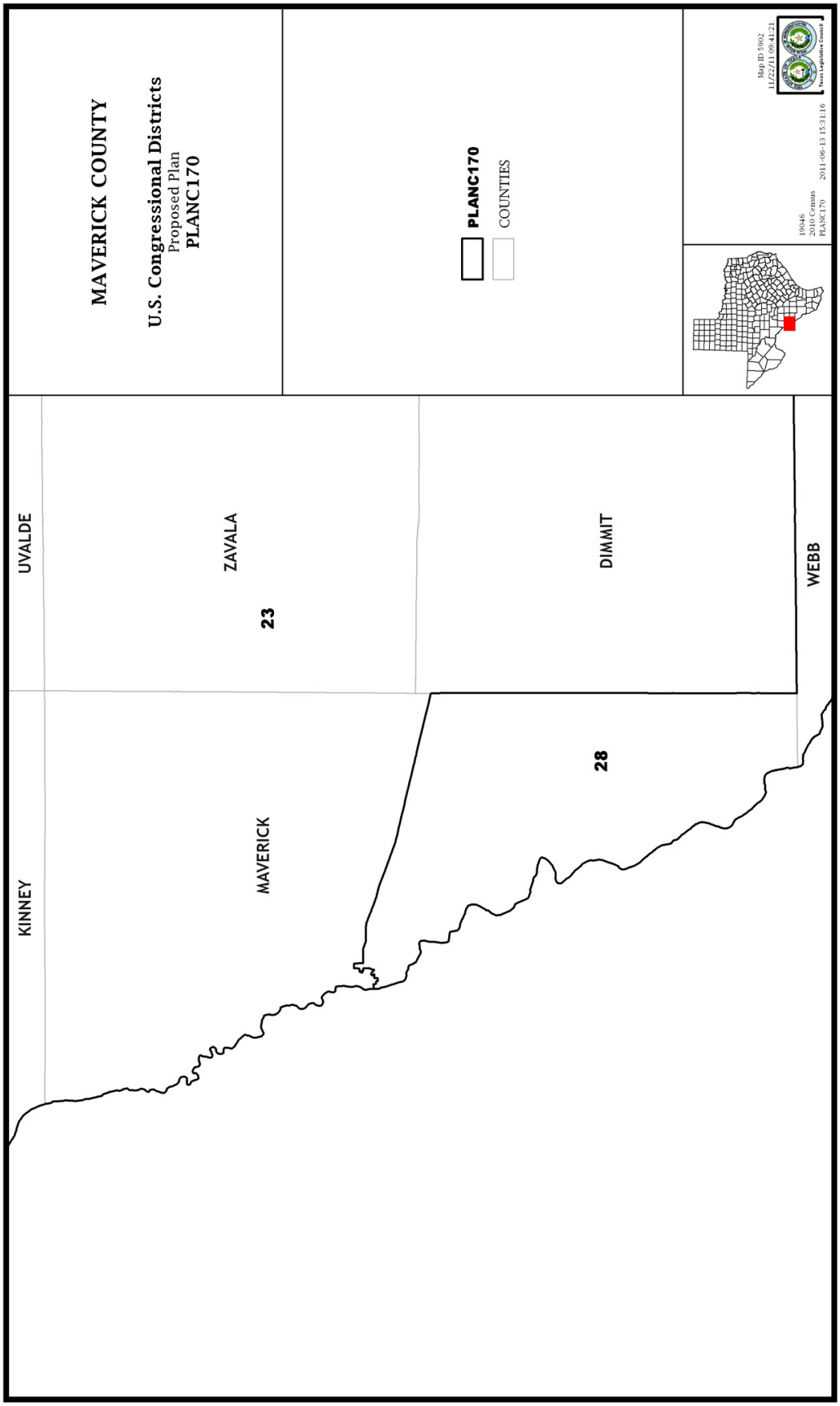
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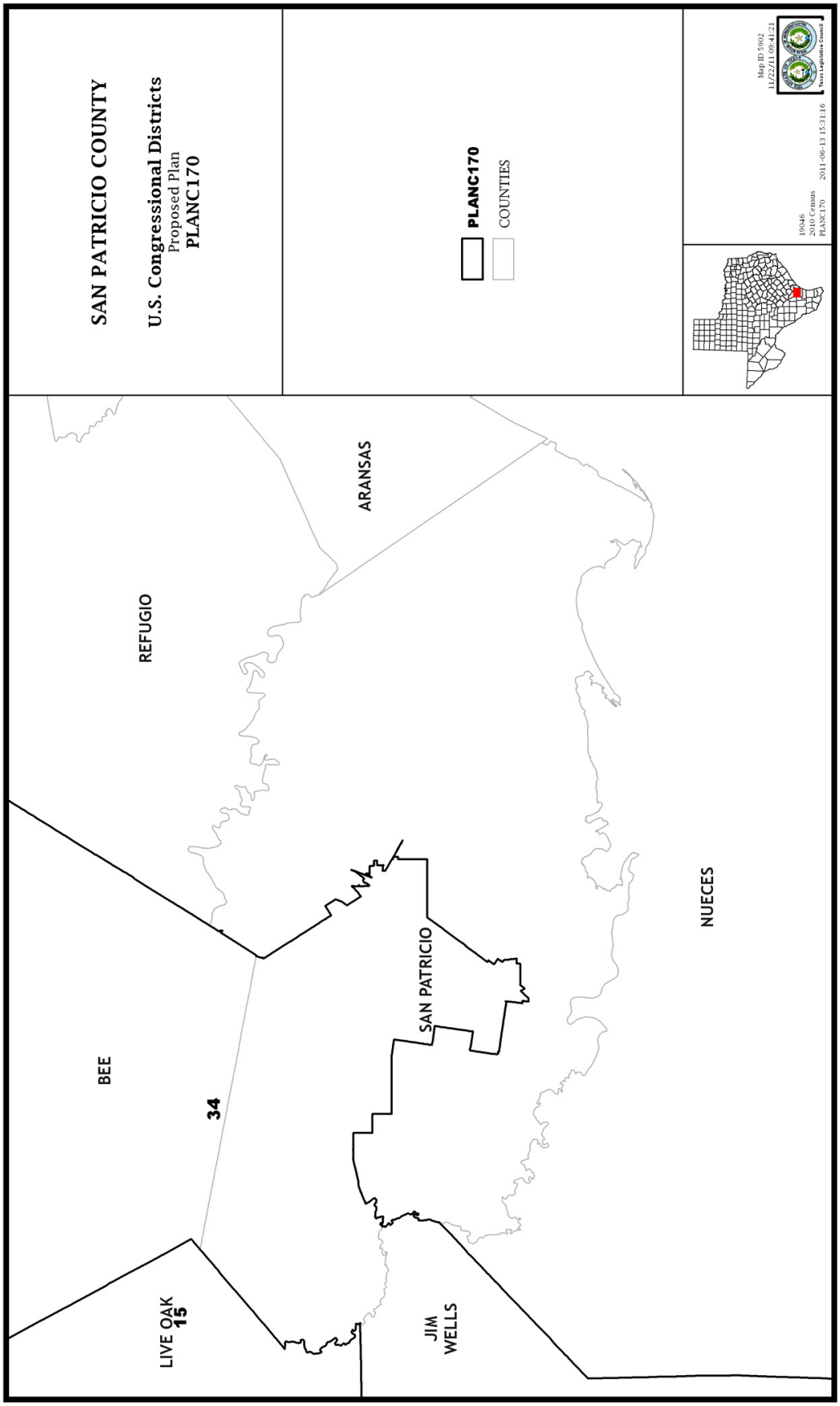
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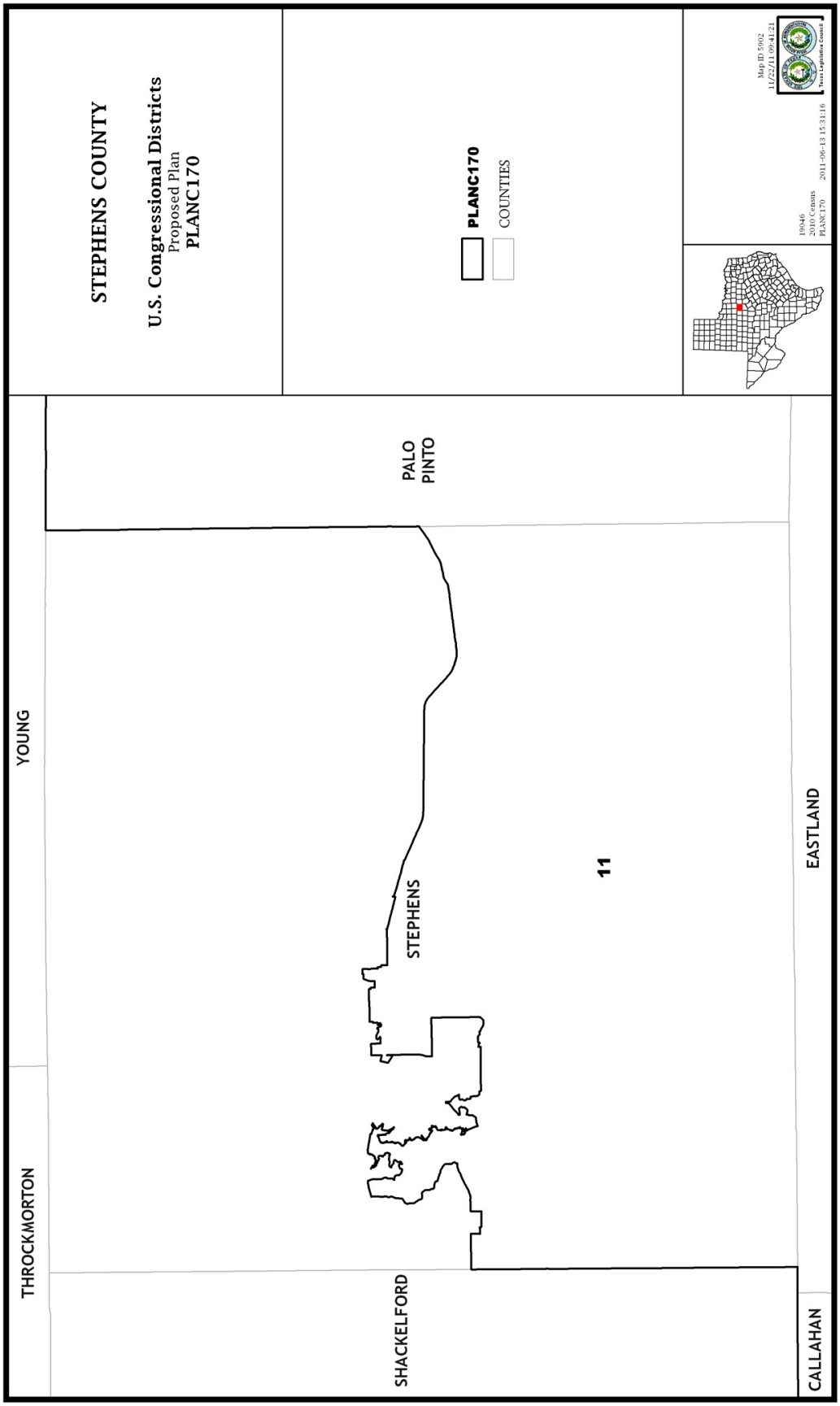
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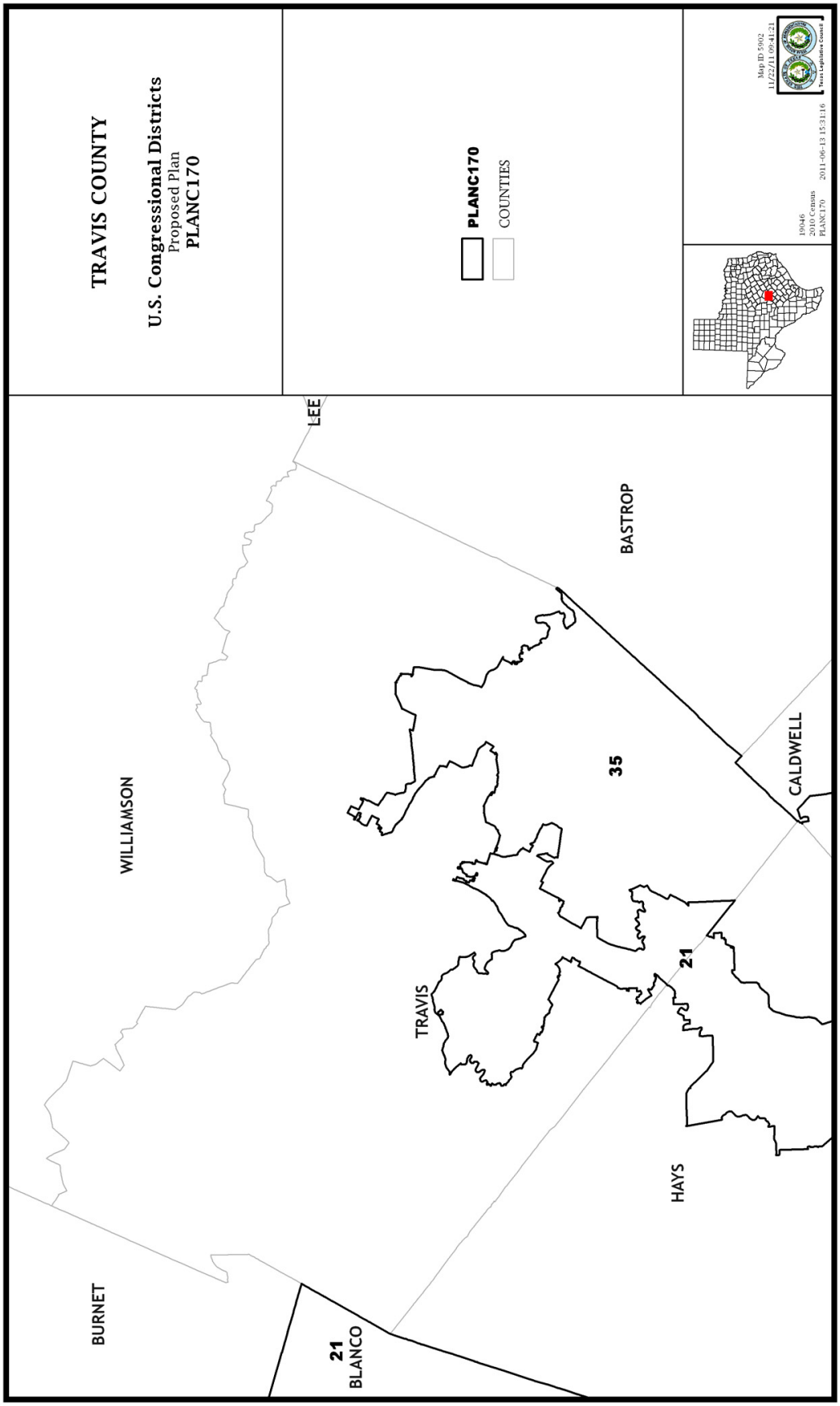
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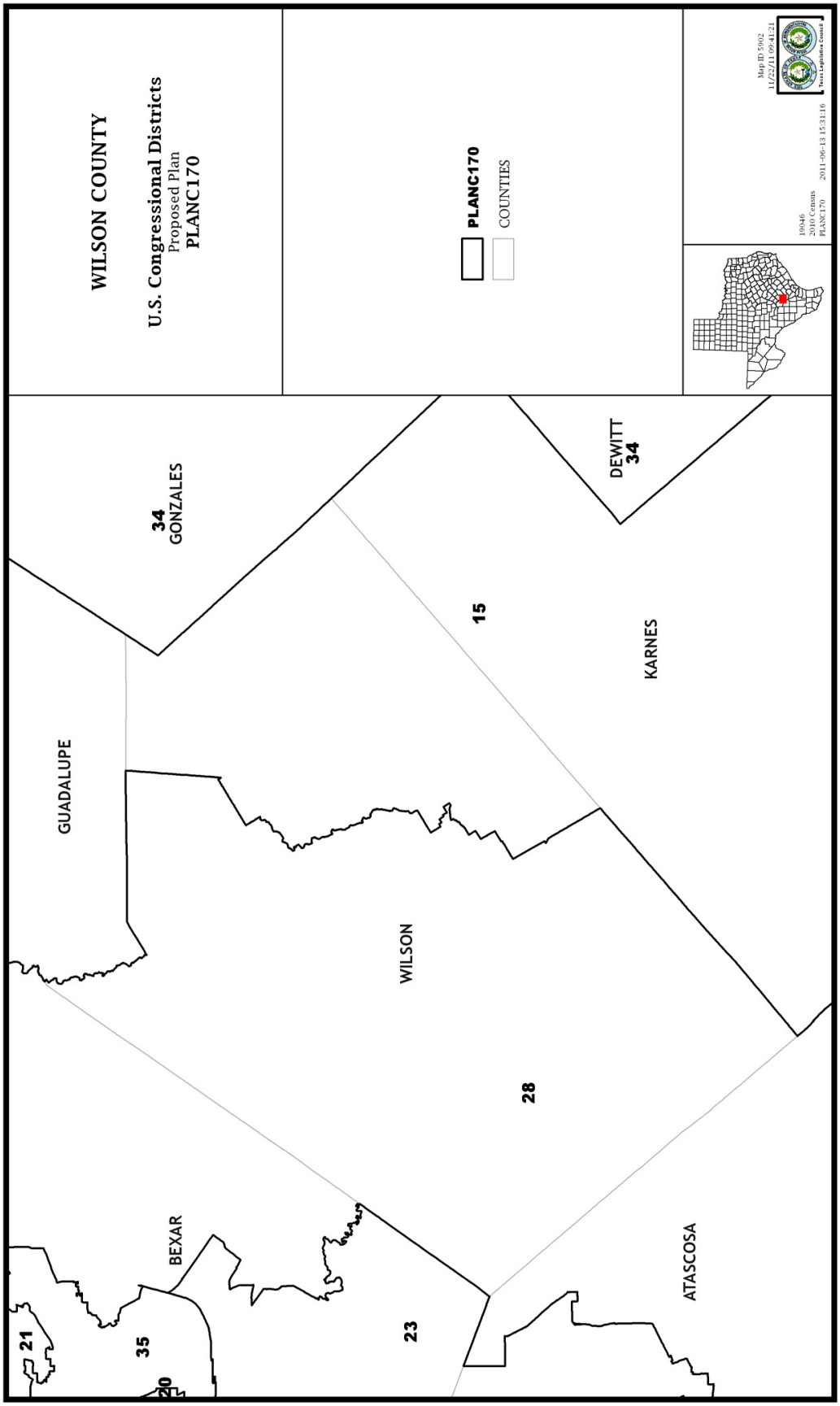
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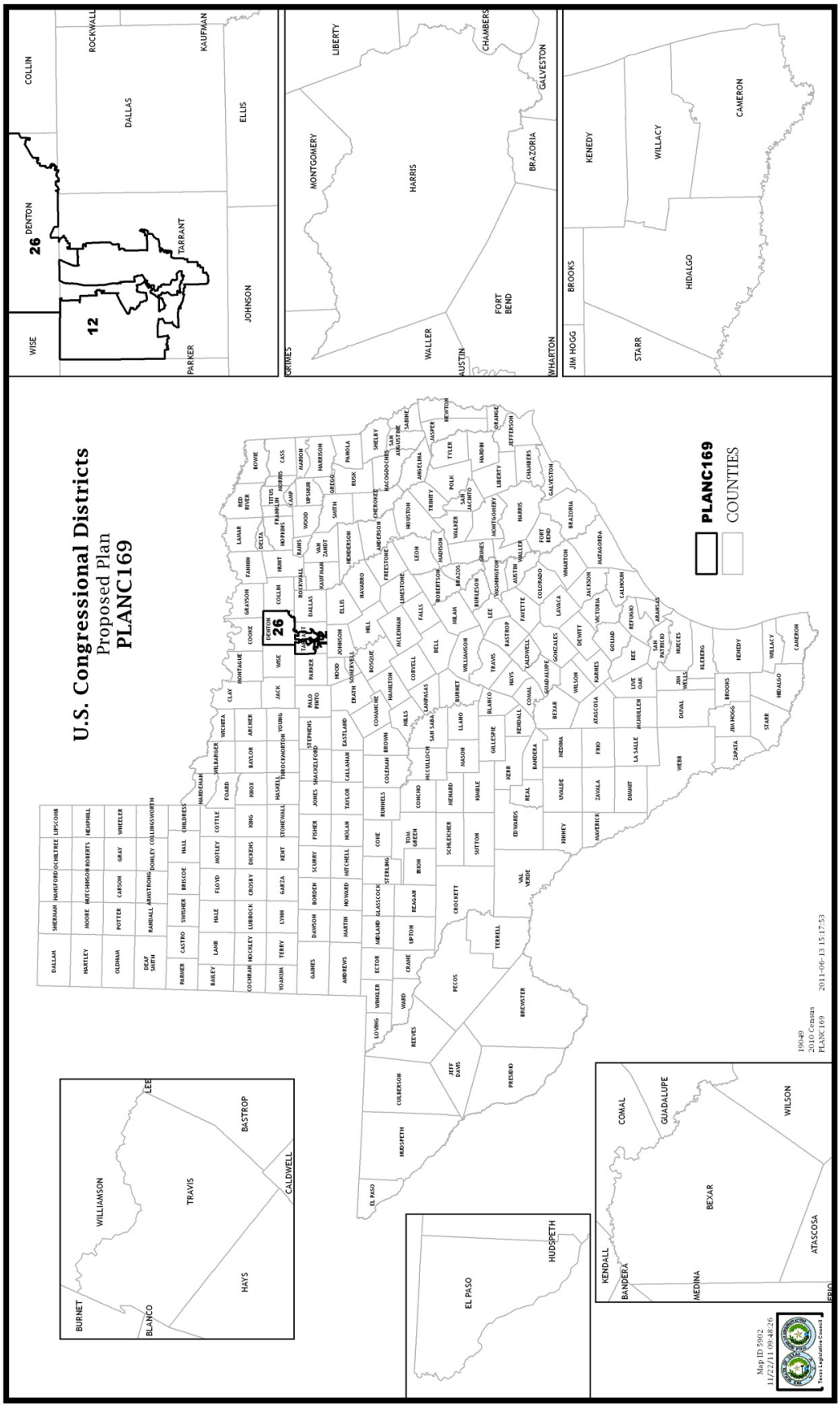
Amendment No. 2 (by Geren)



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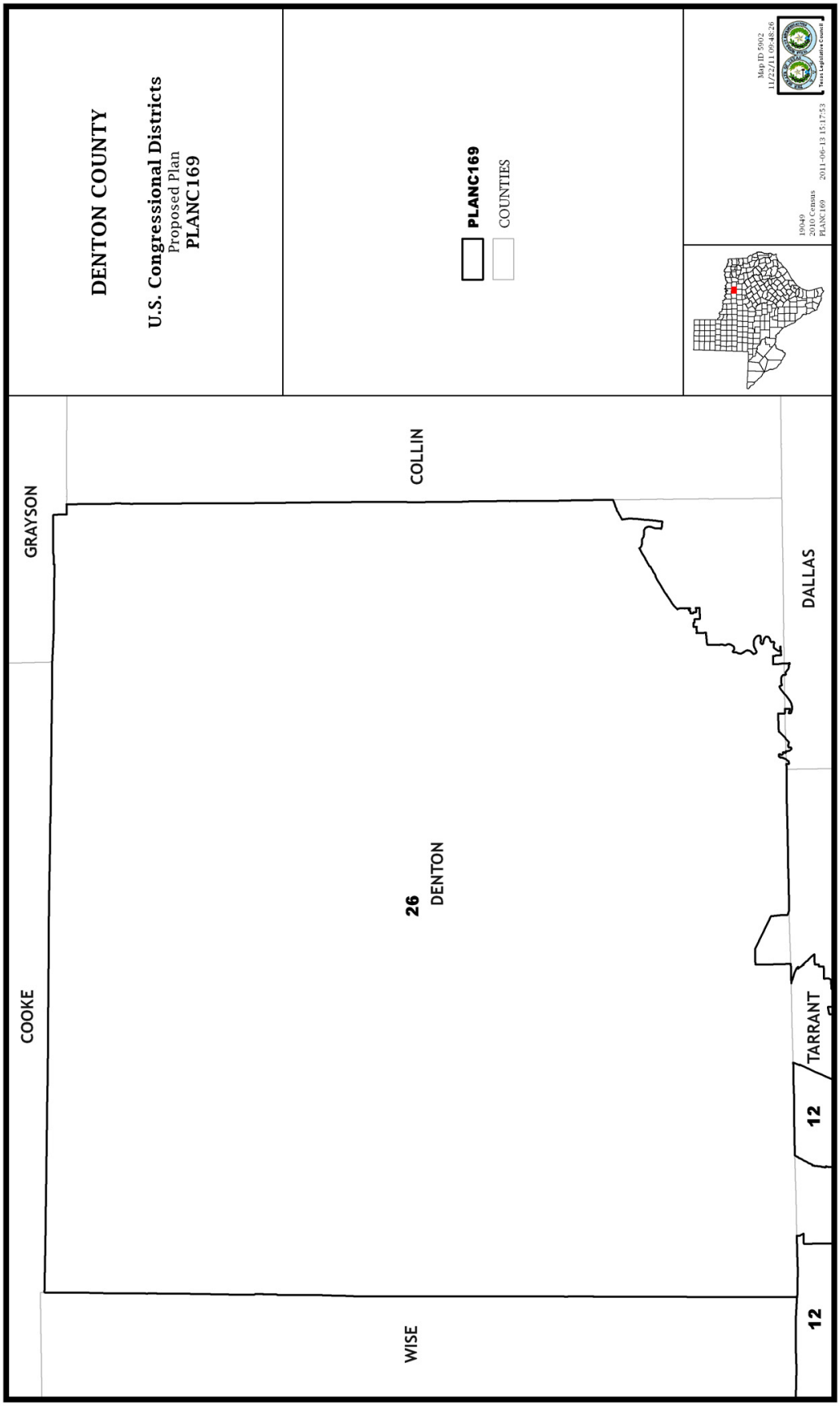
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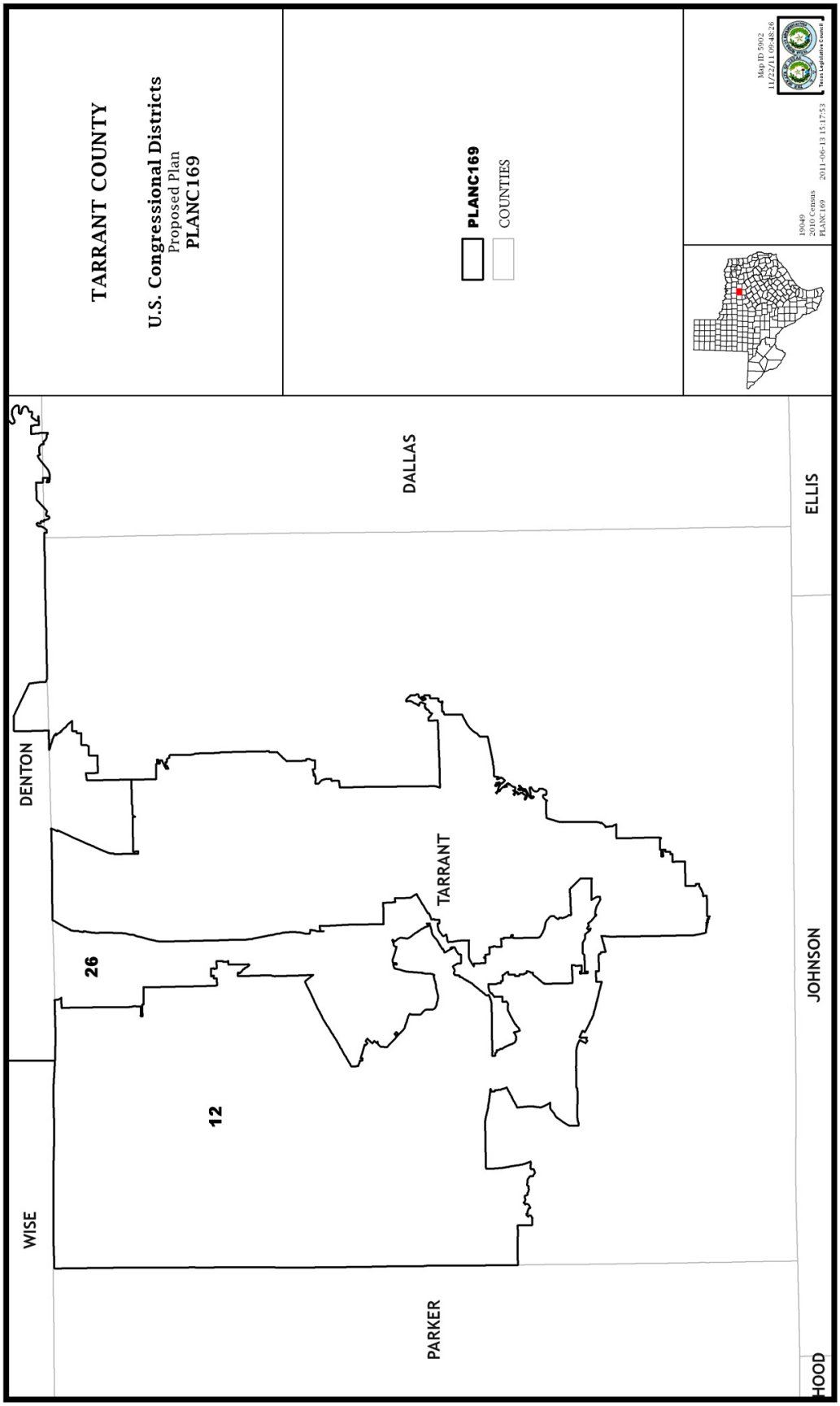
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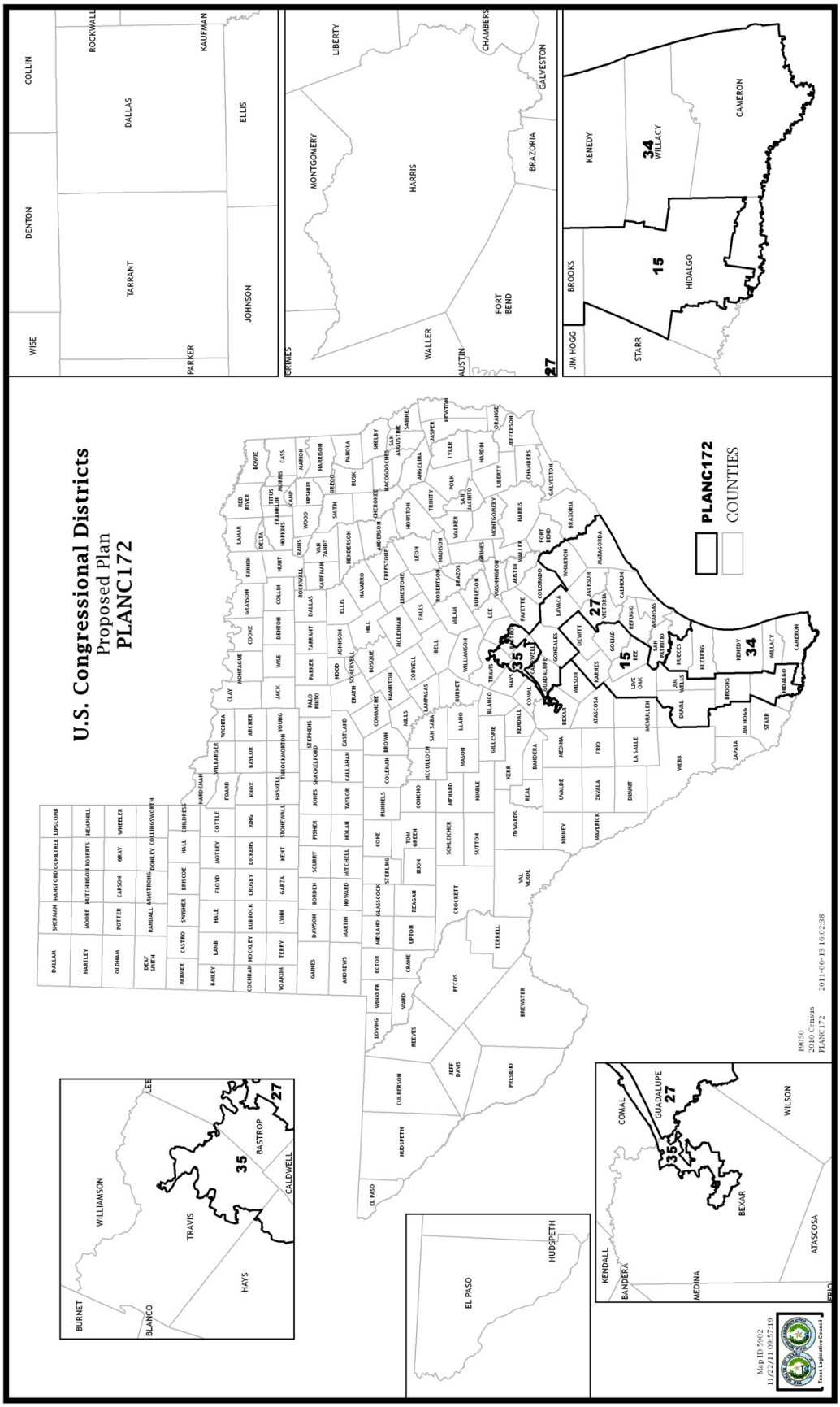

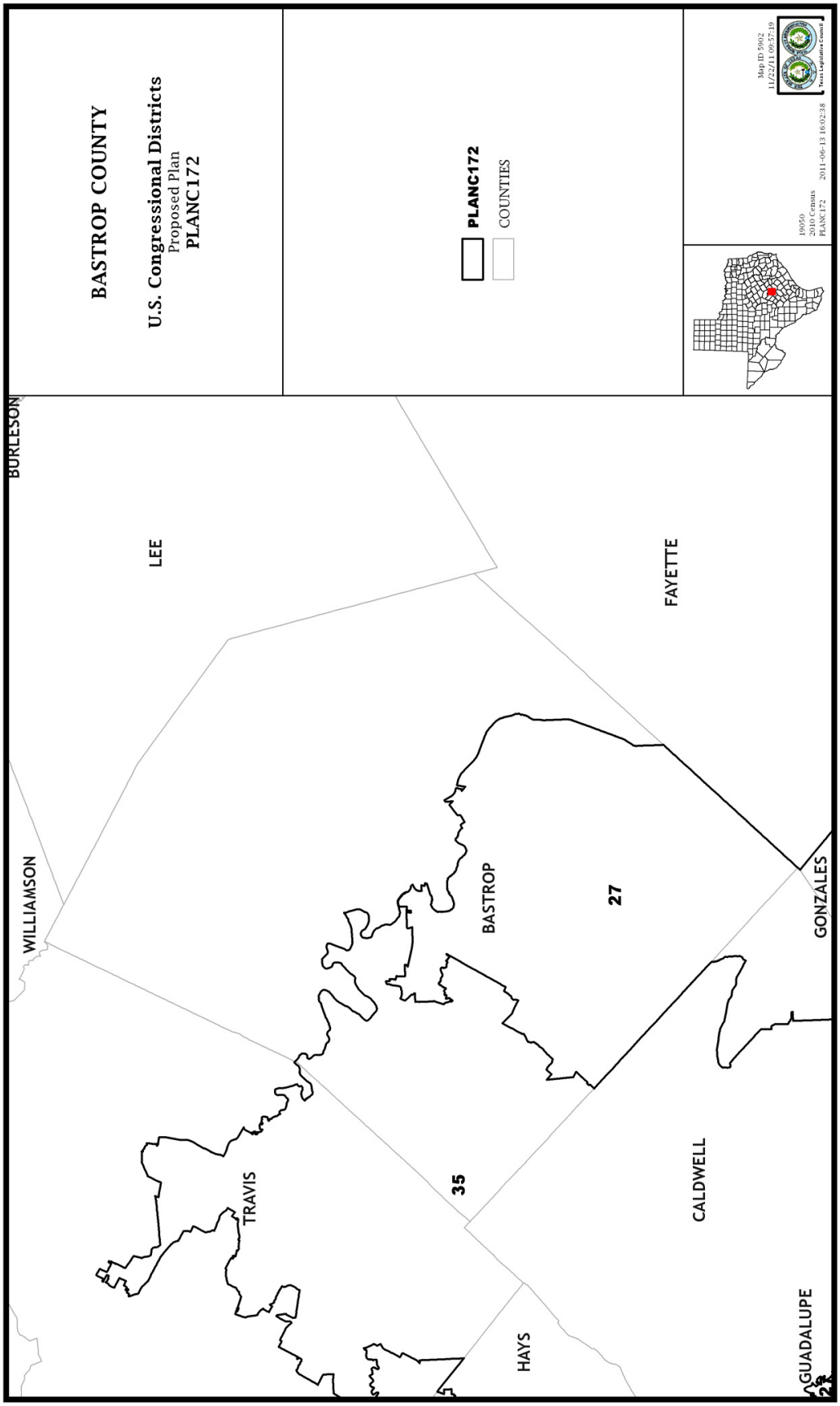
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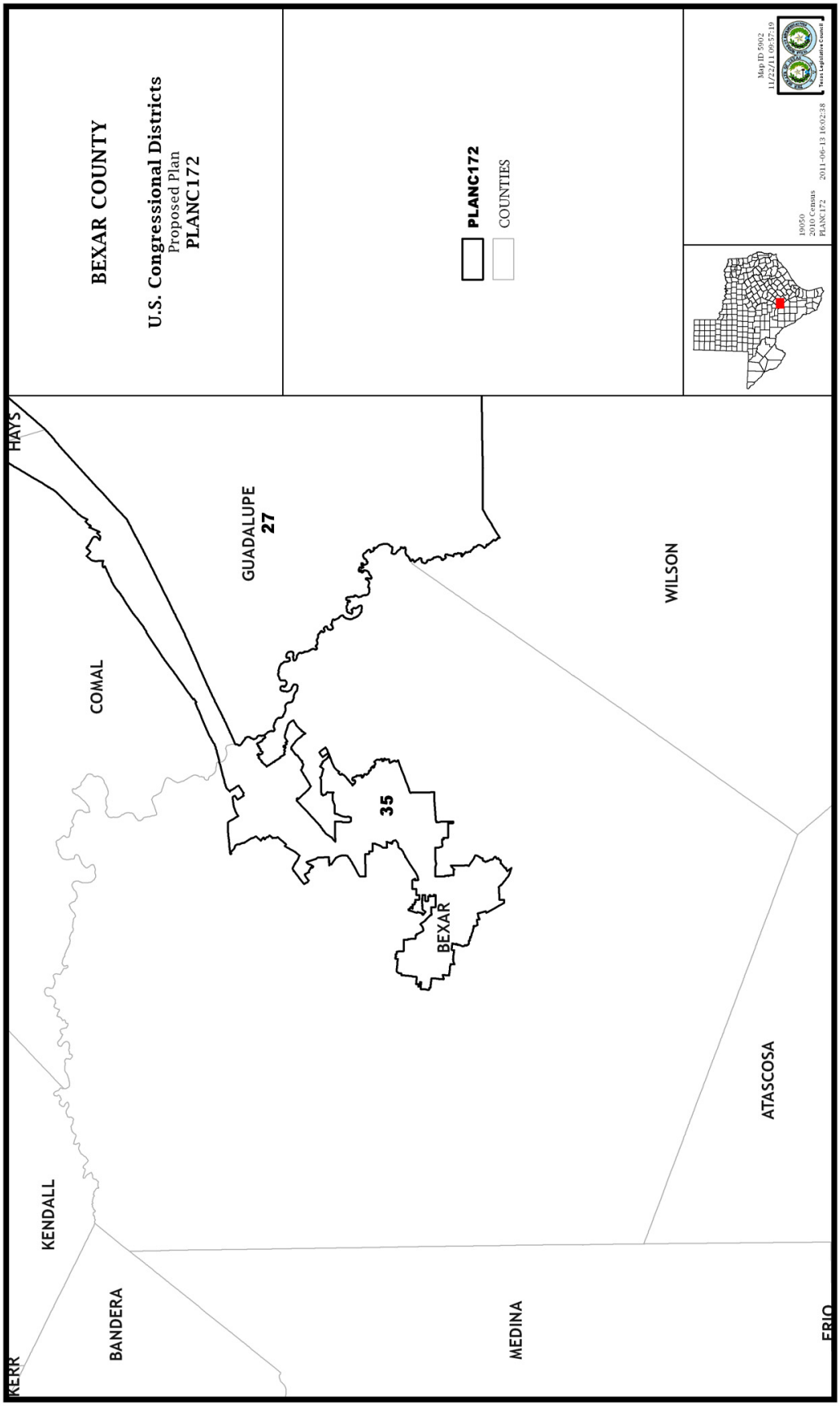
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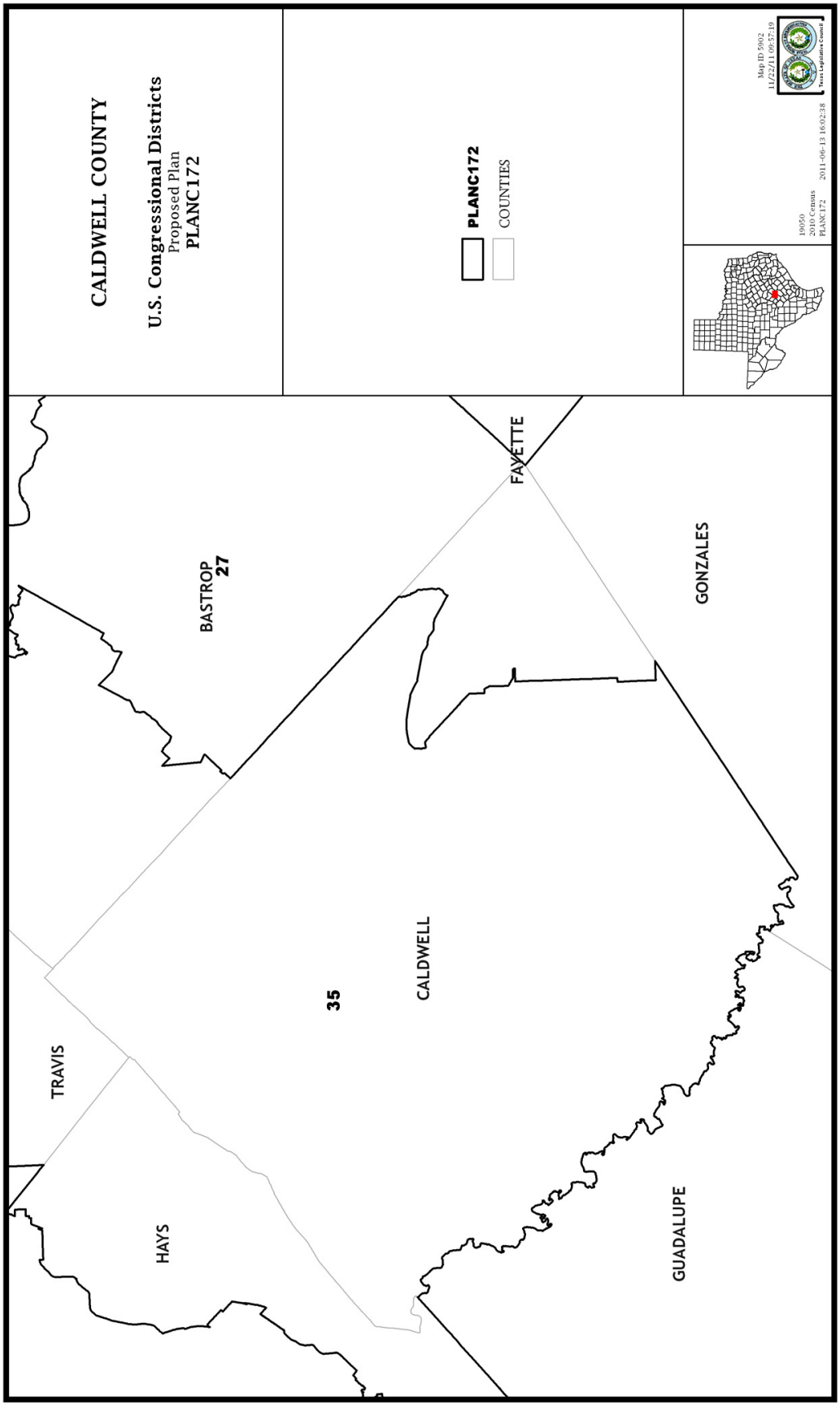
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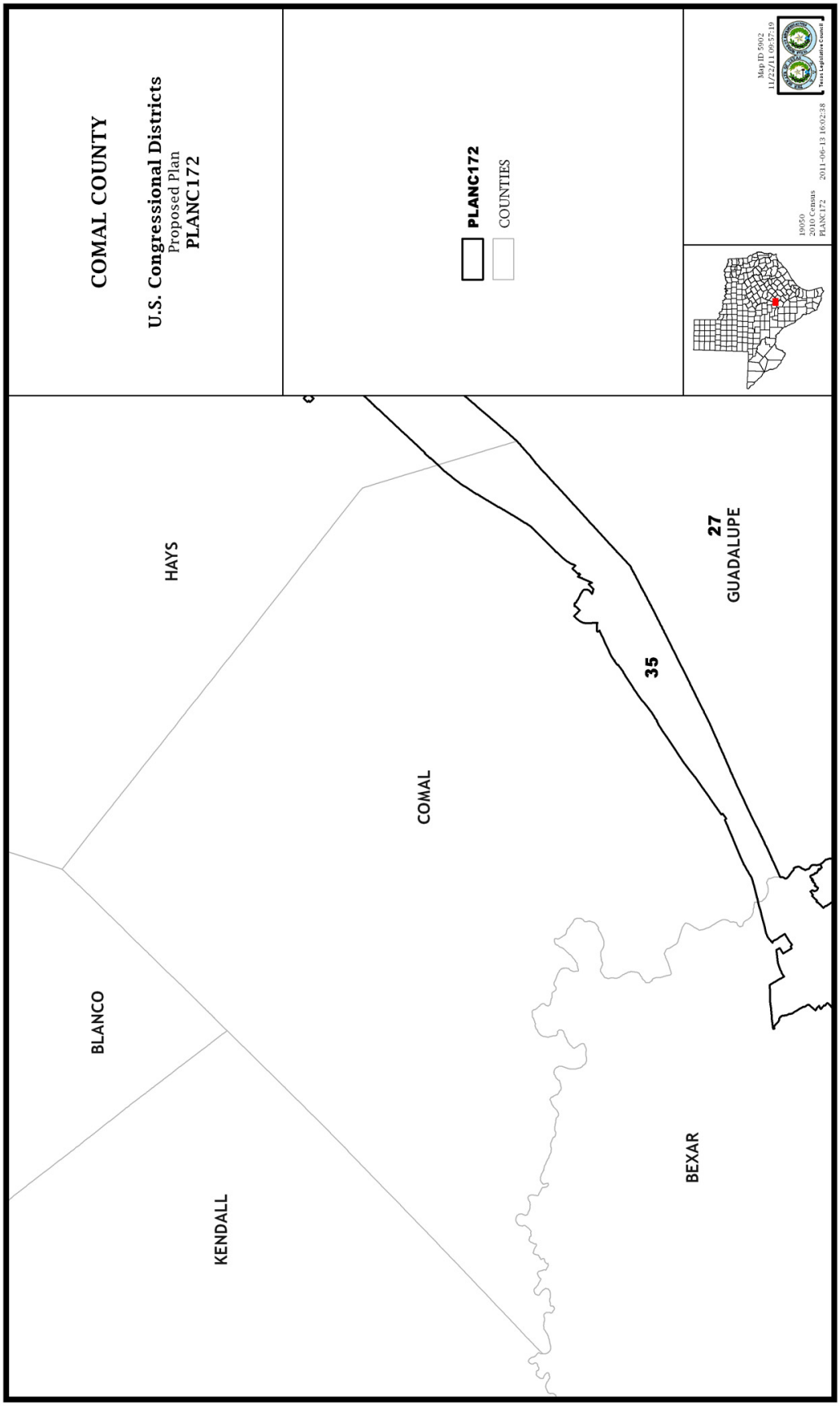
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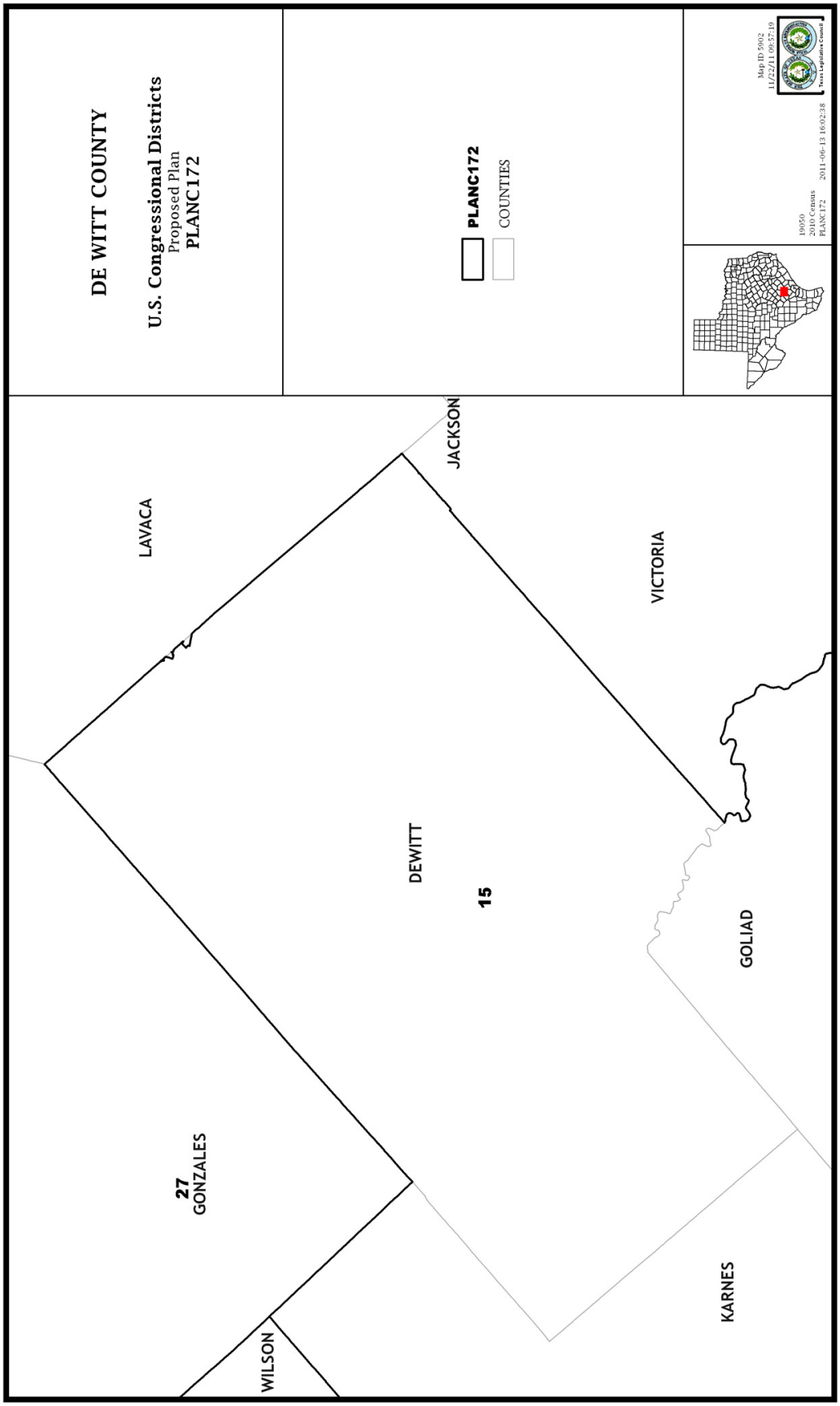
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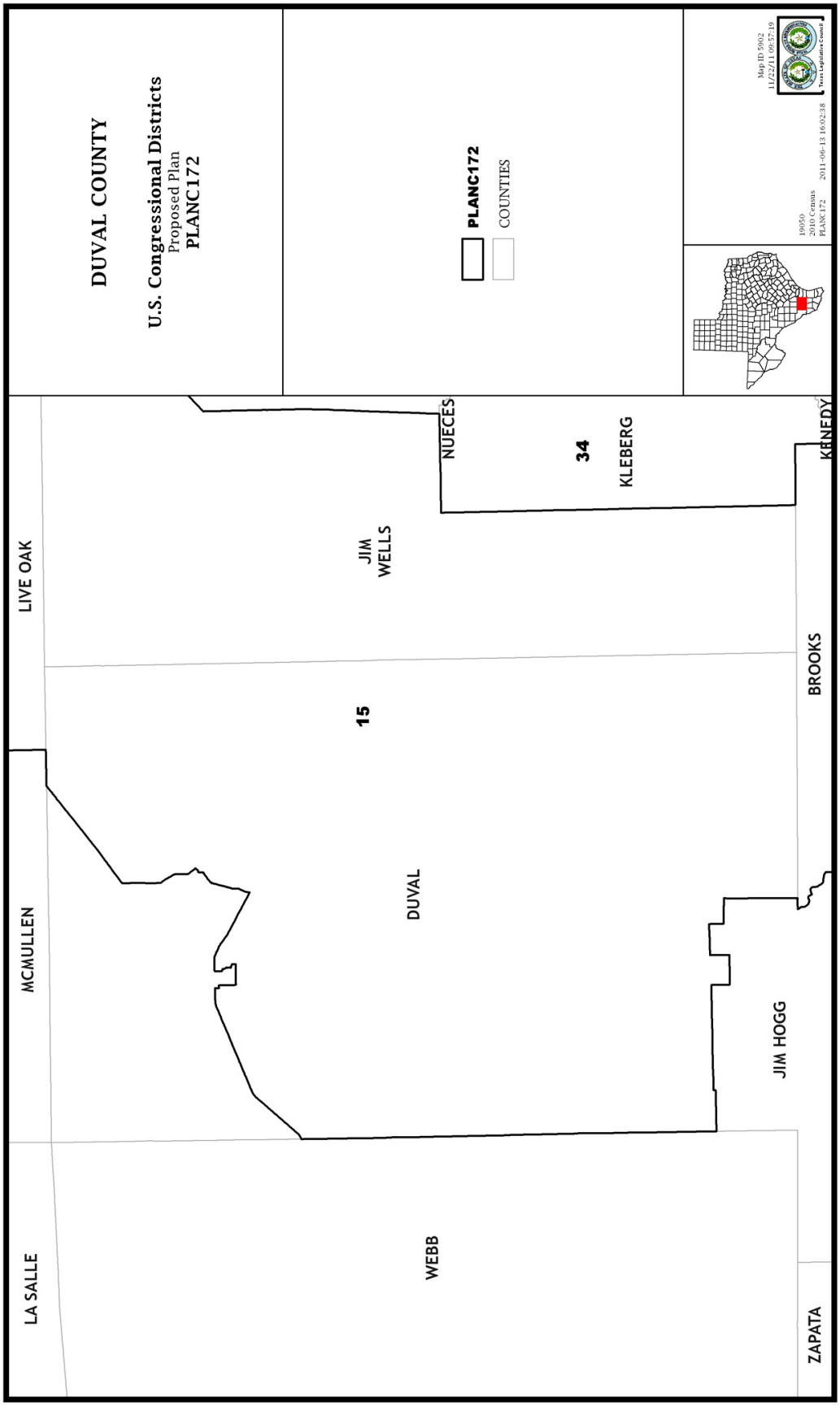
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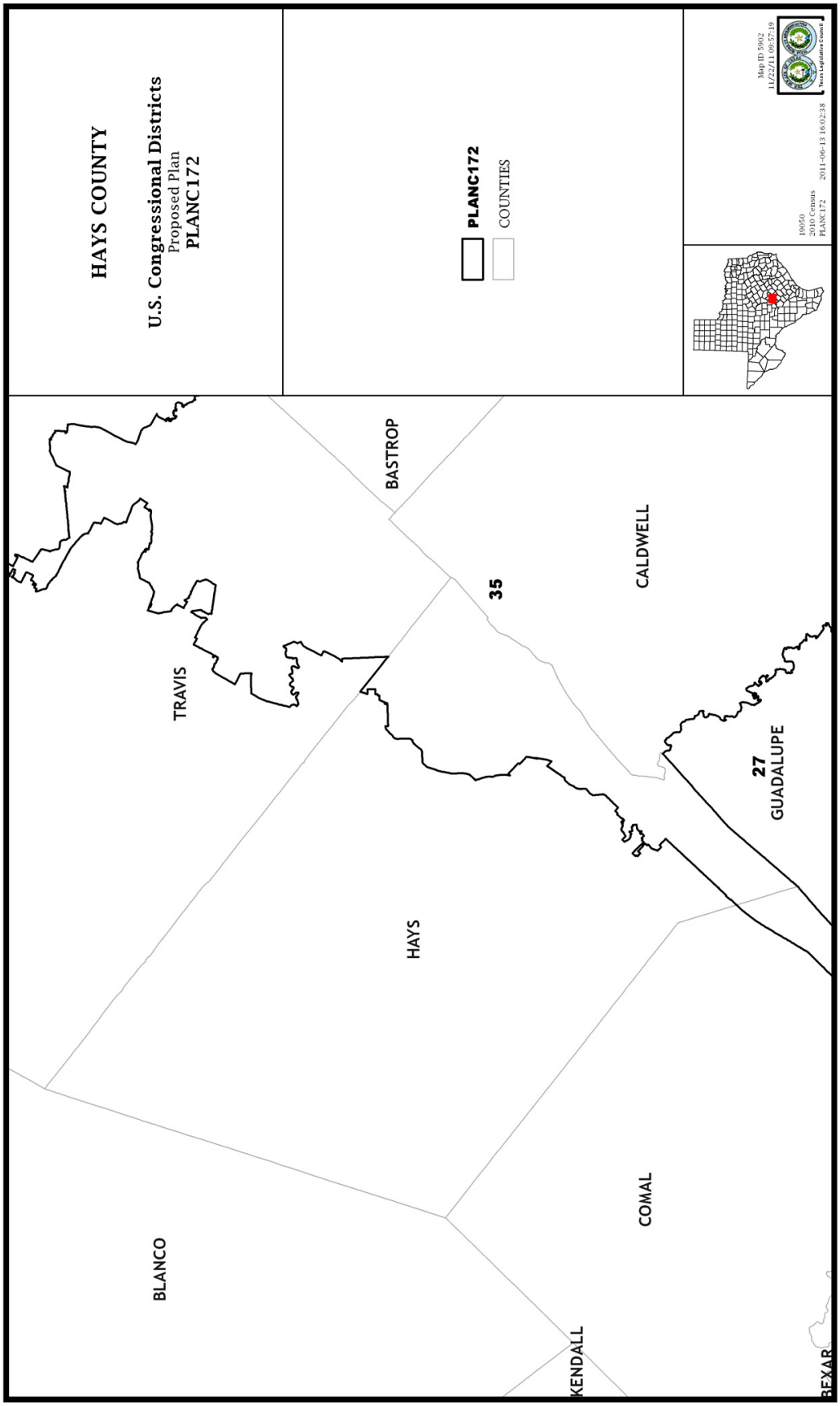
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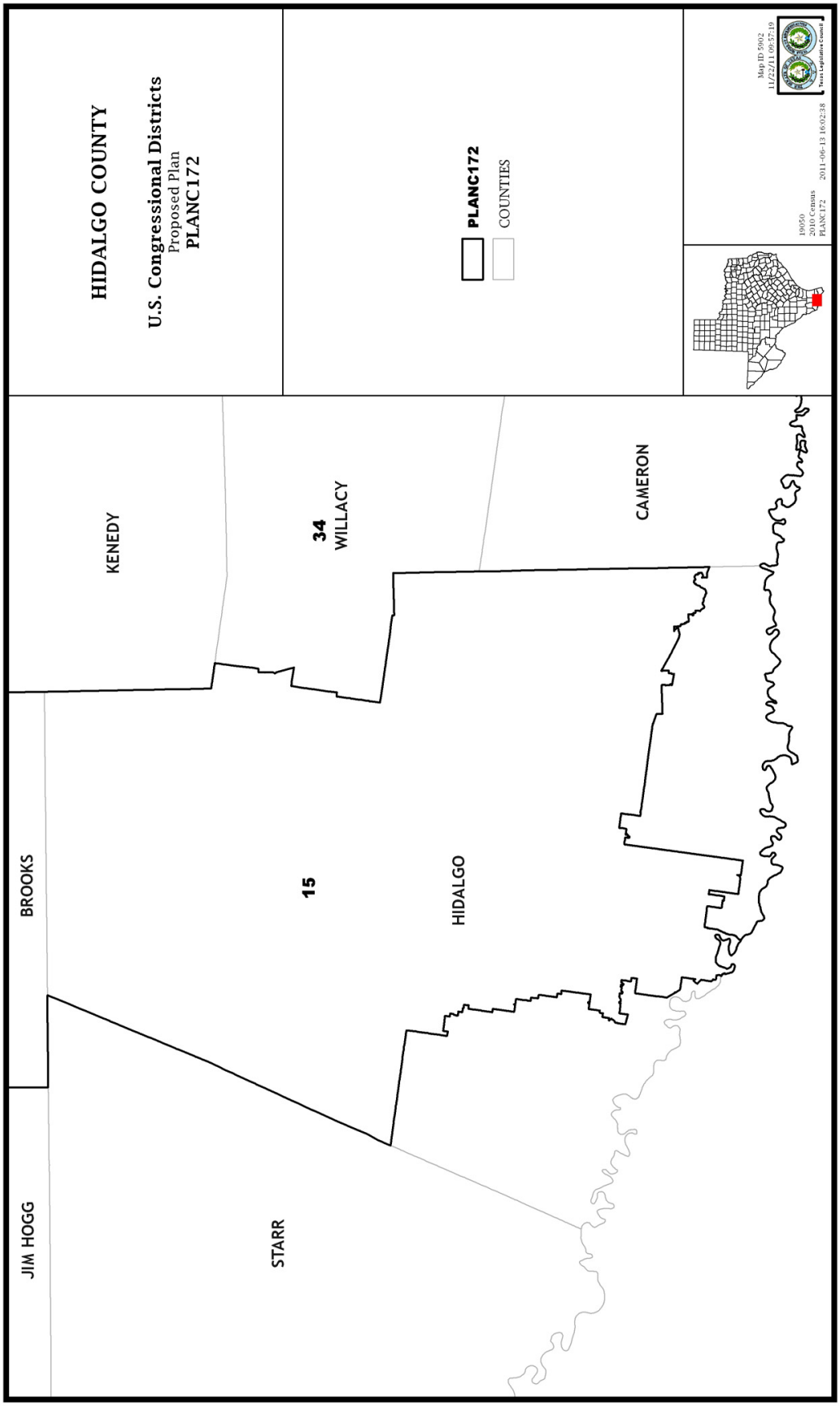
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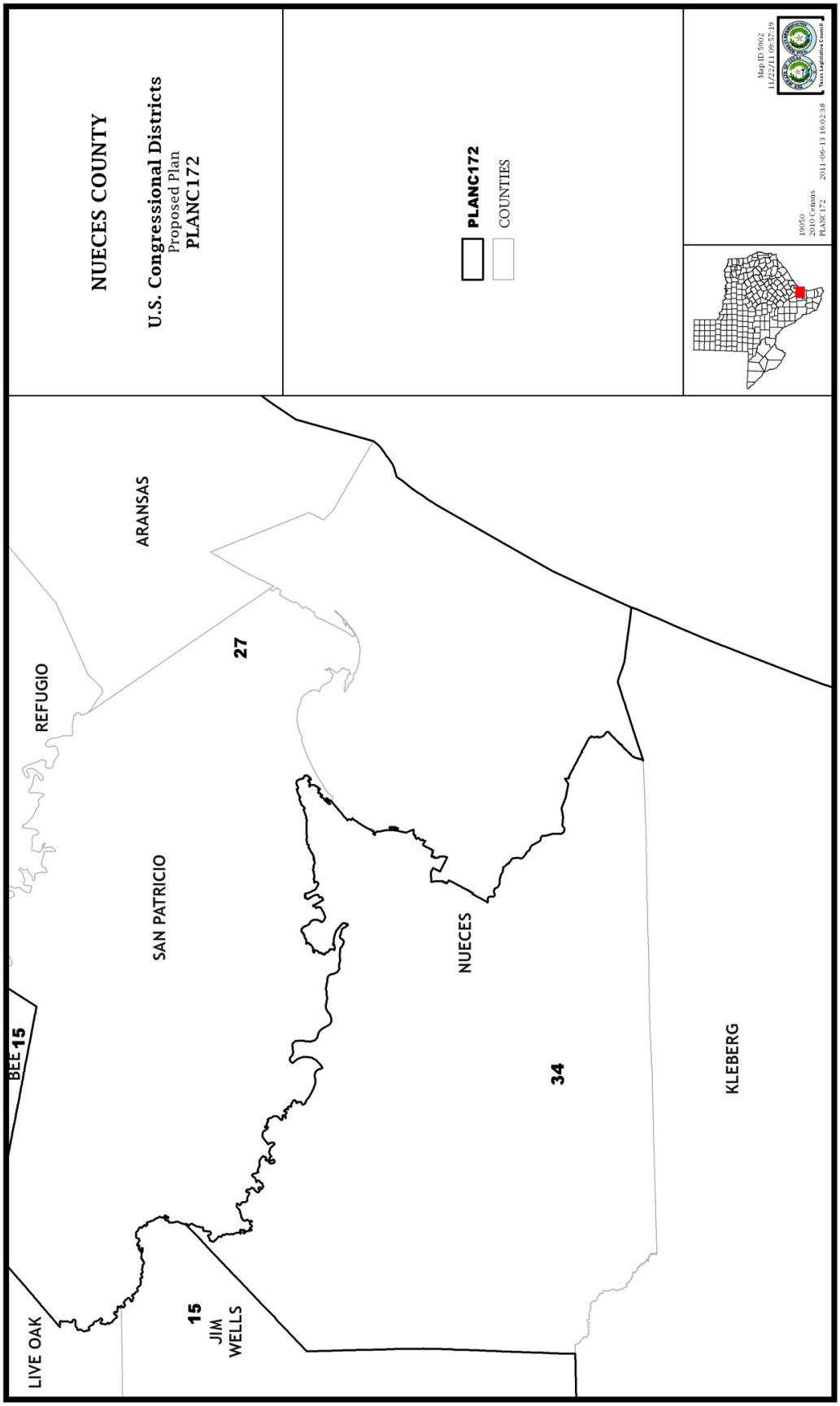
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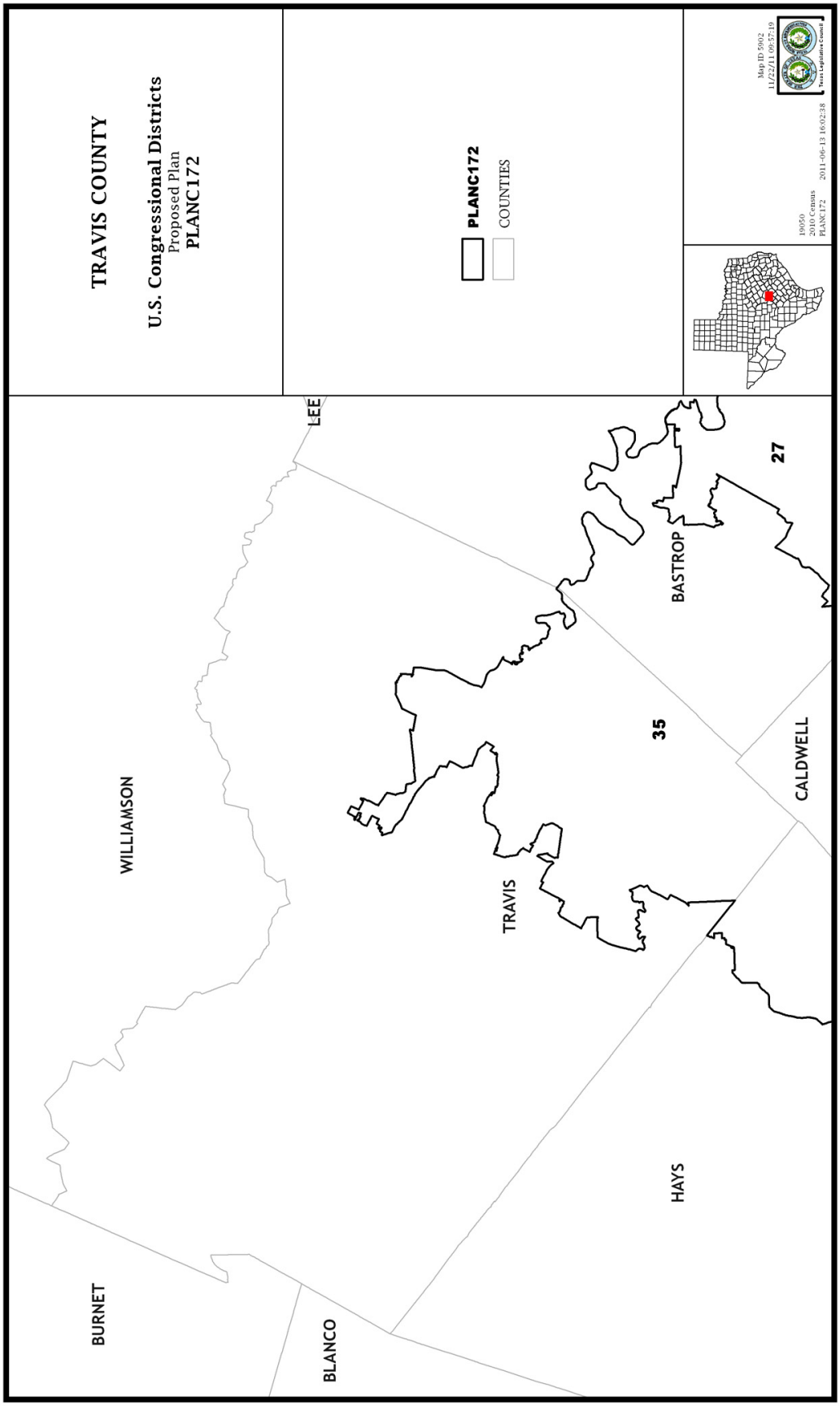
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HAYS
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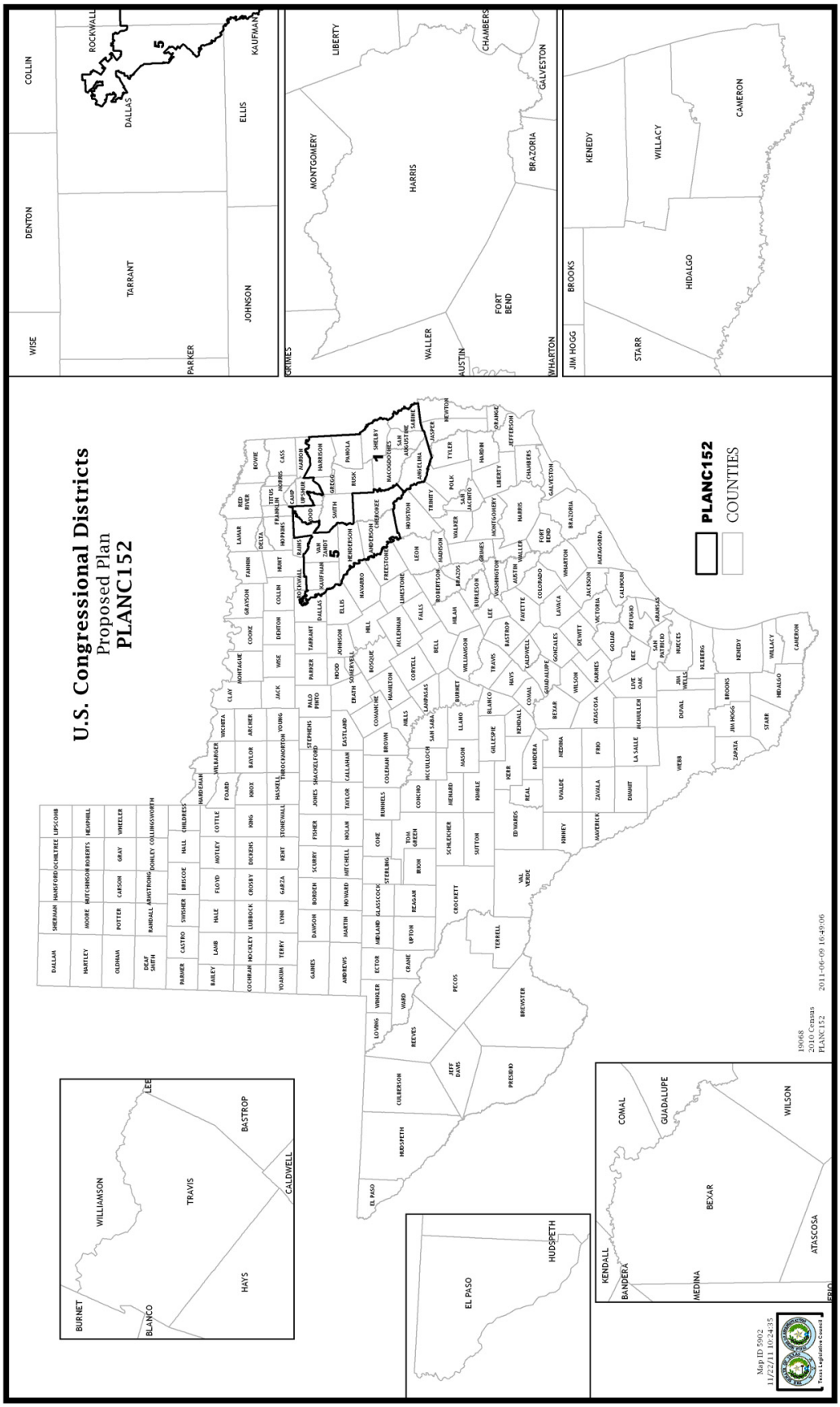
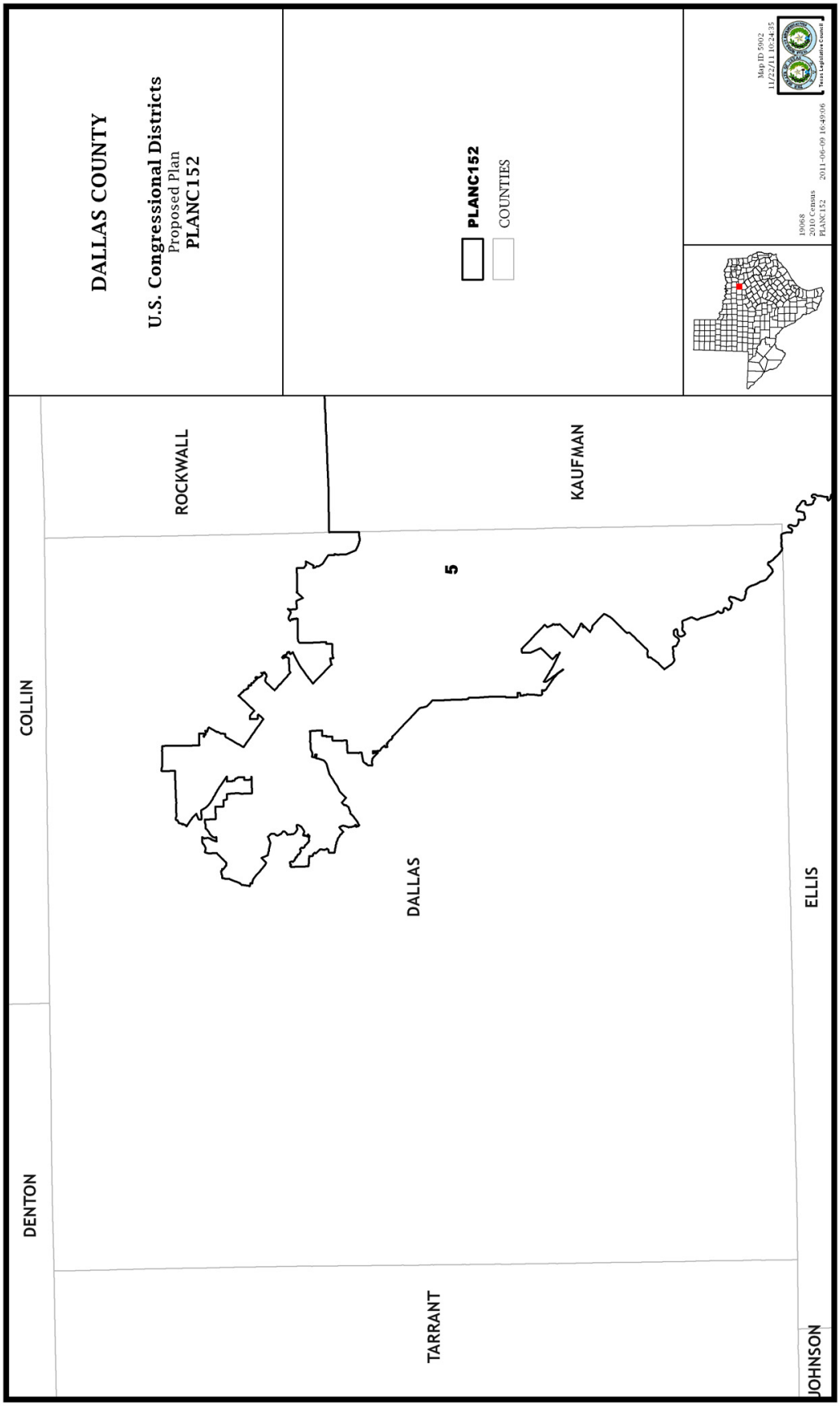
Amendment No. 4 (by Hughes)

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Proposed Plan
PLANC152
PLANC152
COUNTIES
Map ID 5902
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2010 Census
PLANC152
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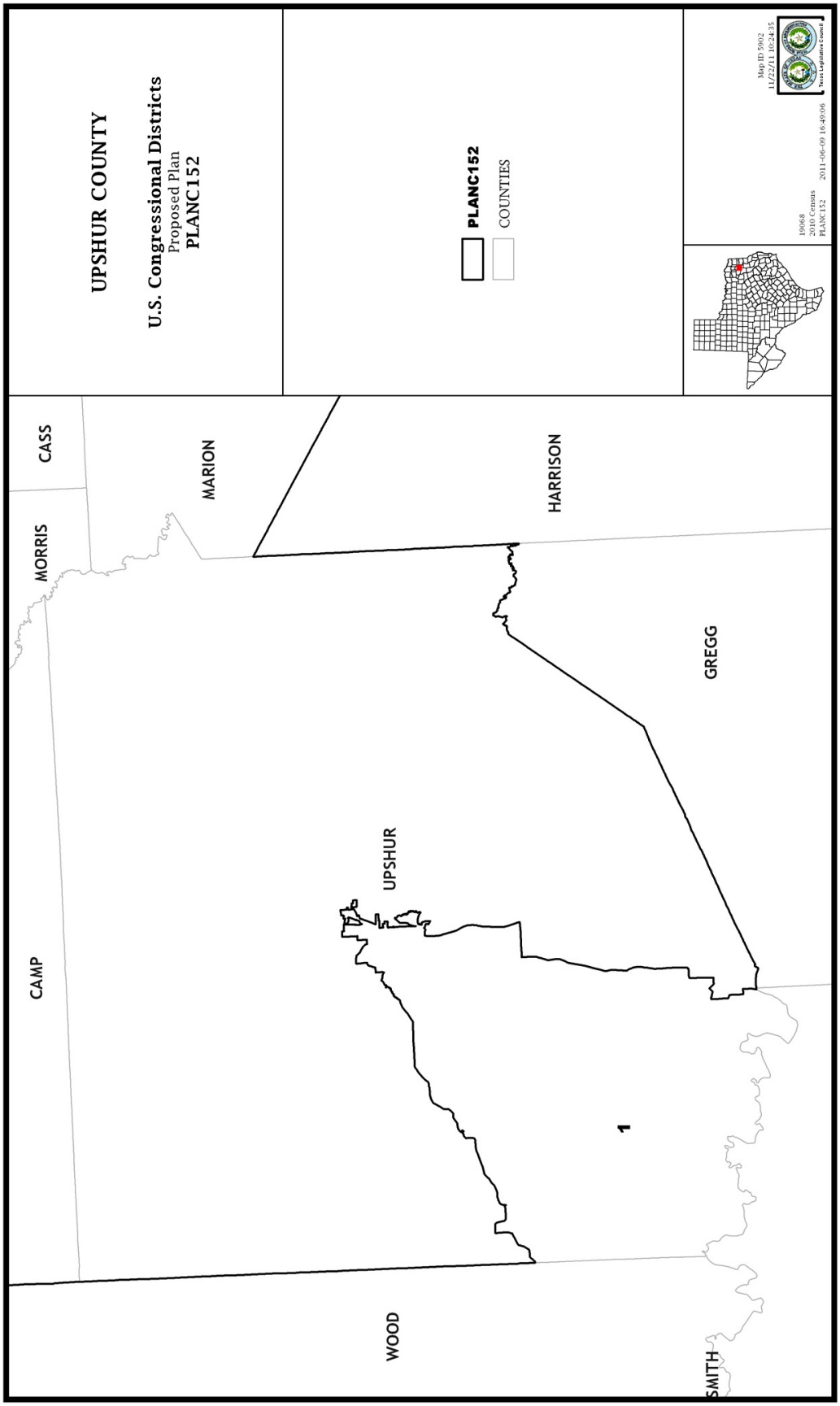
ROCKWALL
KAUFMAN
5
DENTON
DALLAS
ELLIS
TARRANT
JOHNSON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Proposed Plan
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PLANC152
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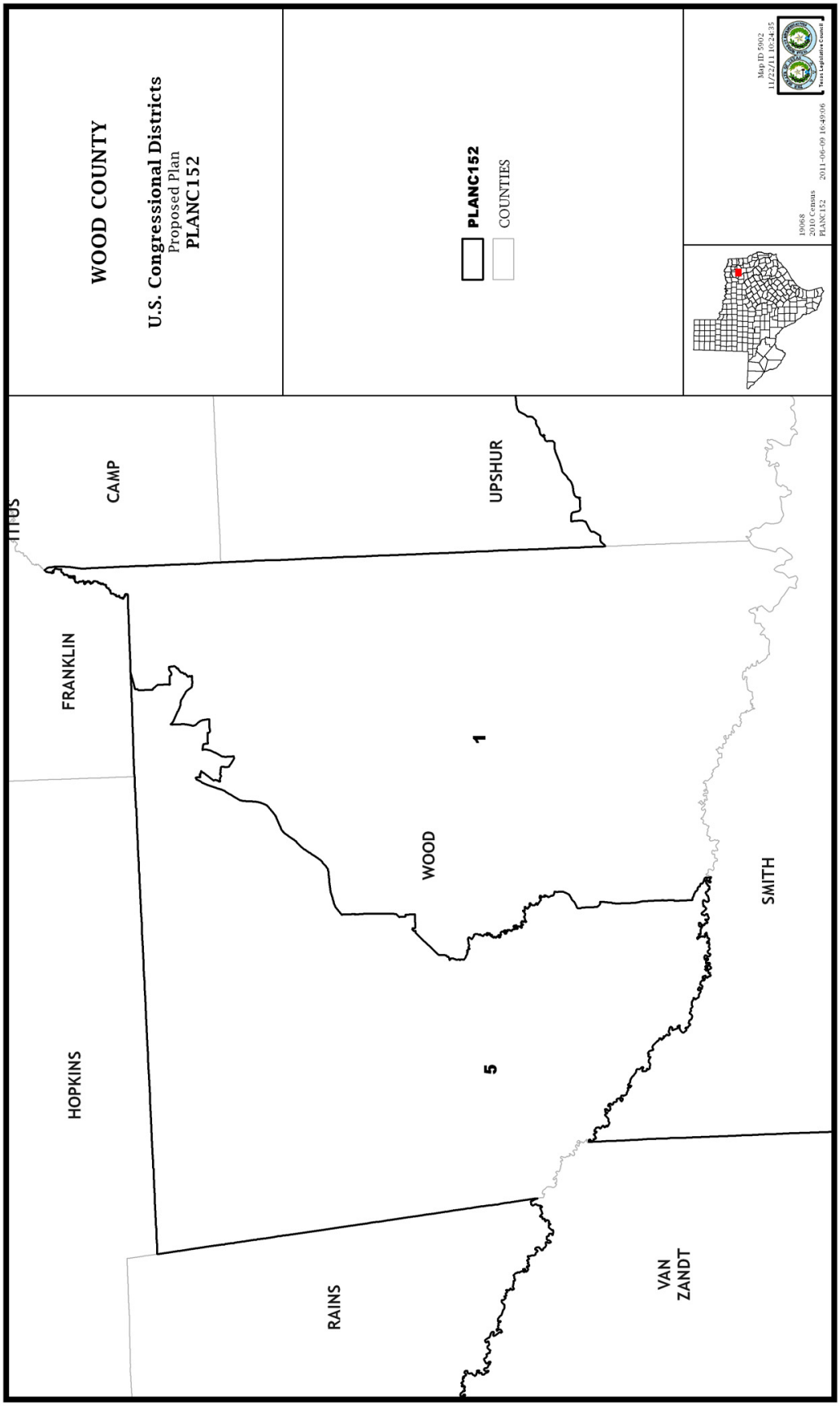
MARION
HARRISON
GREGG
CAMP
UPSHUR
1
WOOD
SMITH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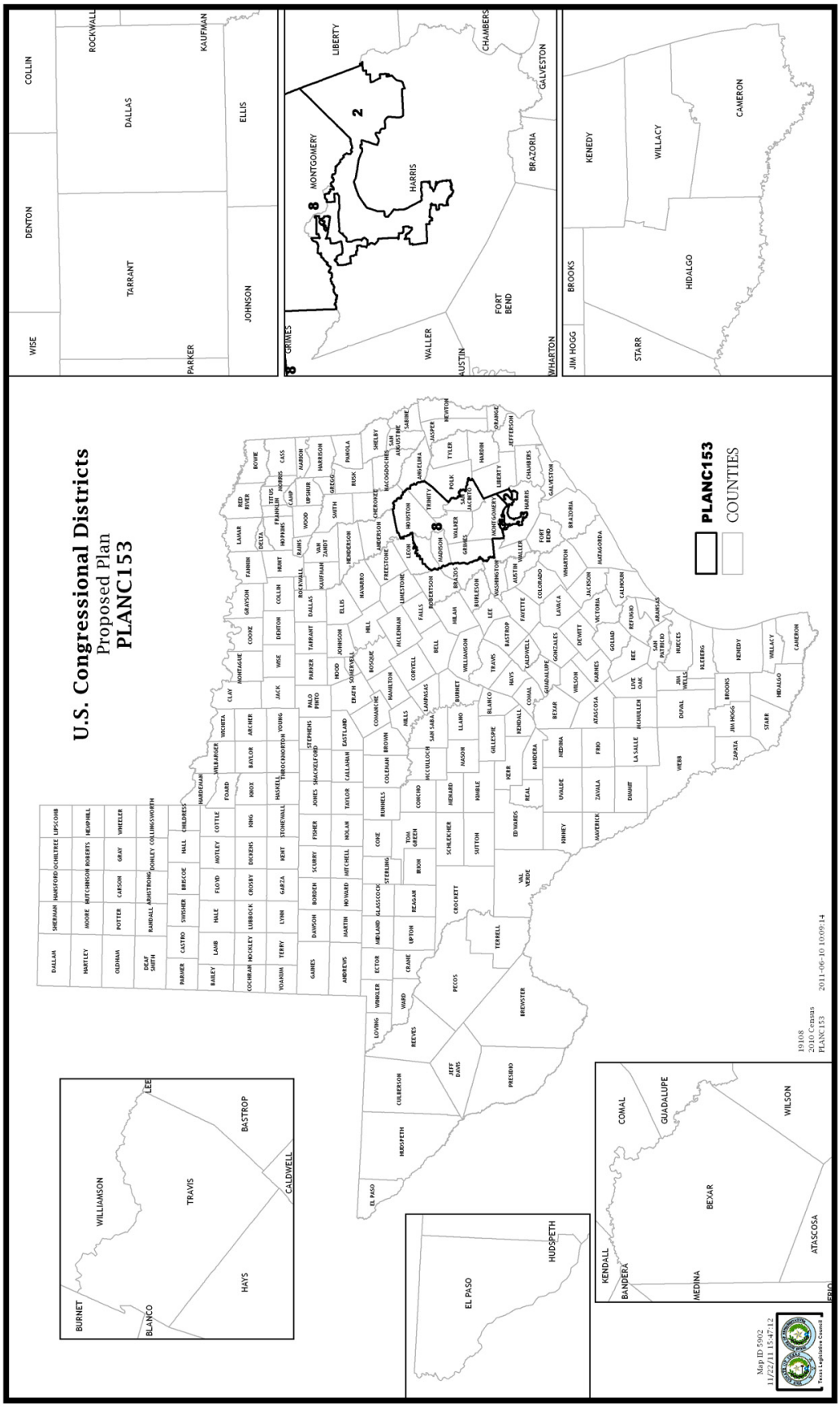
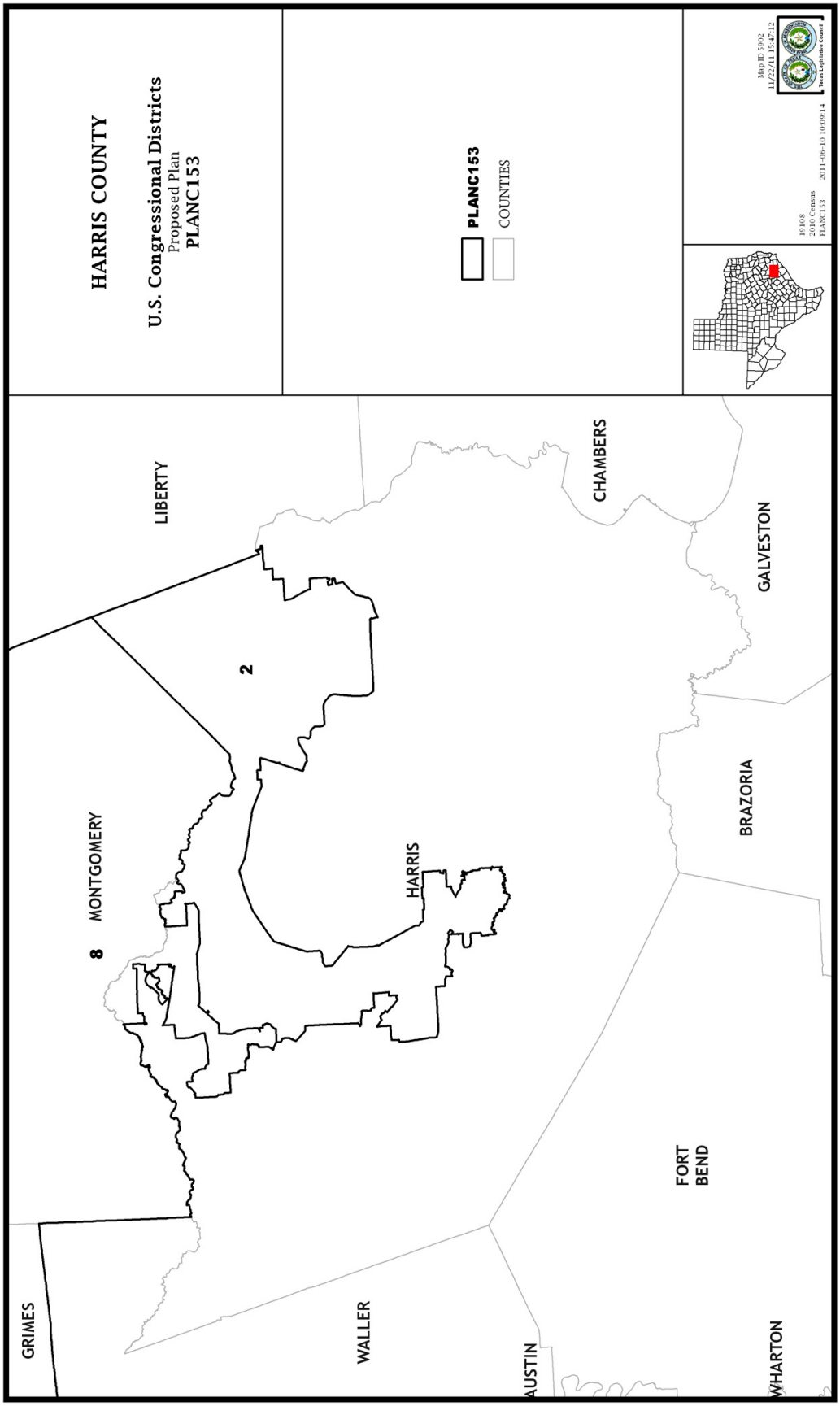
WOOD
SMITH
HOPKINS
5
RAINS
VAN
ZANDT

Amendment No. 5 (by Riddle)

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COUNTIES
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2010 Census
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CHAMBERS
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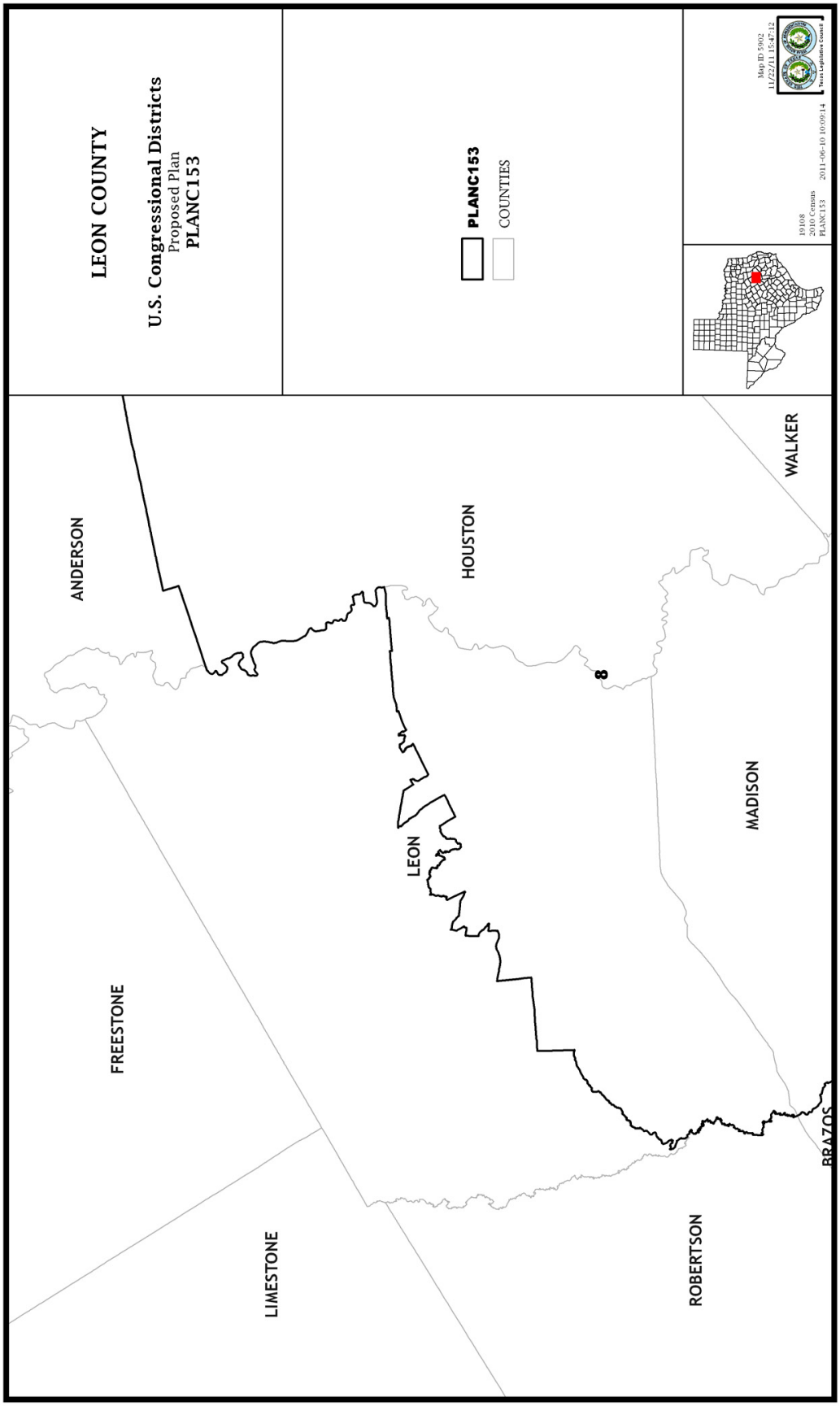
BRAZORIA
FORT BEND
GRIMES
WALLER
AUSTIN
WHARTON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LIMESTONE
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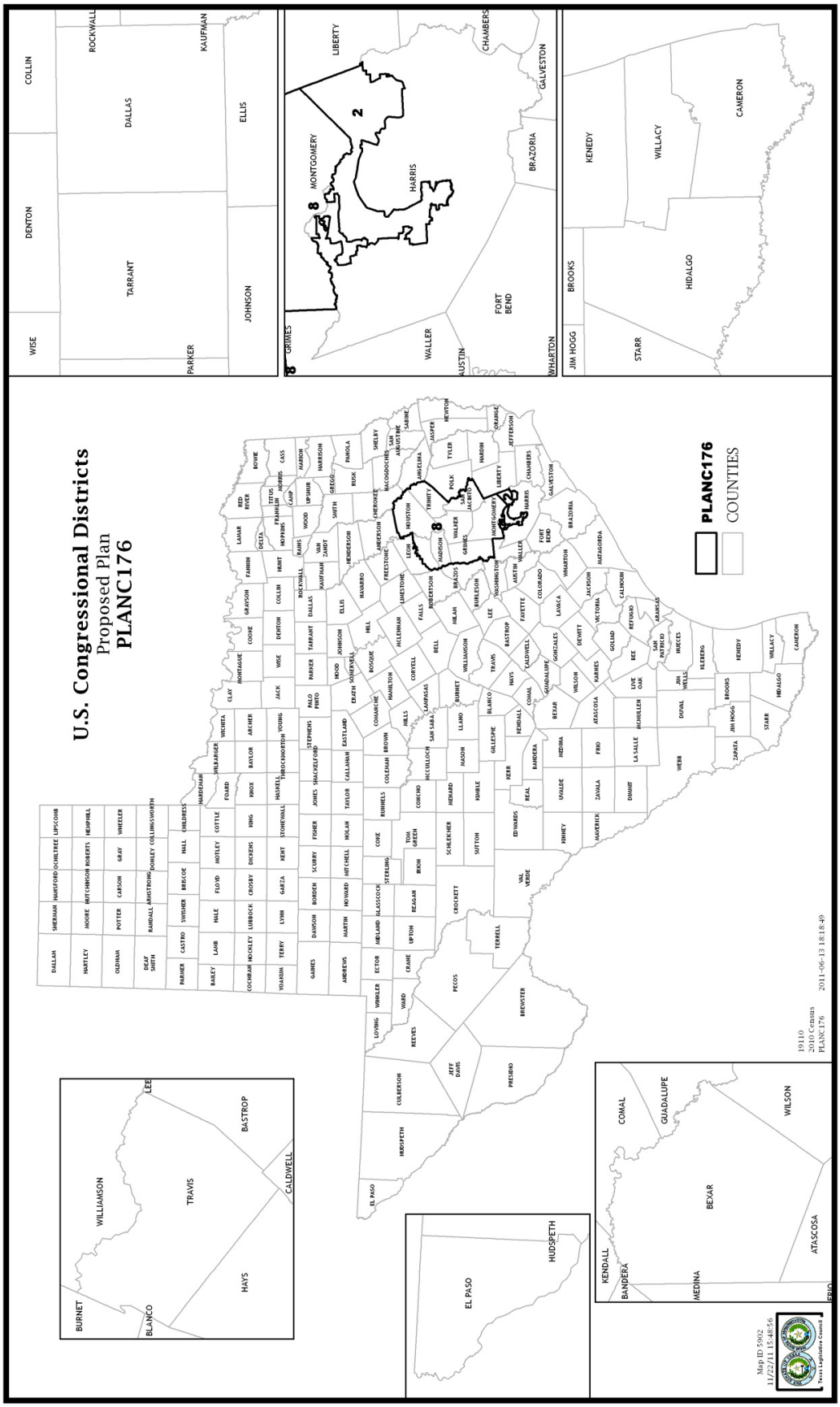
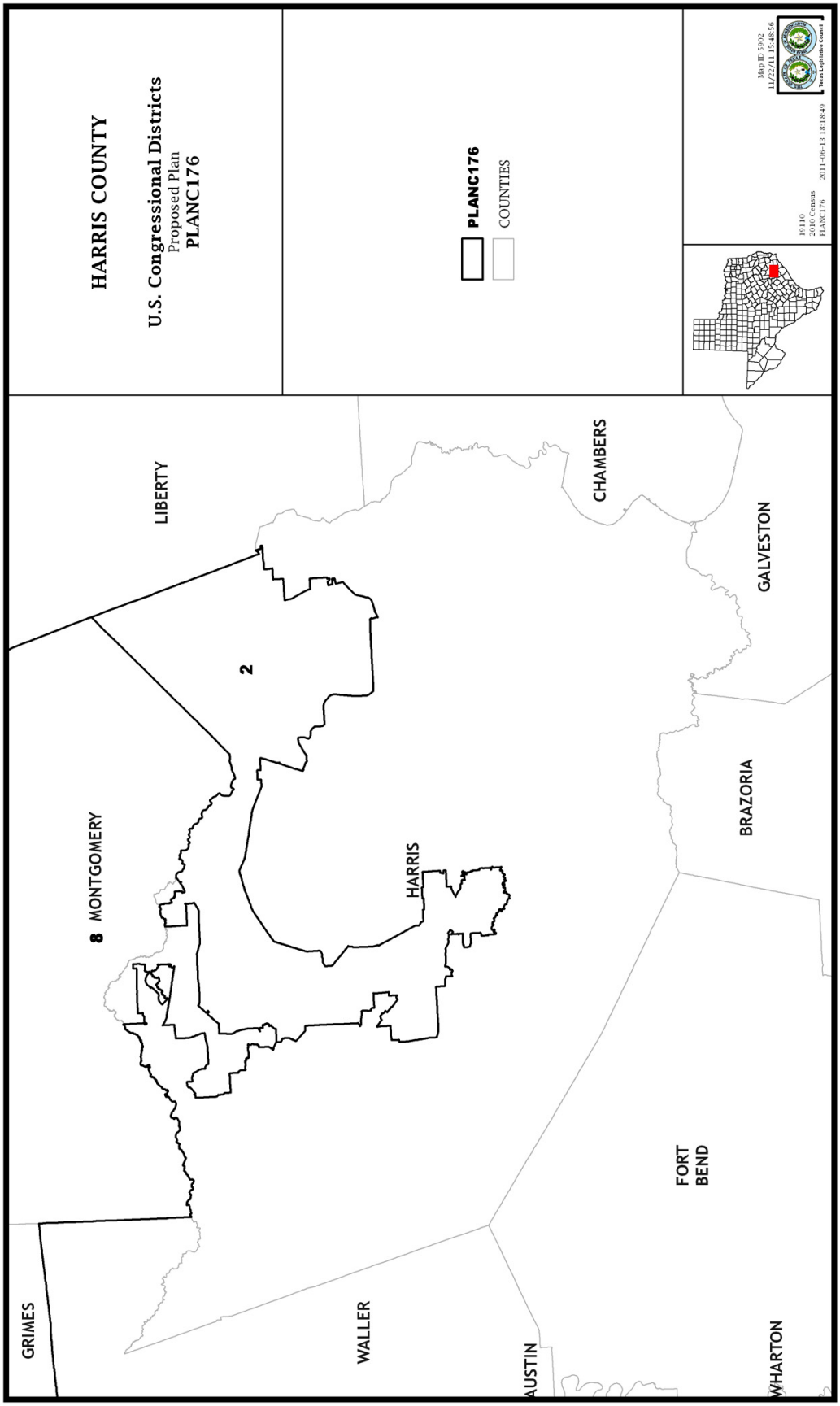
Amendment No. 6 (by Riddle)

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GRIMES
WALLER
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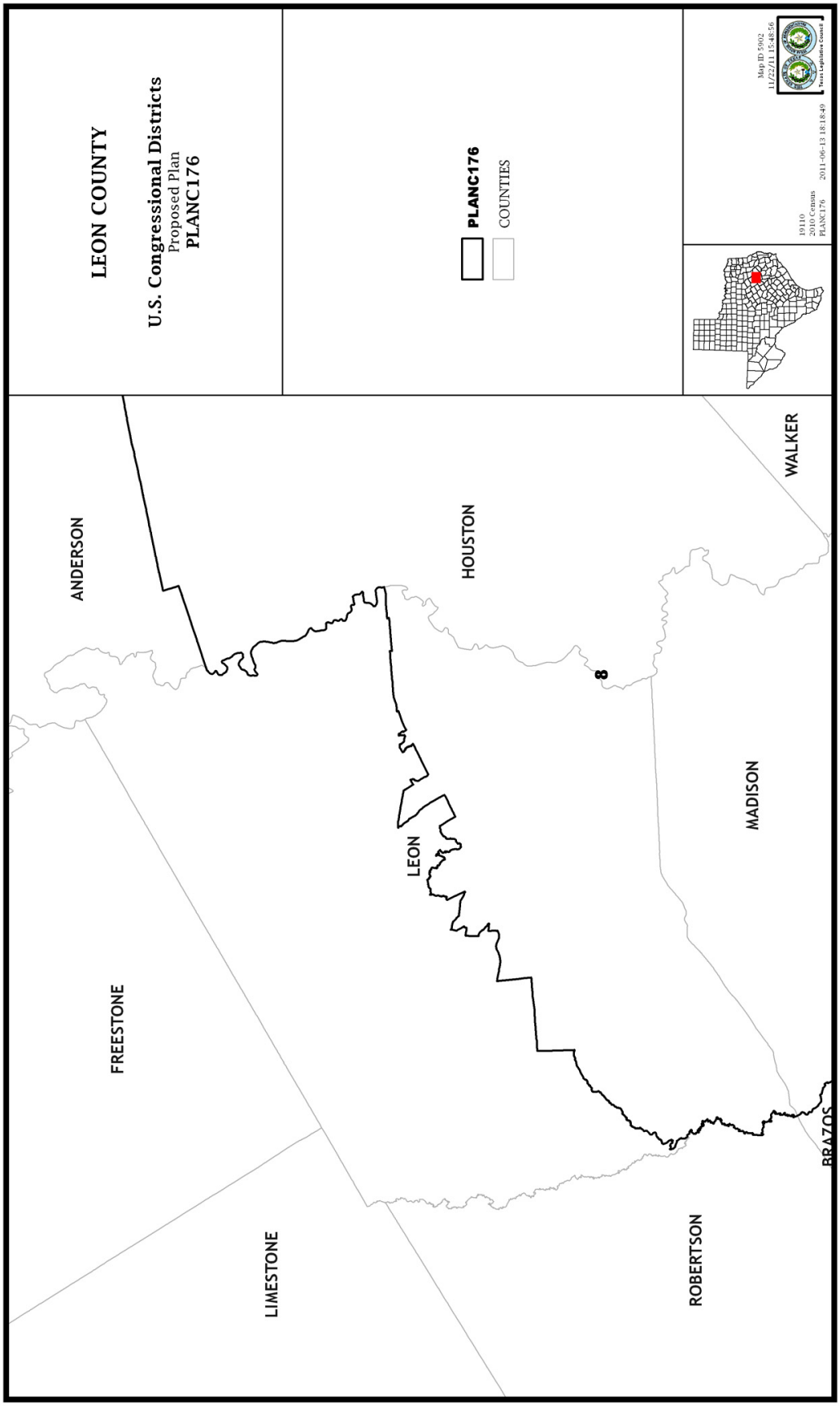
LEON COUNTY
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2010 Census
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Texas Legislative Council
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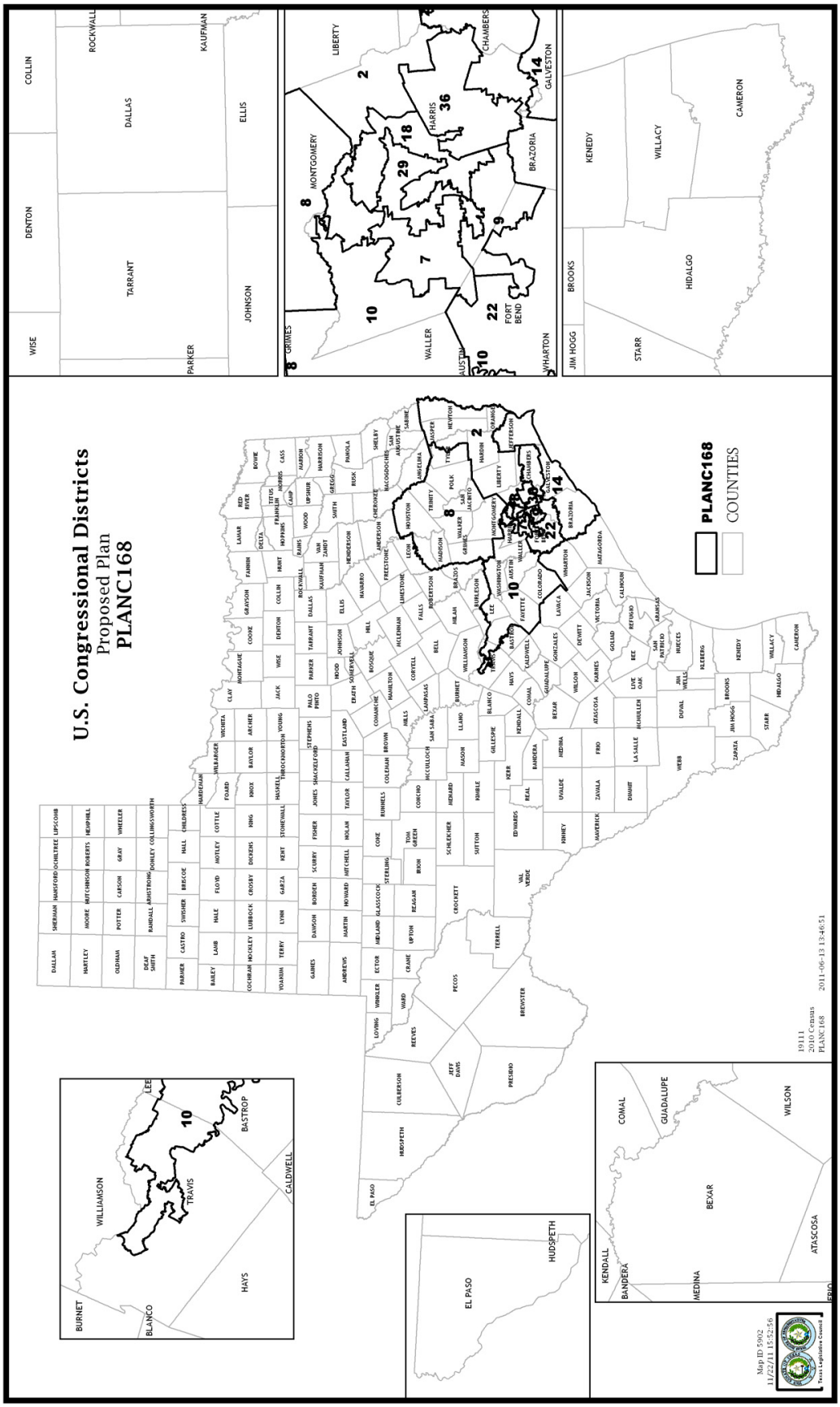
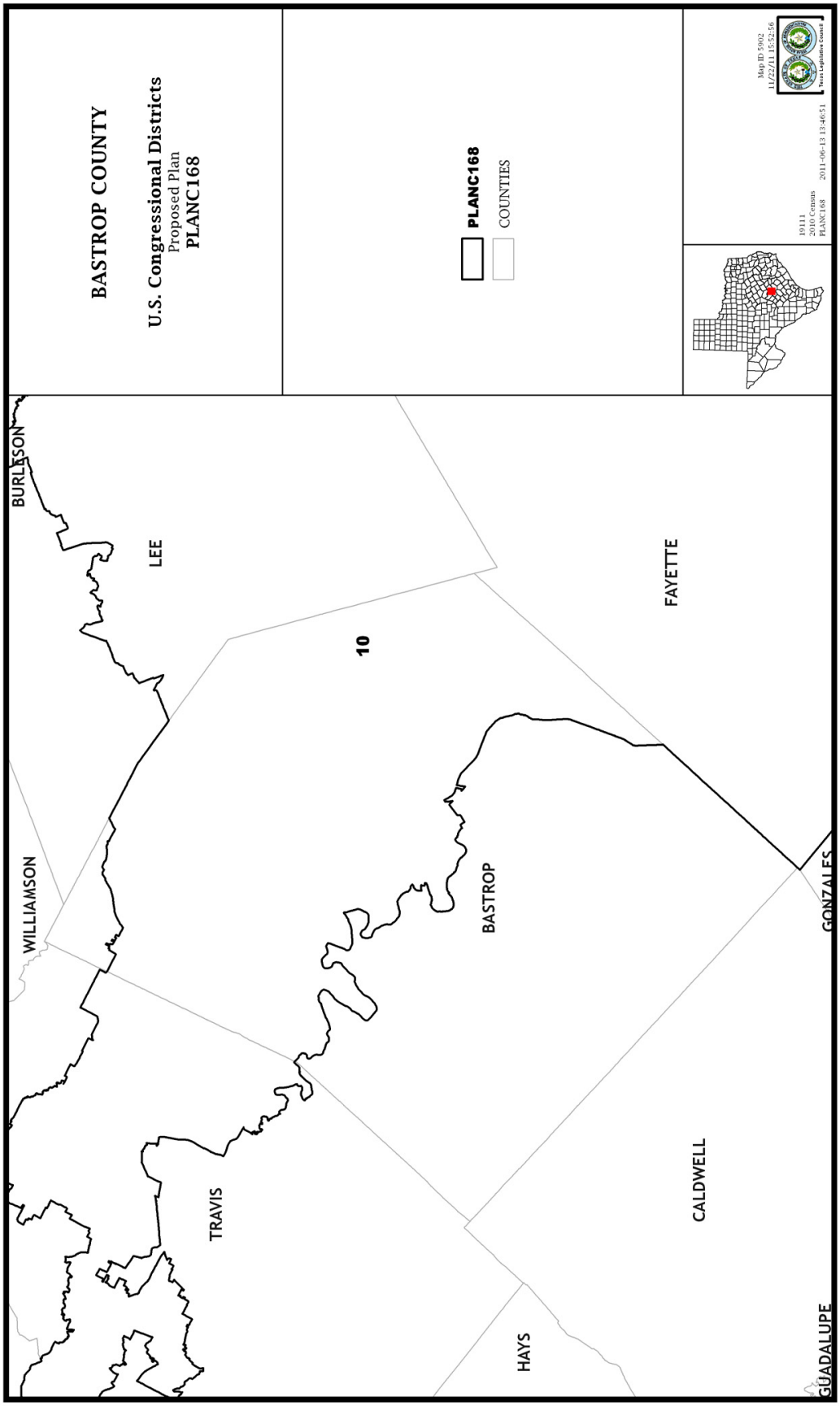
MADISON
FREESTONE
BRAZOS
LIMESTONE
ROBERTSON

Amendment No. 7 (by Alvarado)




BASTROP COUNTY
U.S. Congressional Districts
Proposed Plan
PLANC168
PLANC168
COUNTIES
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2010 Census
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2011-06-13 13:46:51
Texas Legislative Council
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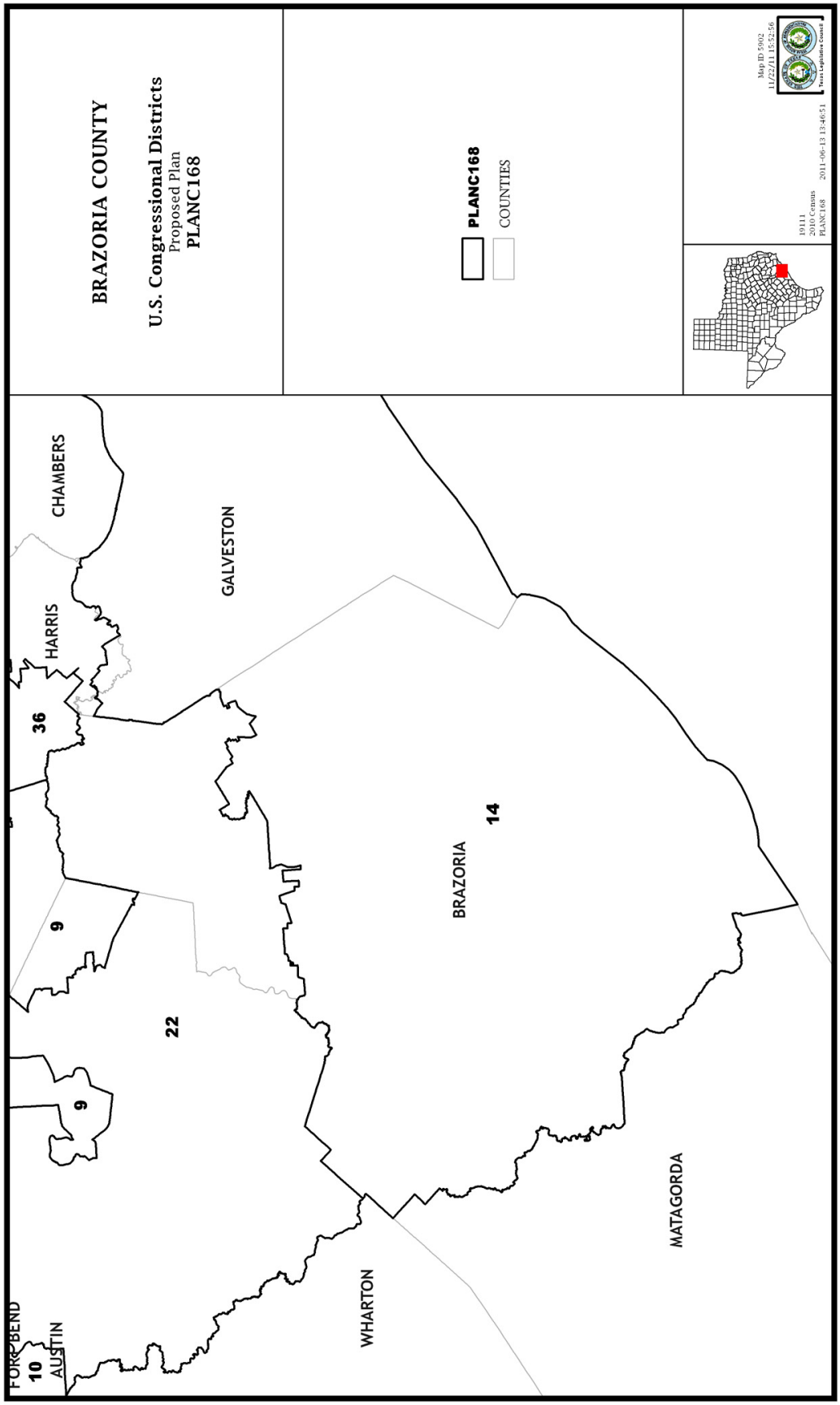
TRAVIS
CALDWELL
HAYS
GUADALUPE


BRAZORIA COUNTY
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PLANC168
COUNTIES
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2010 Census
PLANC168
2011-06-13 13:46:51
Texas Legislative Council
CHAMBERS
GALVESTON
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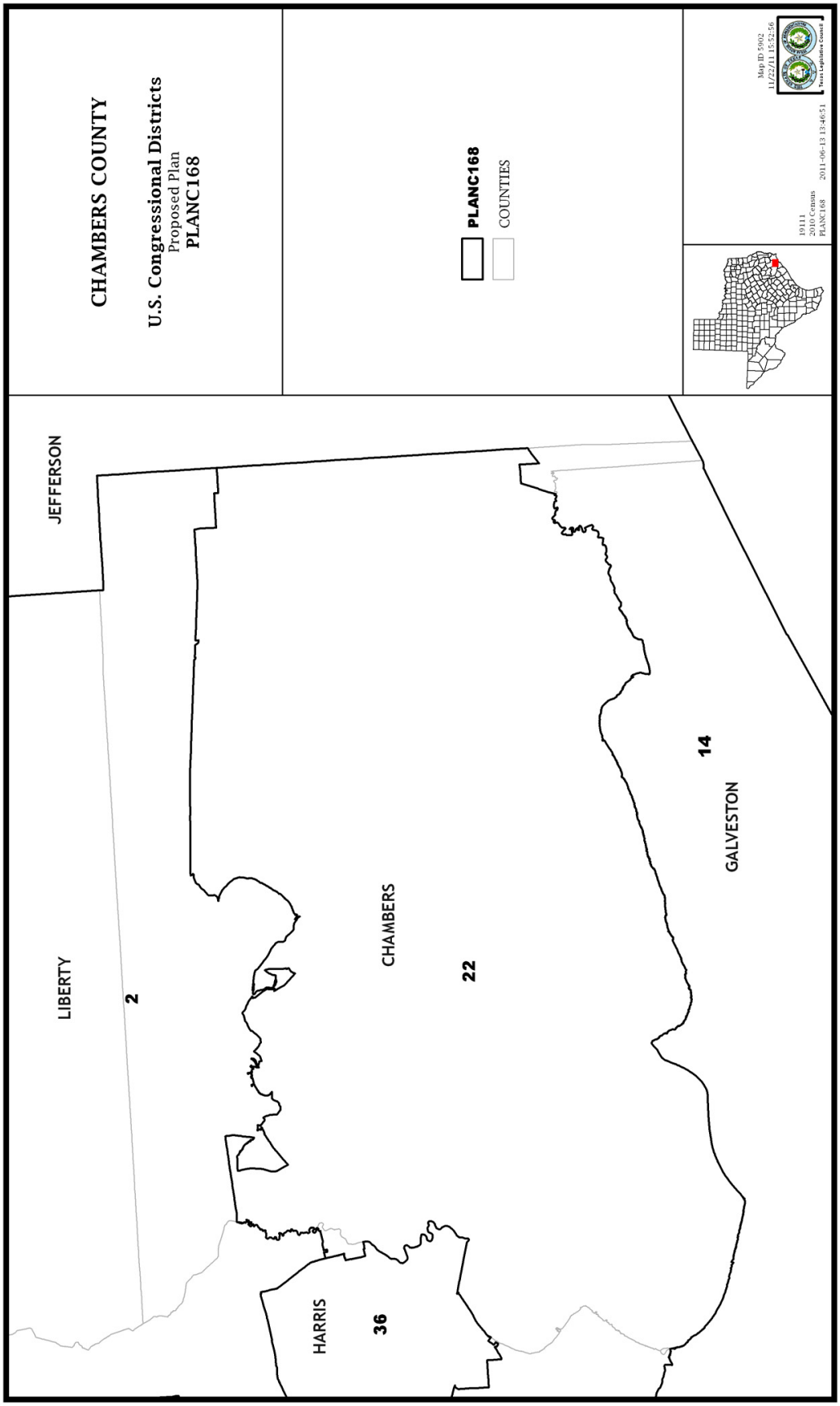
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2010 Census
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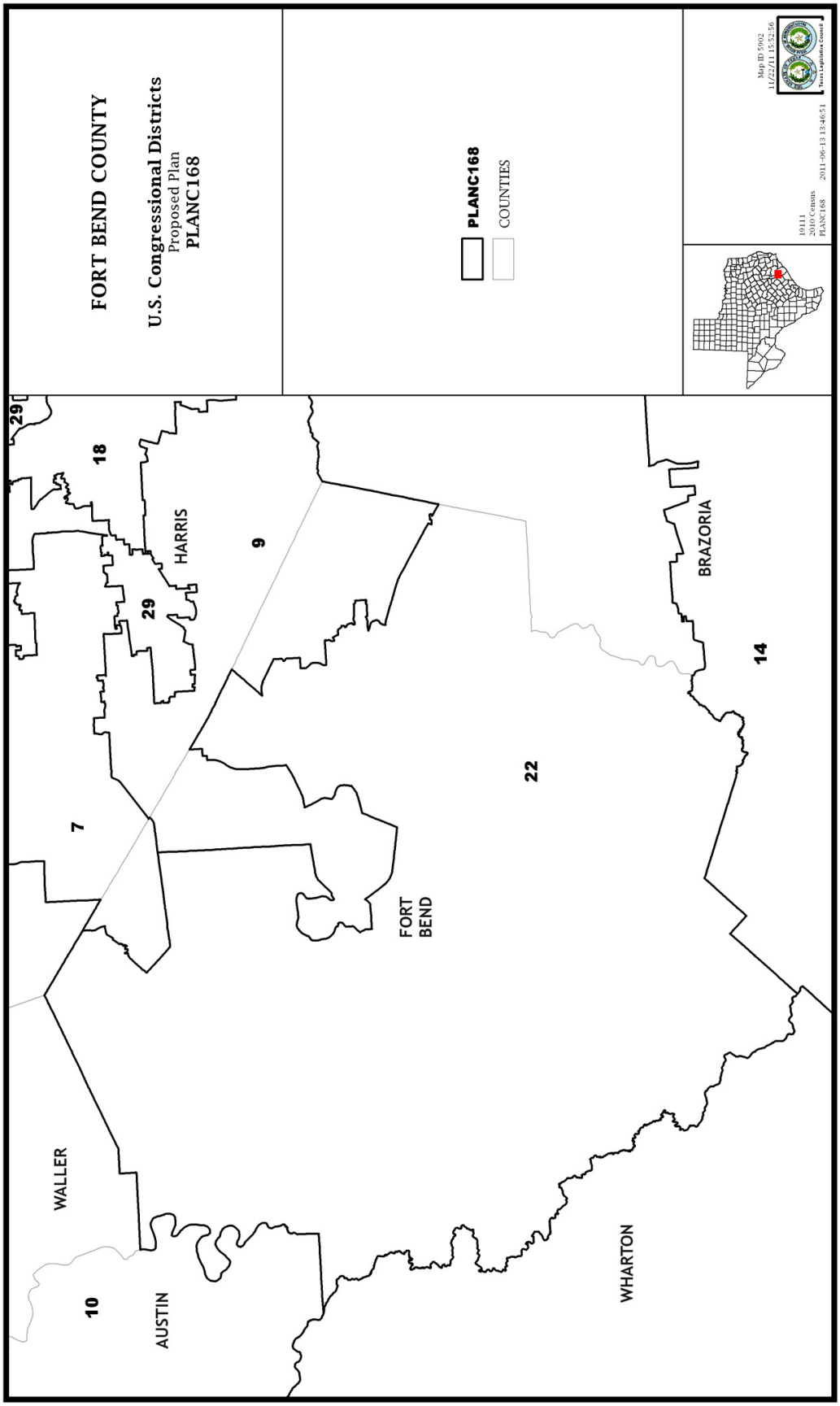
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2010 Census
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2011-06-13 13:46:51
Texas Legislative Council
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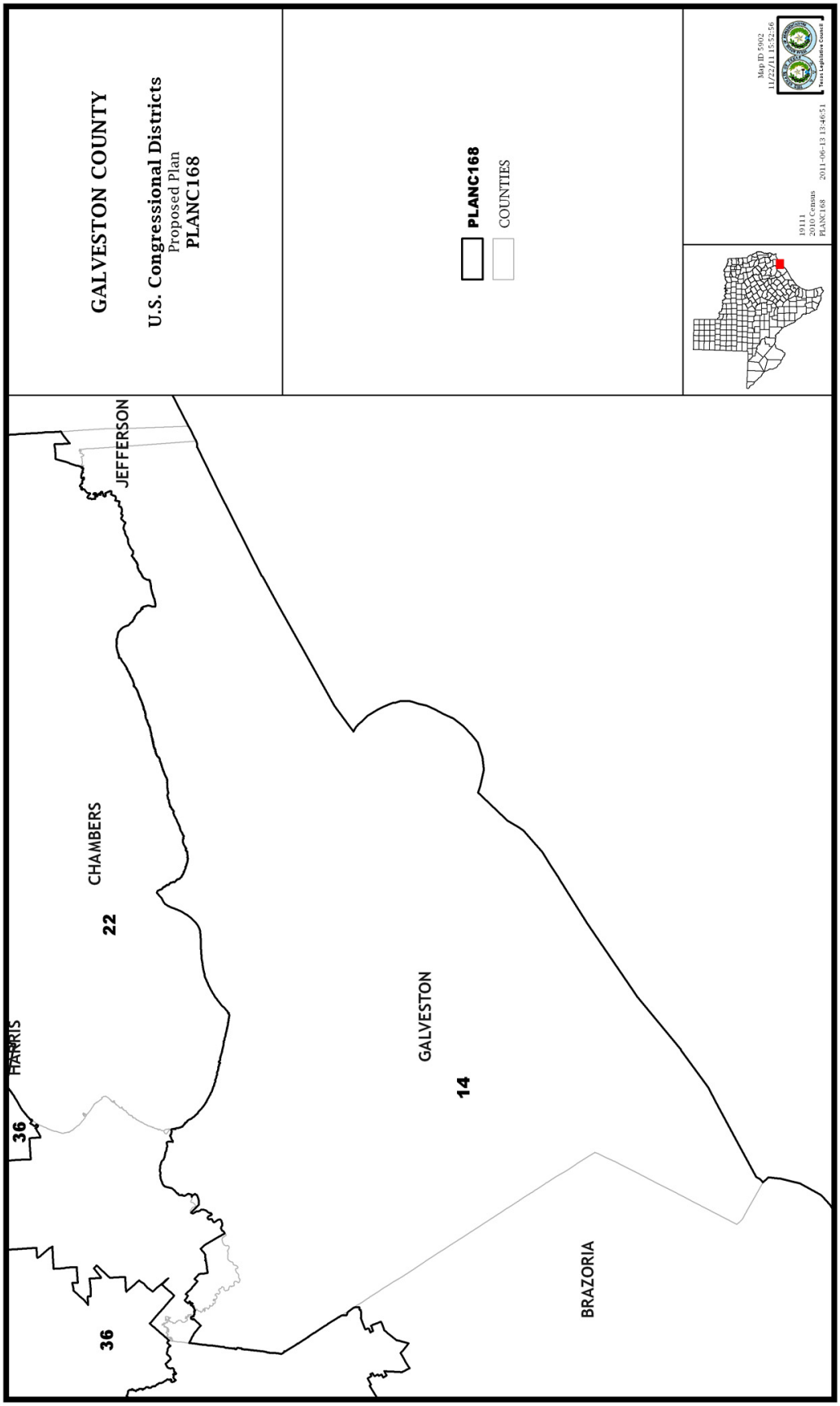
AUSTIN
WHARTON


GALVESTON COUNTY
U.S. Congressional Districts
Proposed Plan
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COUNTIES
Map ID 5902
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2010 Census
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Texas Legislative Council
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CHAMBERS
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HARRIS
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36
GALVESTON
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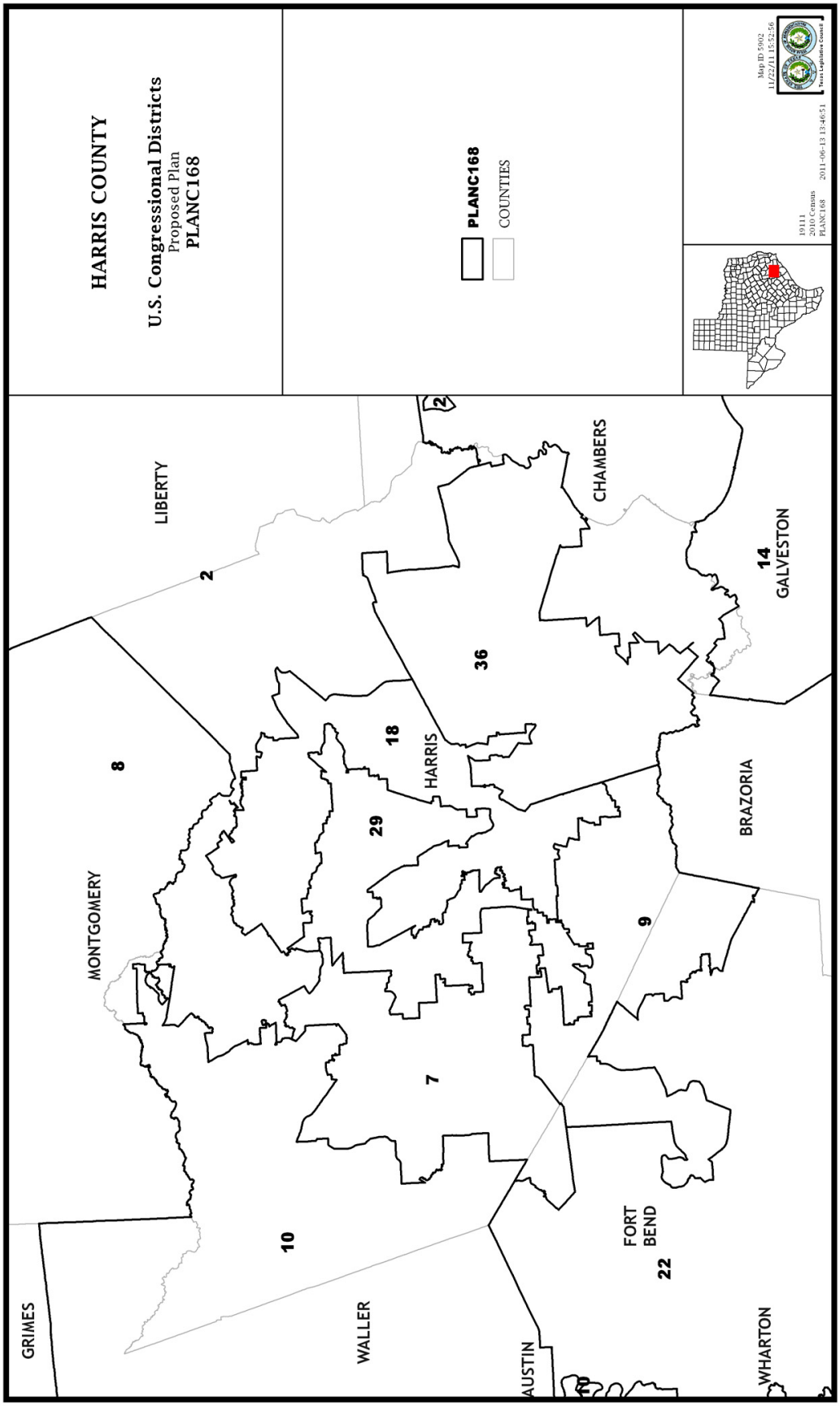
BRAZORIA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Texas Legislative Council
LIBERTY
2
2
CHAMBERS
14
GALVESTON
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18
HARRIS
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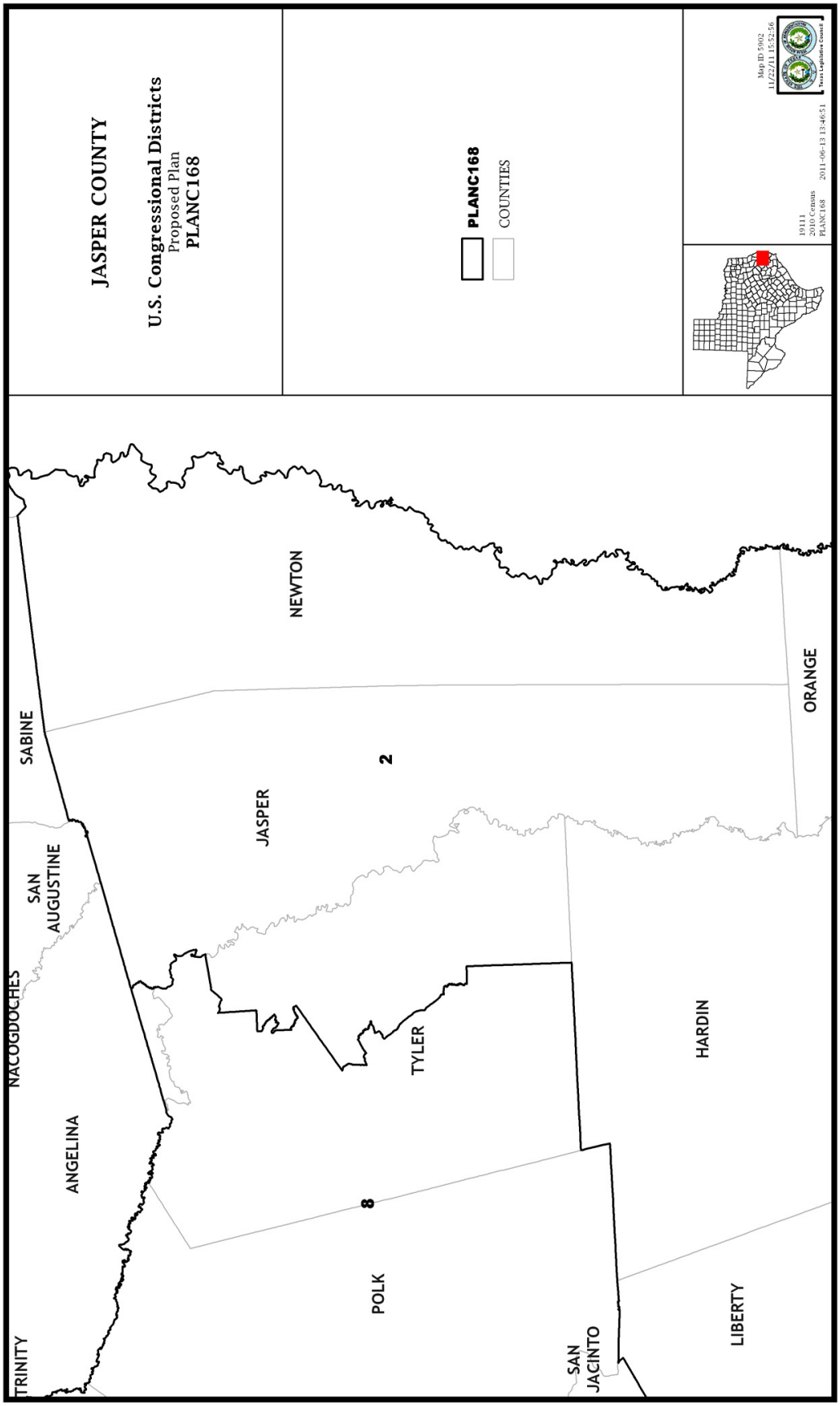
WALLER
AUSTIN
WHARTON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COUNTIES
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2010 Census
PLANC168
2011-06-13 13:46:51
Texas Legislative Council
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ORANGE
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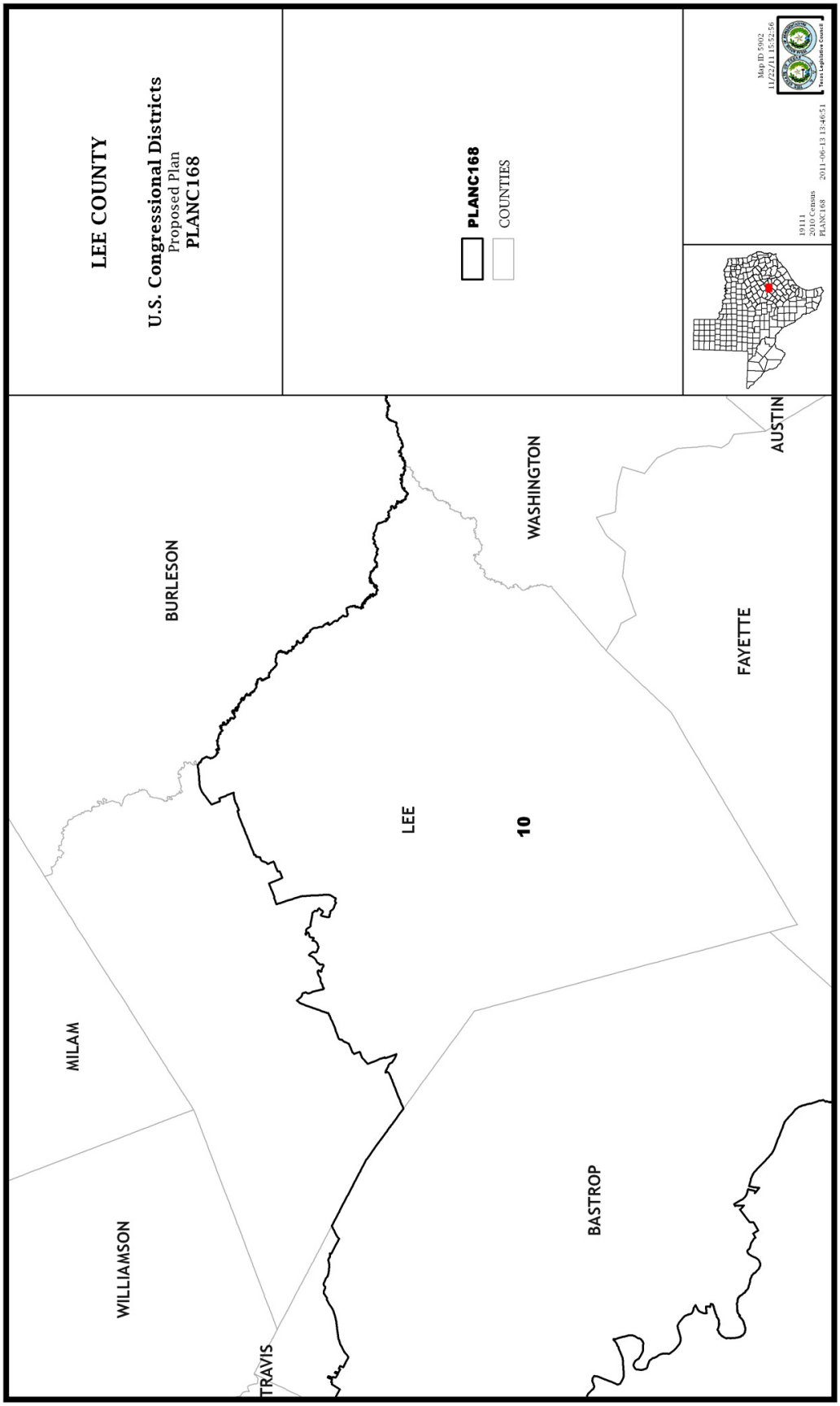
NACOGDOCHES
TYLER
HARDIN
ANGELINA
8
POLK
TRINITY
SAN JACINTO
LIBERTY


LEE COUNTY
U.S. Congressional Districts
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PLANC168
PLANC168
COUNTIES
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11/22/11 15:52:56
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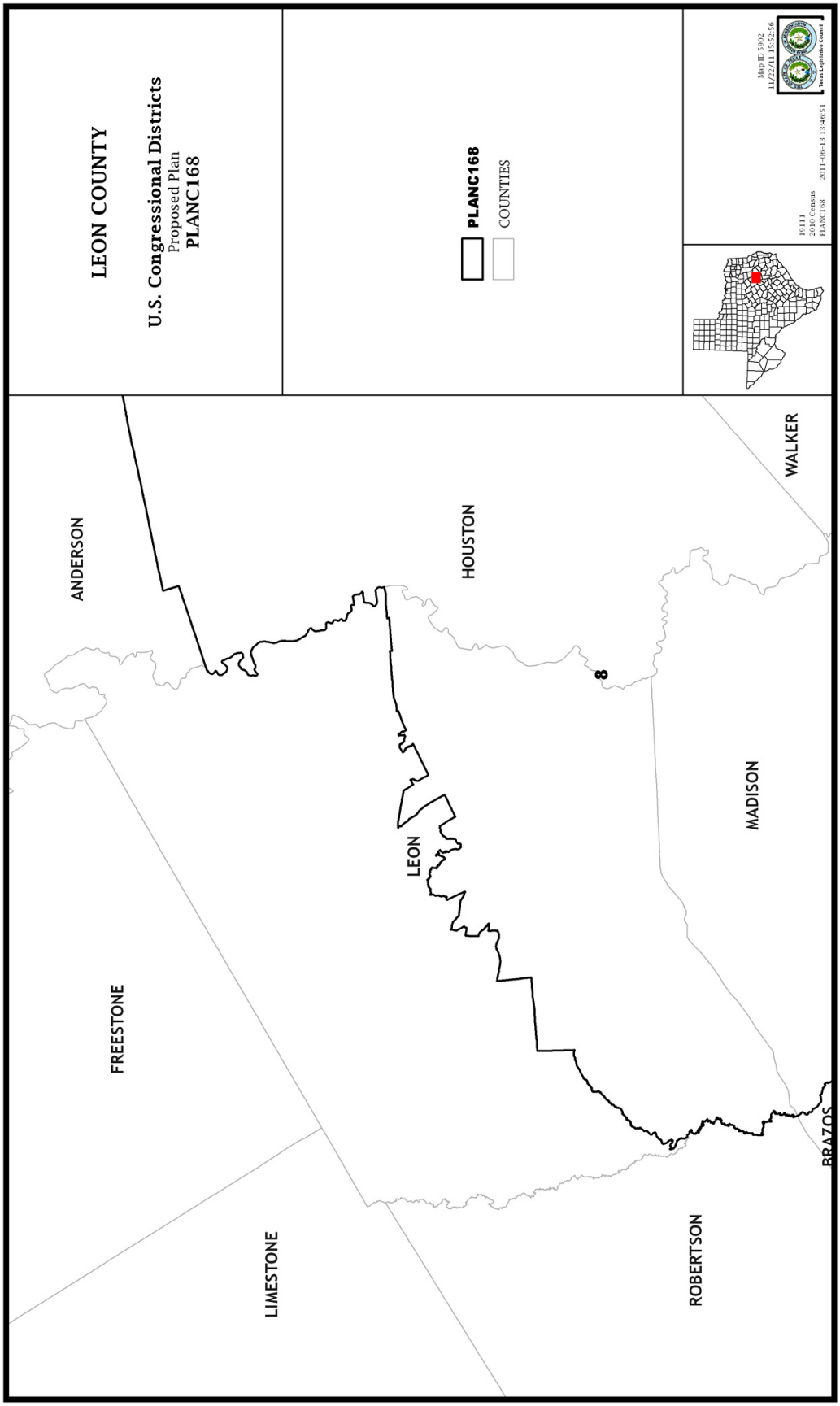
2010 Census
PLANC168
2011-06-13 13:46:51
BURLESON
WASHINGTON
AUSTIN
FAYETTE
LEE
10
MILAM
WILLIAMSON
TRAVIS
BASTROP


LEON COUNTY
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Proposed Plan
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COUNTIES
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2010 Census
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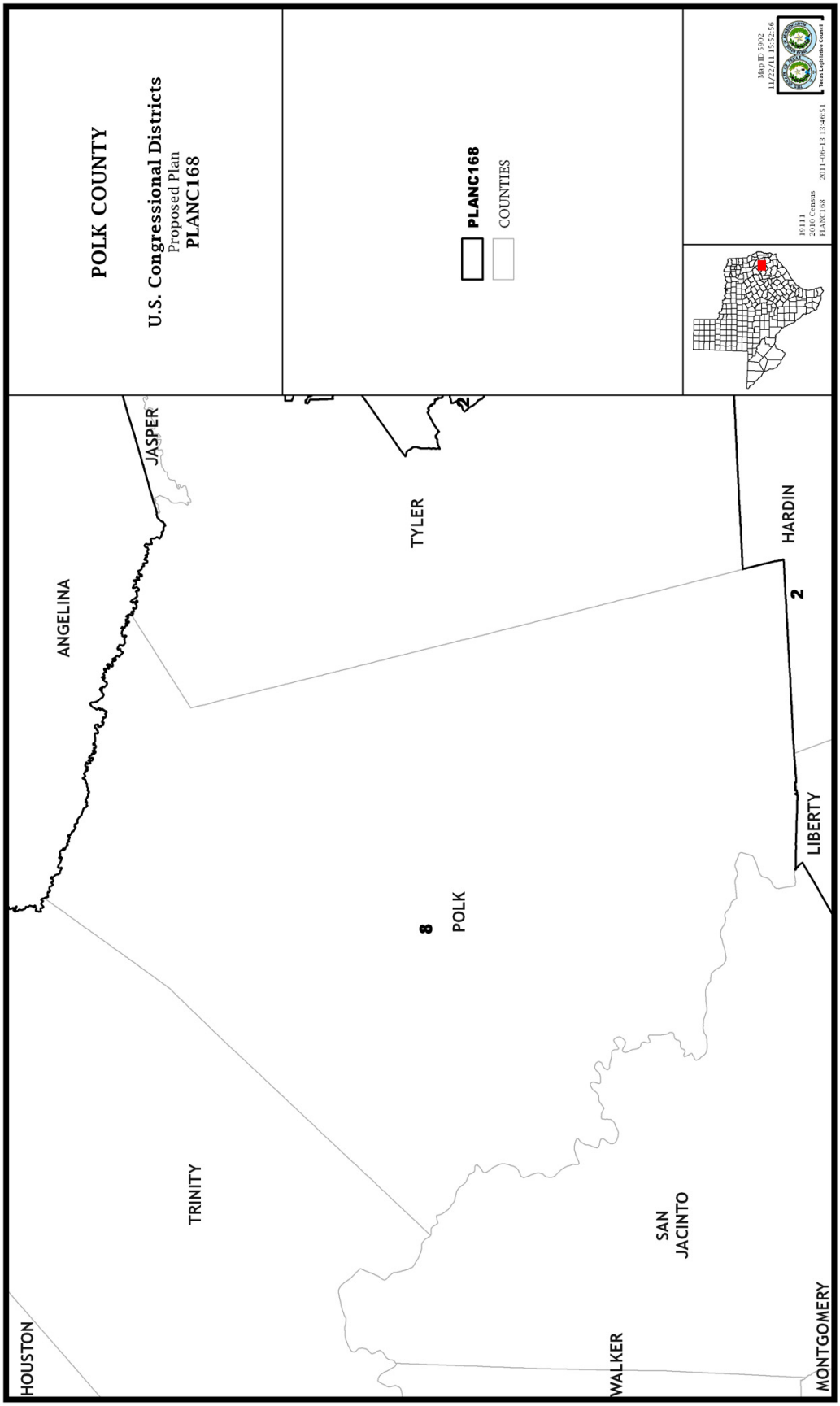
BRAZOS
LIMESTONE
ROBERTSON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Texas Legislative Council
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2010 Census
PLANC168
2011-06-13 13:46:51
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LIBERTY
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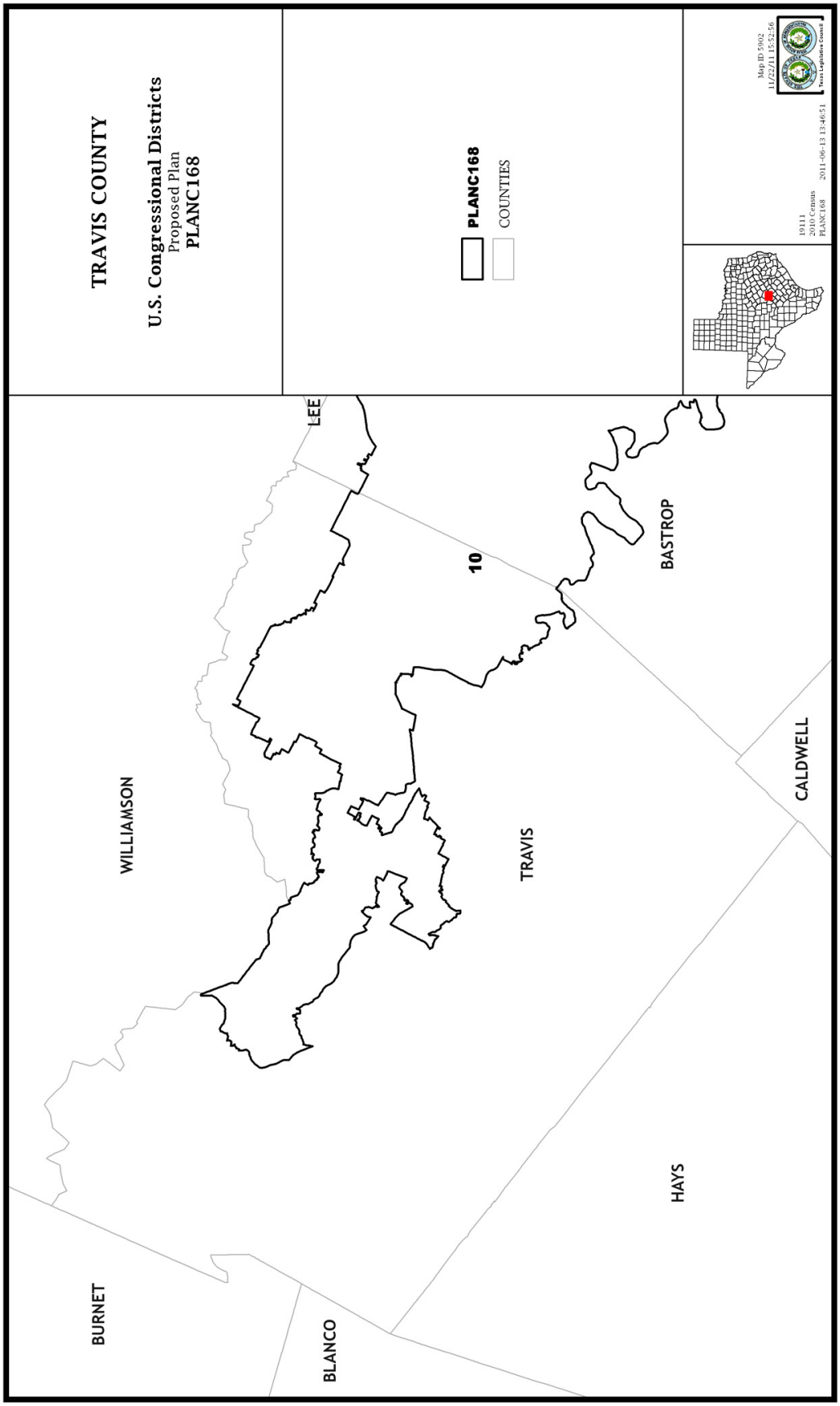
TRINITY
SAN JACINTO
HOUSTON
WALKER
MONTGOMERY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Proposed Plan
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PLANC168
COUNTIES
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Texas Legislative Council
19111
2010 Census
PLANC168
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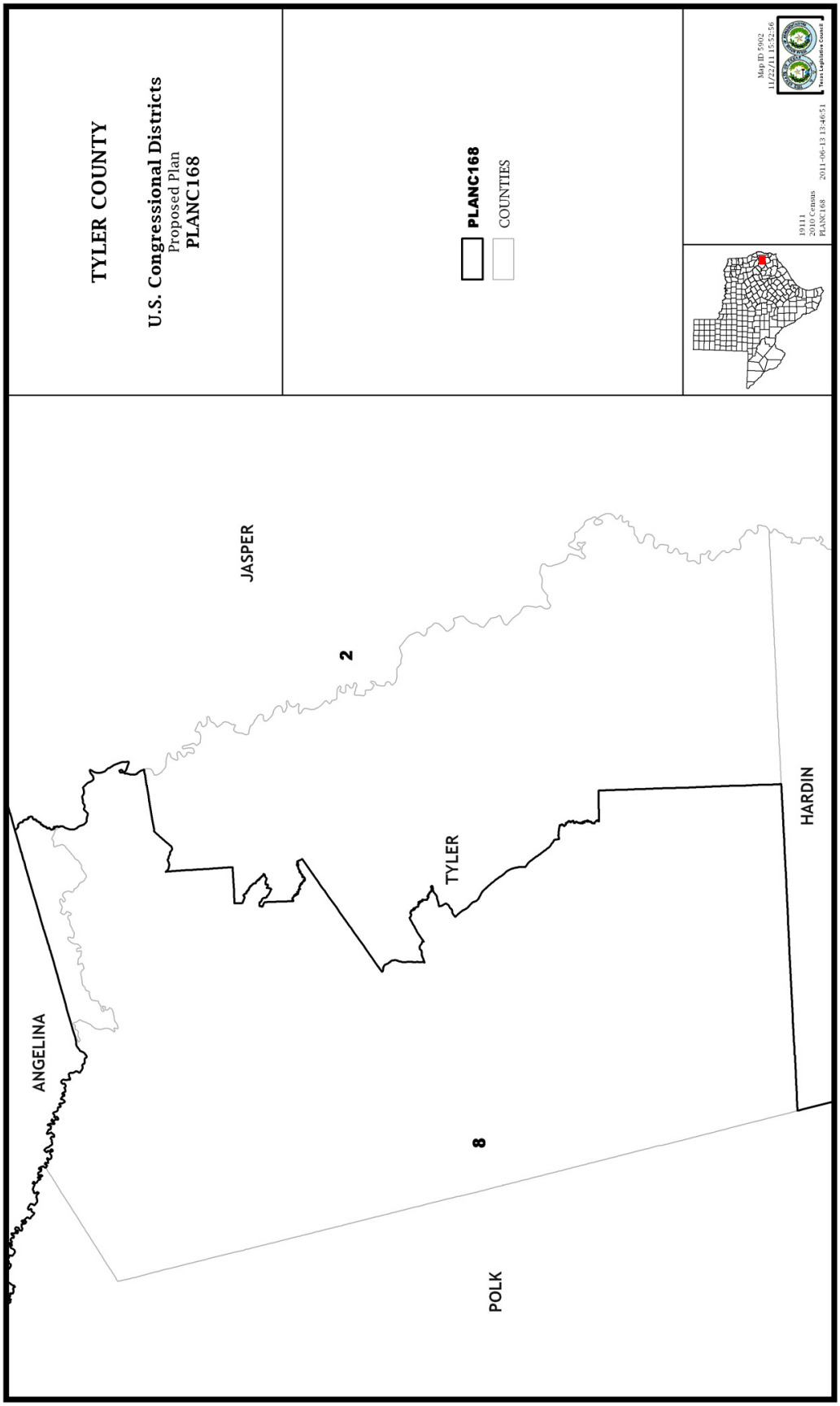
BASTROP
WILLIAMSON
TRAVIS
CALDWELL
HAYS
BURNET
BLANCO


TYLER COUNTY
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Proposed Plan
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COUNTIES
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Texas Legislative Council
19111
2010 Census
PLANC168
2011-06-13 13:46:51
JASPER
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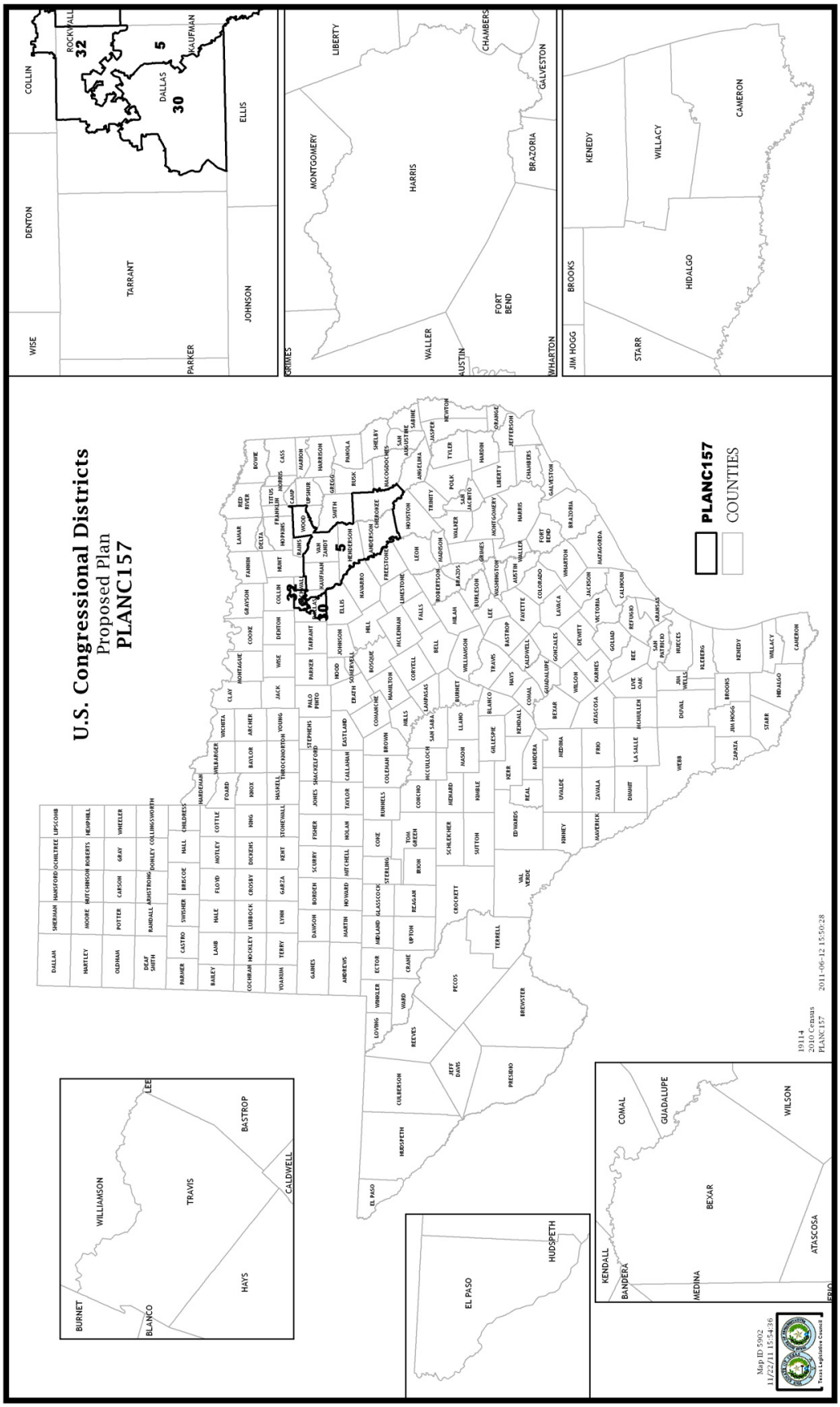
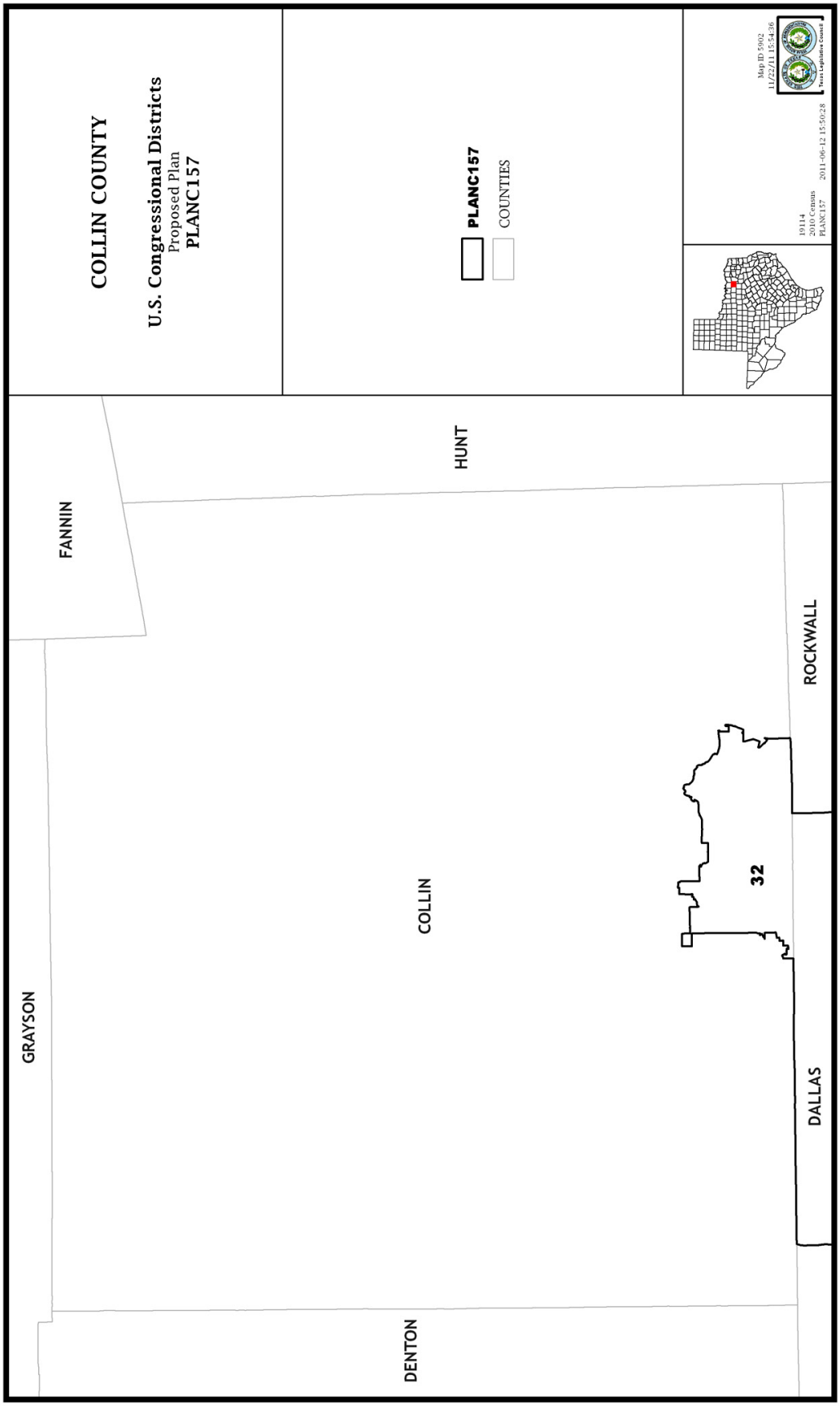
ANGELINA
TYLER
HARDIN
8
POLK

Amendment No. 8 (by Johnson)




COLLIN COUNTY
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Proposed Plan
PLANC157
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COUNTIES
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2010 Census
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Texas Legislative Council
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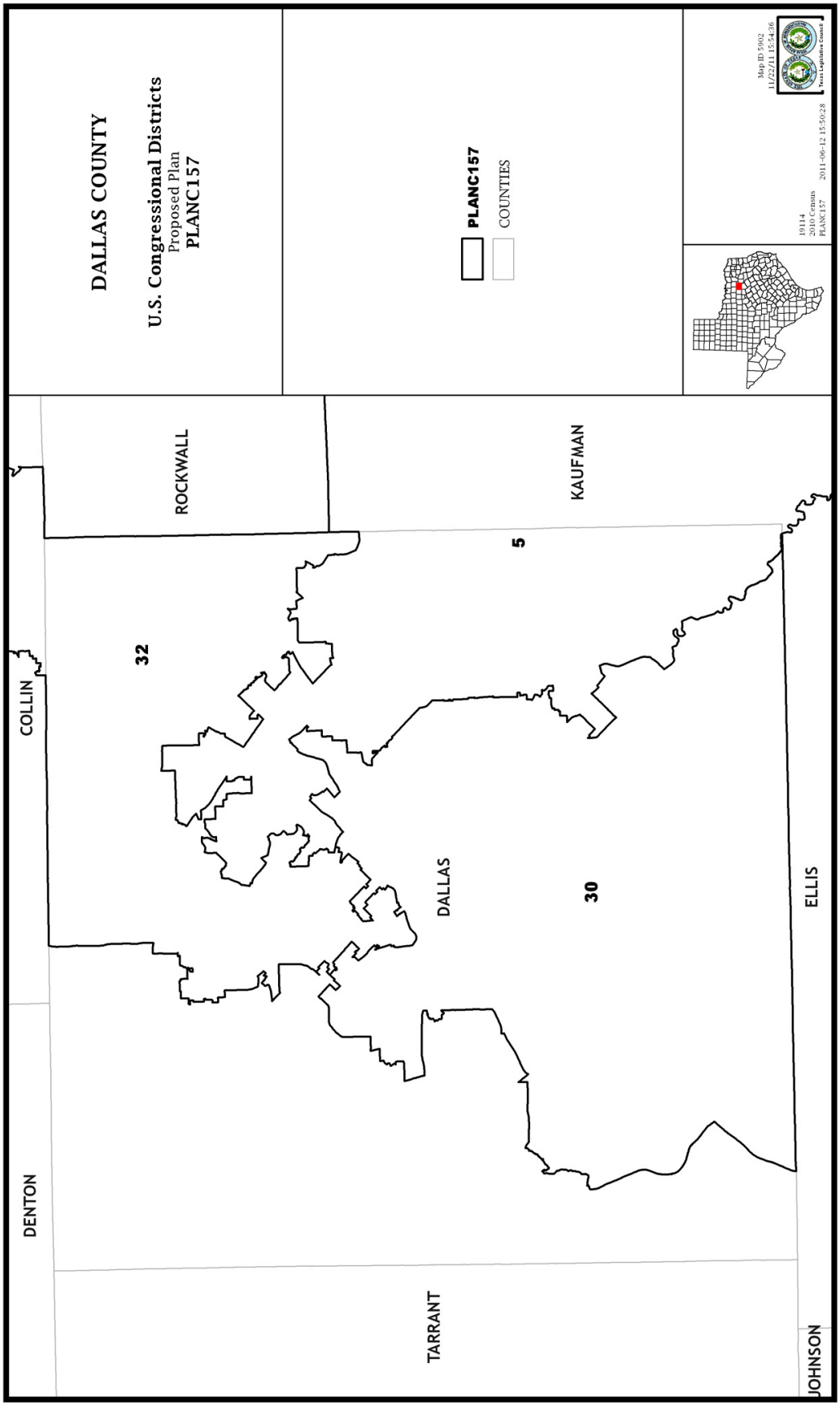
HUNT
ROCKWALL
GRAYSON
COLLIN
32
DALLAS
DENTON


DALLAS COUNTY
U.S. Congressional Districts
Proposed Plan
PLANC157
PLANC157
COUNTIES
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19114
2010 Census
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2011-06-12 15:50:28
Texas Legislative Council
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KAUFMAN
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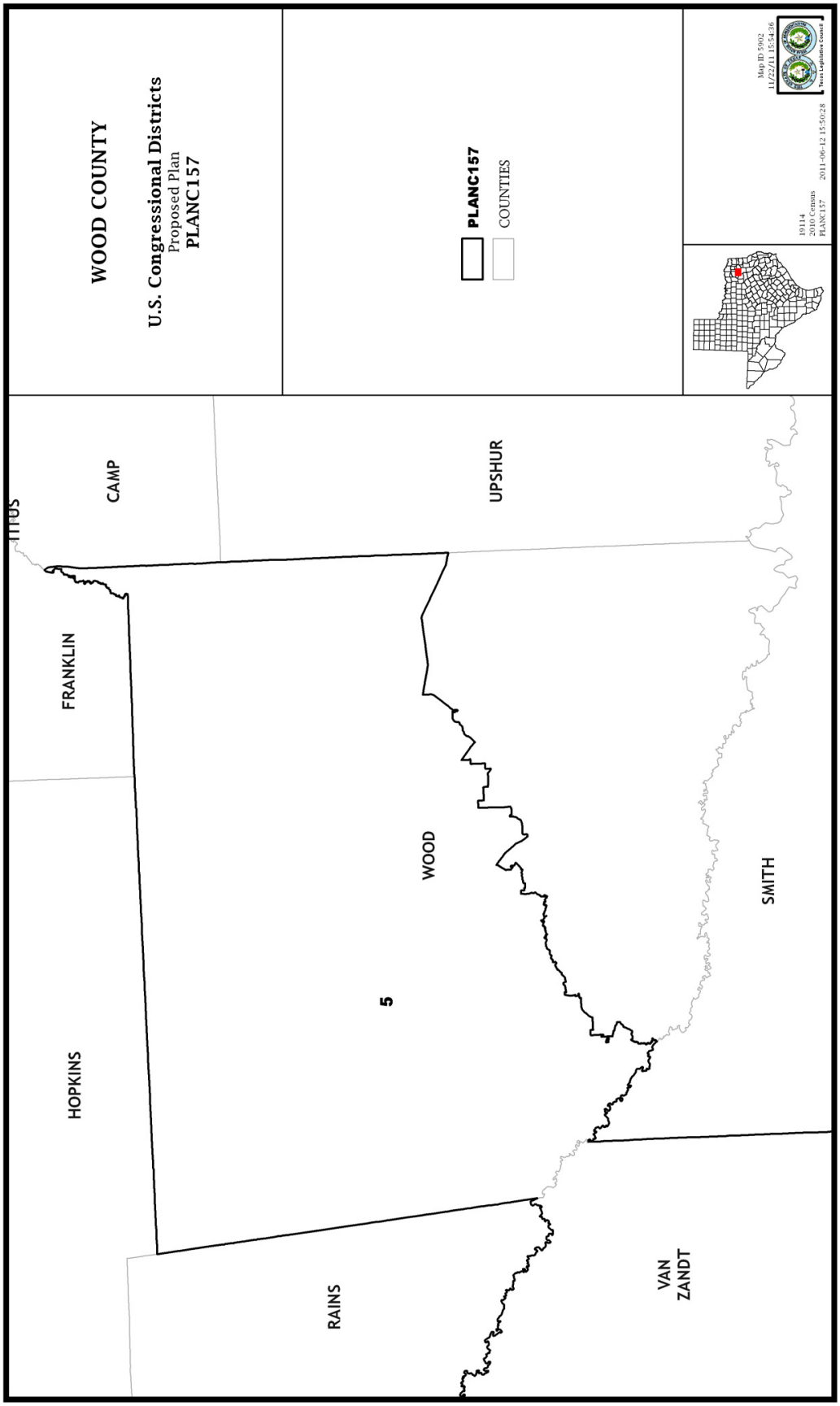
DENTON
TARRANT
JOHNSON


WOOD COUNTY
U.S. Congressional Districts
Proposed Plan
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PLANC157
COUNTIES
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2010 Census
PLANC157
2011-06-12 15:50:28
Texas Legislative Council
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FRANKLIN
WOOD
5
SMITH
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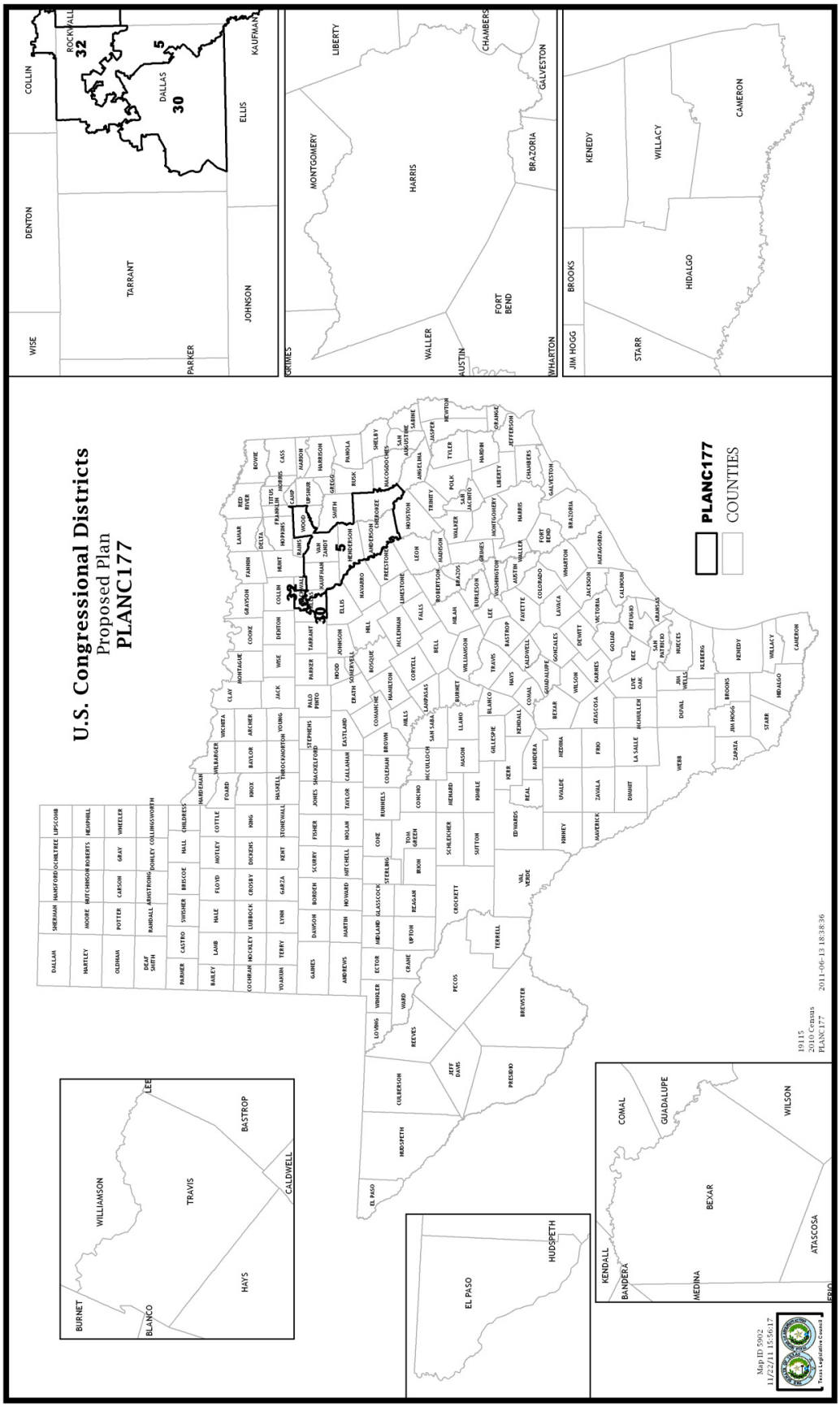
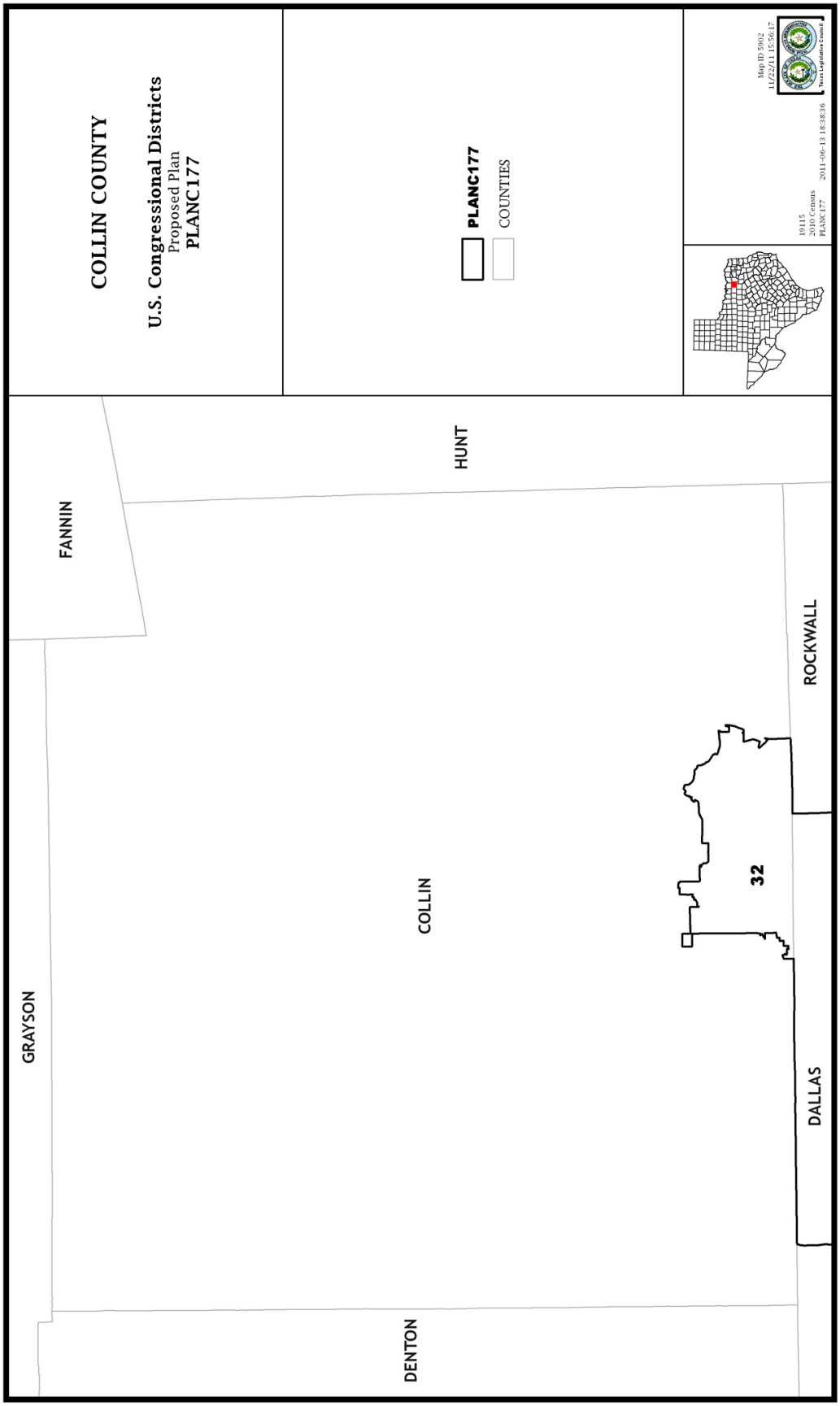
RAINS
VAN ZANDT

Amendment No. 9 (by Johnson)

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Proposed Plan
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2010 Census
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Texas Legislative Council
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HUNT
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GRAYSON
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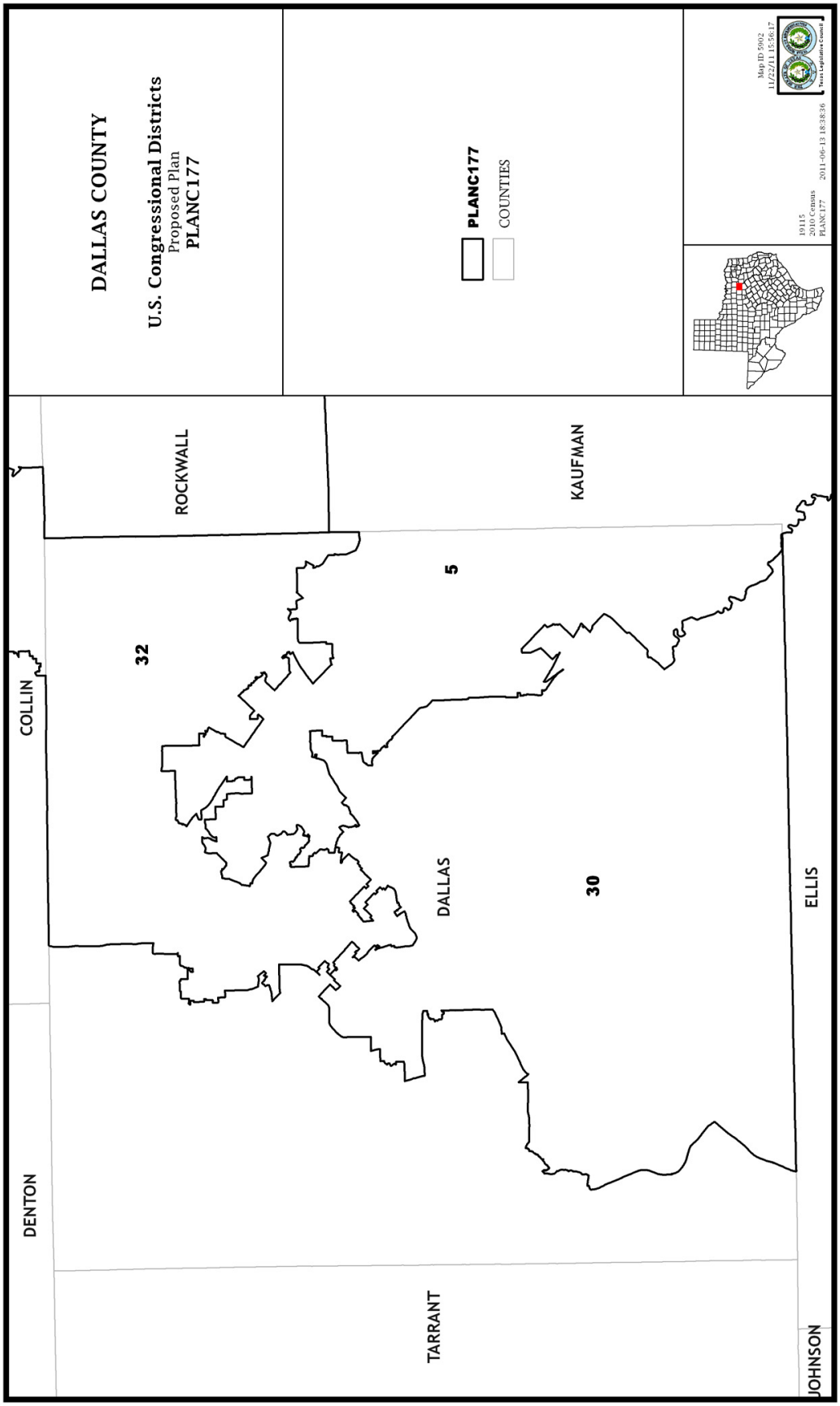
DENTON


DALLAS COUNTY
U.S. Congressional Districts
Proposed Plan
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COUNTIES
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11/22/11 15:56:17
Texas Legislative Council
19115
2010 Census
PLANC177
2011-06-13 18:38:36
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KAUFMAN
COLLIN
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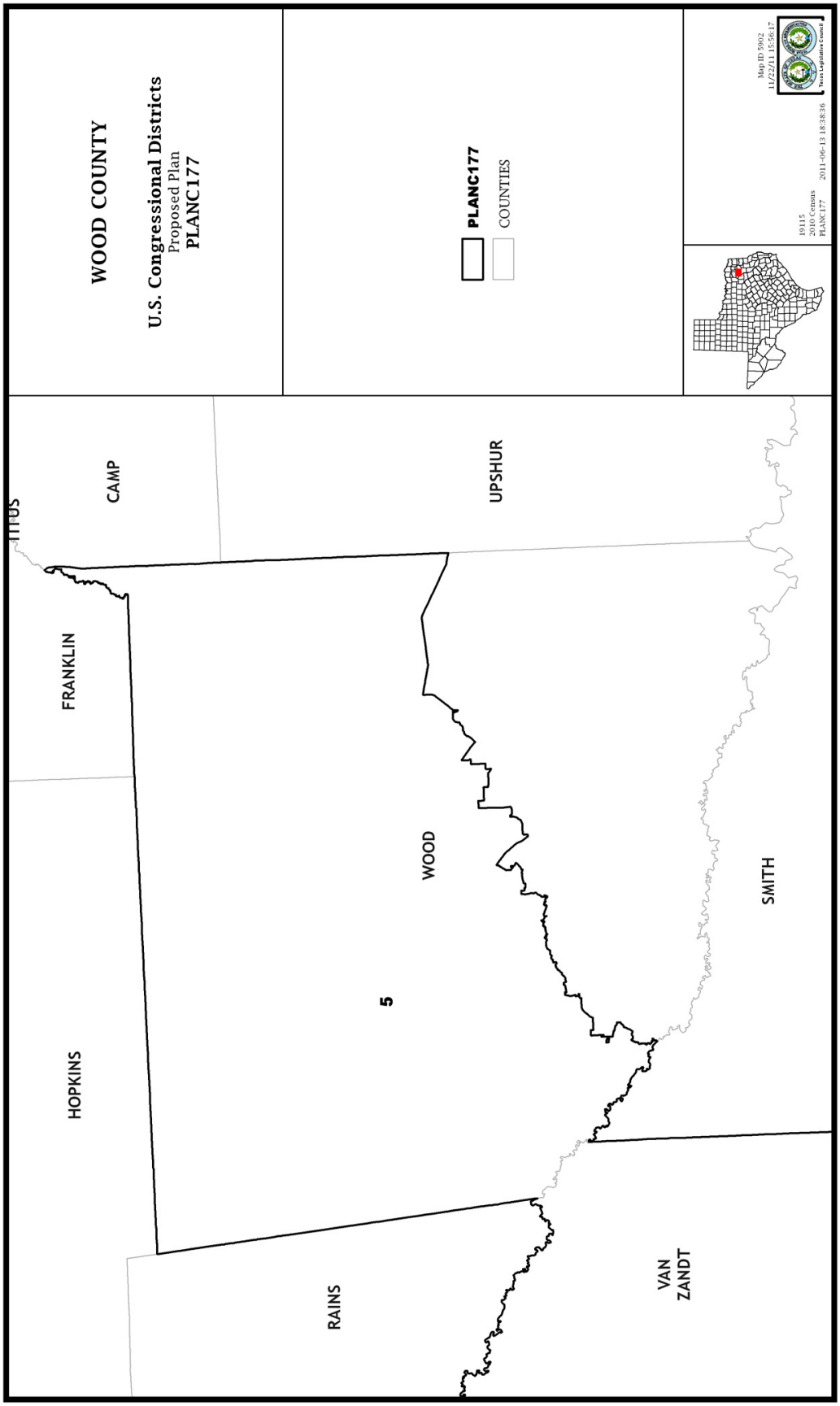
TARRANT
JOHNSON


WOOD COUNTY
U.S. Congressional Districts
Proposed Plan
PLANC177
PLANC177
COUNTIES
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Texas Legislative Council
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2010 Census
PLANC177
2011-06-13 18:38:36
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WOOD
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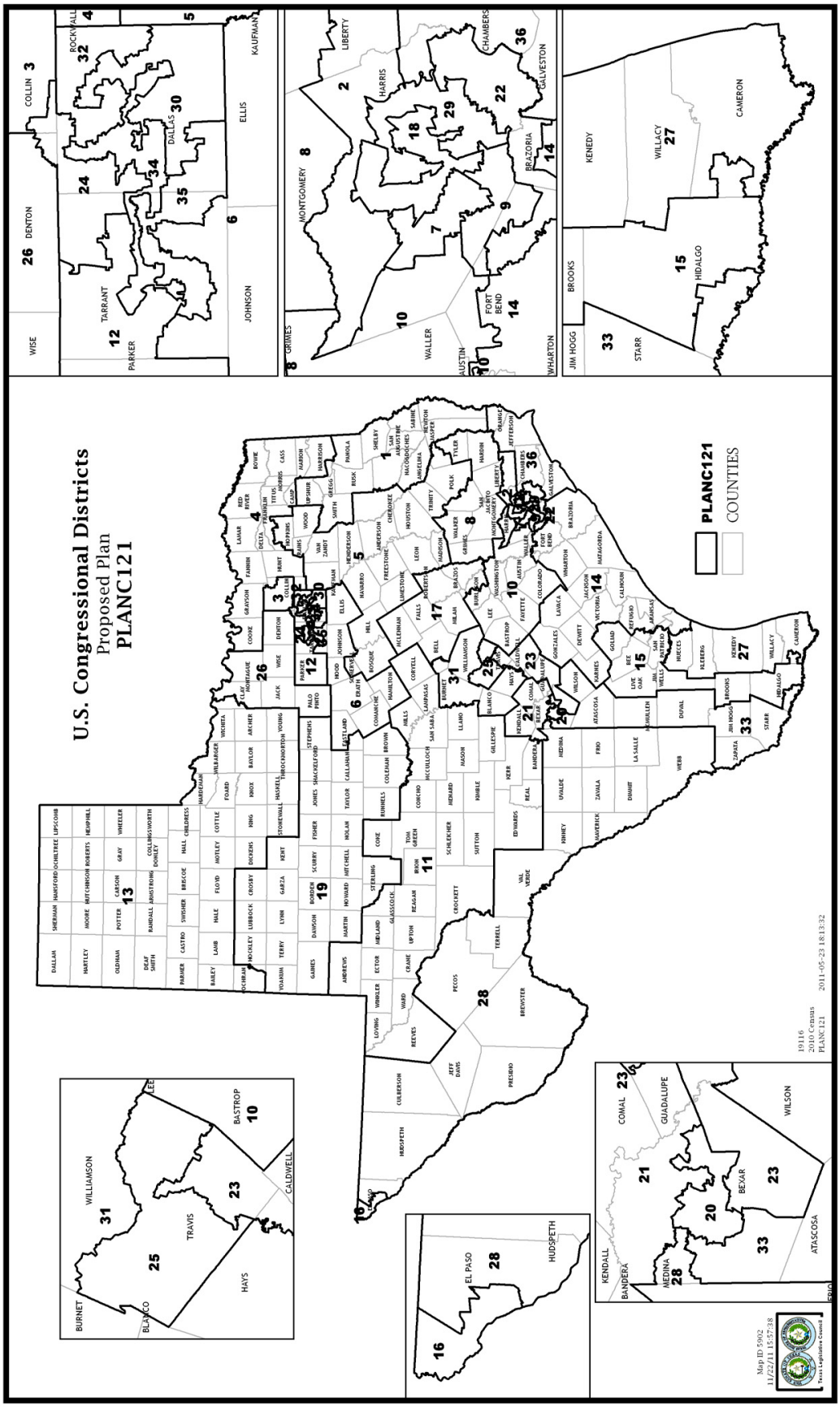
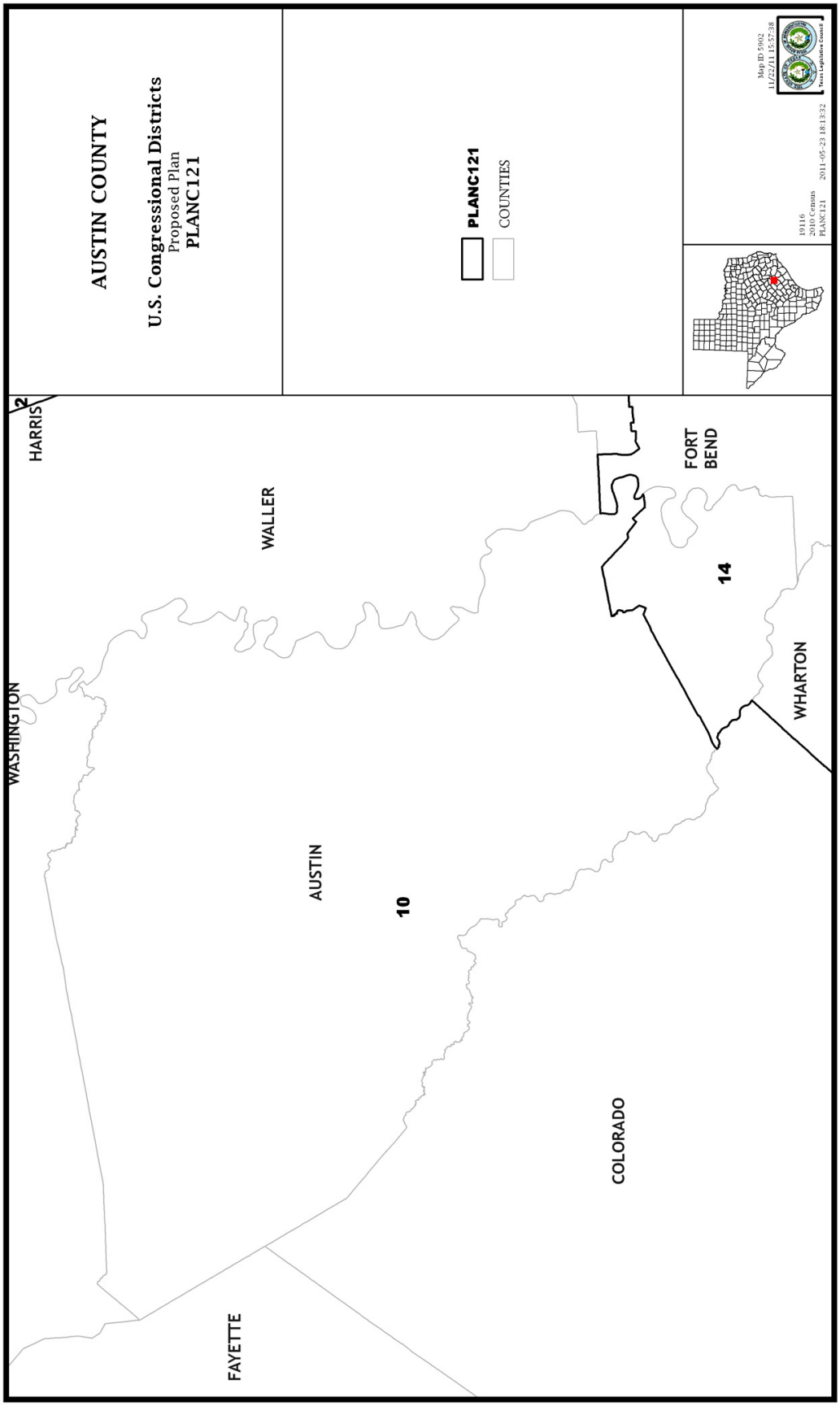
HOPKINS
RAINS
VAN
ZANDT

Amendment No. 10 (by Veasey)

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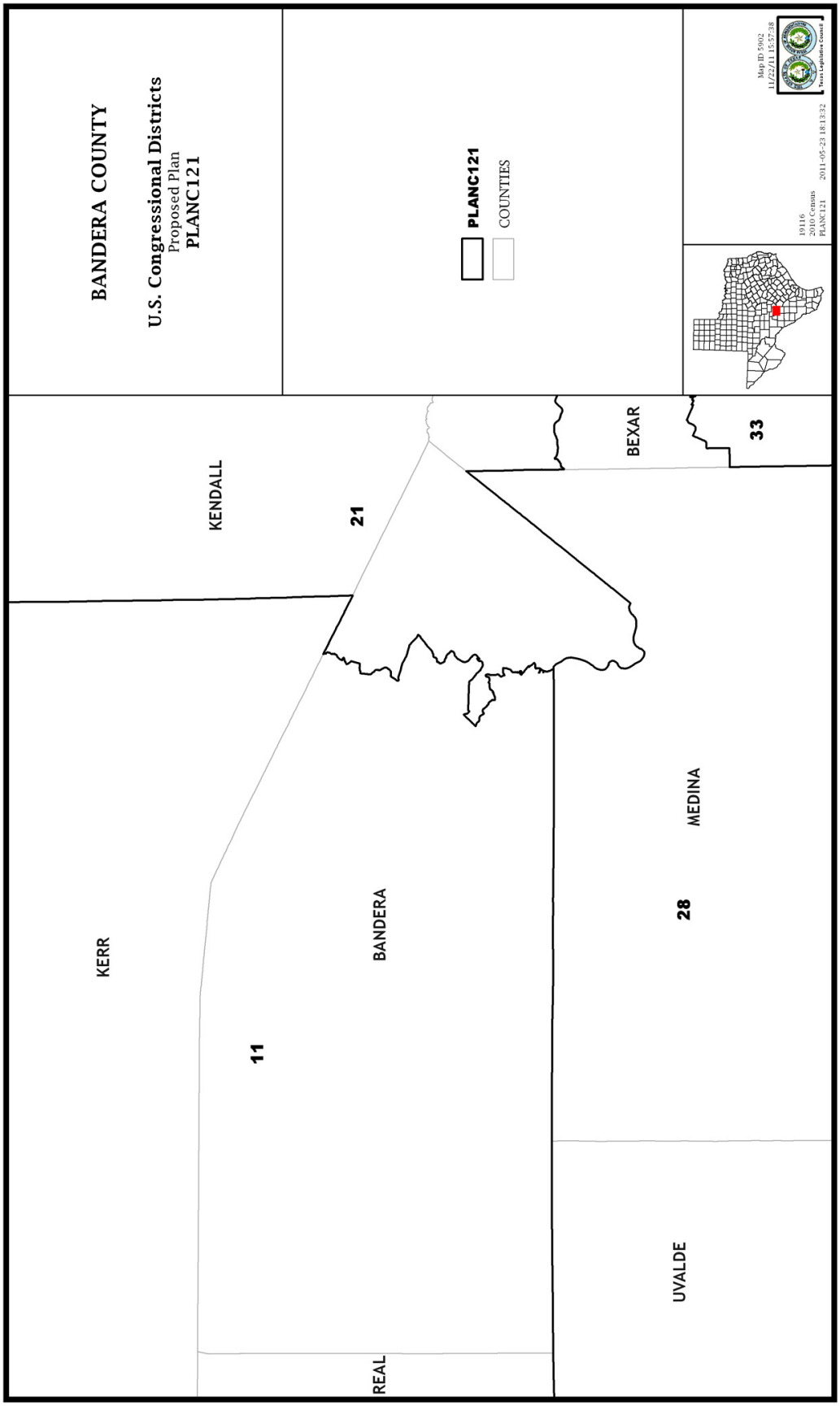
BANDERA COUNTY
U.S. Congressional Districts
Proposed Plan
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2010 Census
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2011-05-23 18:13:32
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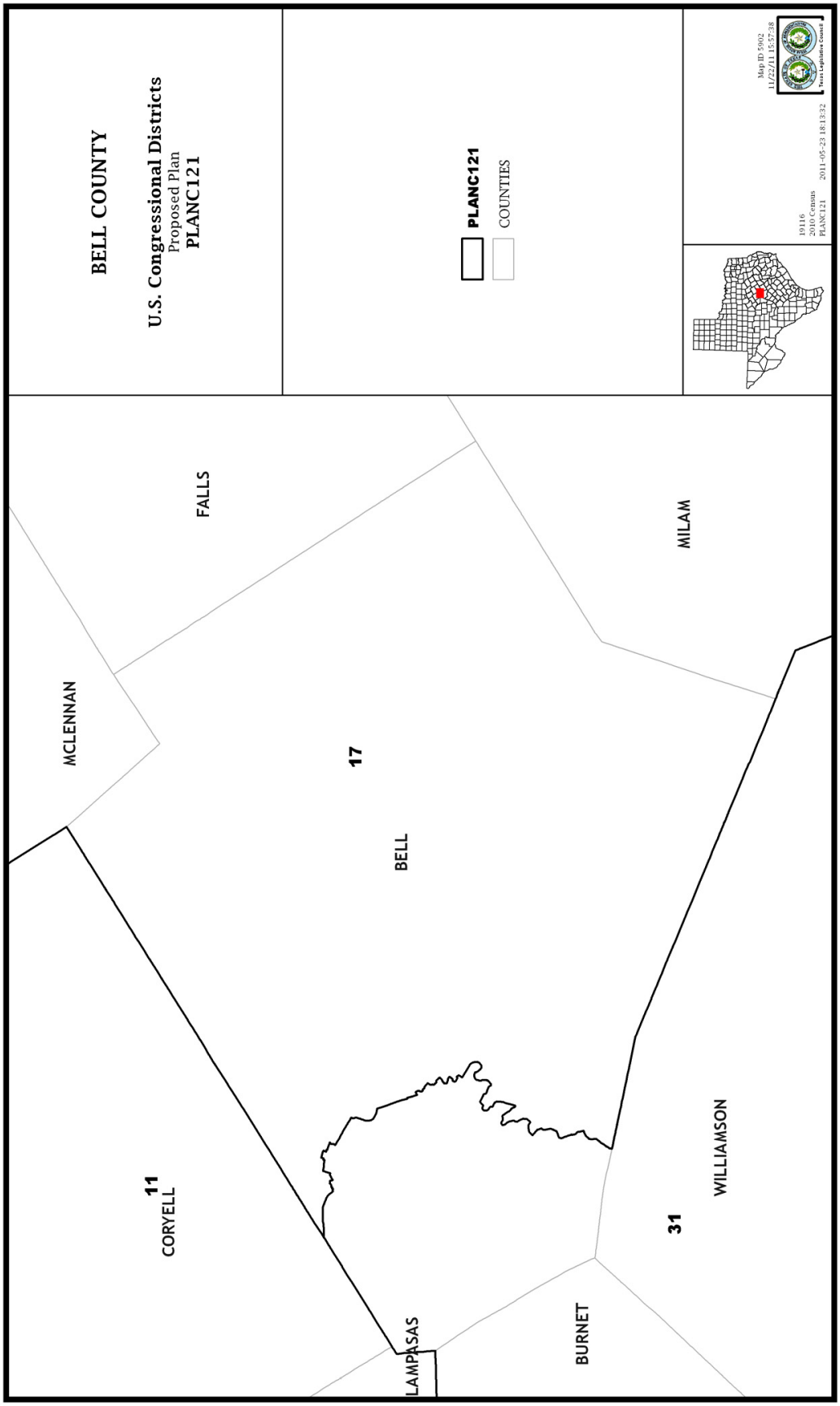
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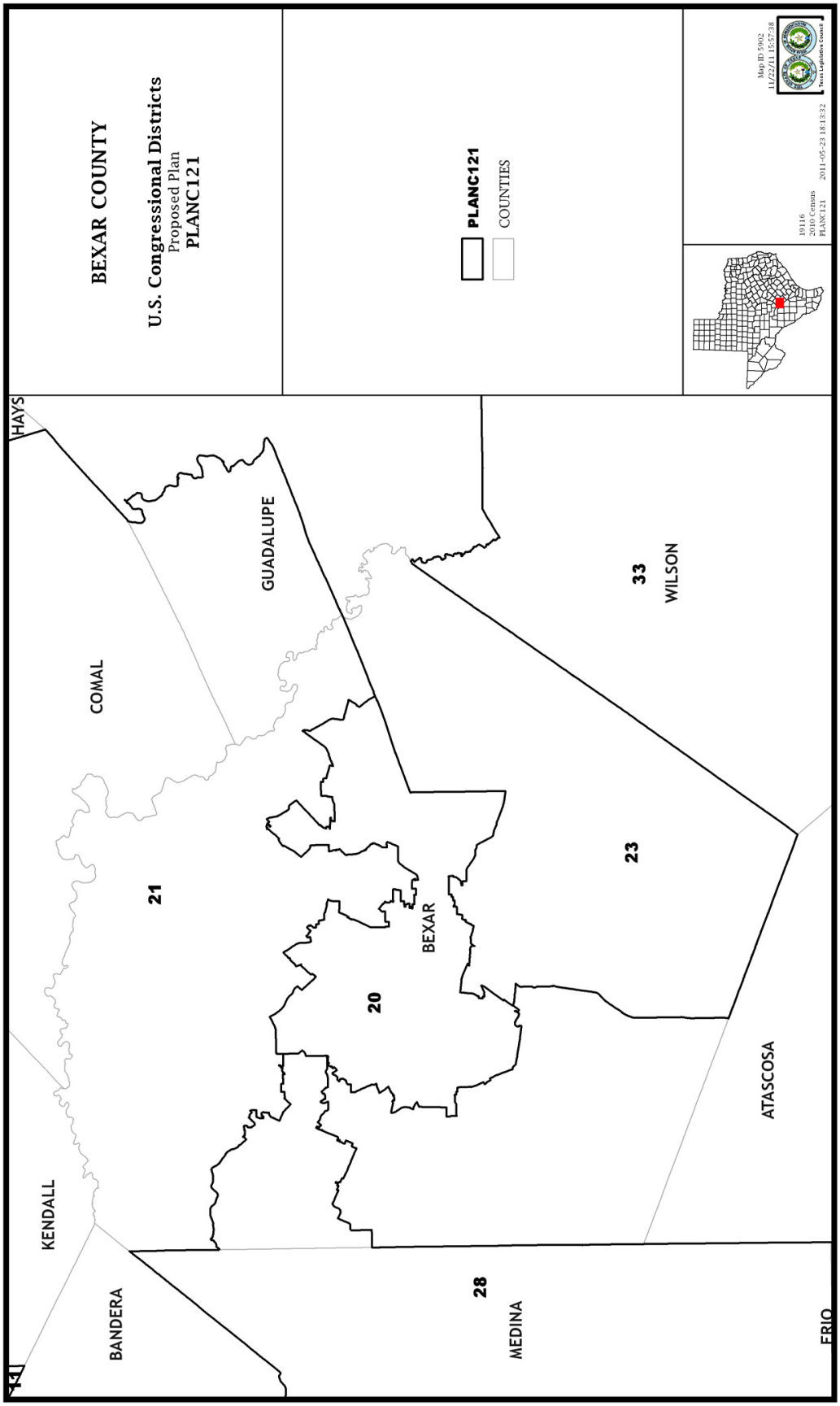
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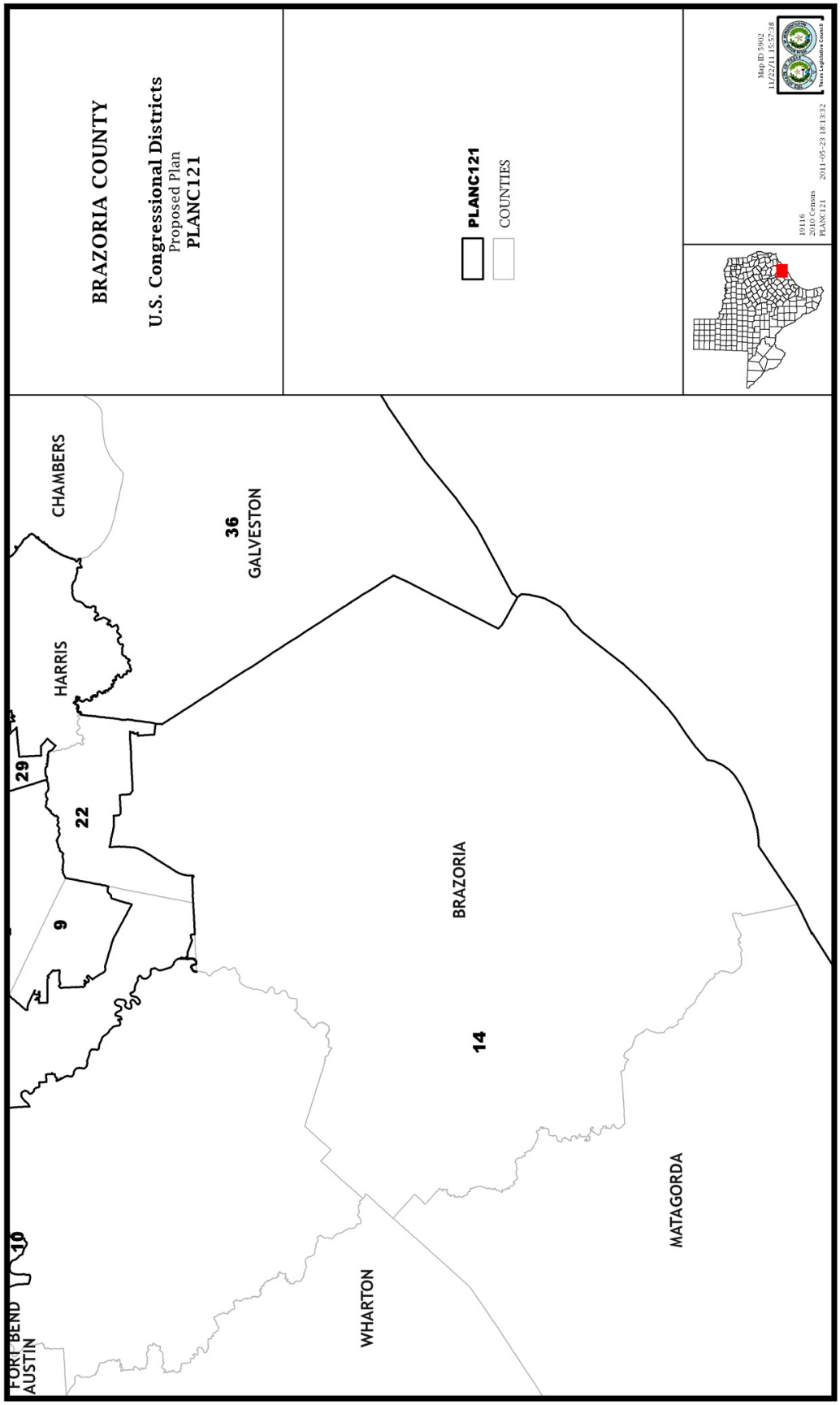
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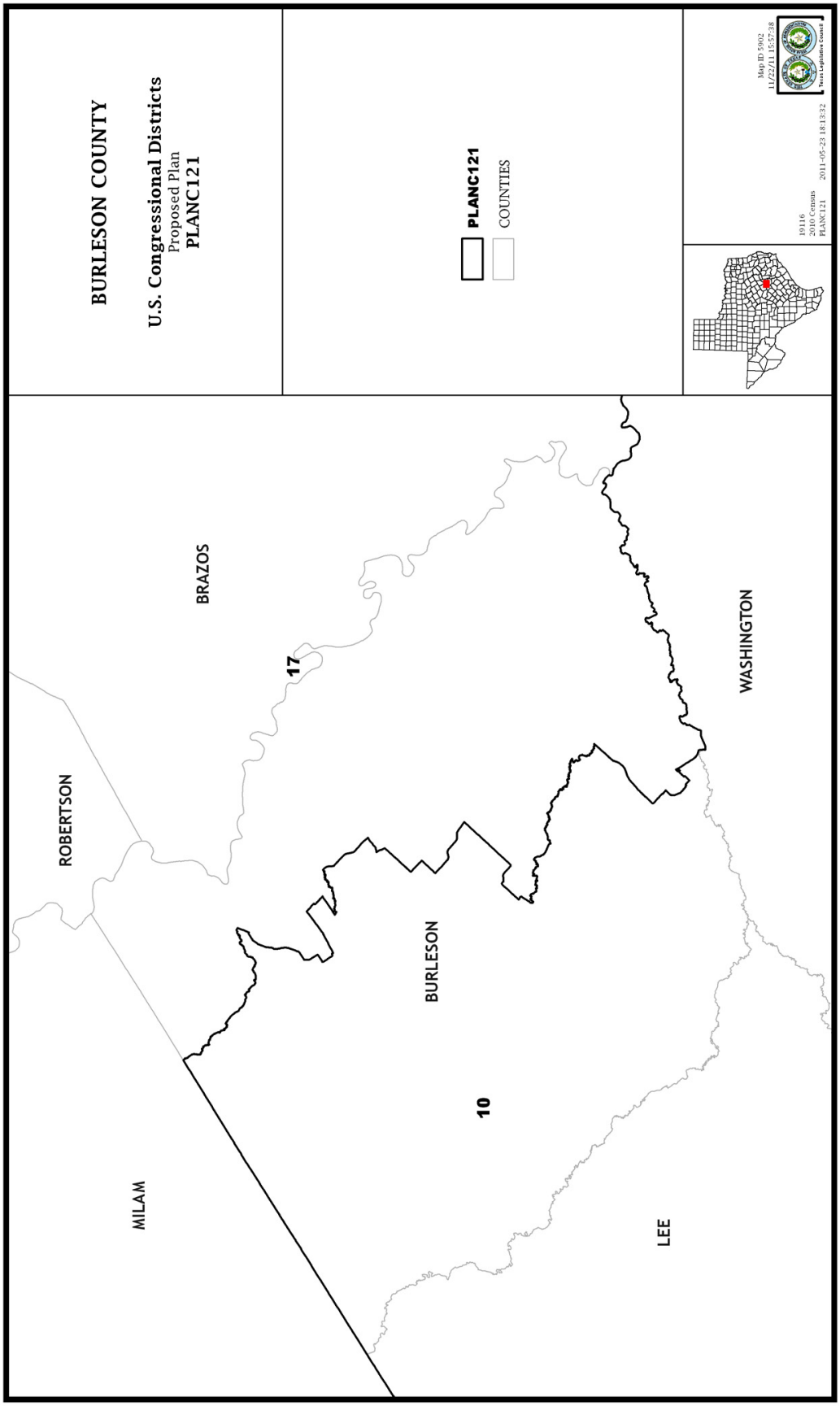
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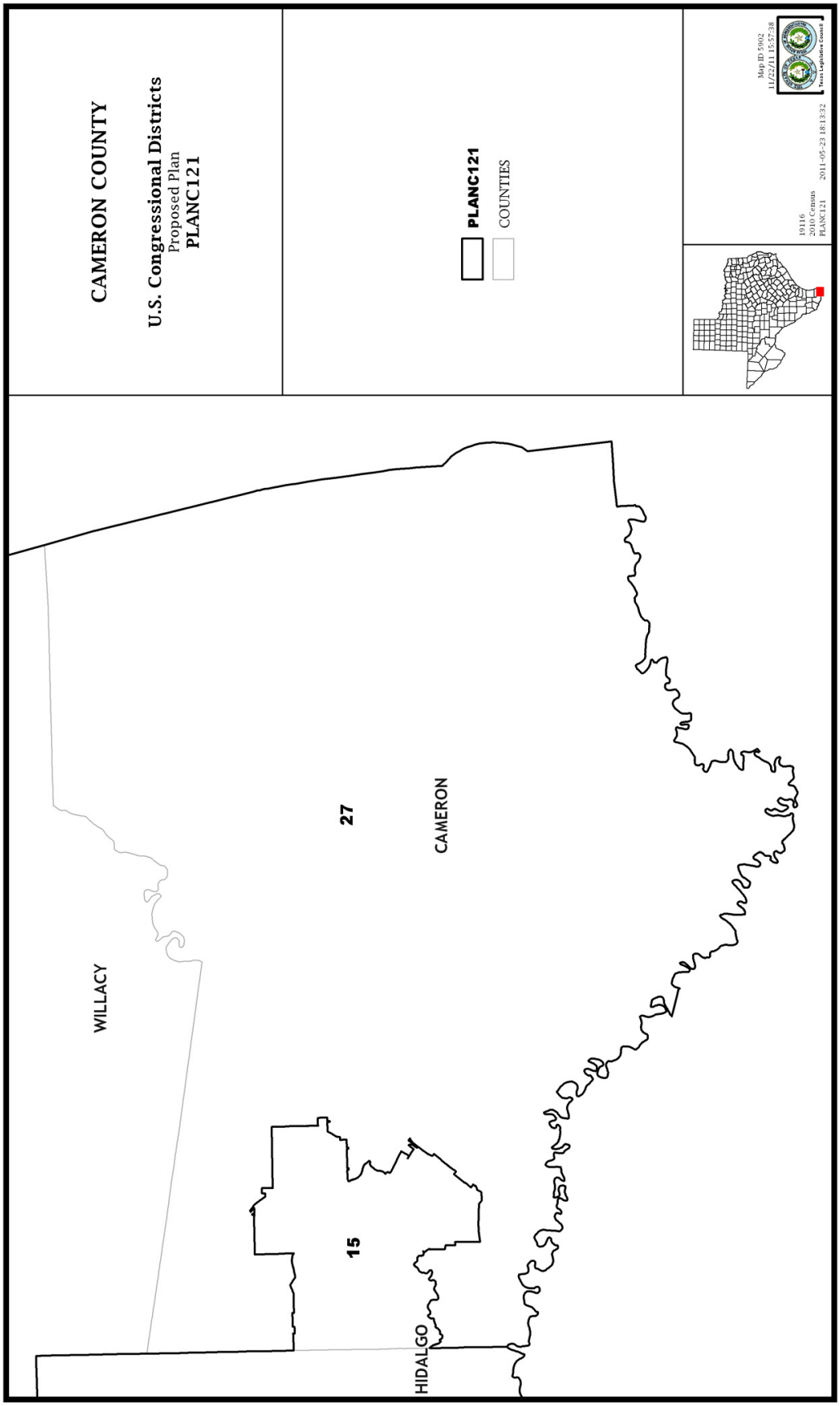
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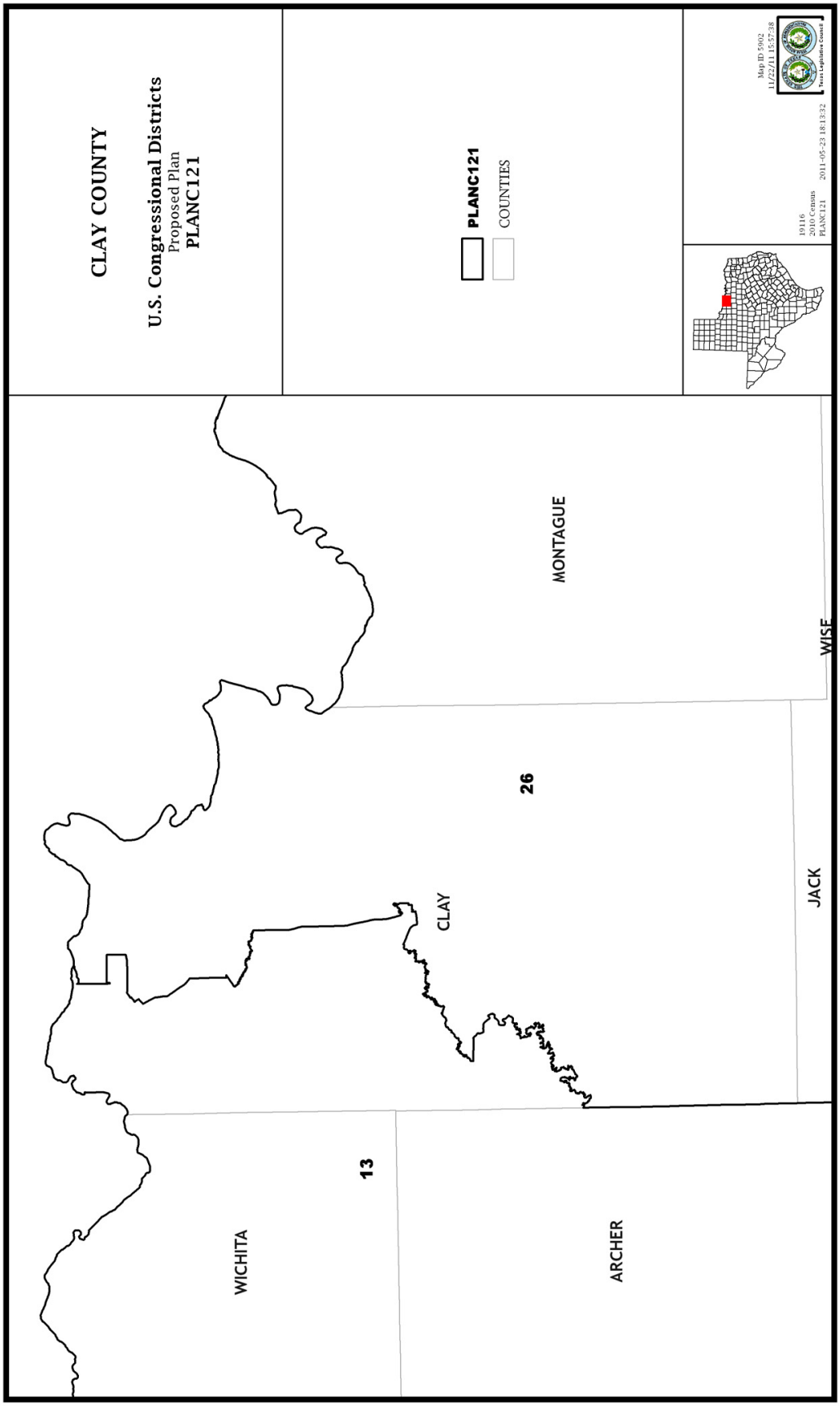
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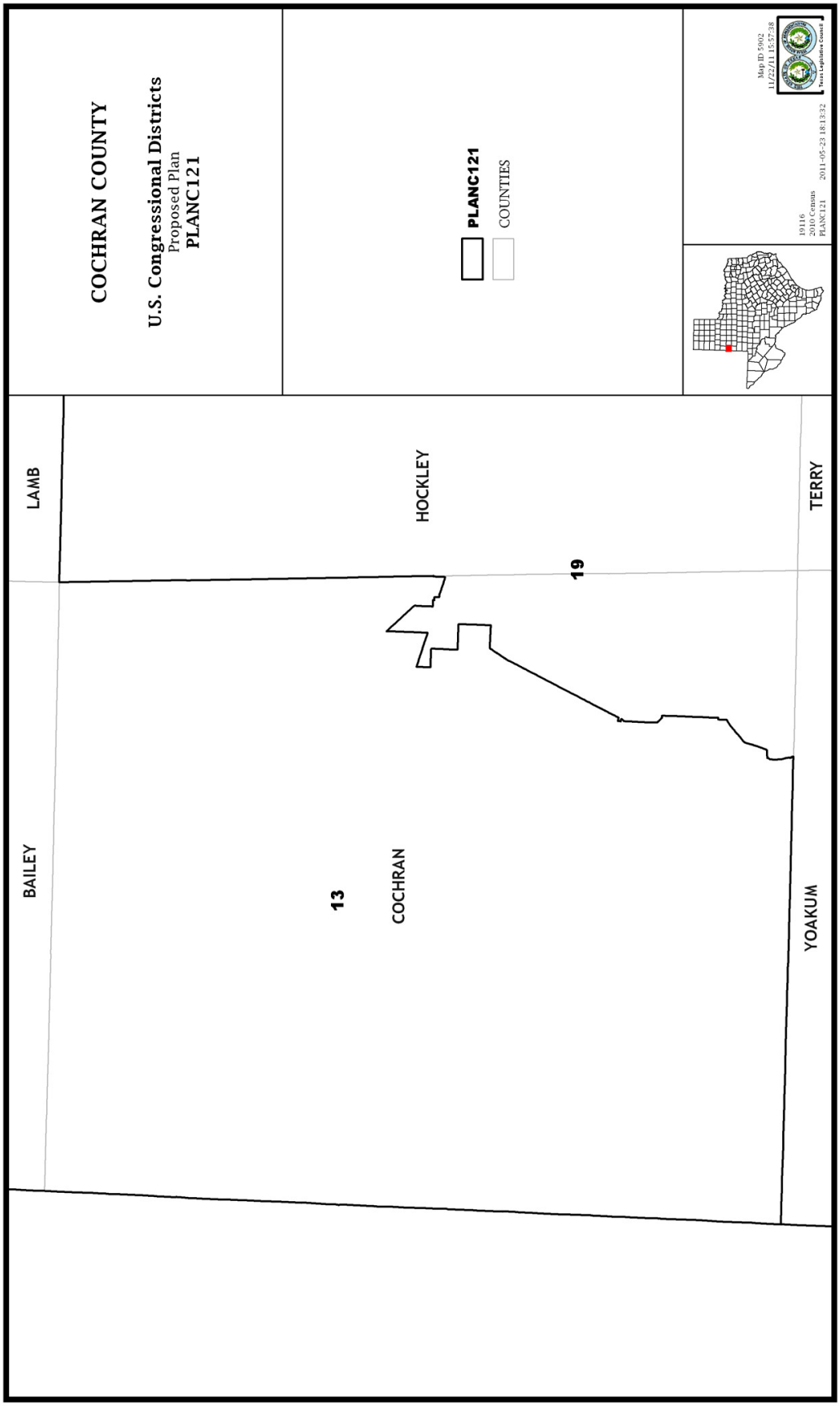
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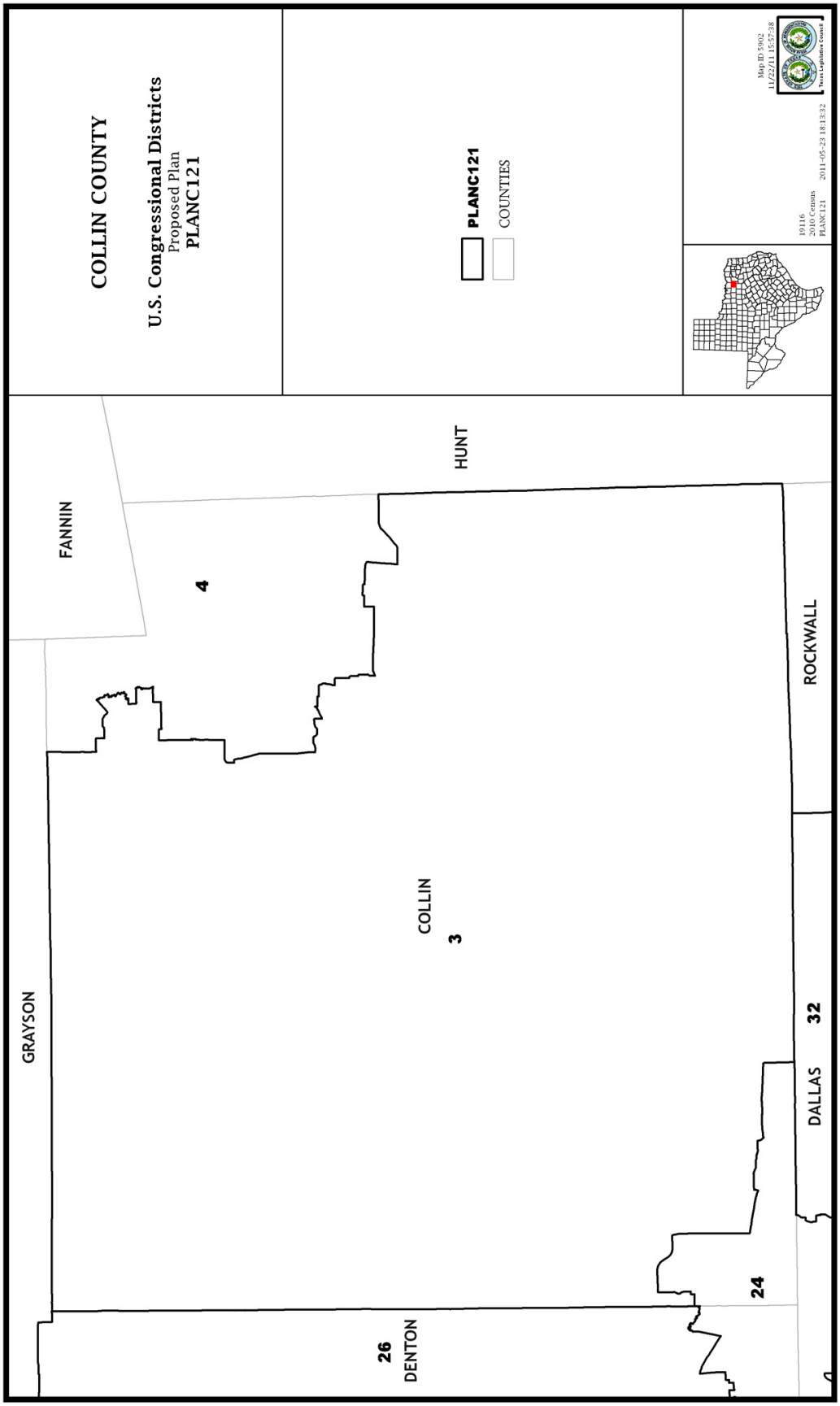
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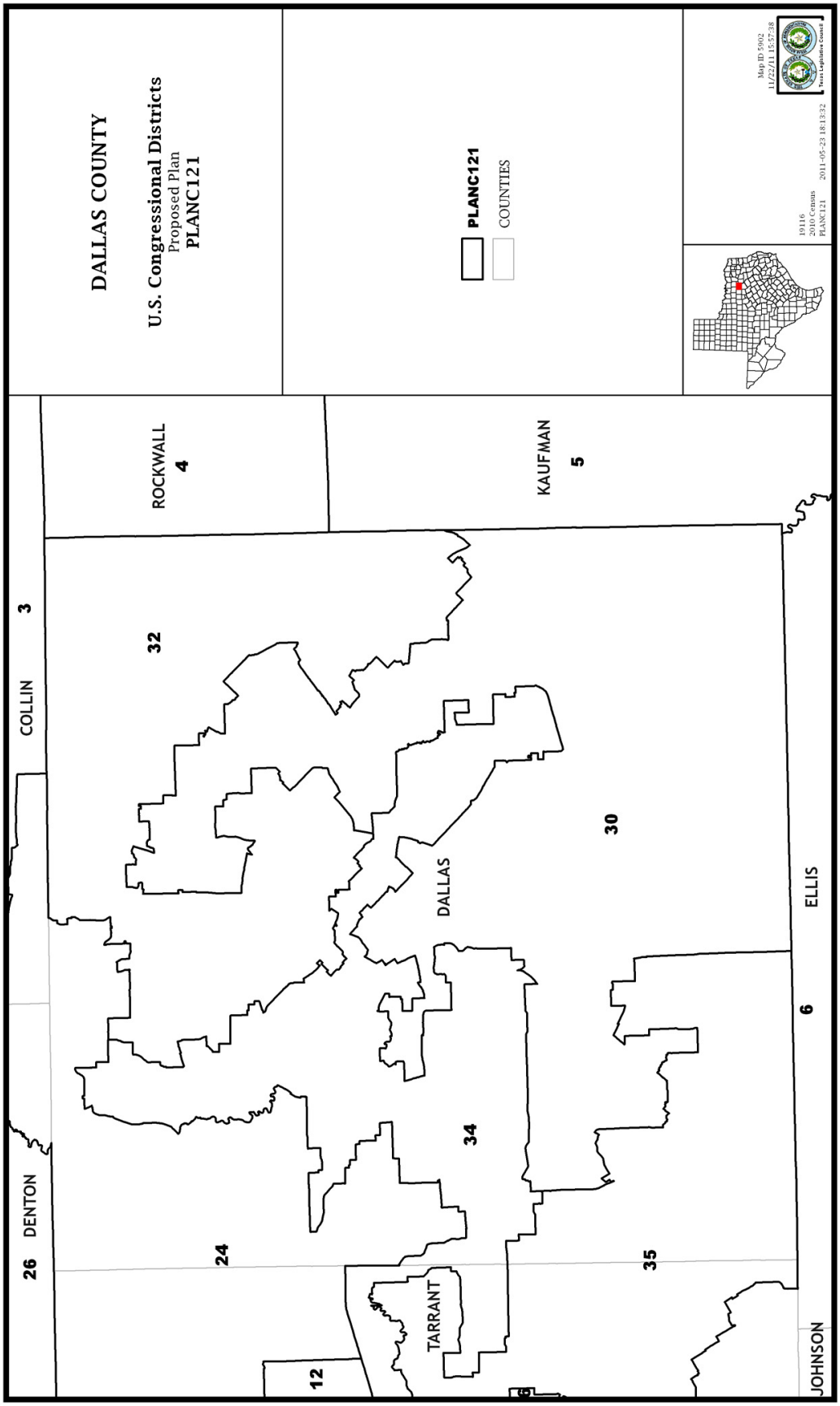
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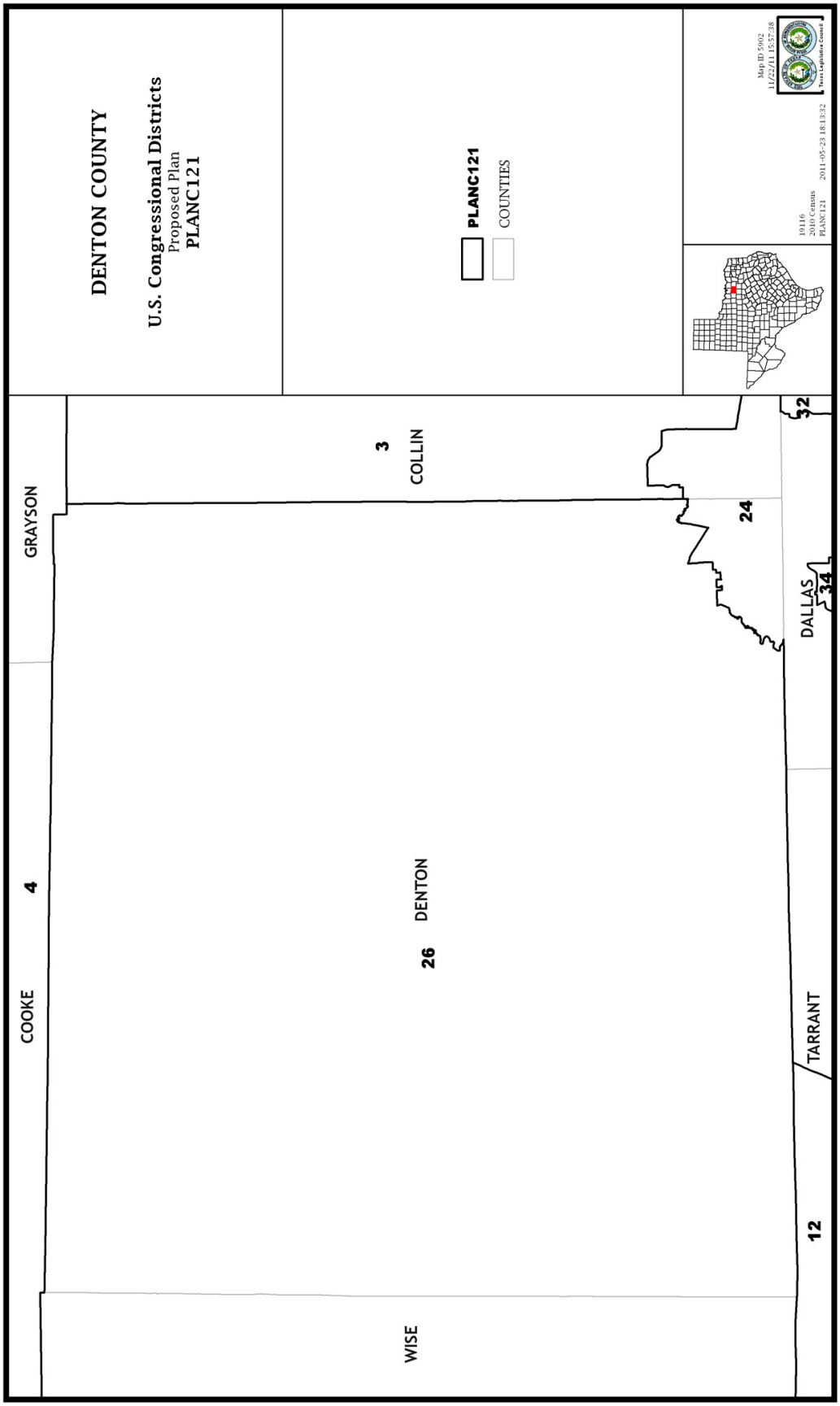
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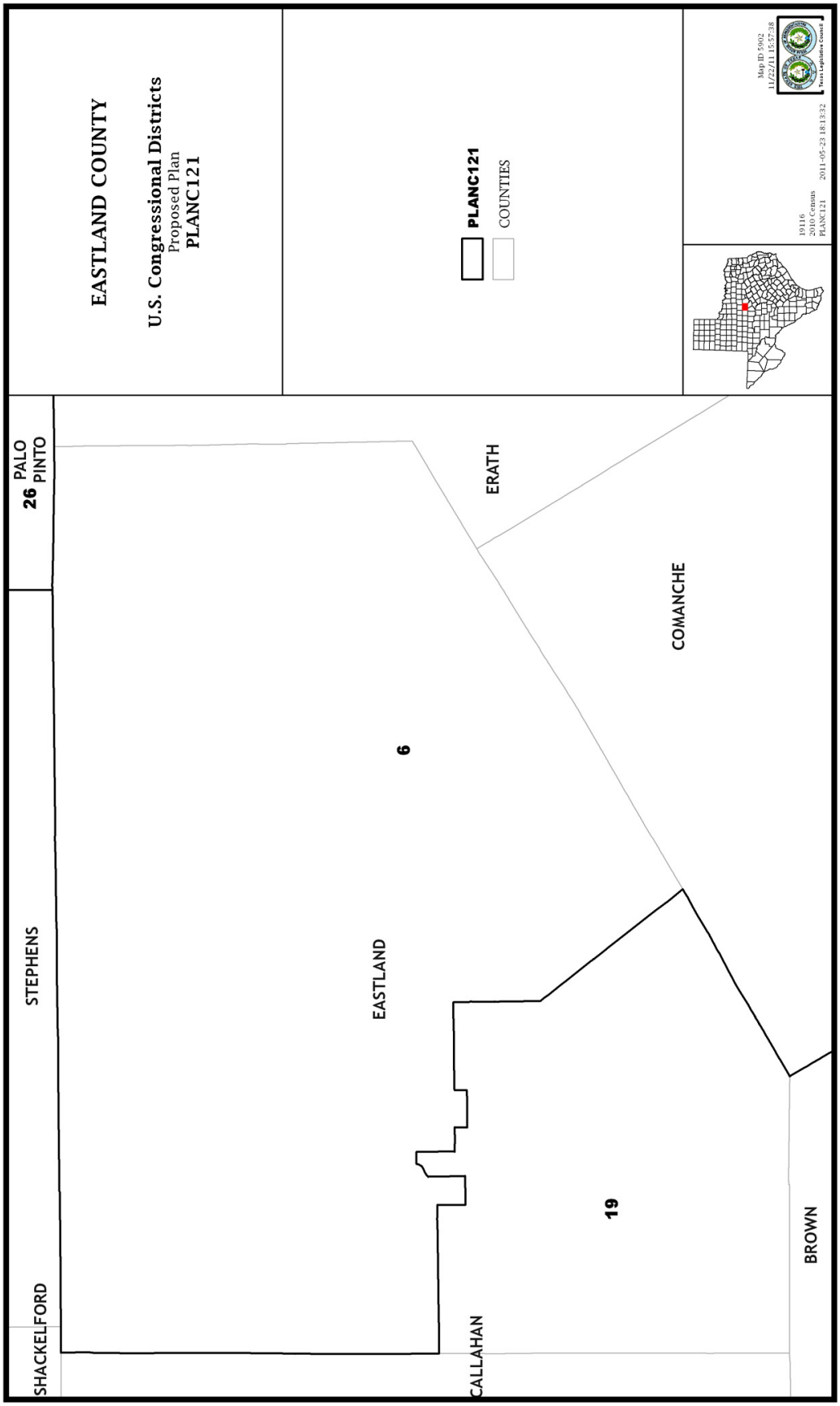
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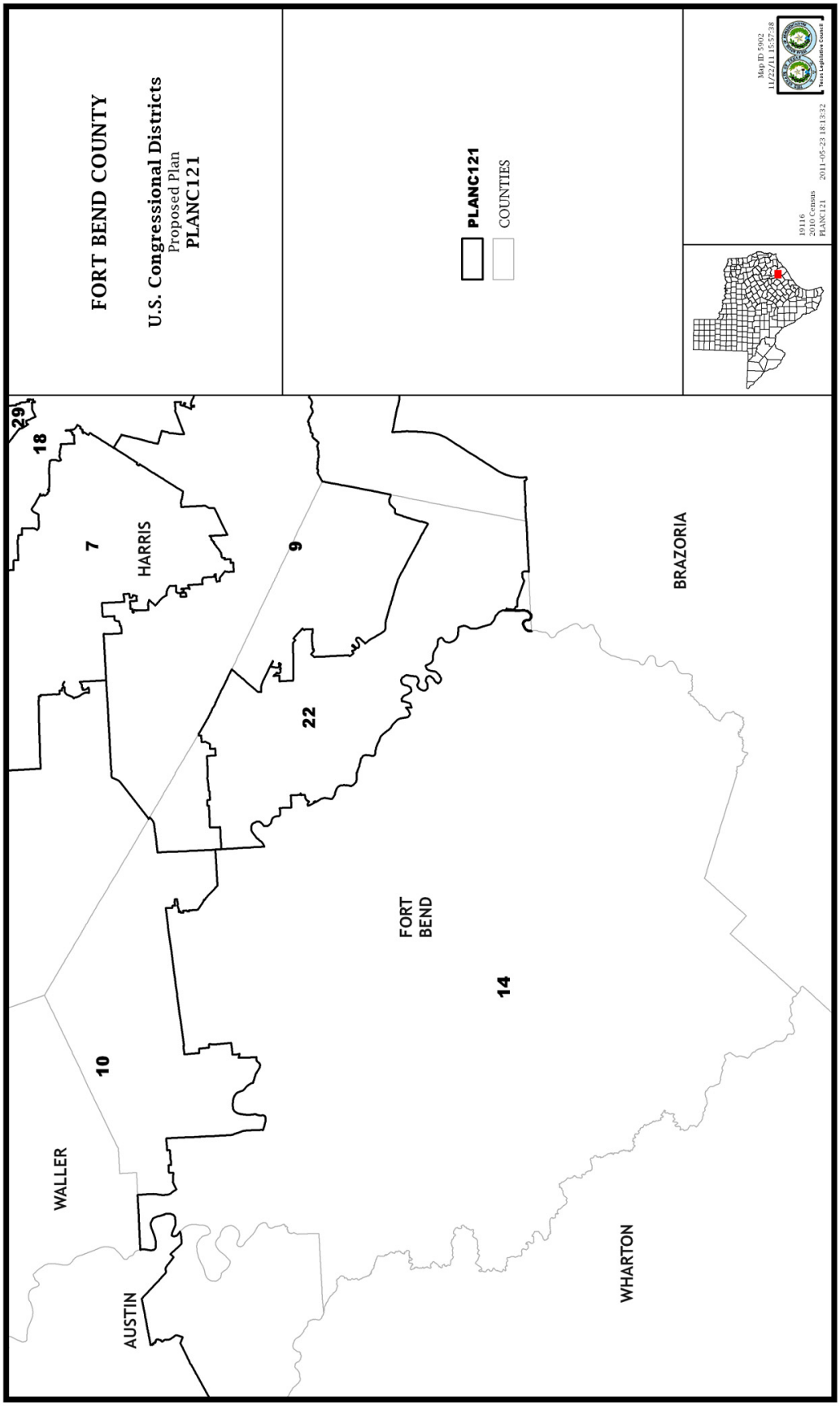
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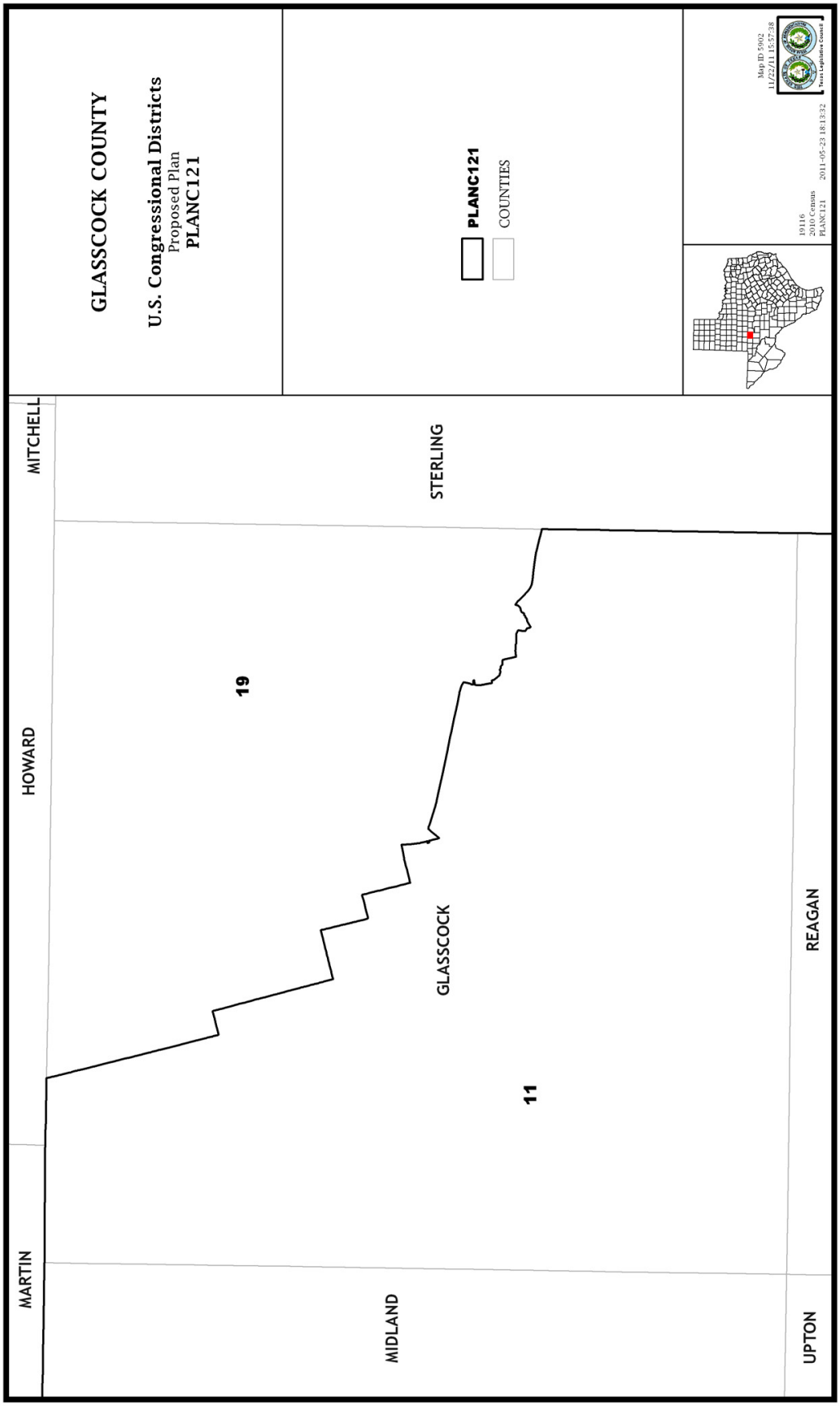
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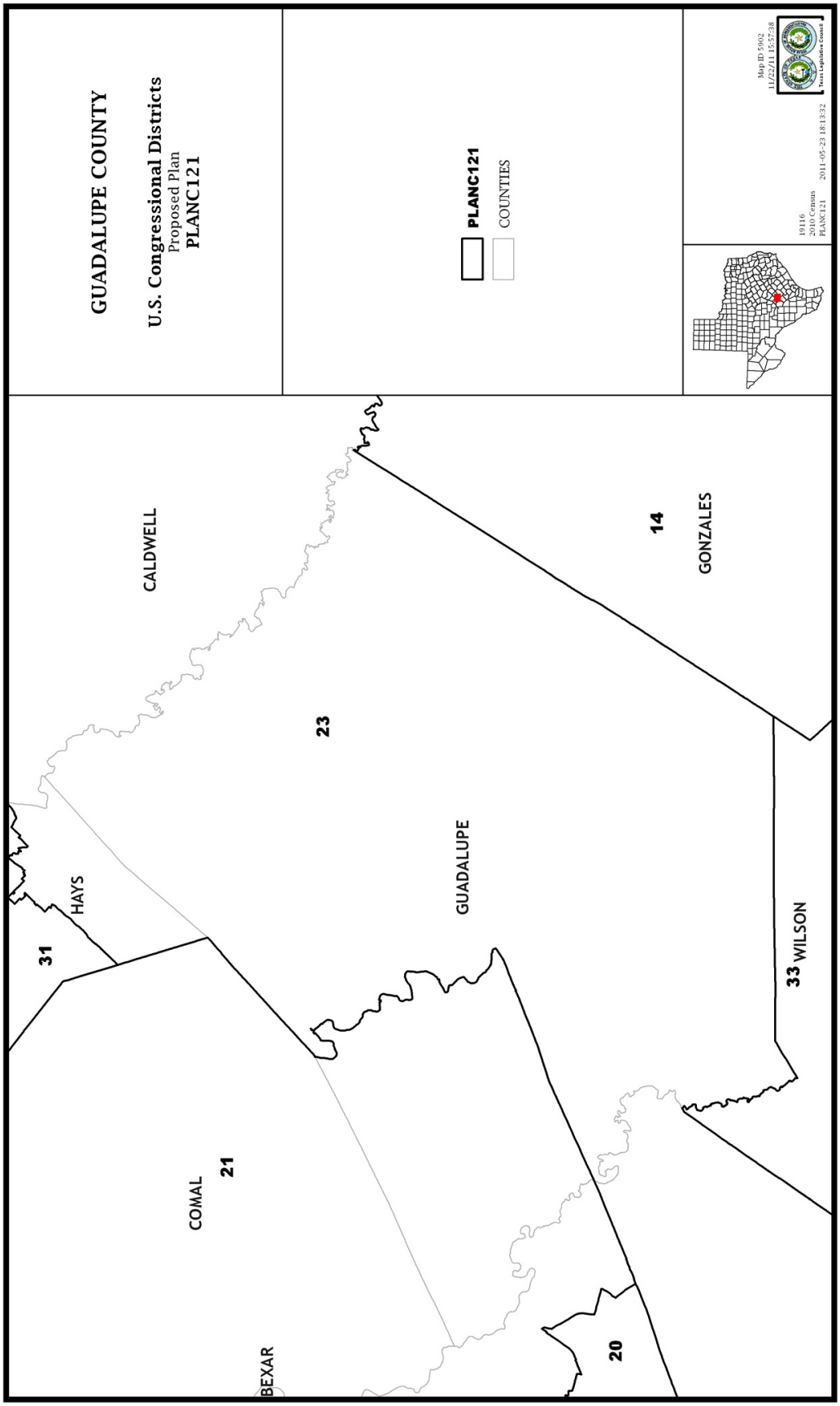
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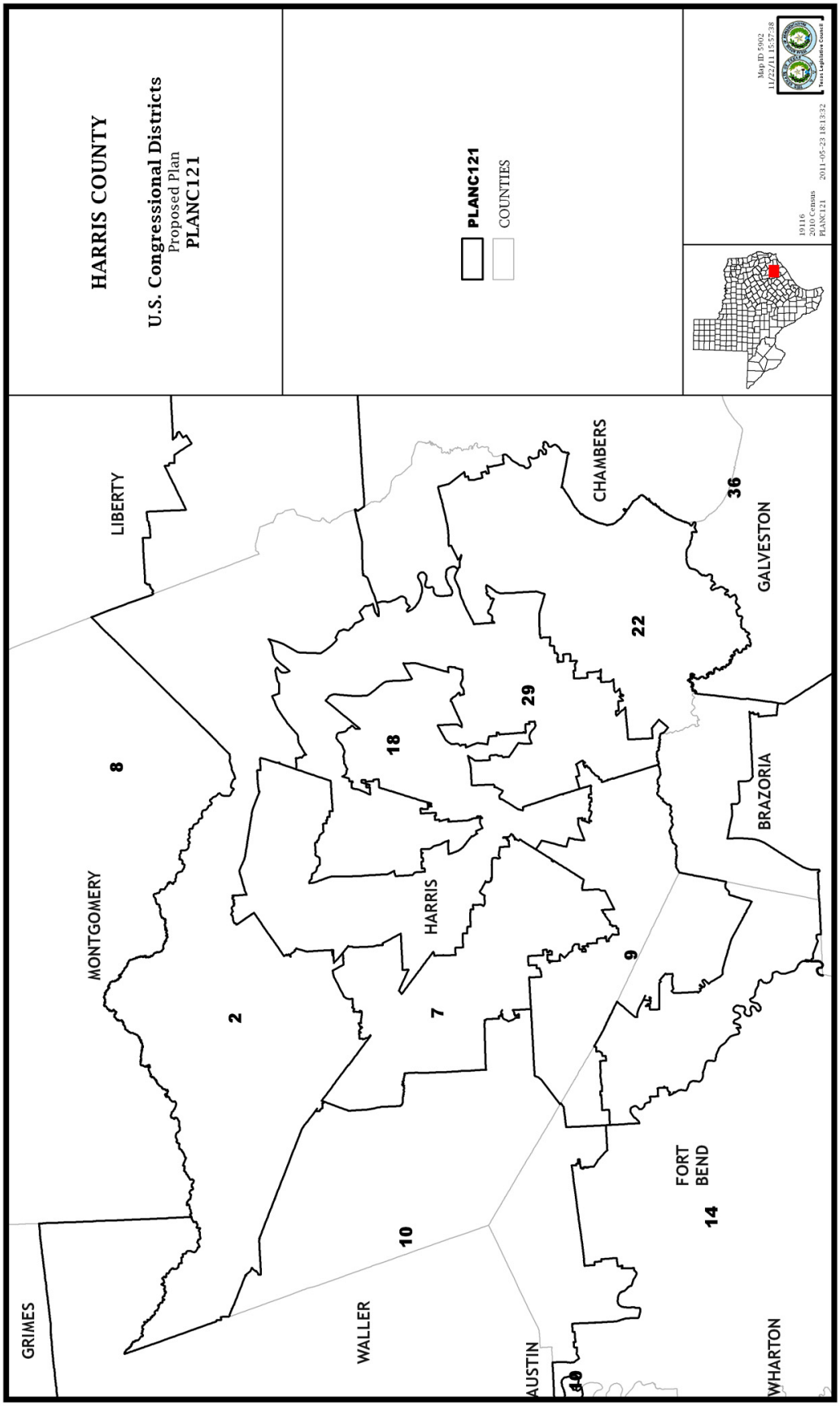
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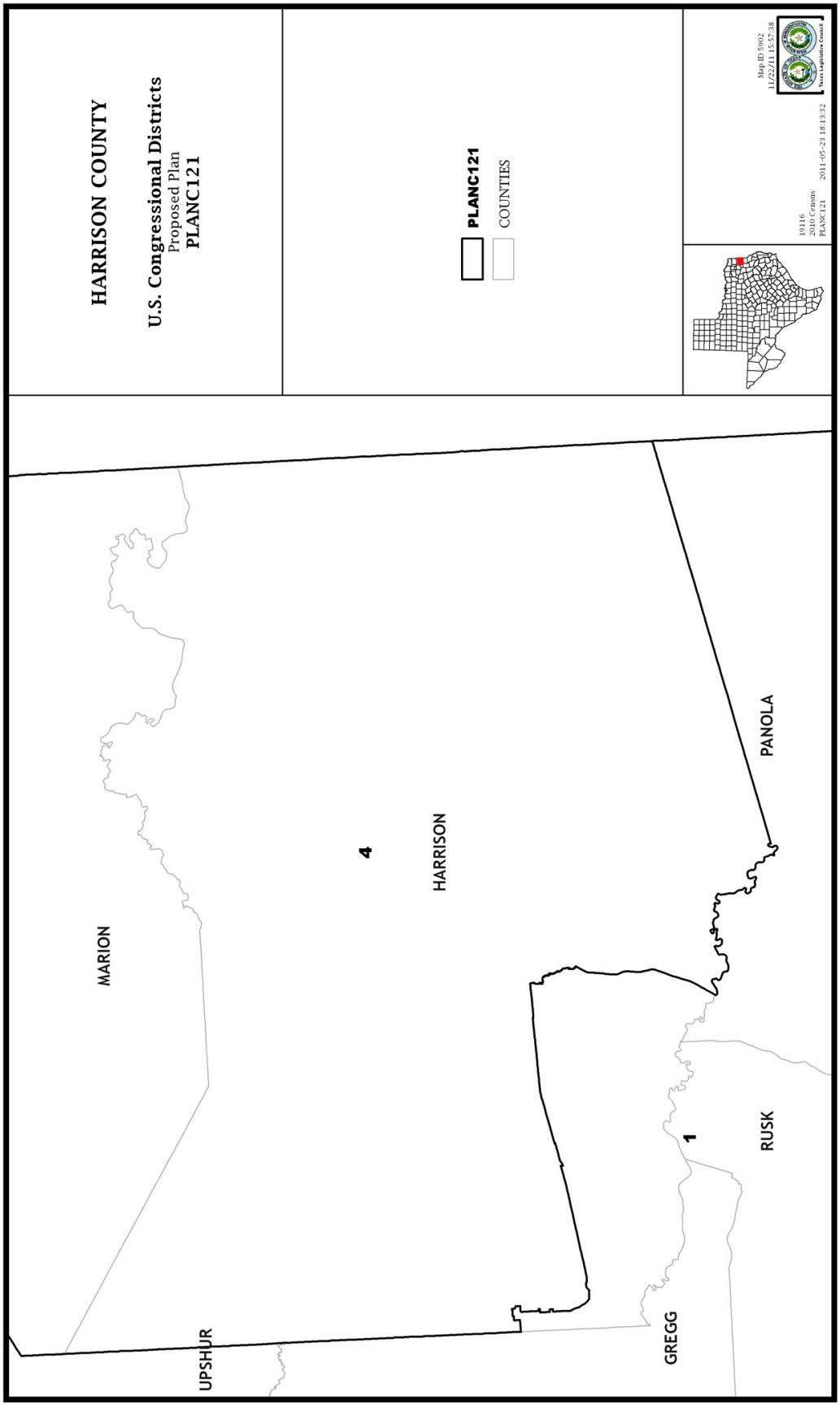
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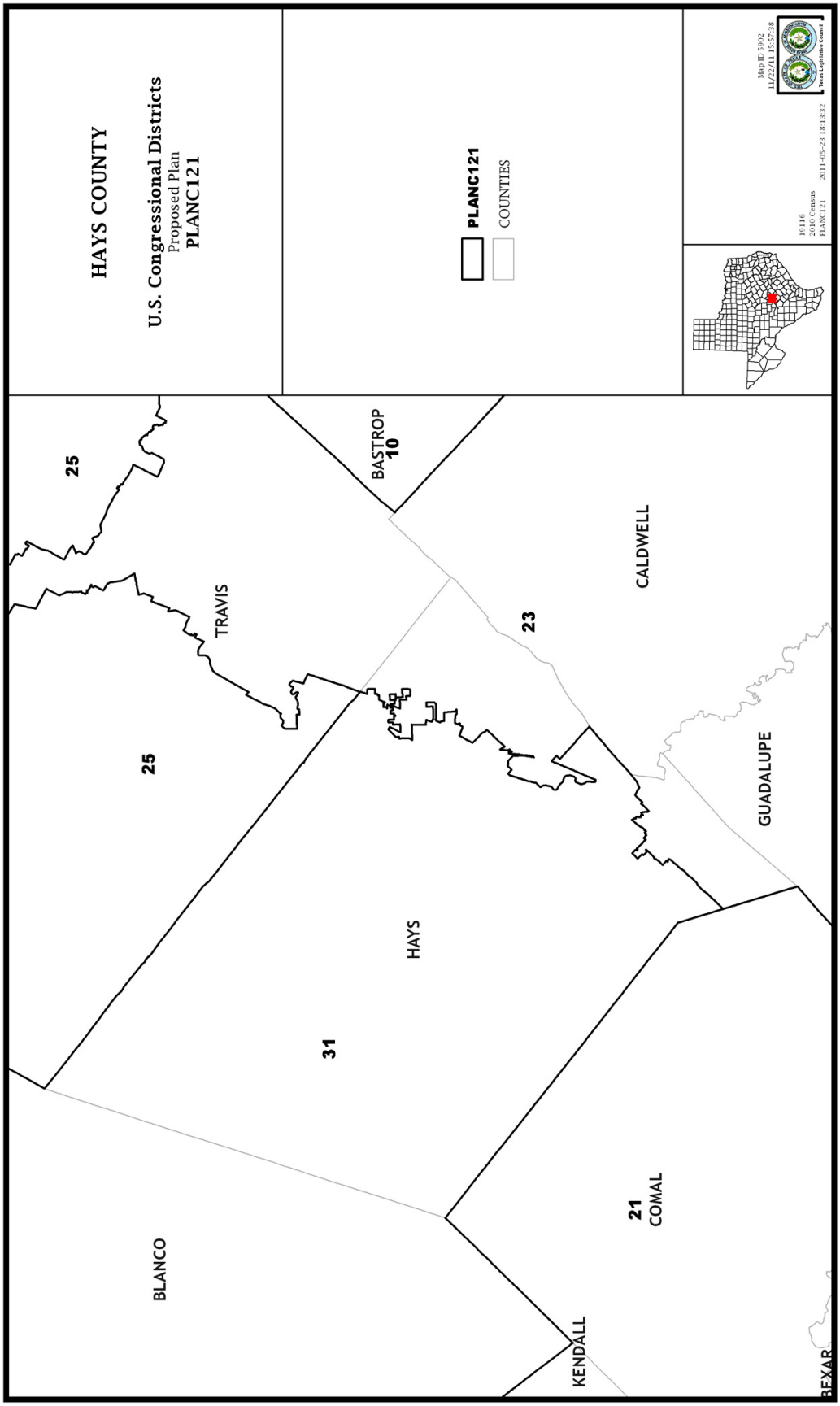
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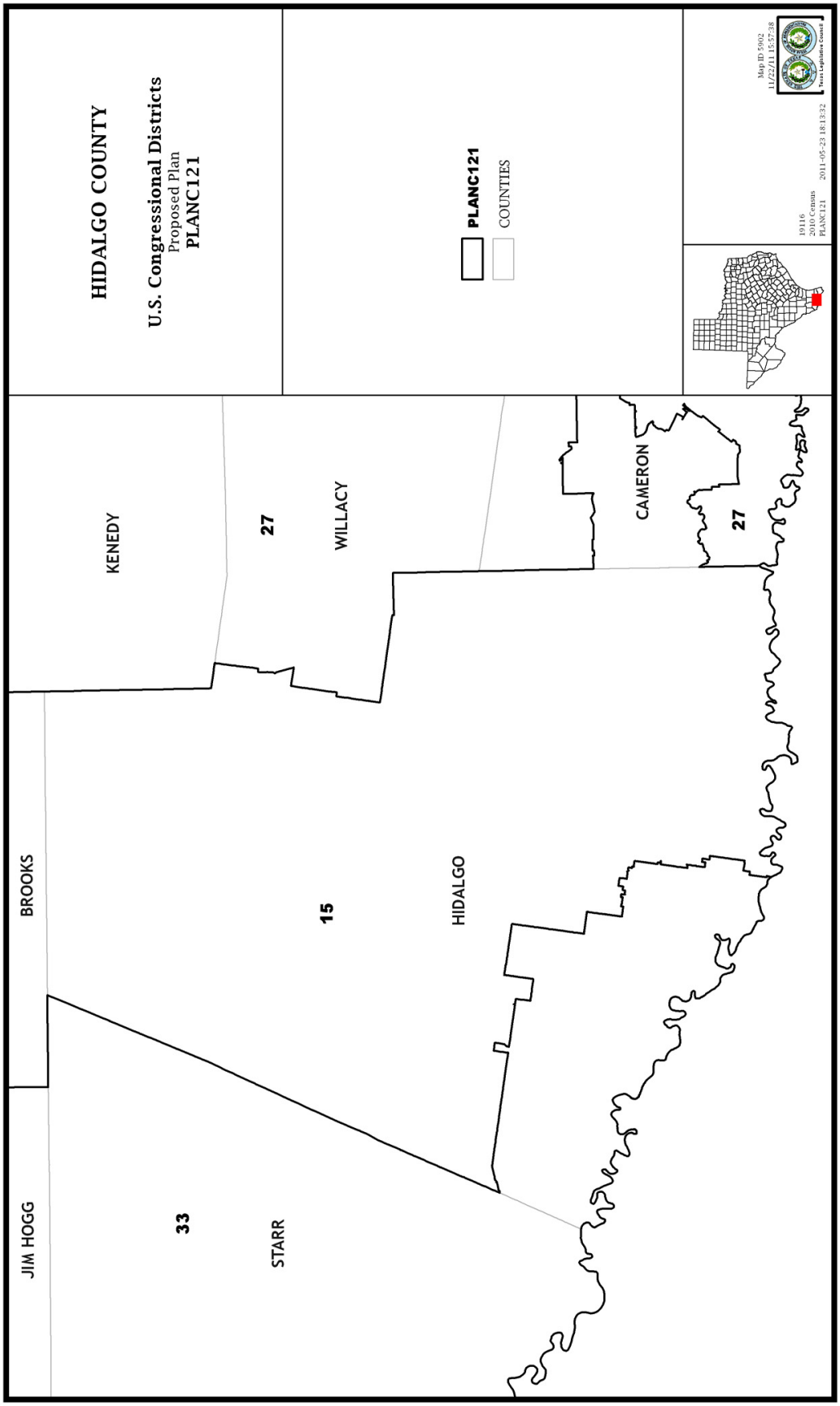
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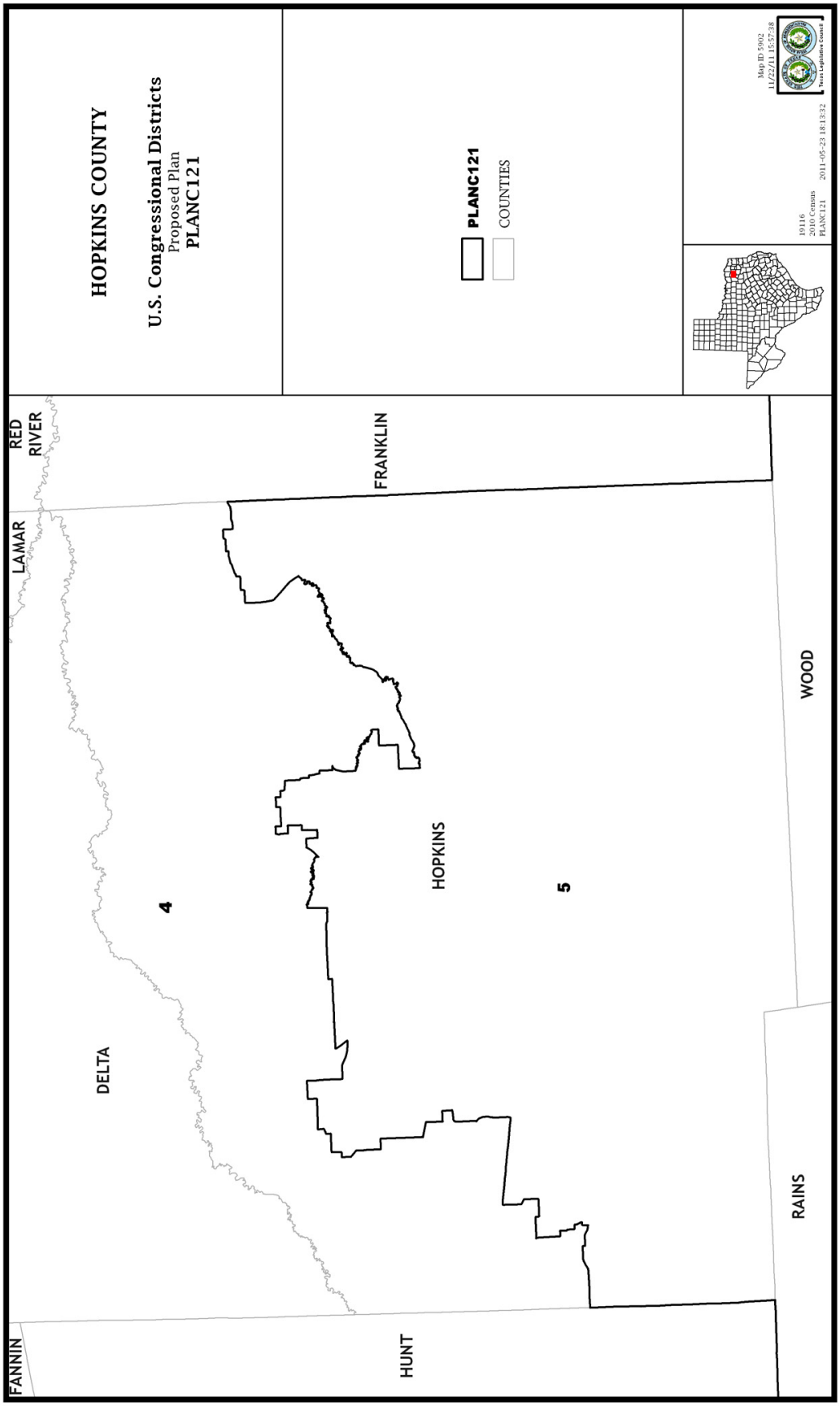
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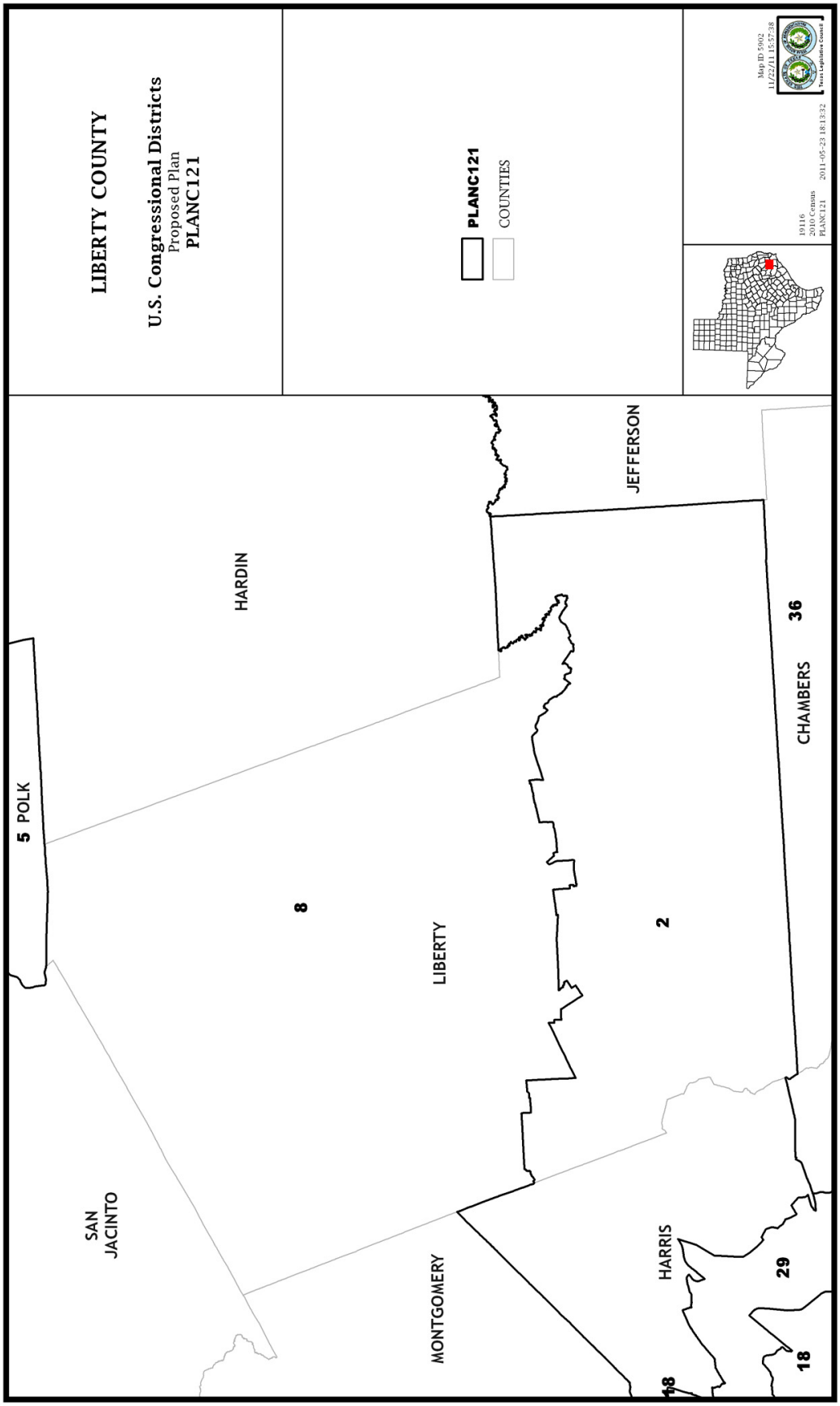
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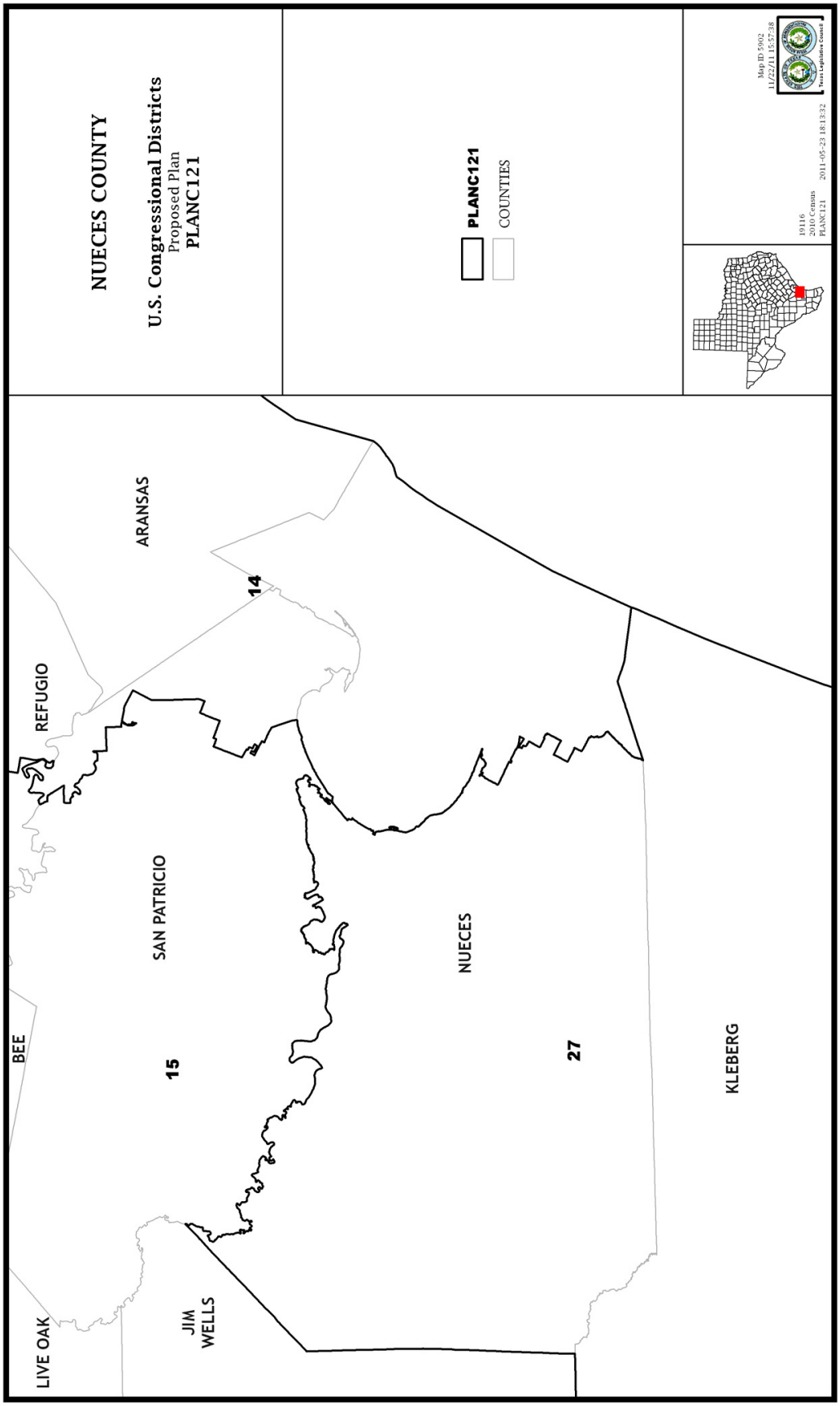
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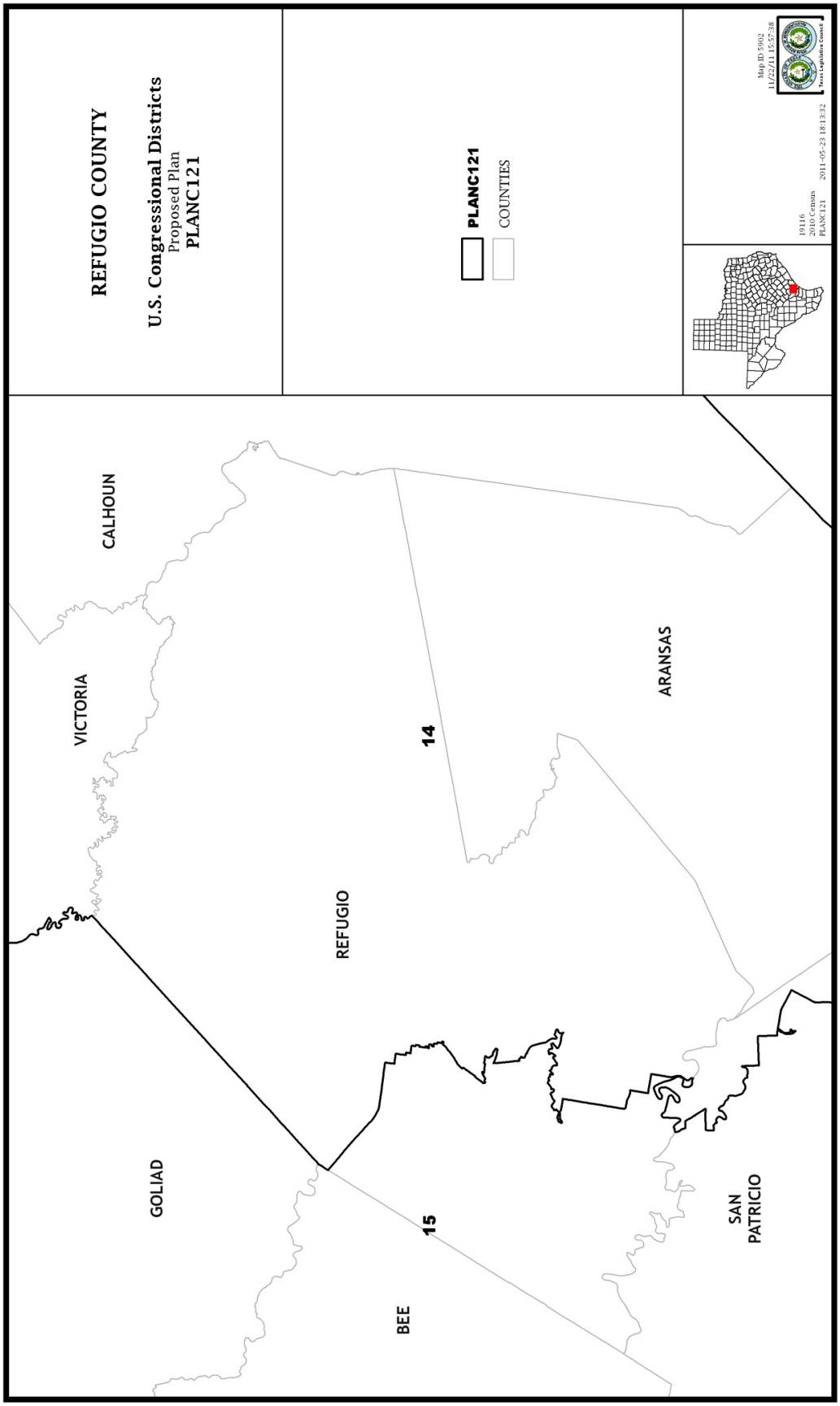
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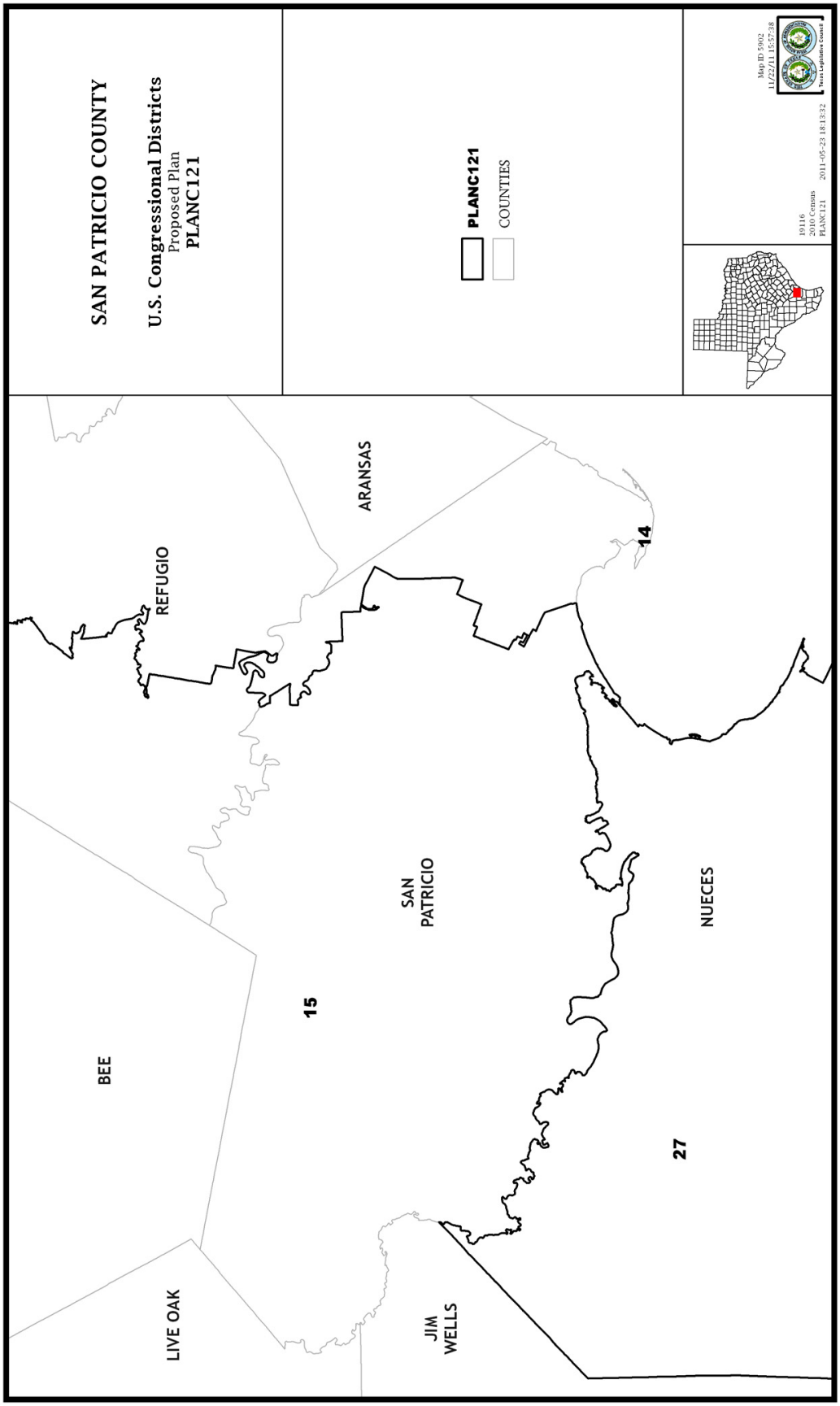
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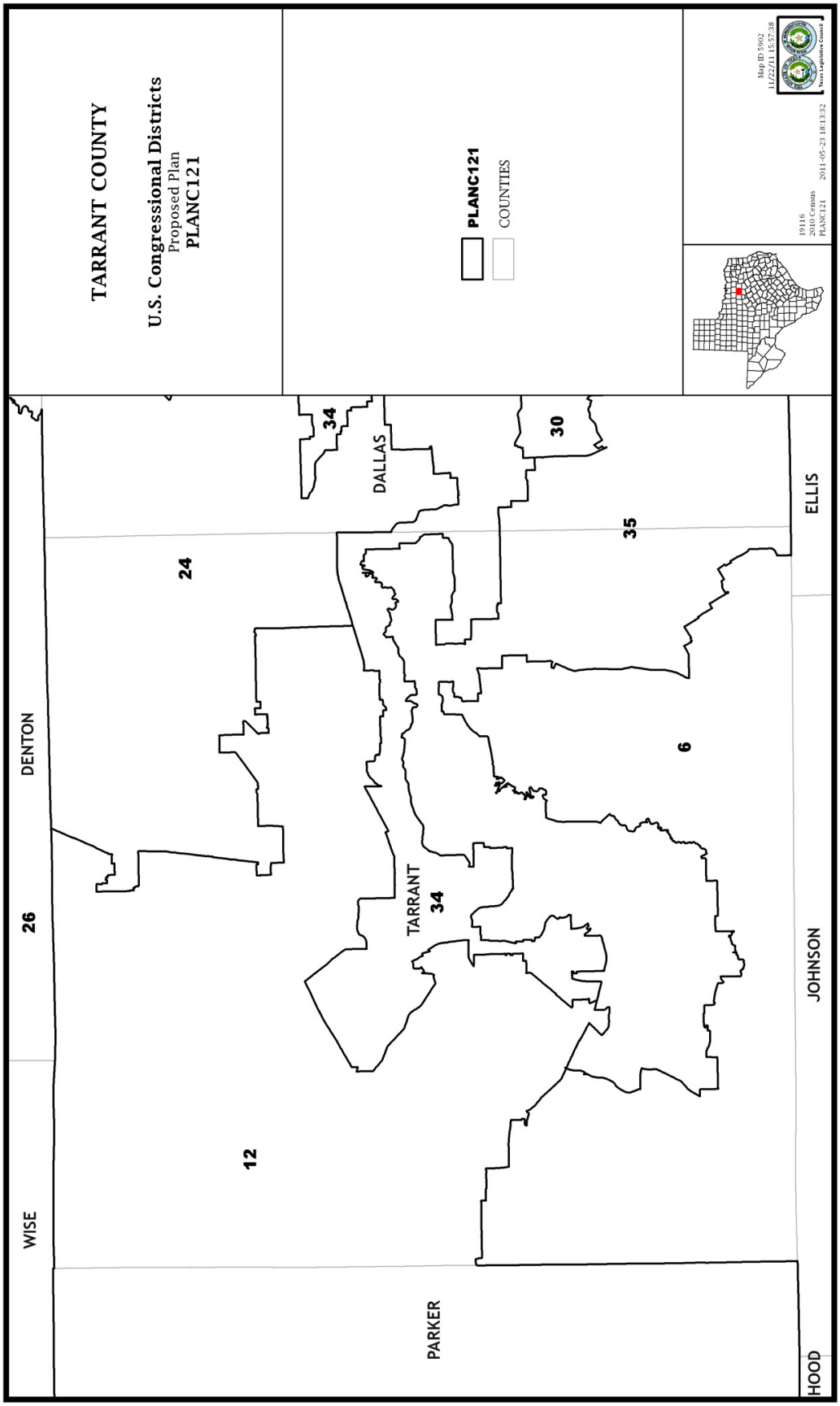
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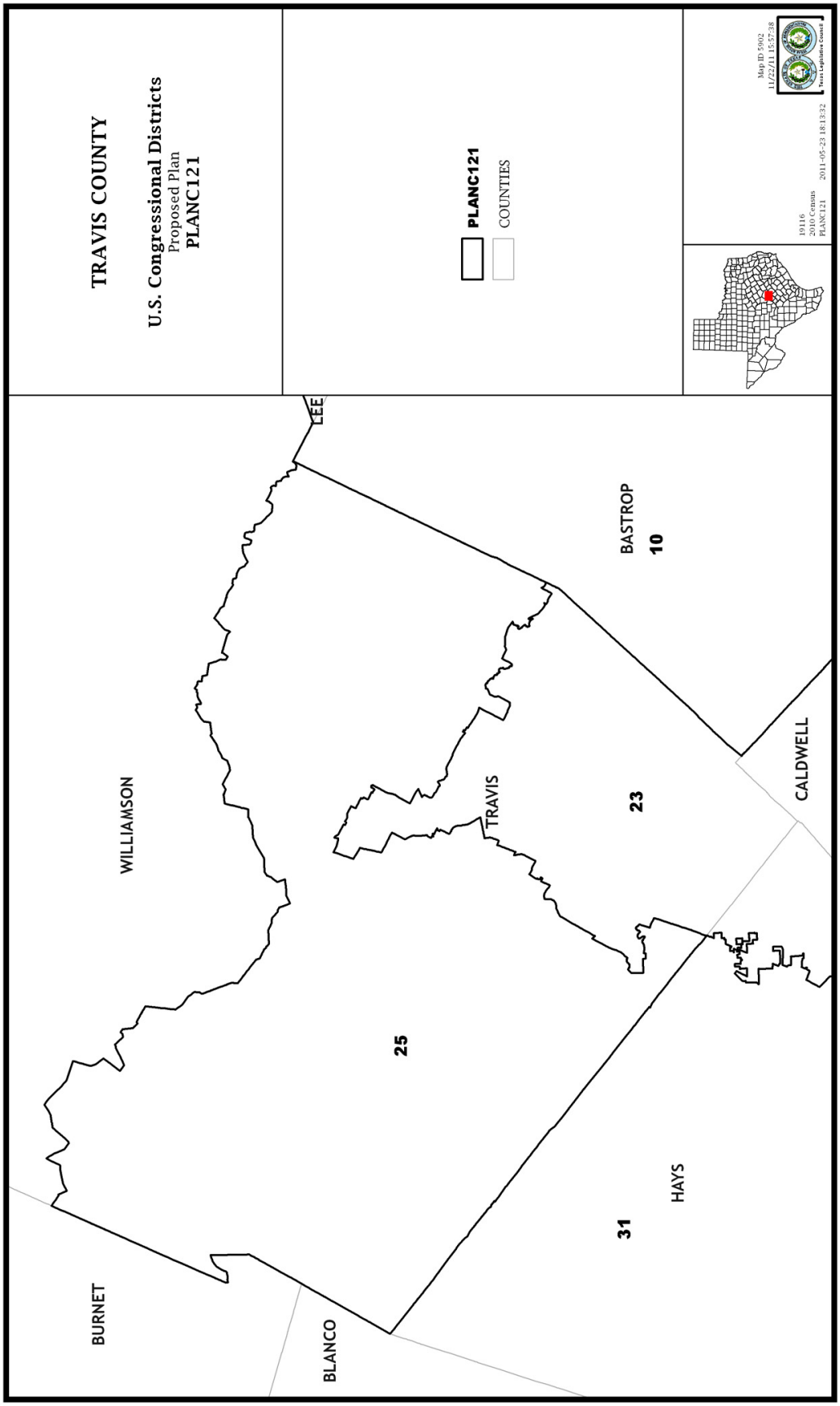
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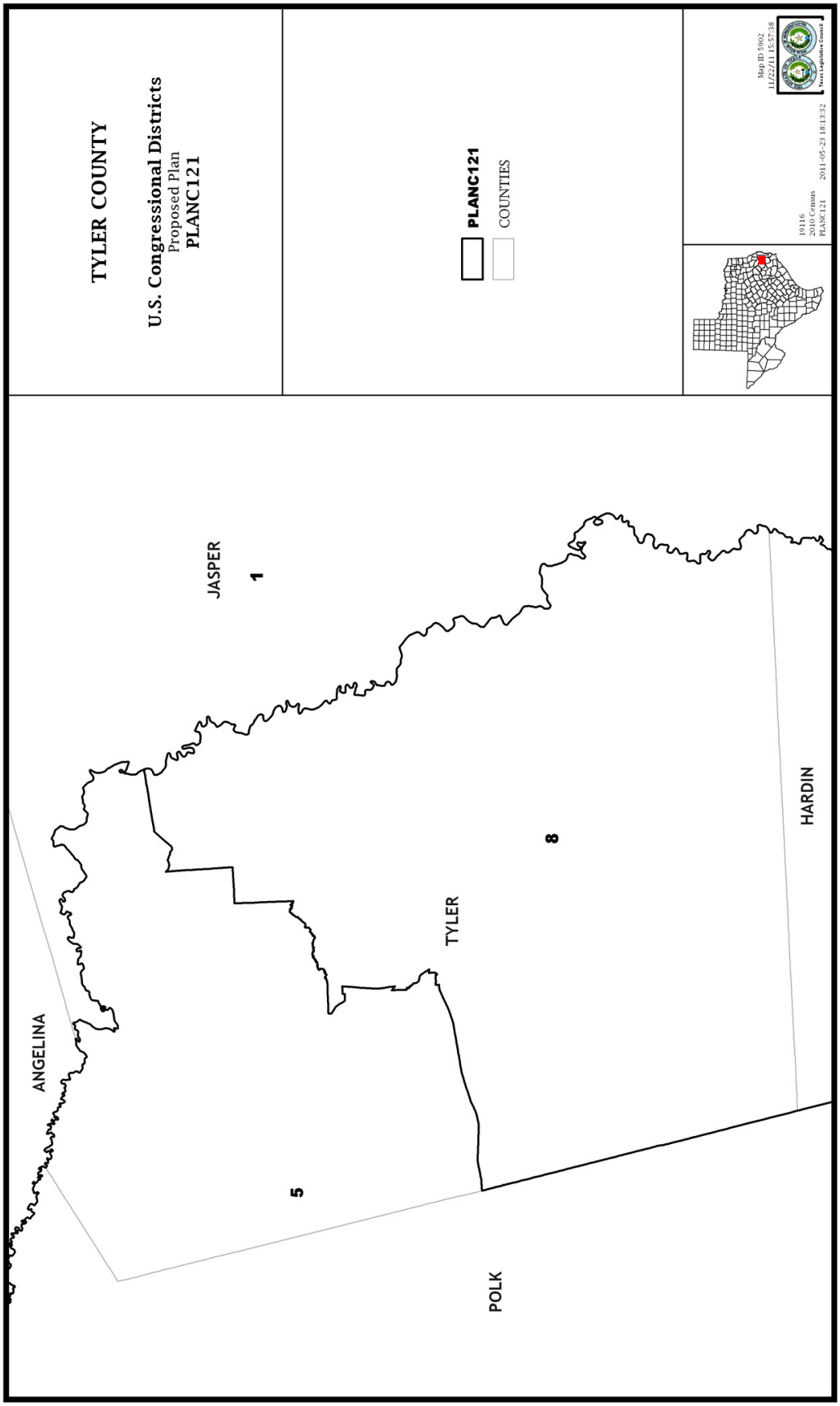
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2010 Census
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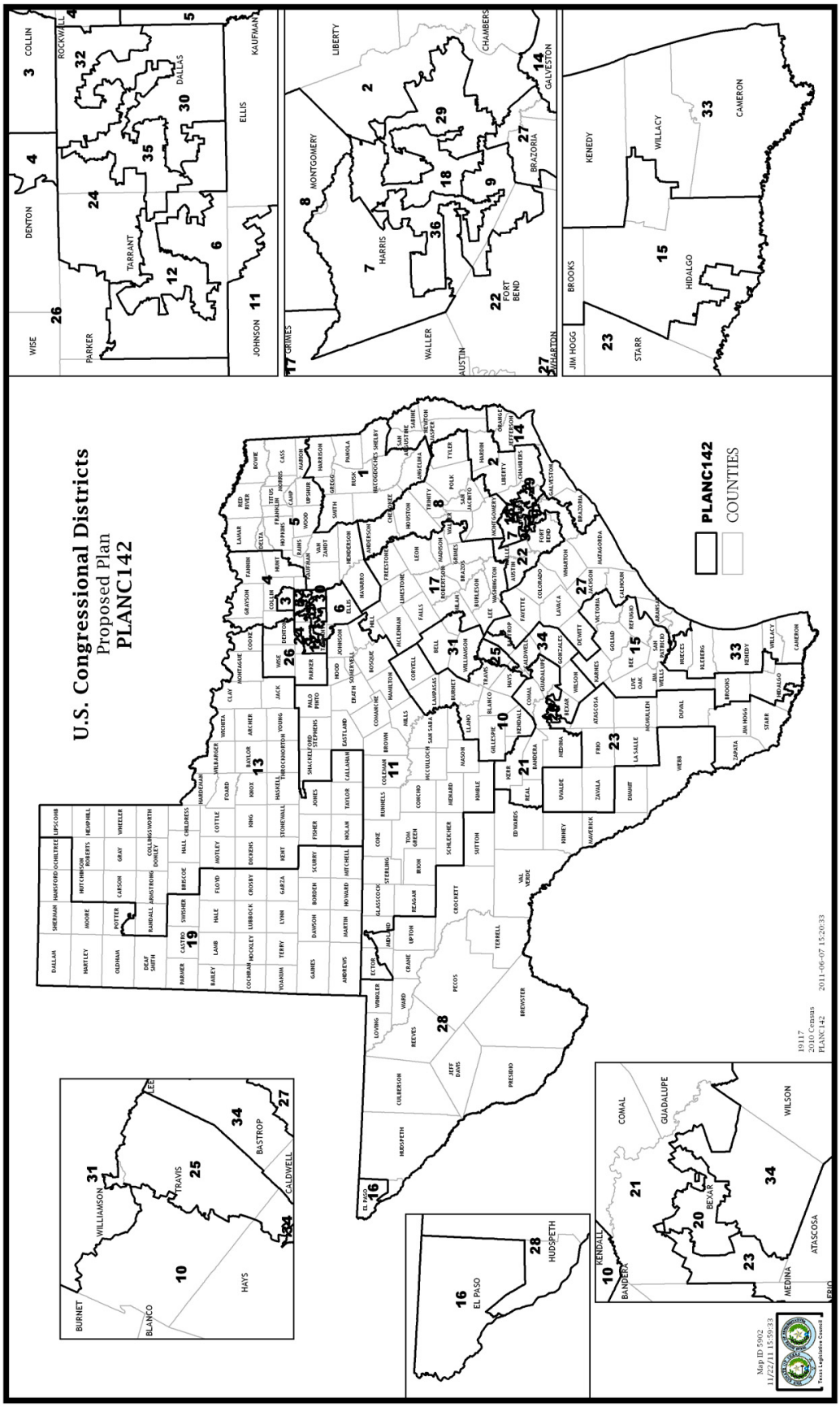
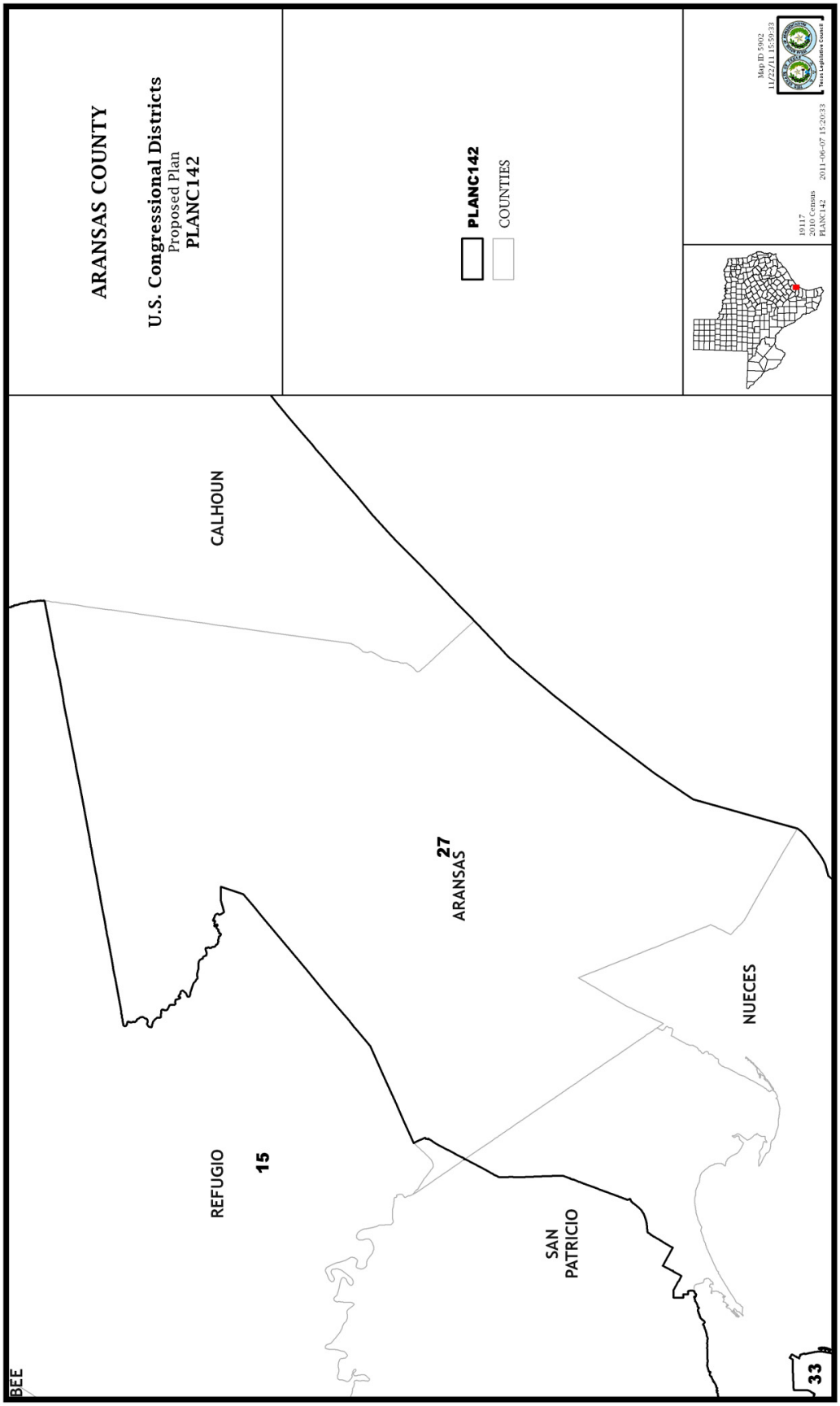
Amendment No. 11 (by Alonzo)

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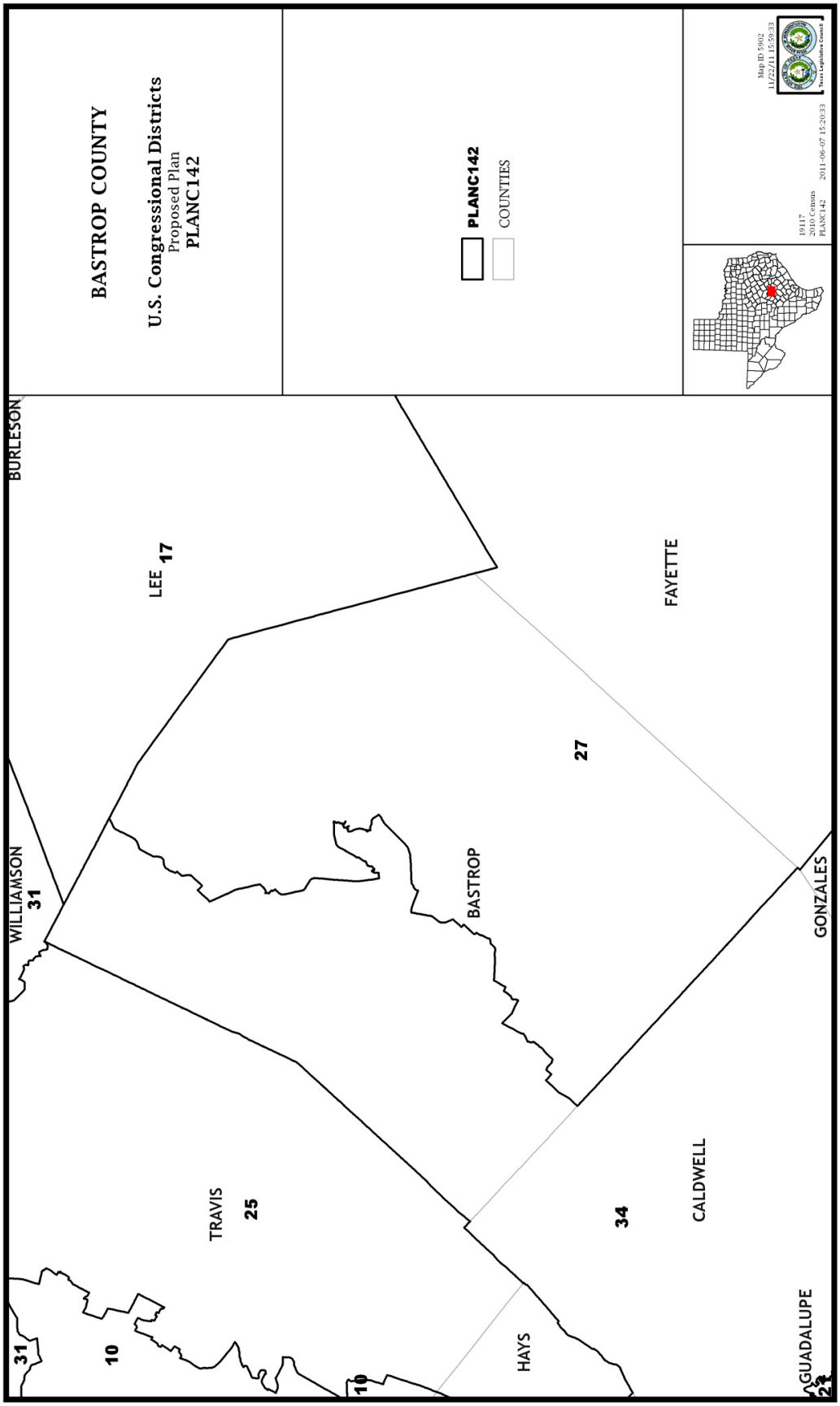
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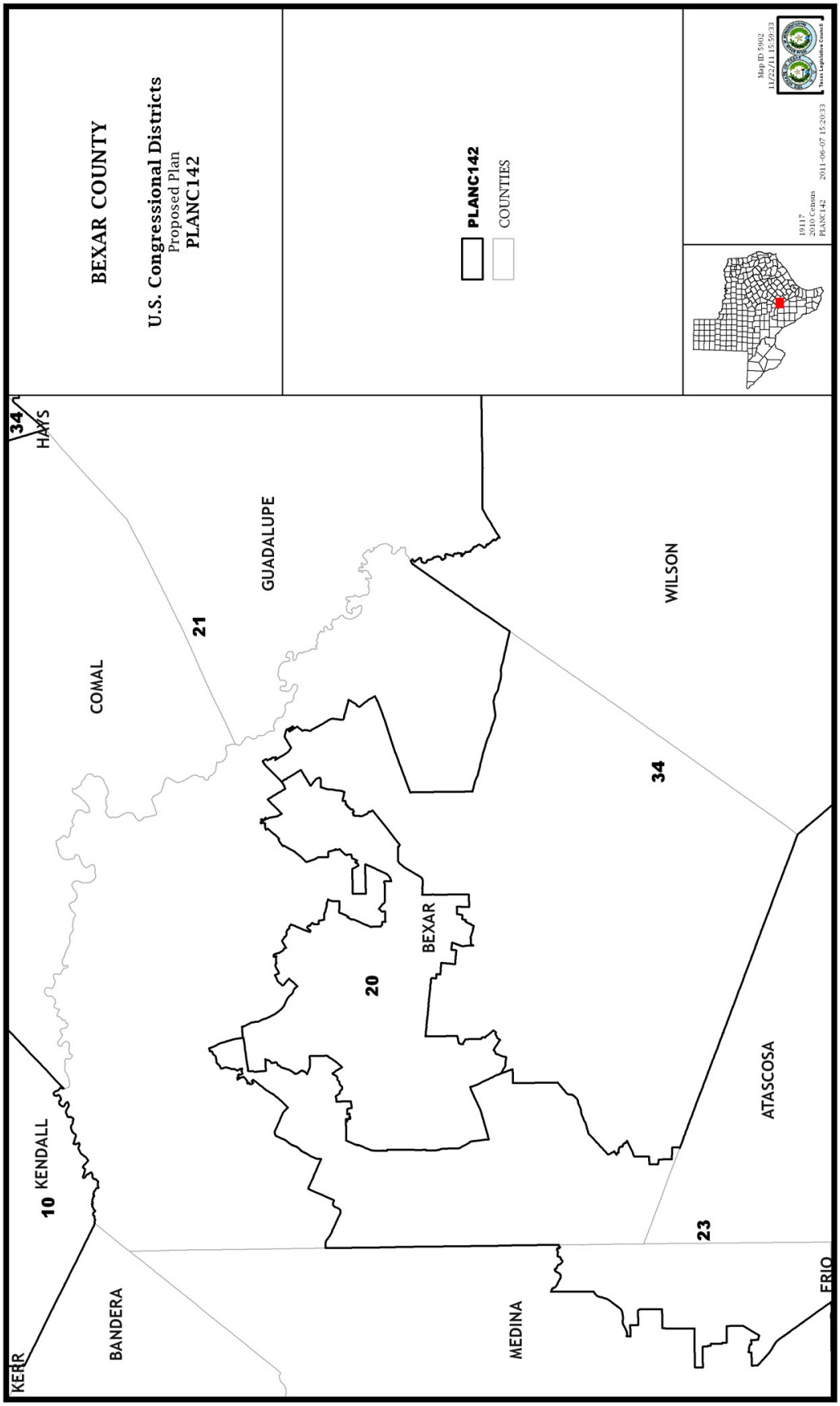
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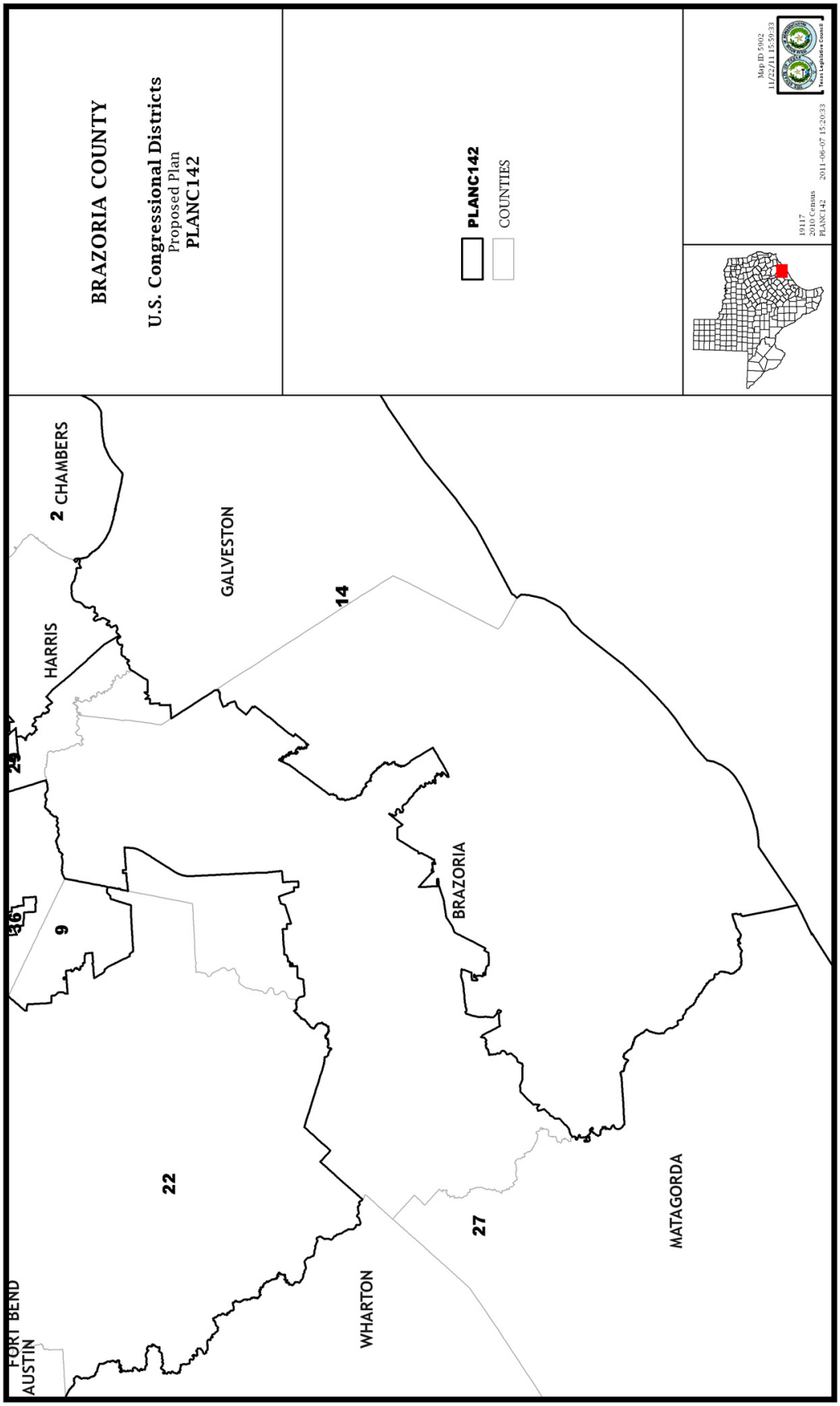
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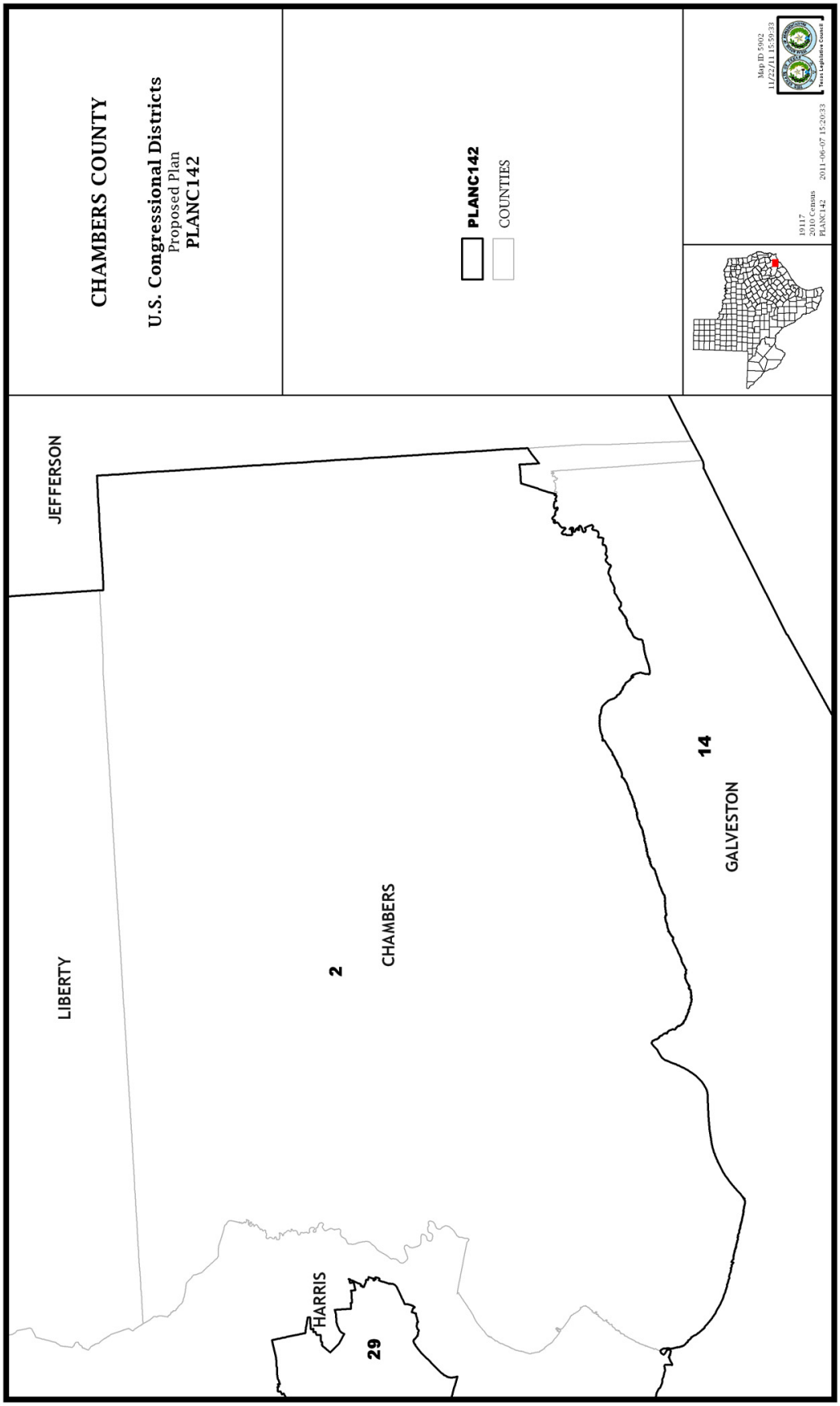
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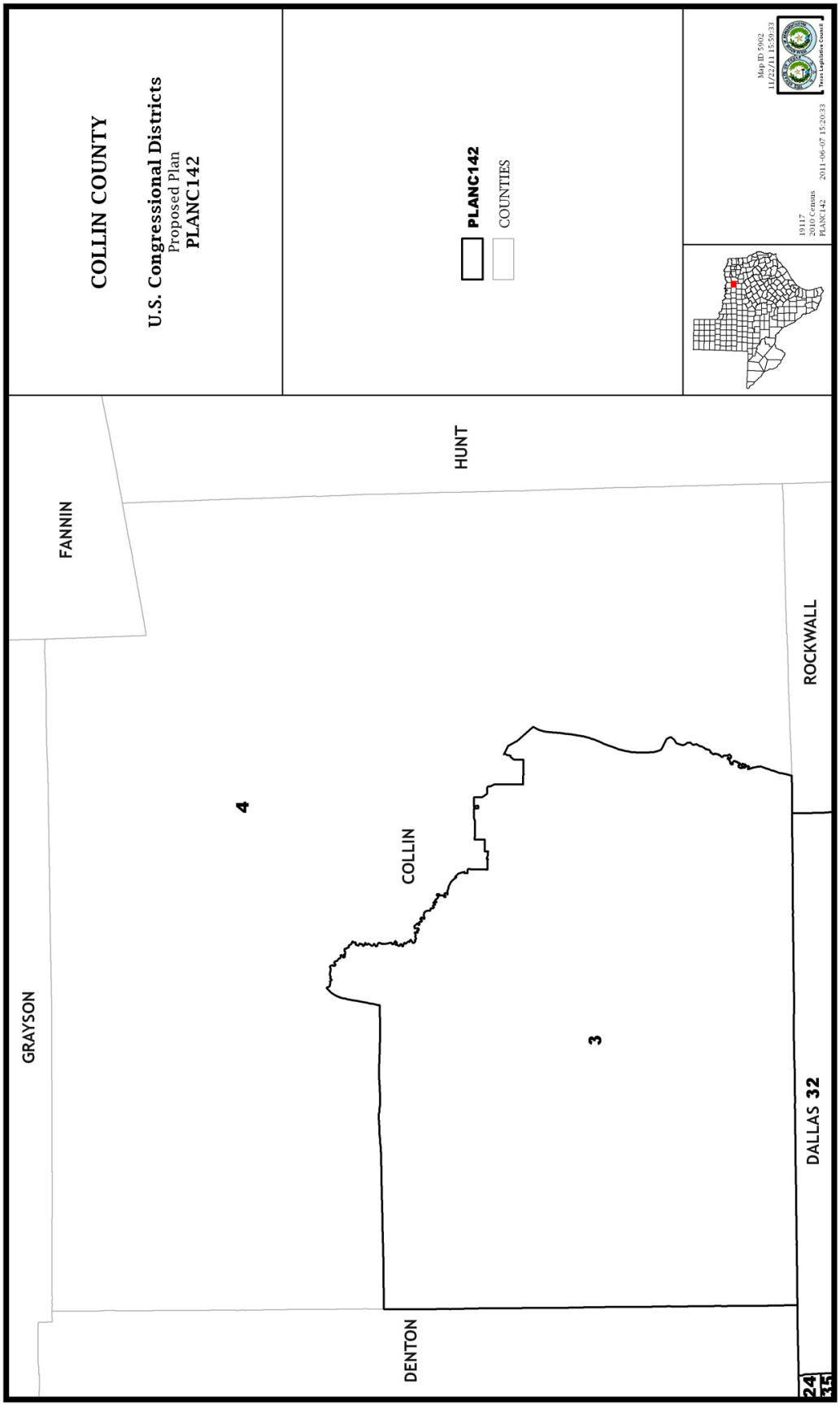
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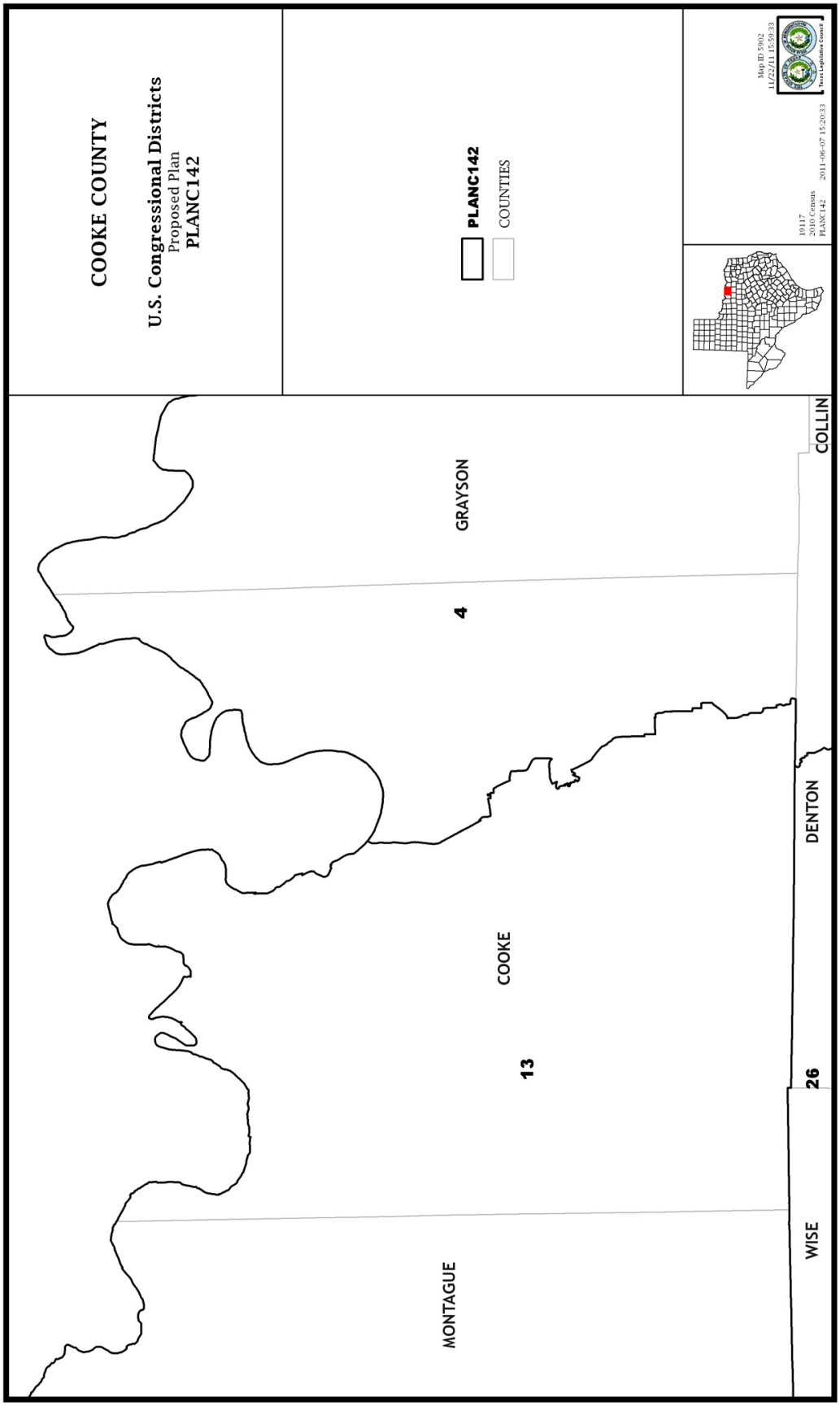
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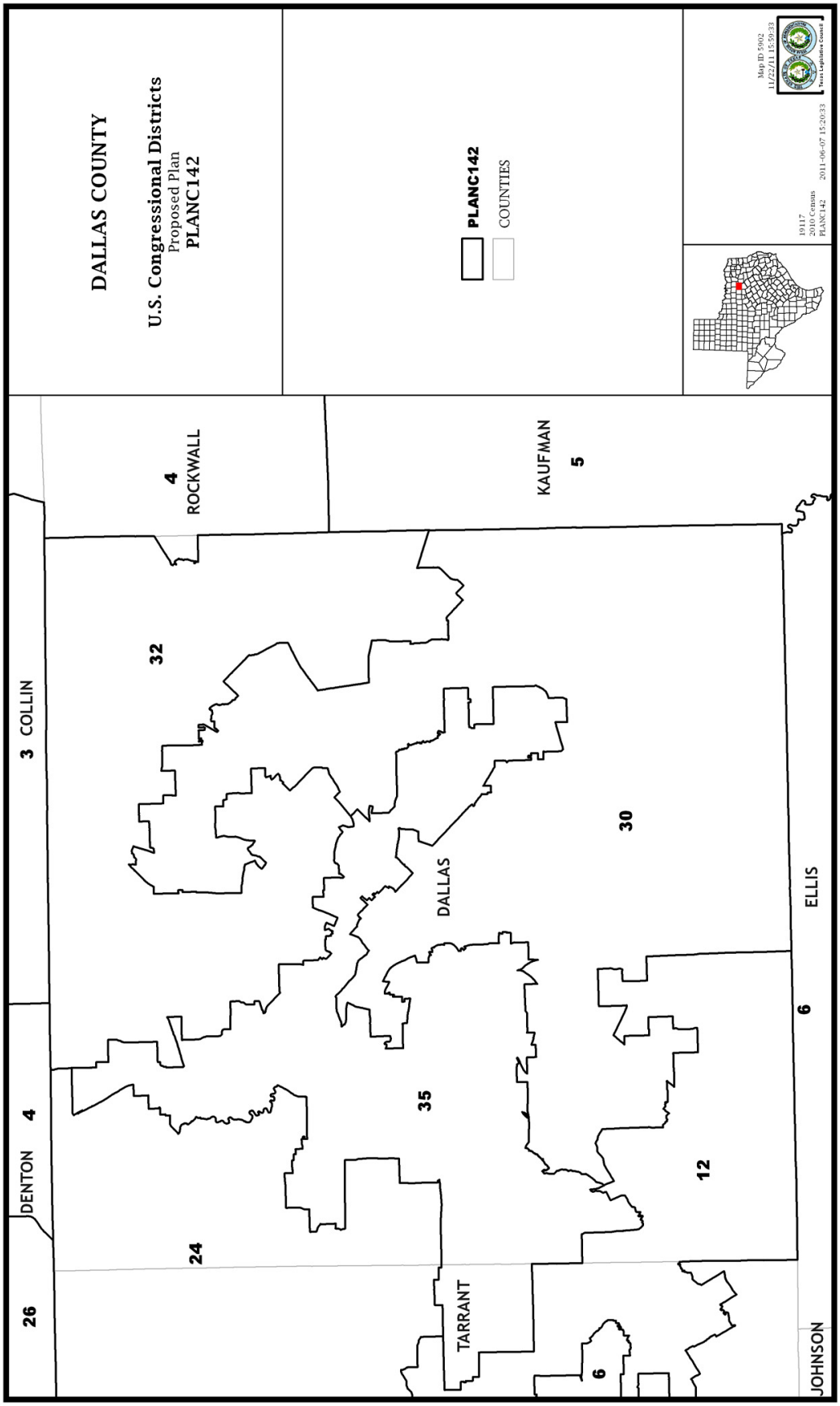
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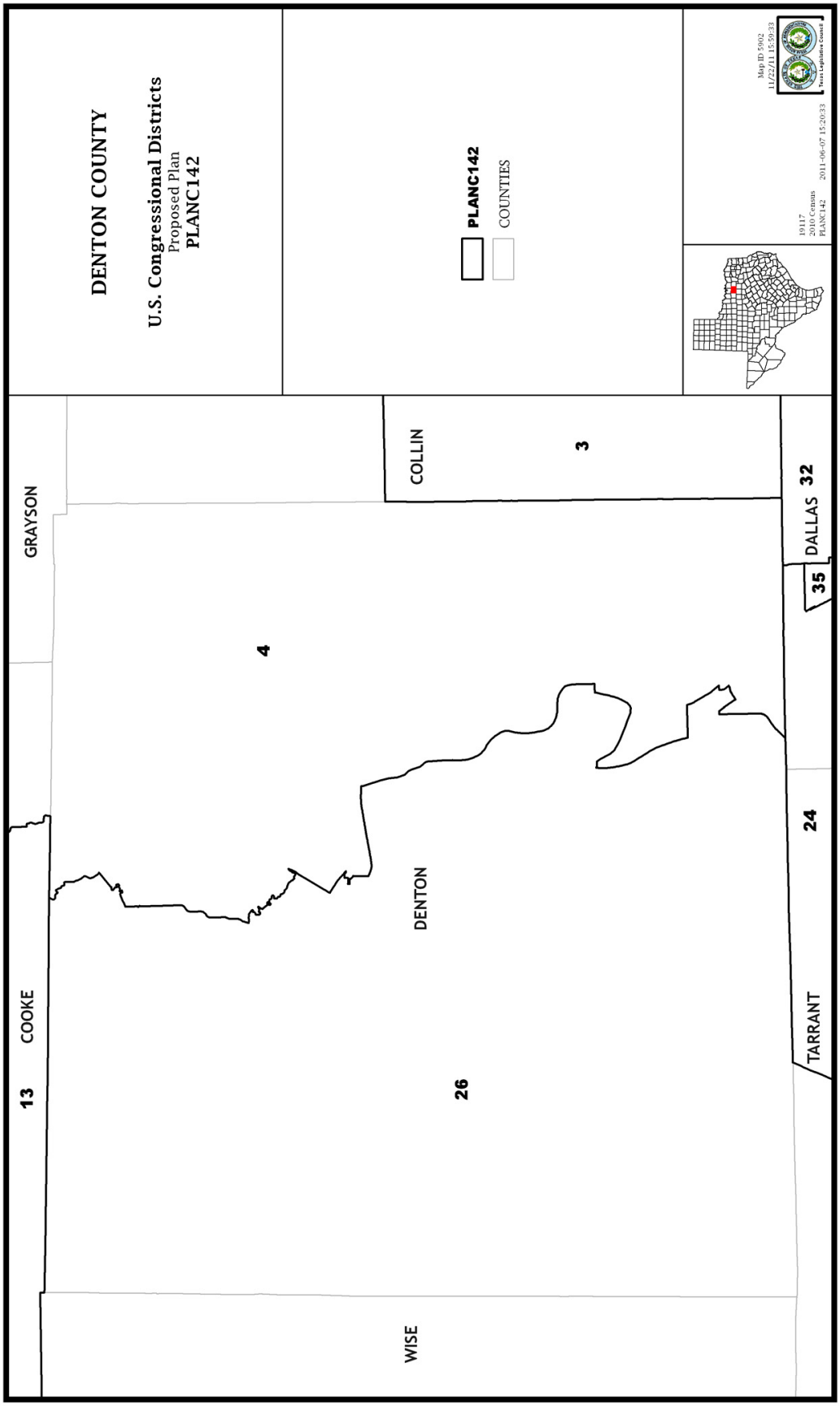
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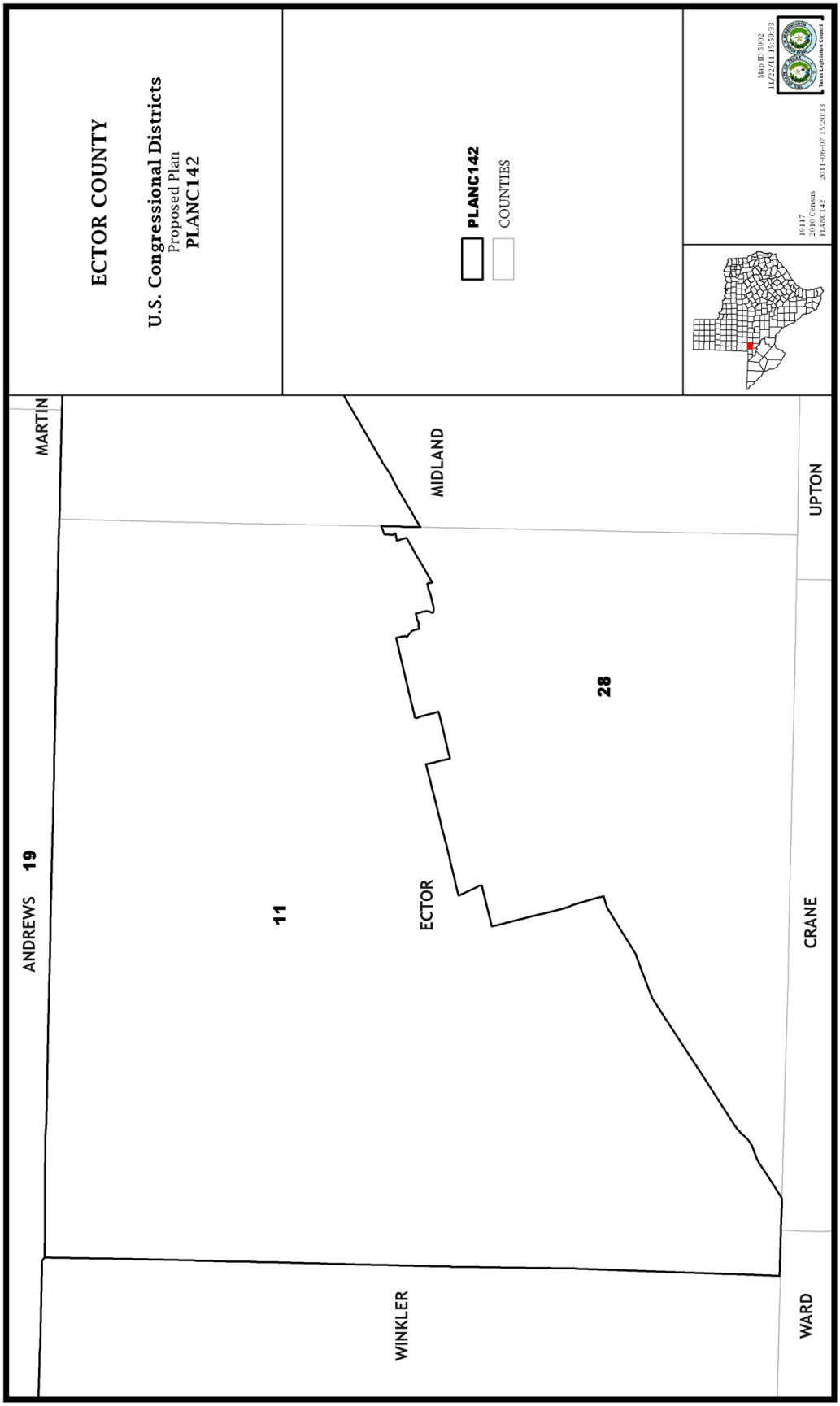
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EL PASO COUNTY
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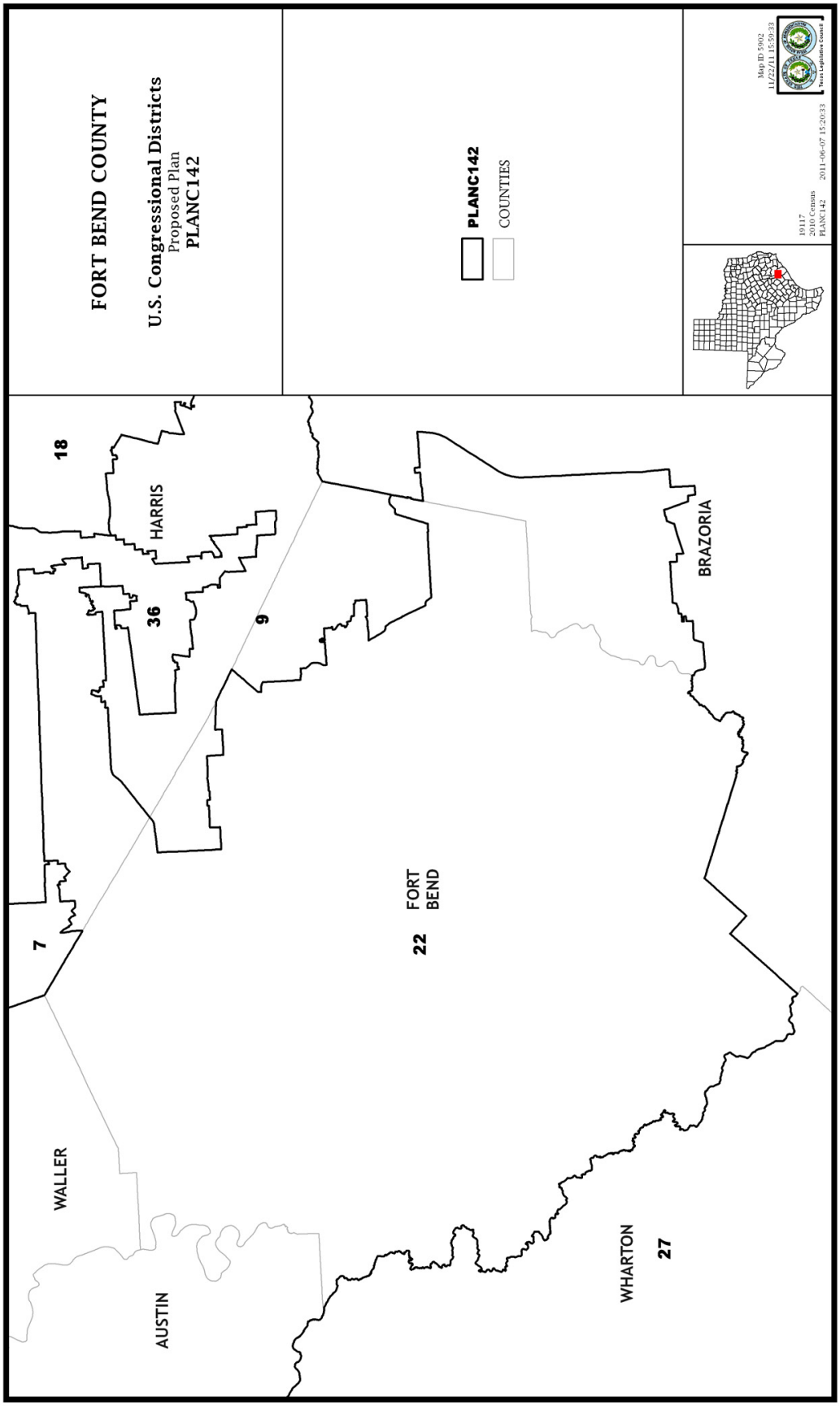
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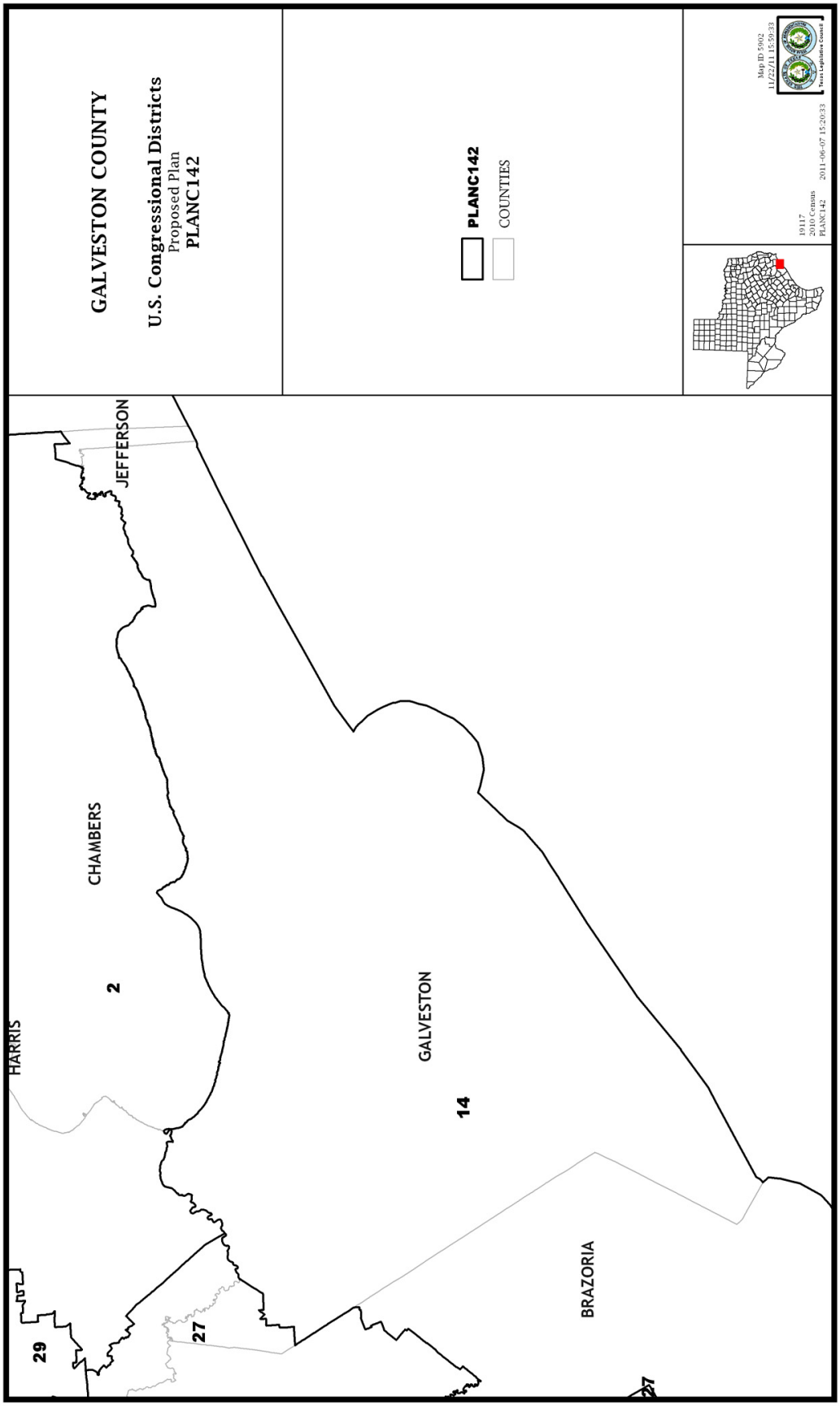
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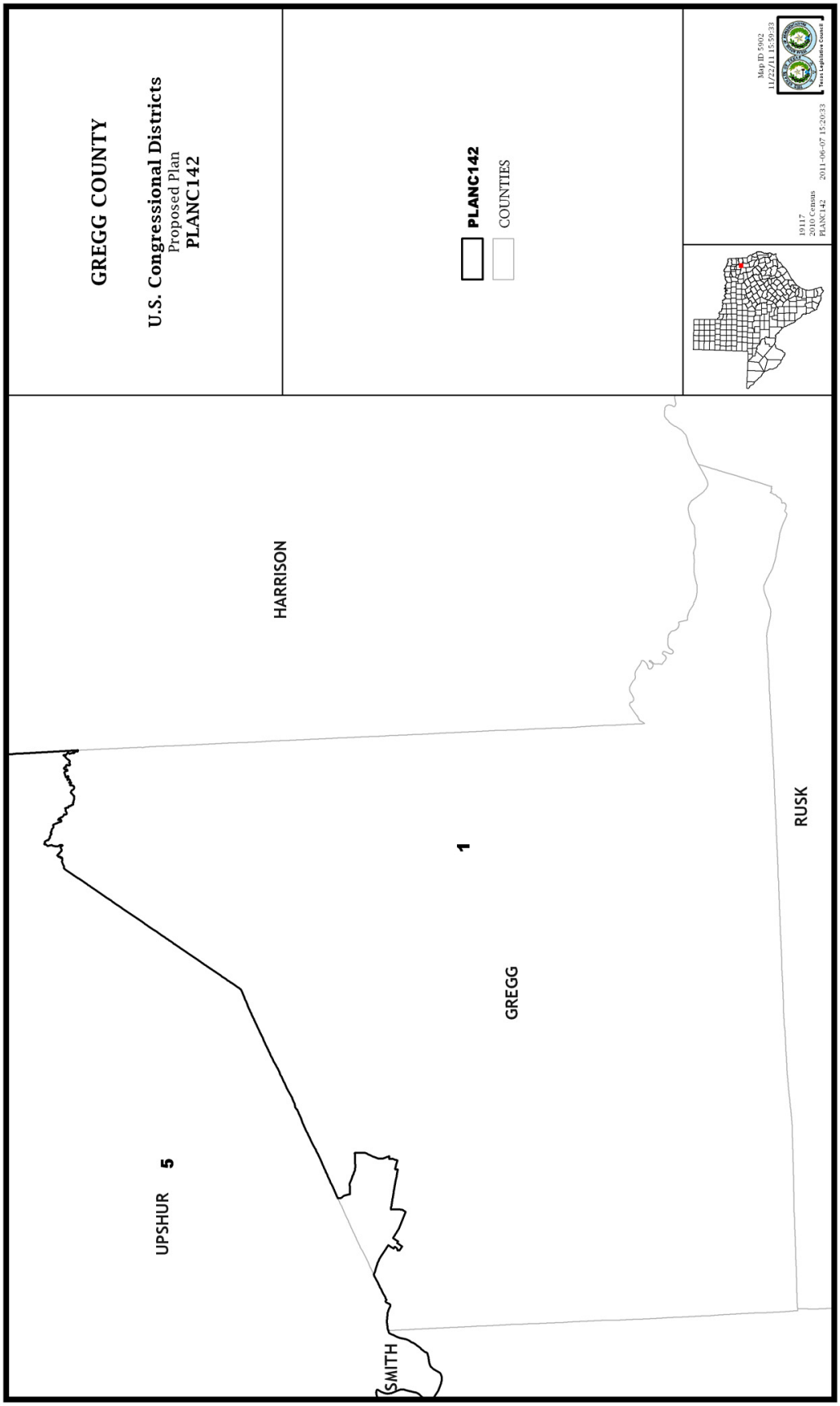
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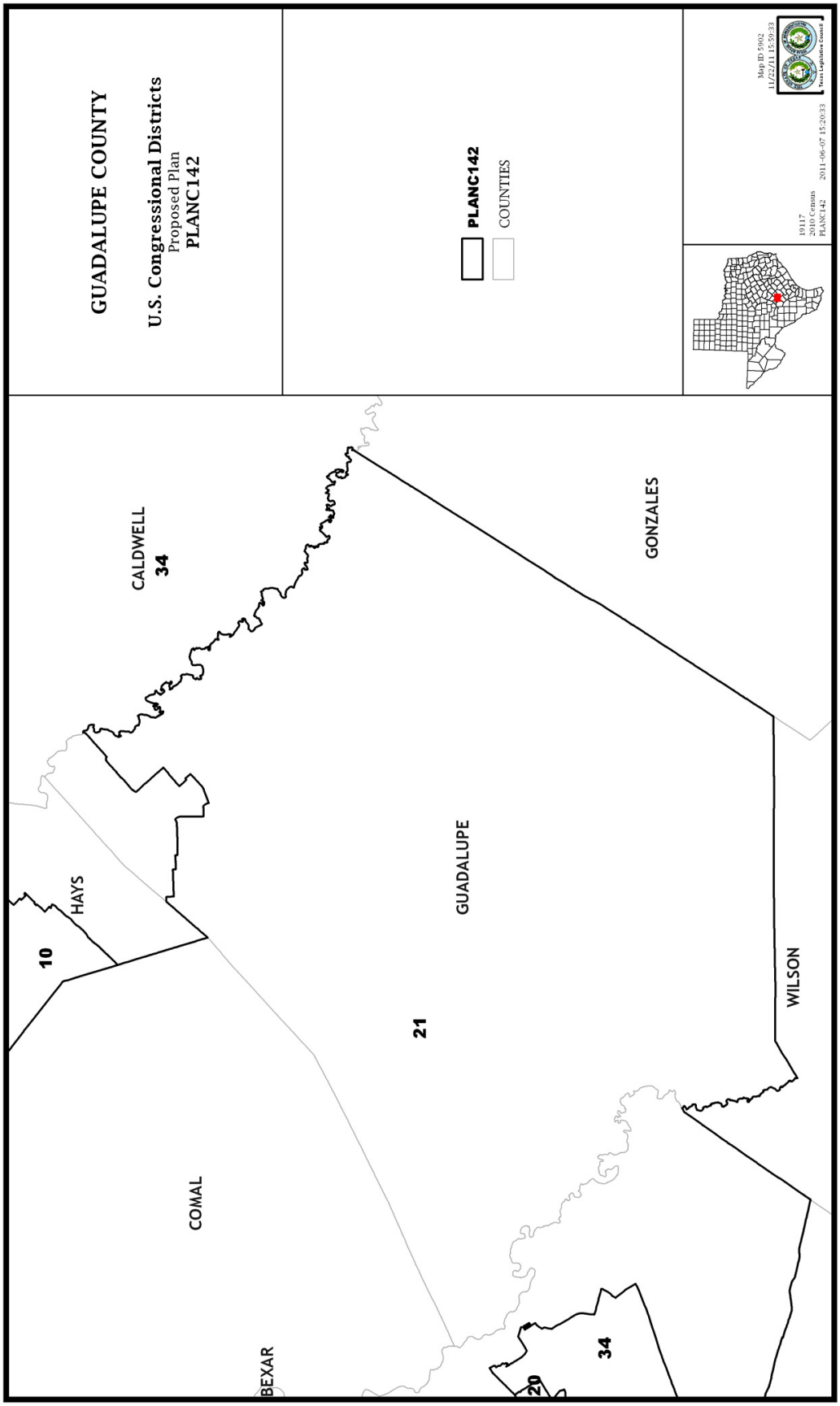
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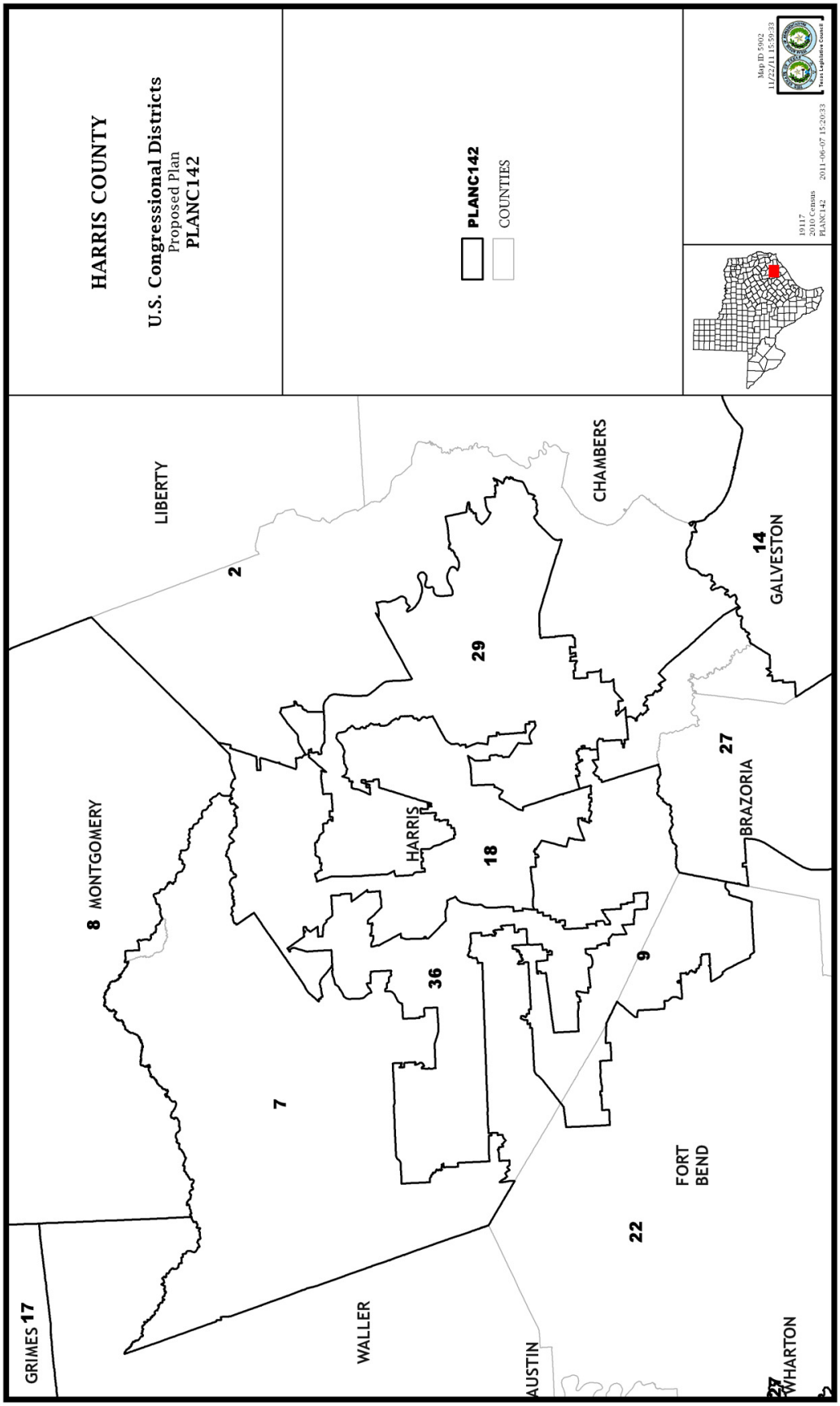
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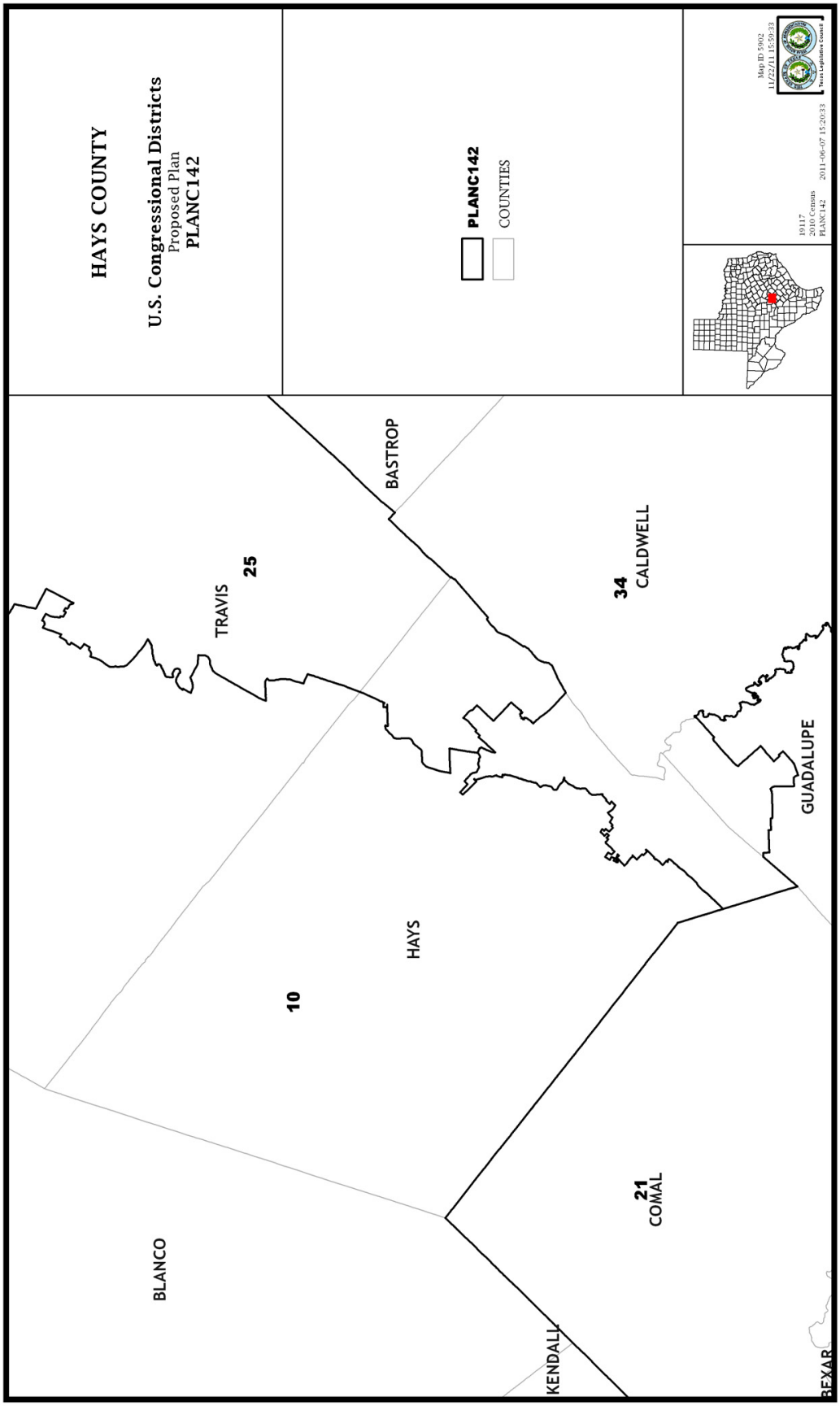
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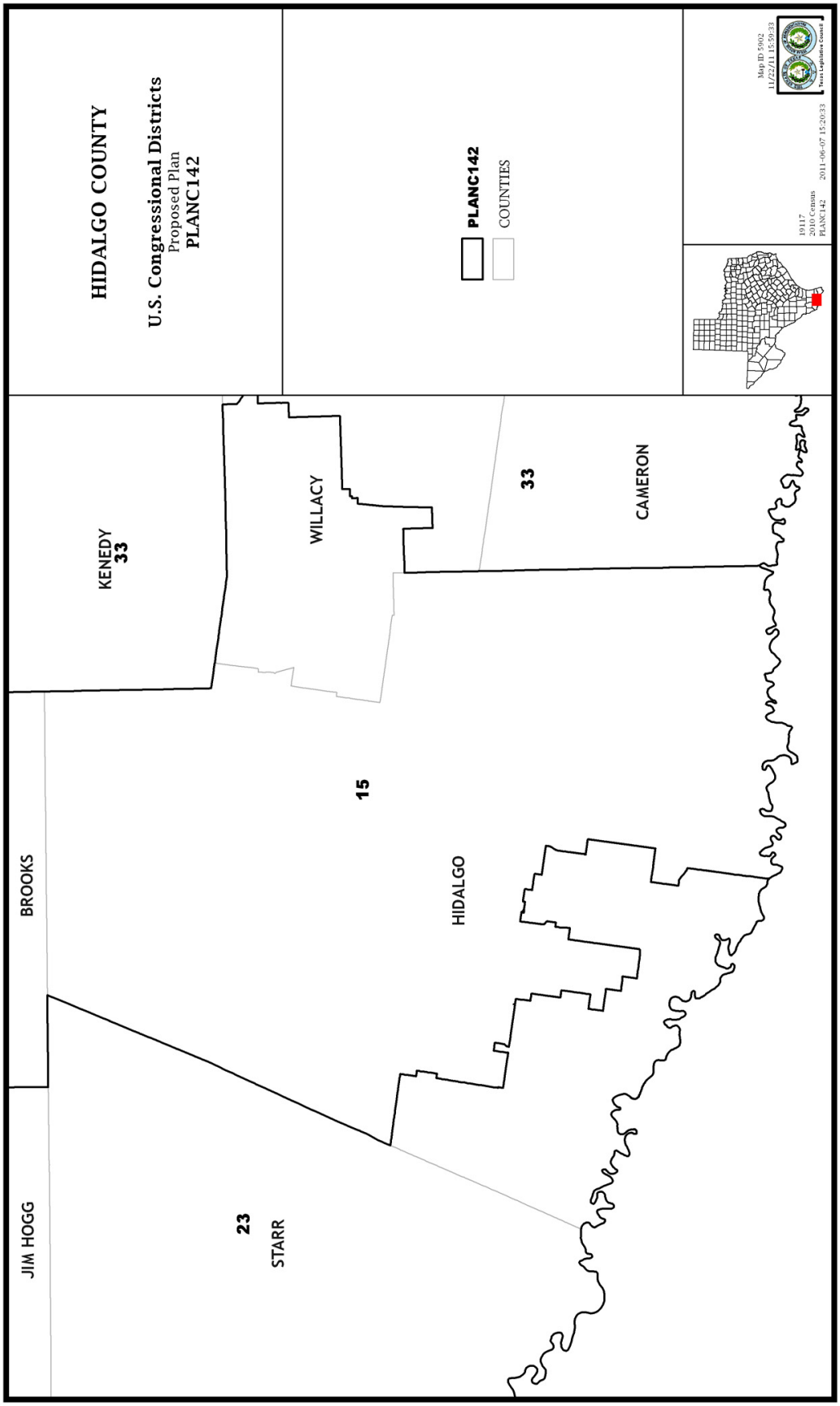
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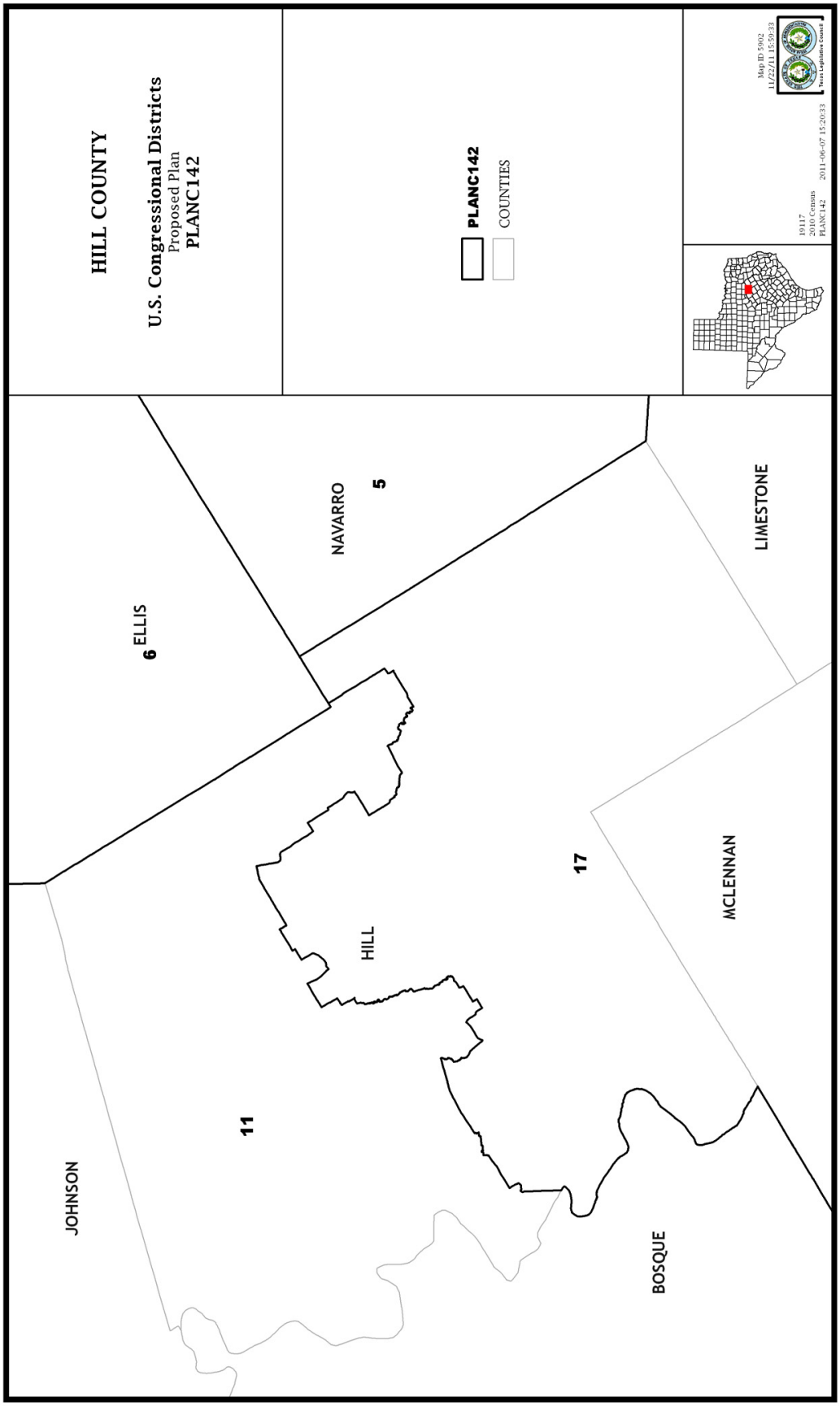
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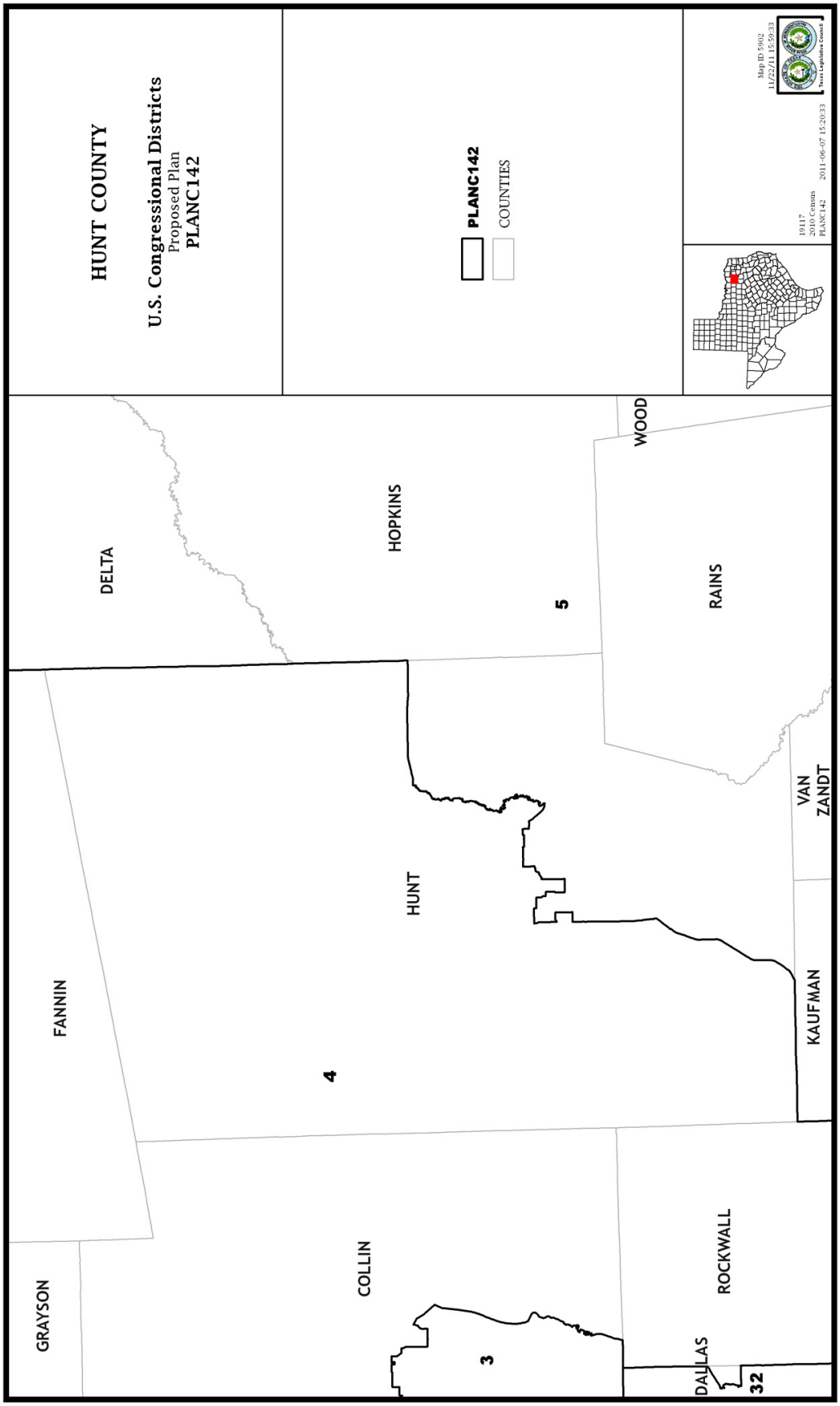
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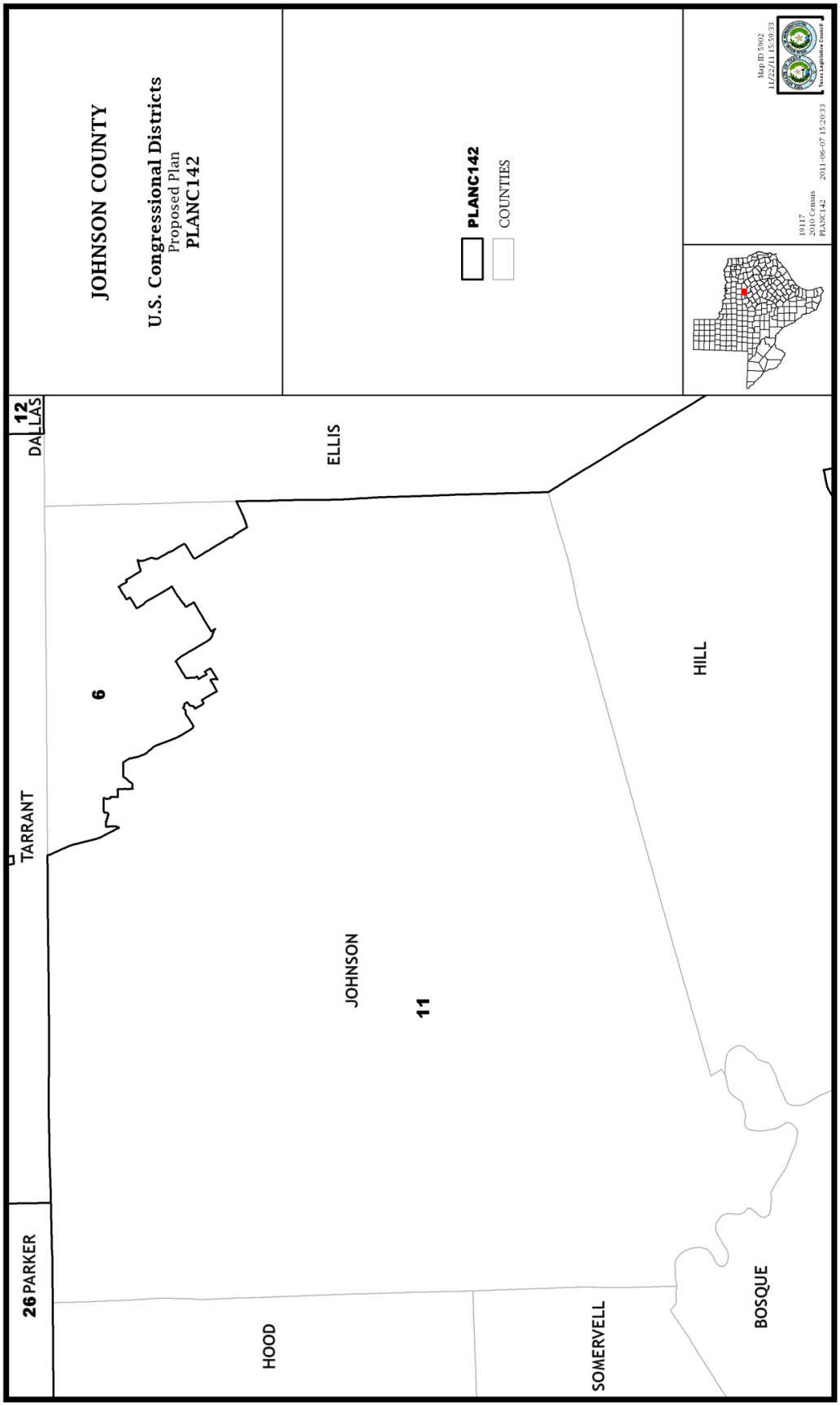
JOHNSON COUNTY
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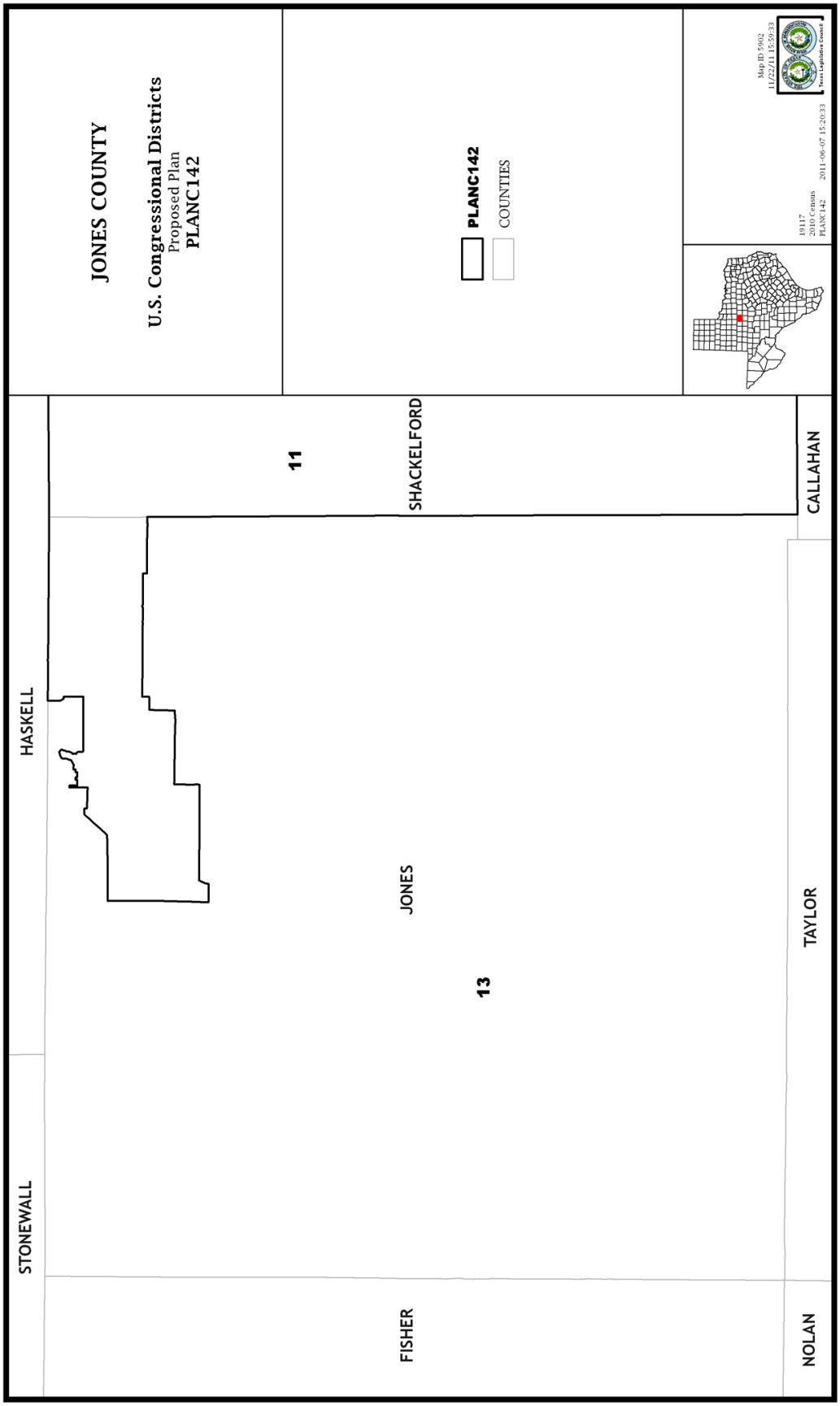
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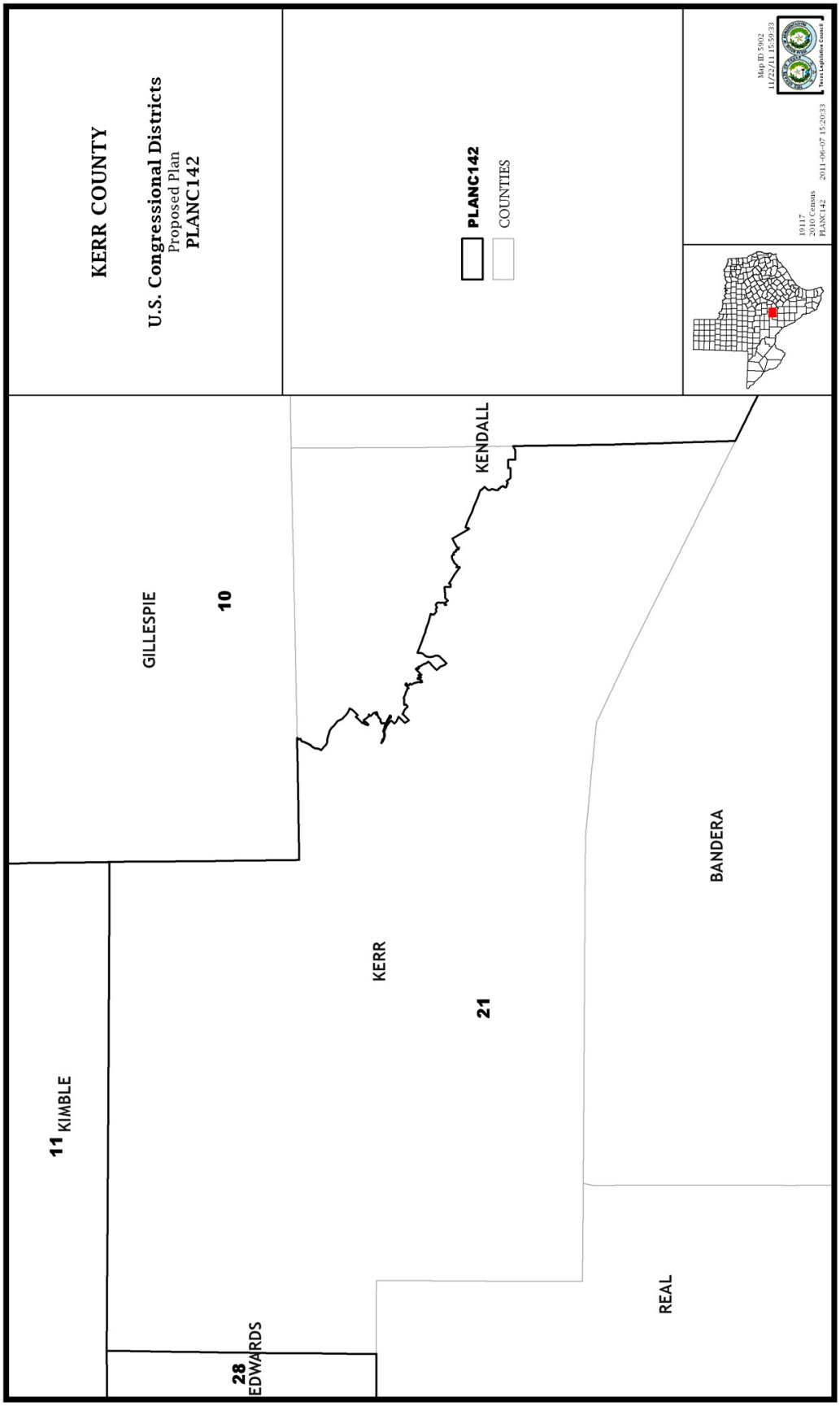
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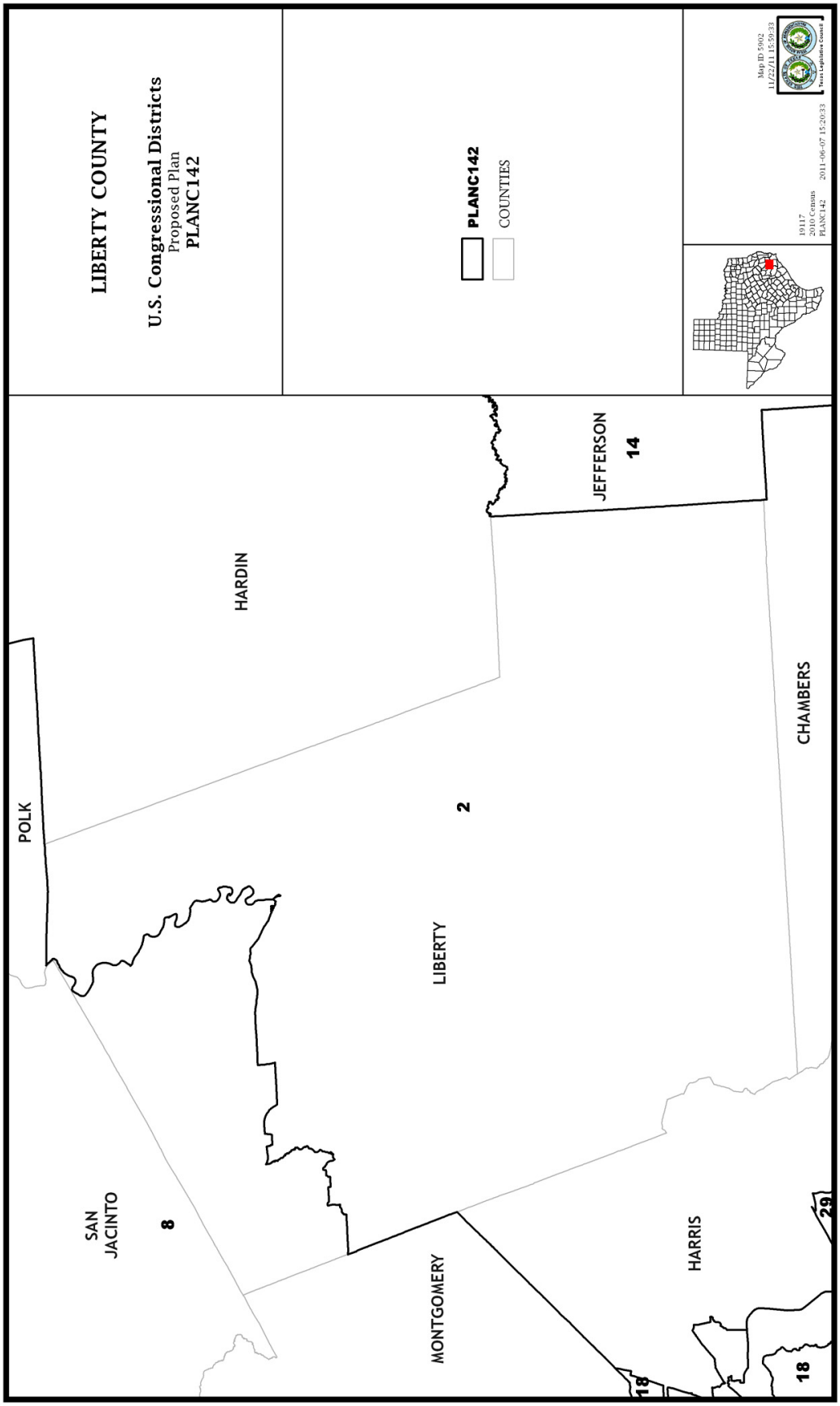
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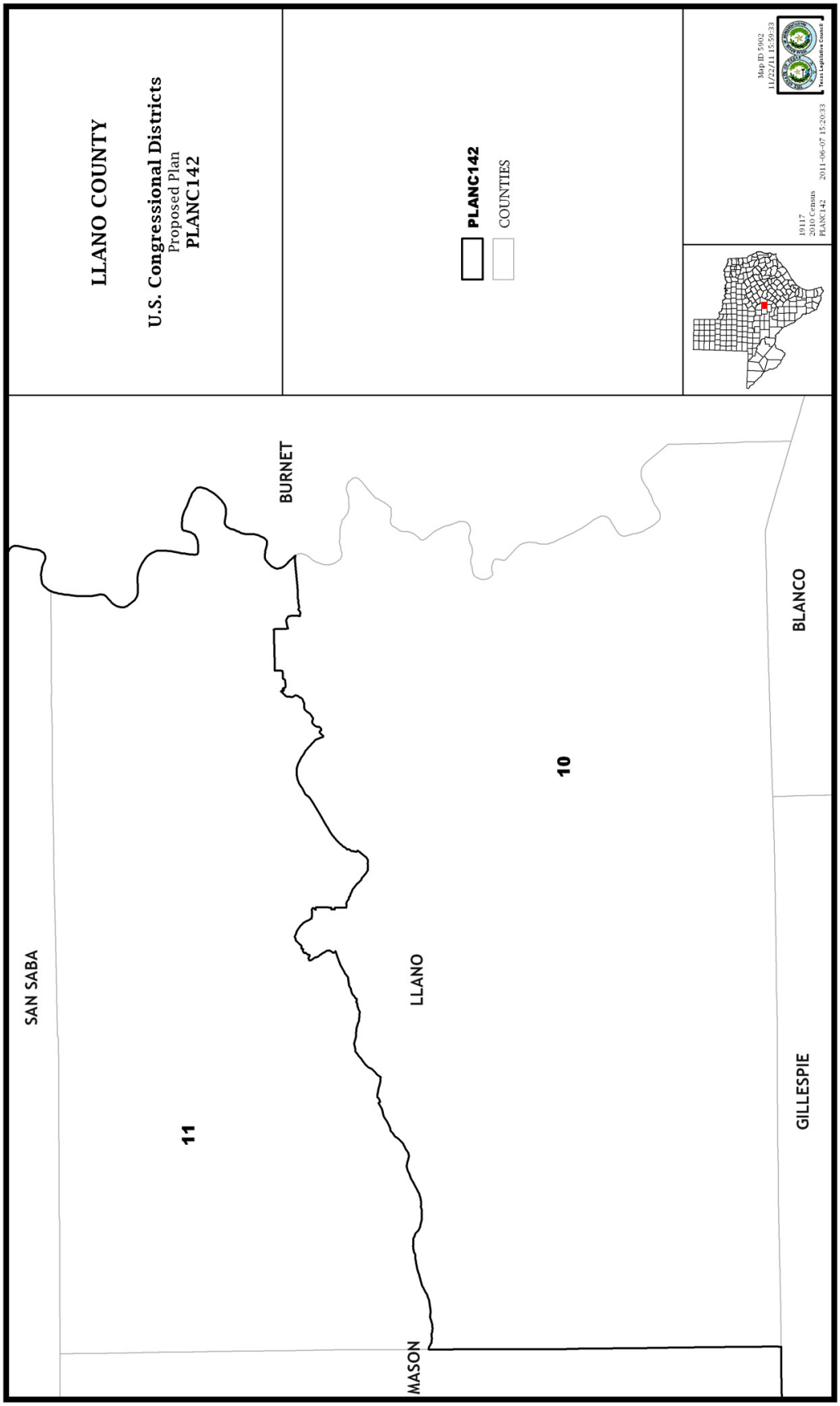
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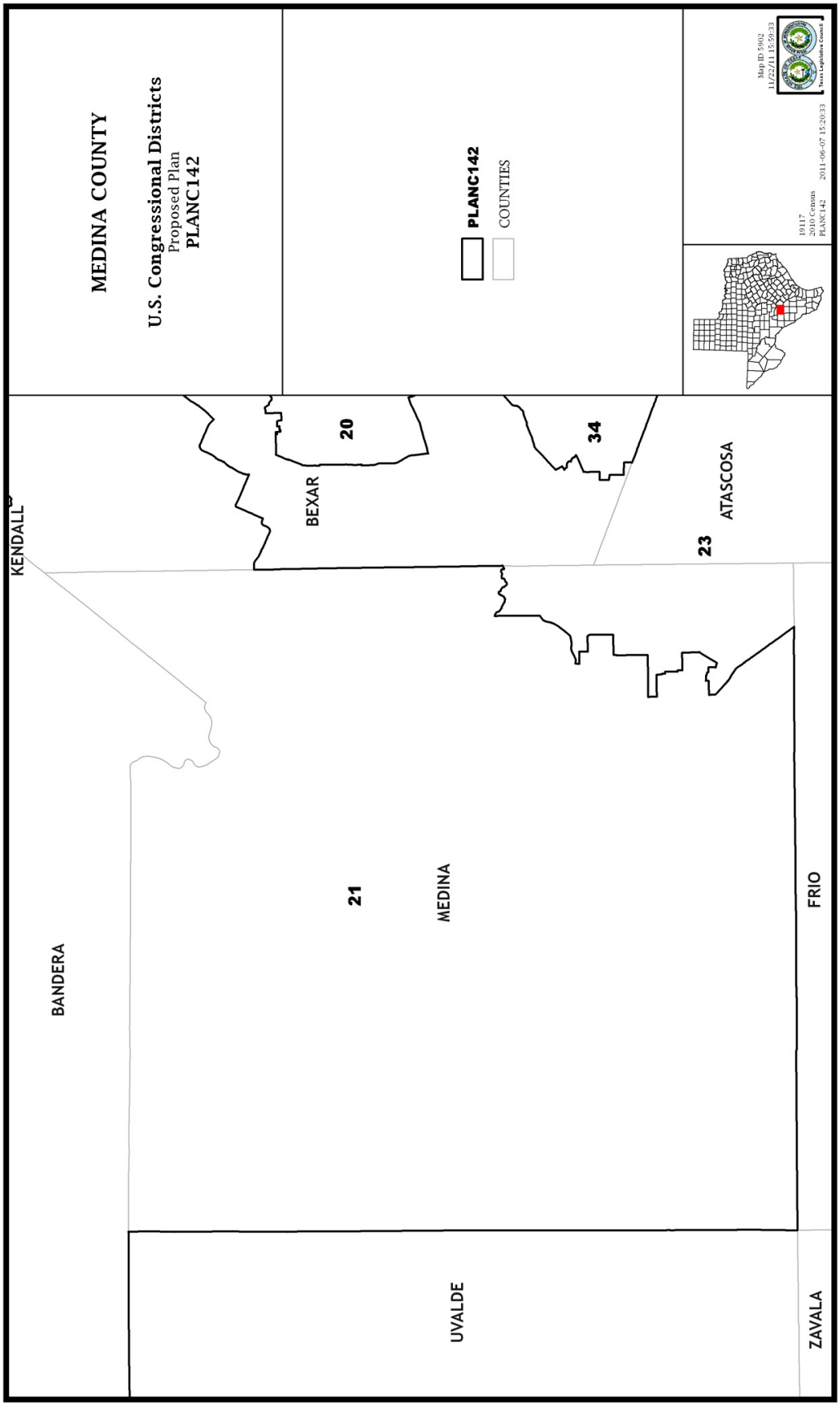
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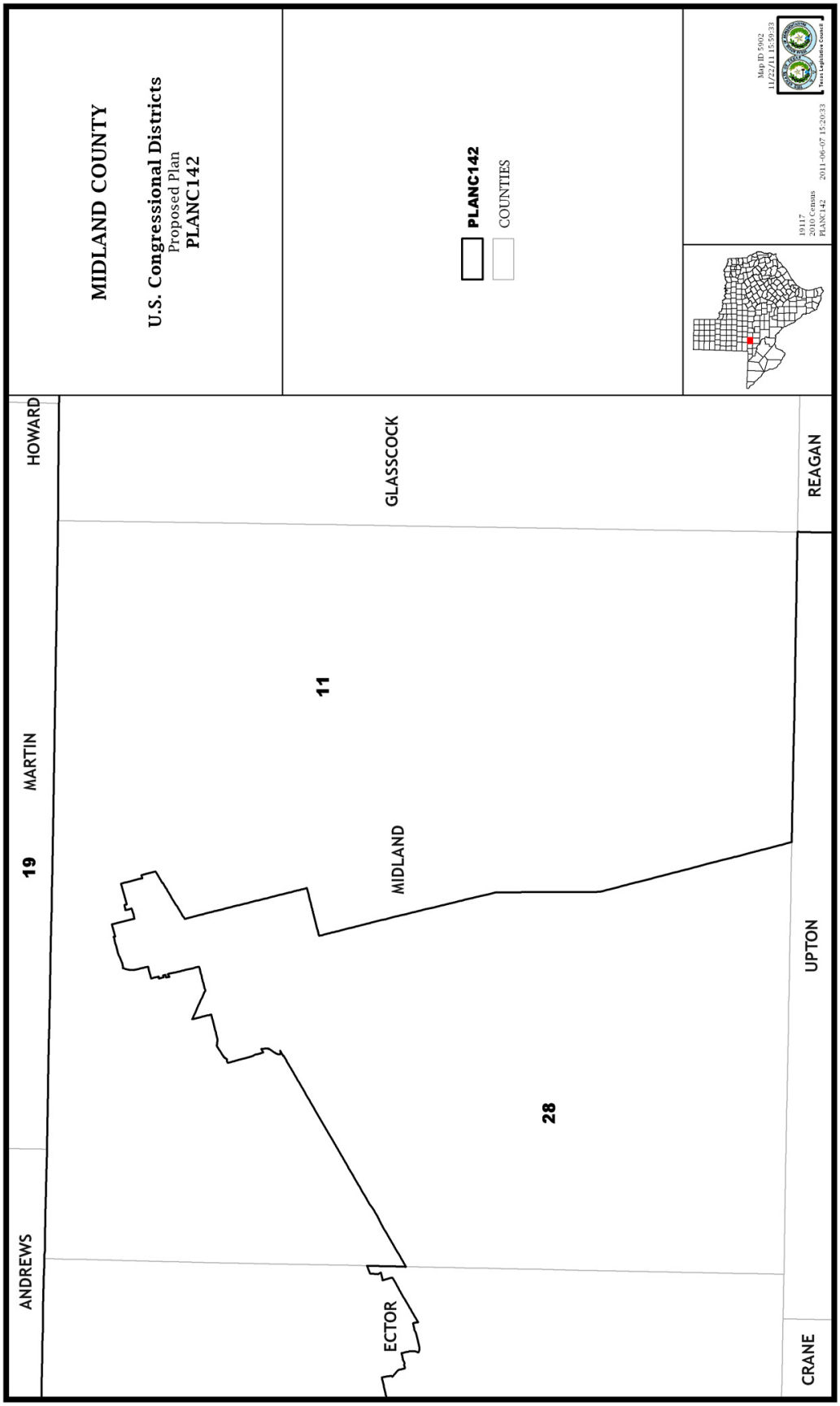
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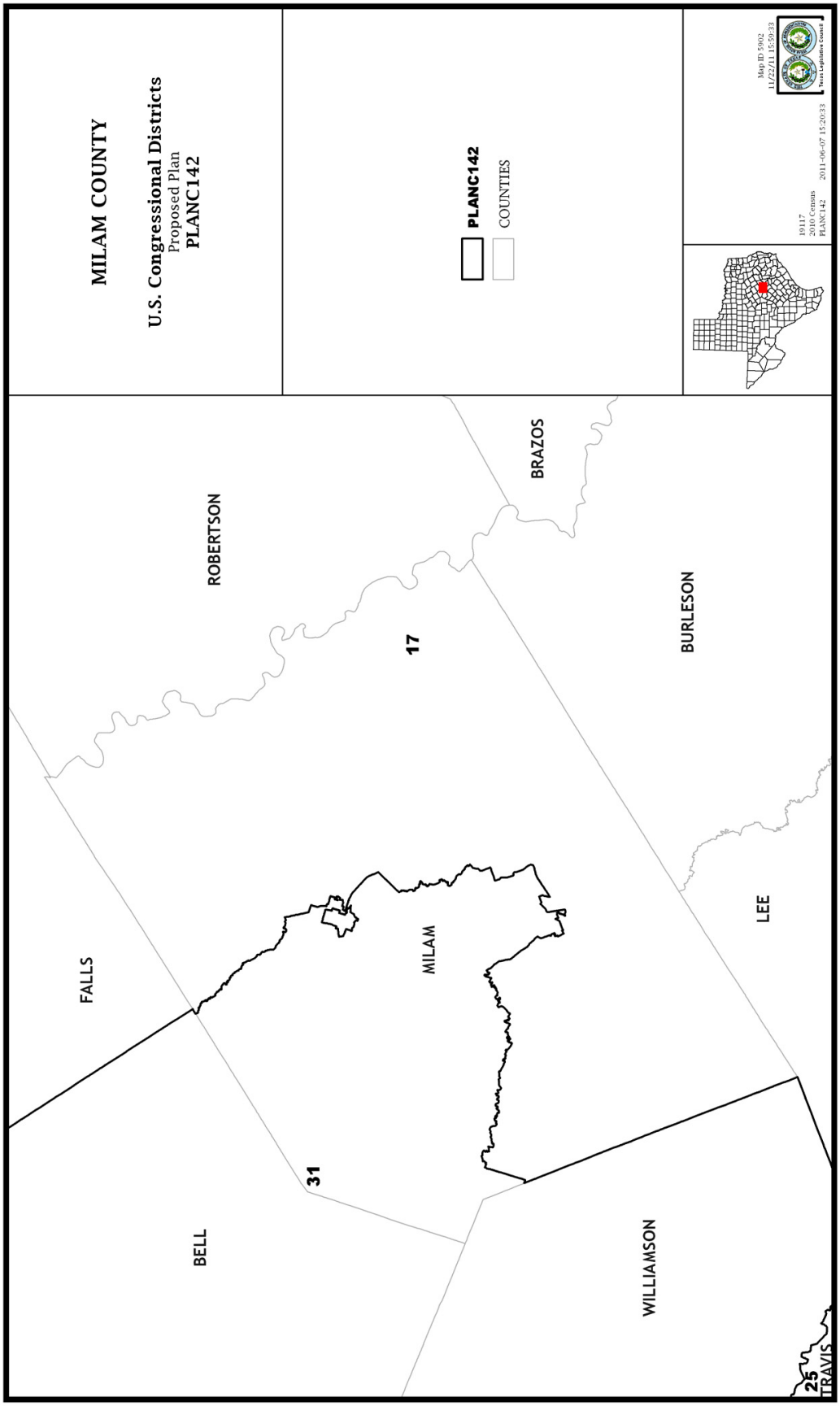
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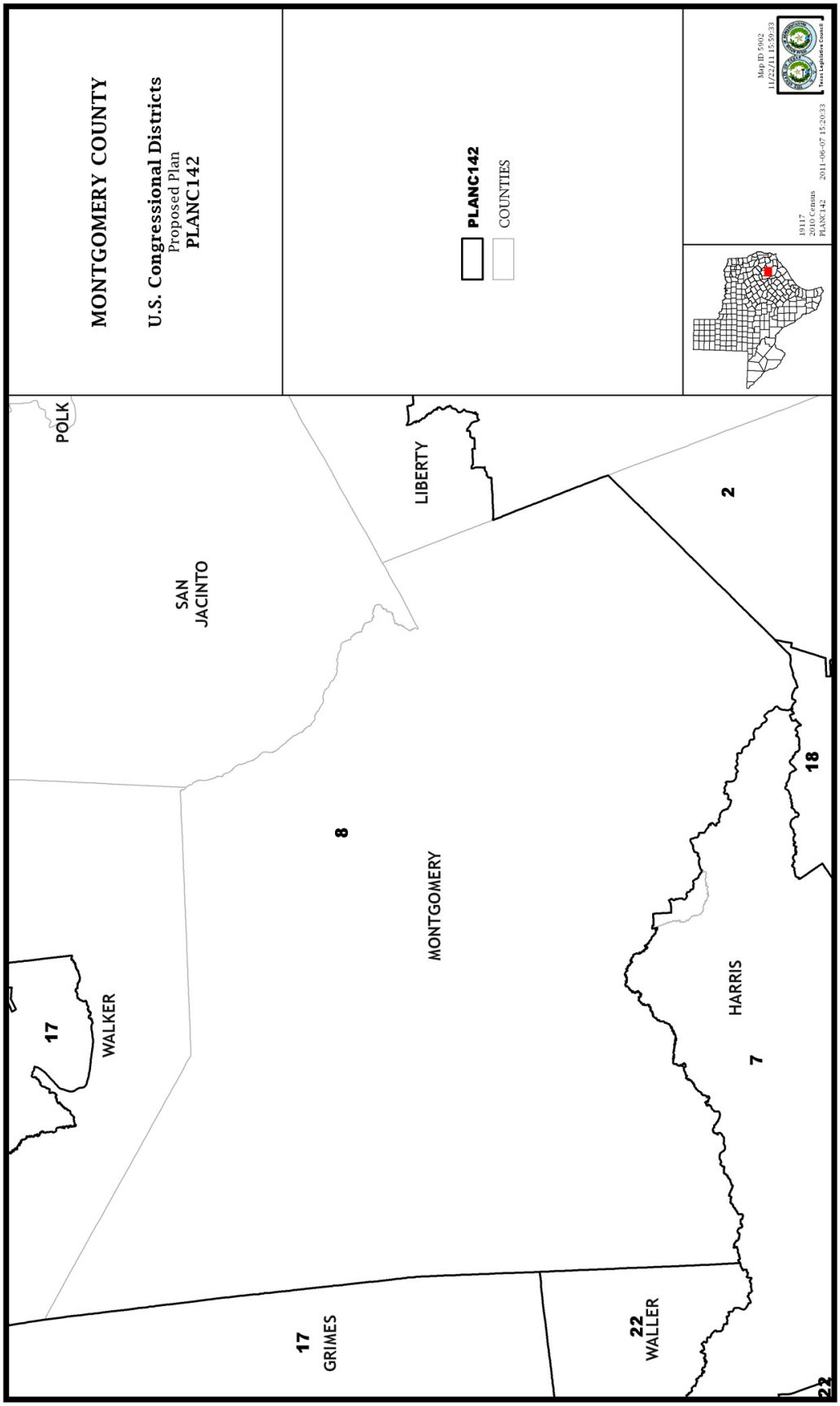
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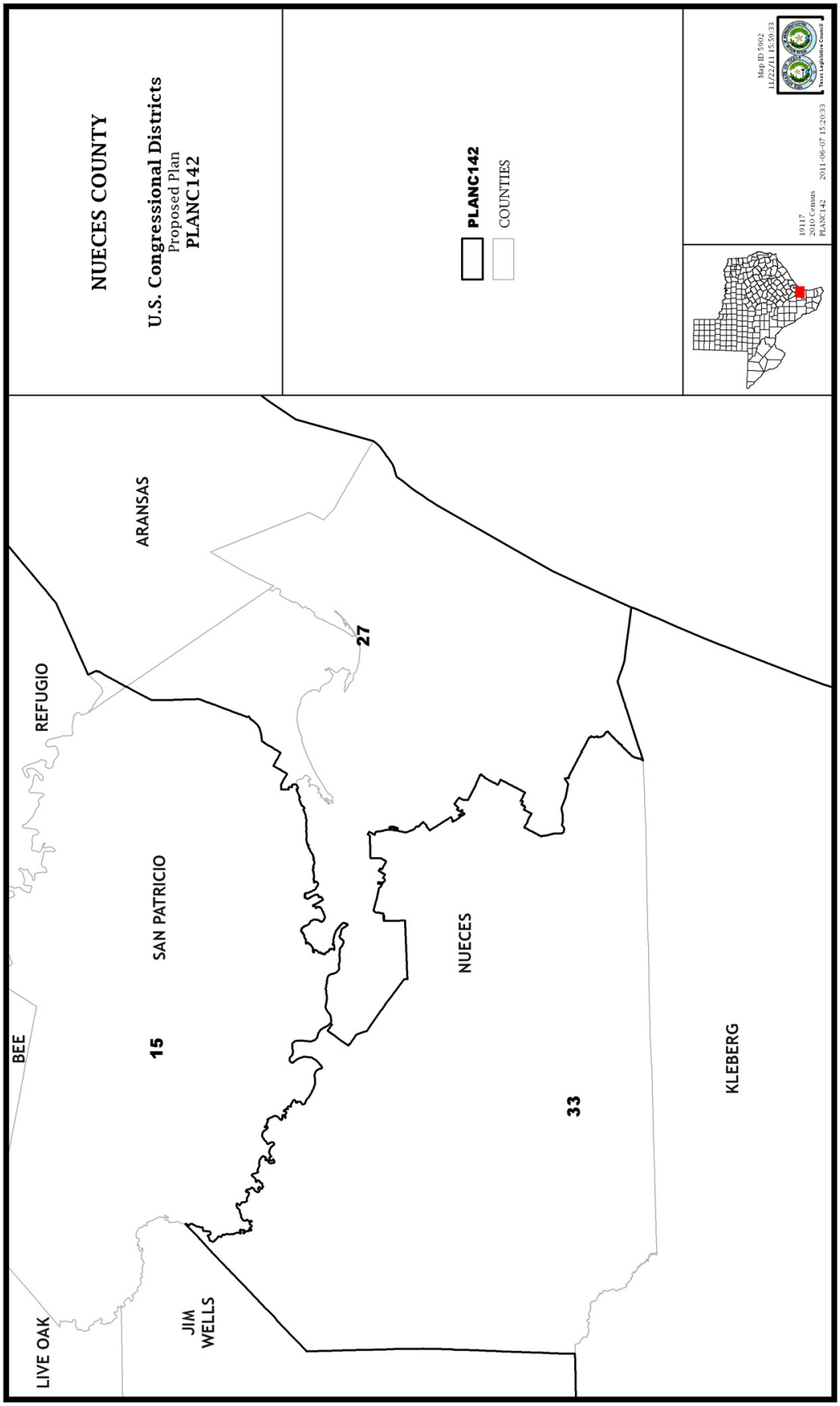
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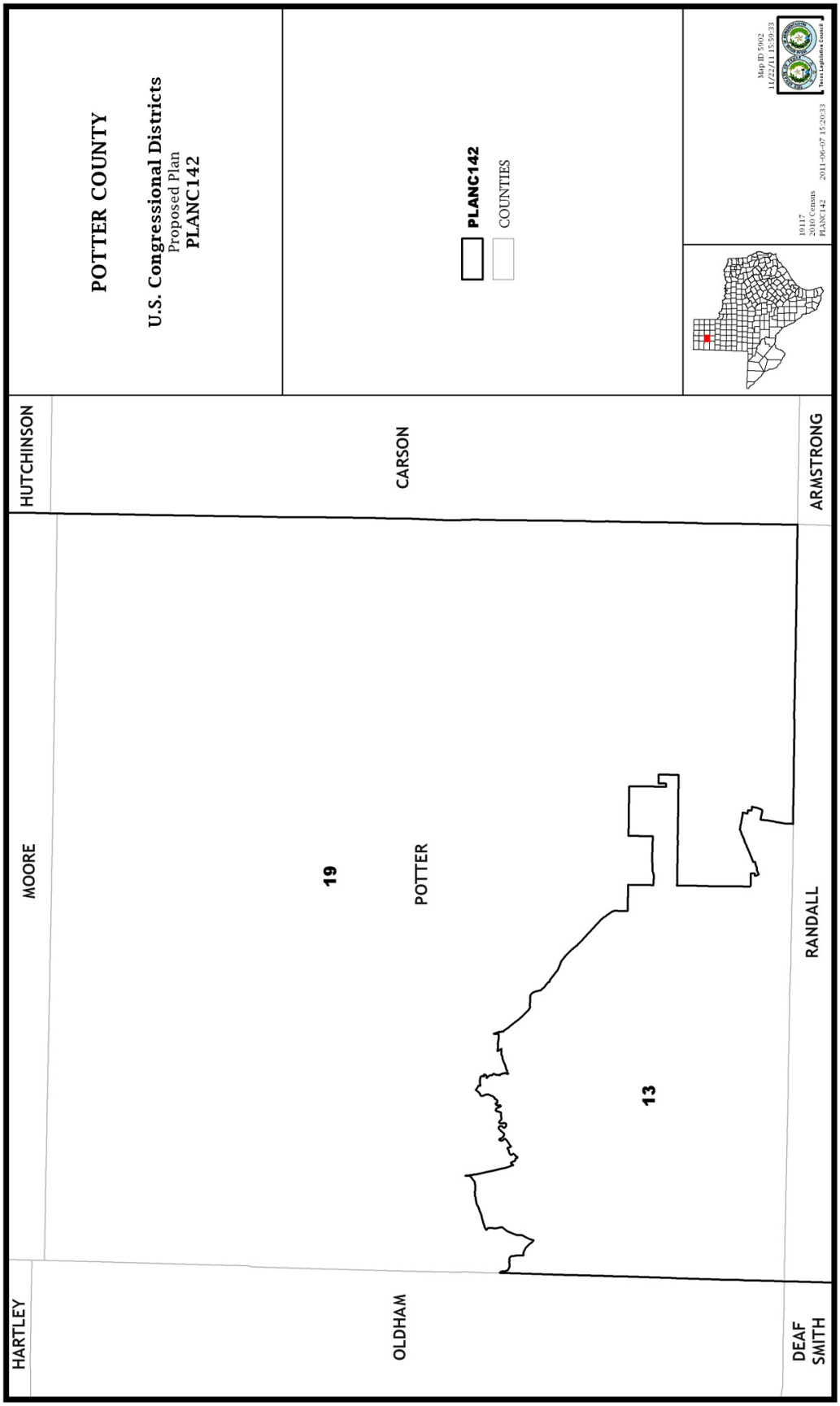
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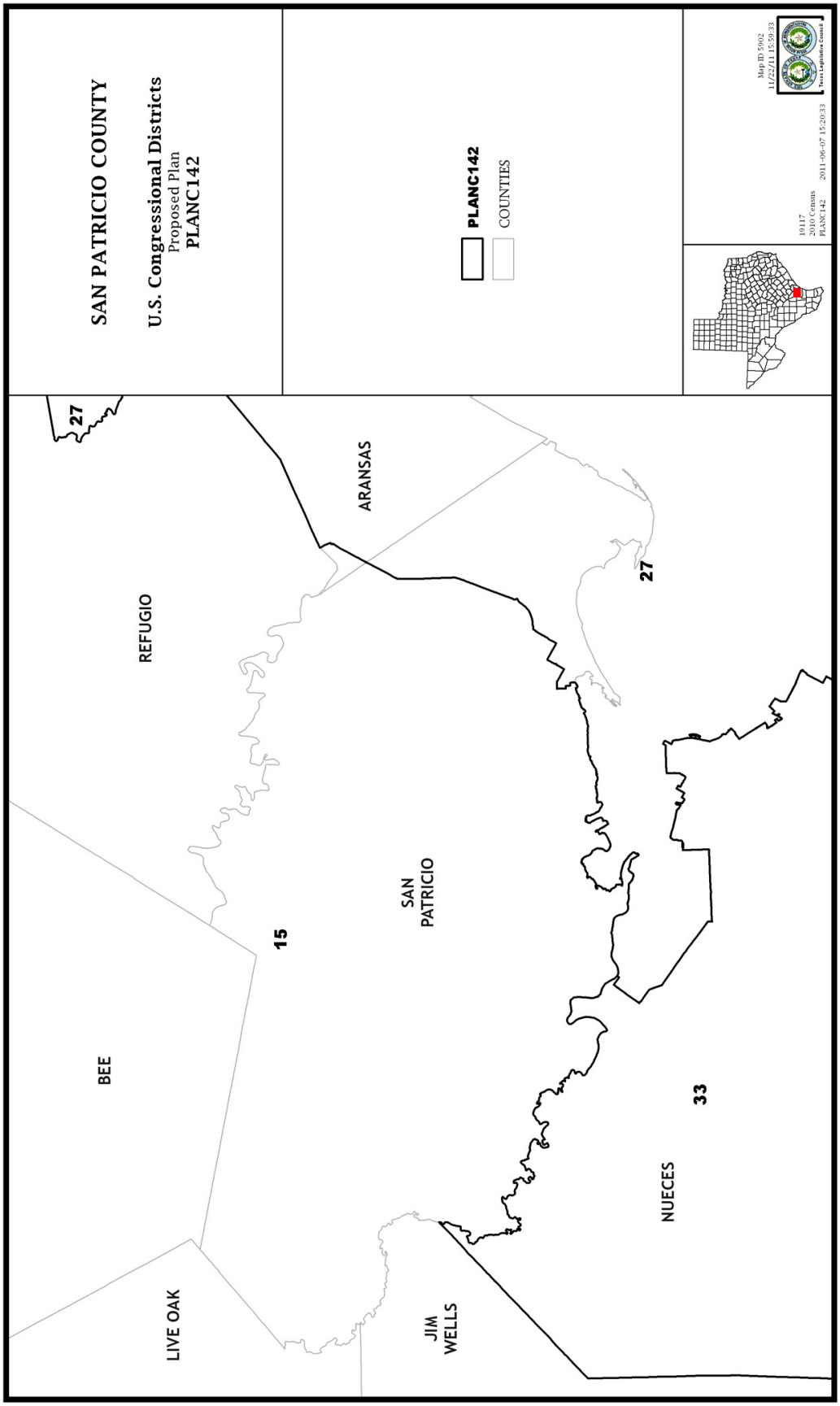
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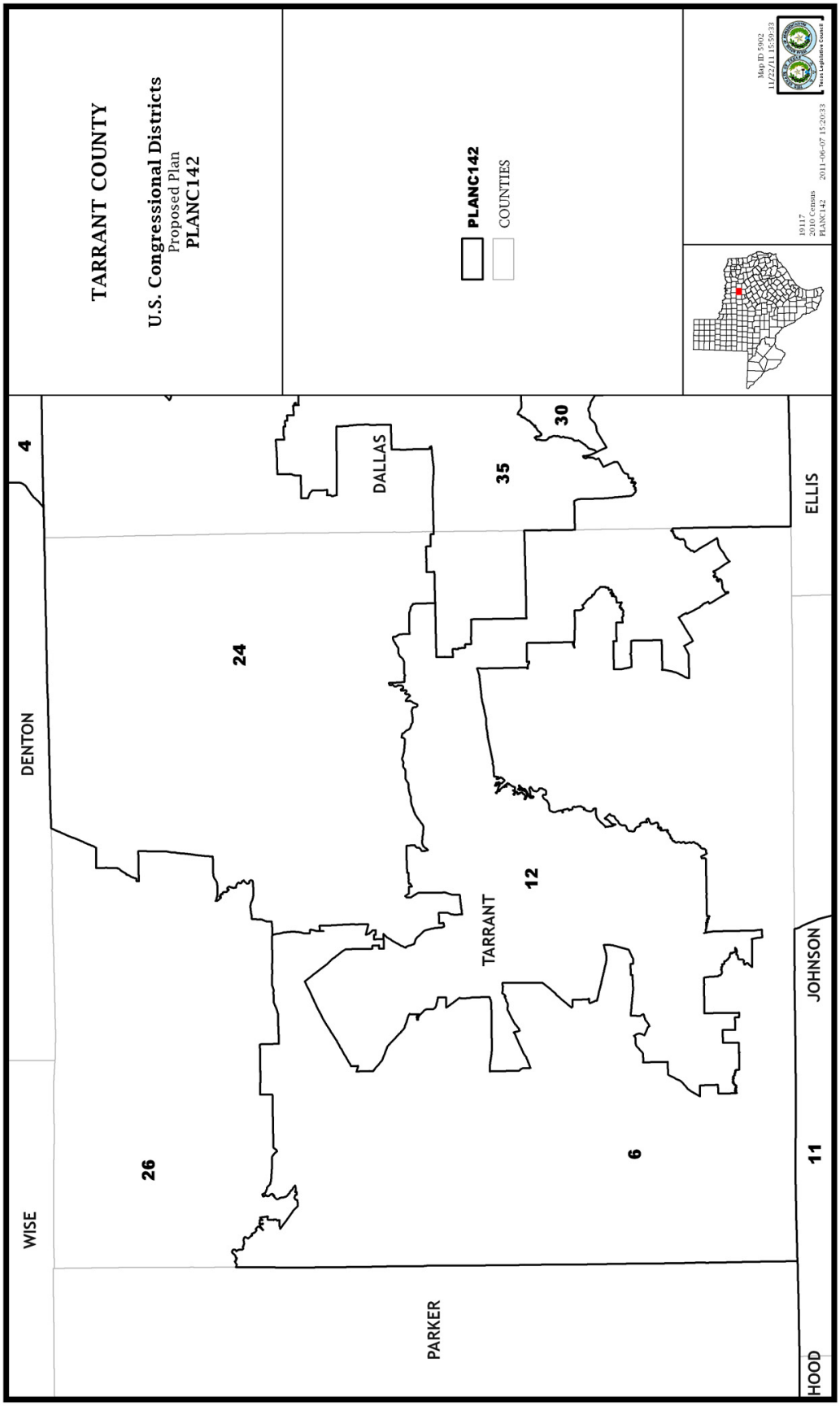
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2010 Census
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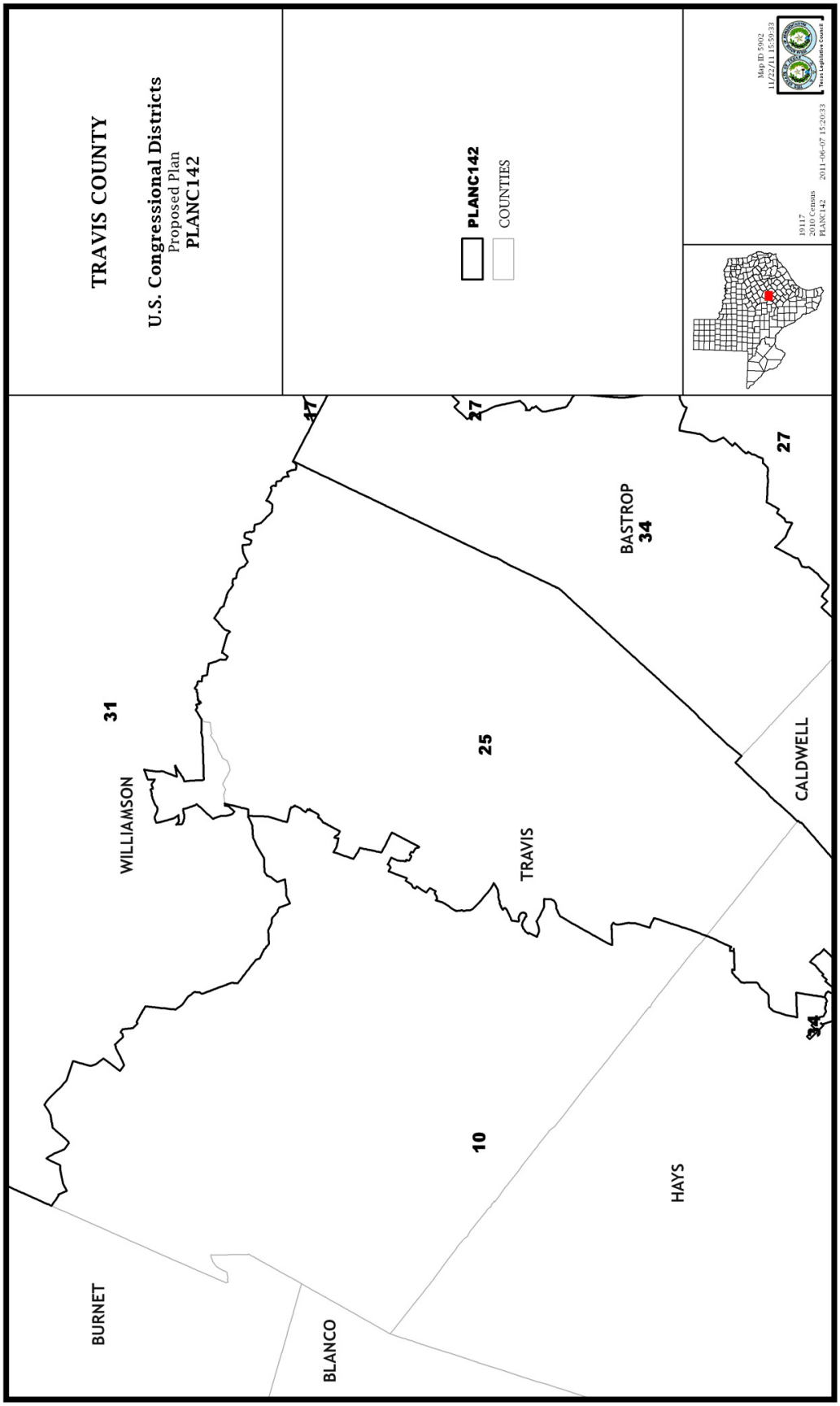
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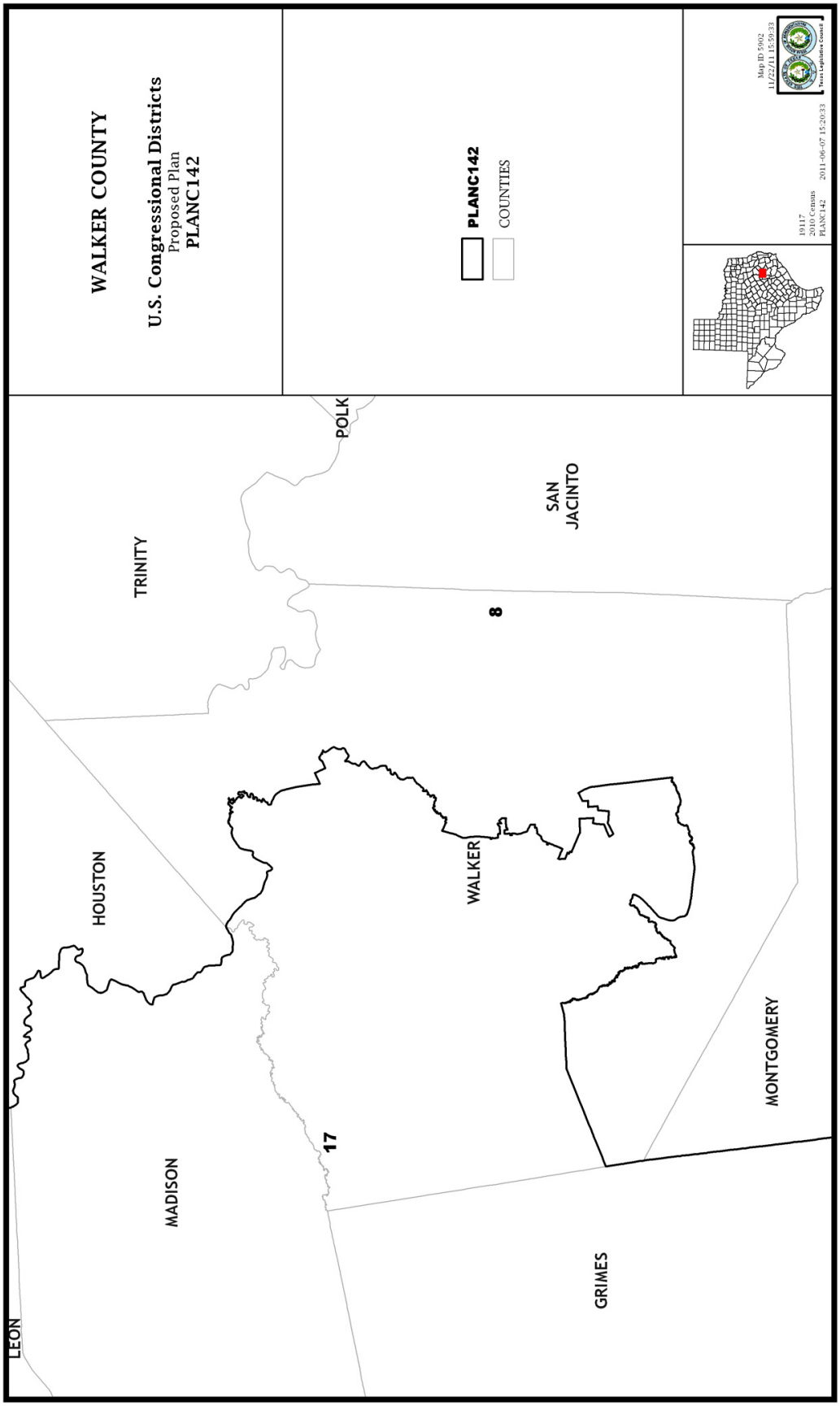
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MONTGOMERY
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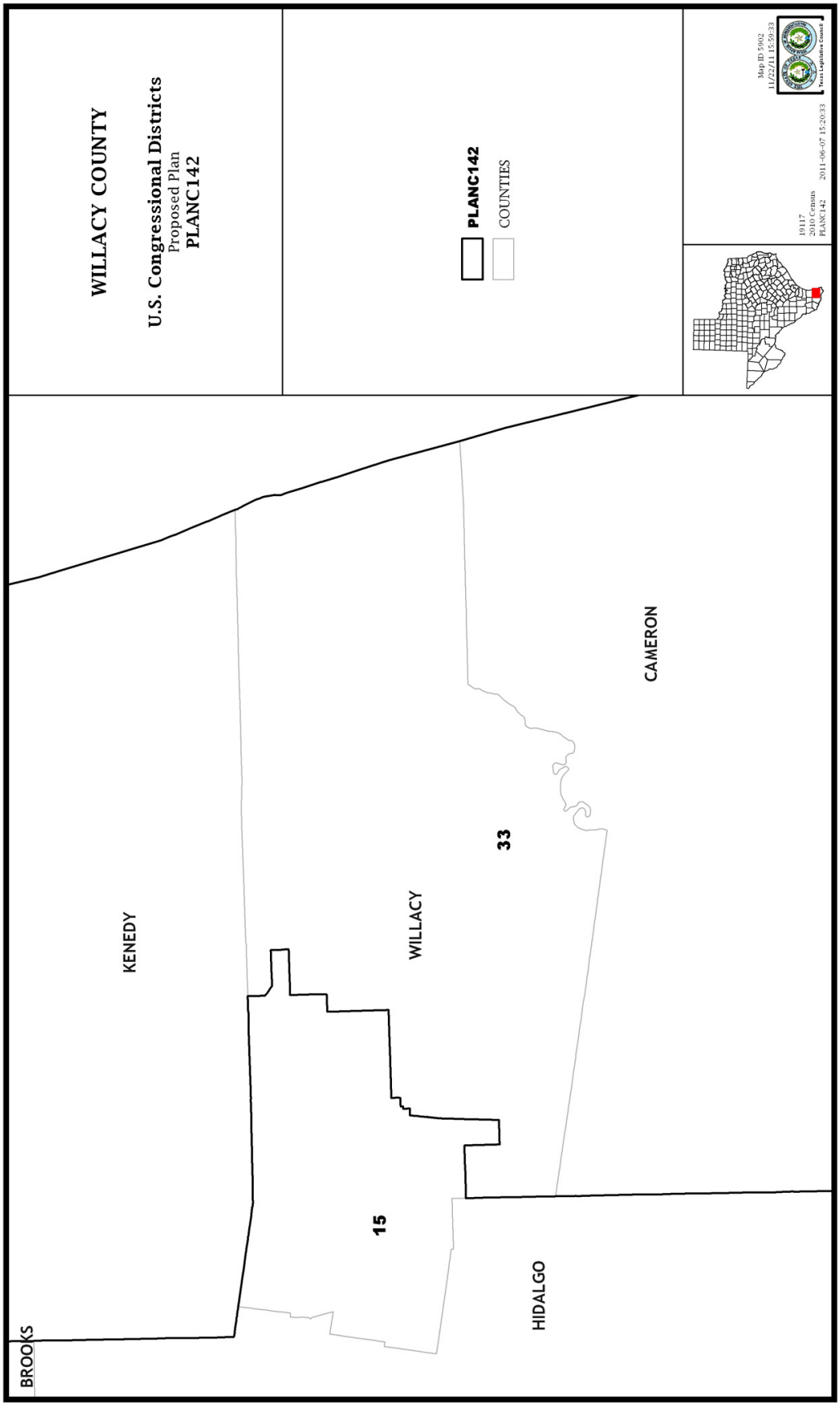
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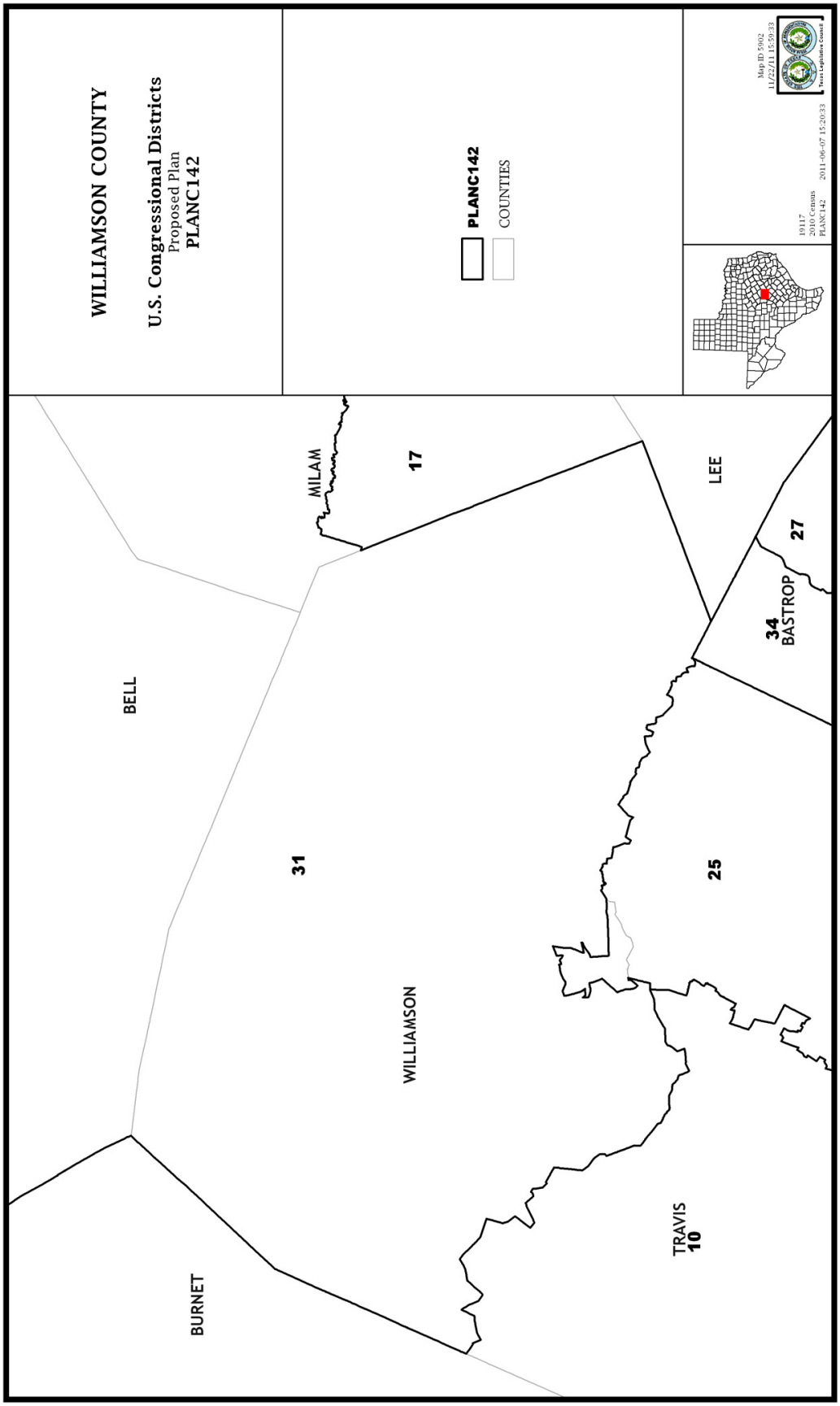
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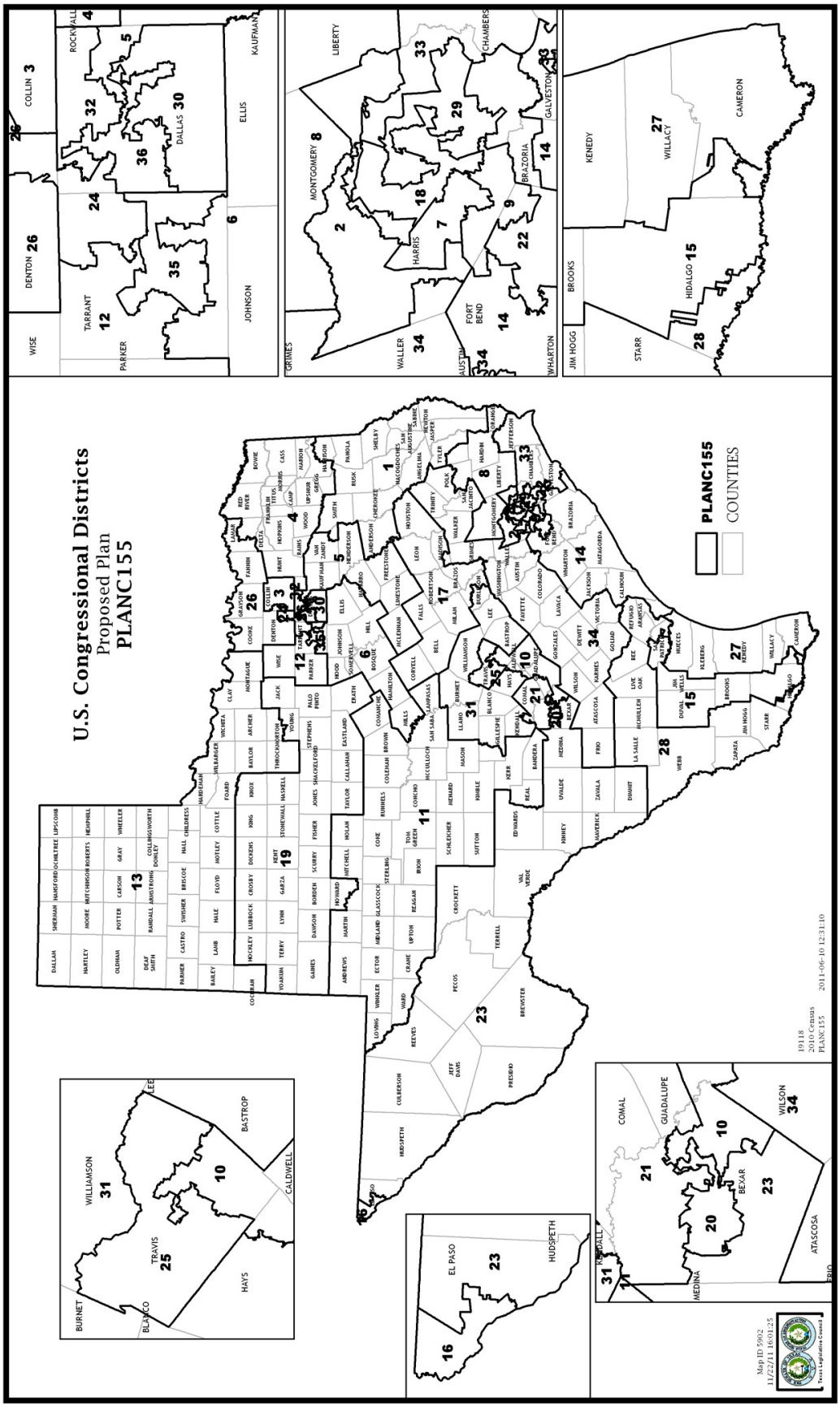
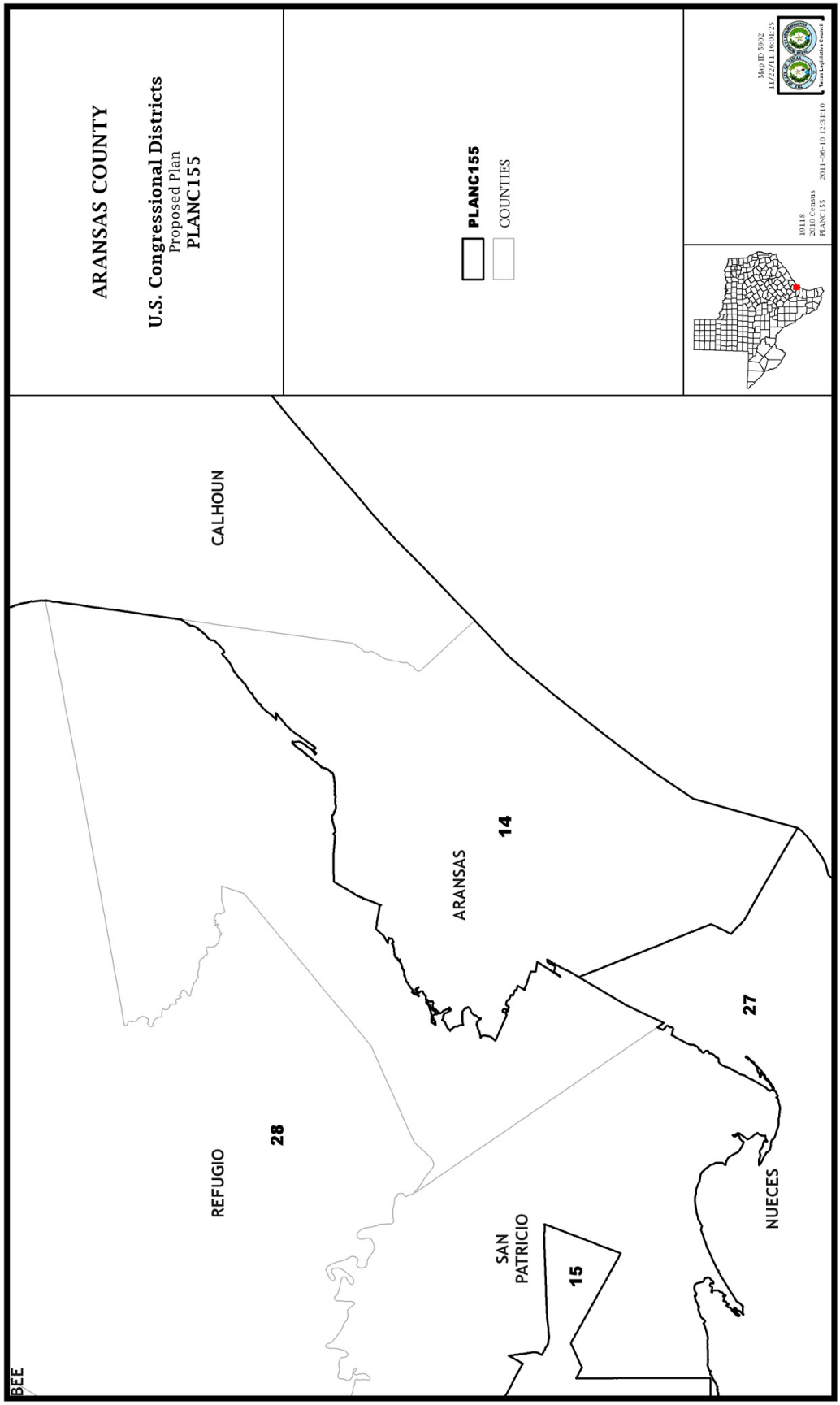
Amendment No. 12 (by Turner, et al)

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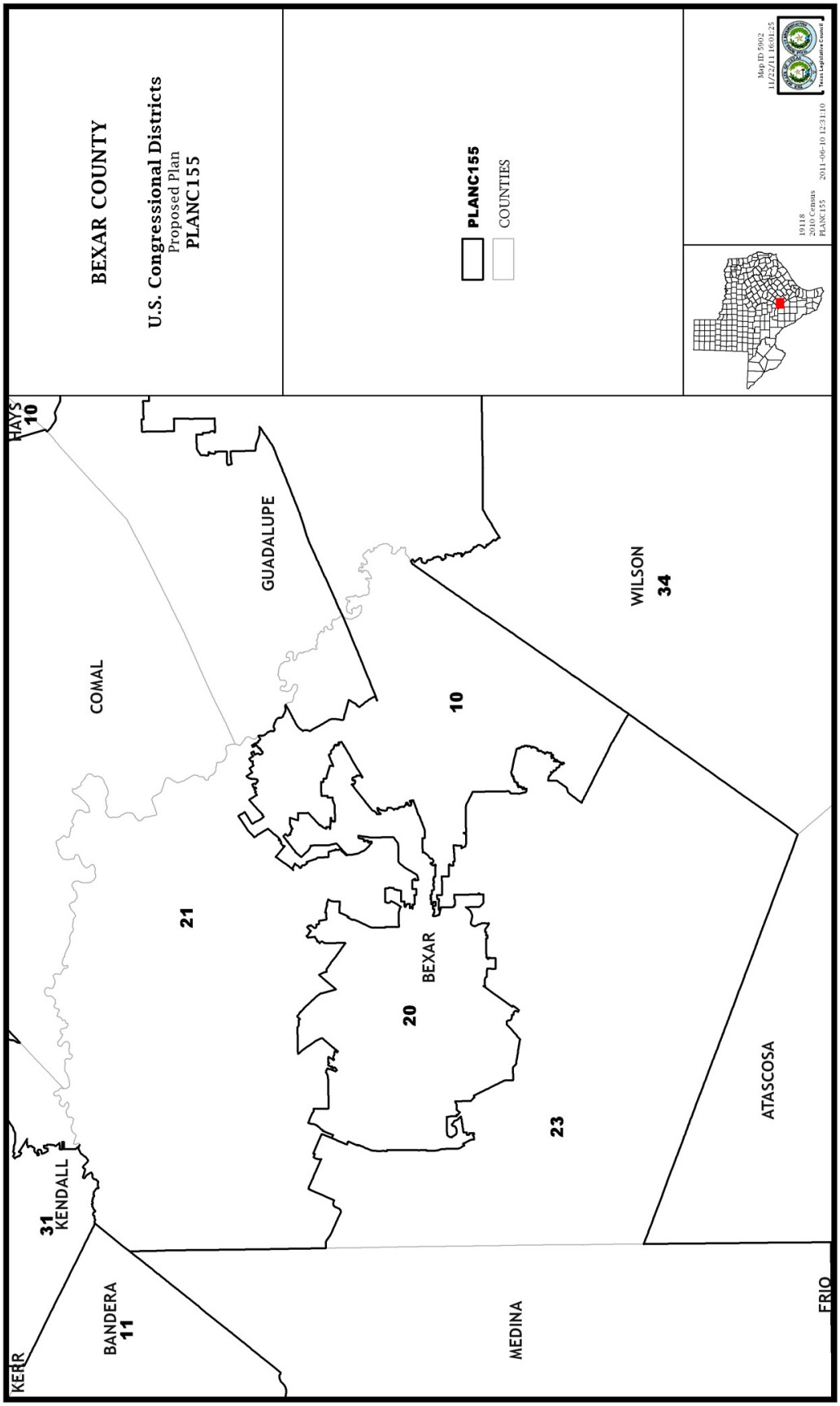
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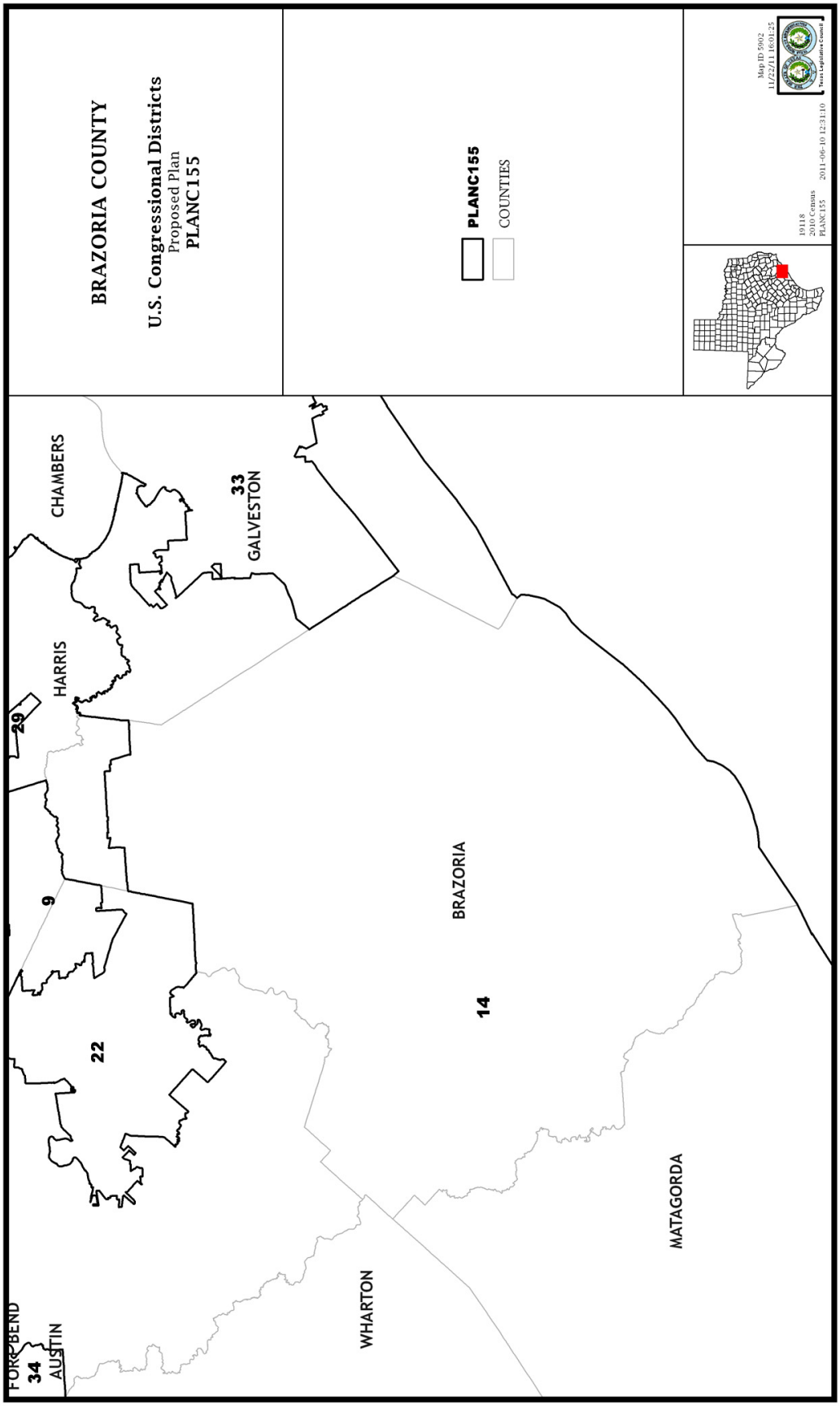
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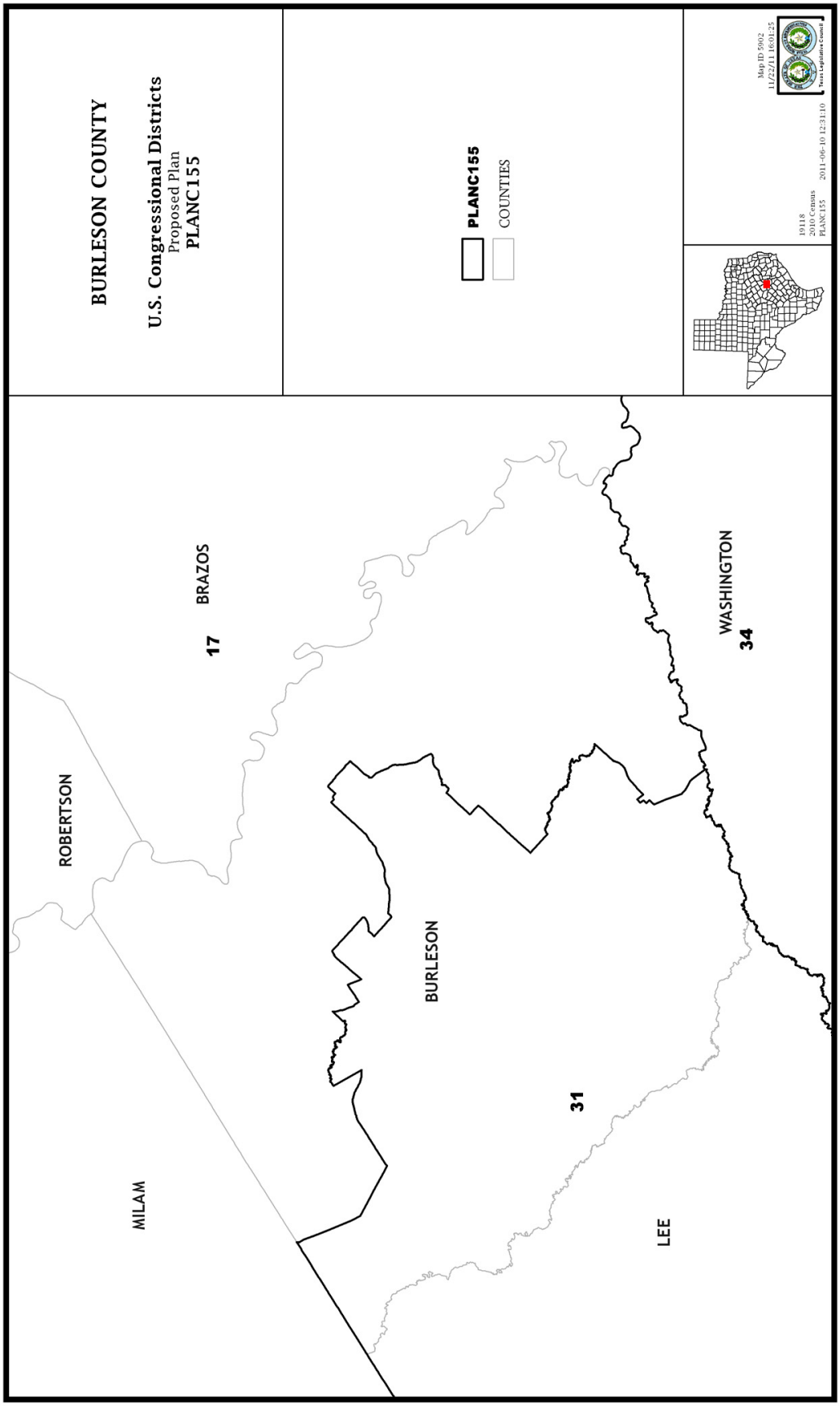
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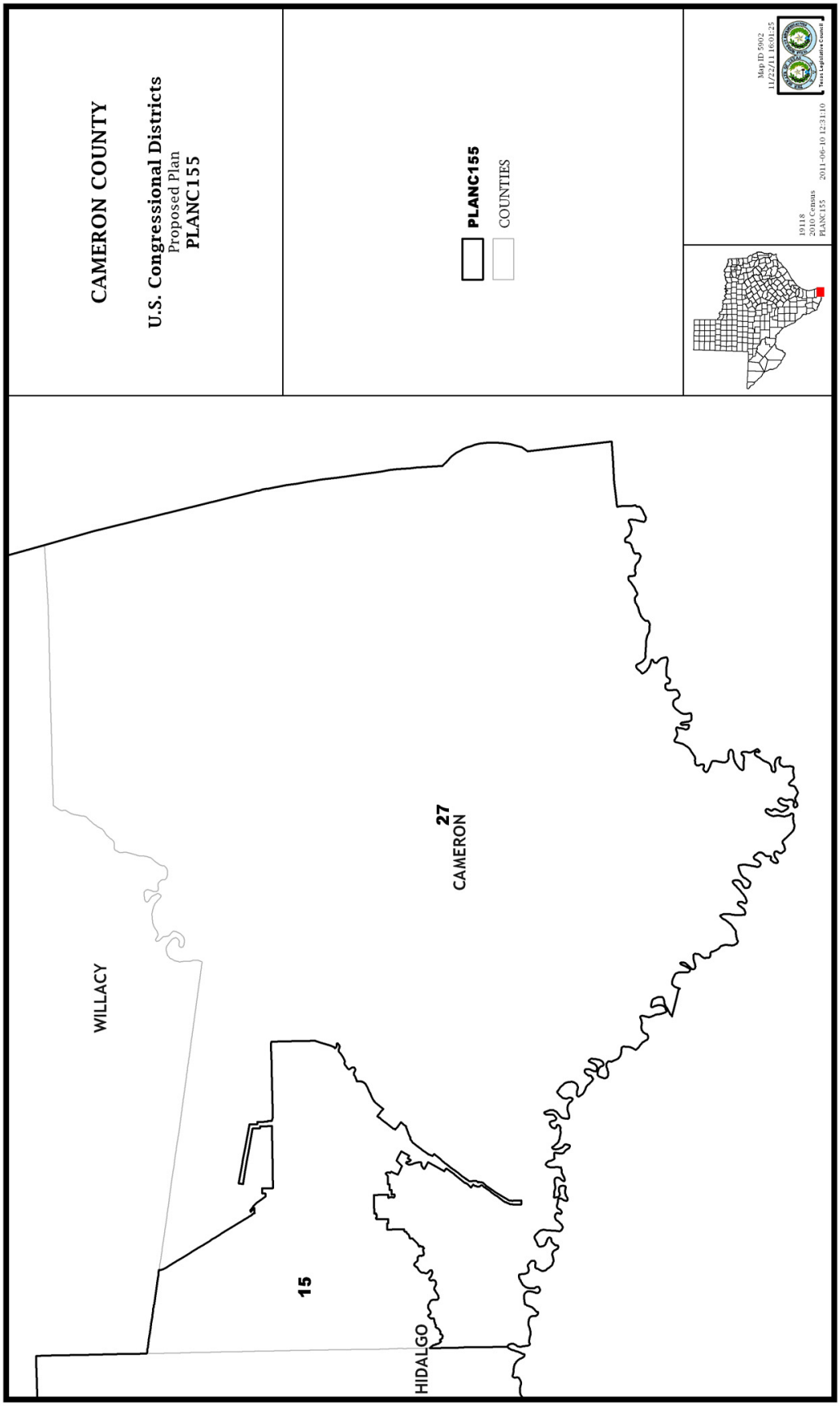
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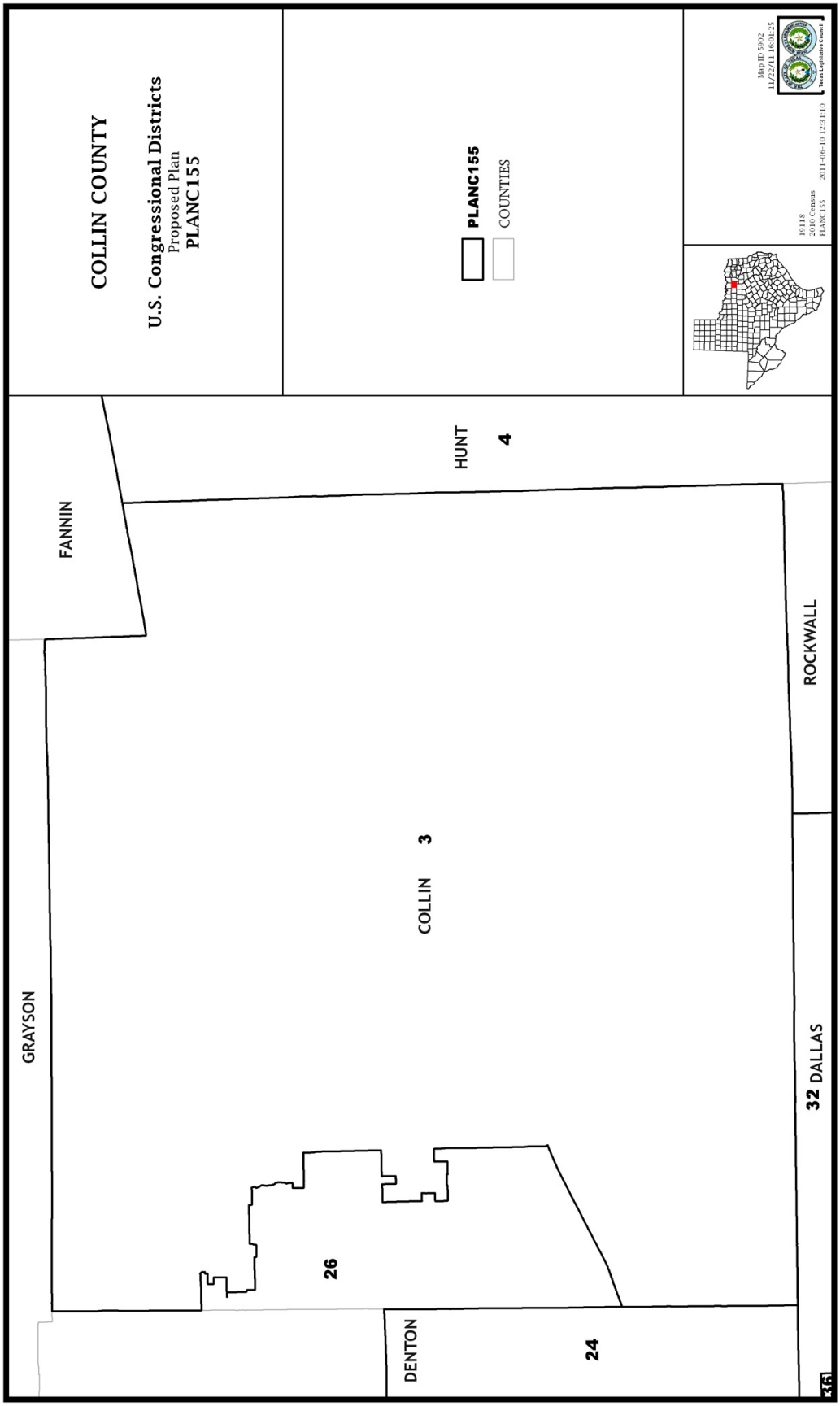
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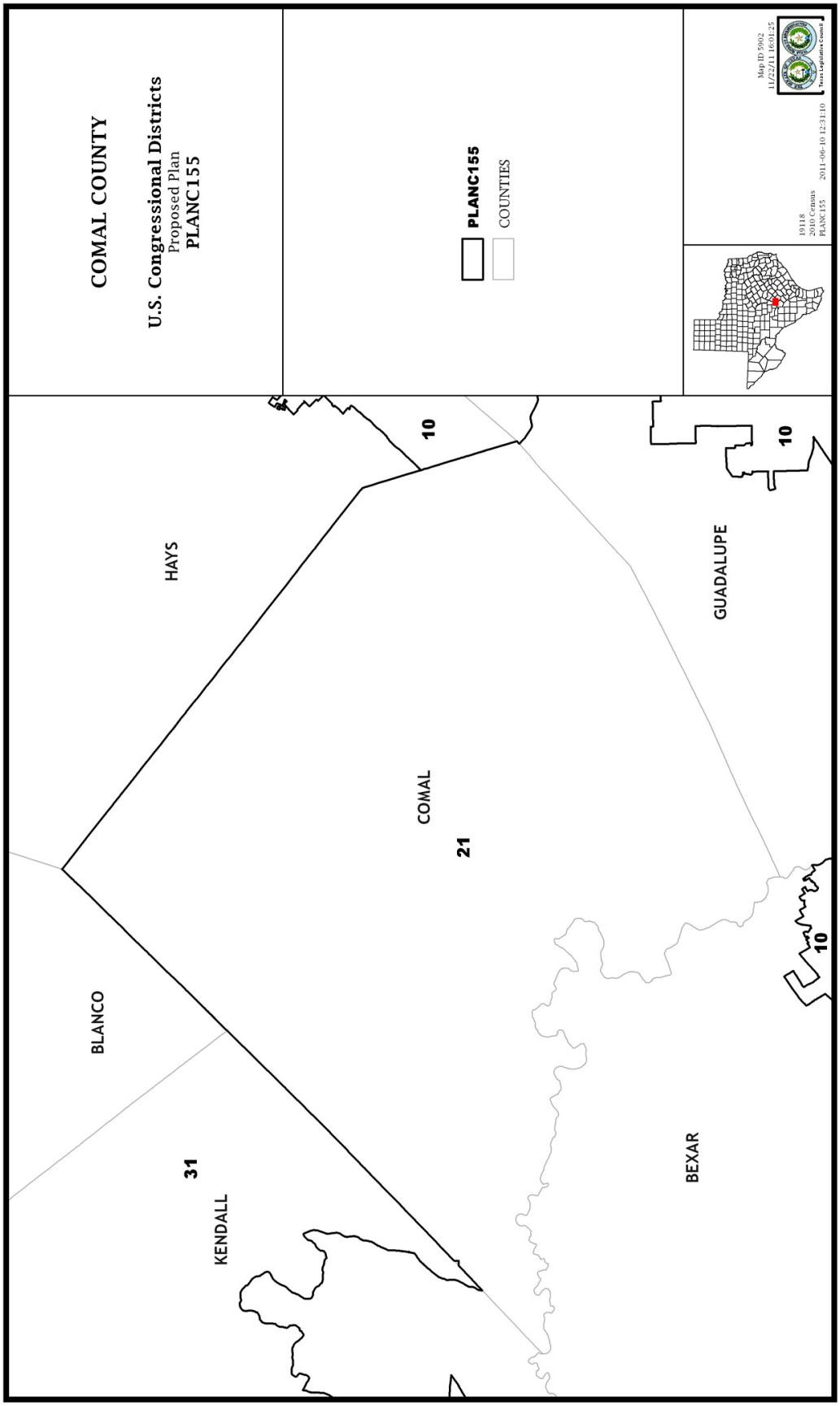
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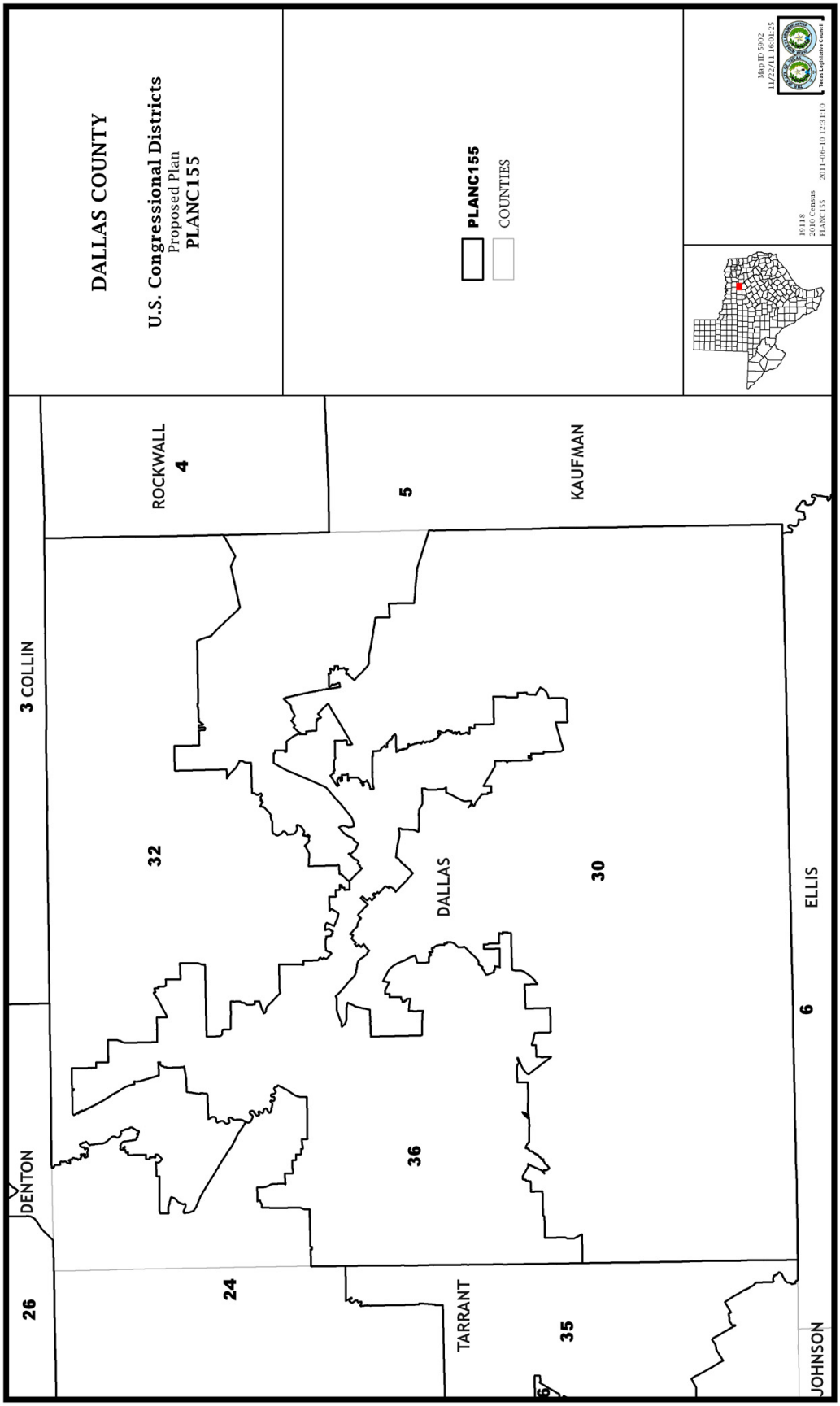
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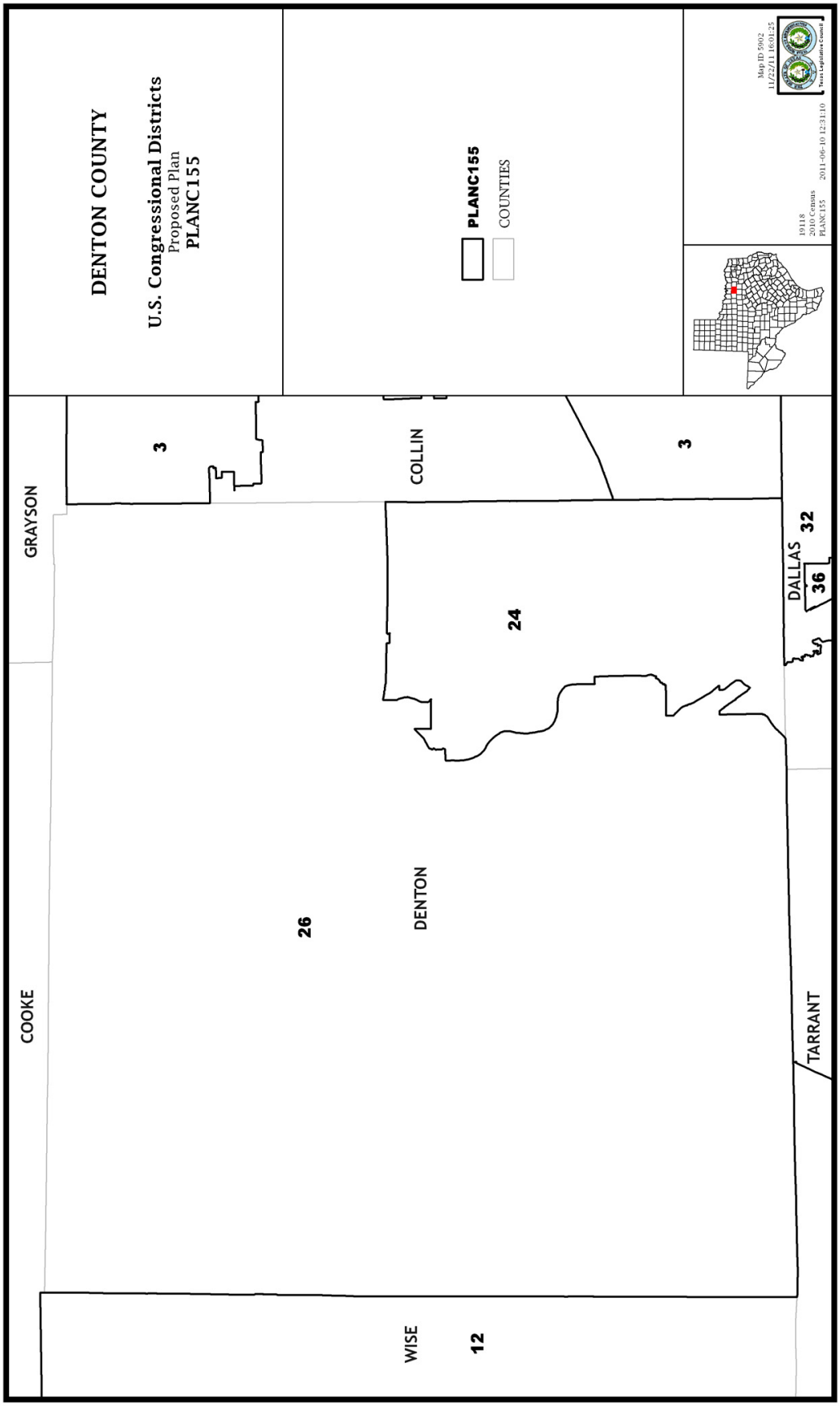
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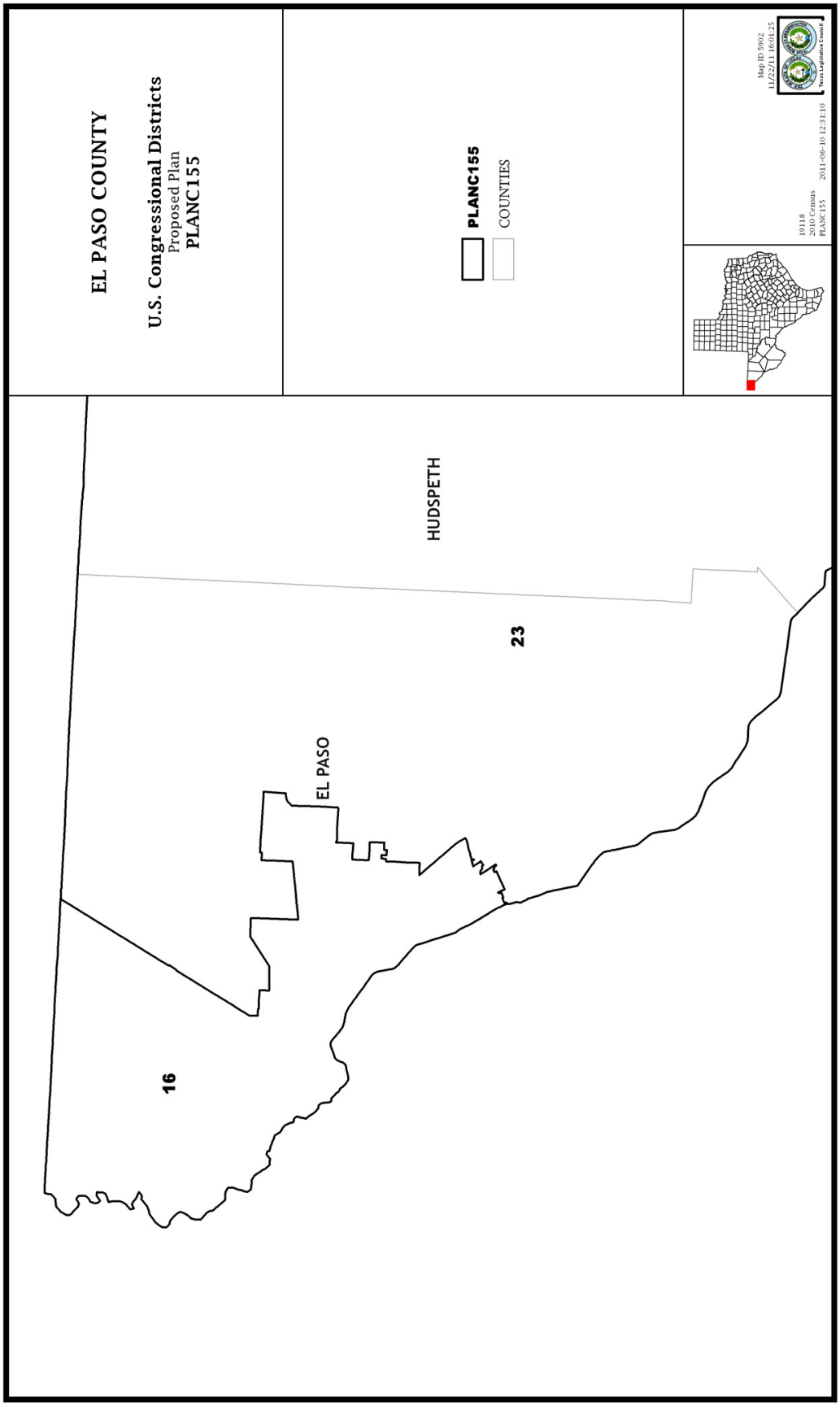
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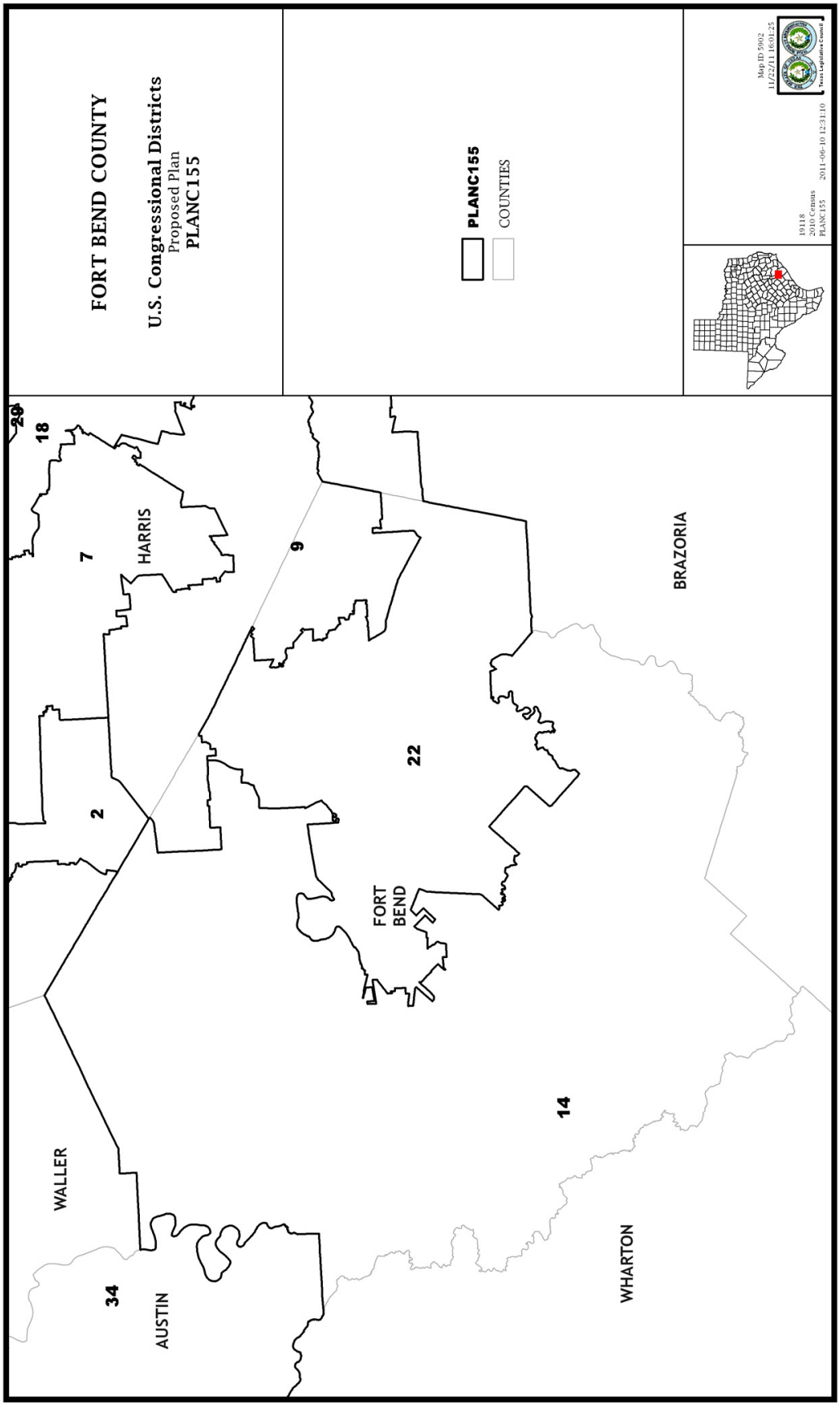
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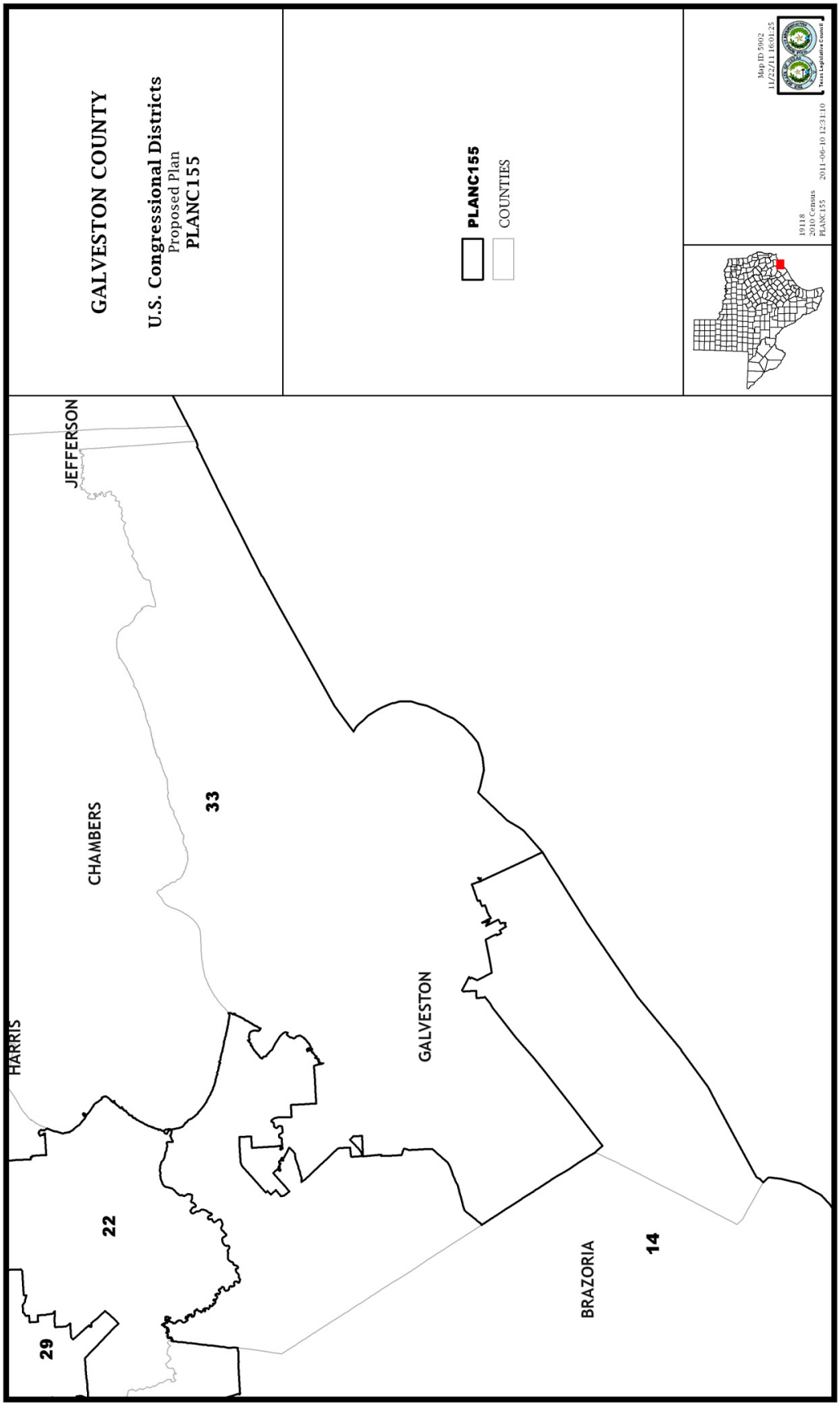
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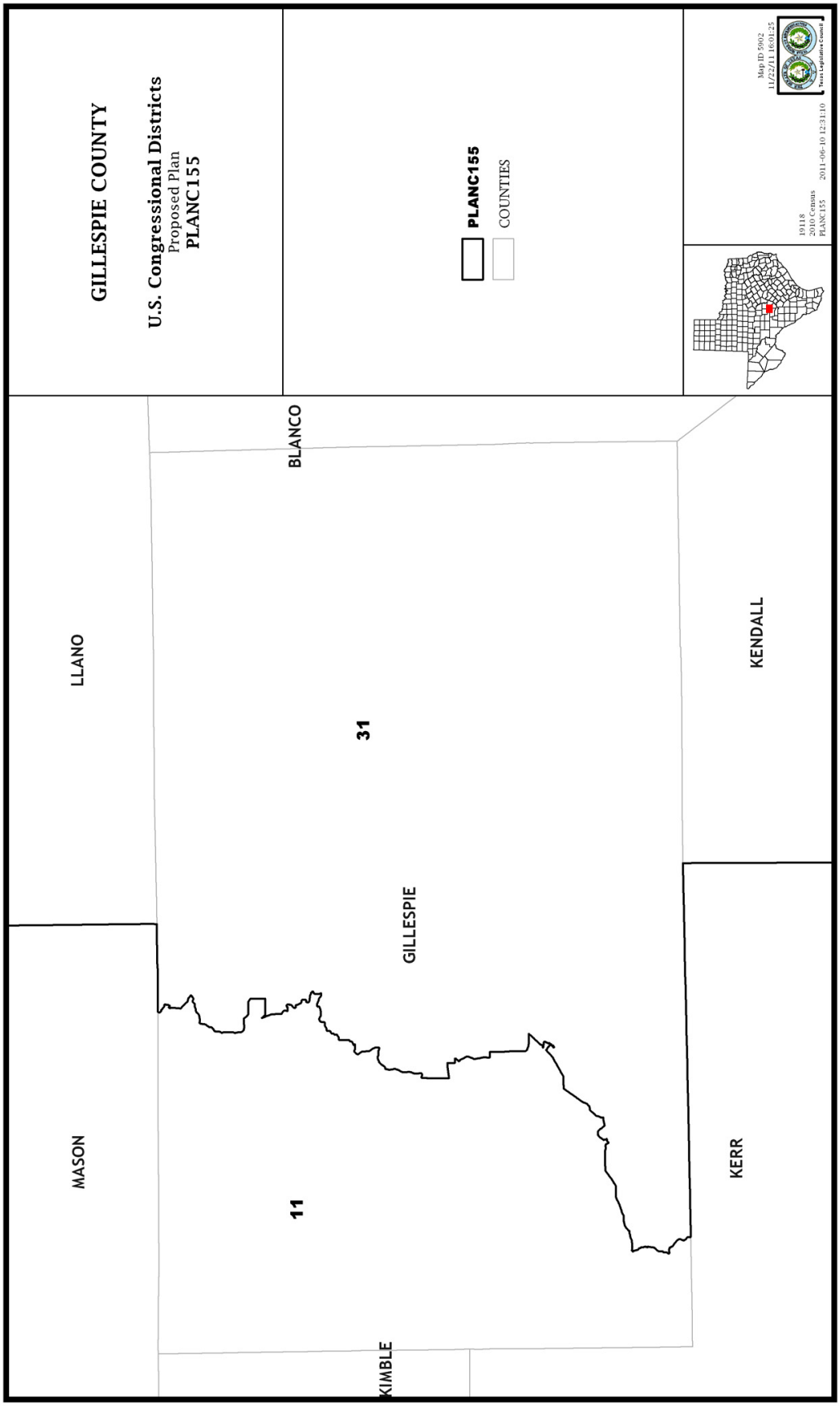
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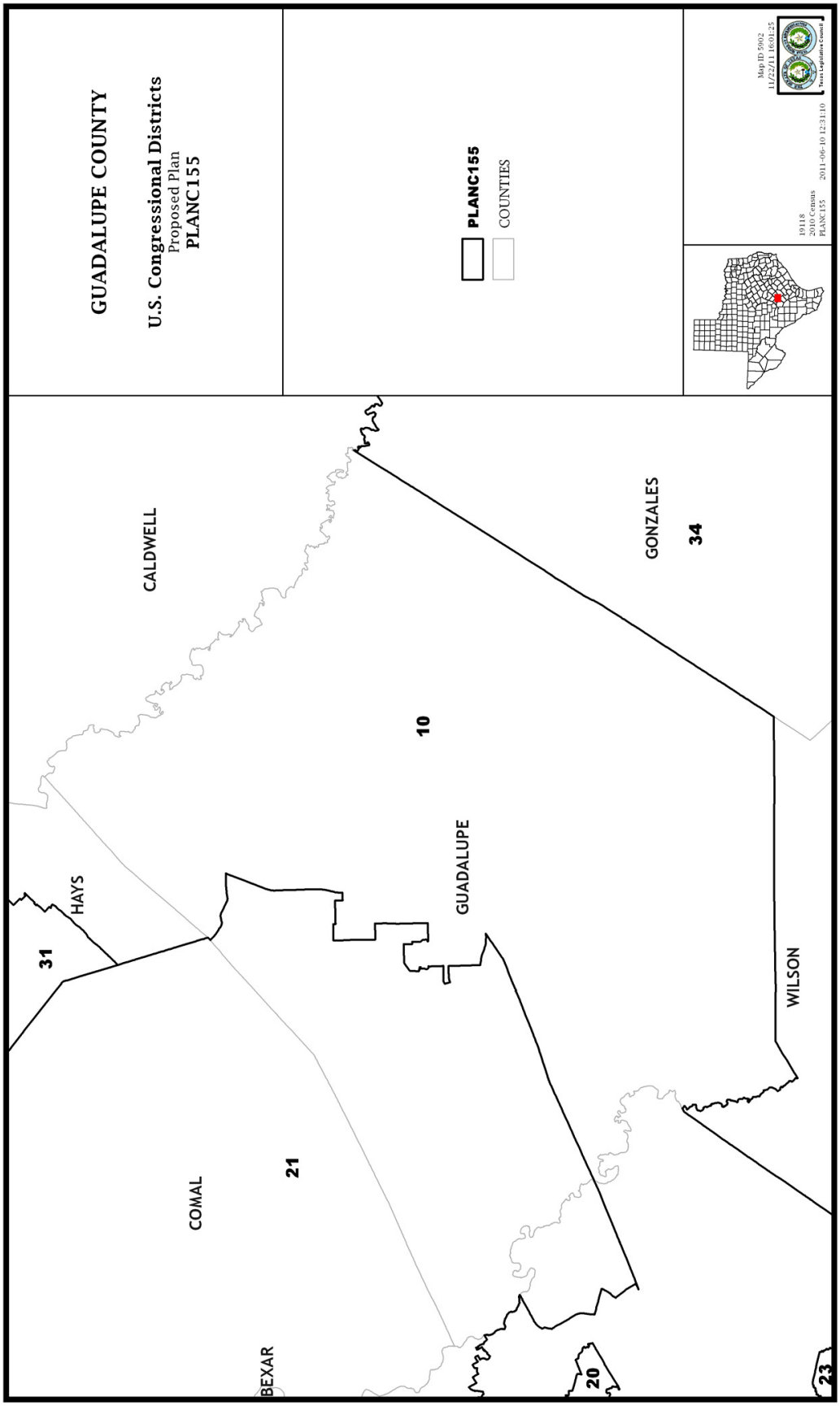
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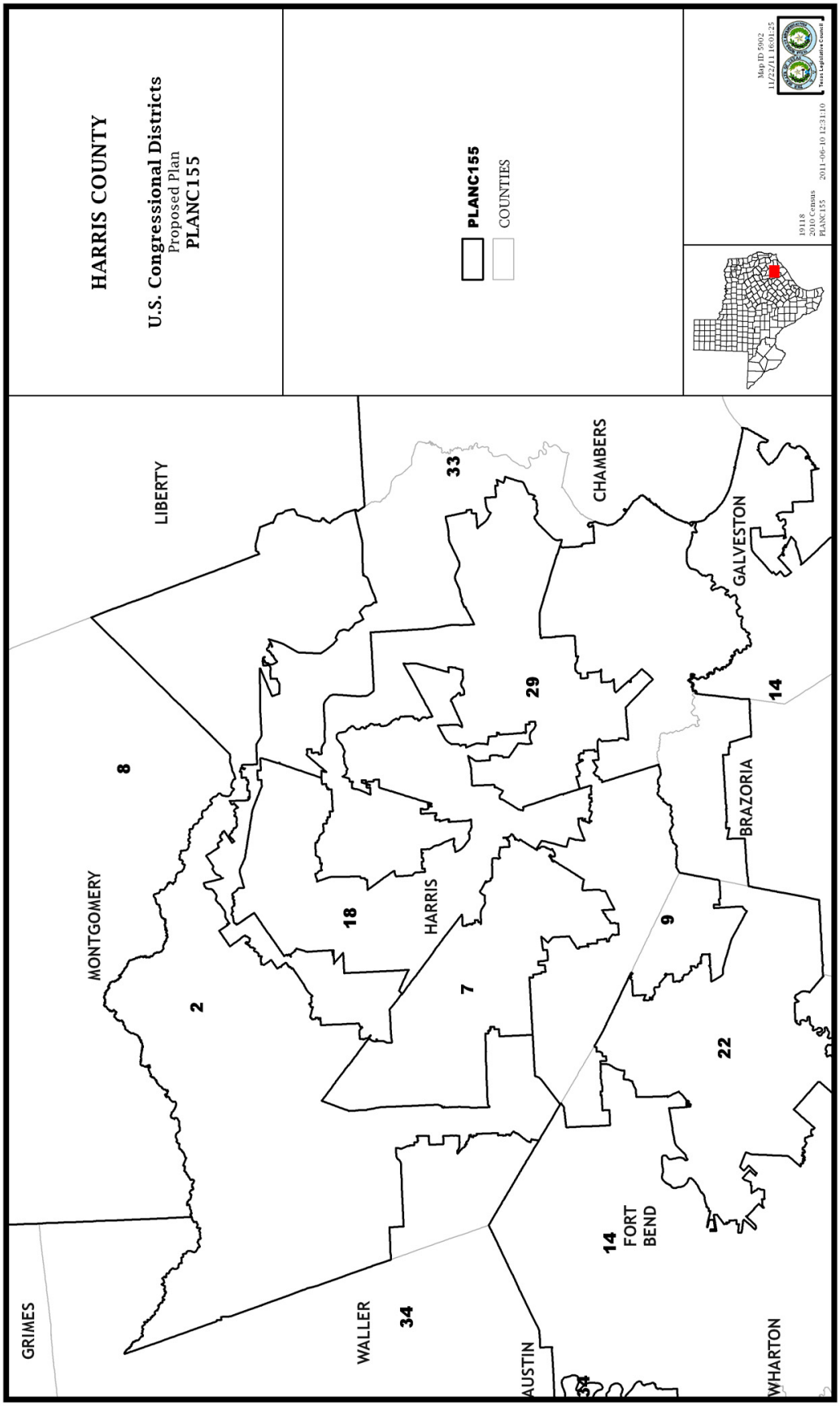
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CHAMBERS
GALVESTON
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HARRIS
BRAZORIA
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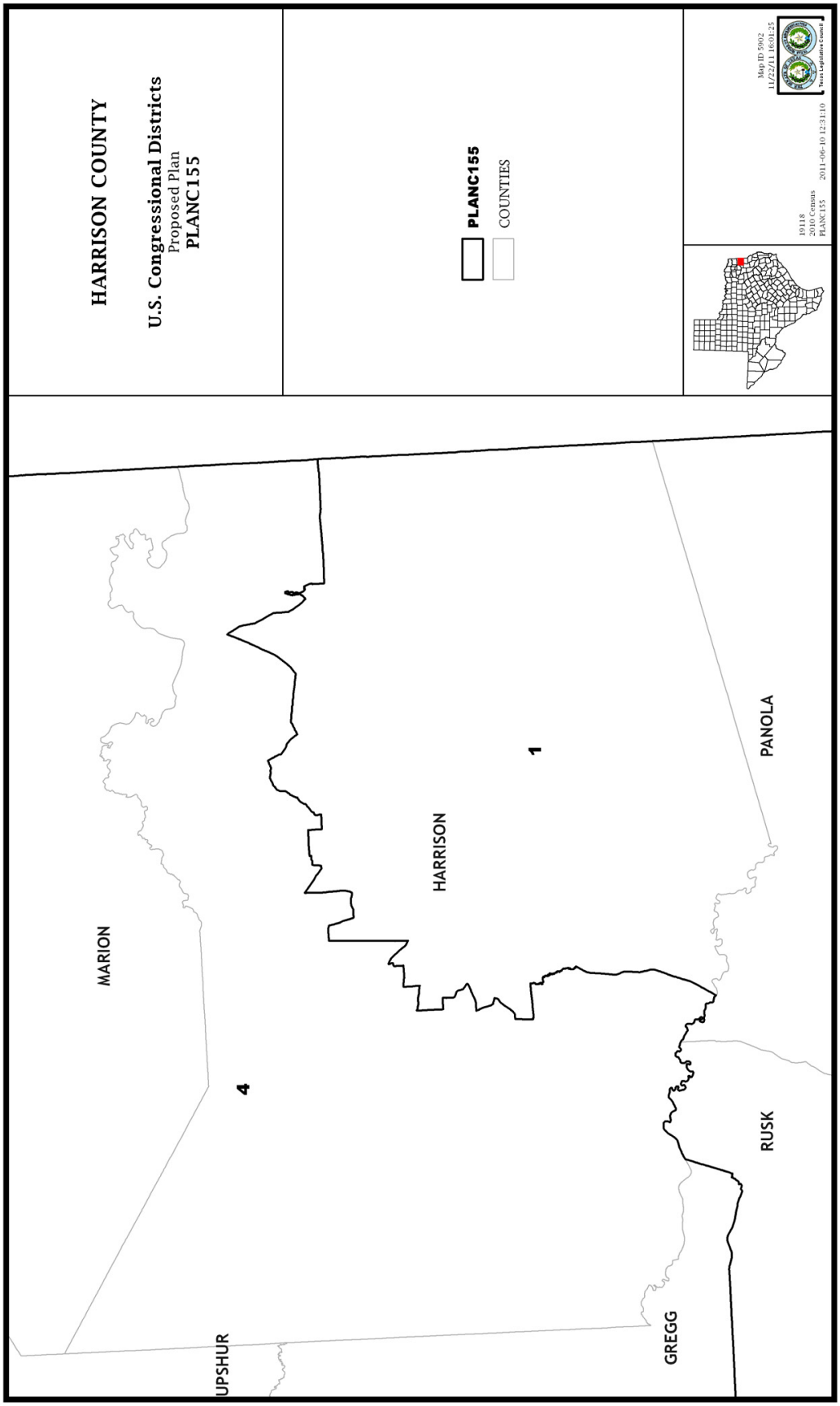
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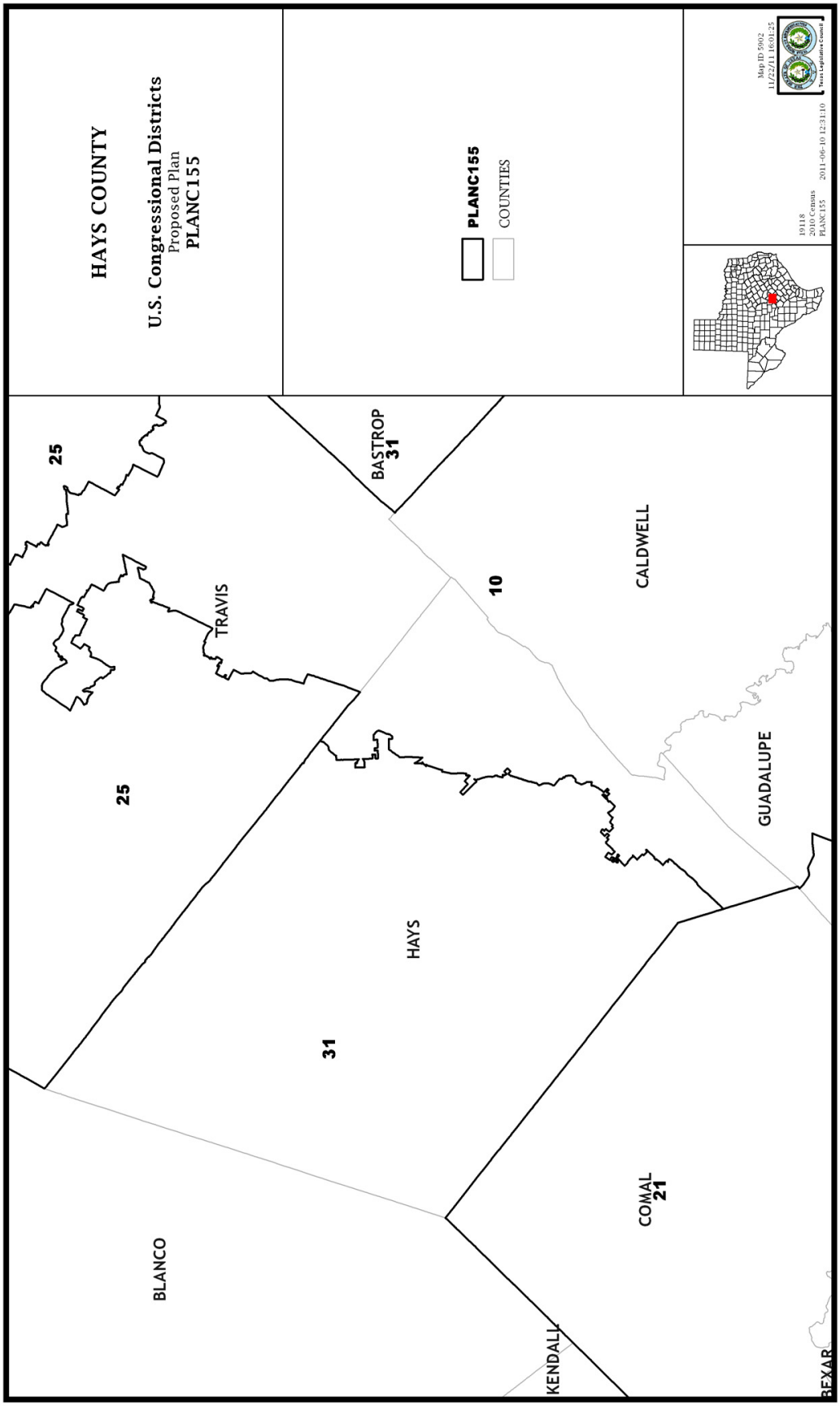
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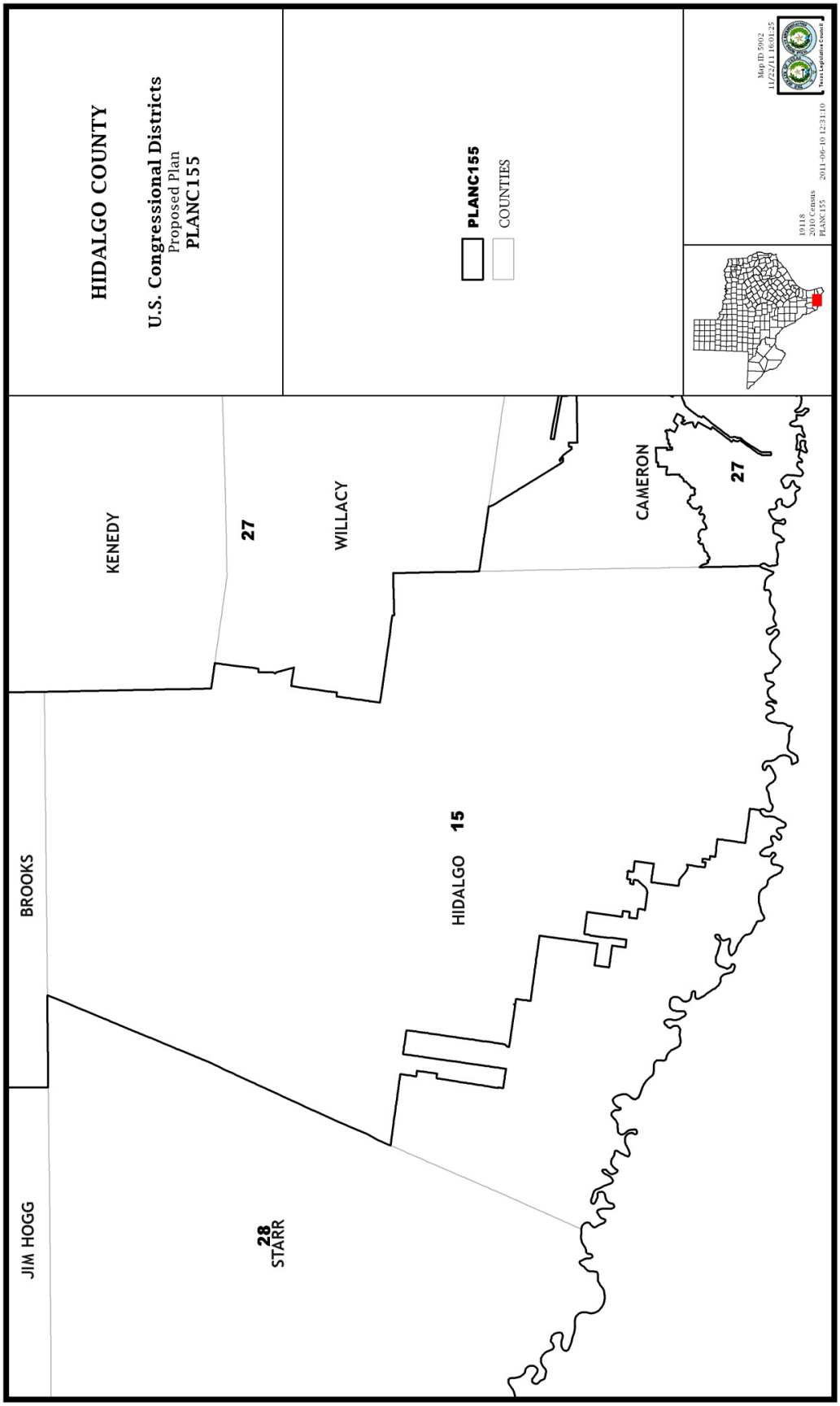
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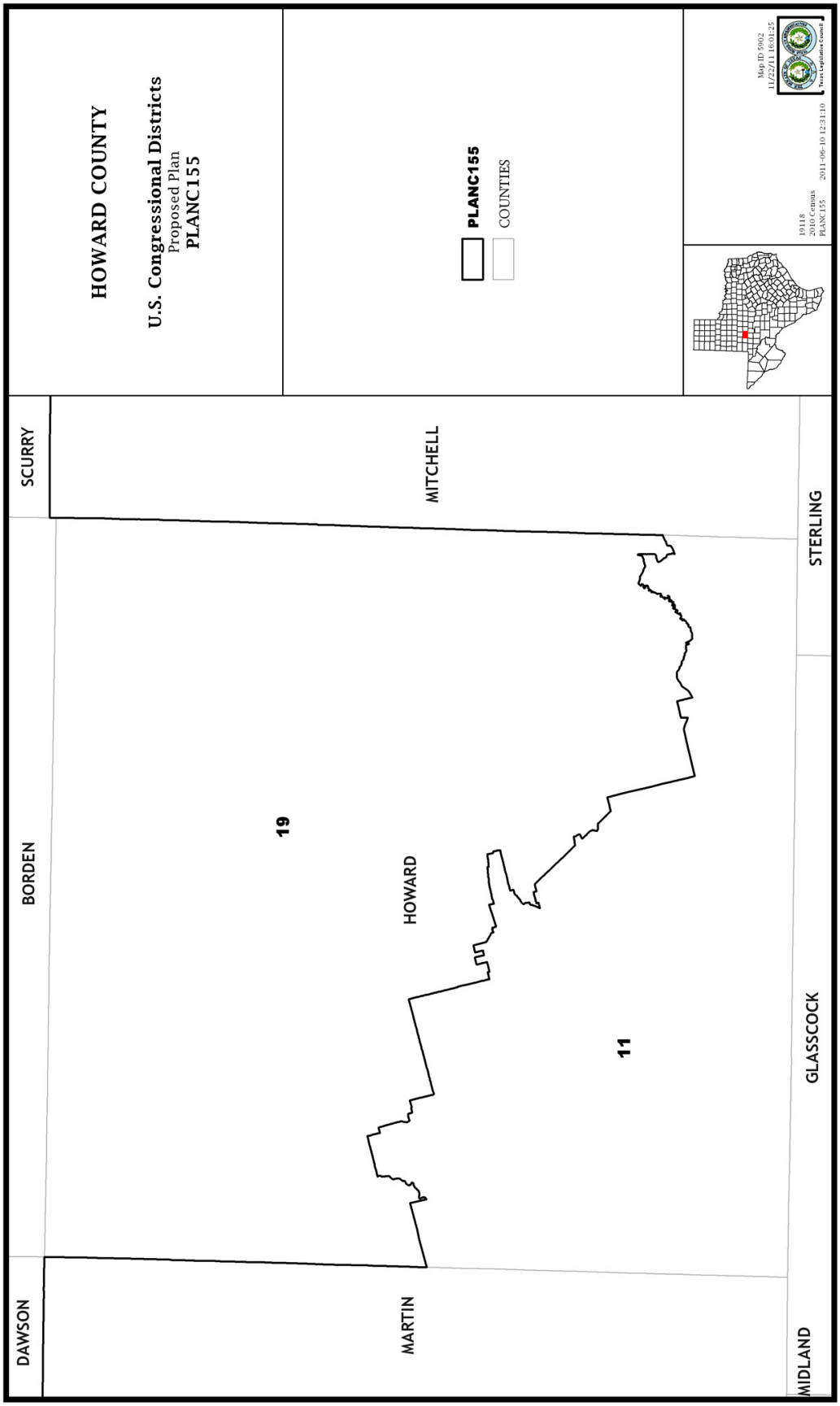
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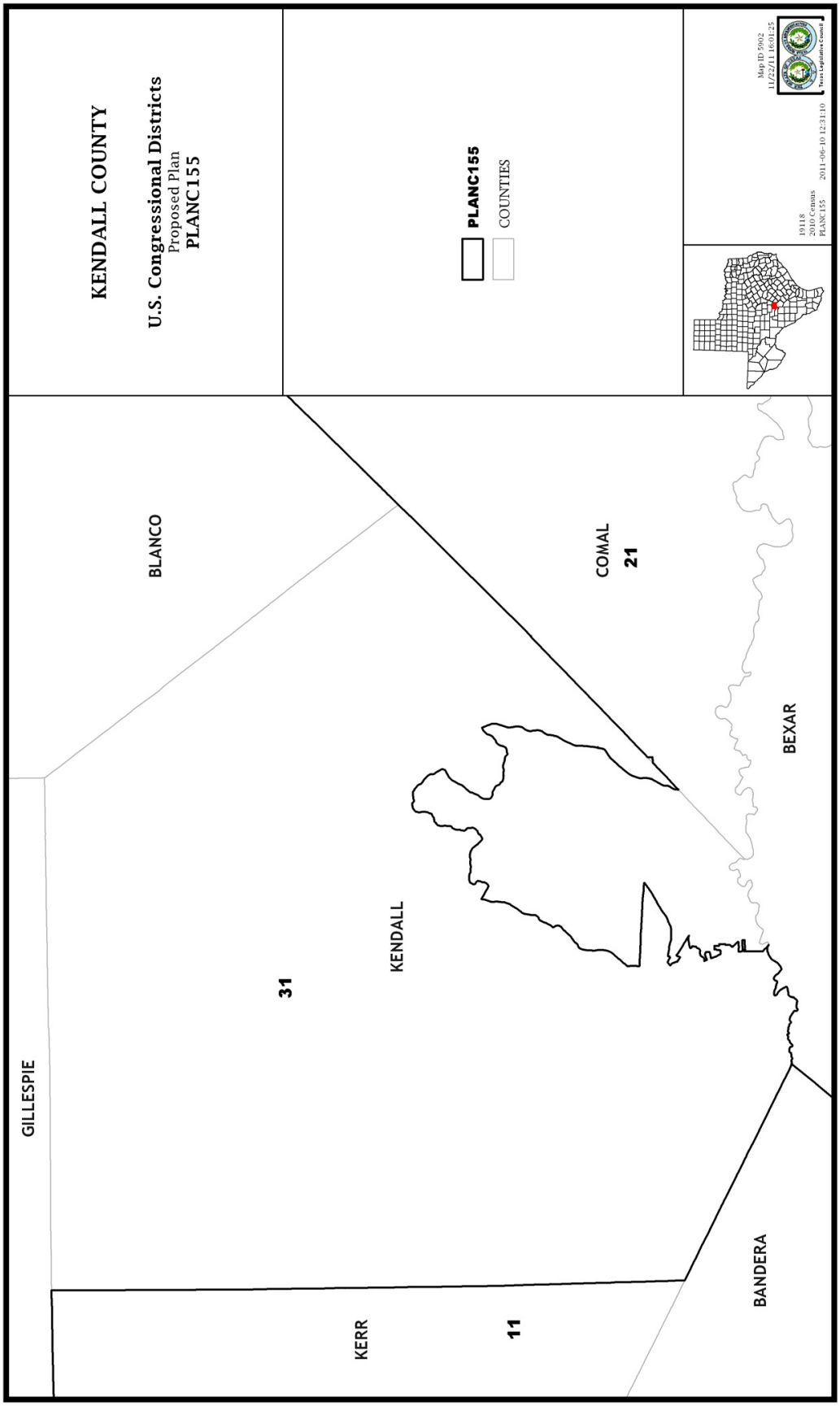
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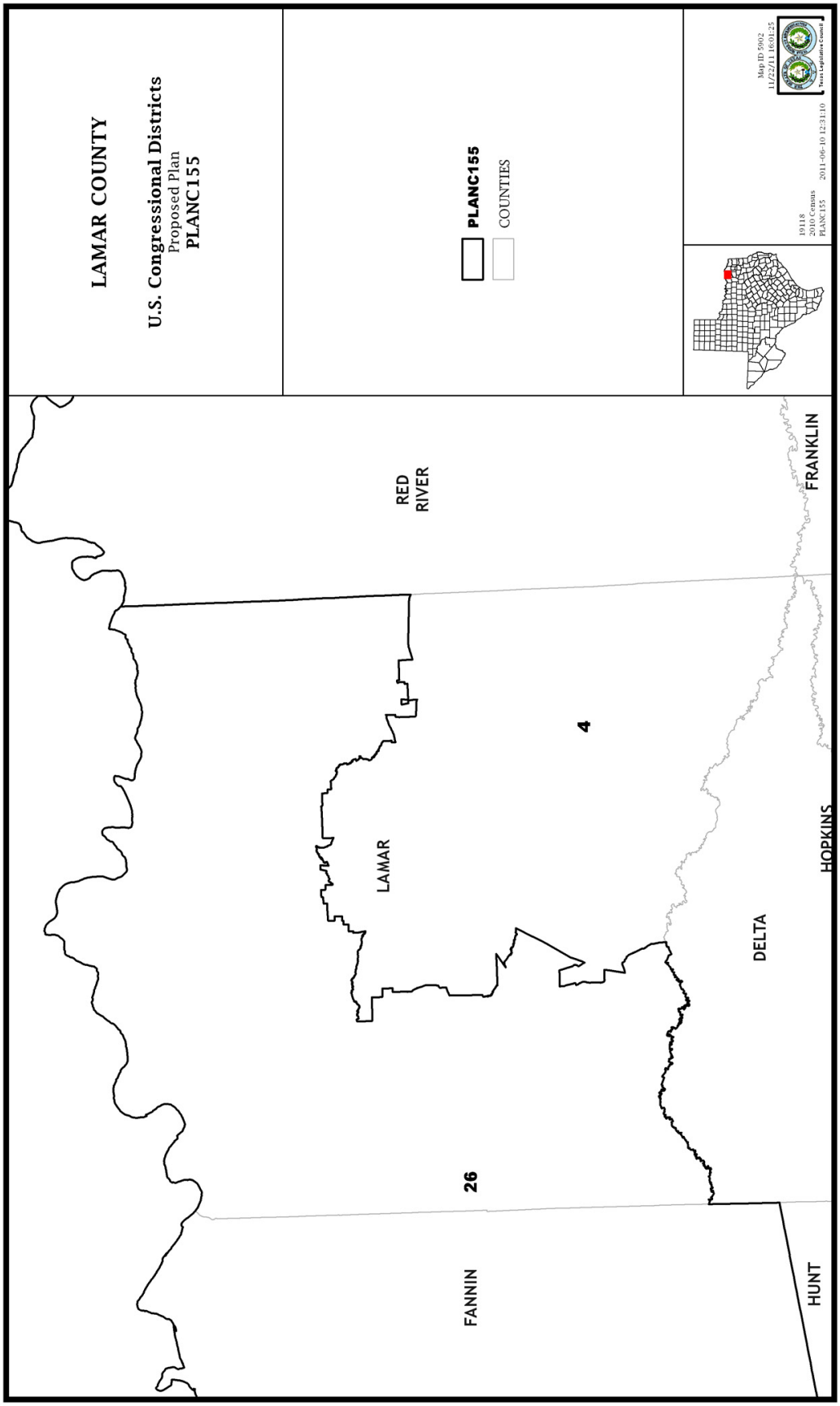
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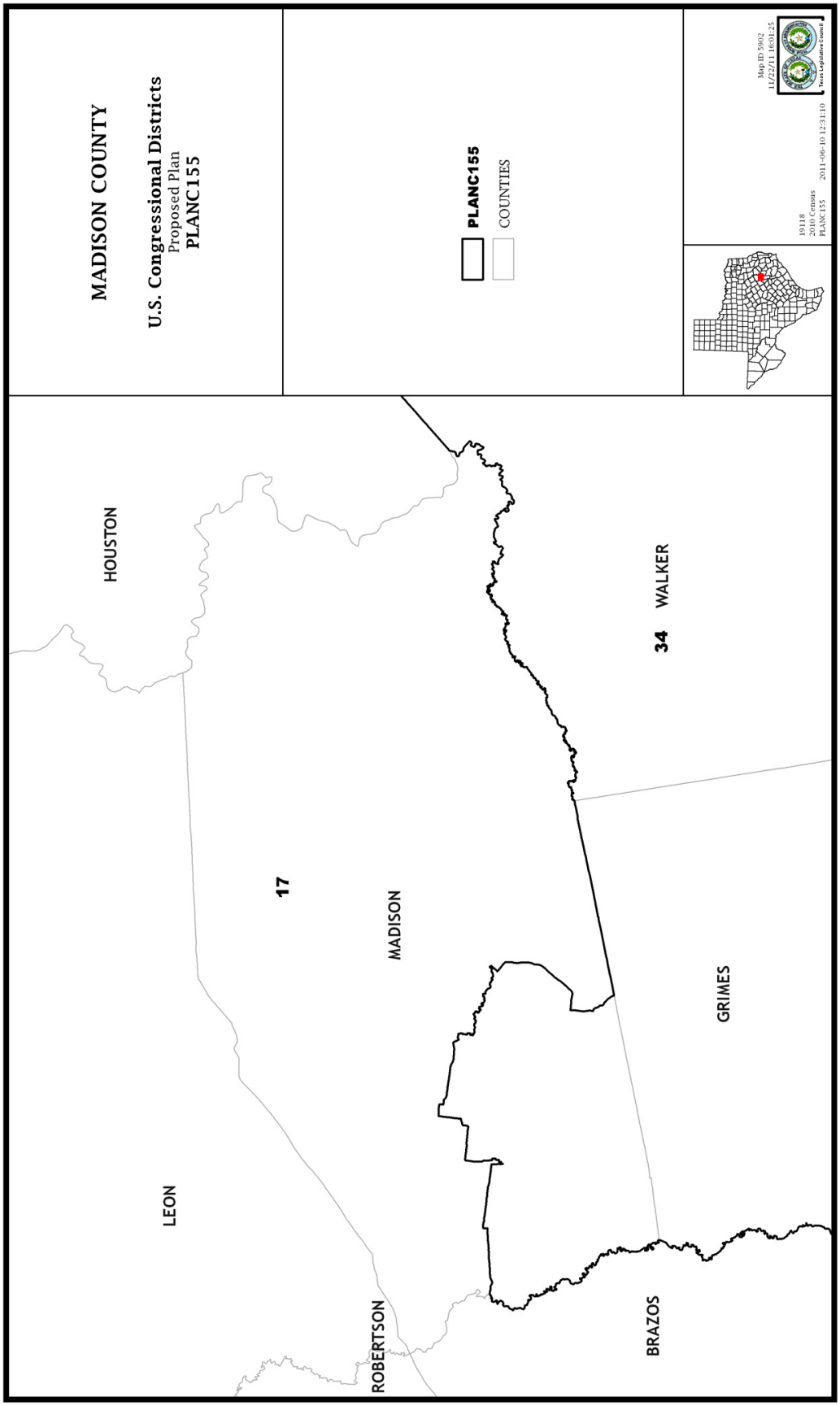
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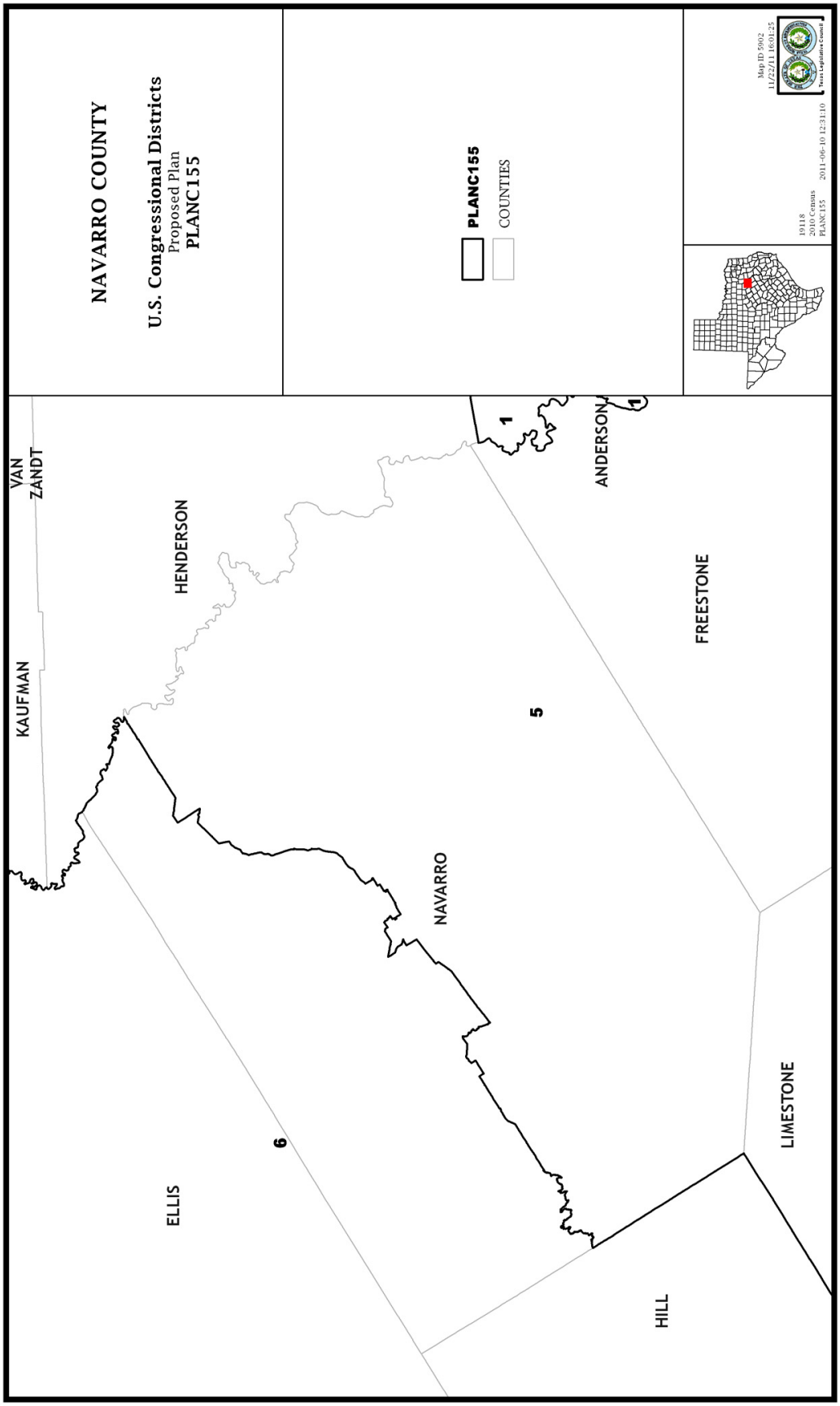
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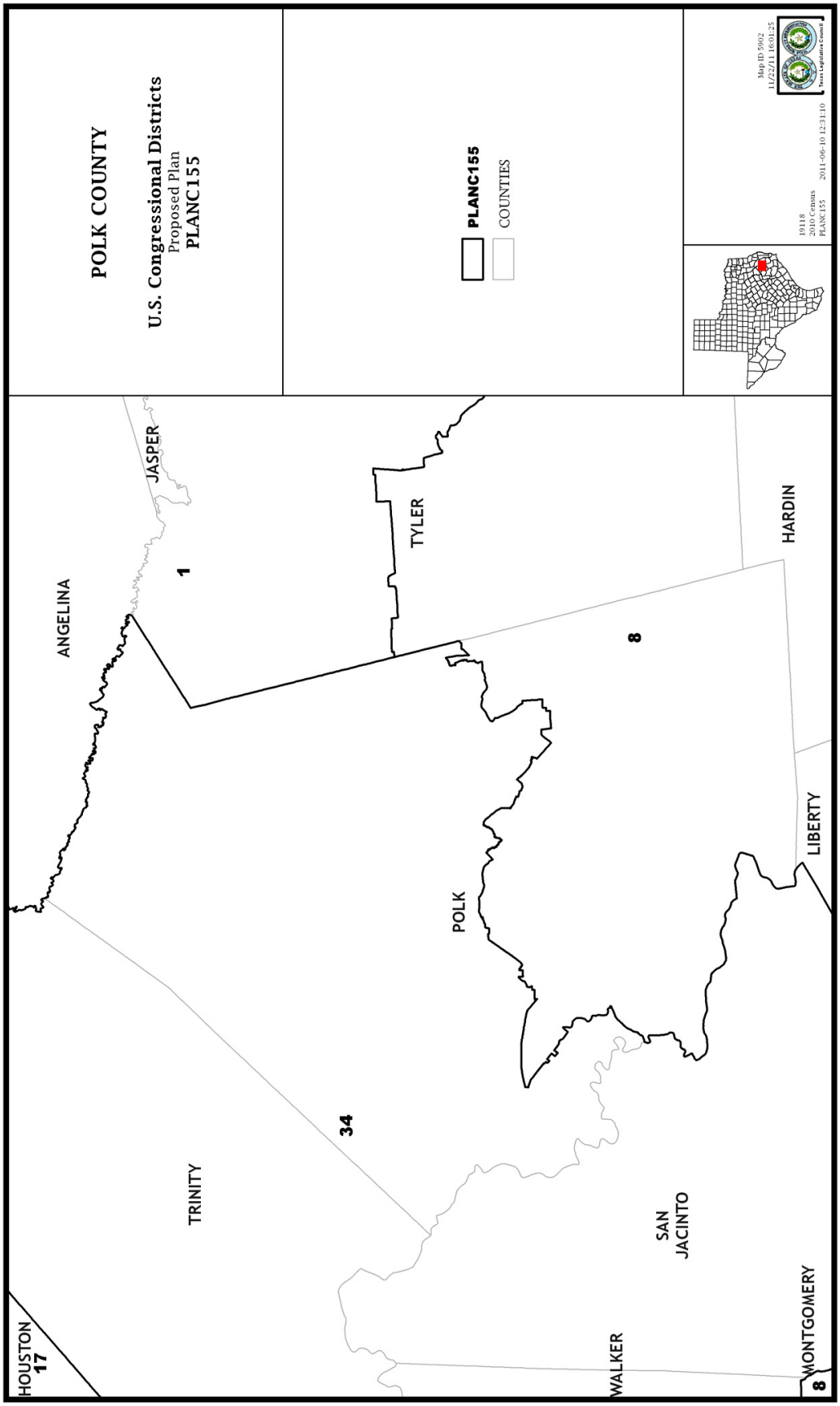
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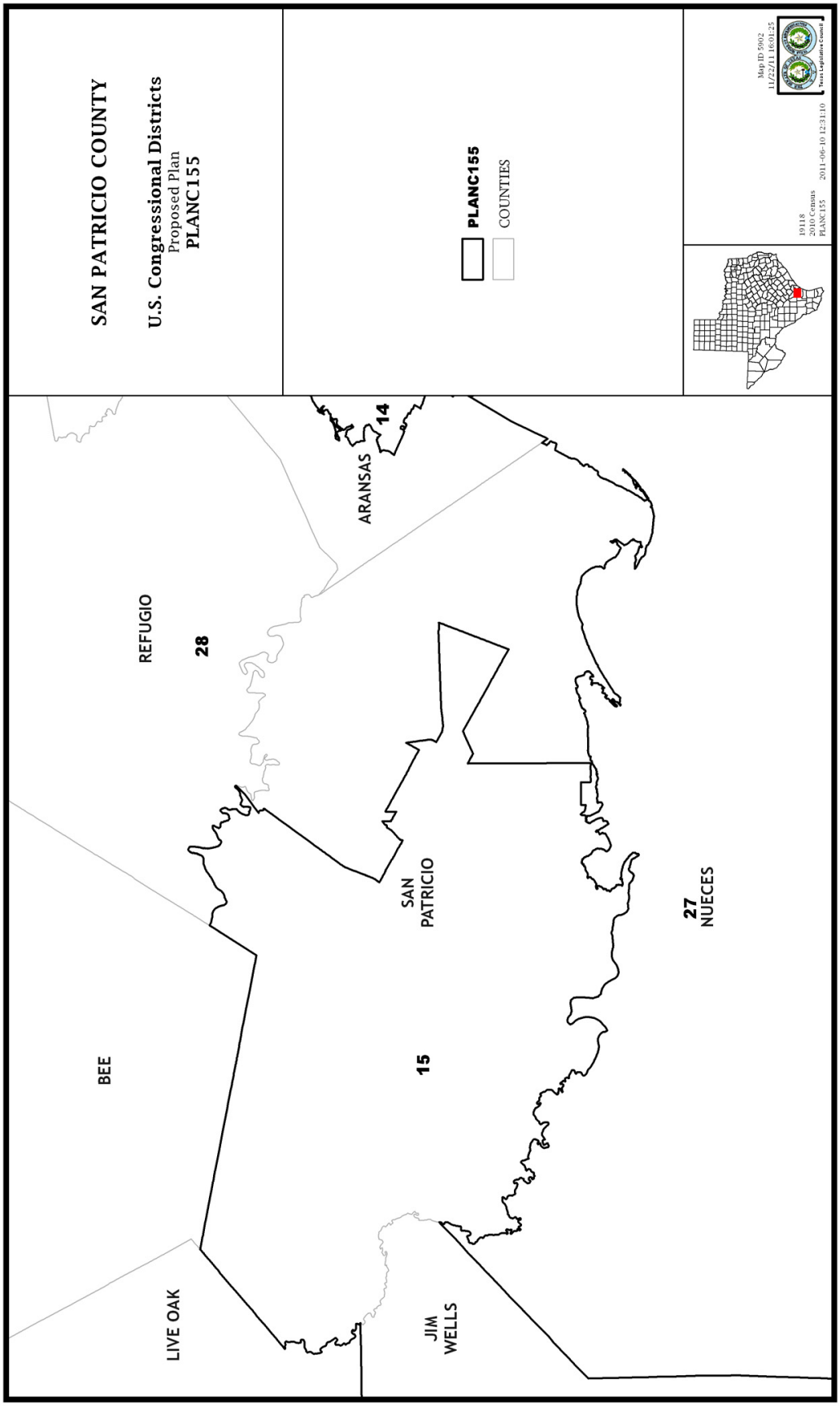
SAN PATRICIO COUNTY
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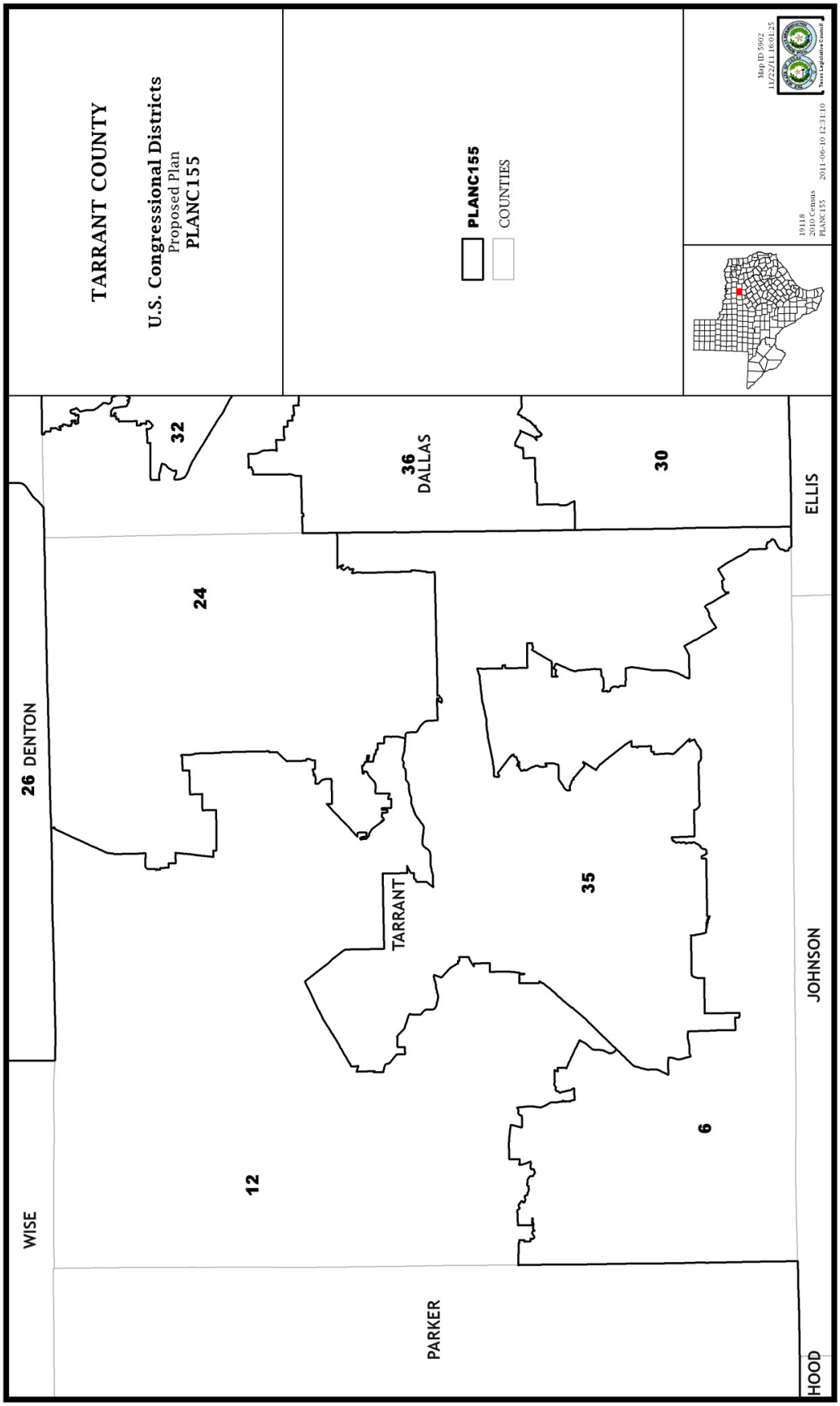
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2010 Census
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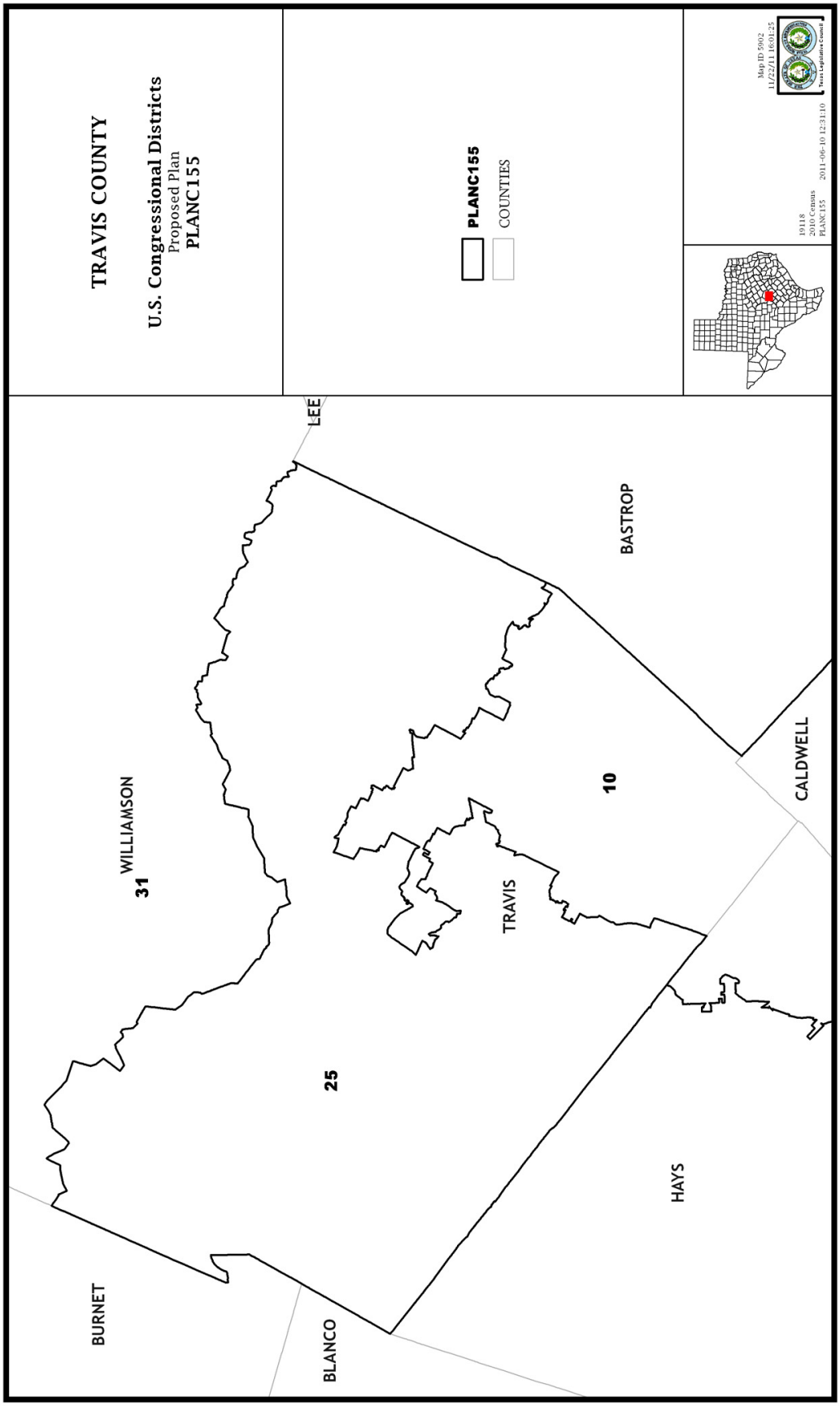
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2010 Census
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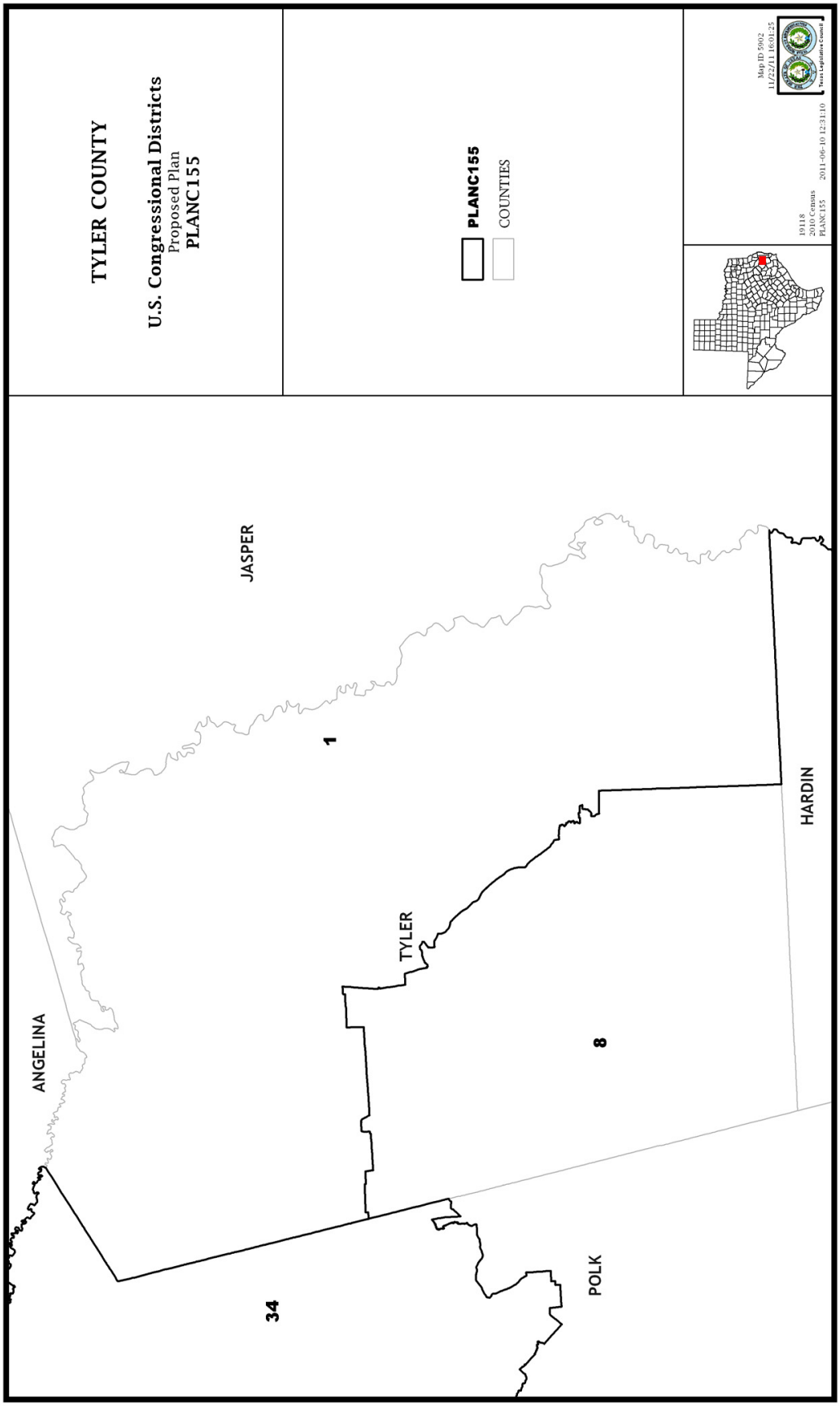
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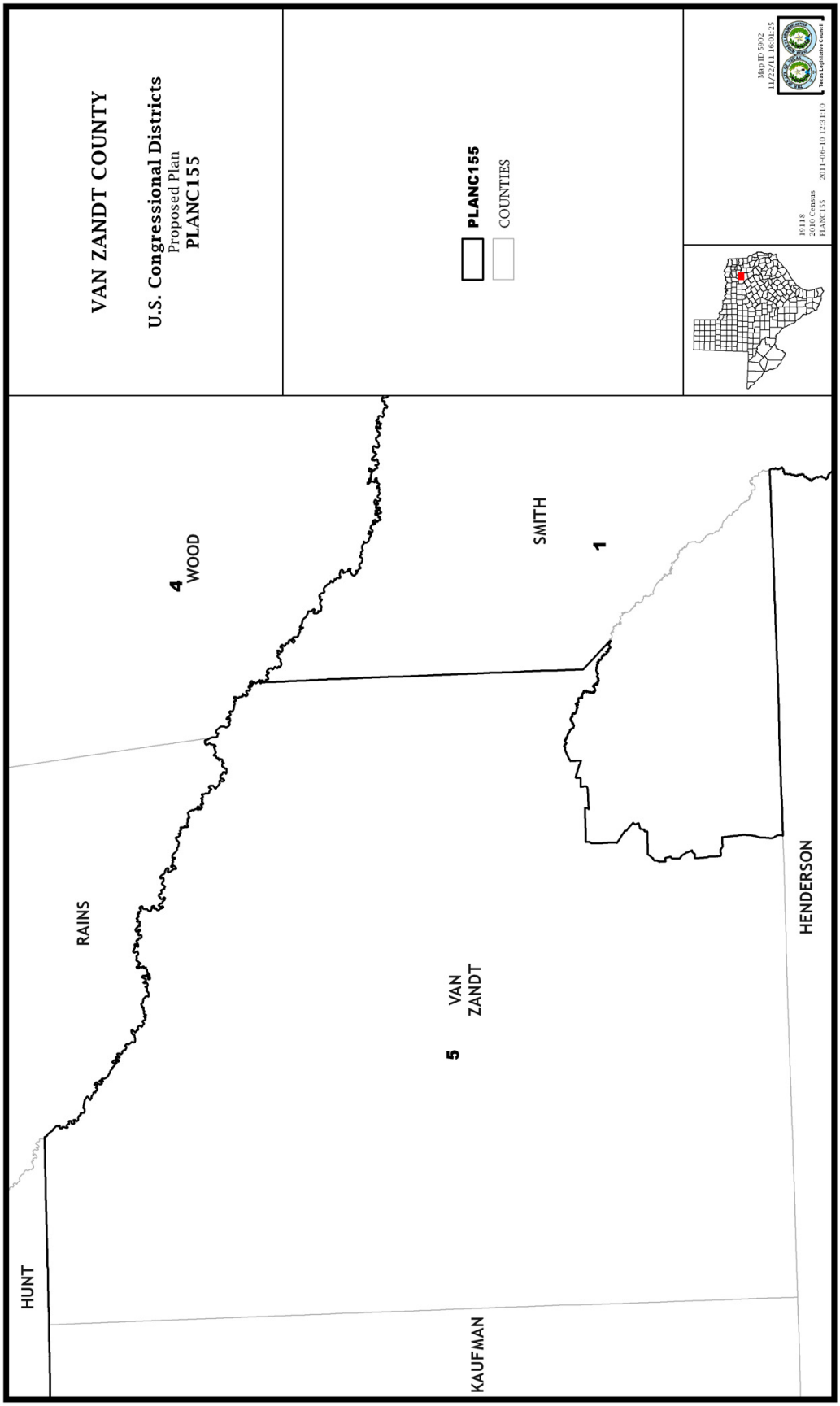
VAN ZANDT COUNTY
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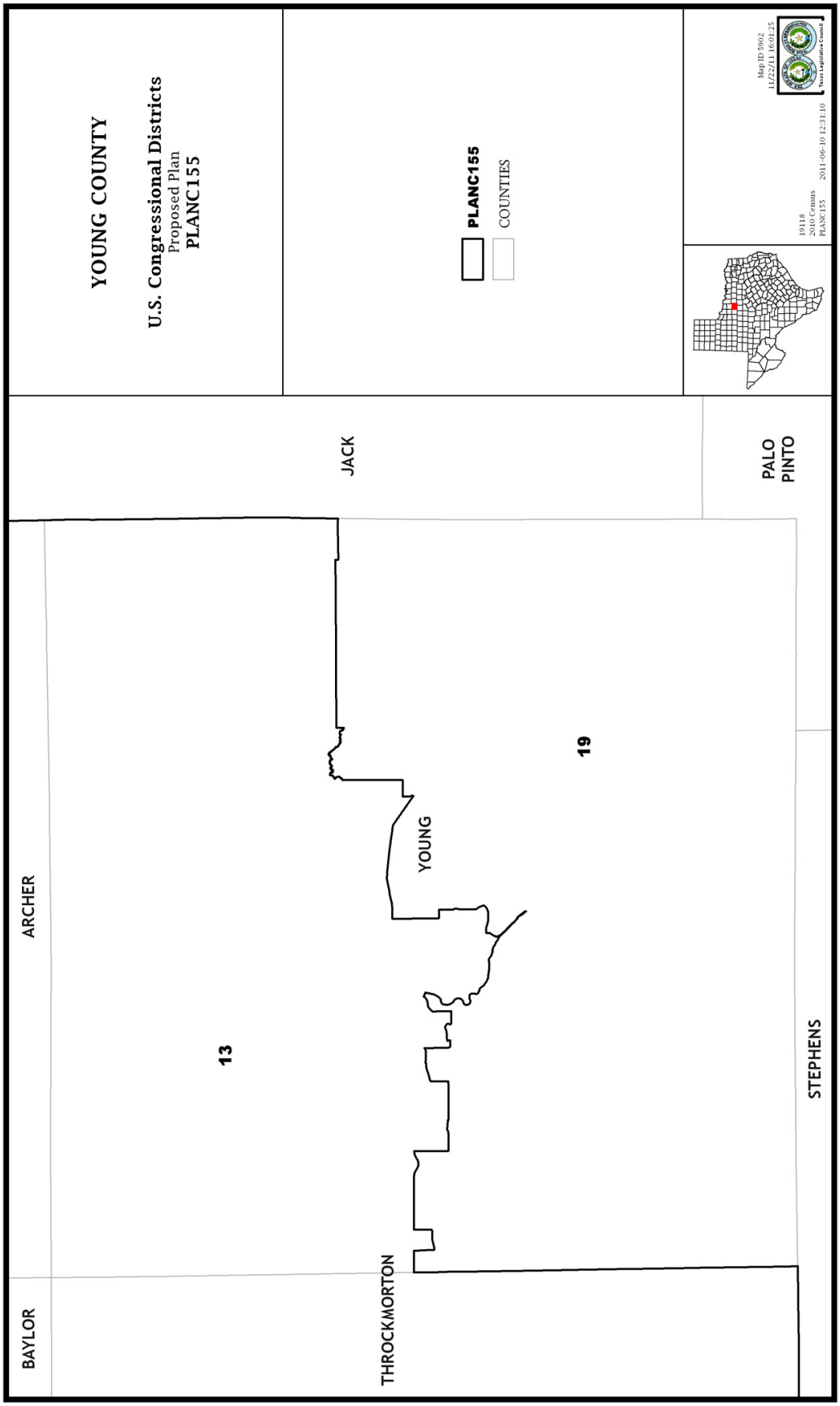
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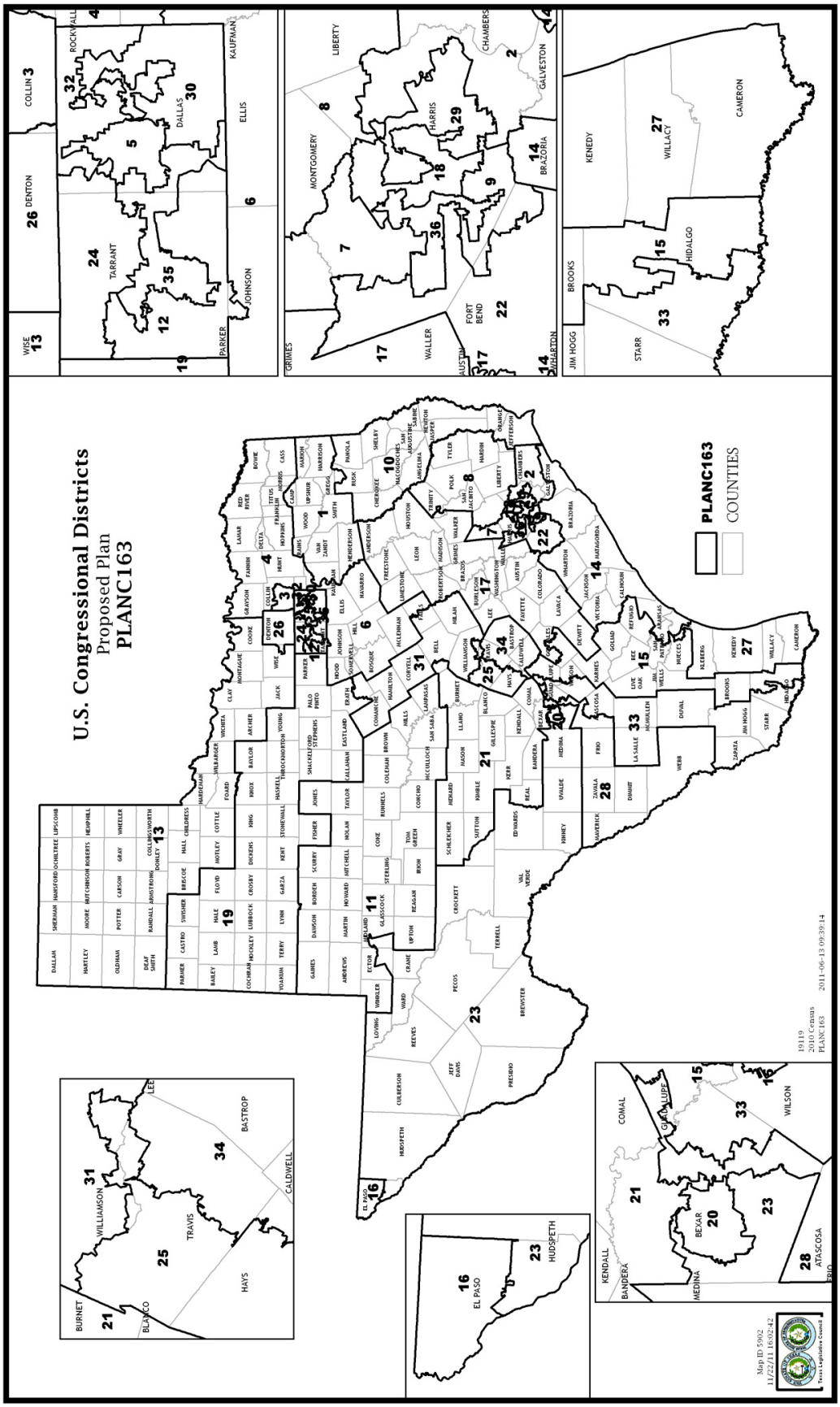
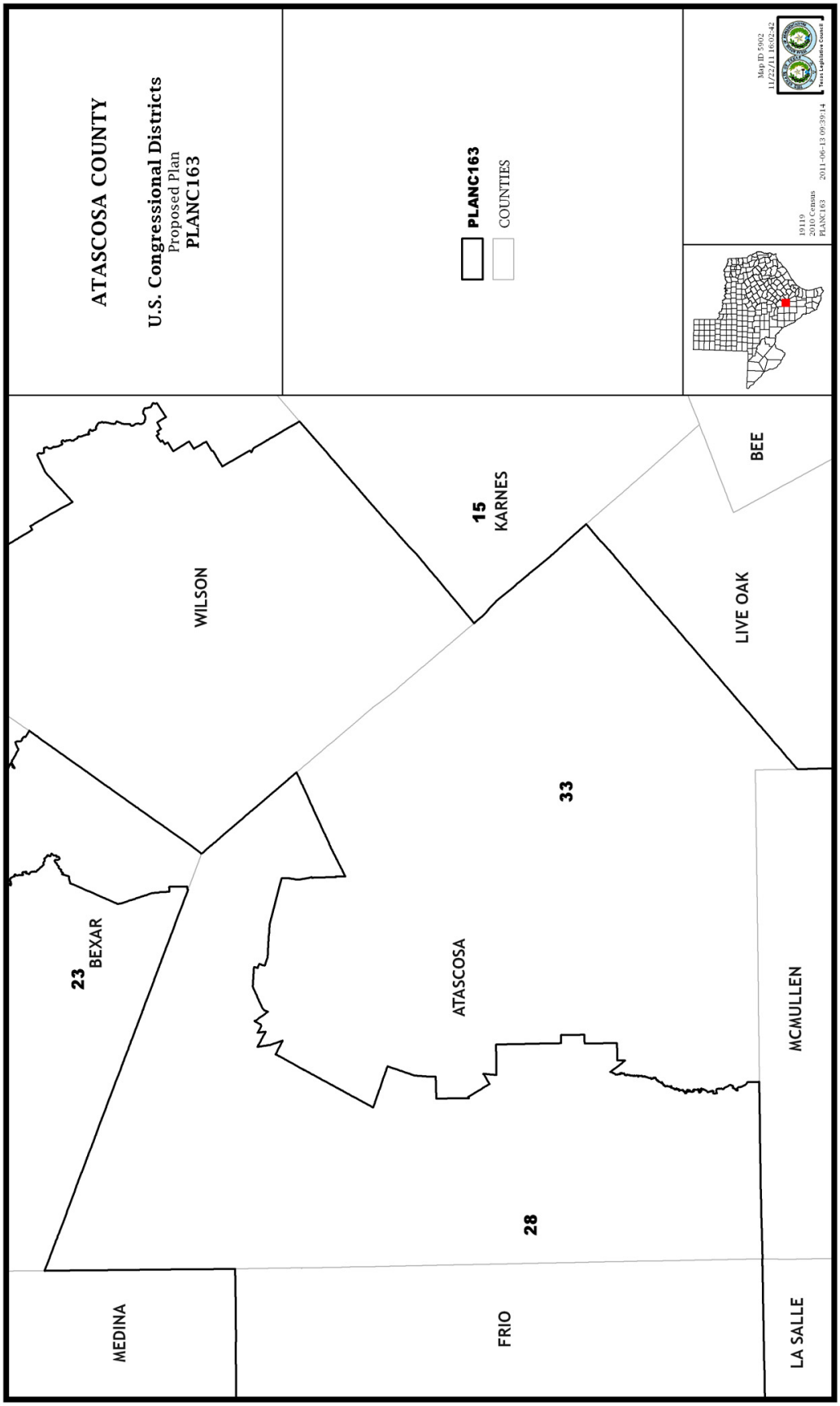
Amendment No. 13 (by Martinez Fischer)

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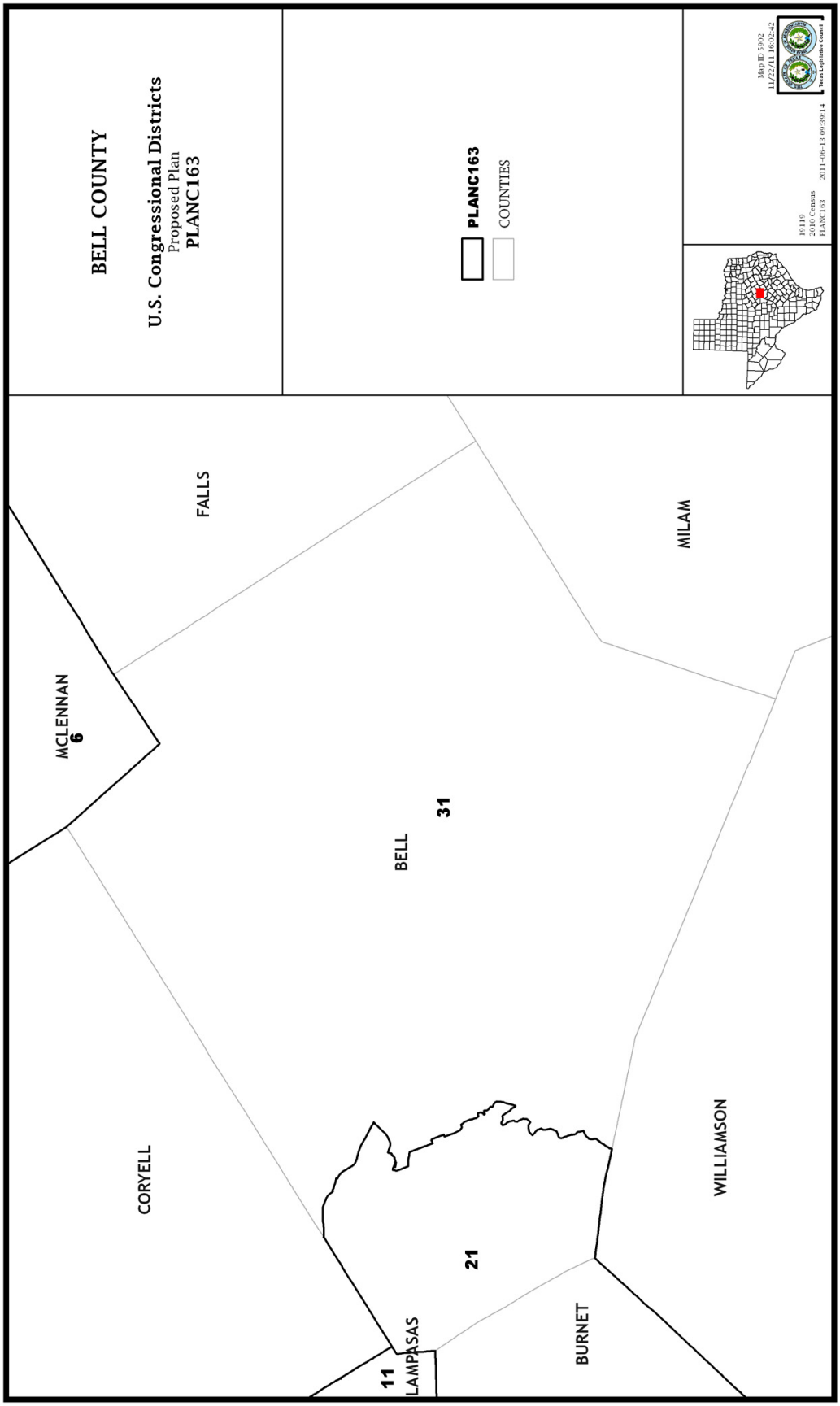
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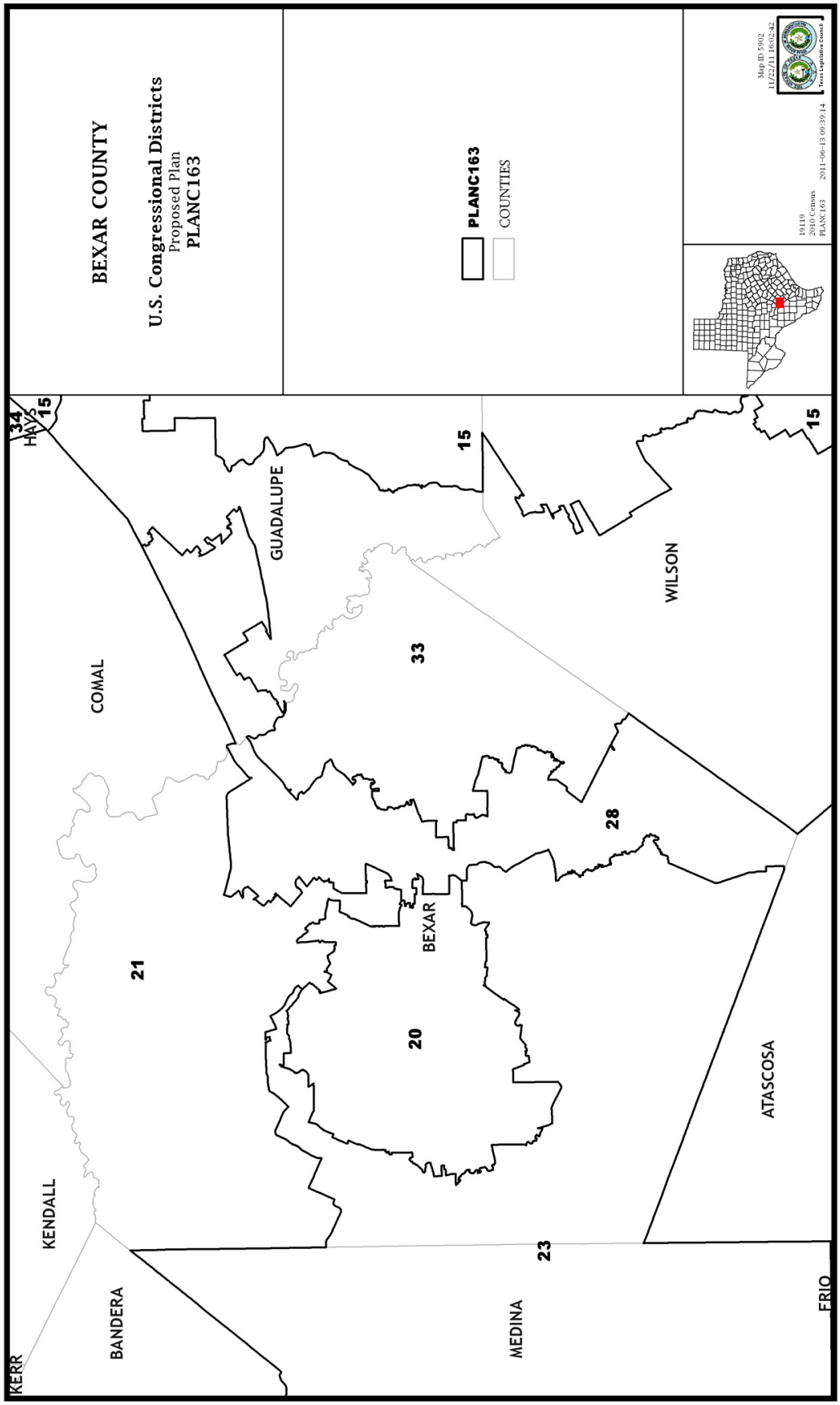
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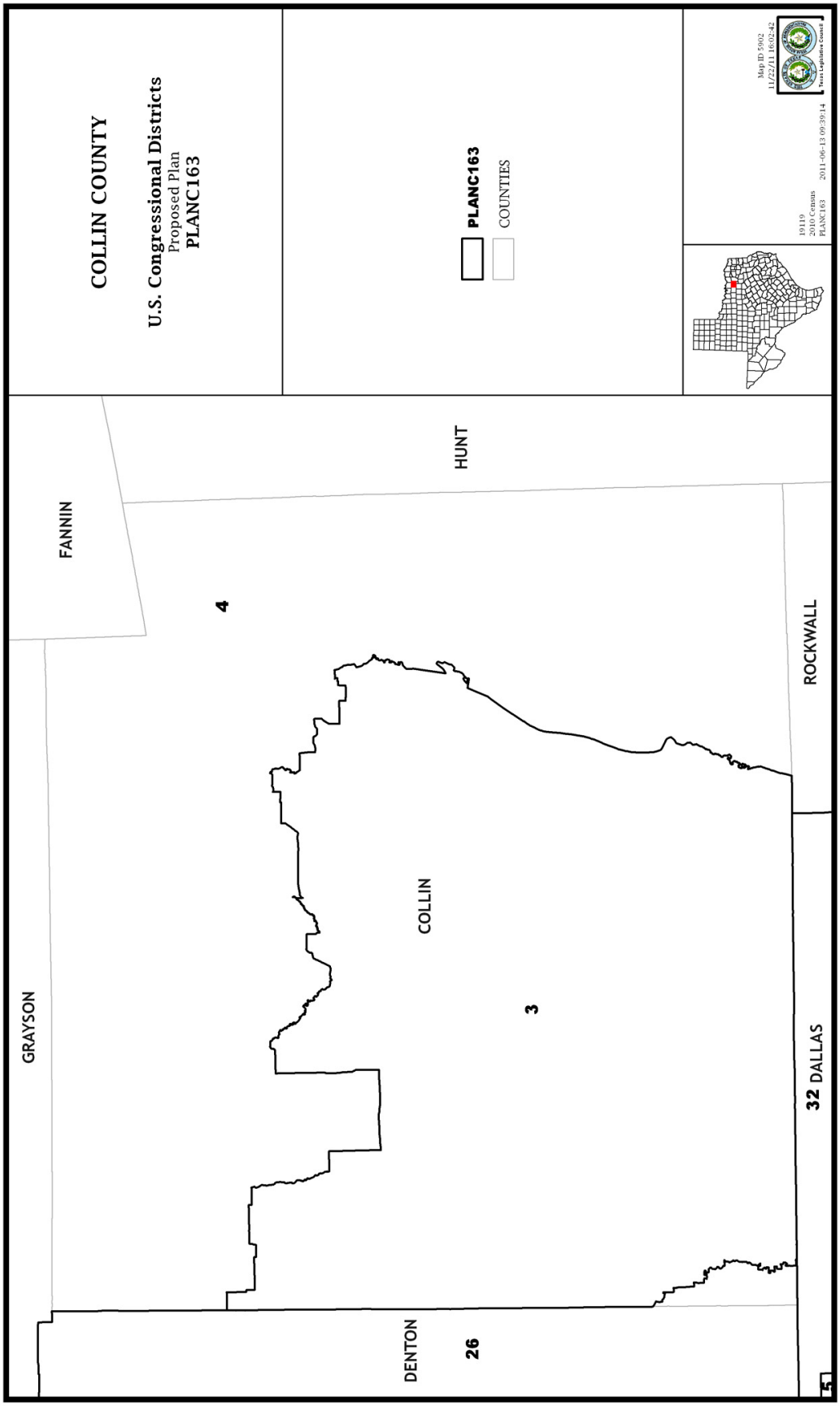
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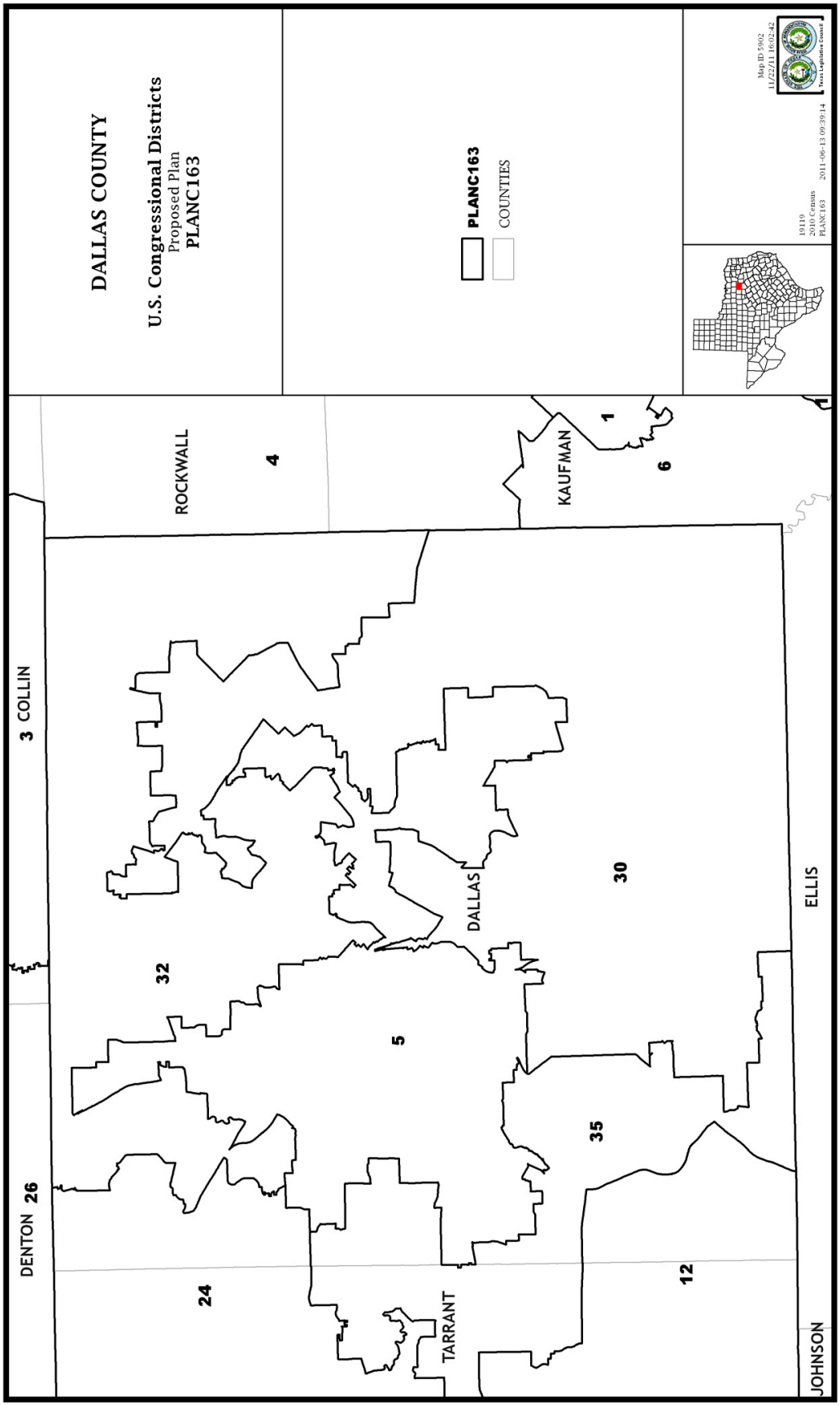
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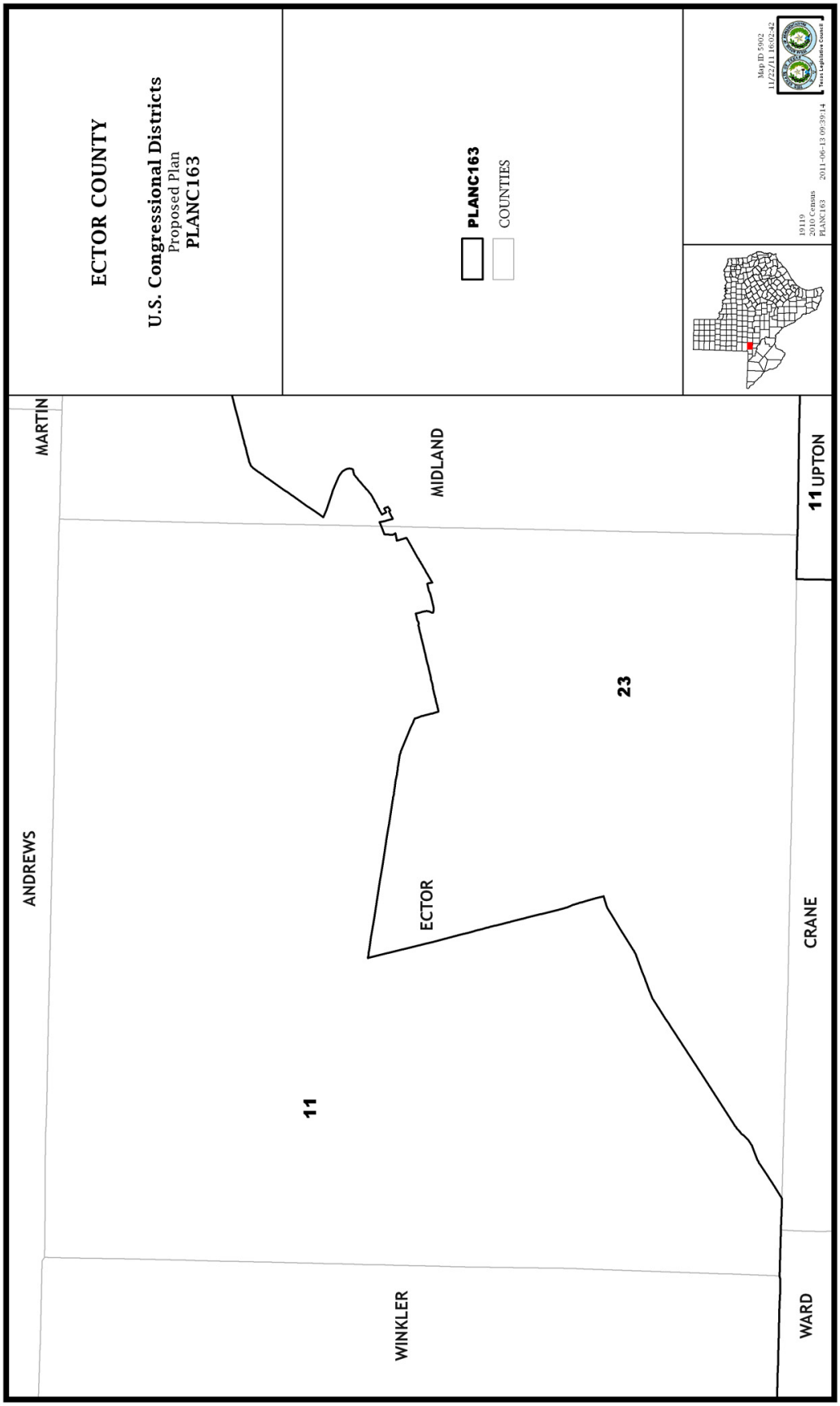
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EL PASO COUNTY
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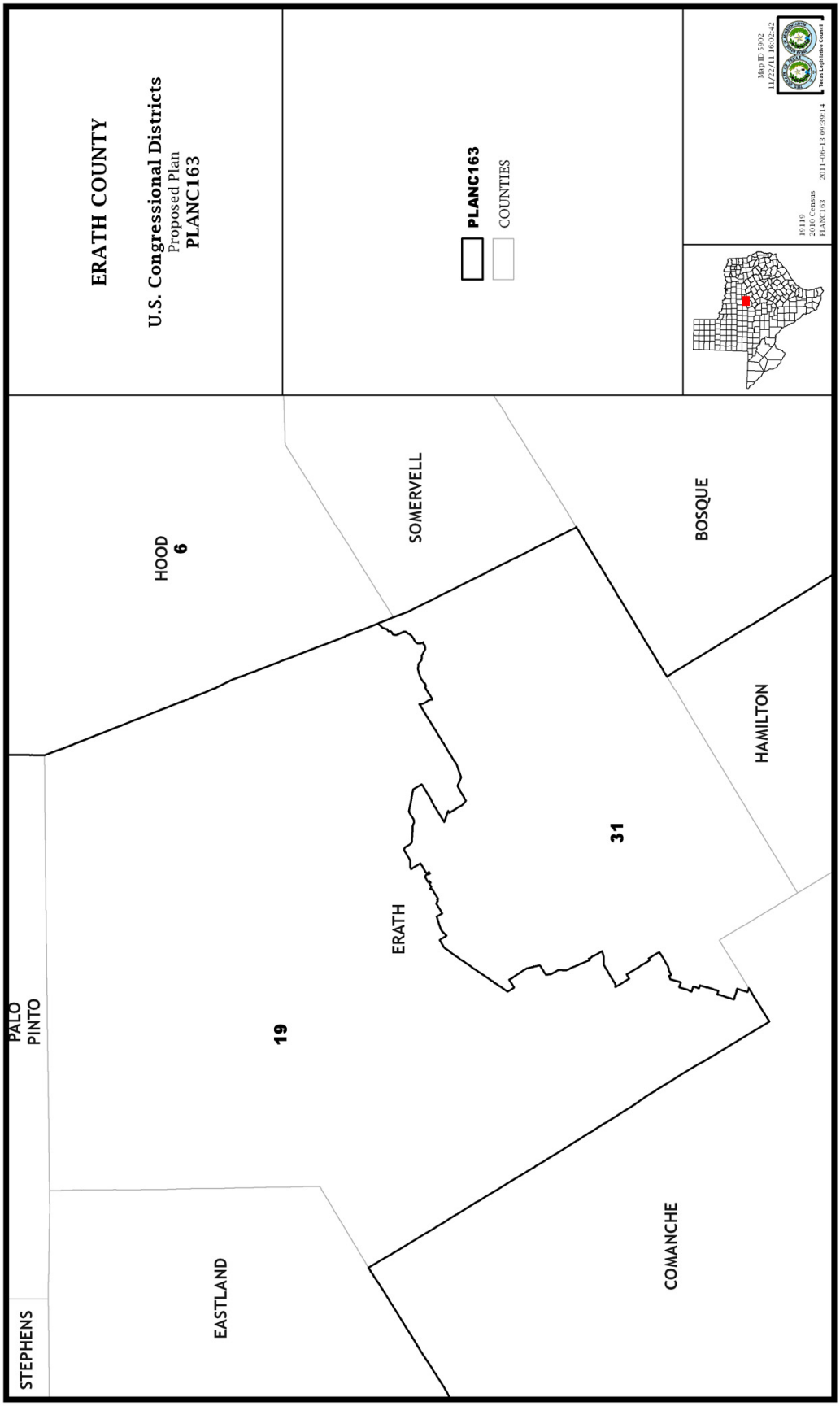
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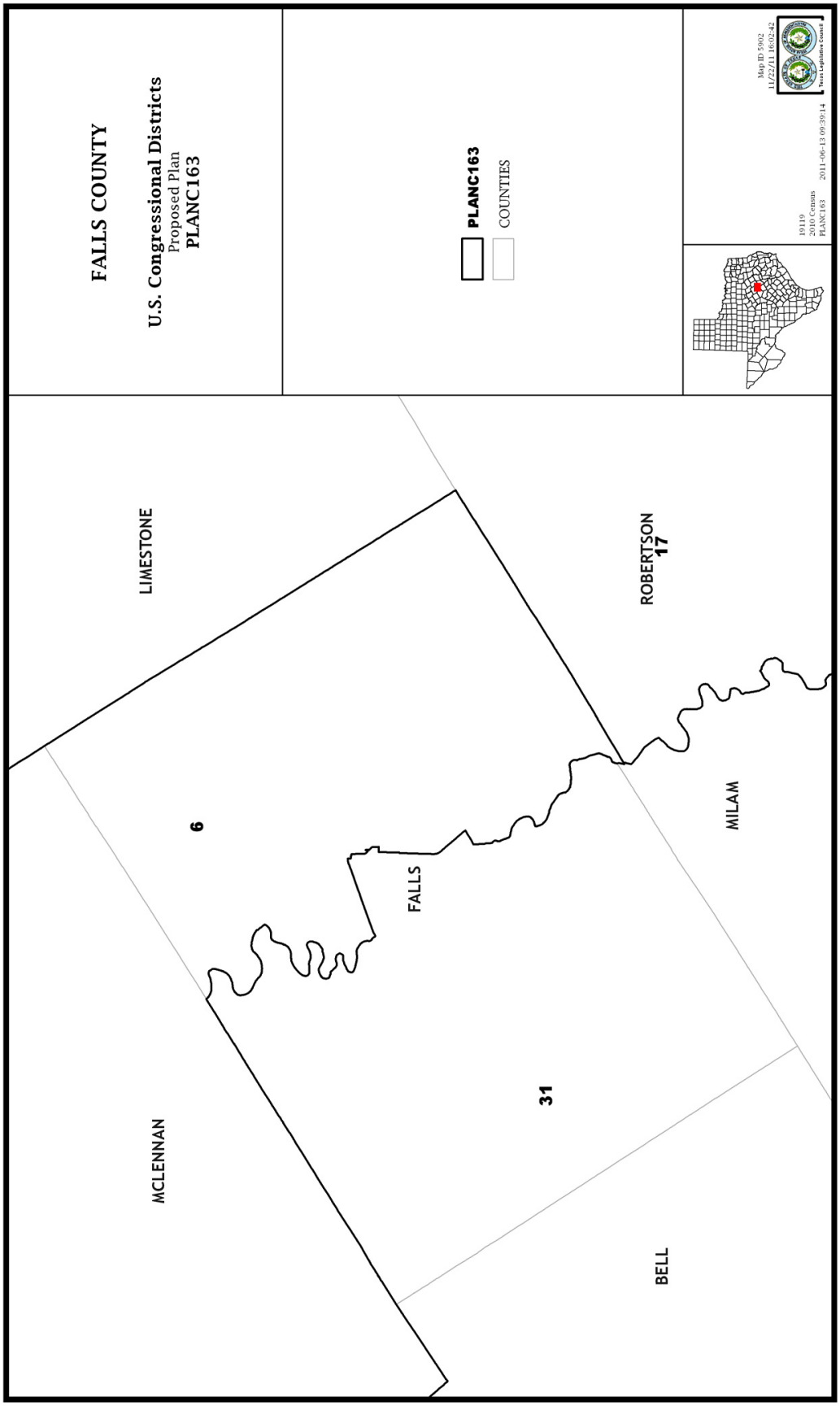
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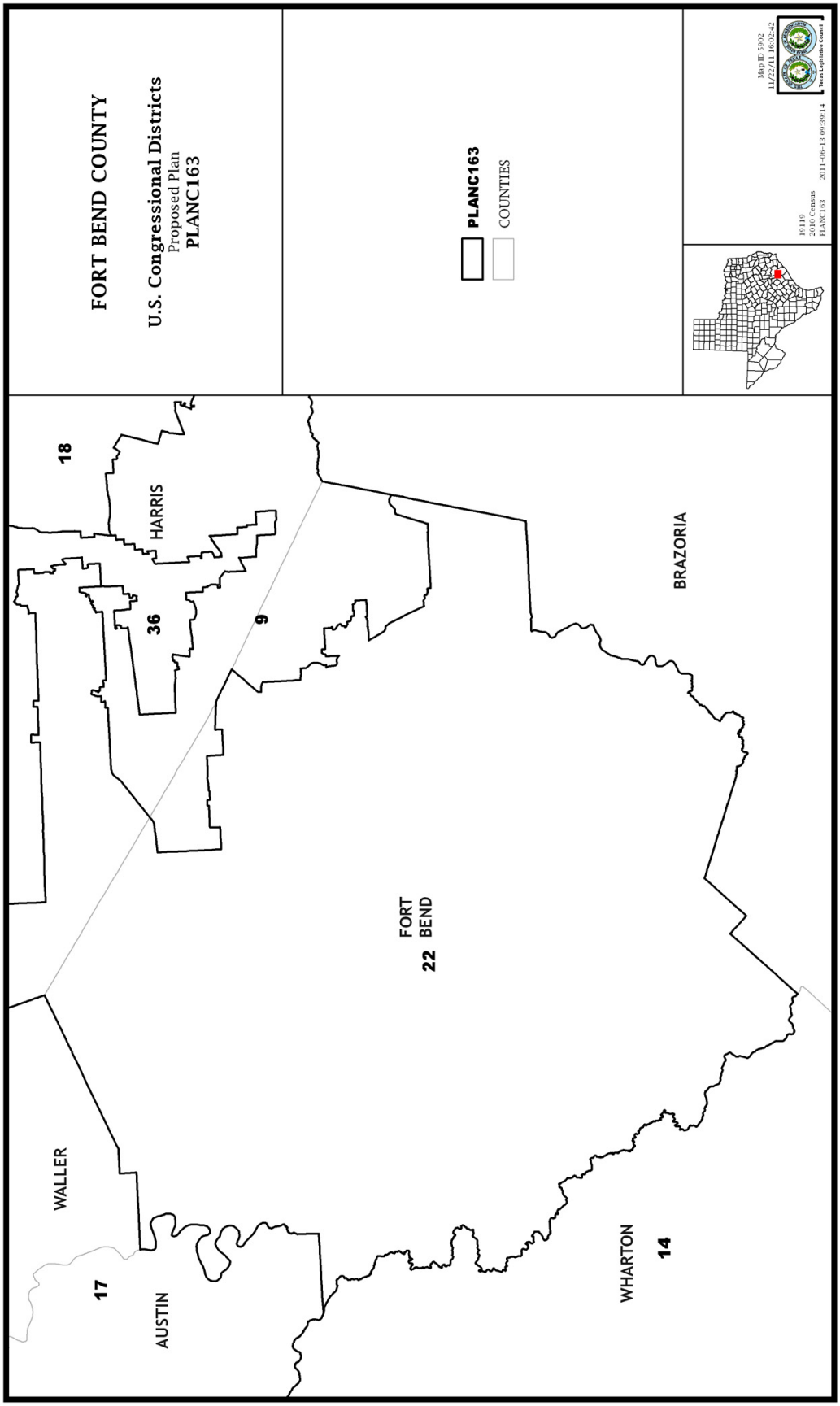
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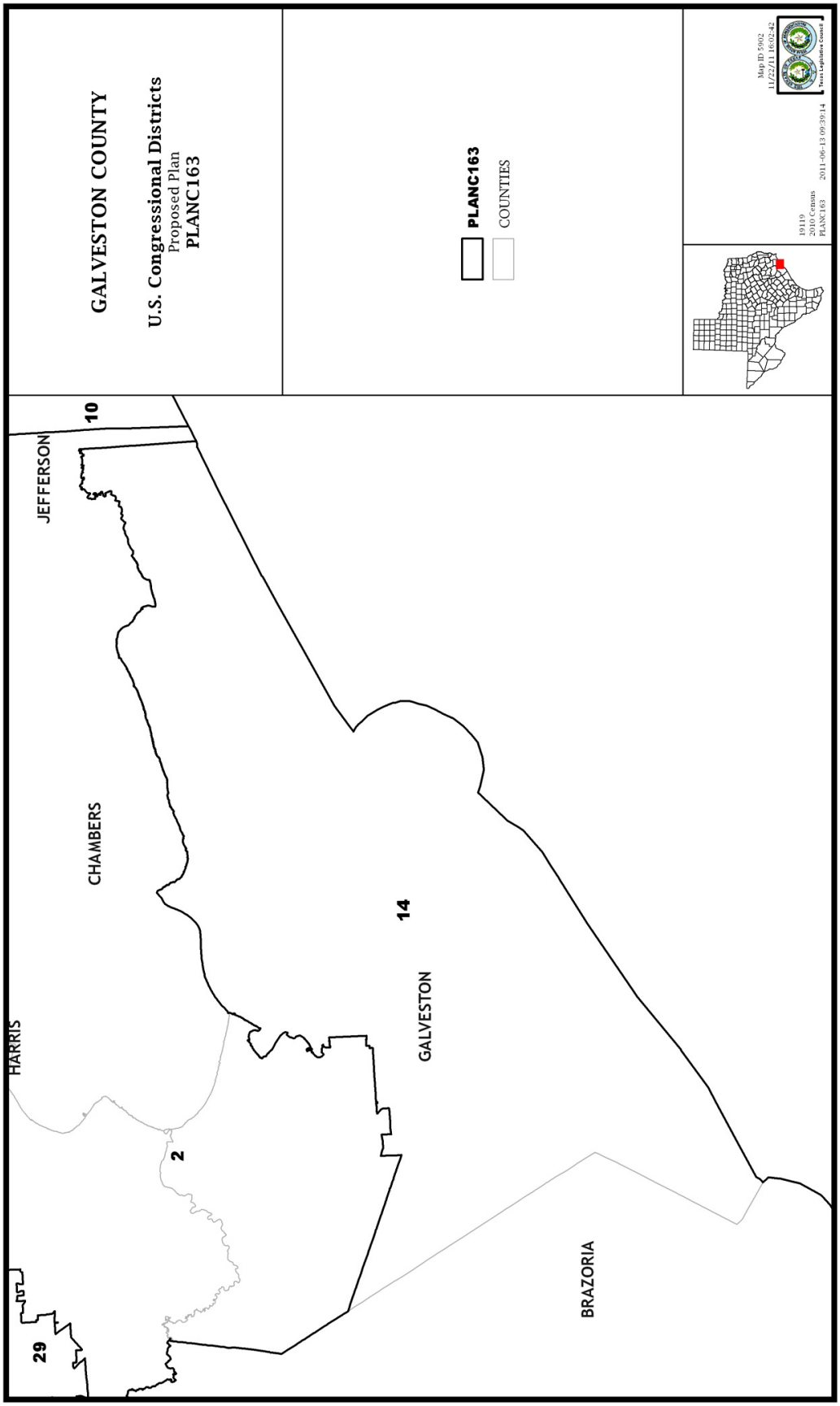
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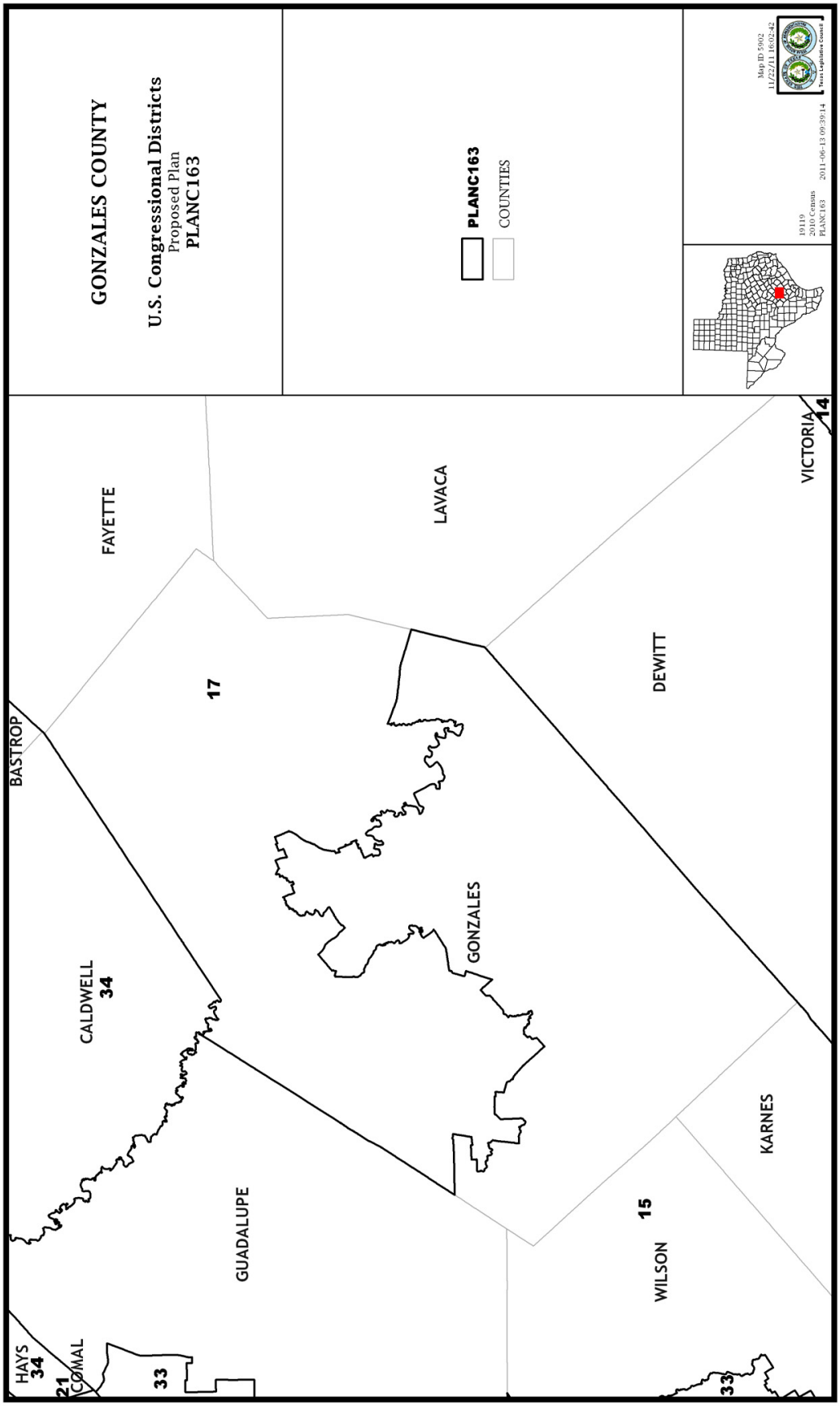
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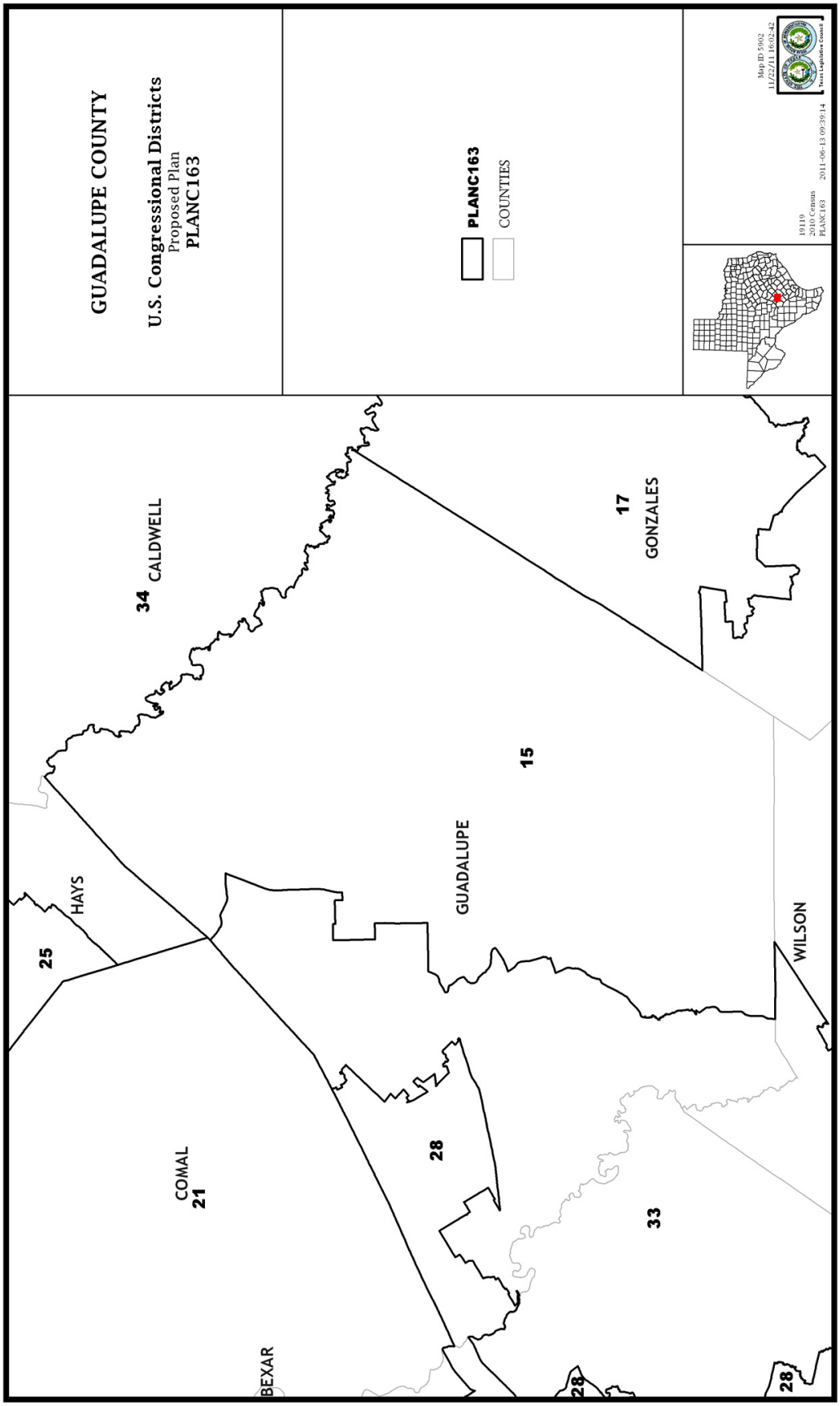
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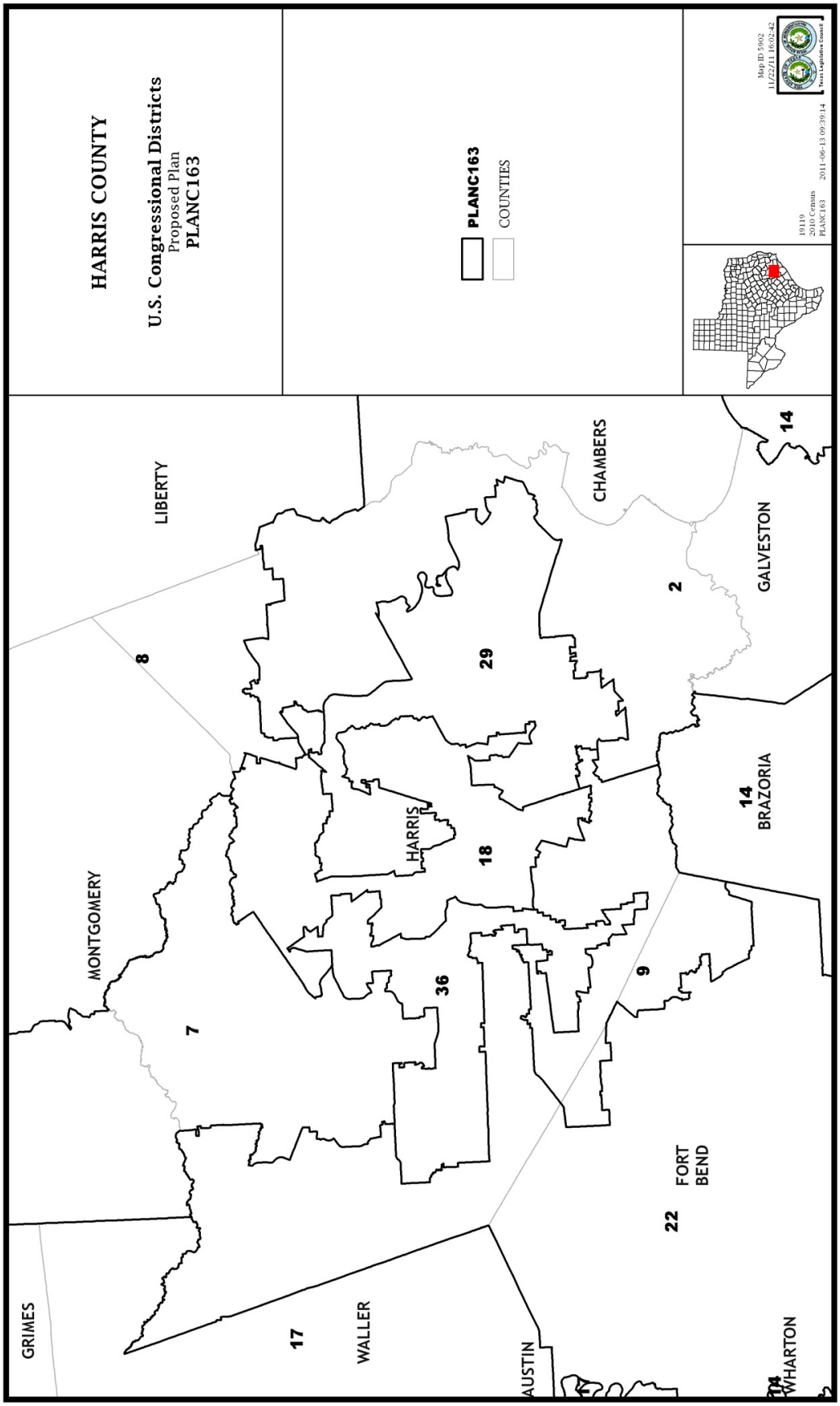
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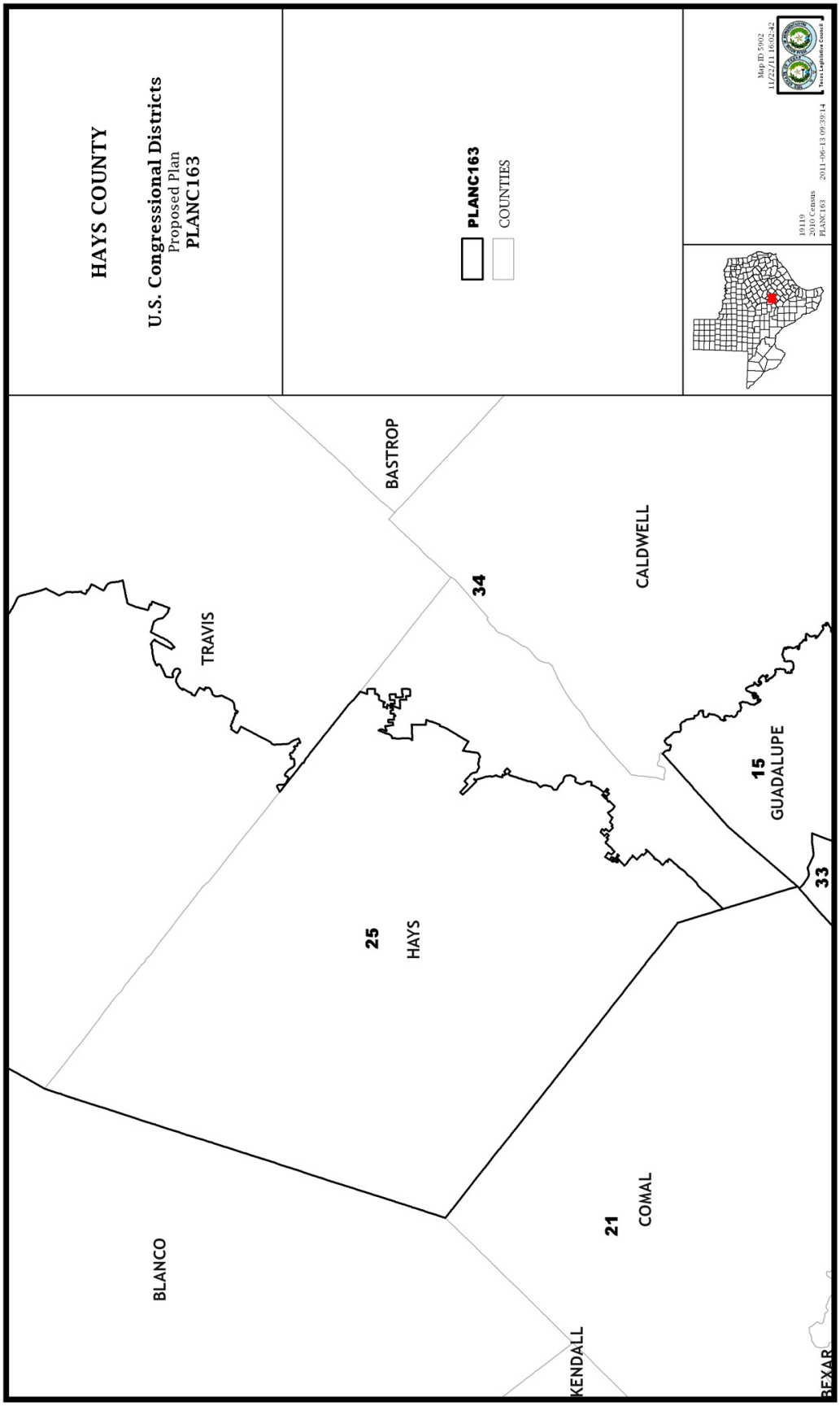
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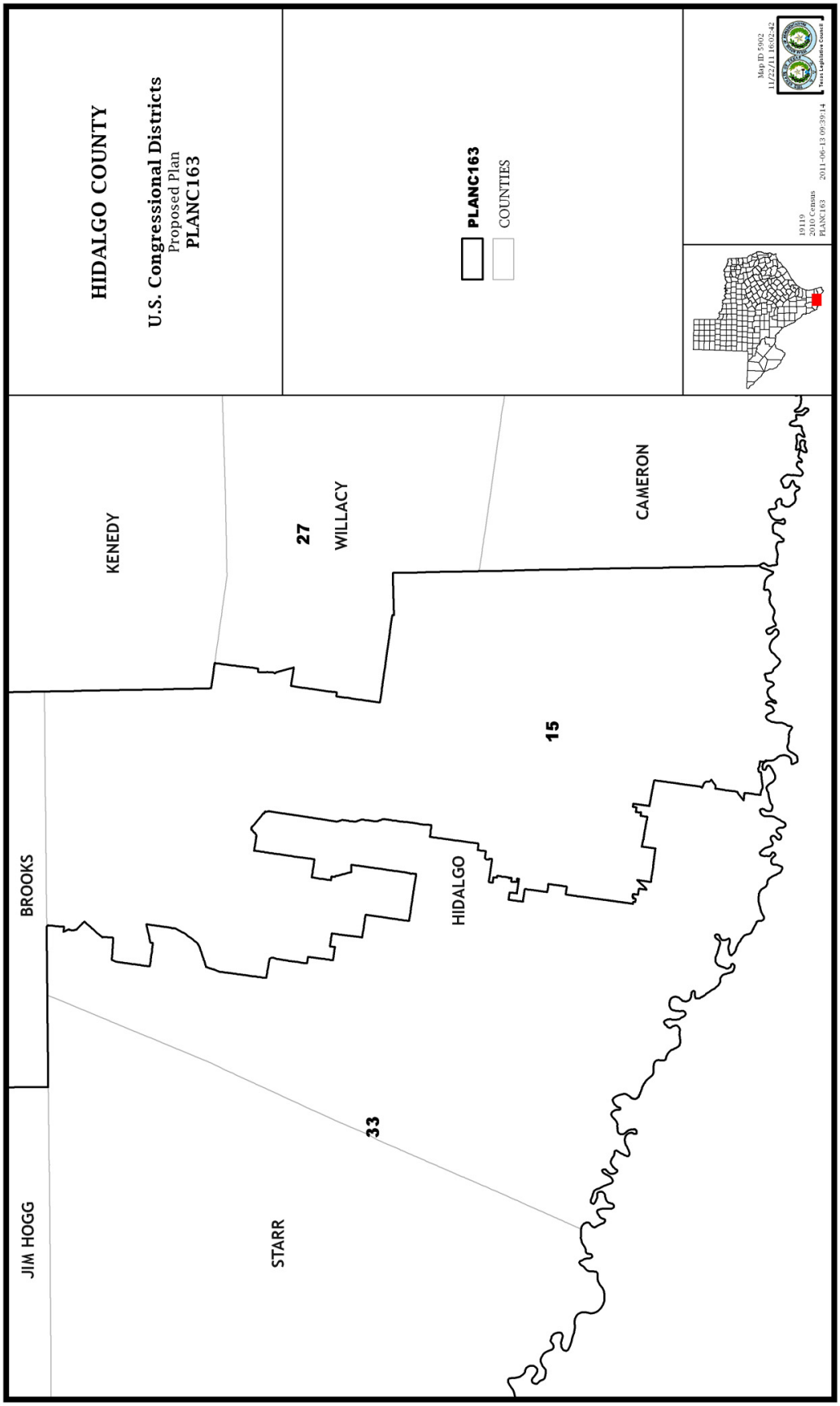
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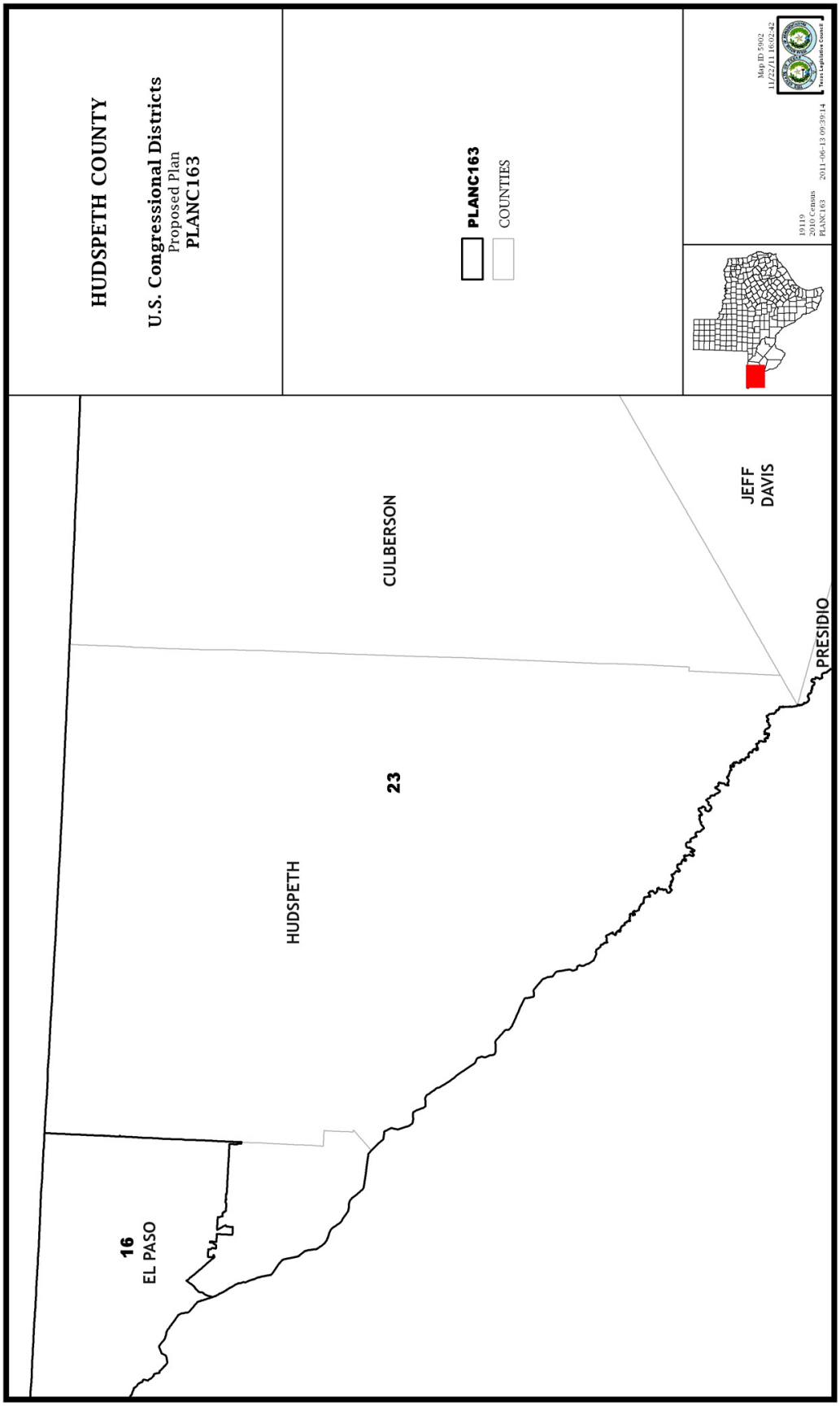
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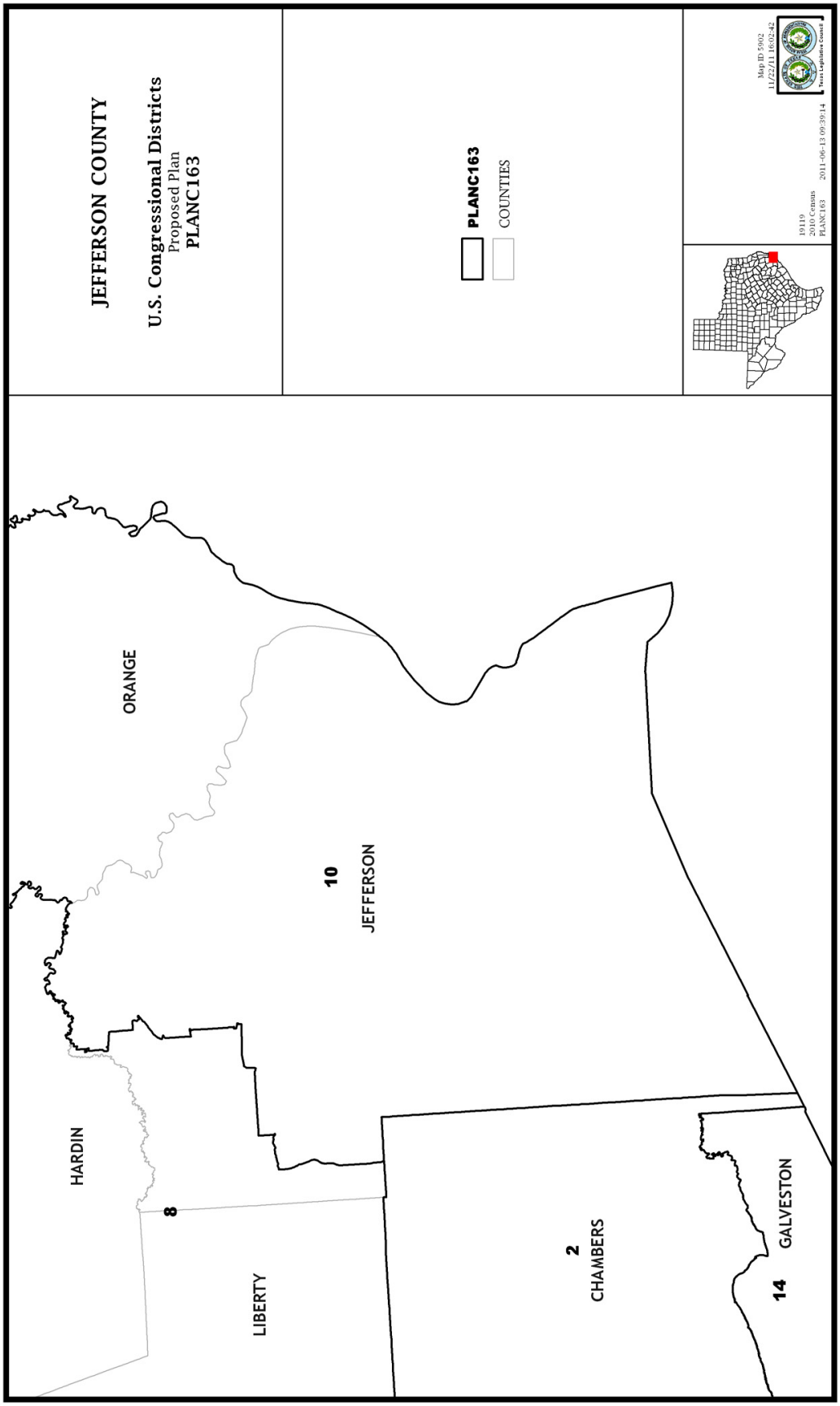
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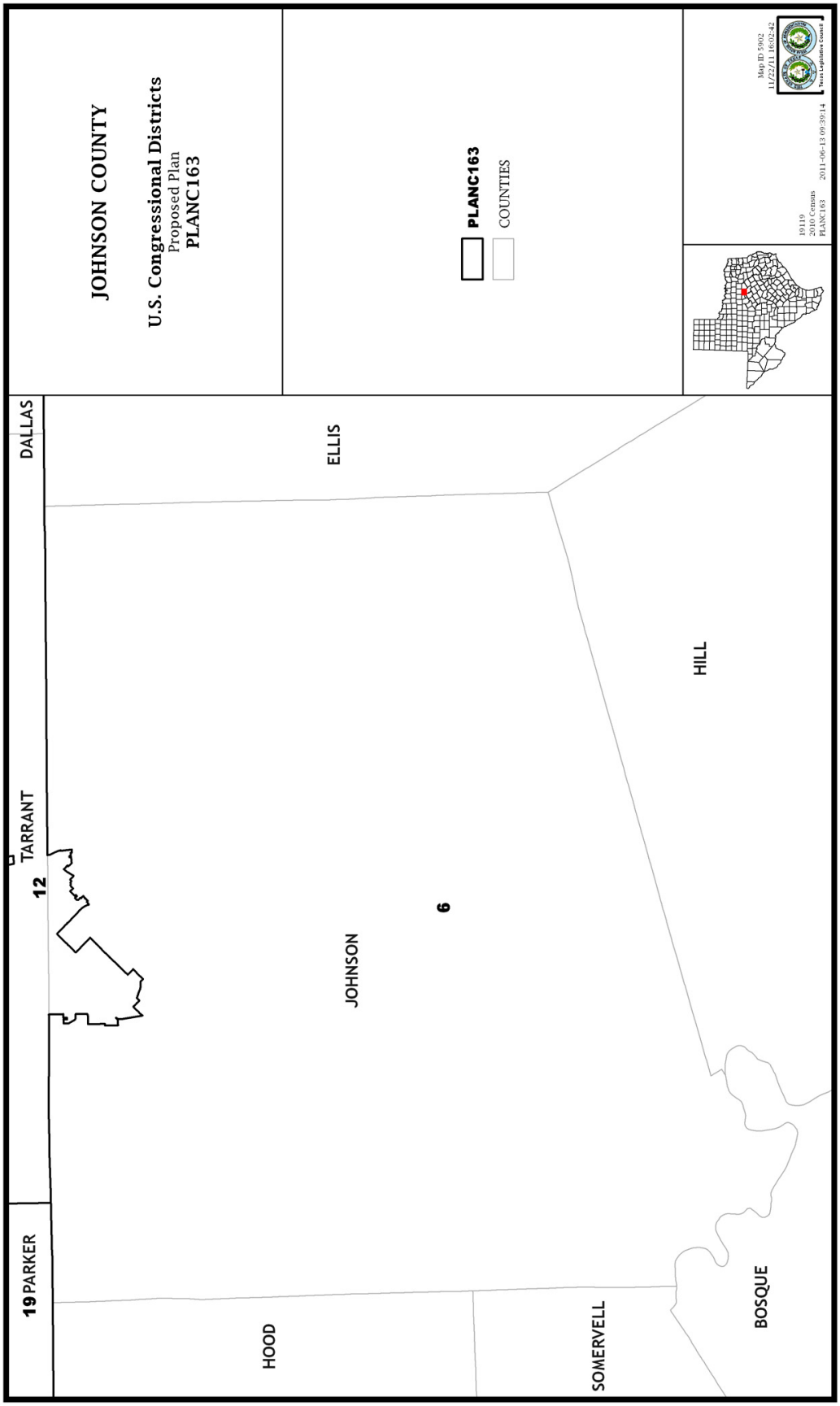
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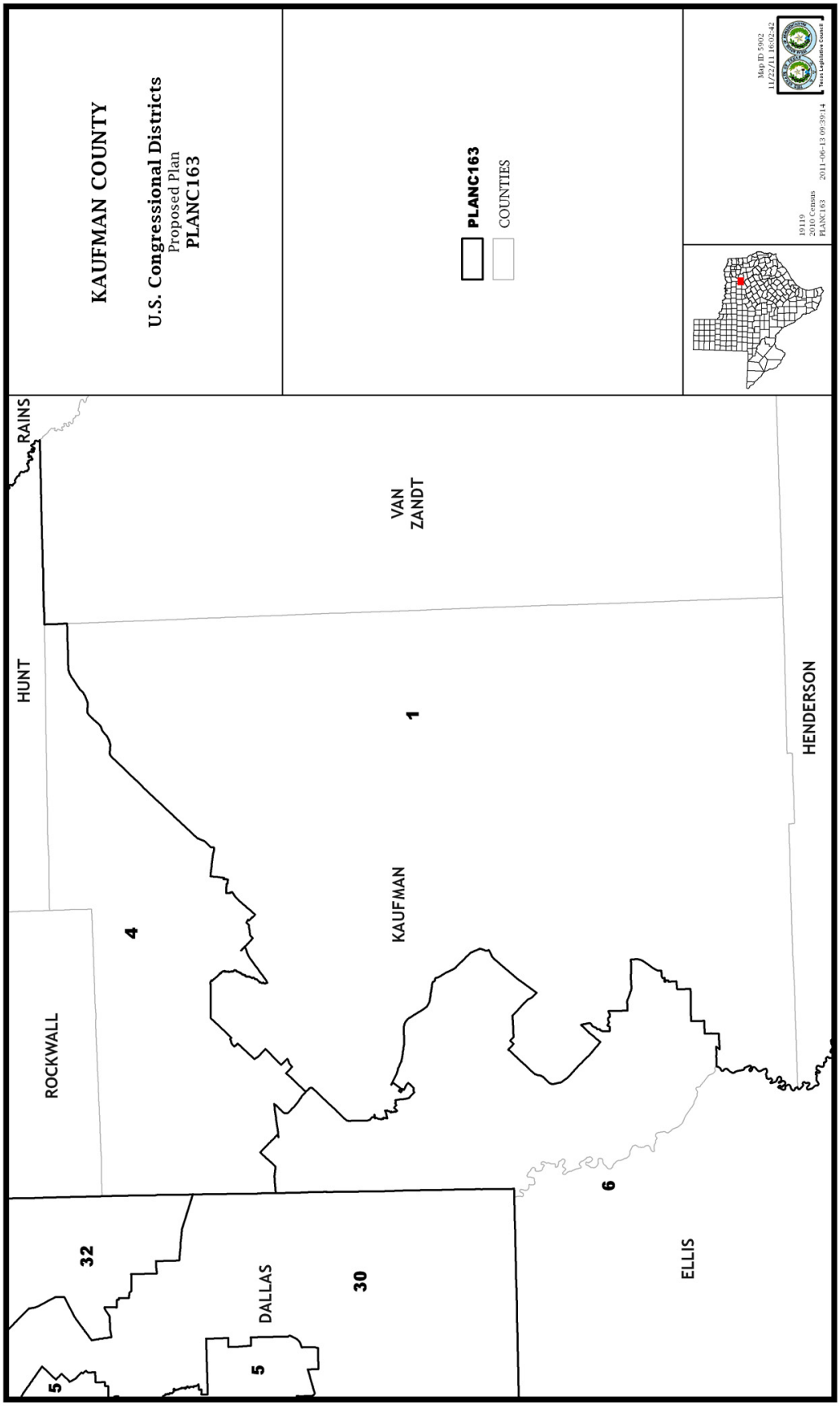
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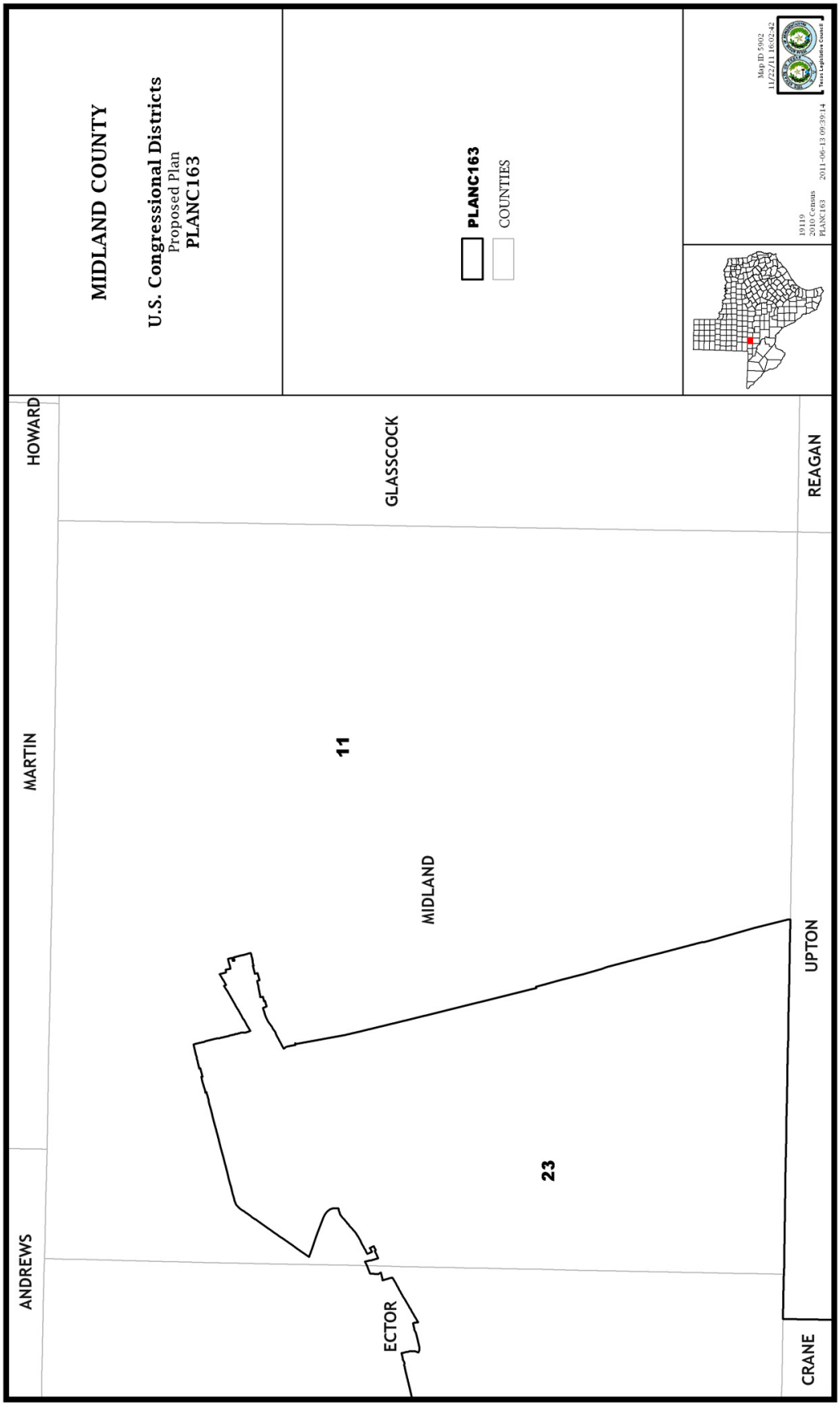
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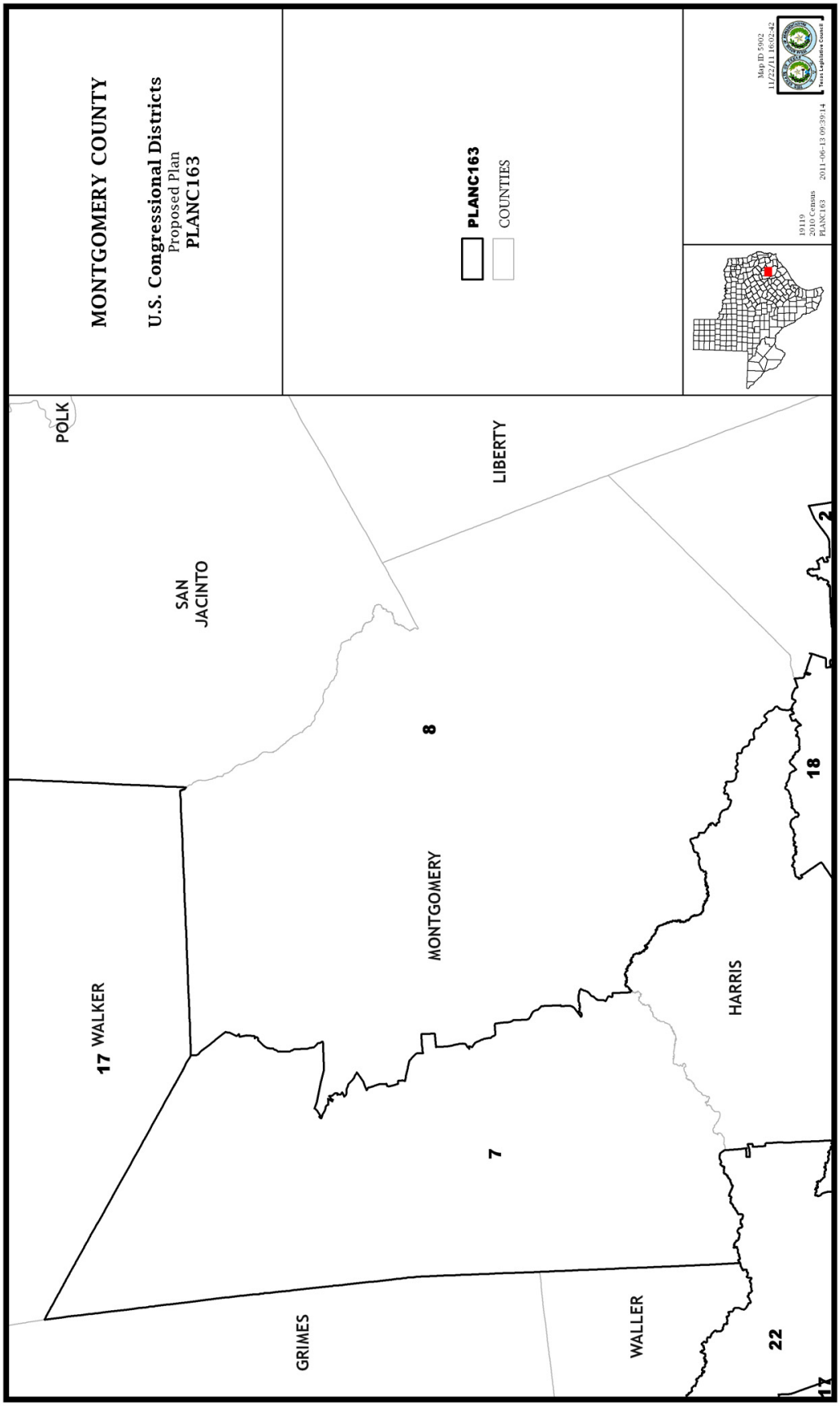
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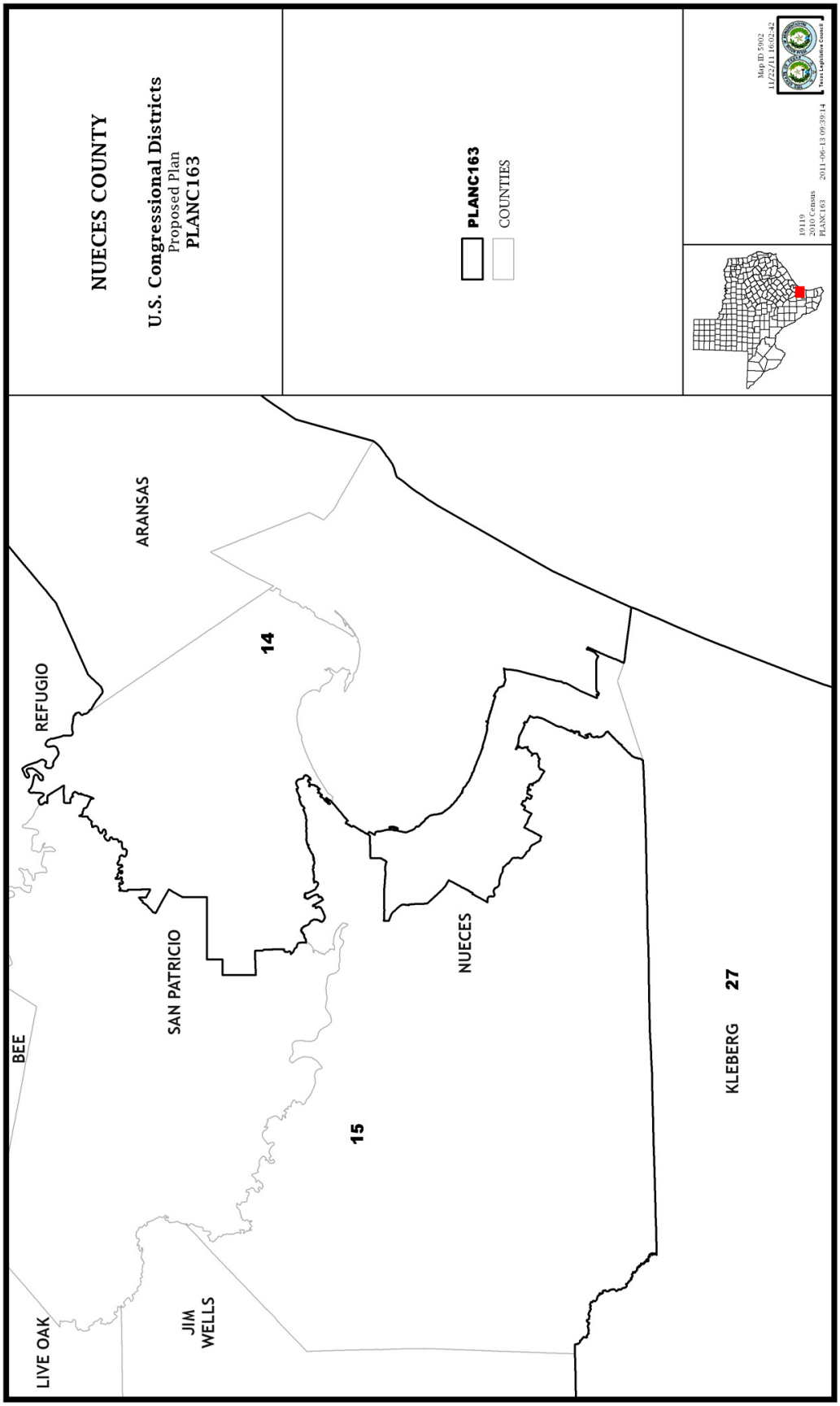
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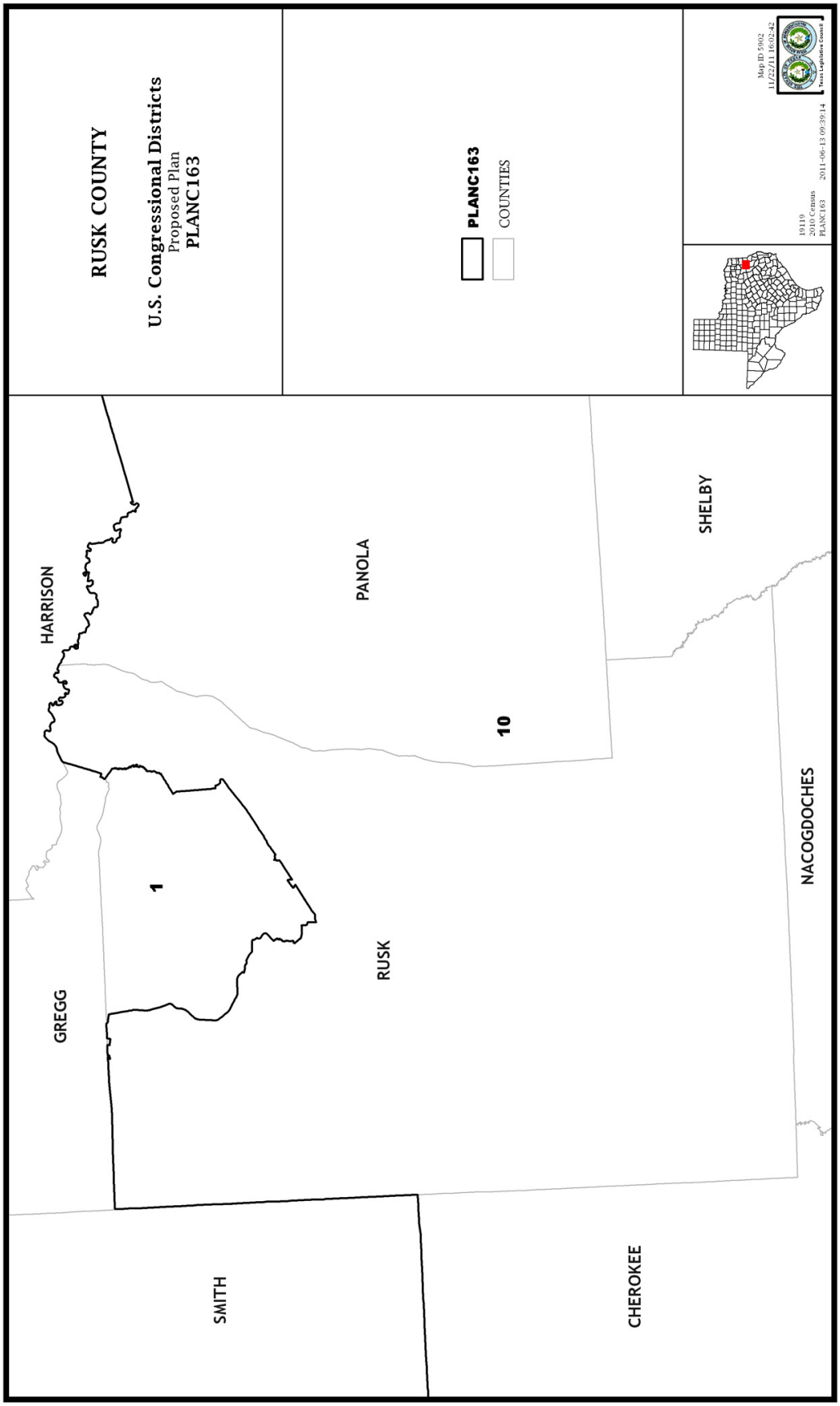
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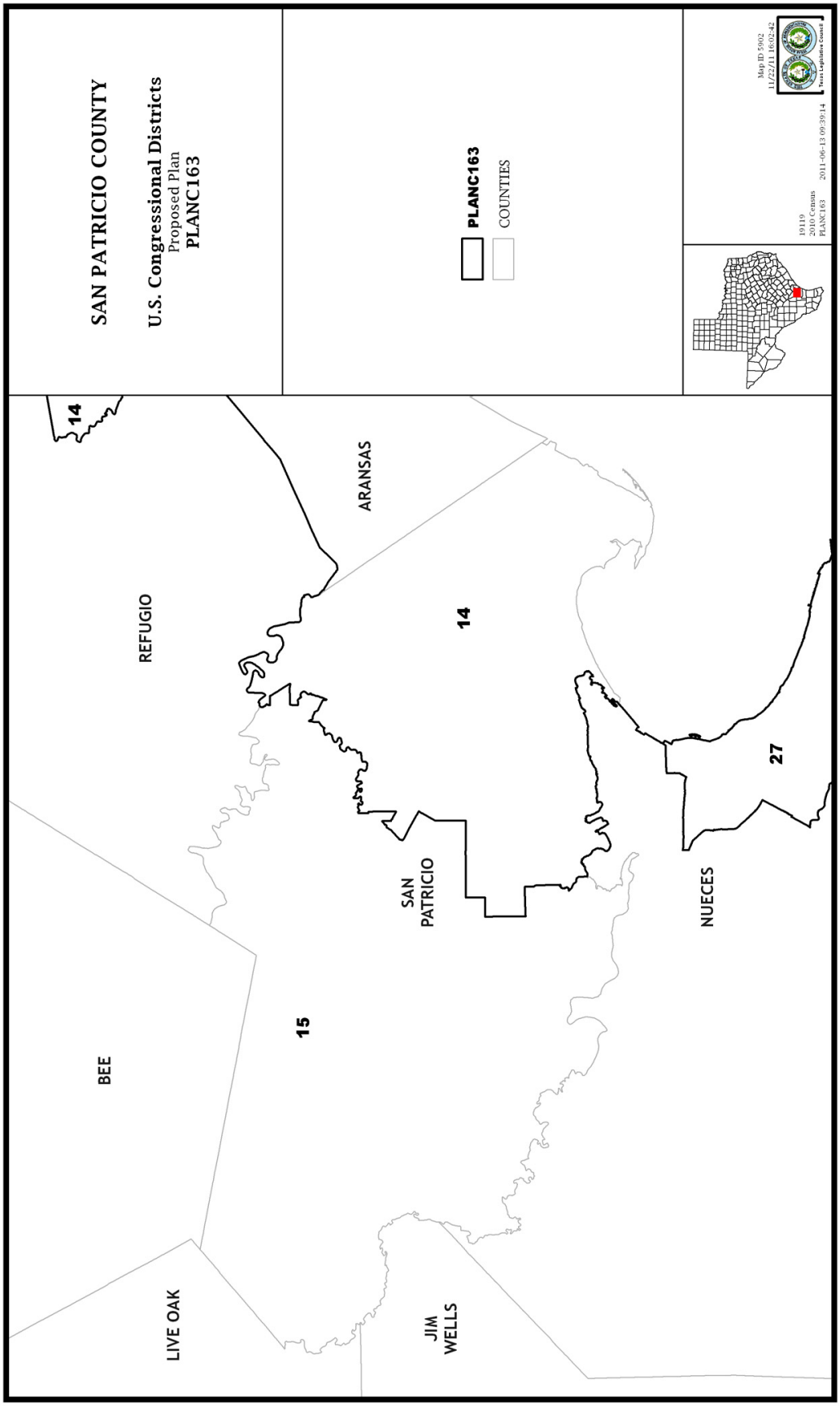
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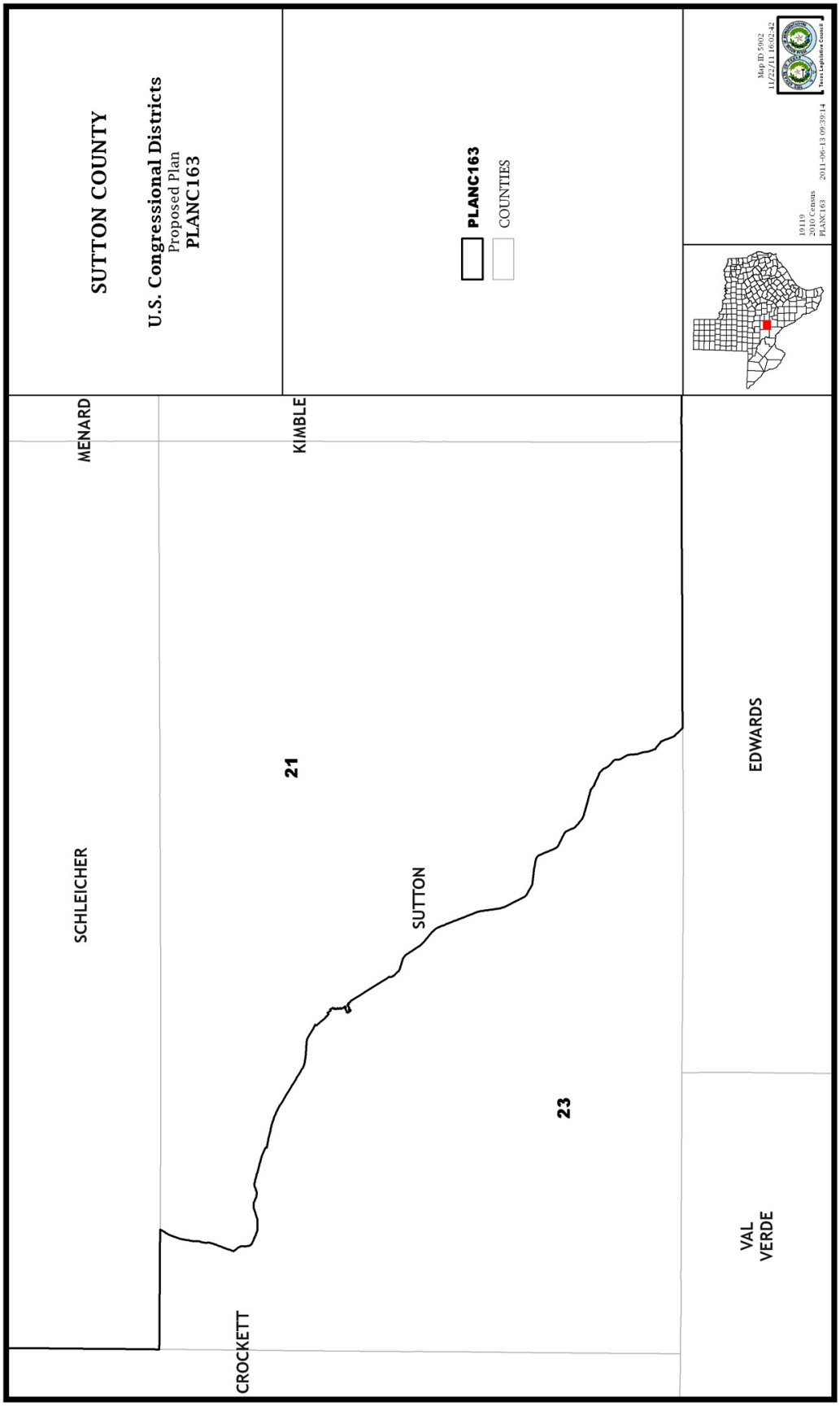
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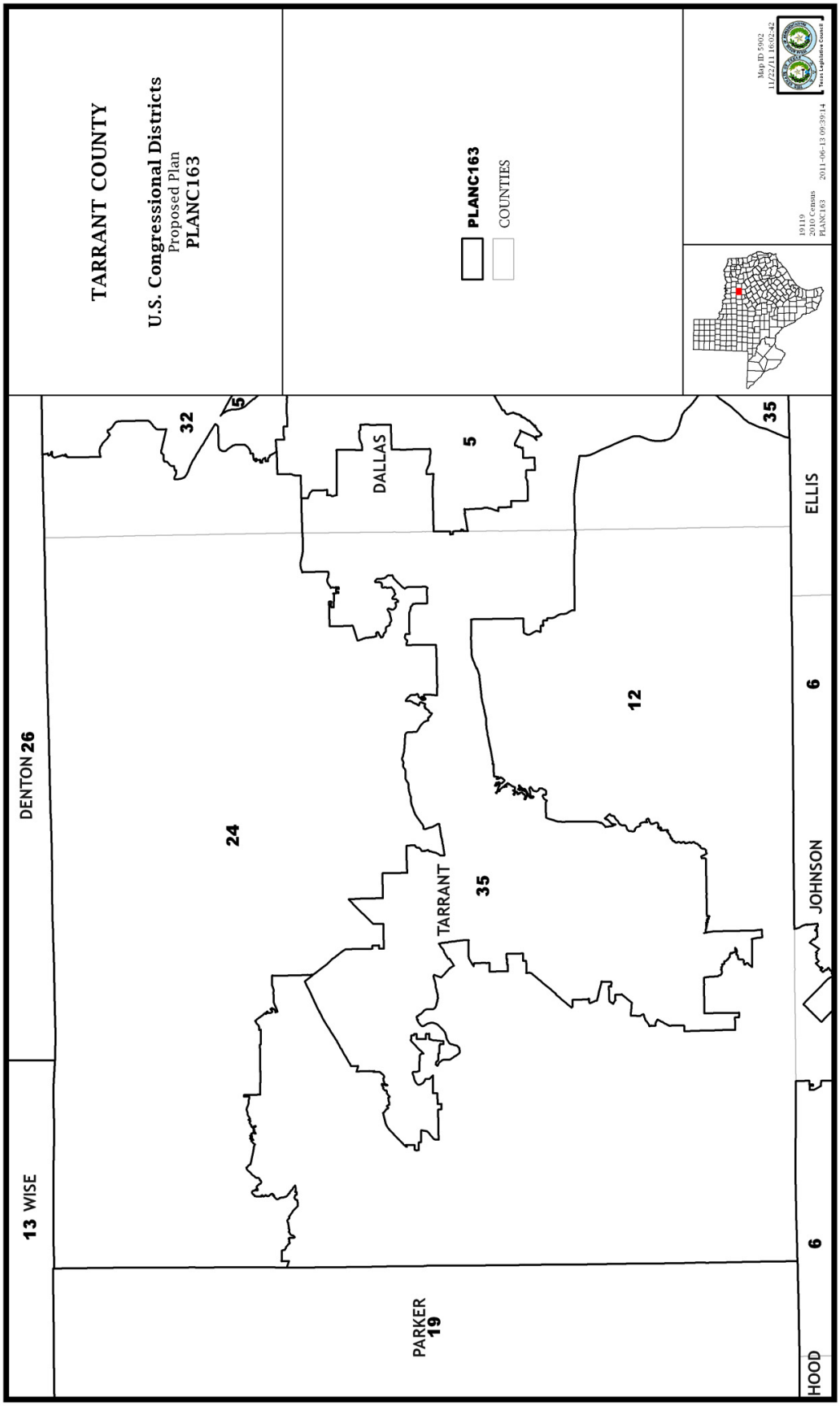
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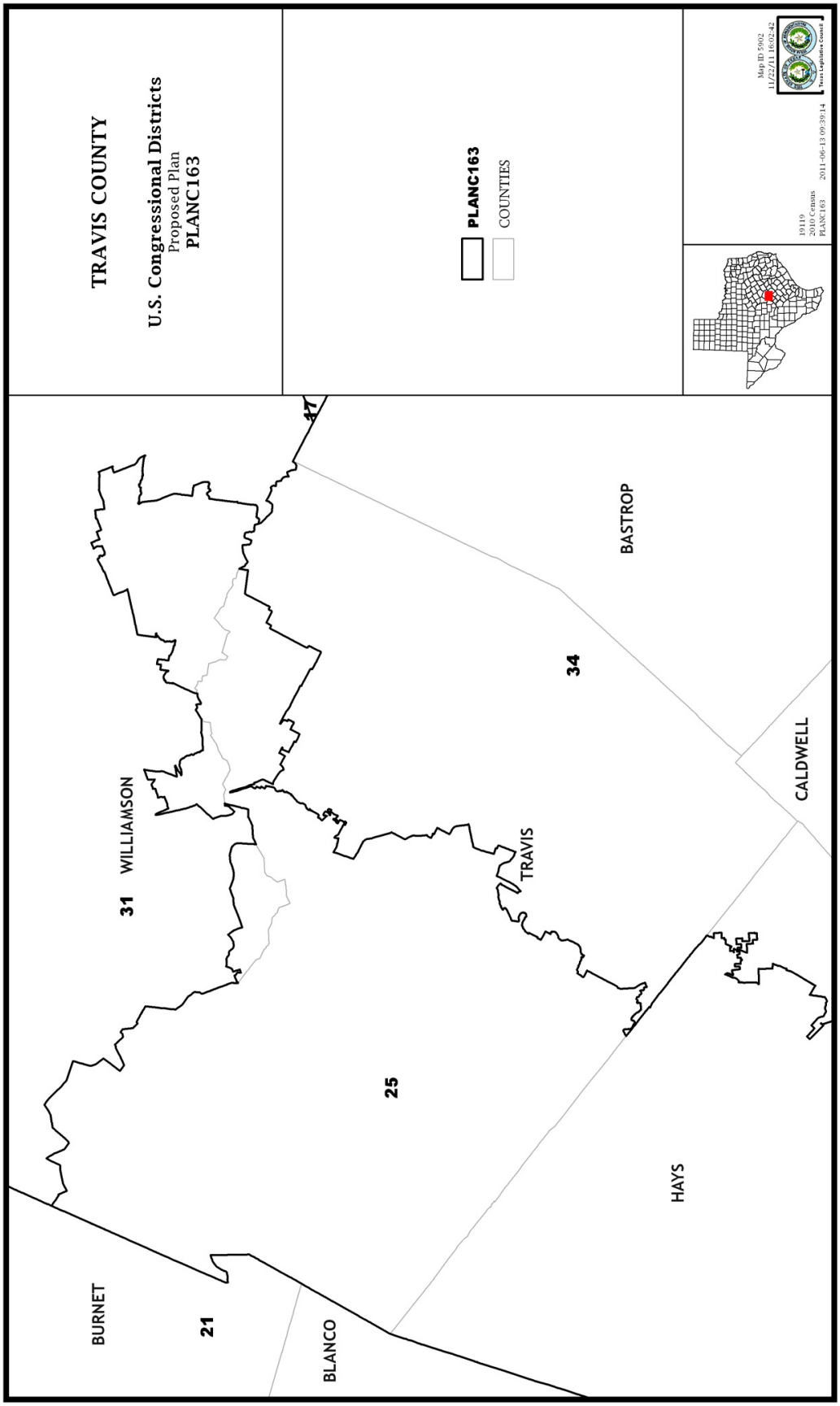
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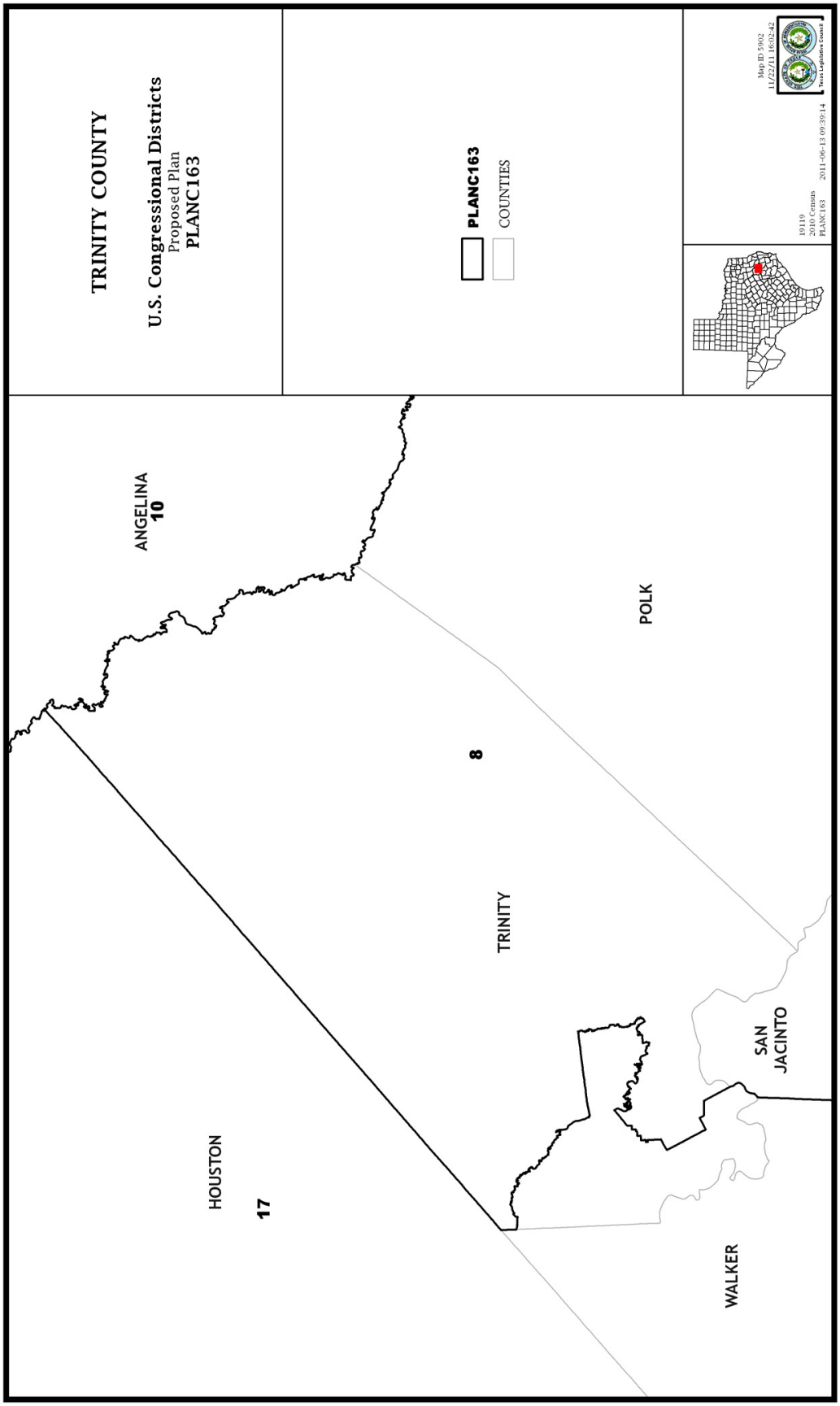
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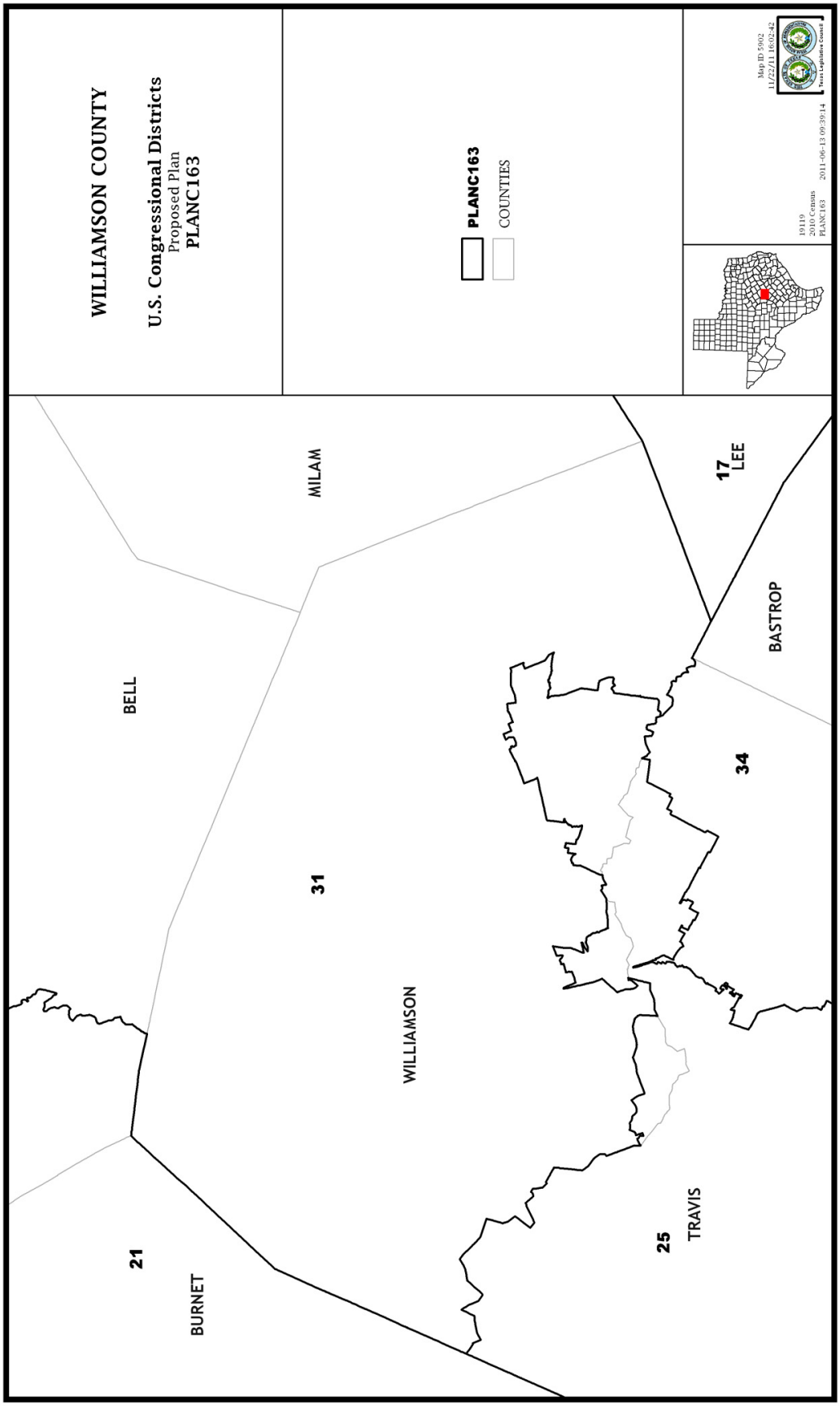
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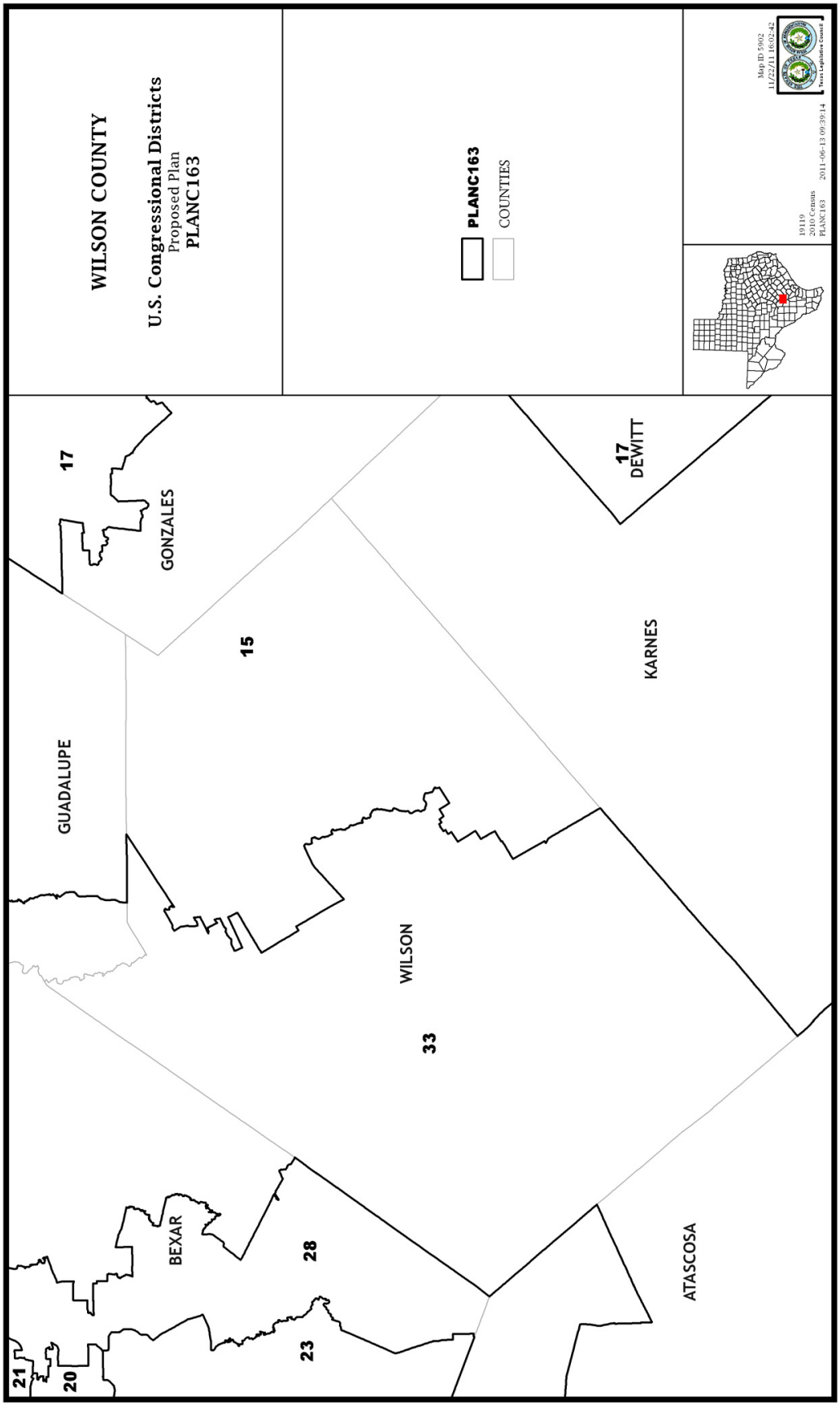
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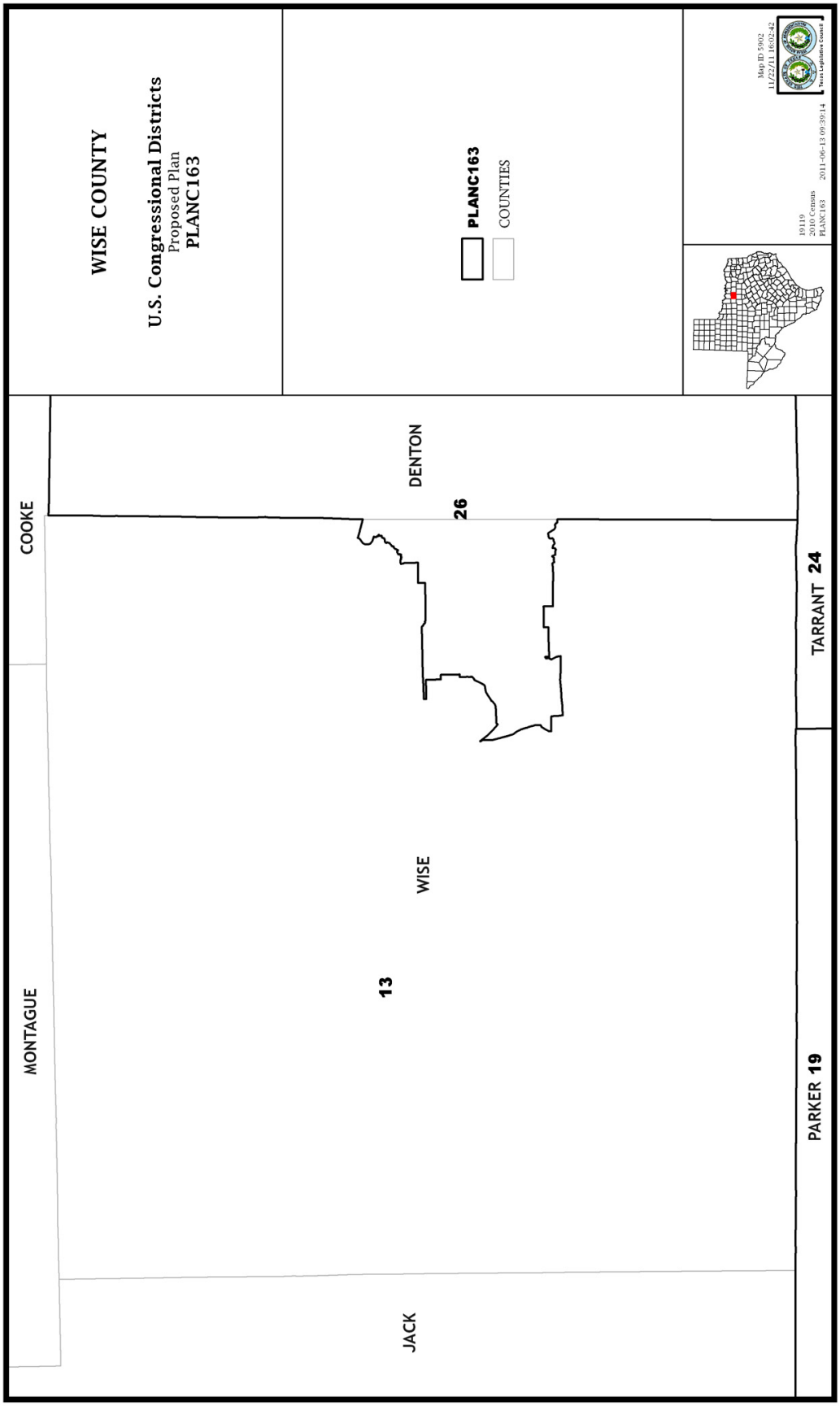
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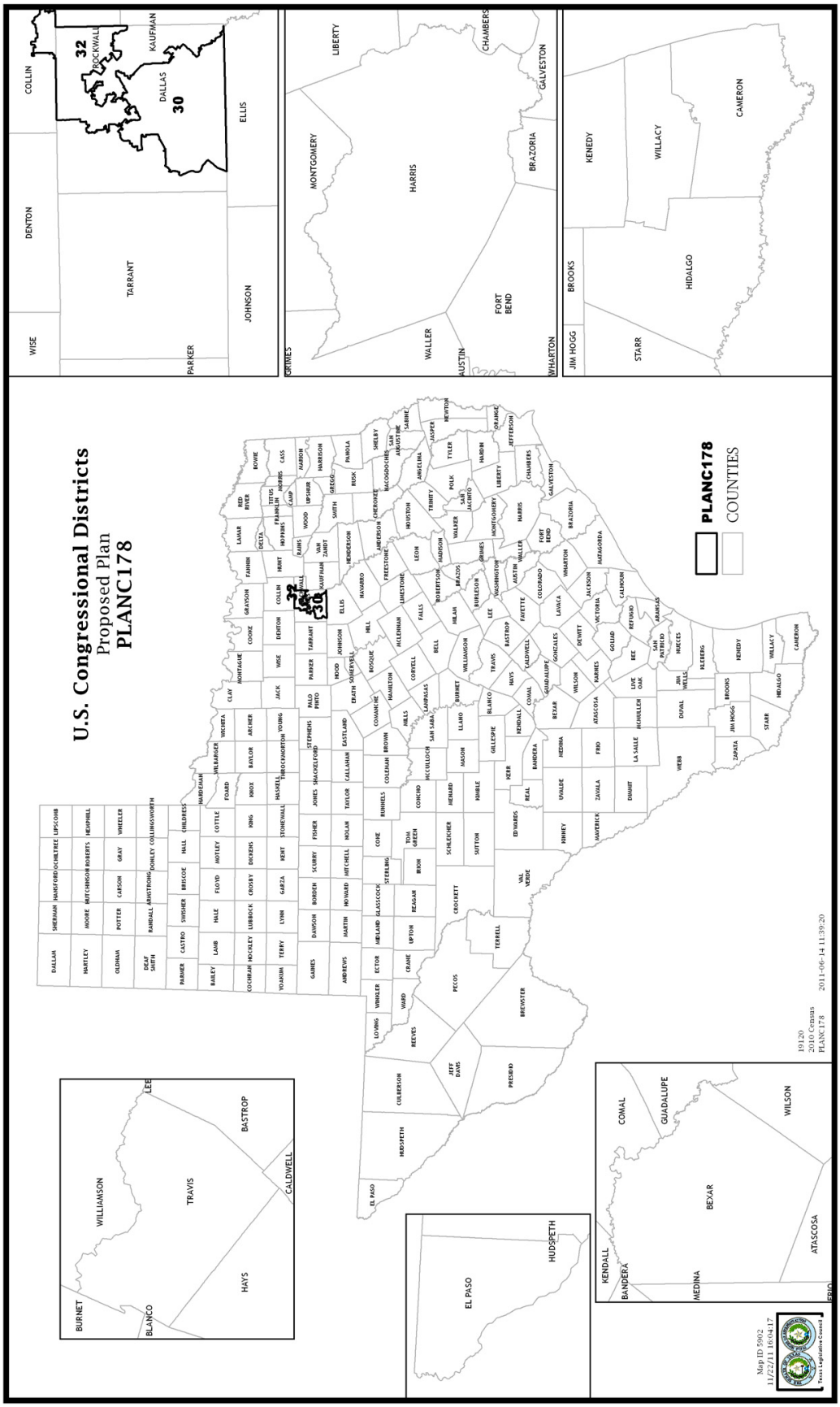
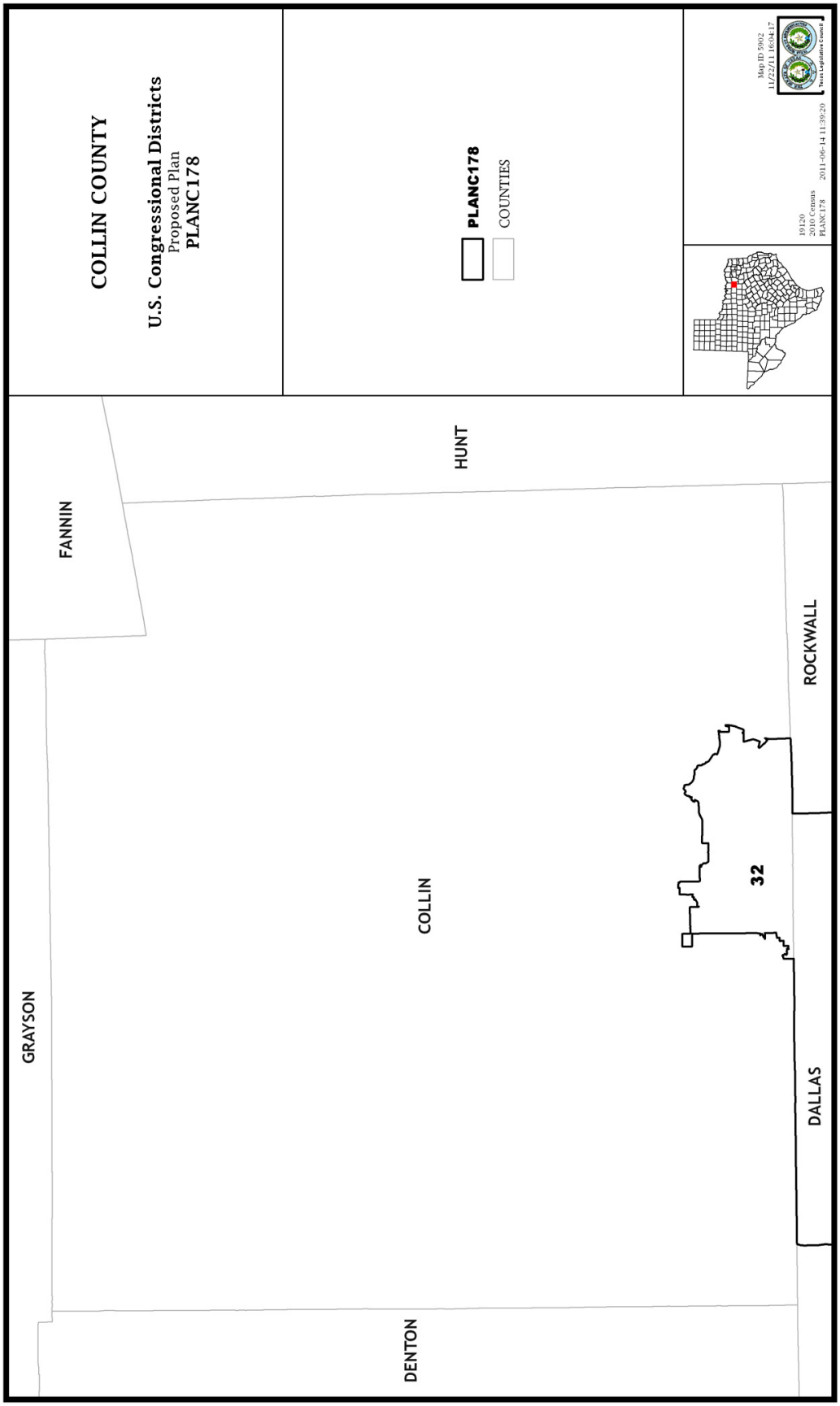
Amendment No. 14 (by Johnson)

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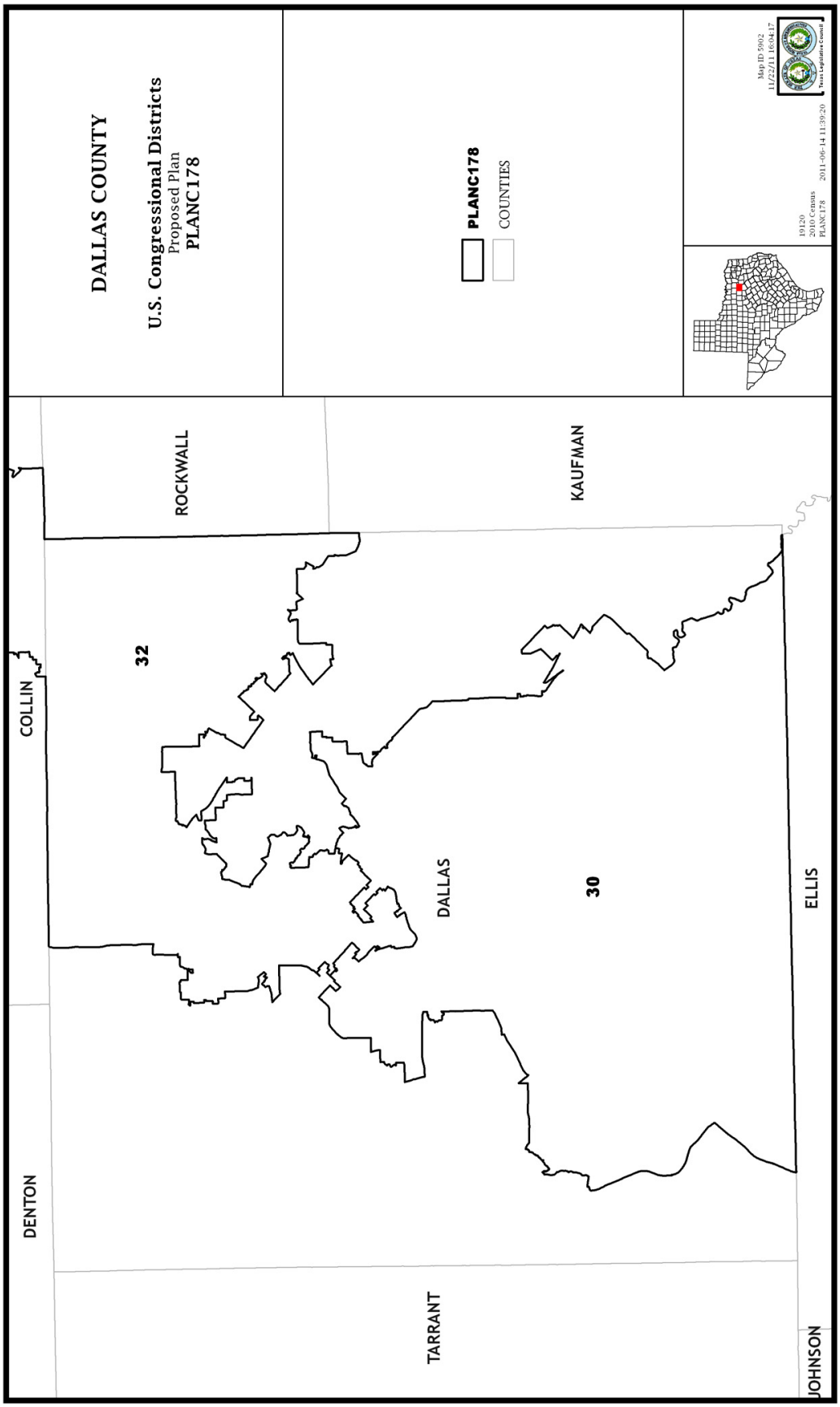
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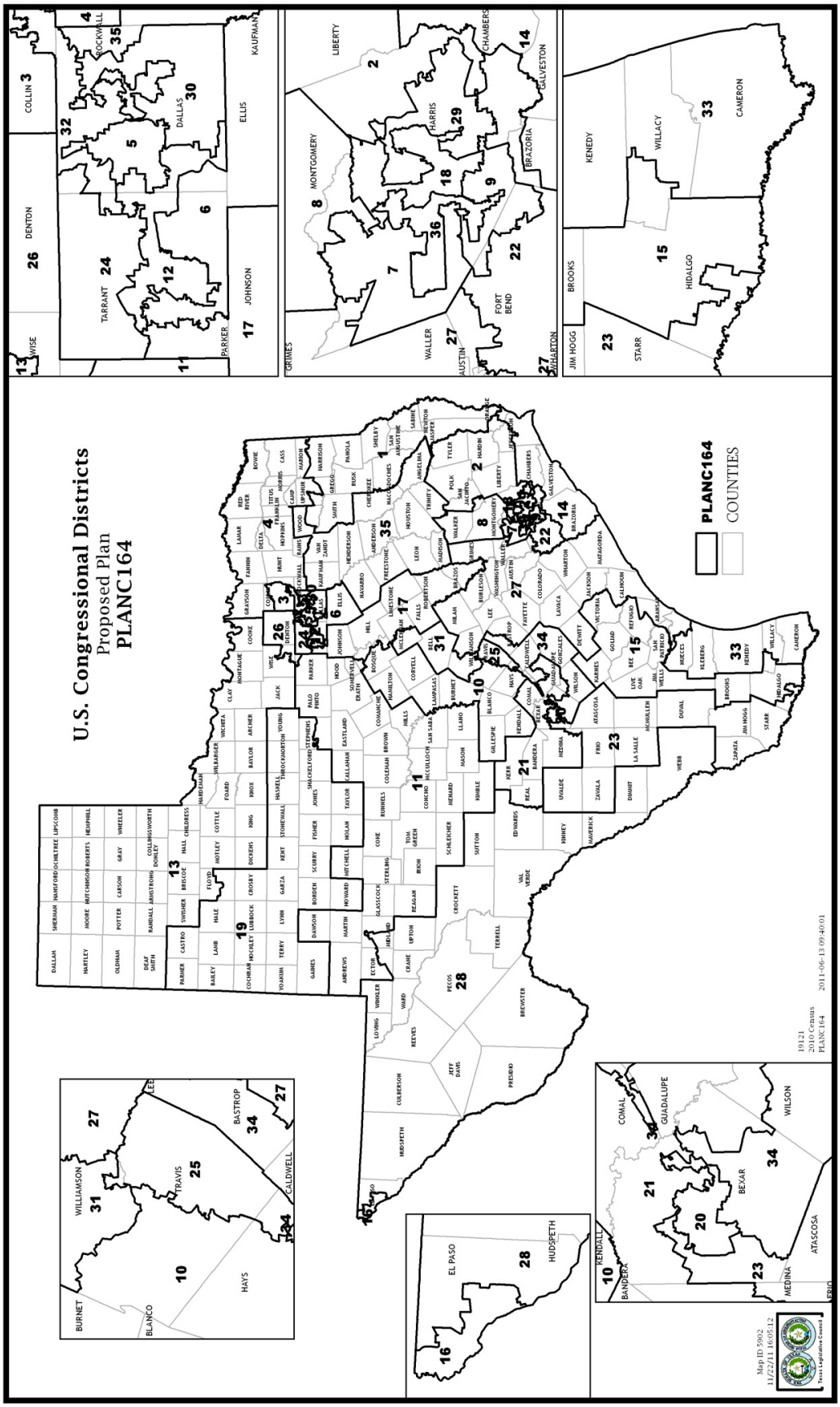
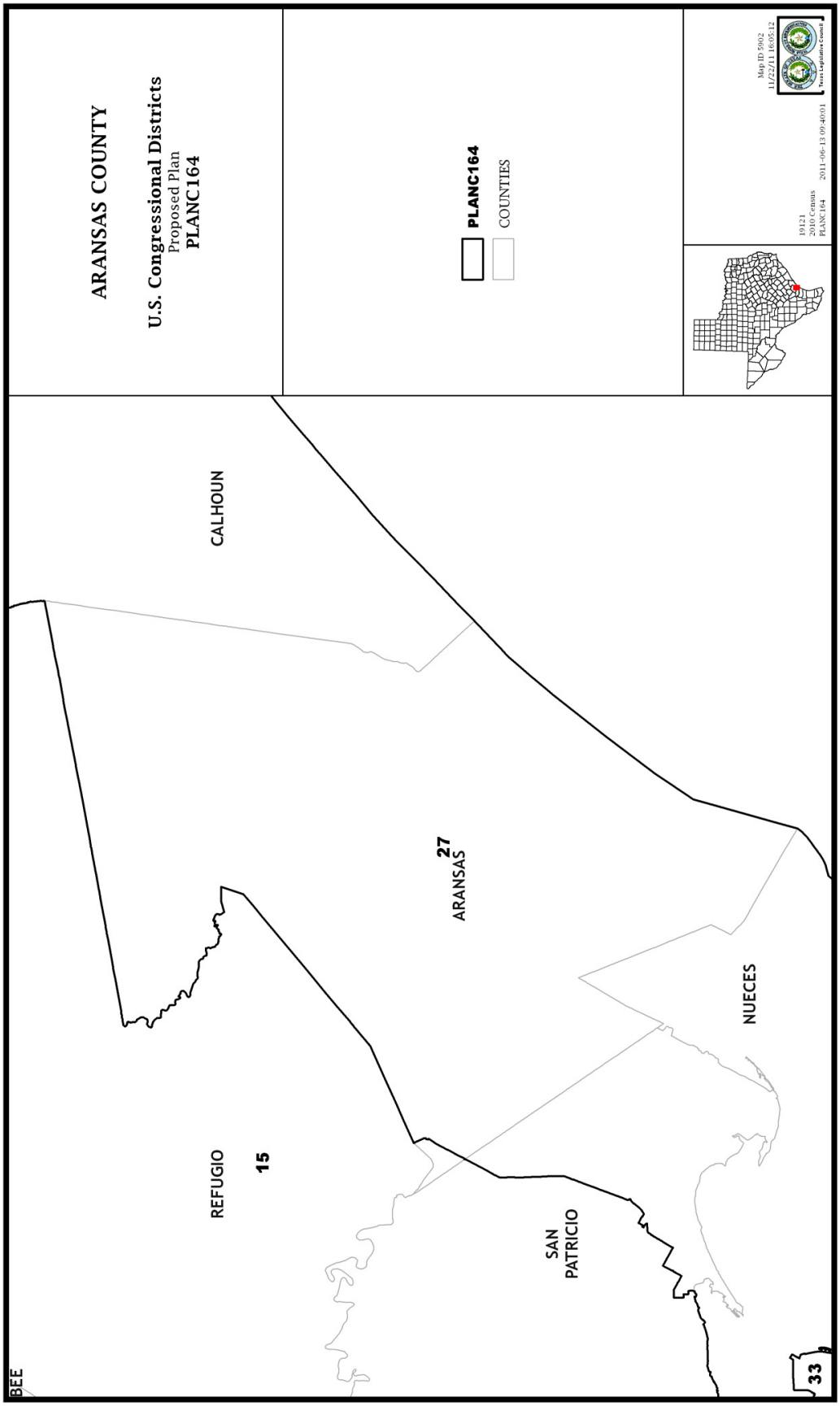
JOHNSON

Amendment No. 15 (by Martinez Fischer)

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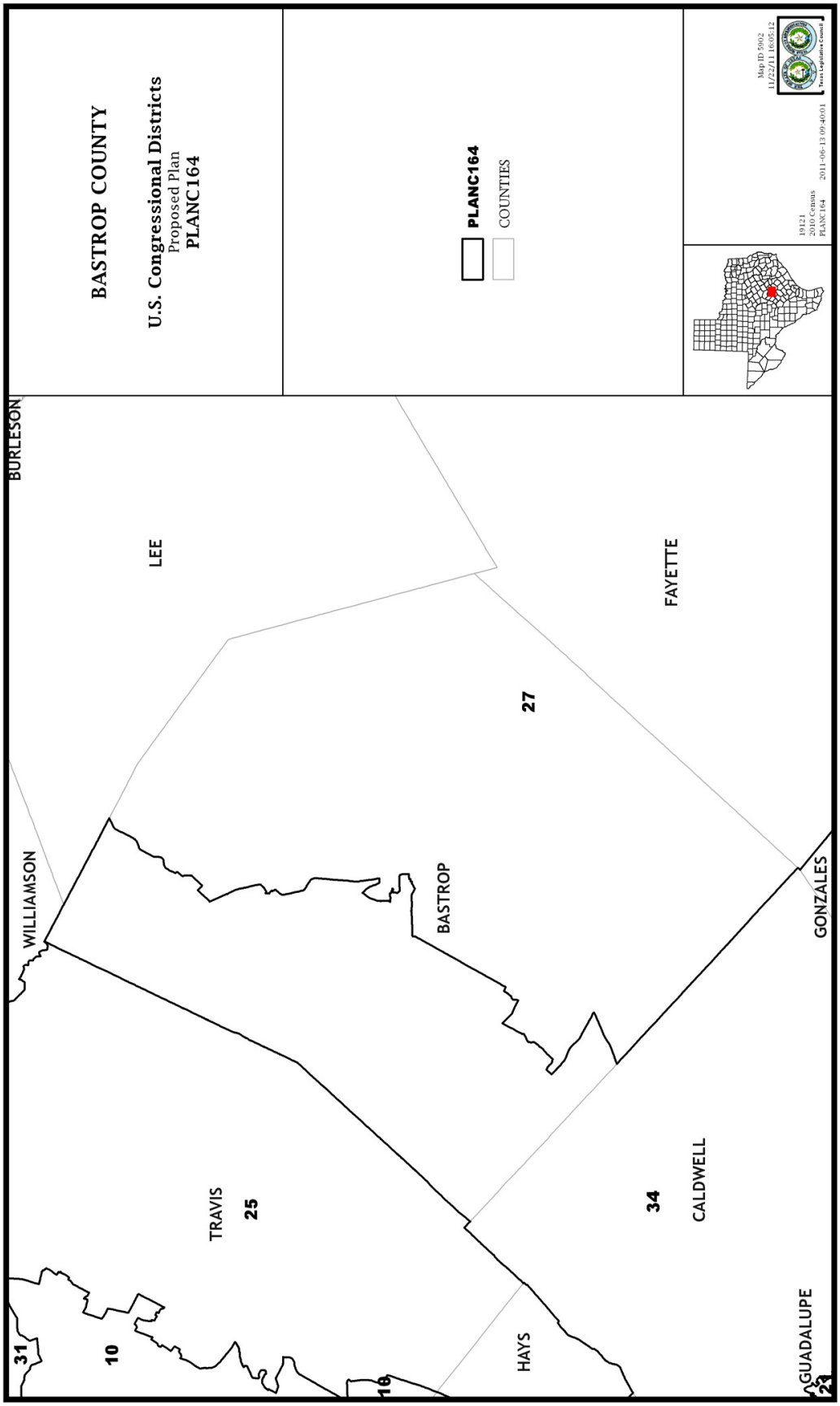
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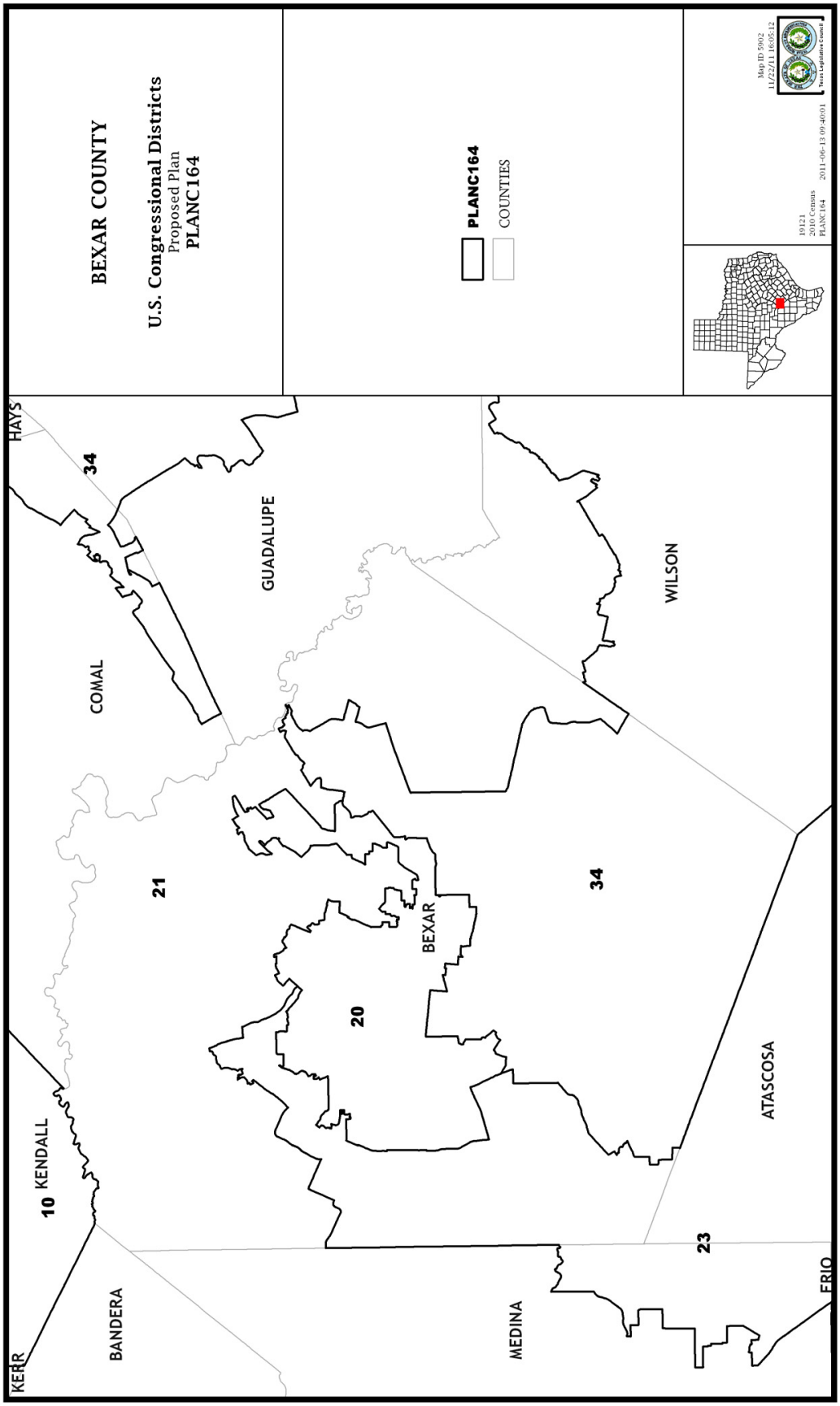
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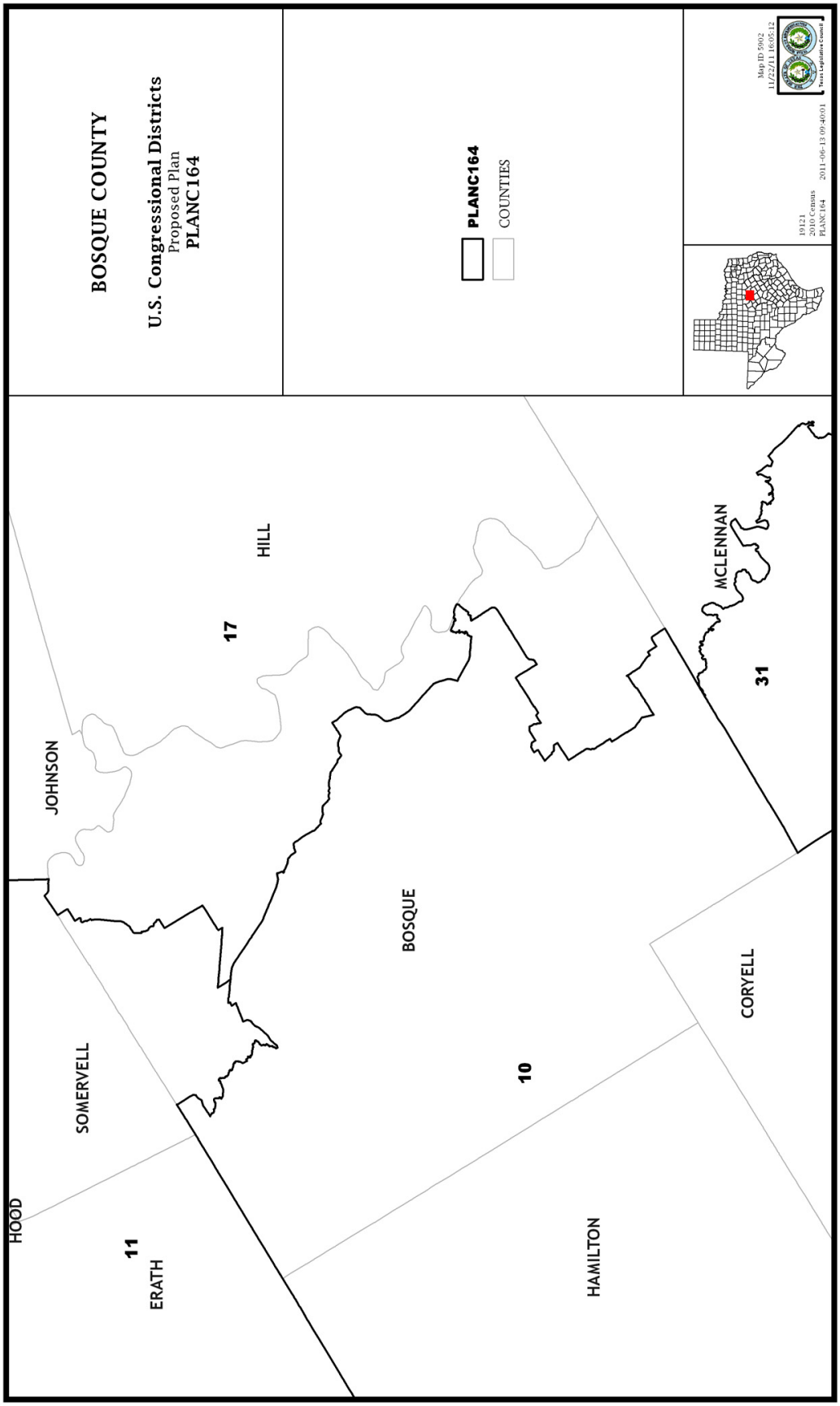
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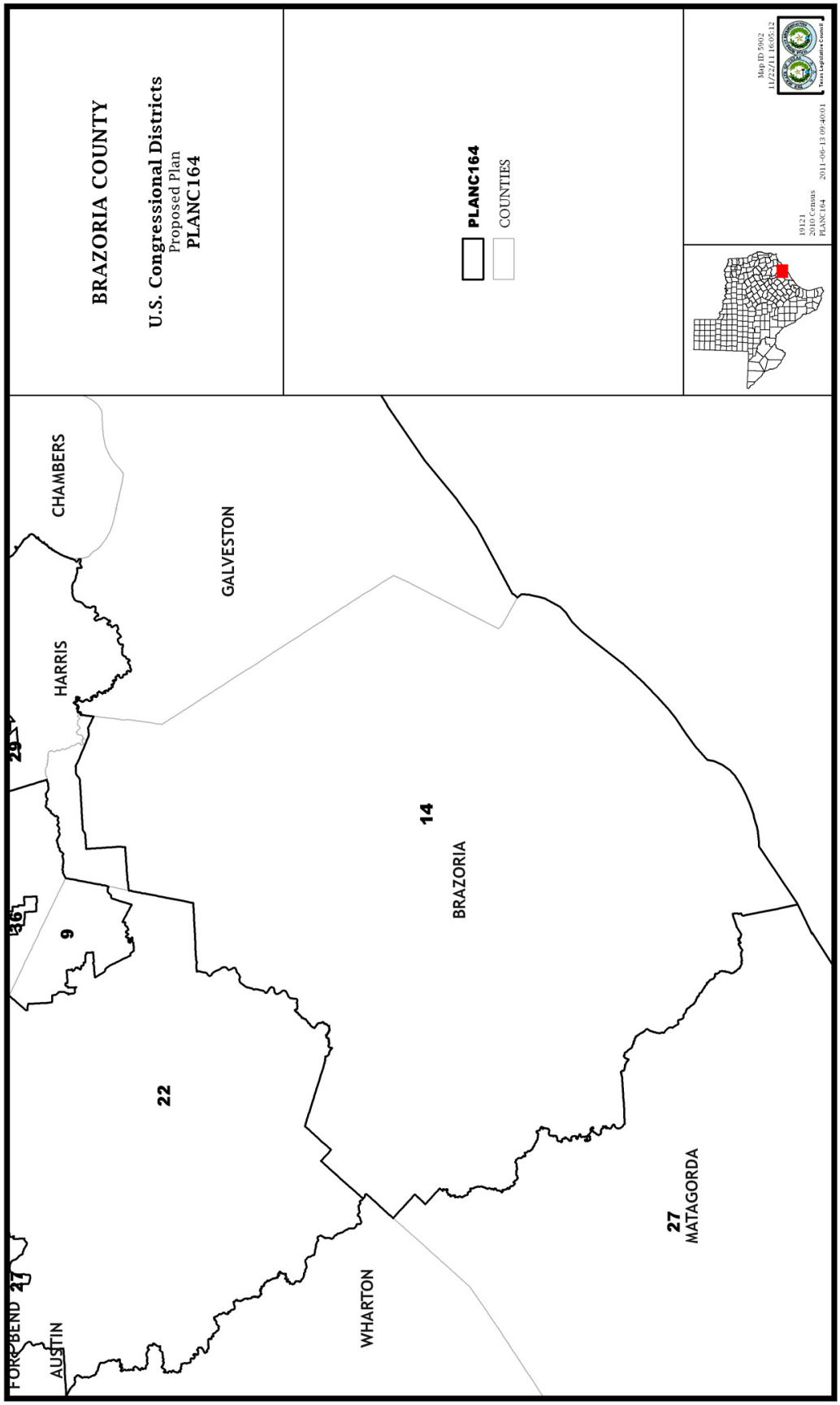
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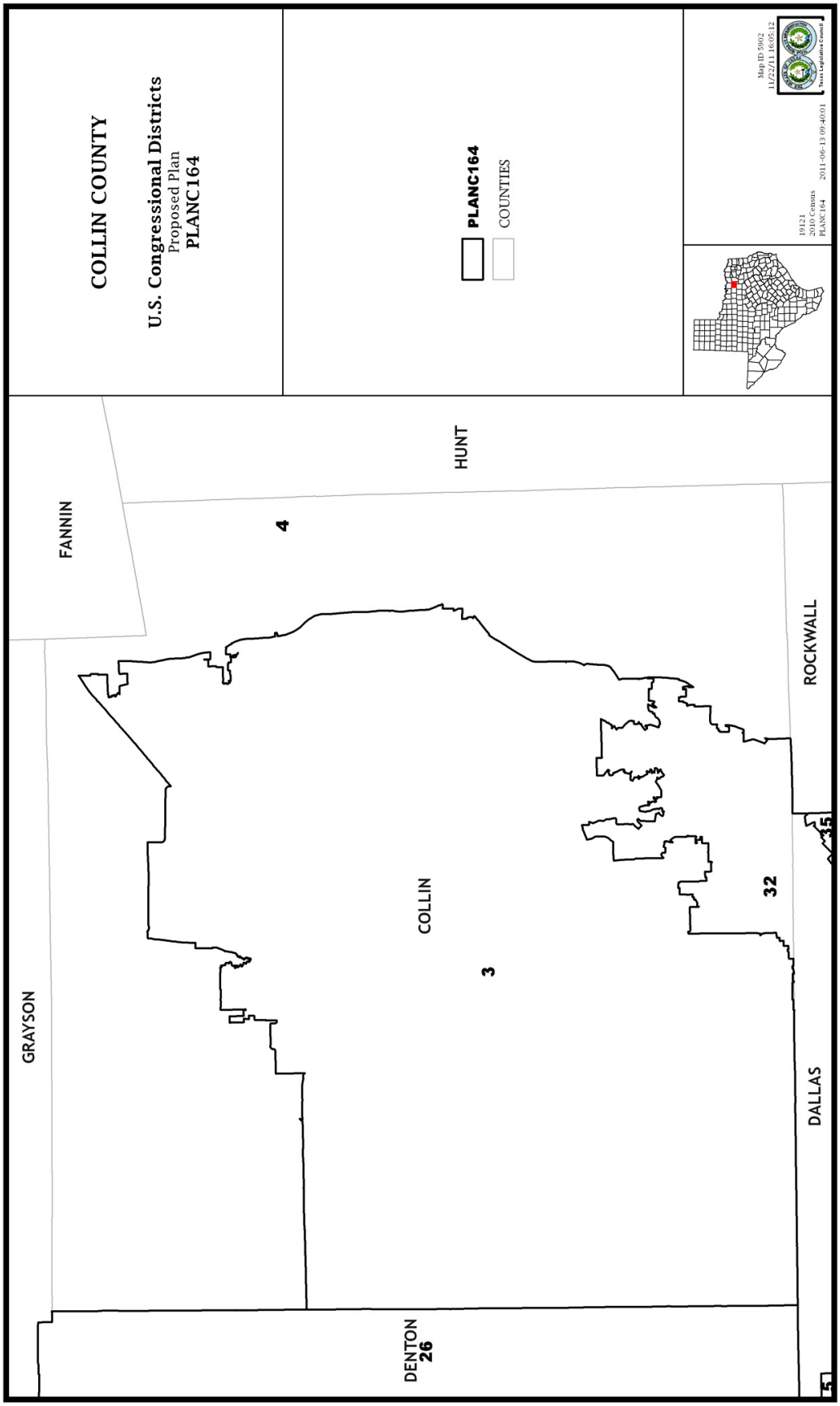
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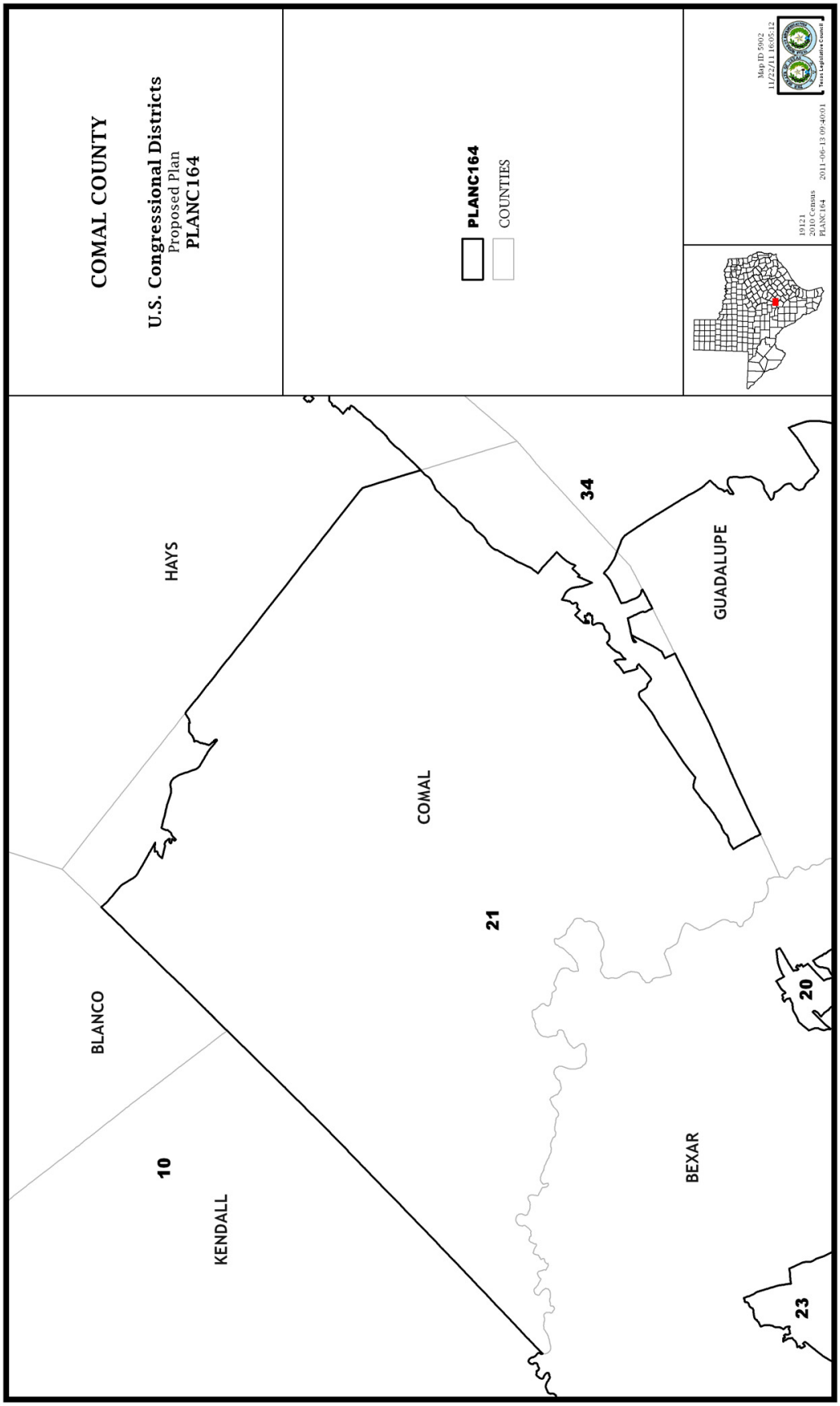
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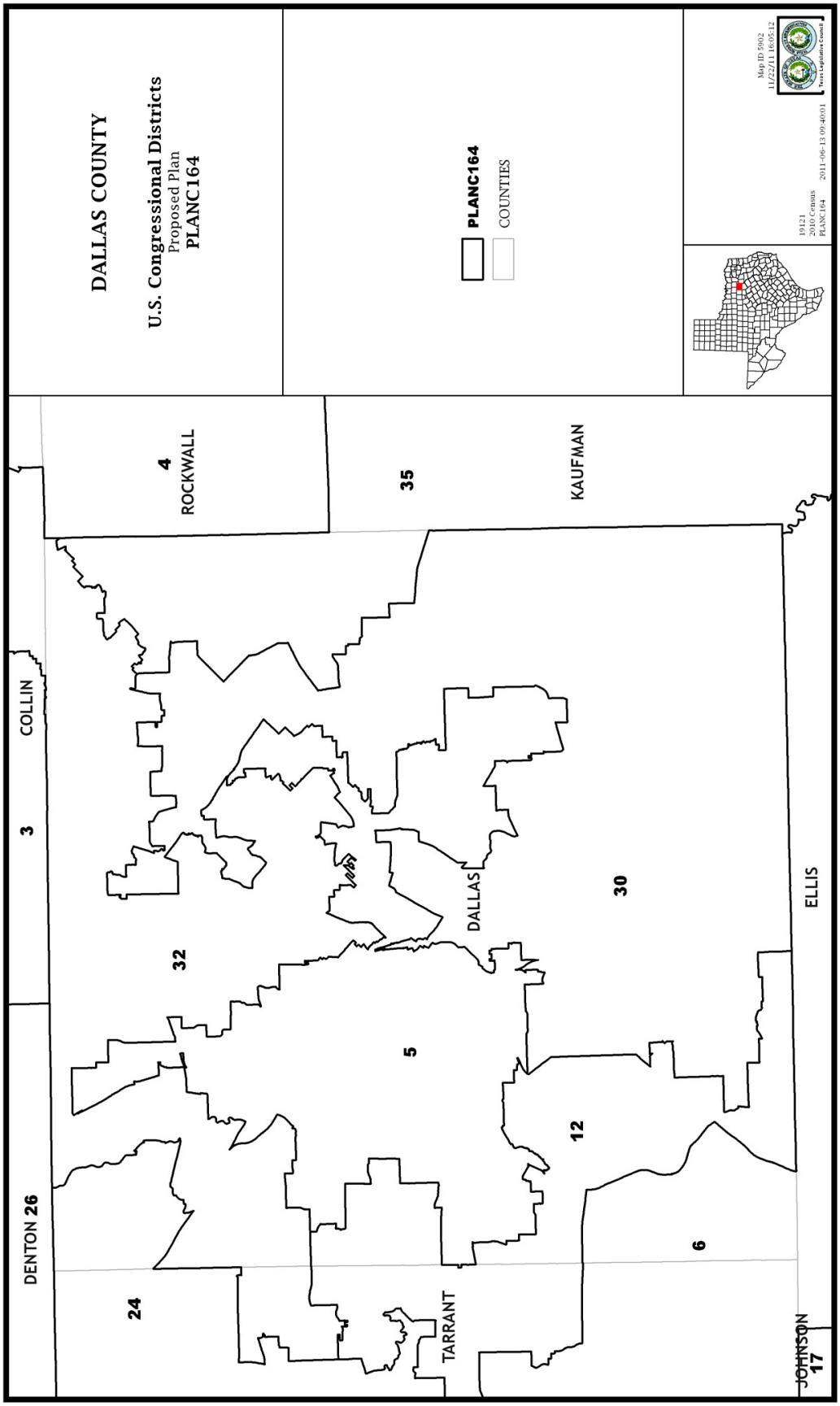
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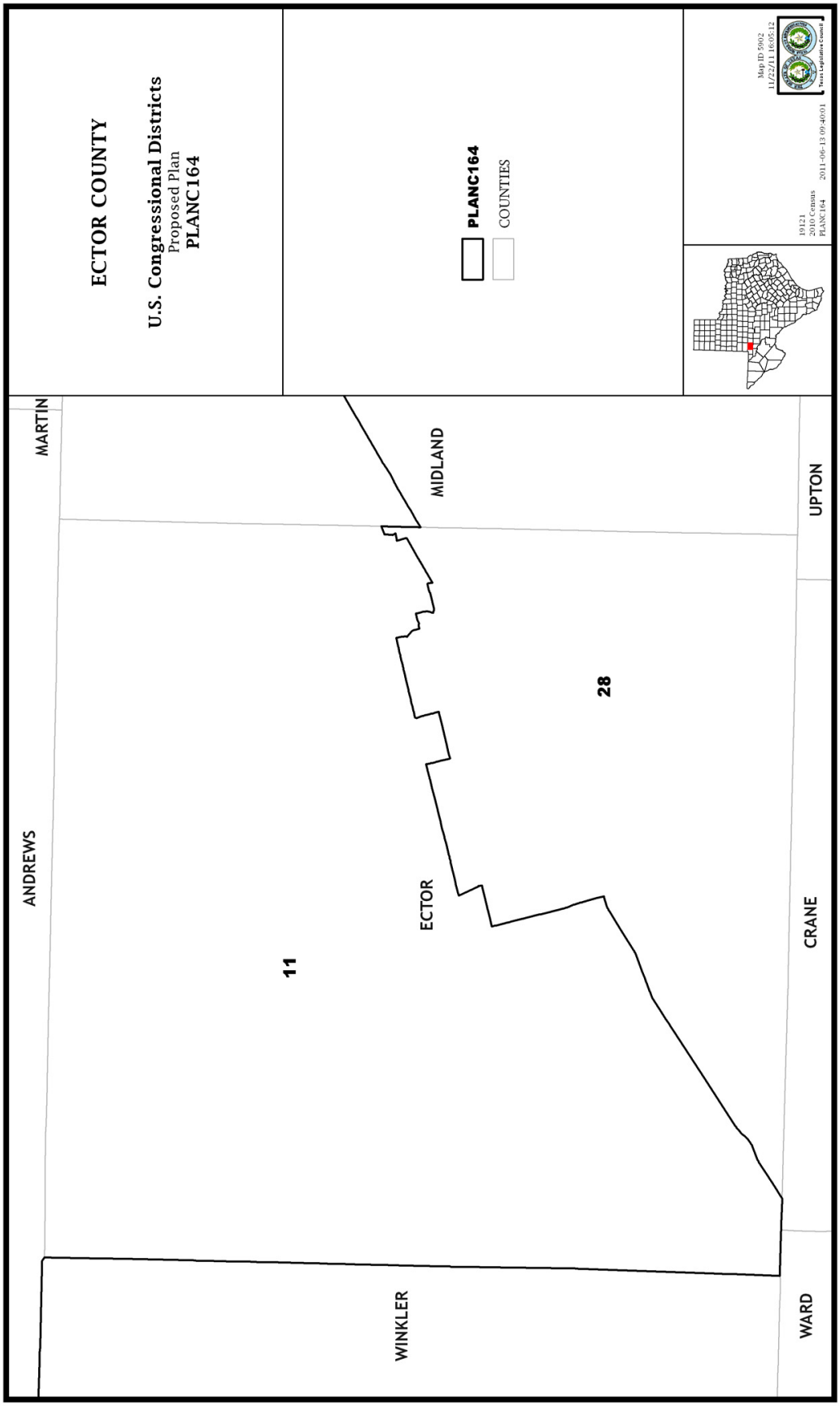
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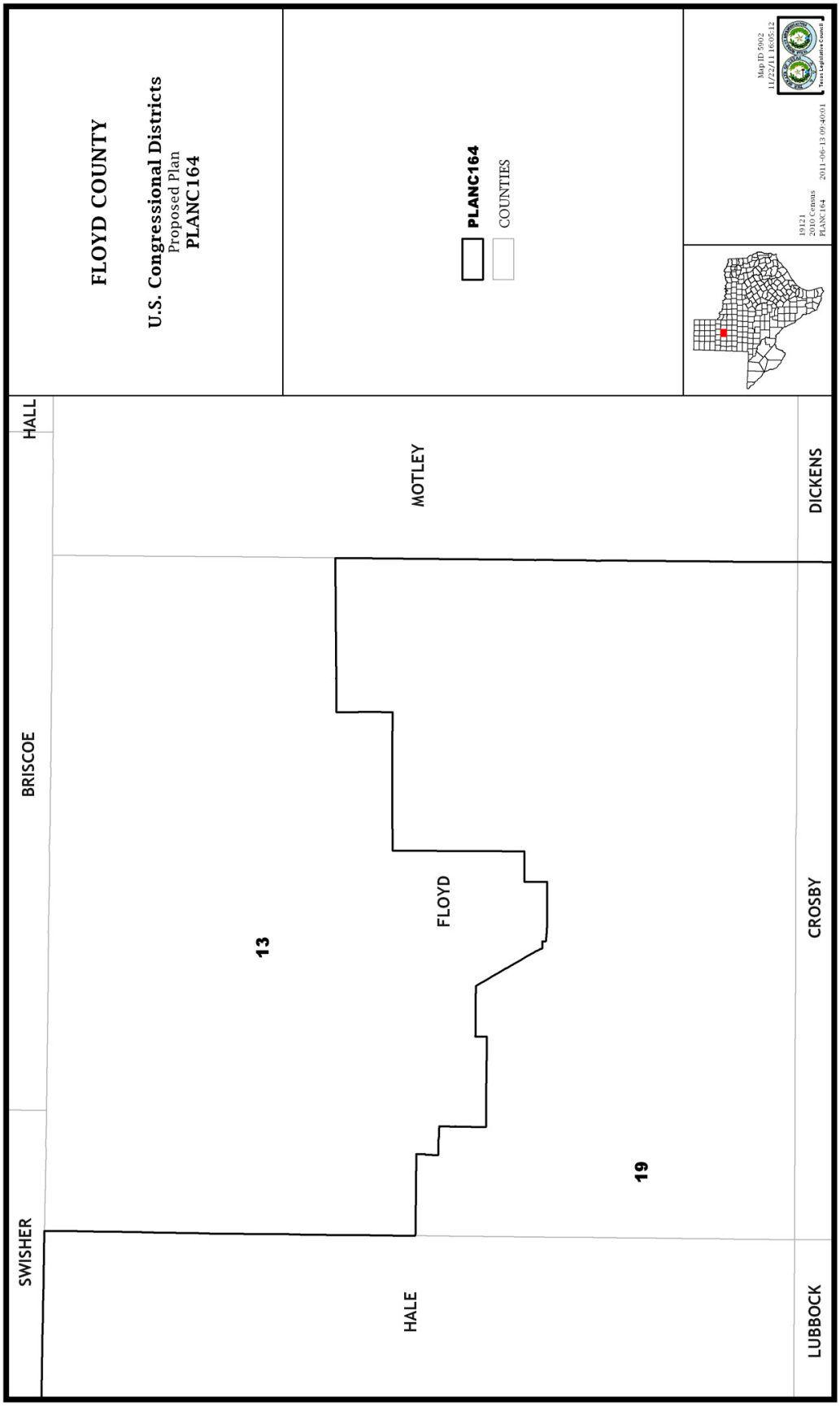
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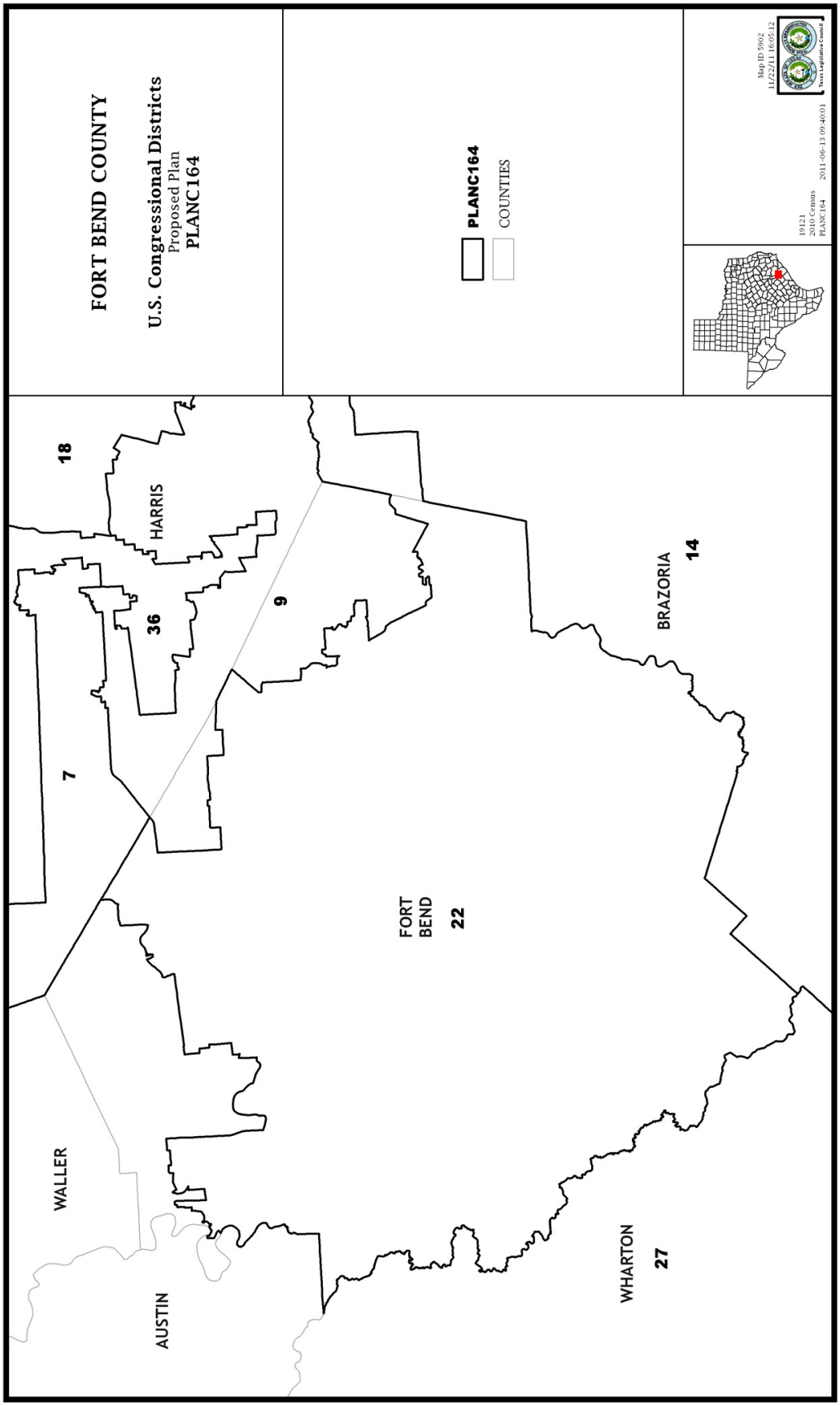
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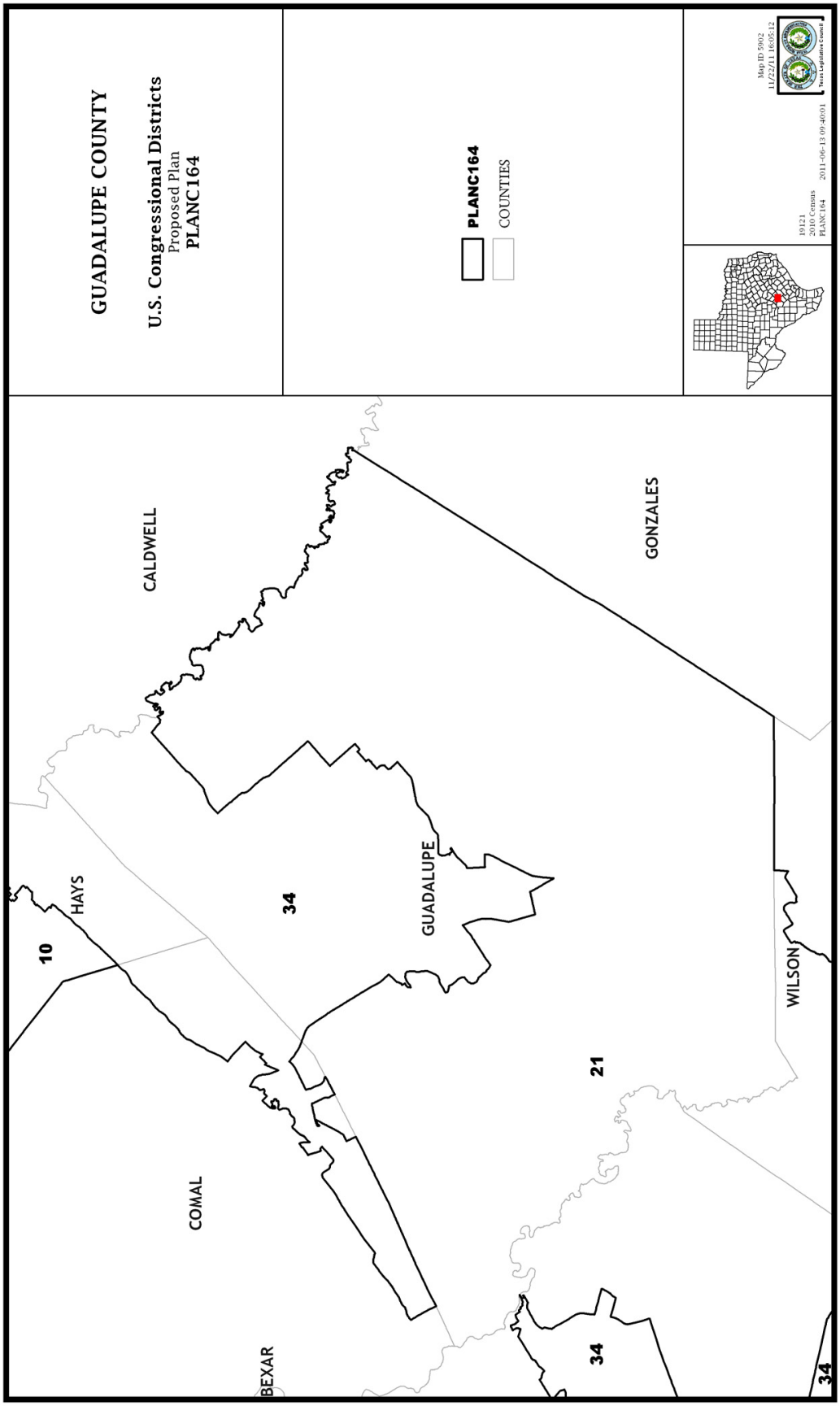
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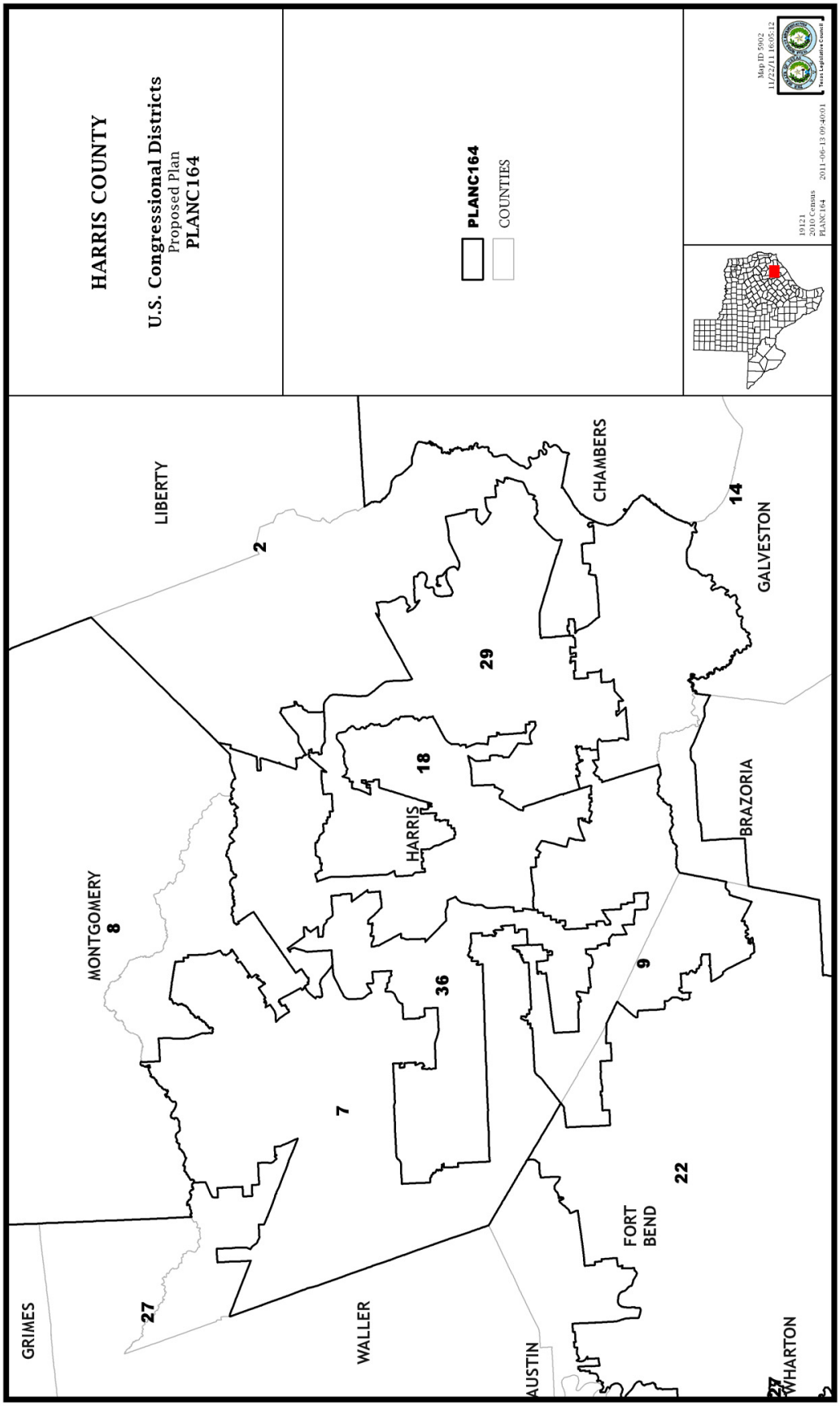
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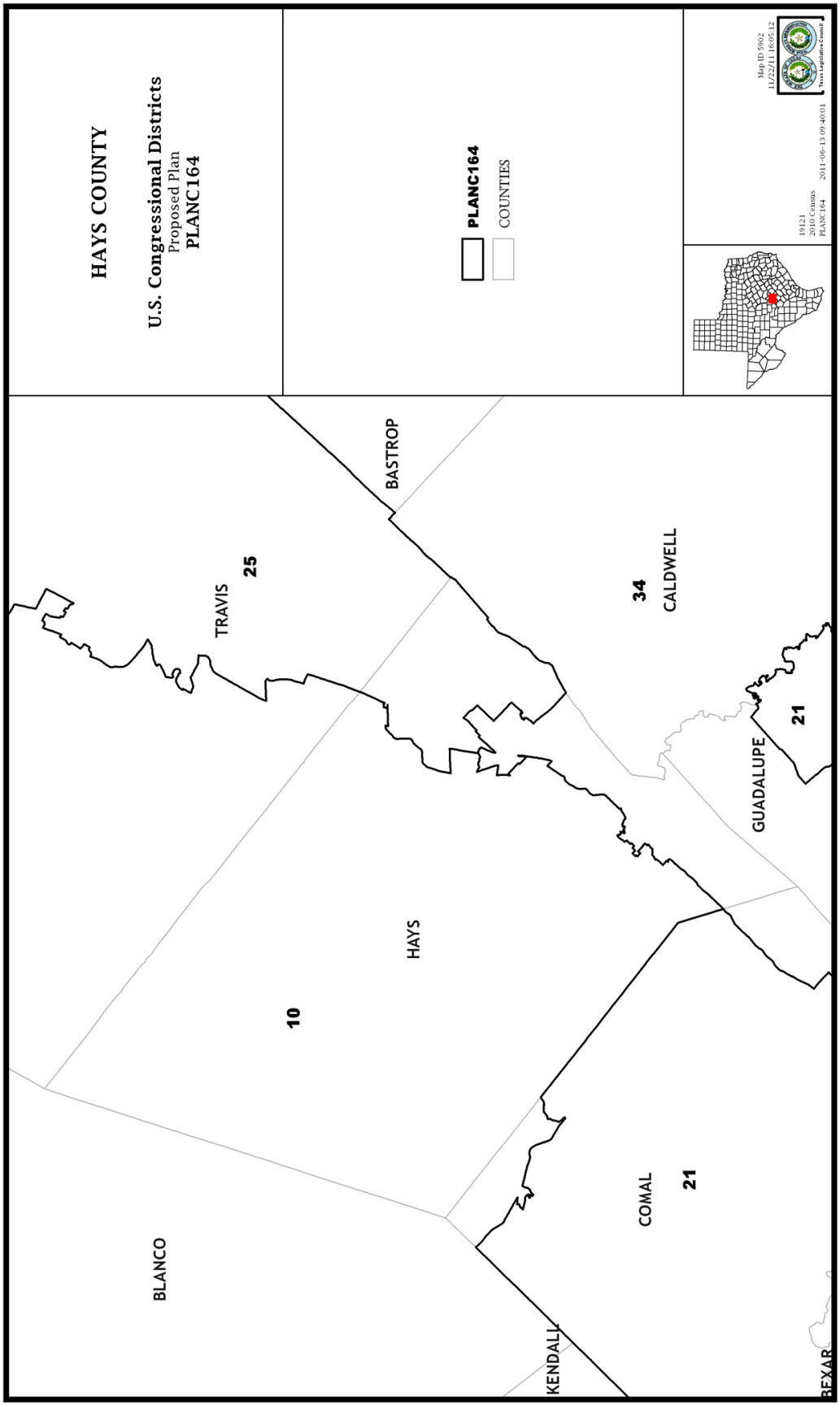
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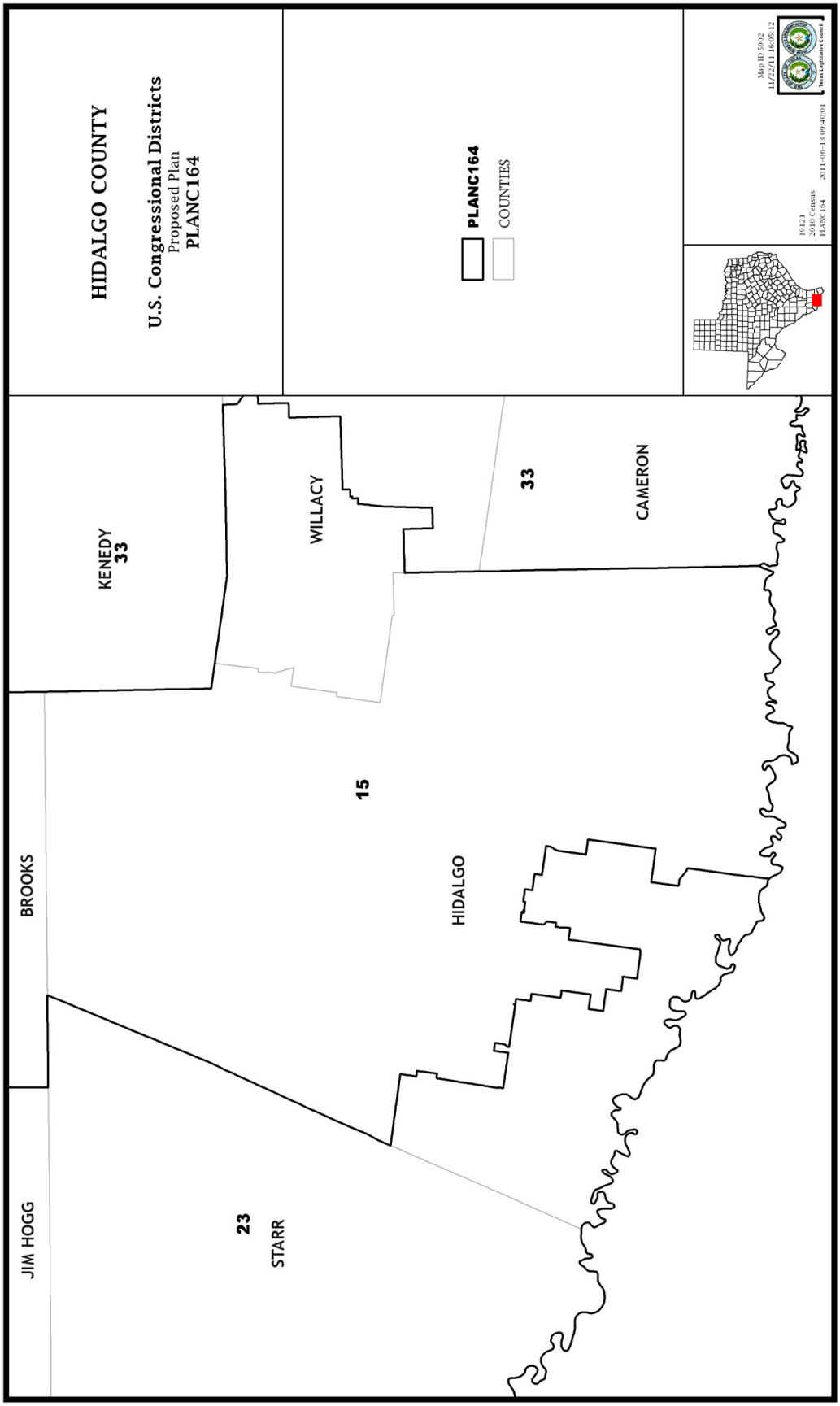
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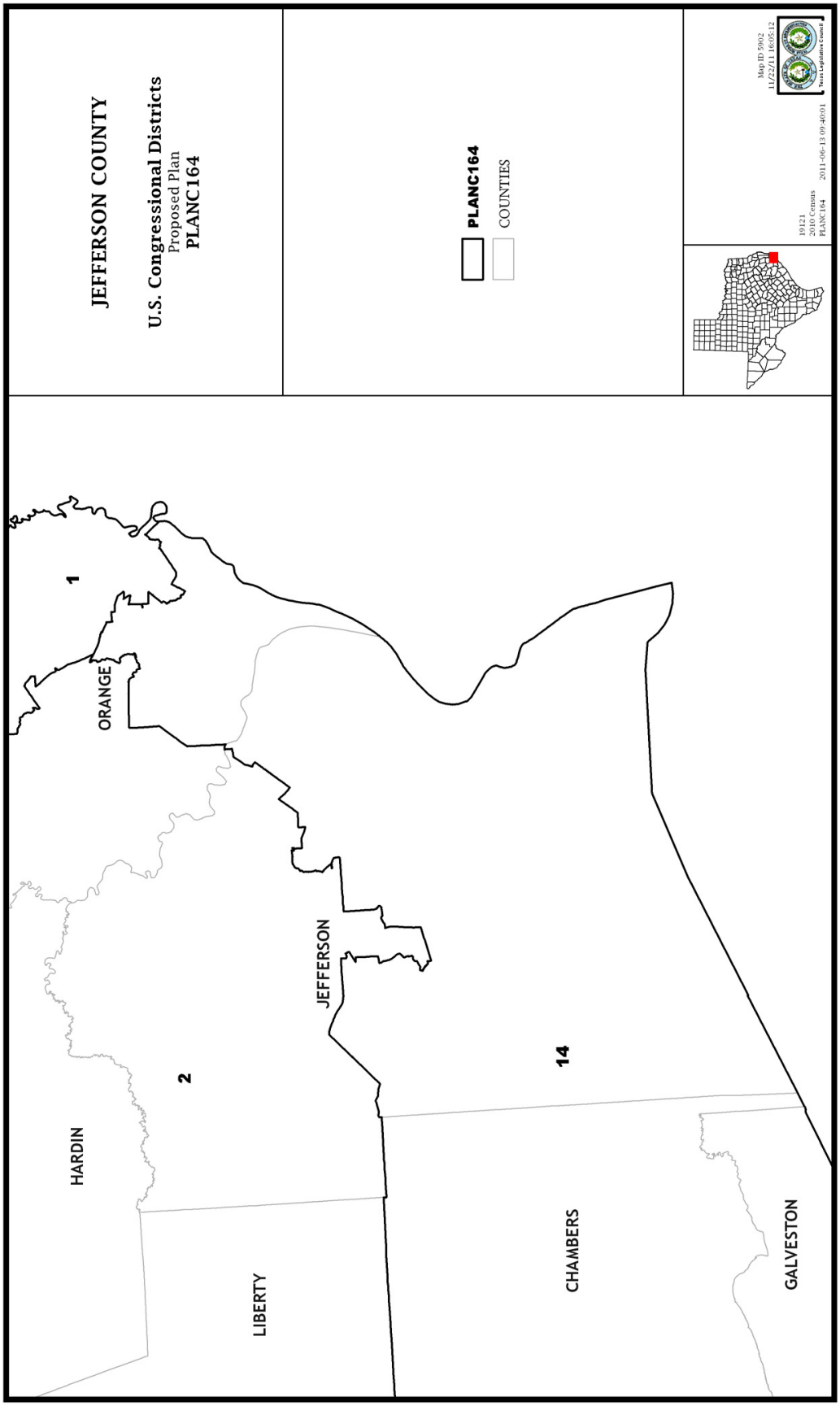
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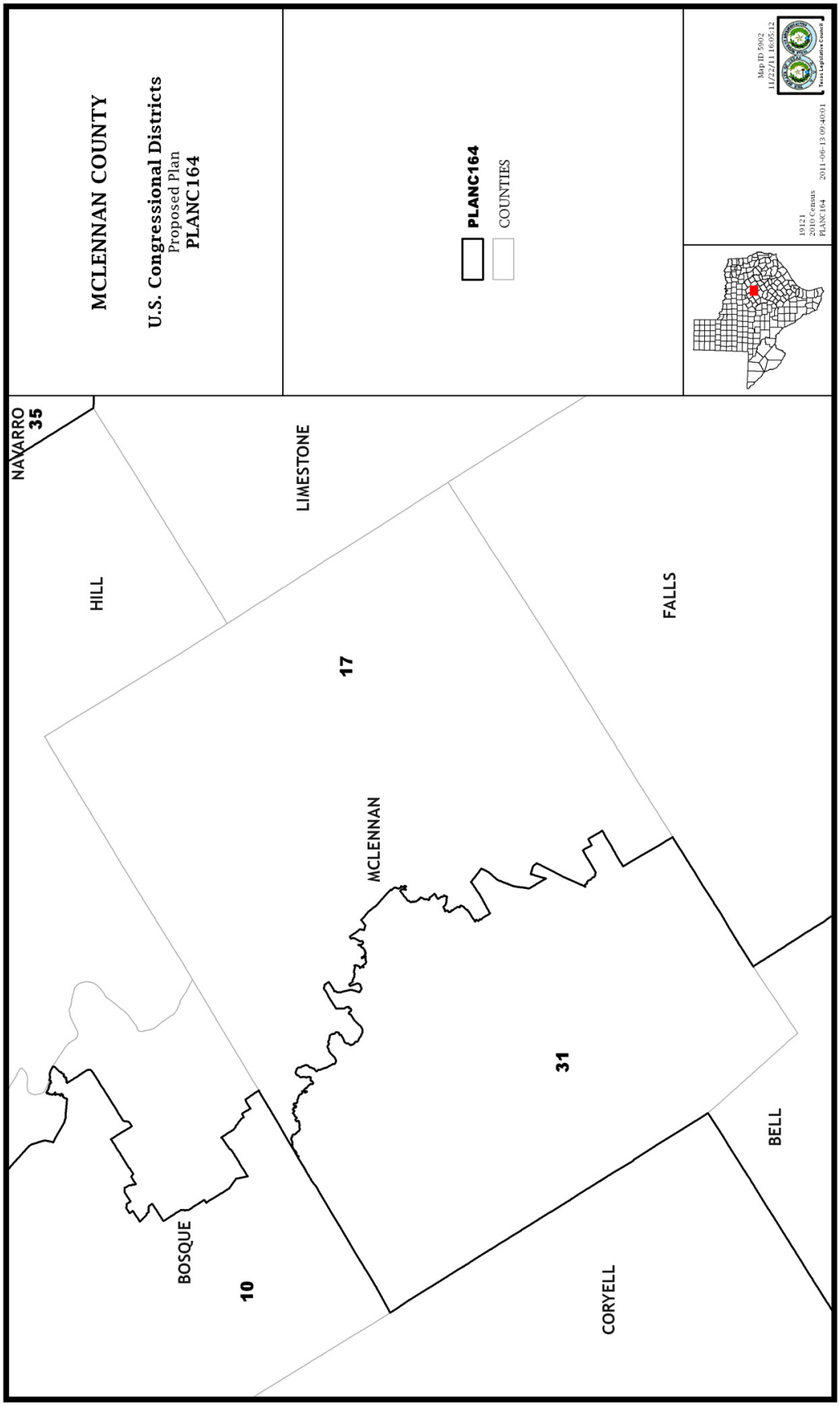
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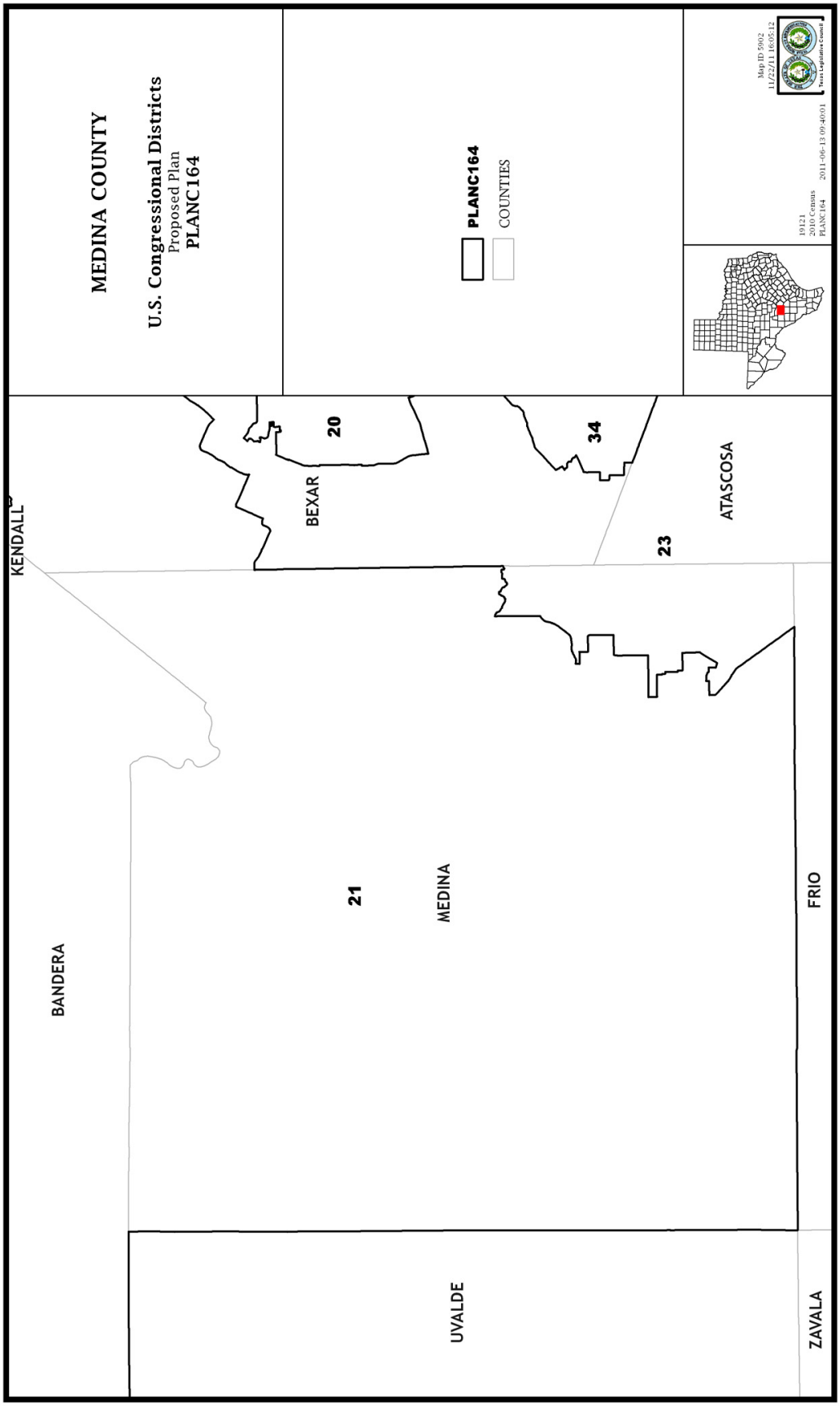
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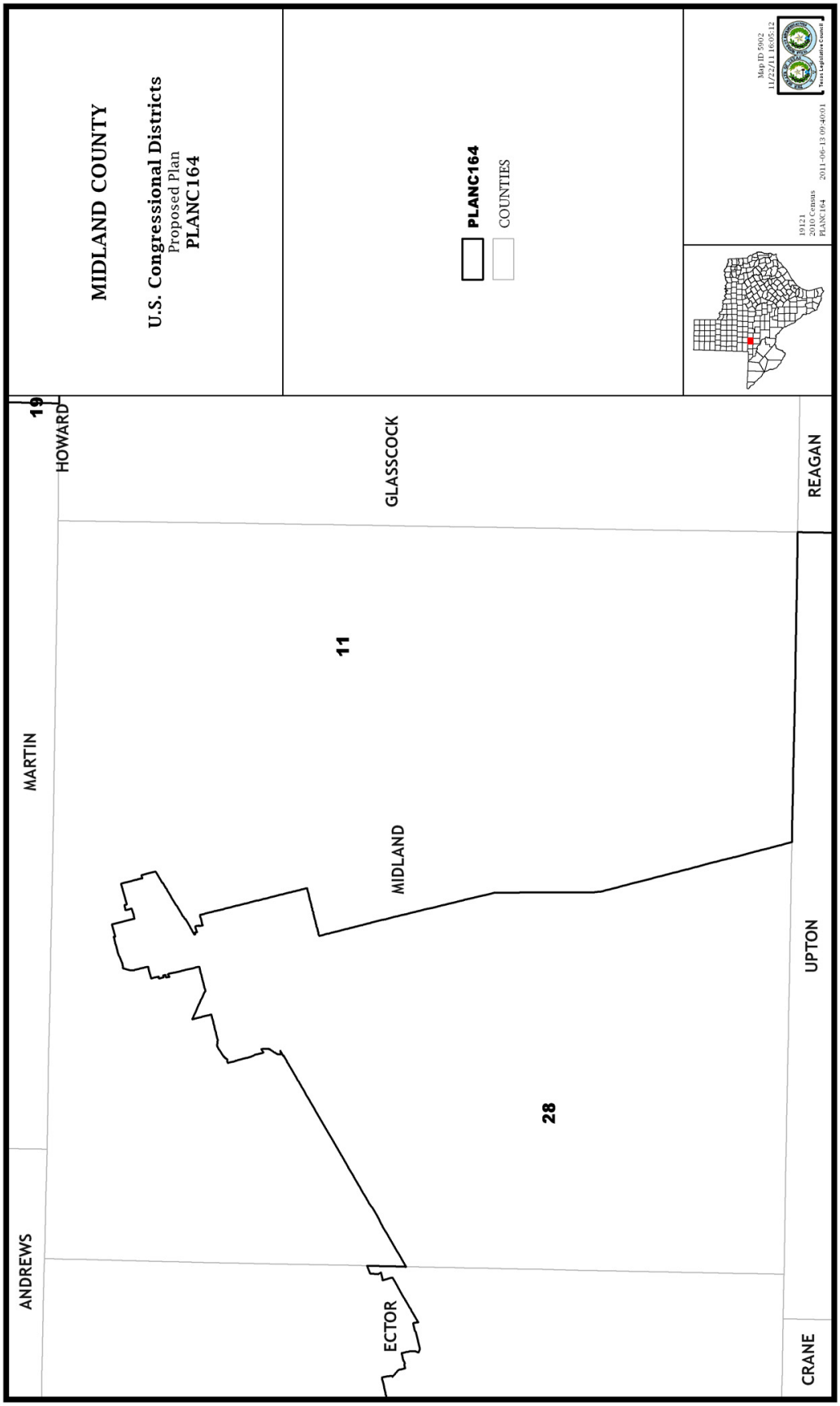
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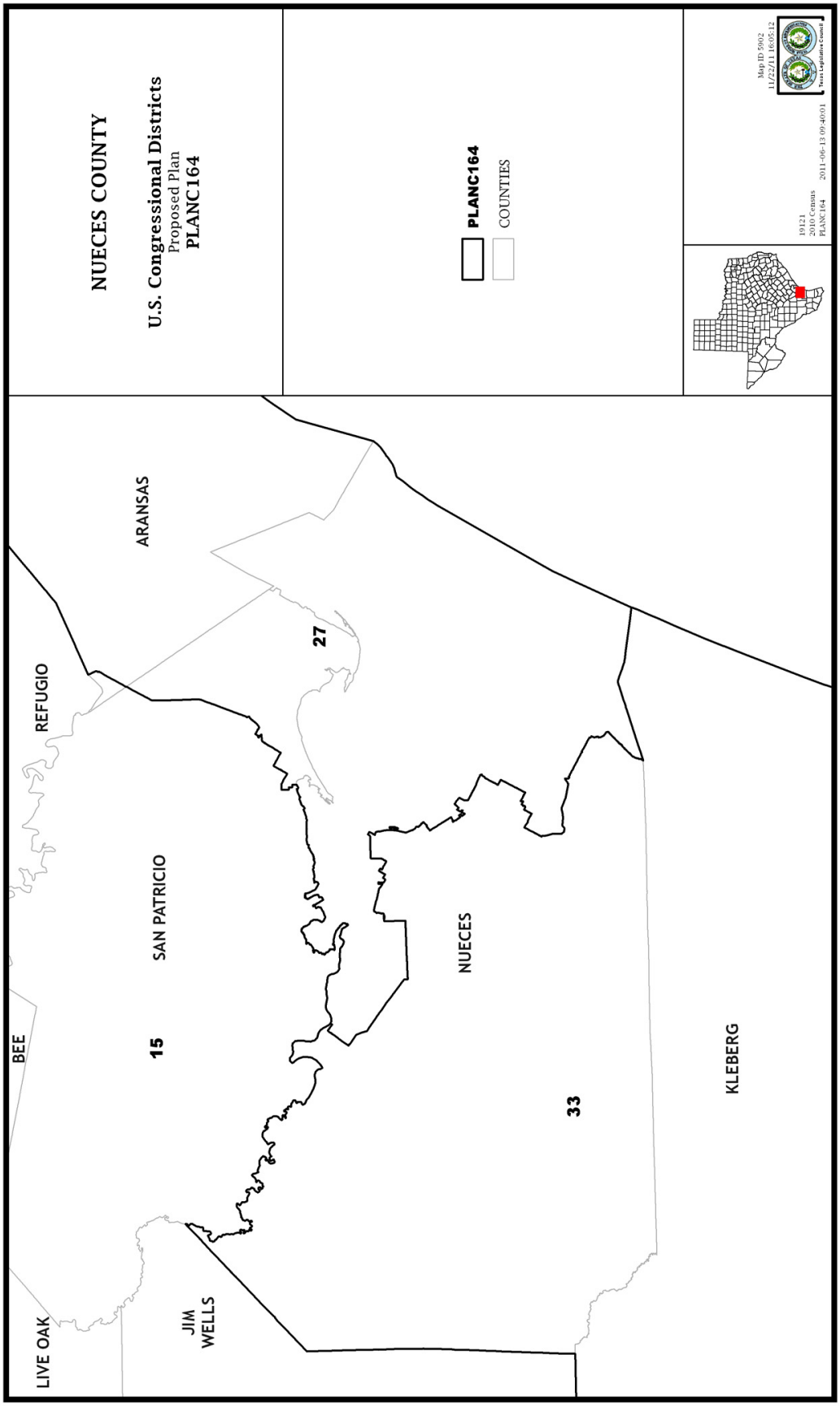
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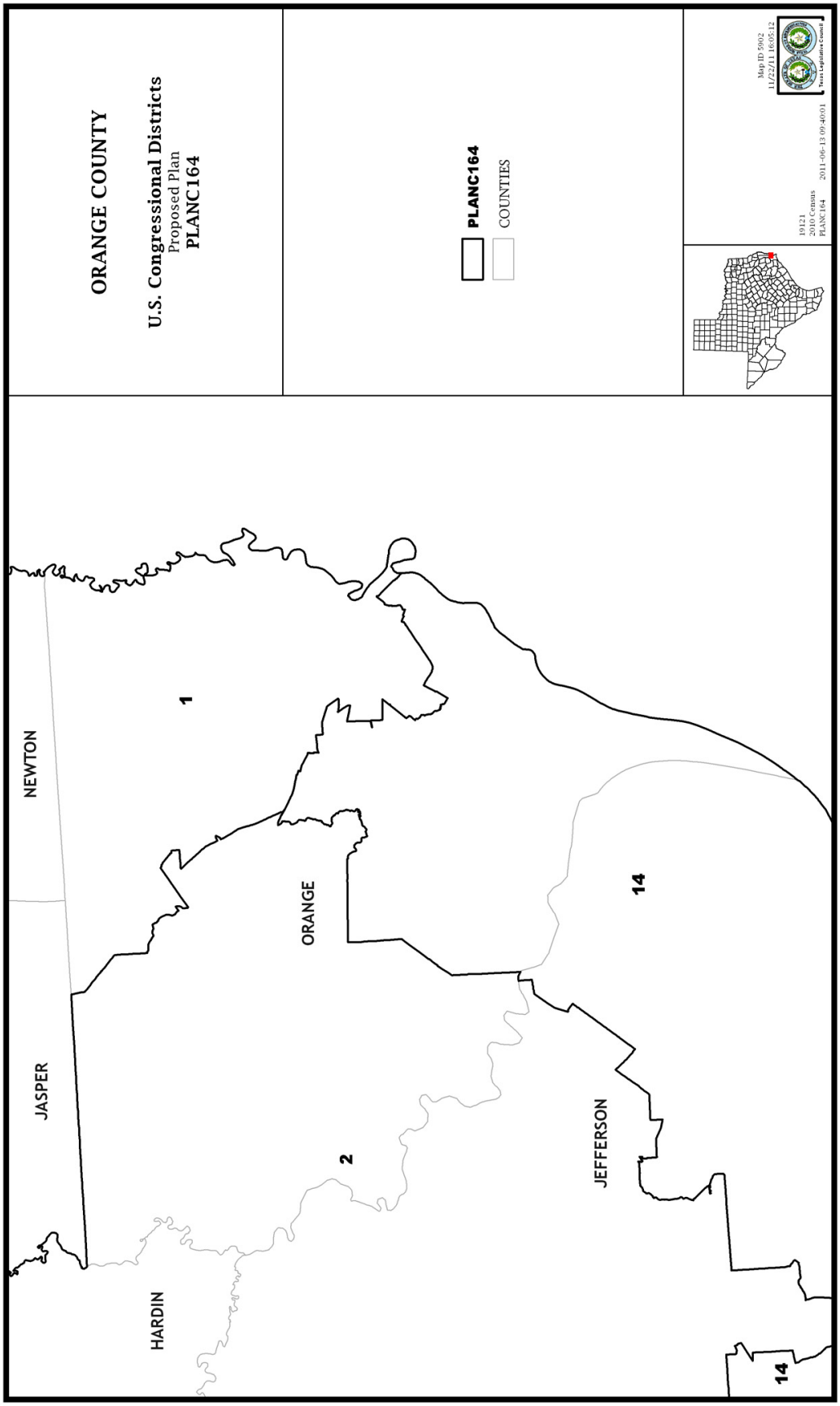
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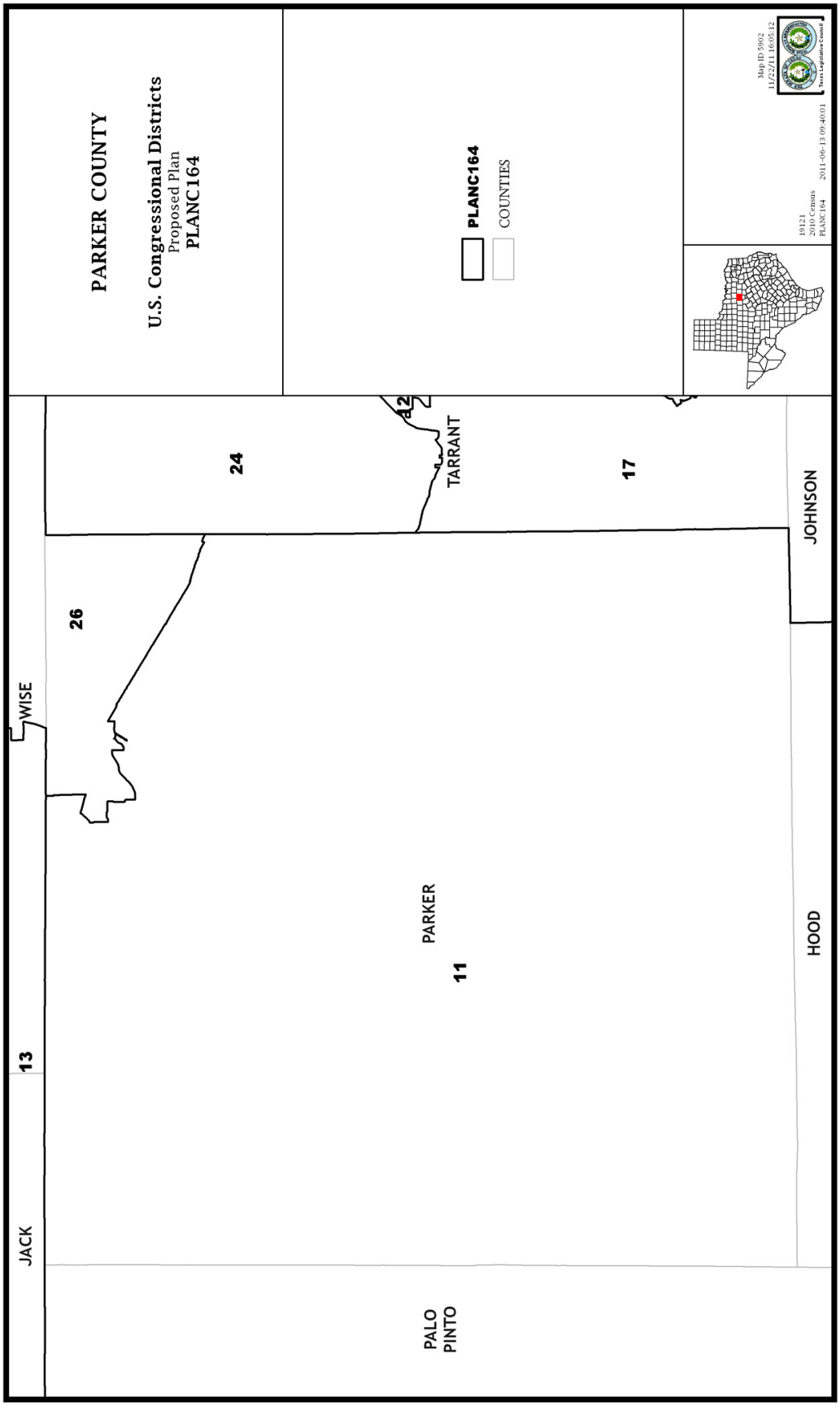
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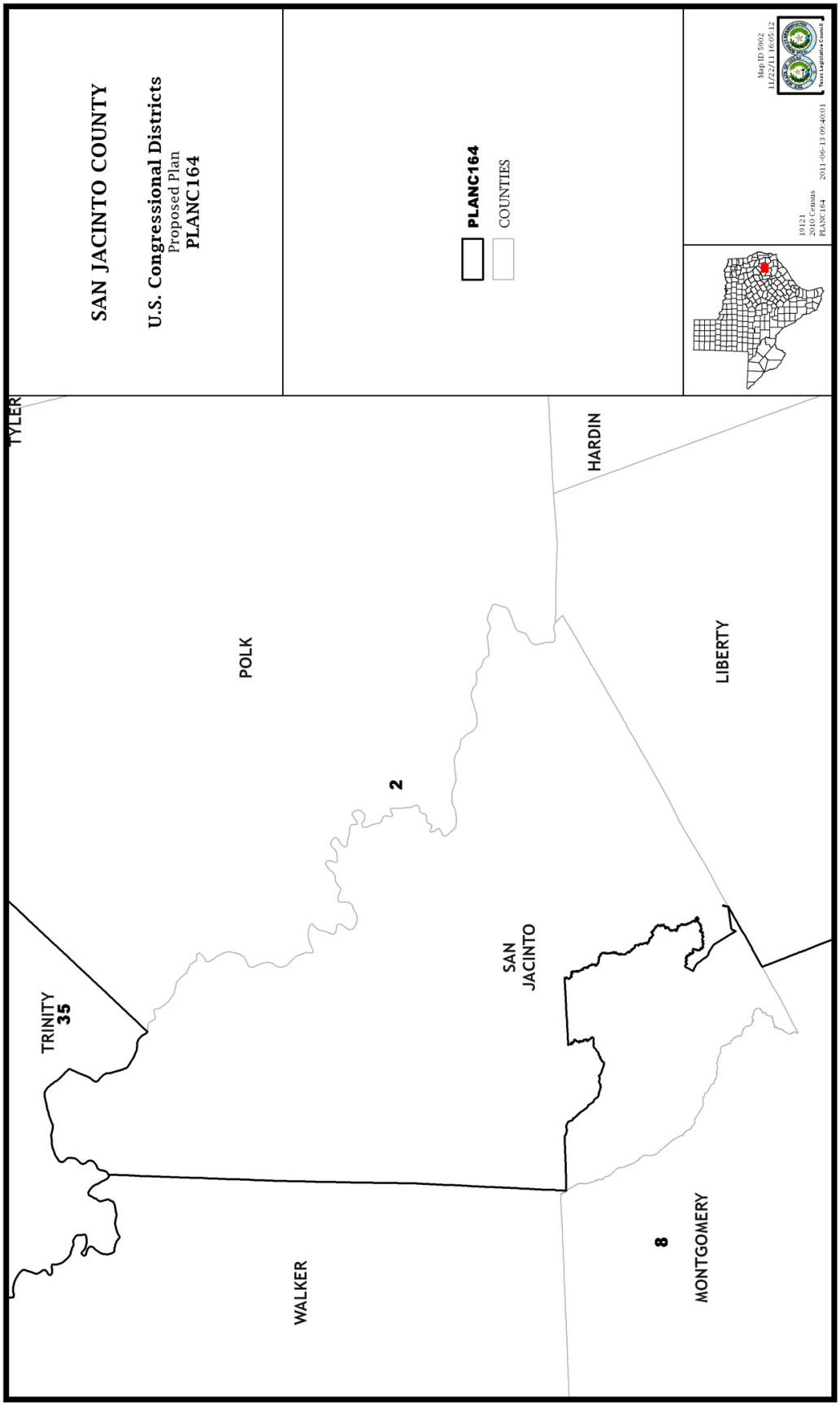
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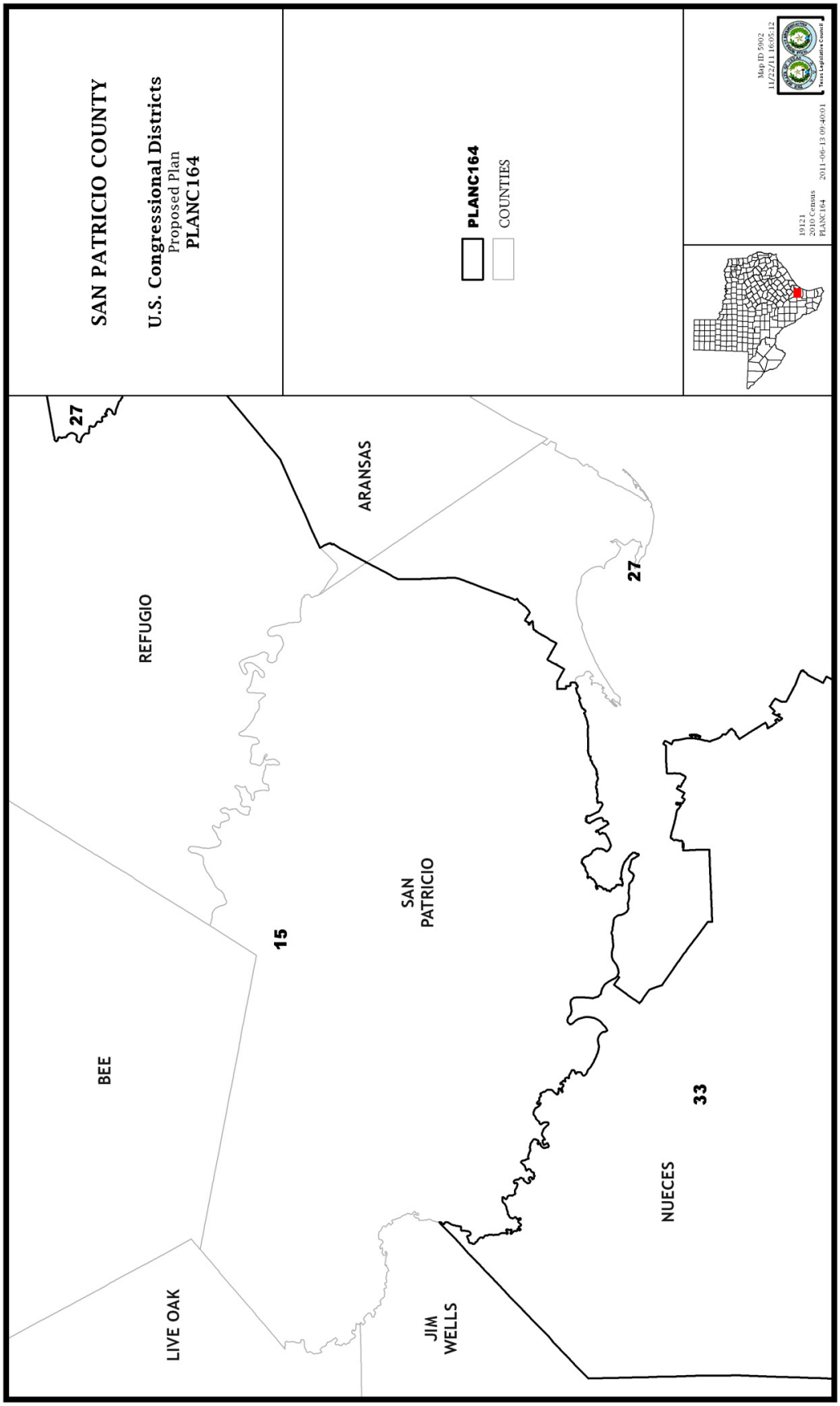
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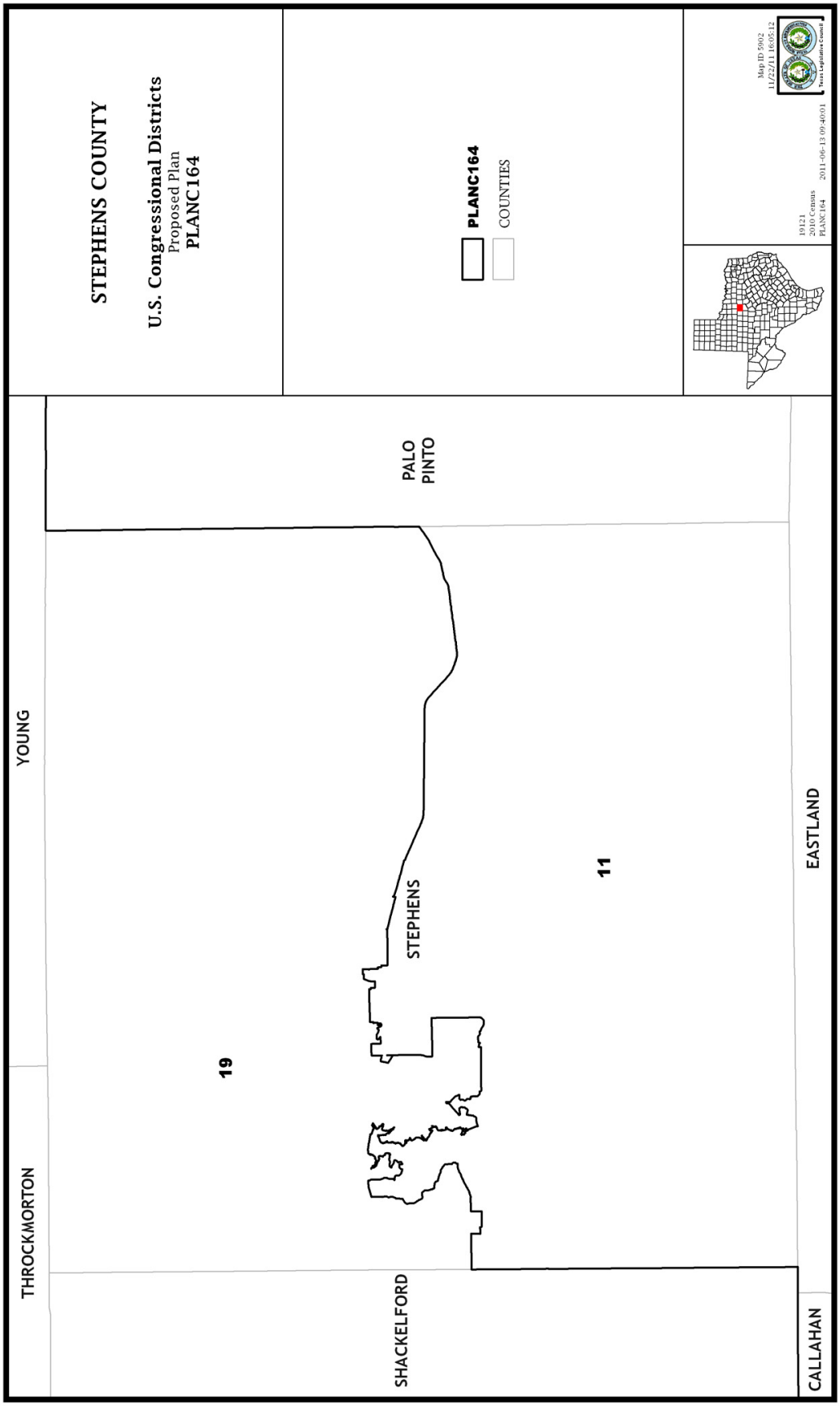
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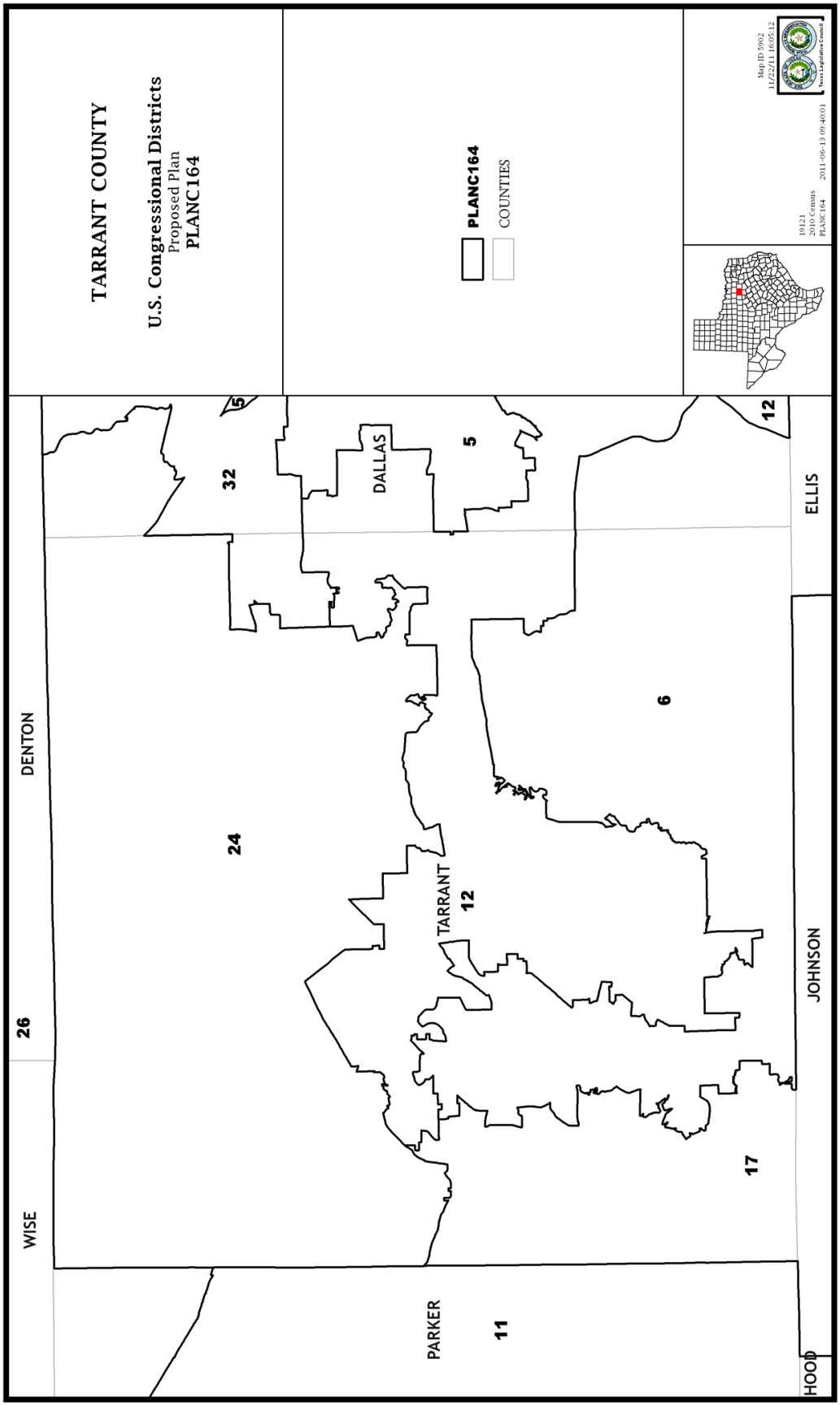
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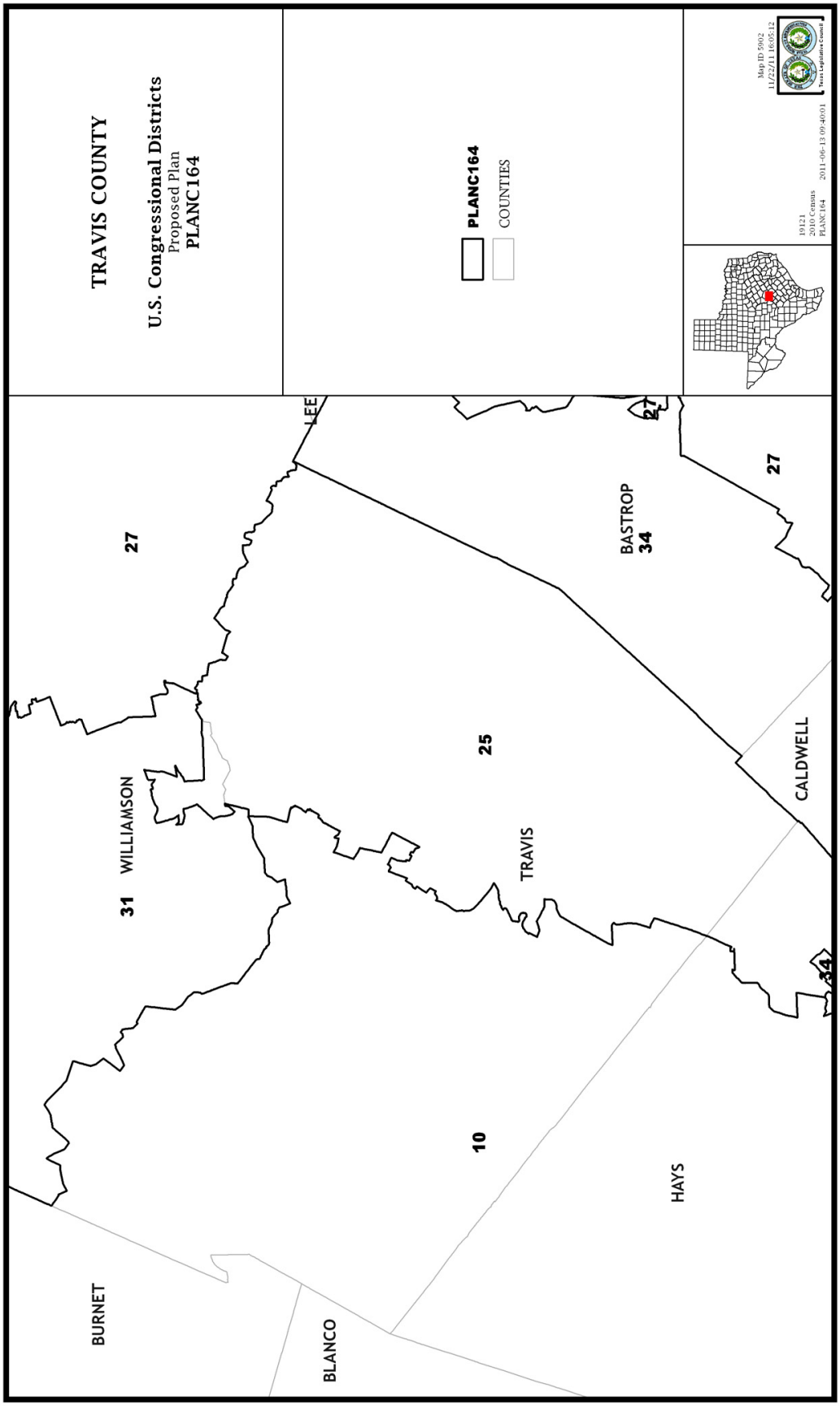
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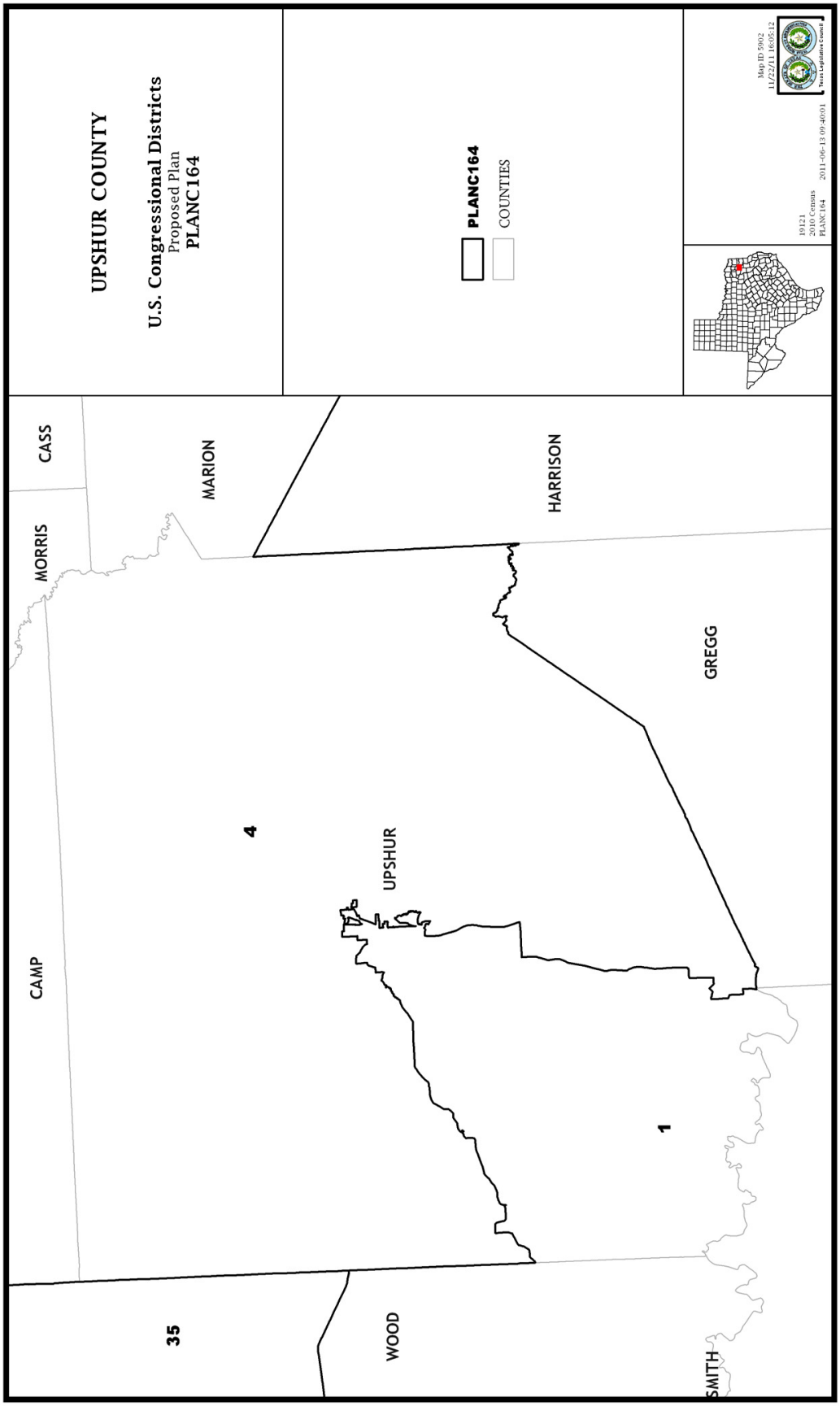
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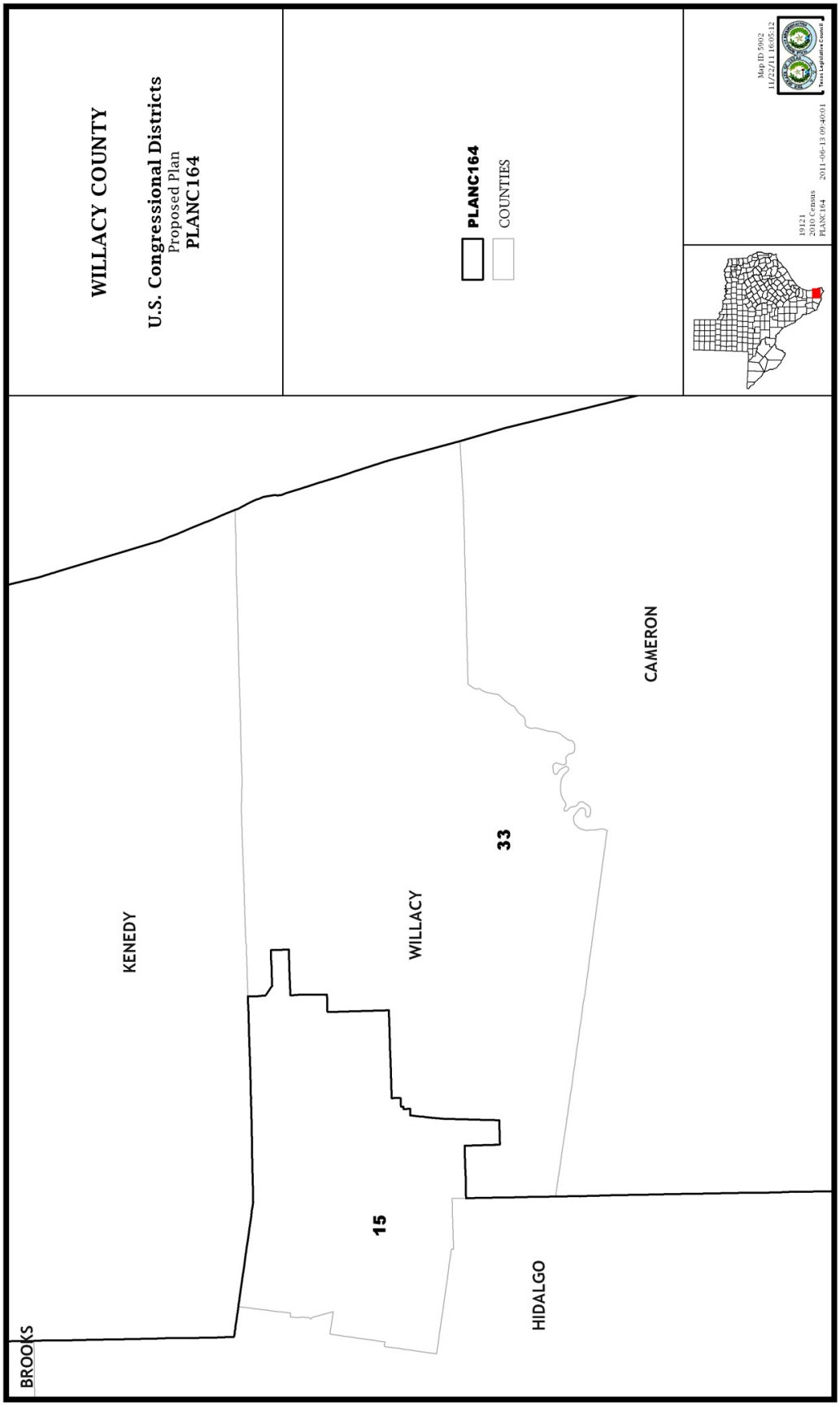
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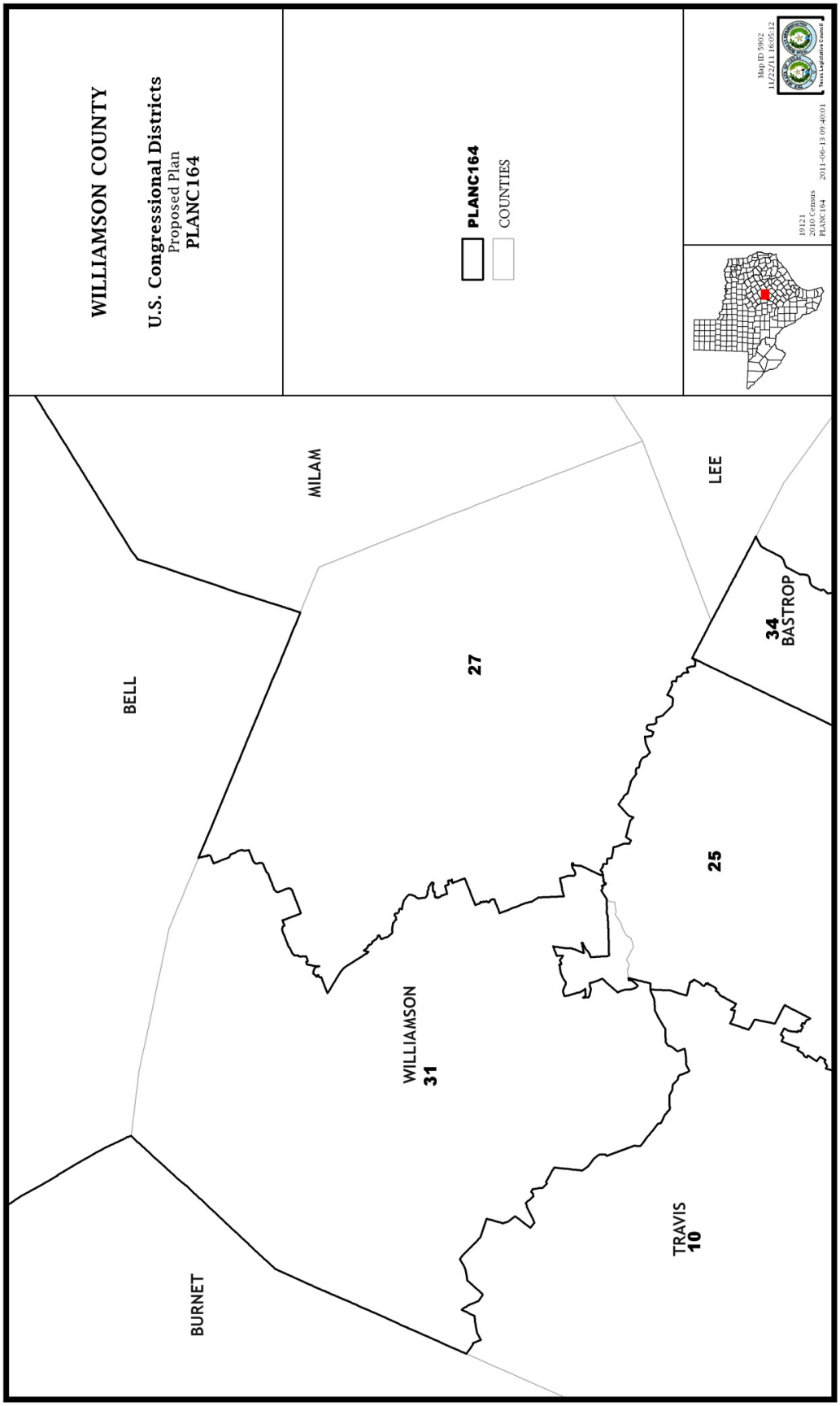
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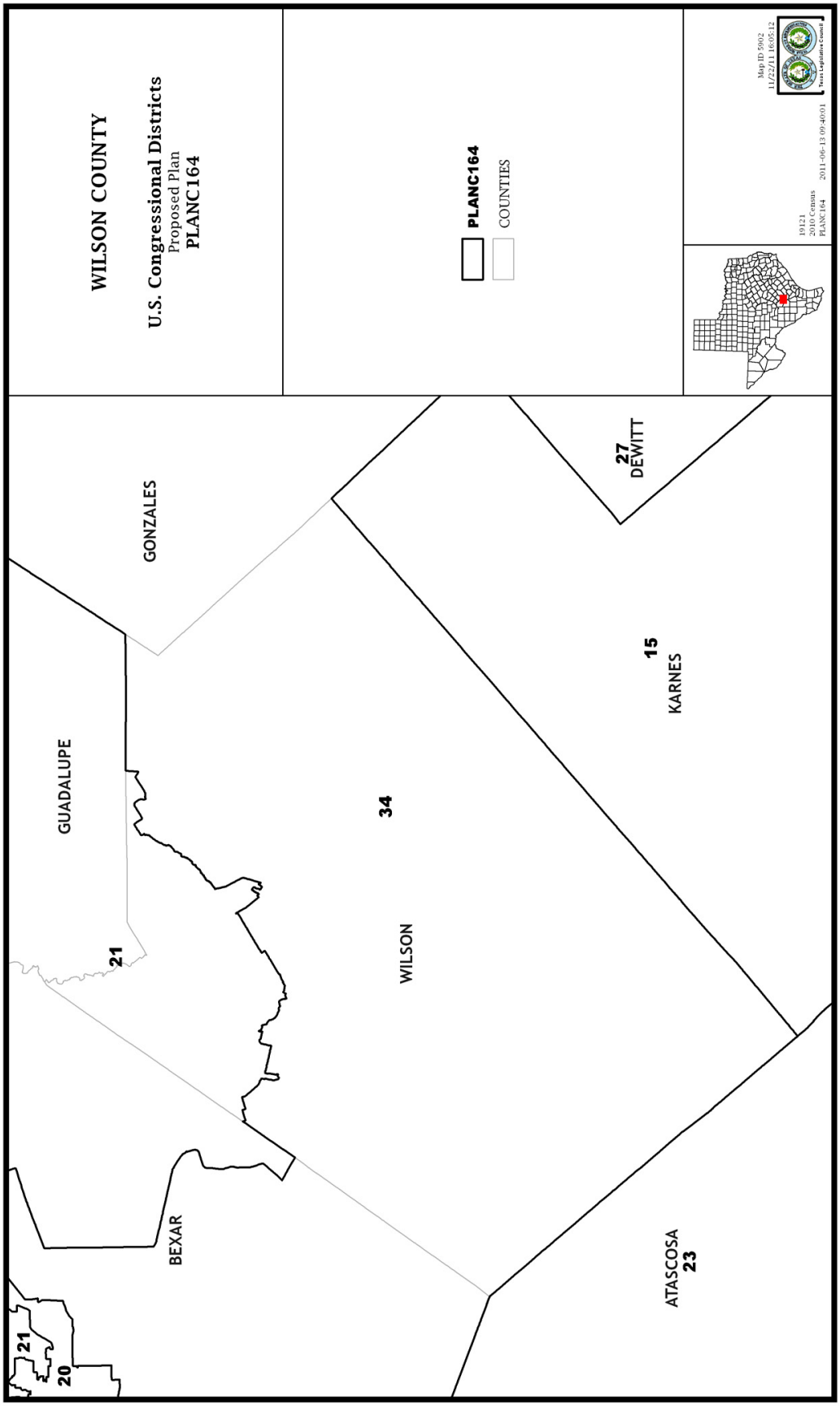
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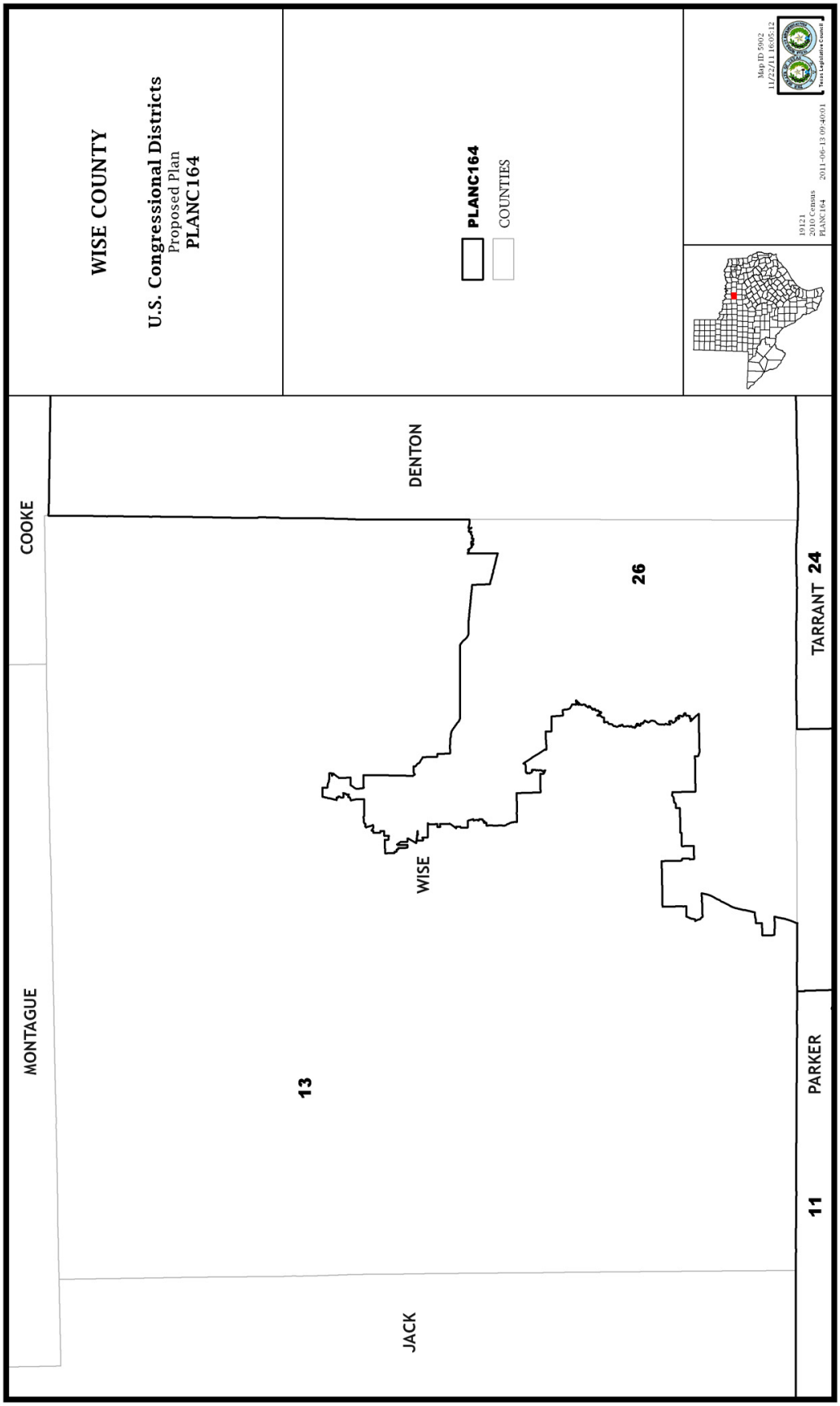
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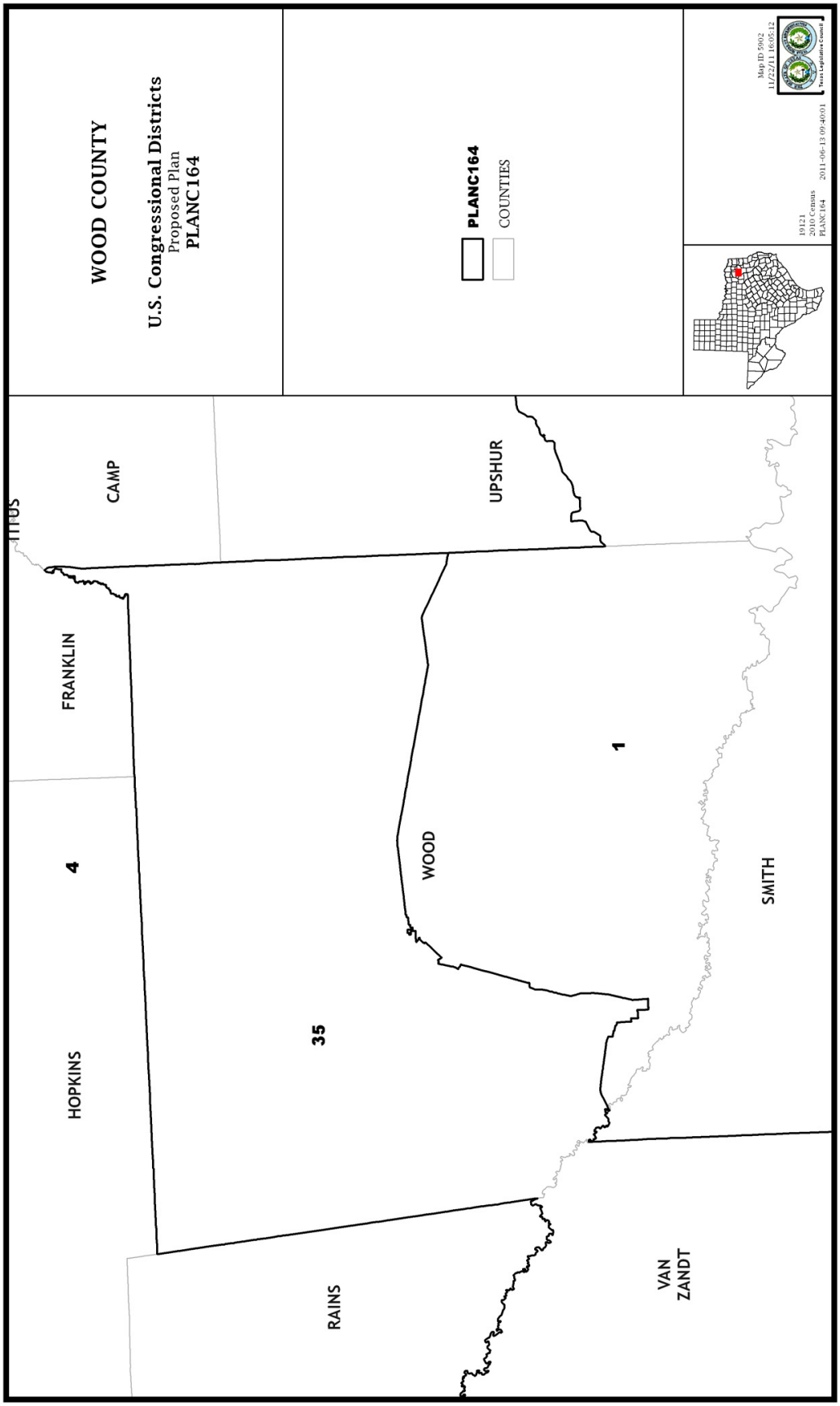
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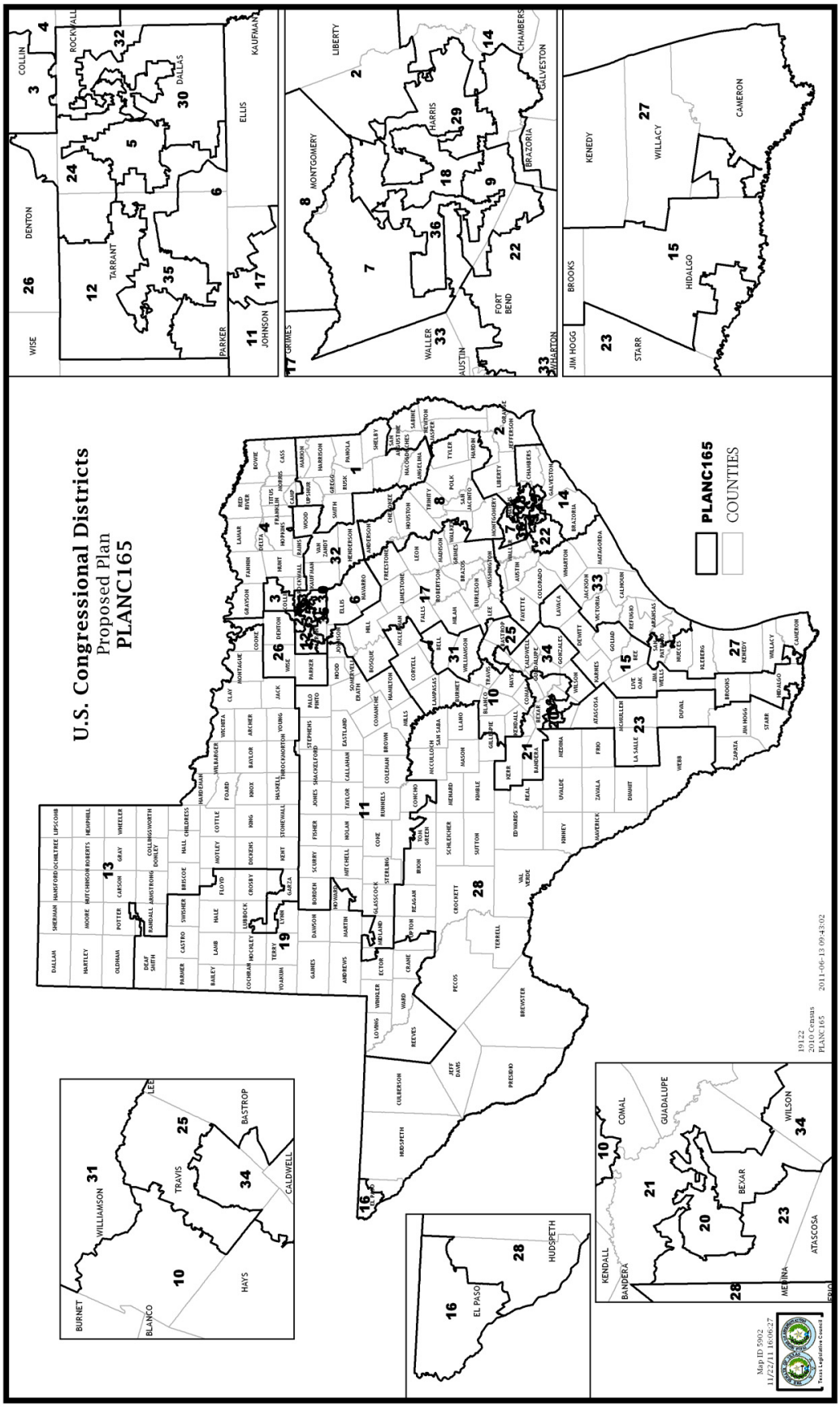
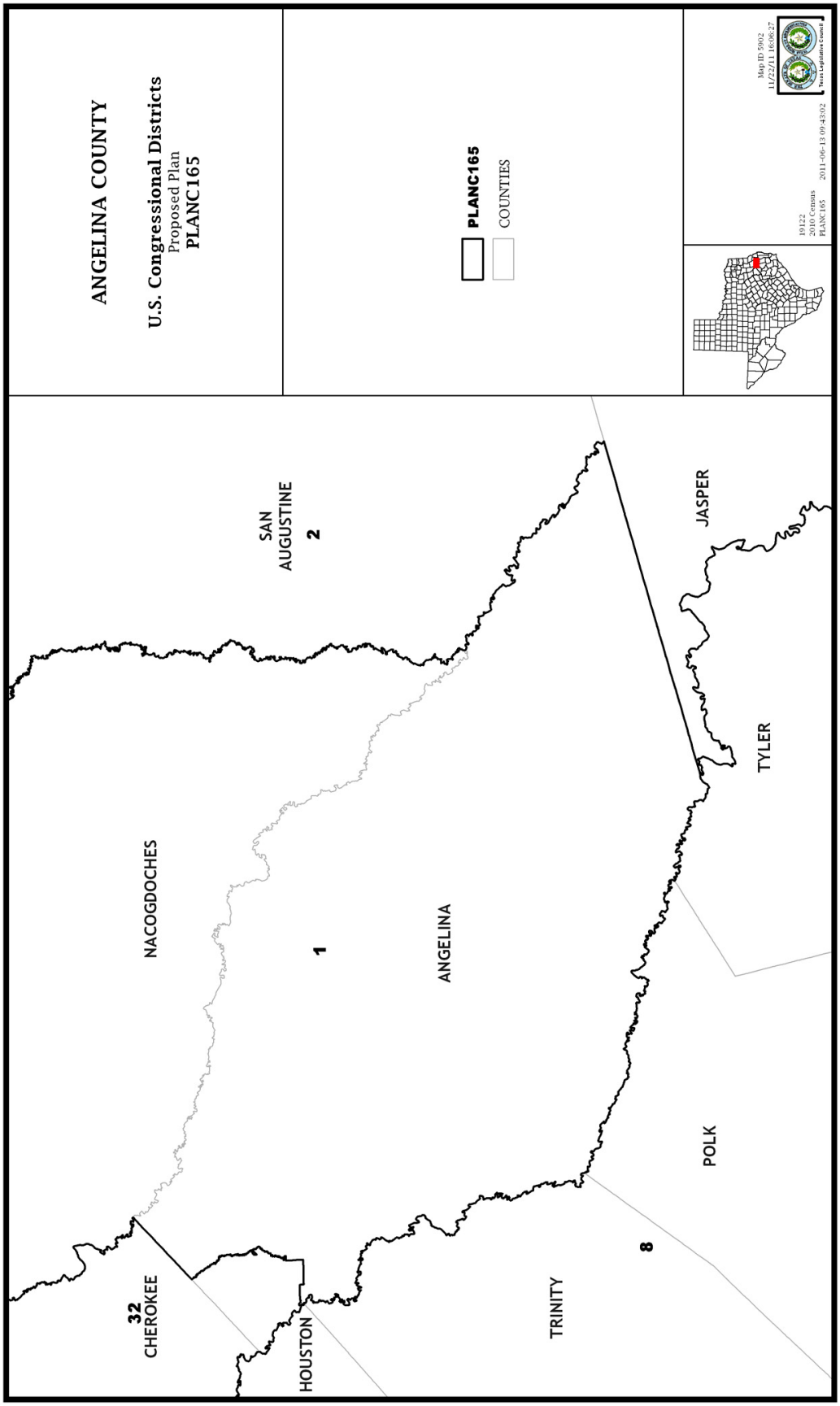
Amendment No. 16 (by Martinez Fischer)

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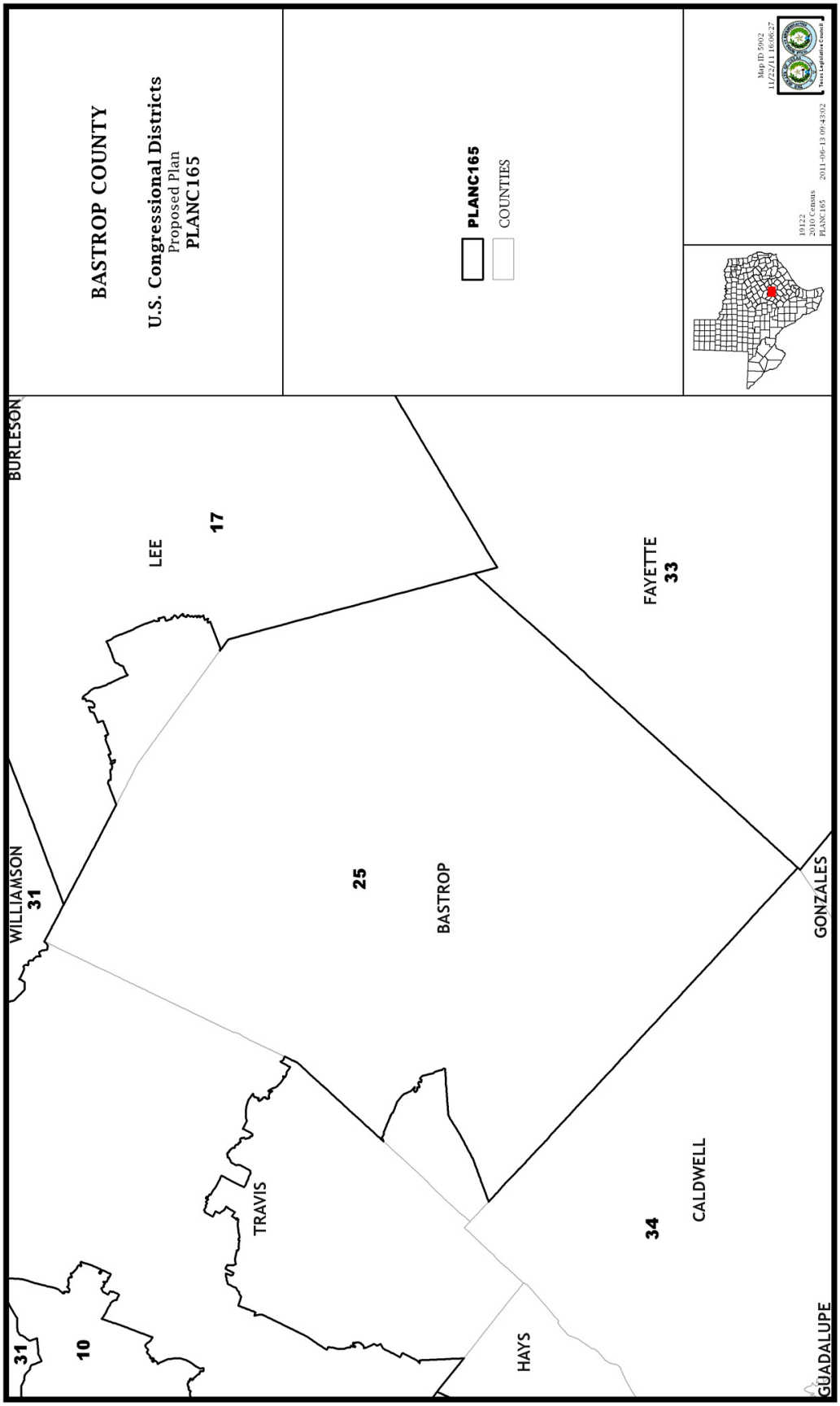
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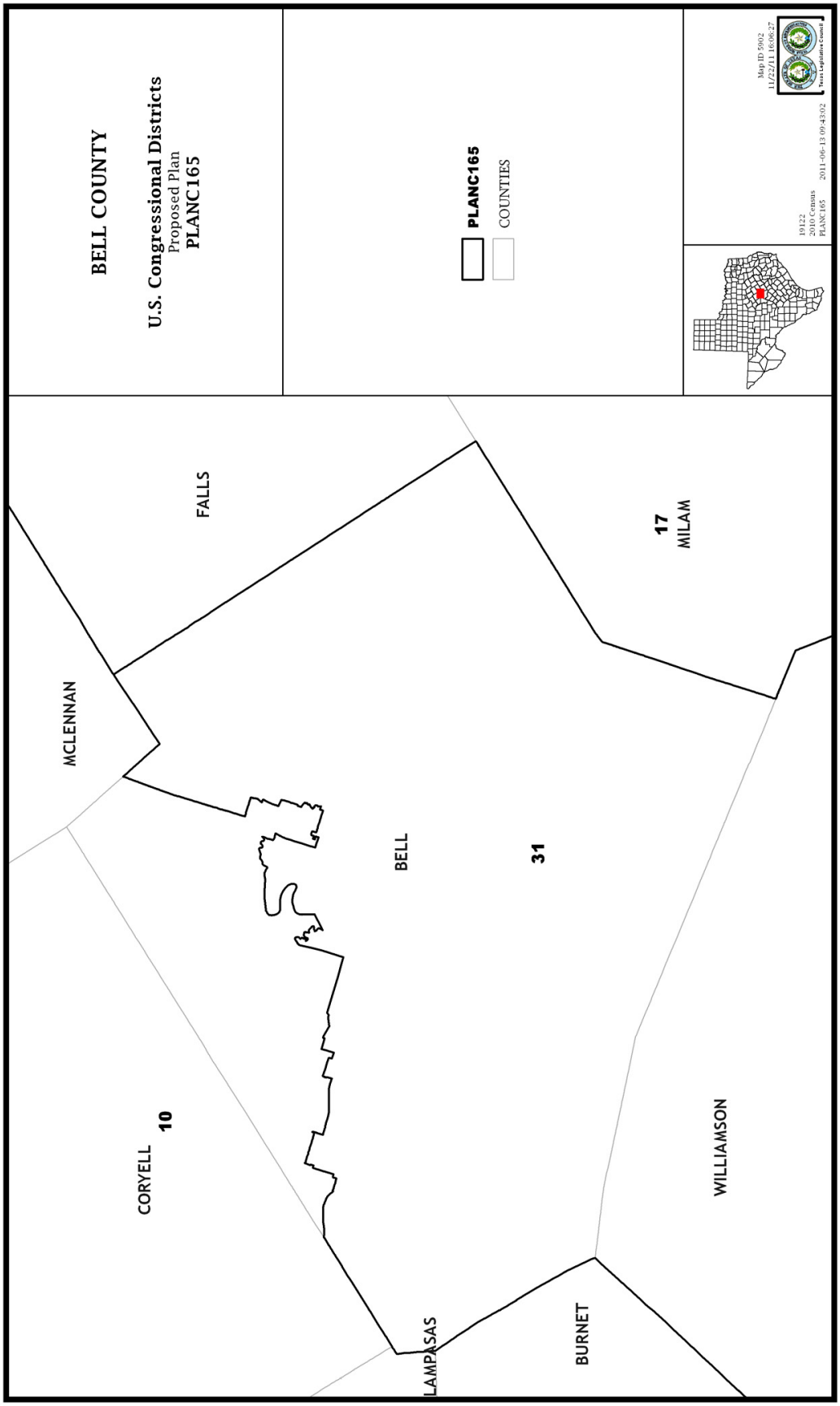
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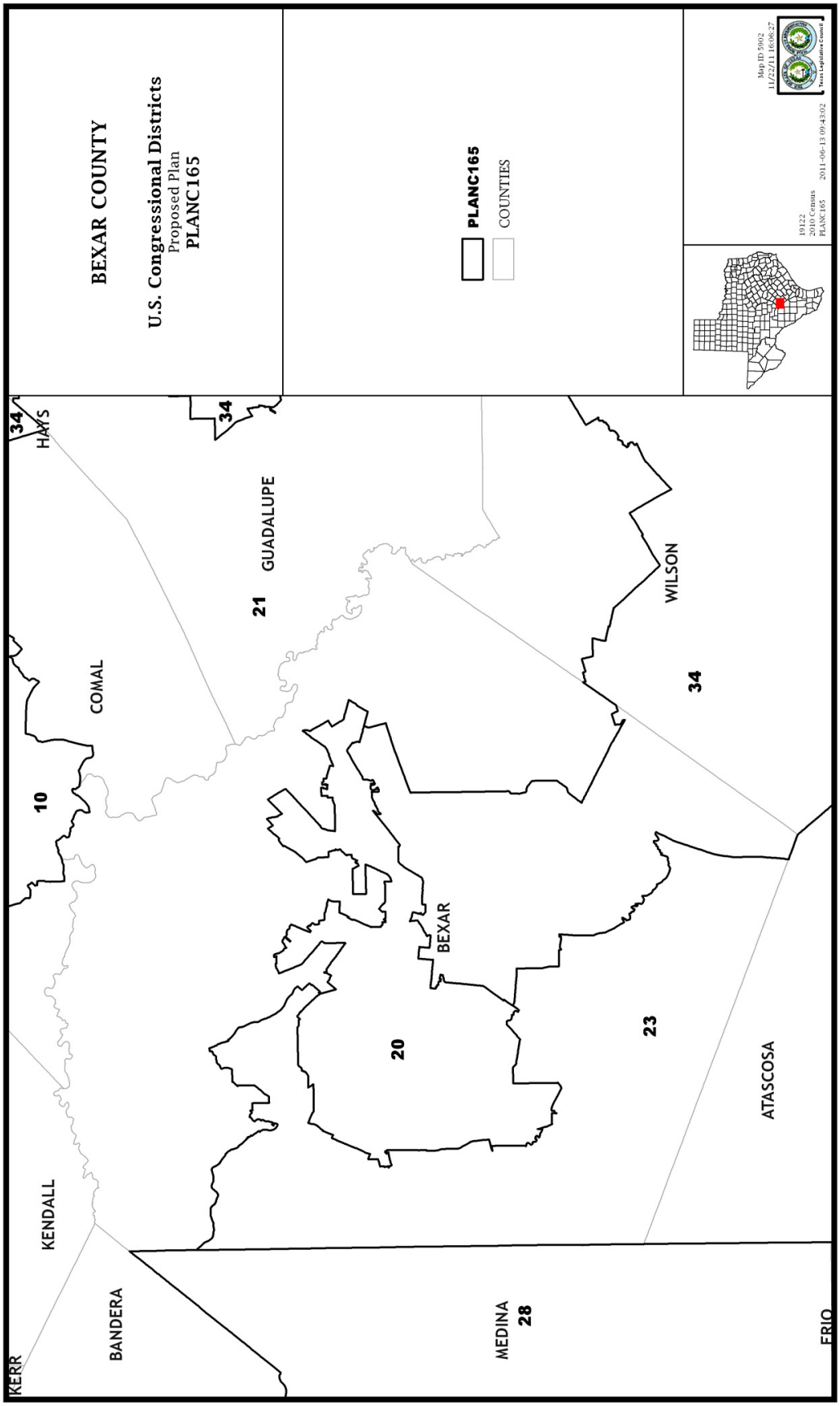
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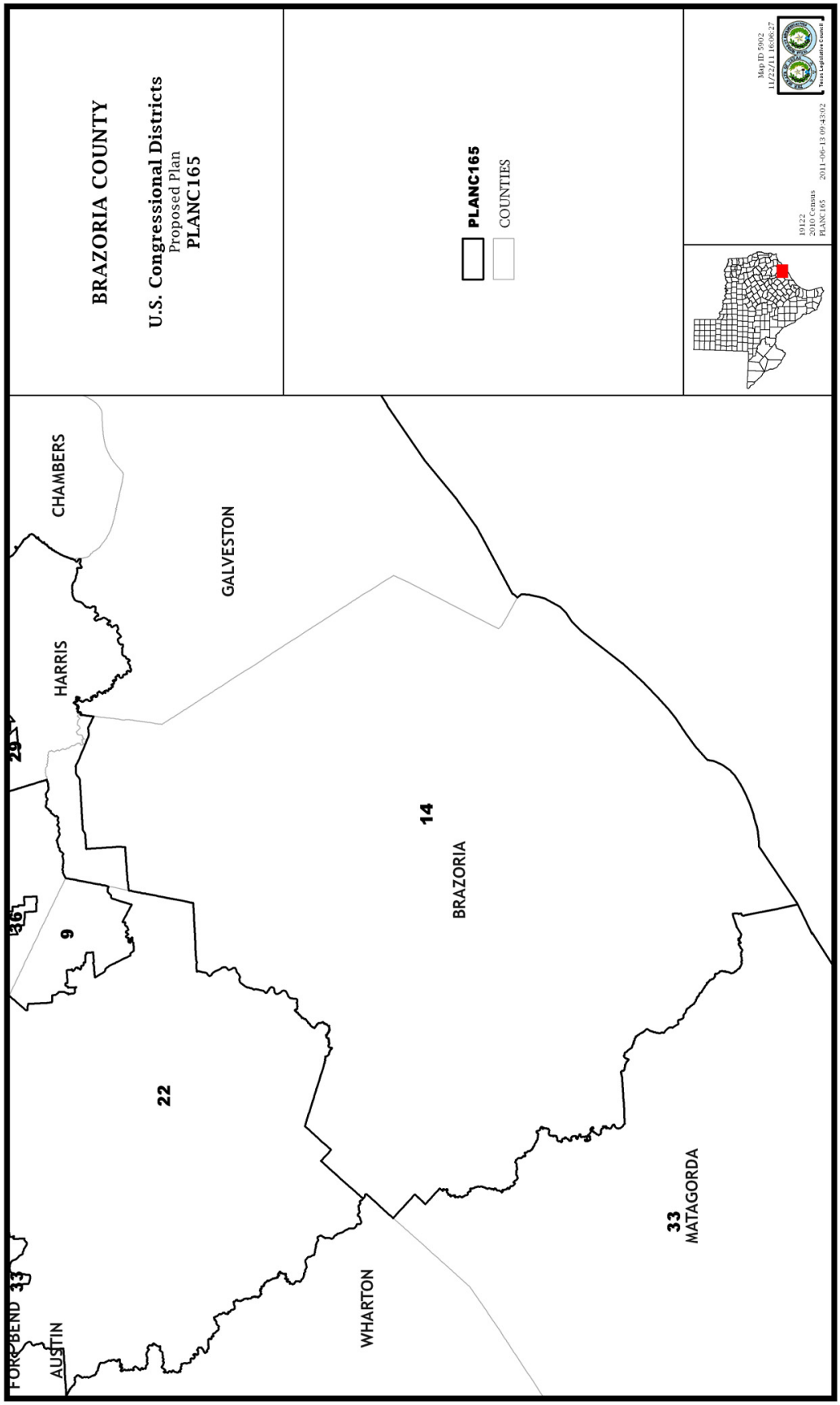
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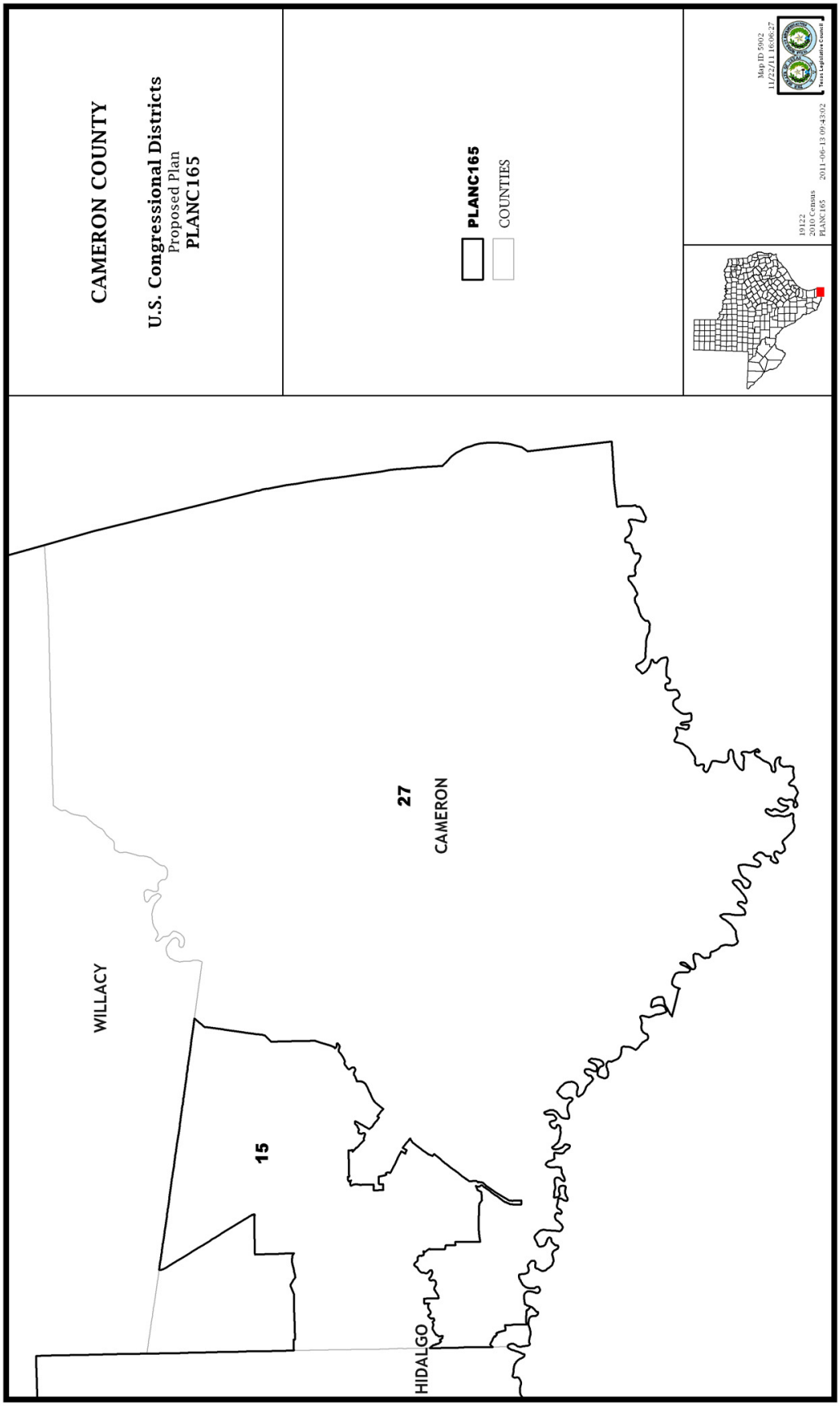
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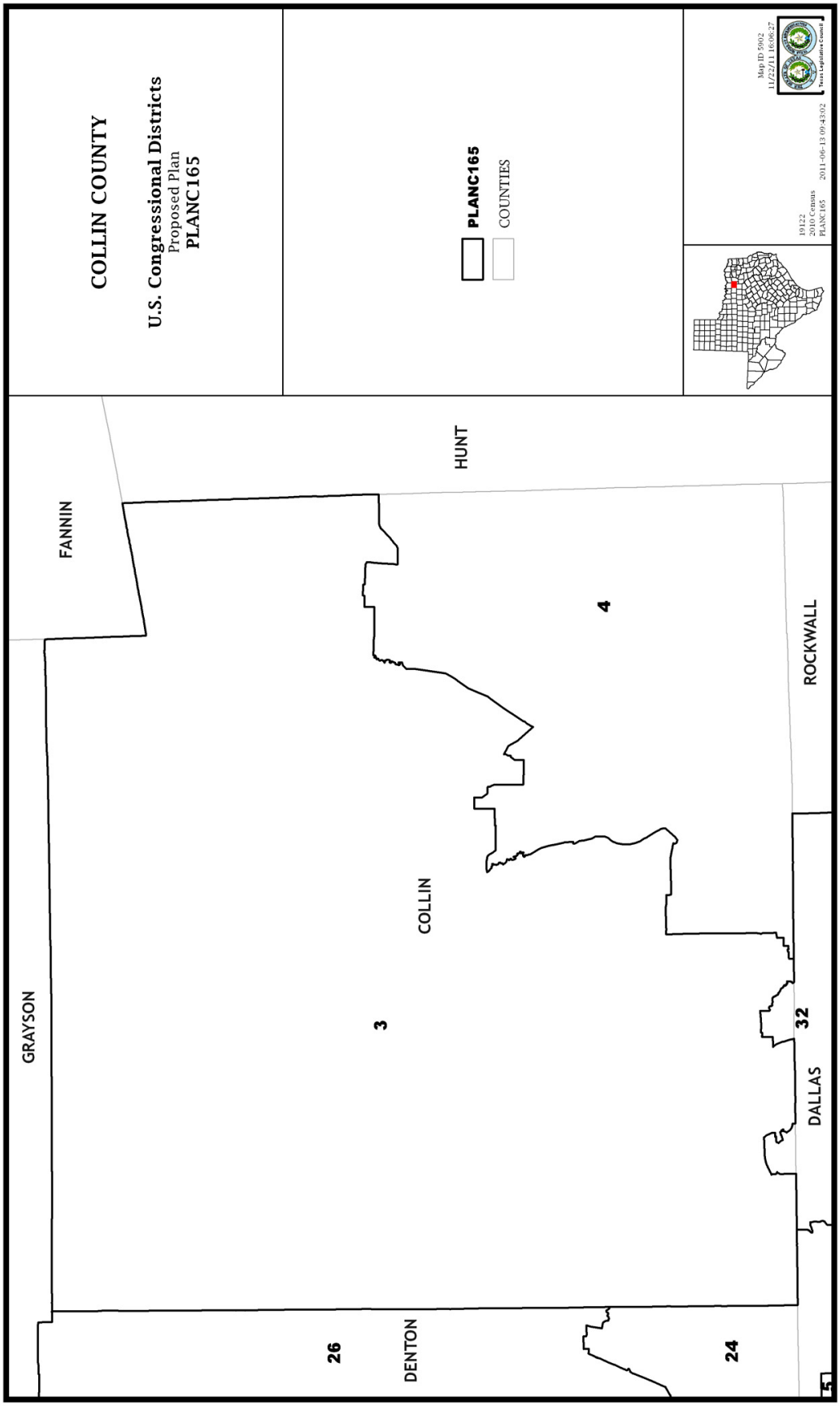
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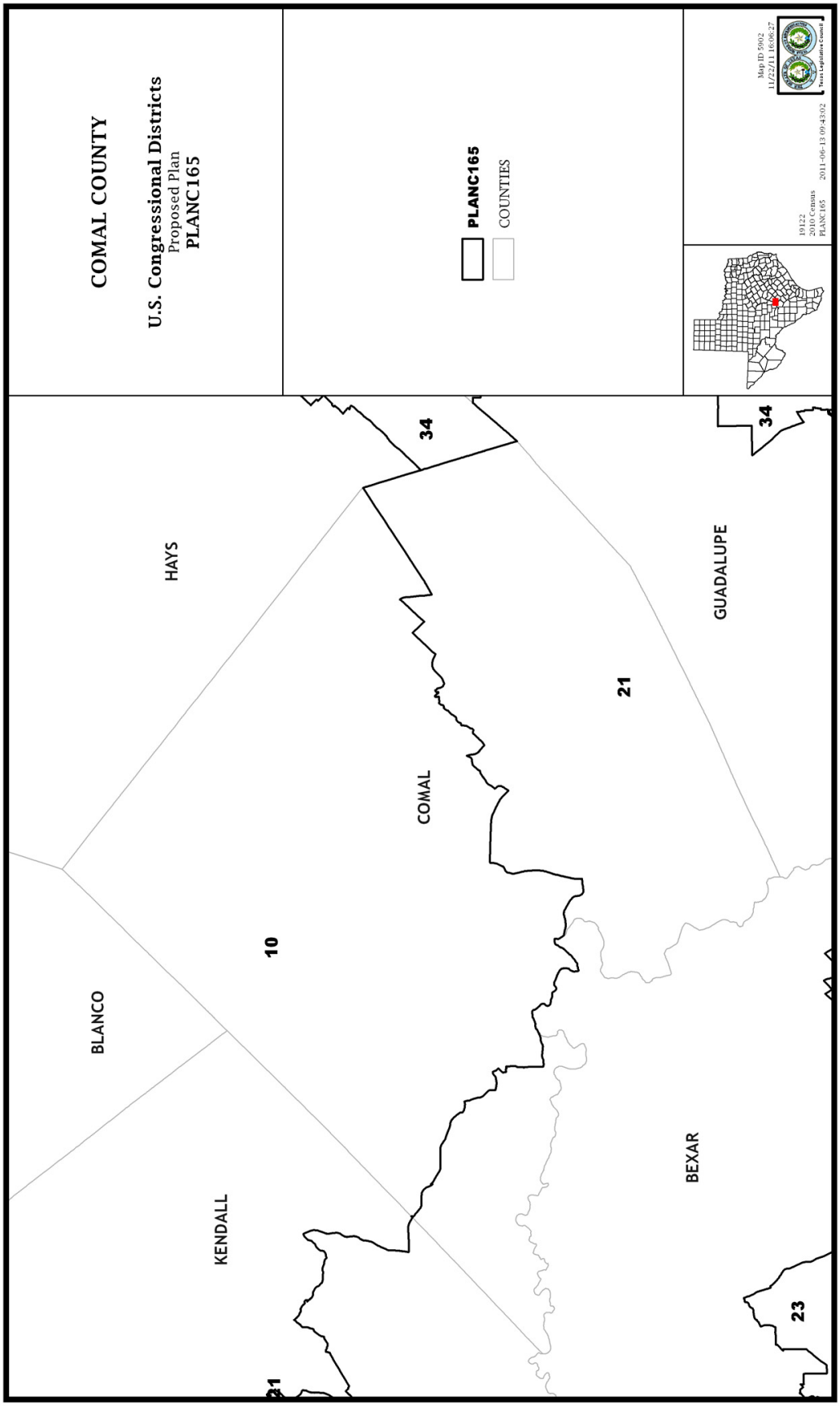
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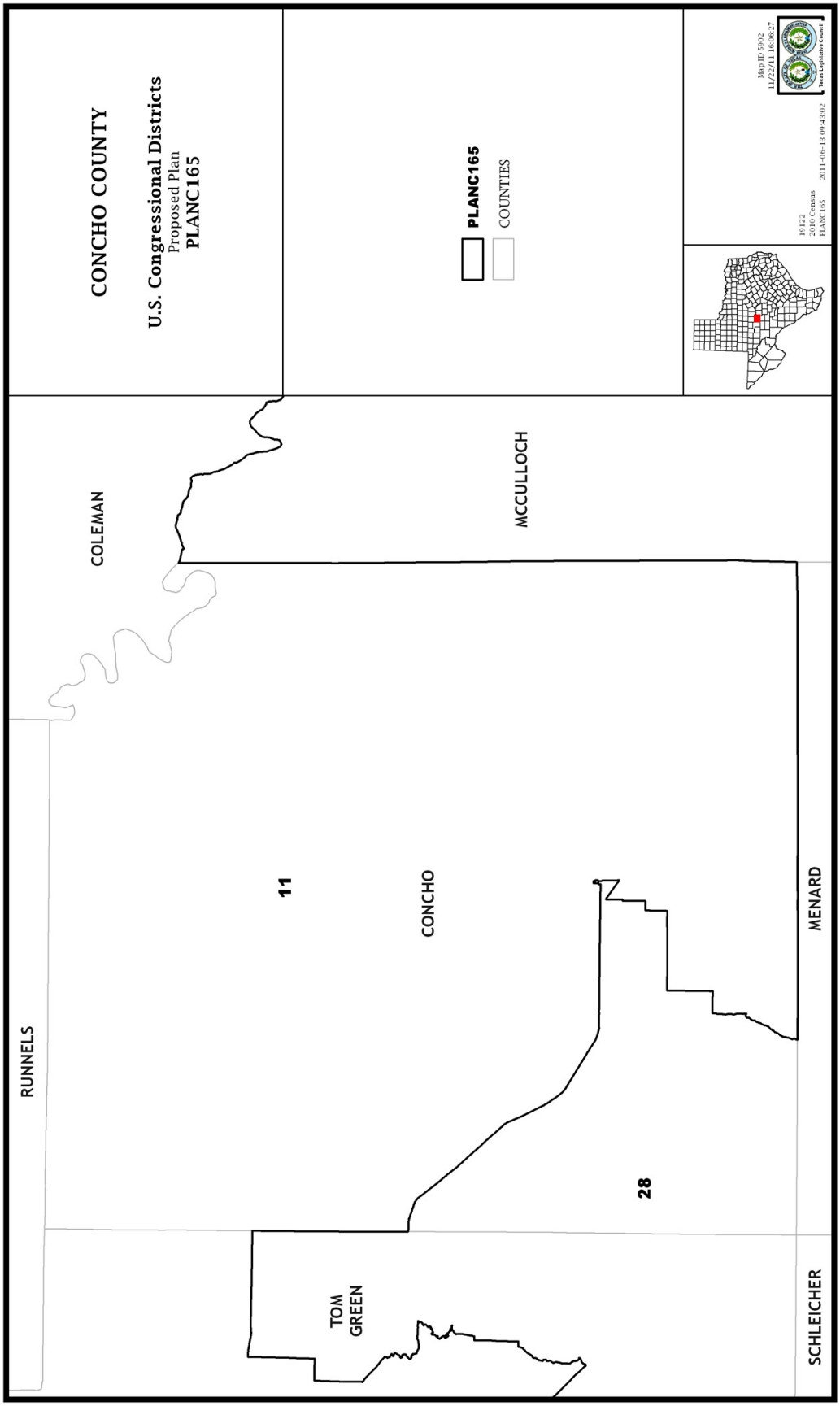
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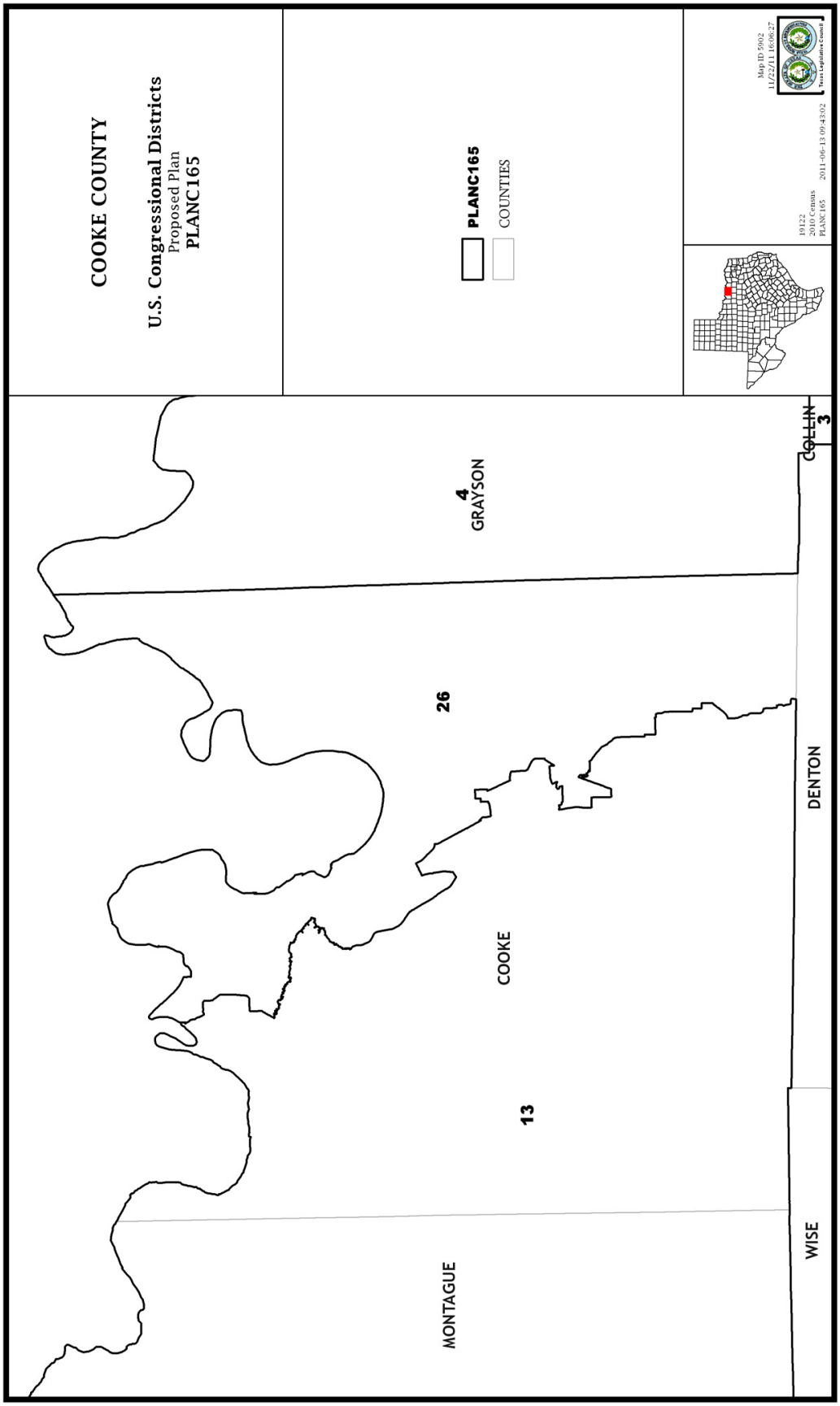
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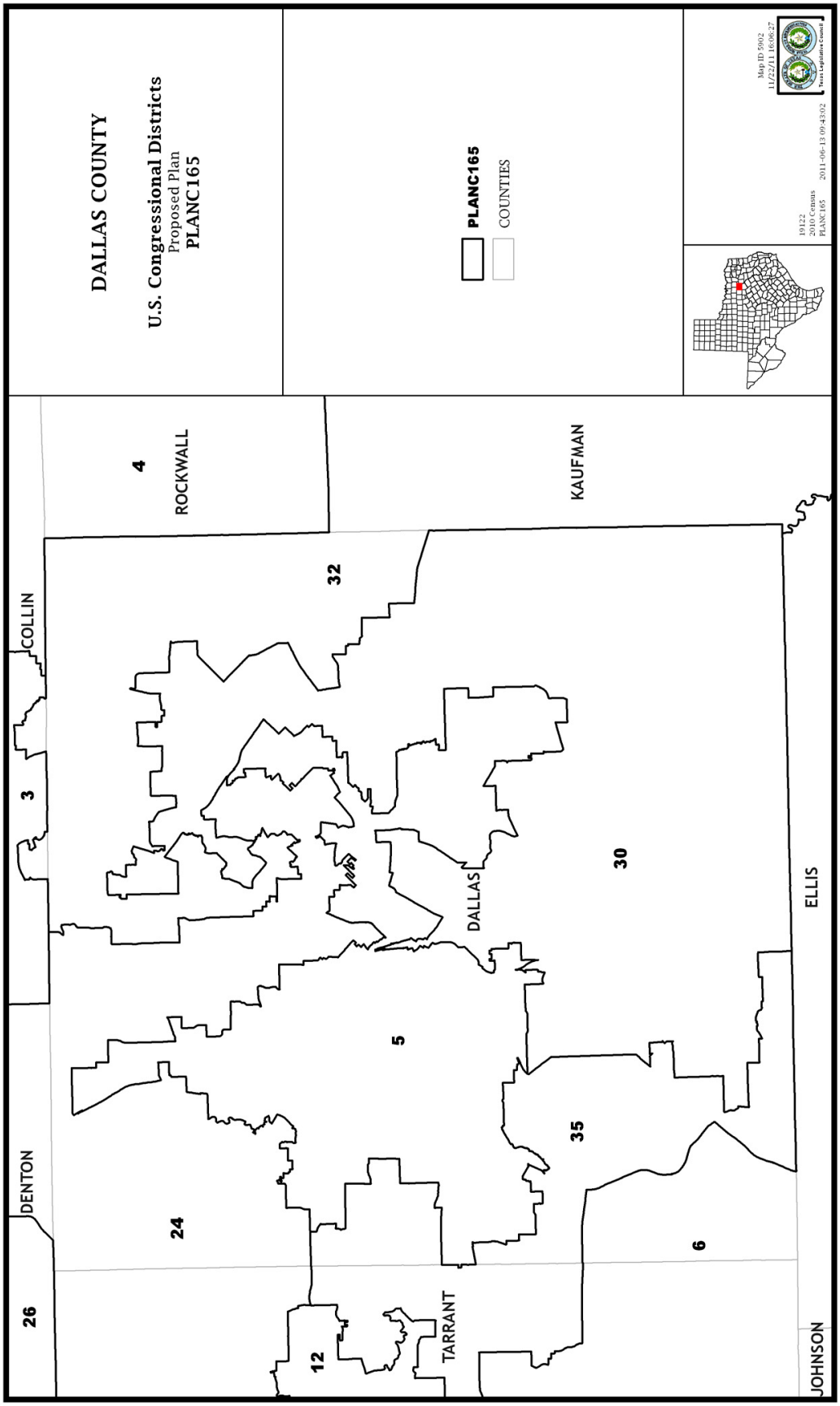
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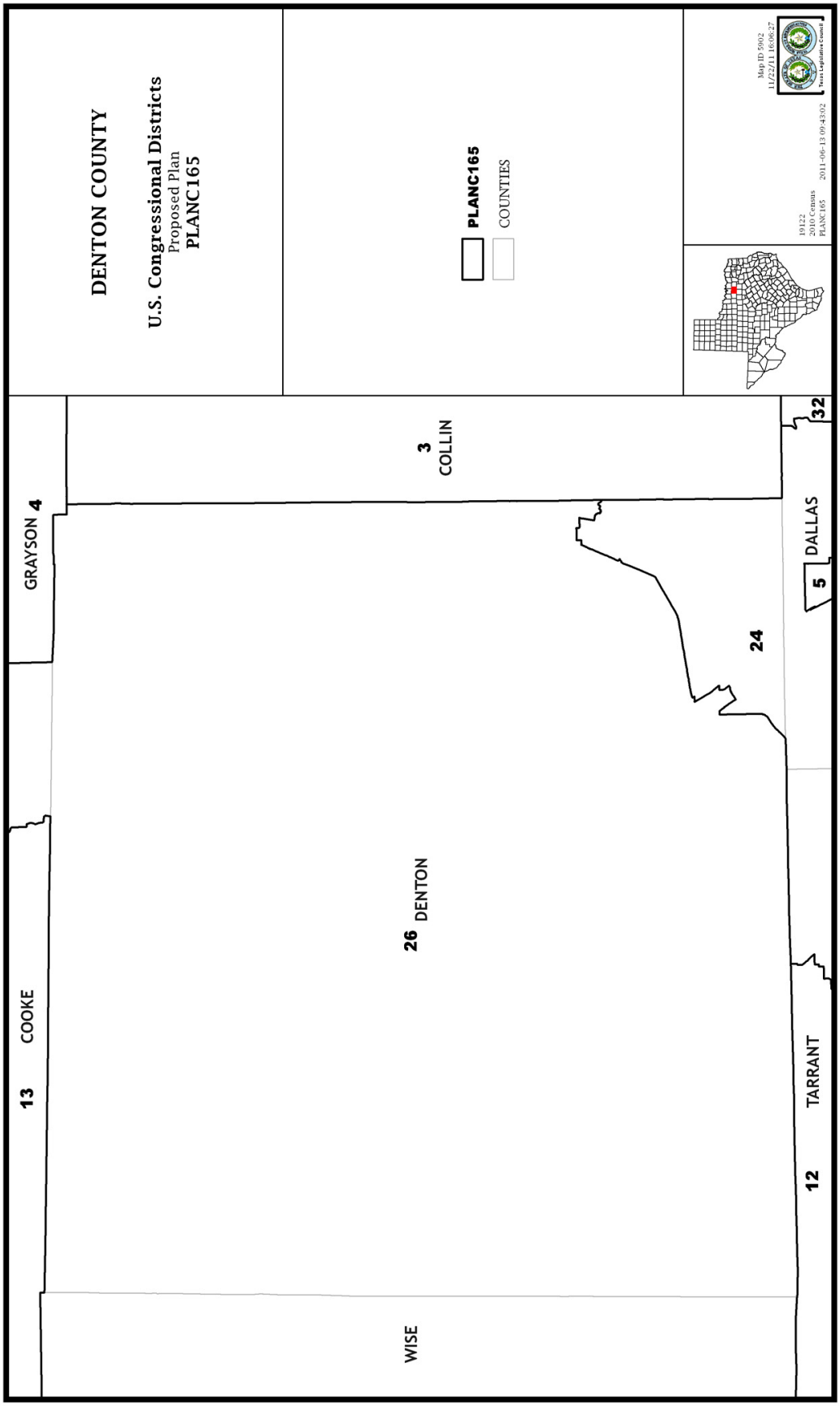
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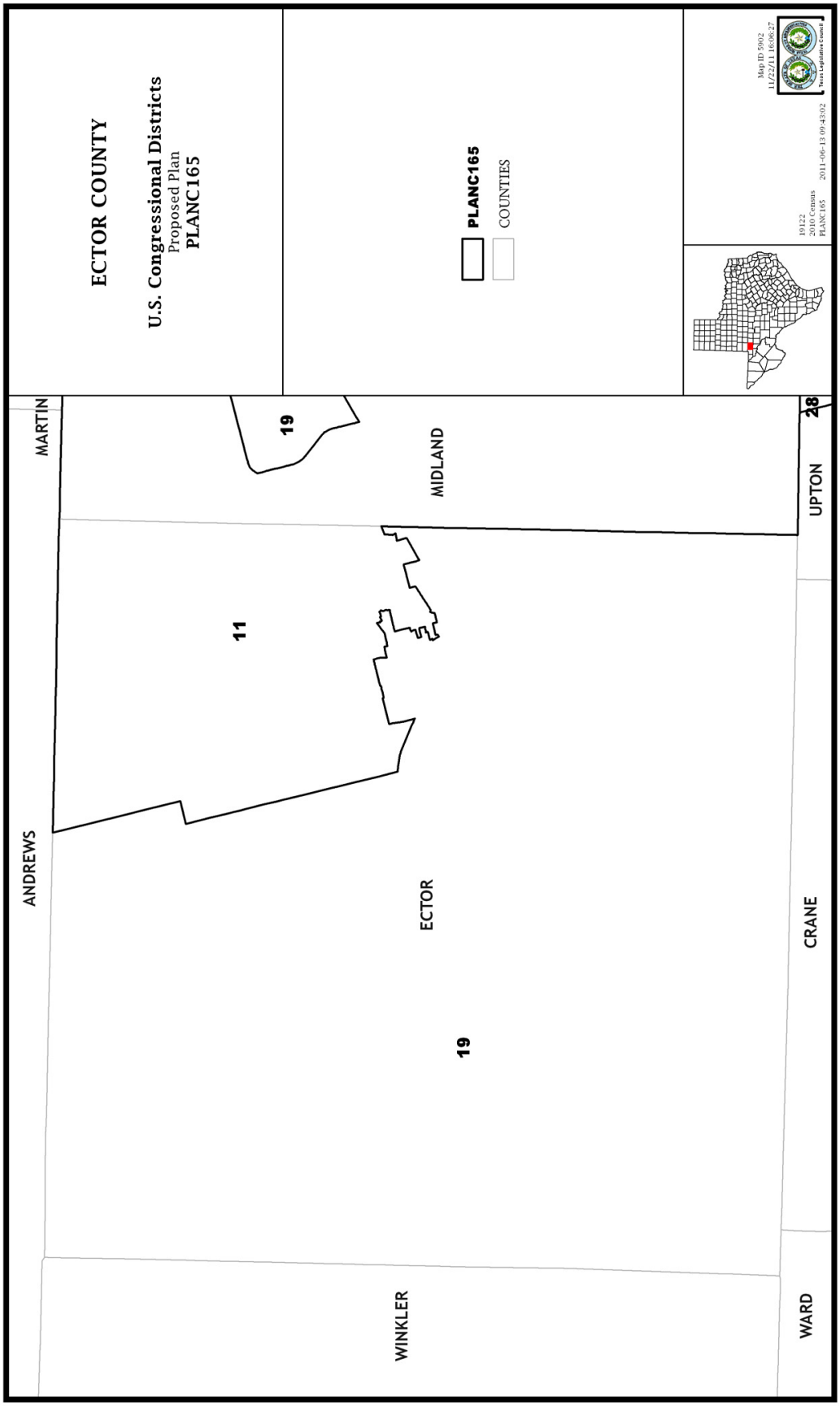
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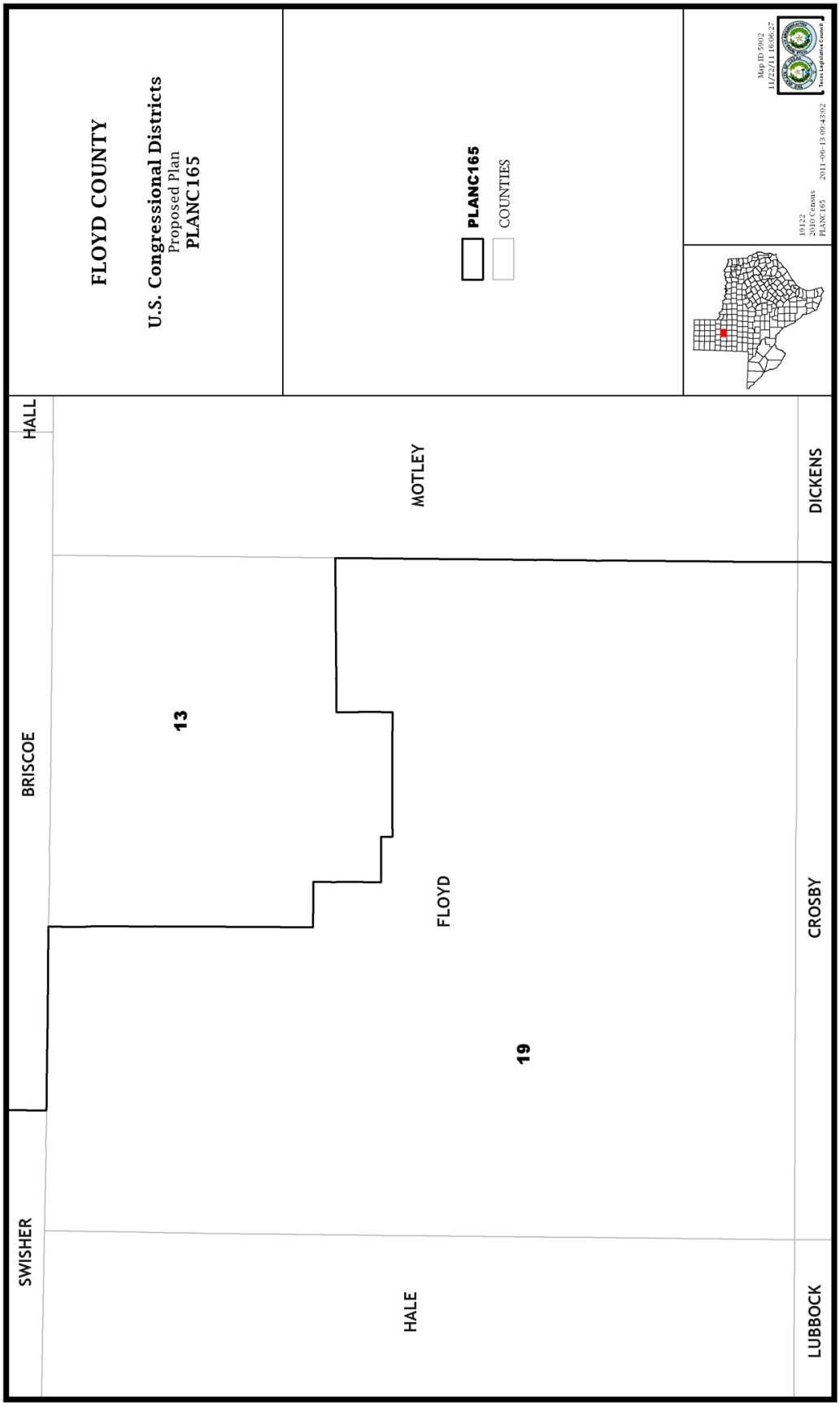
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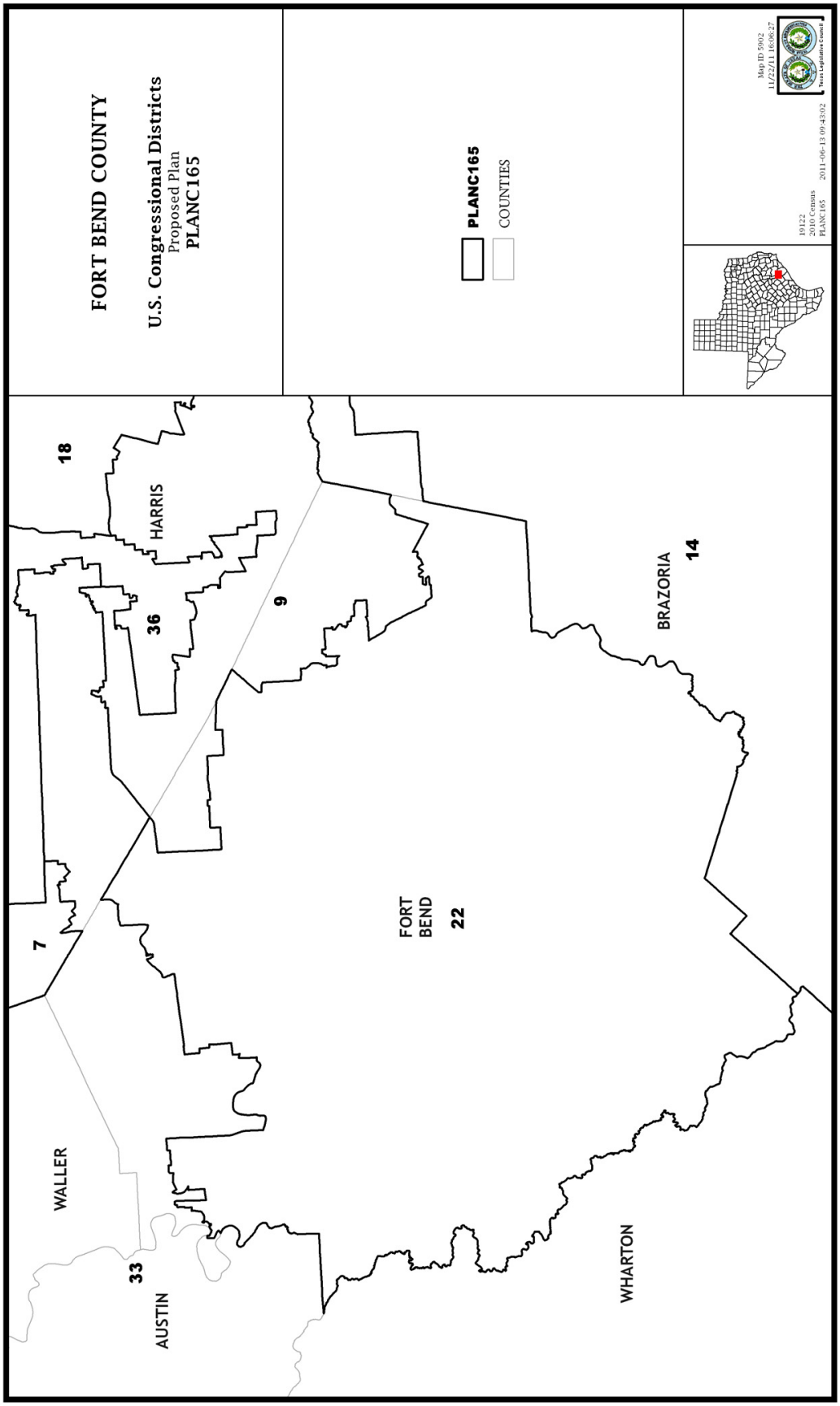
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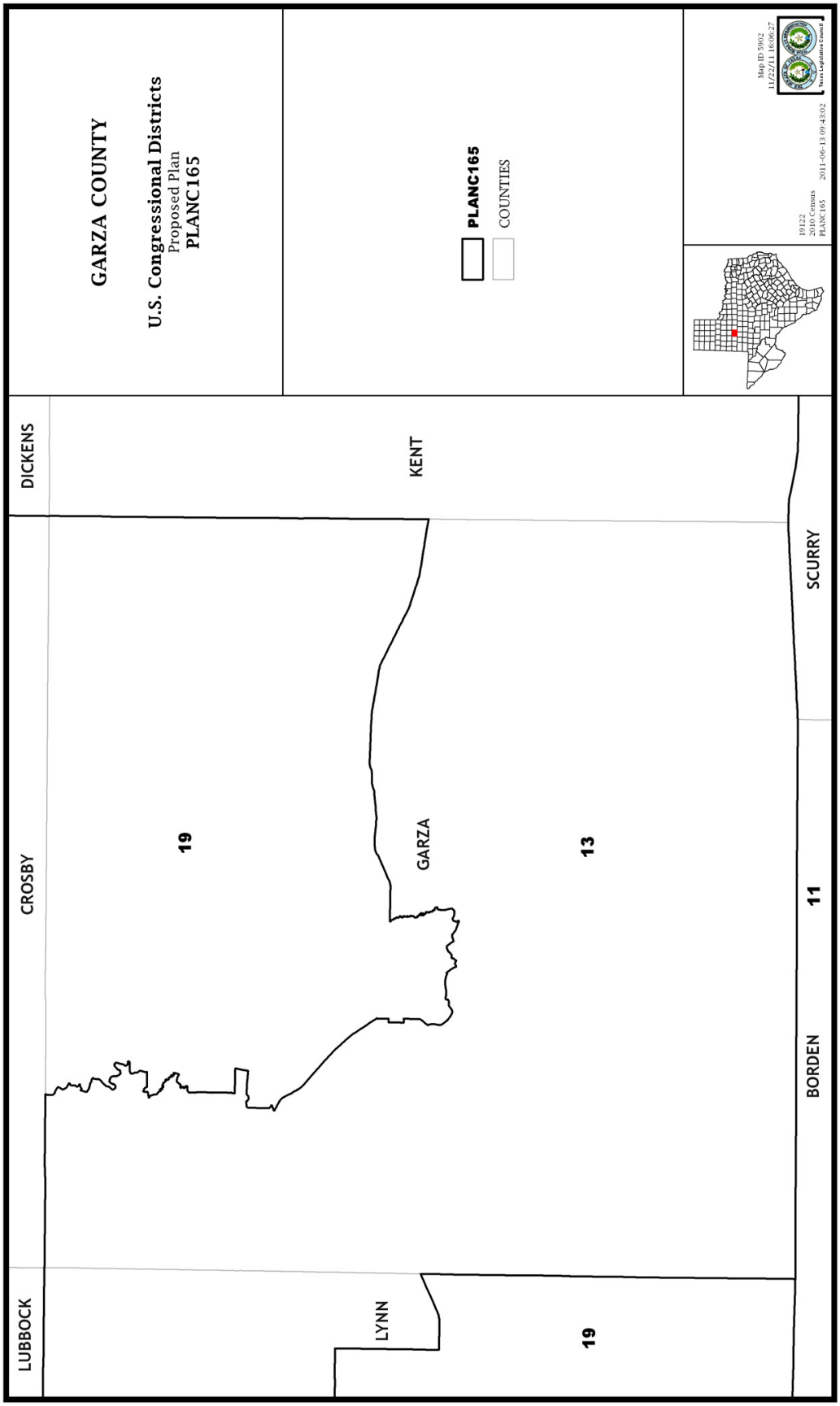
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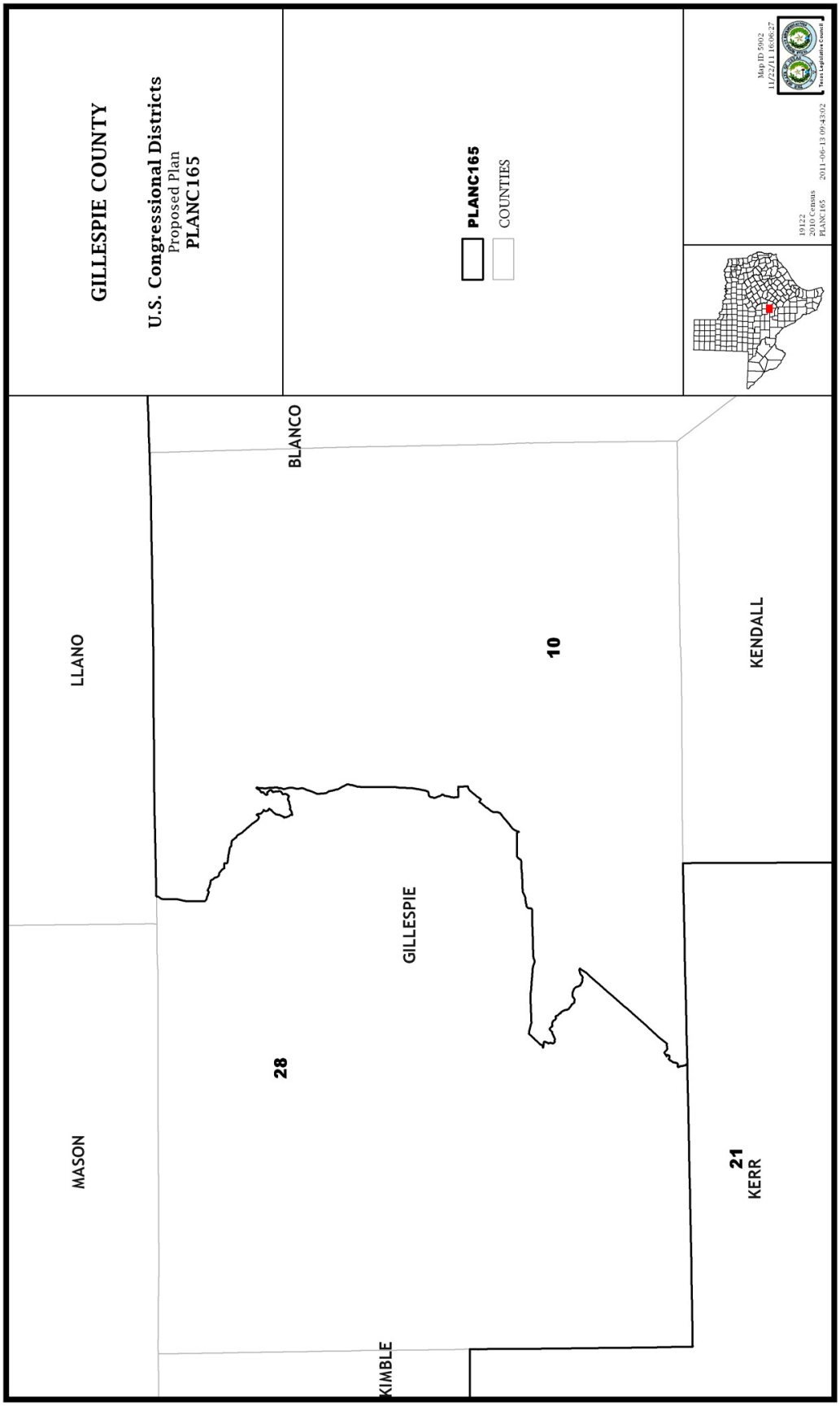
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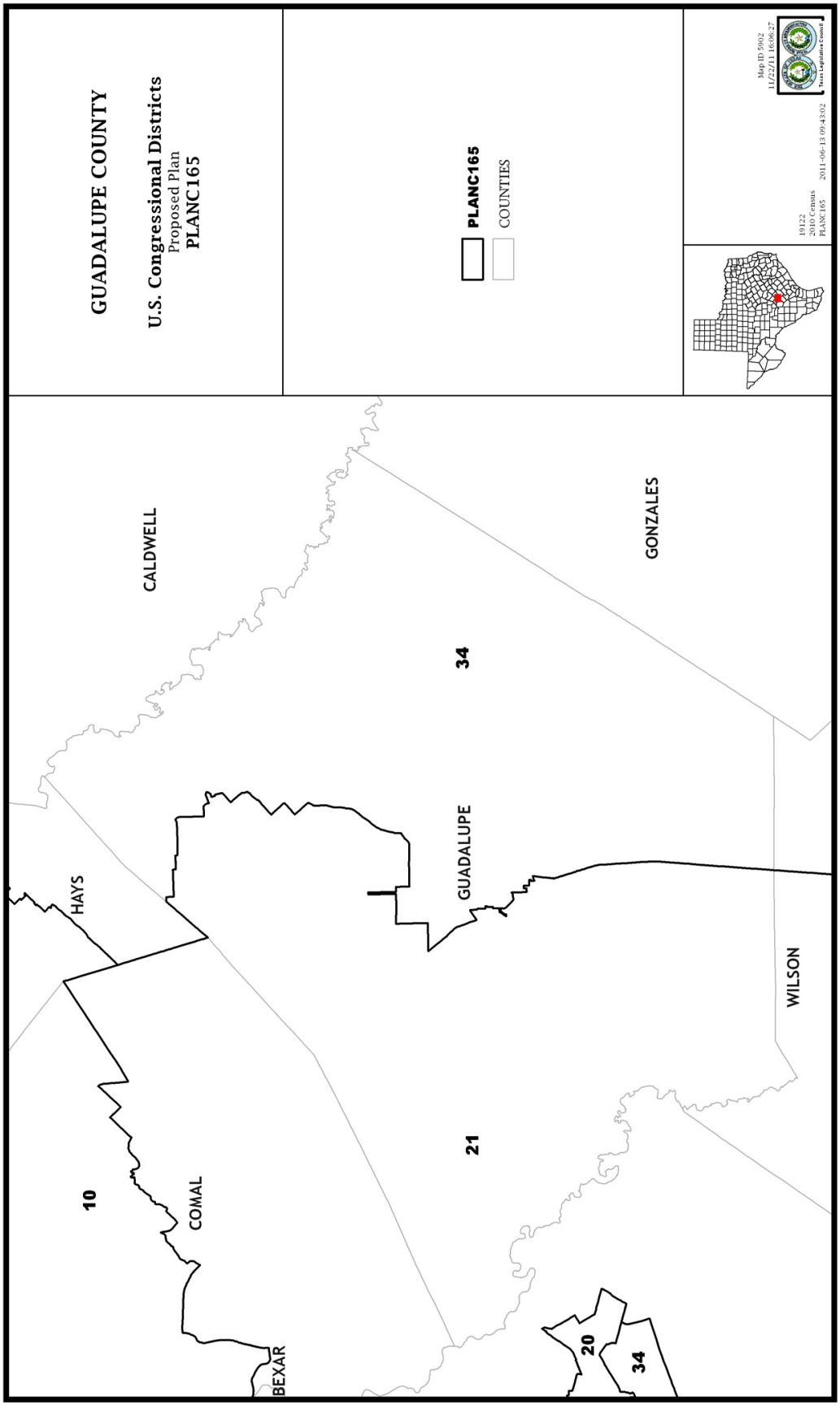
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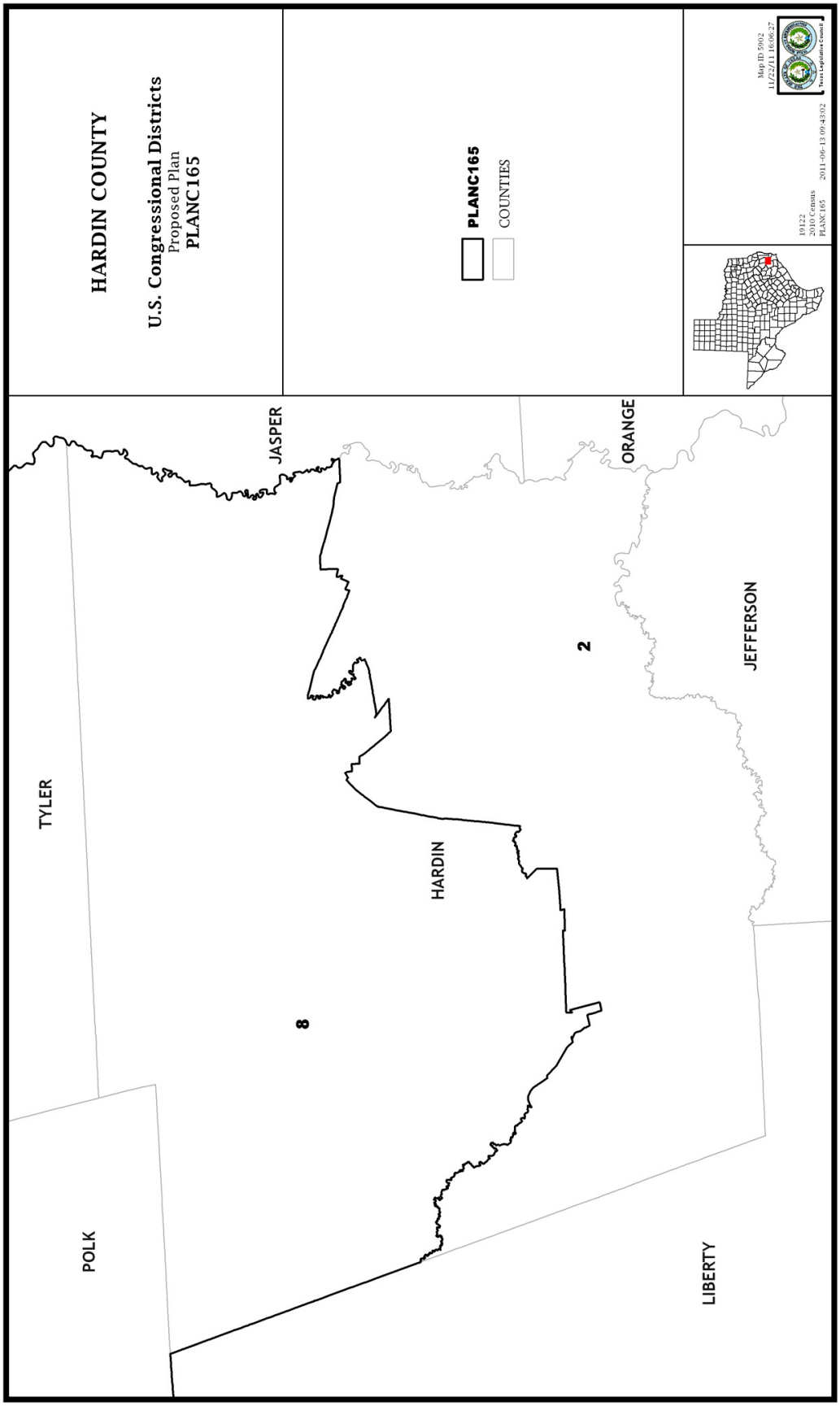
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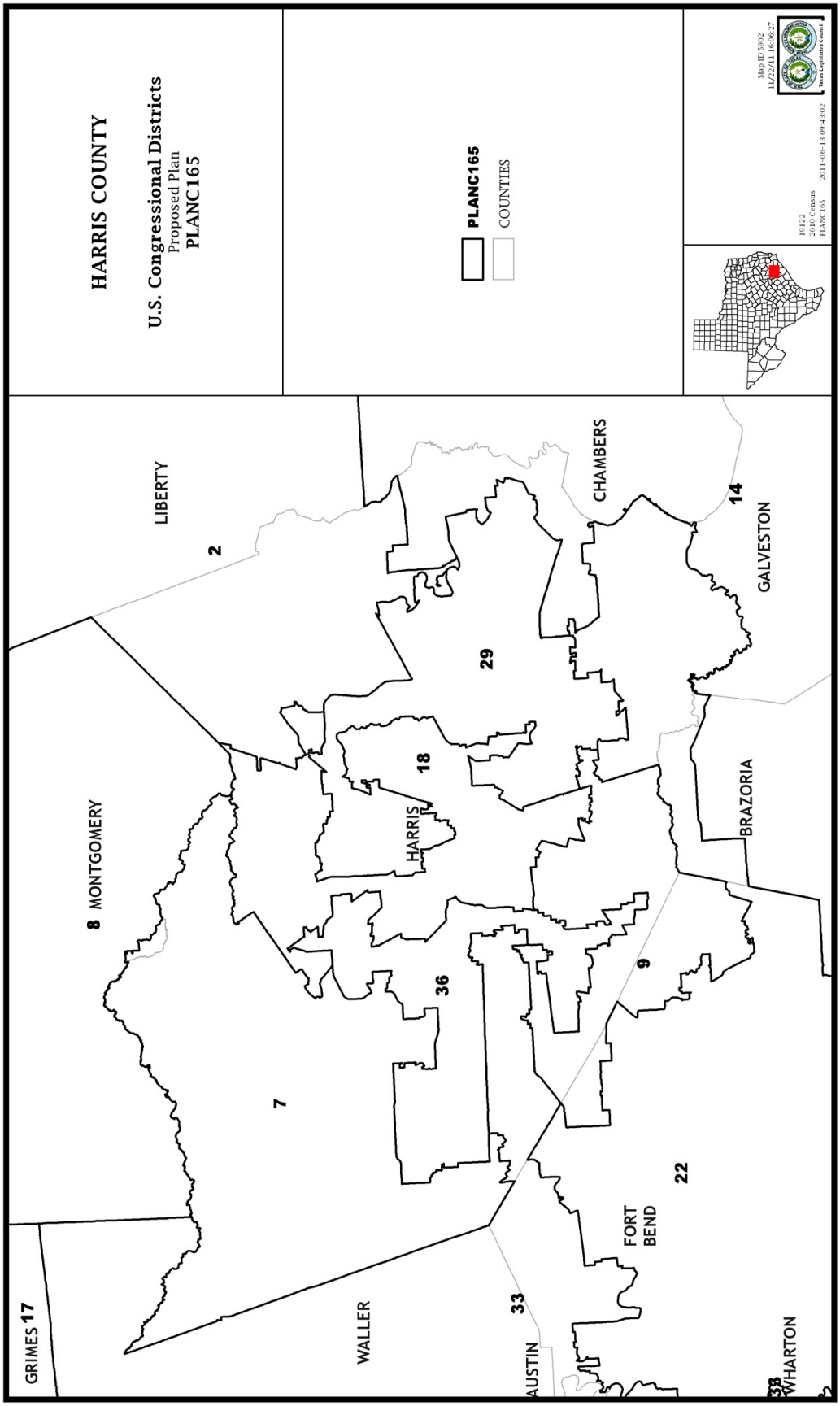
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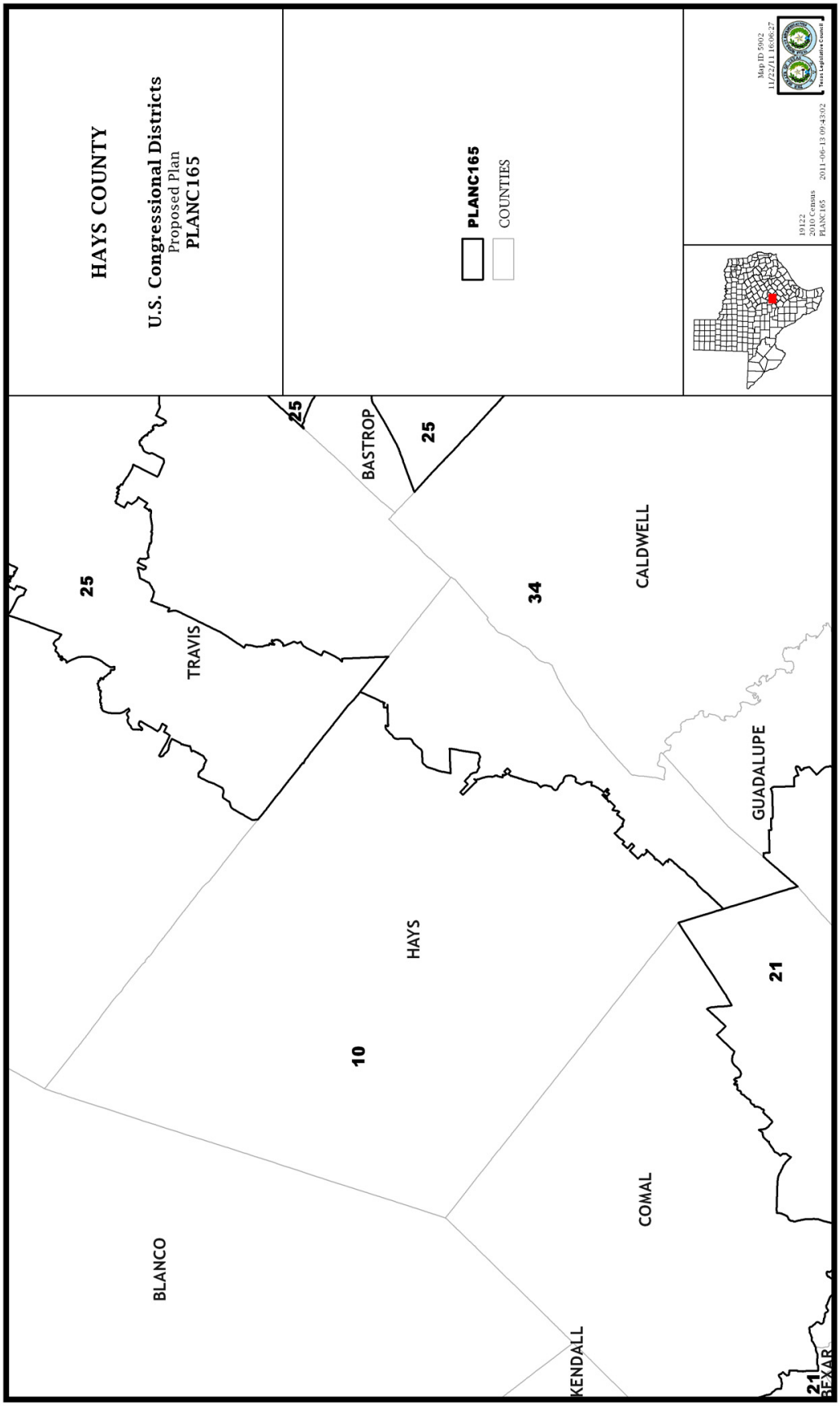
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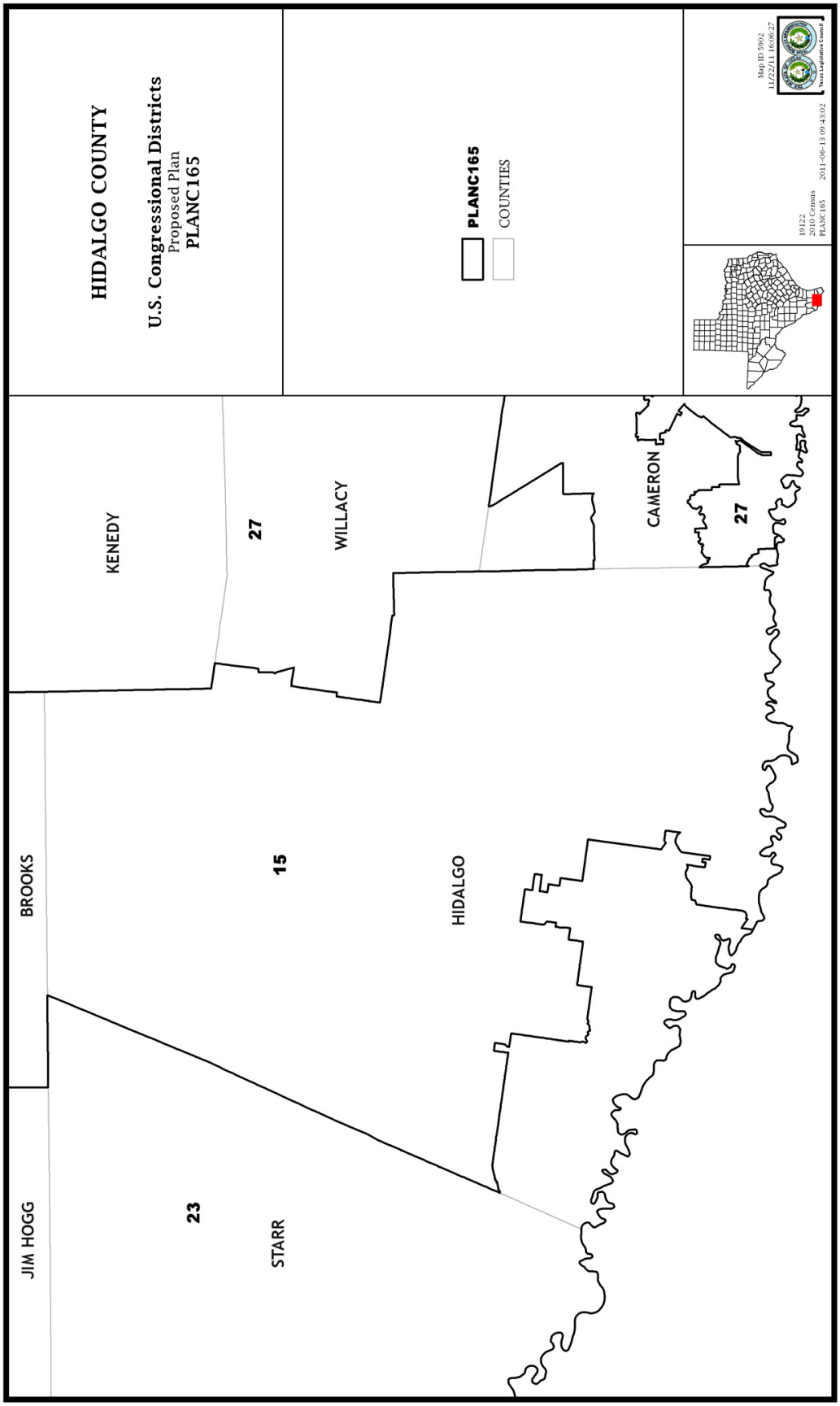
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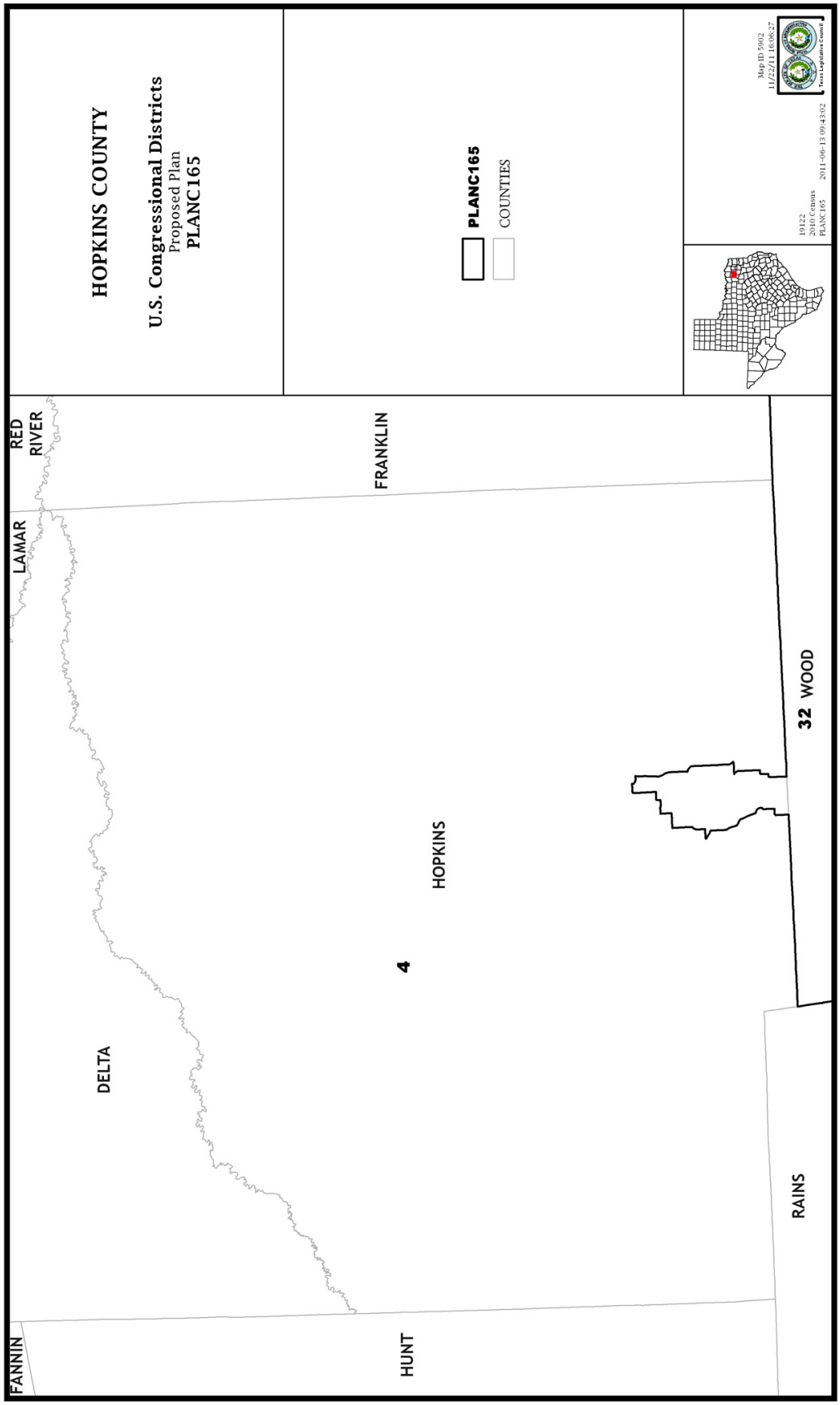
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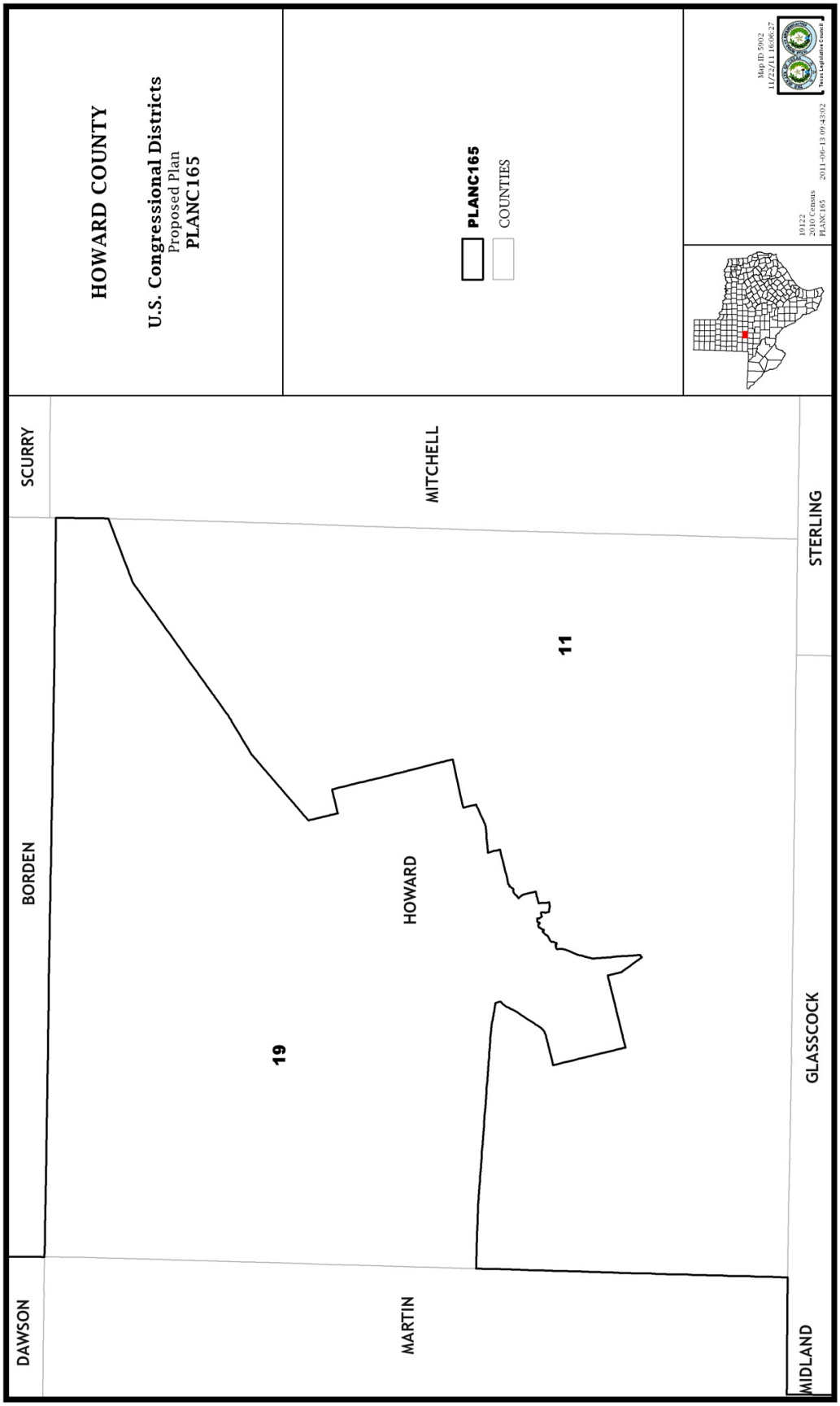
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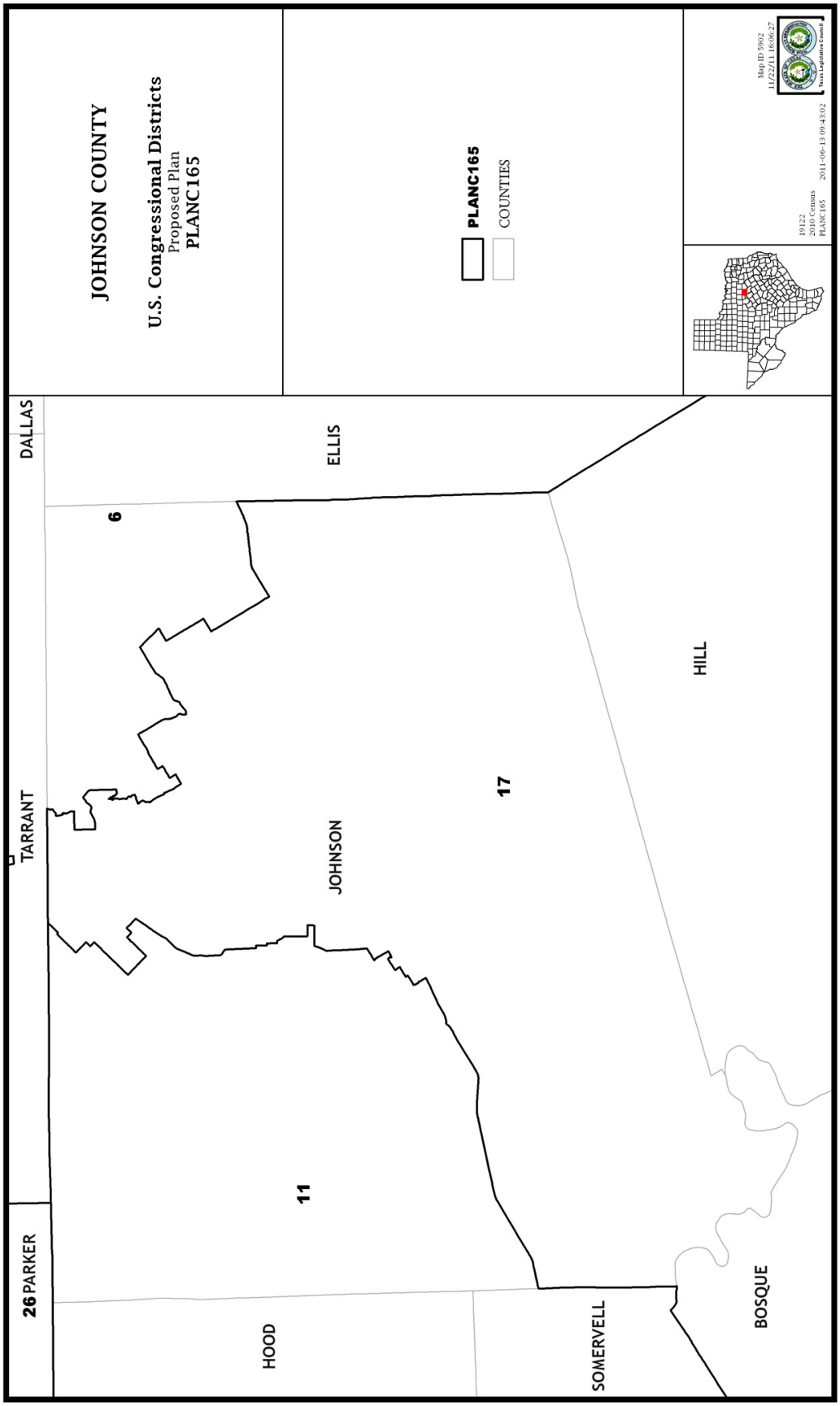
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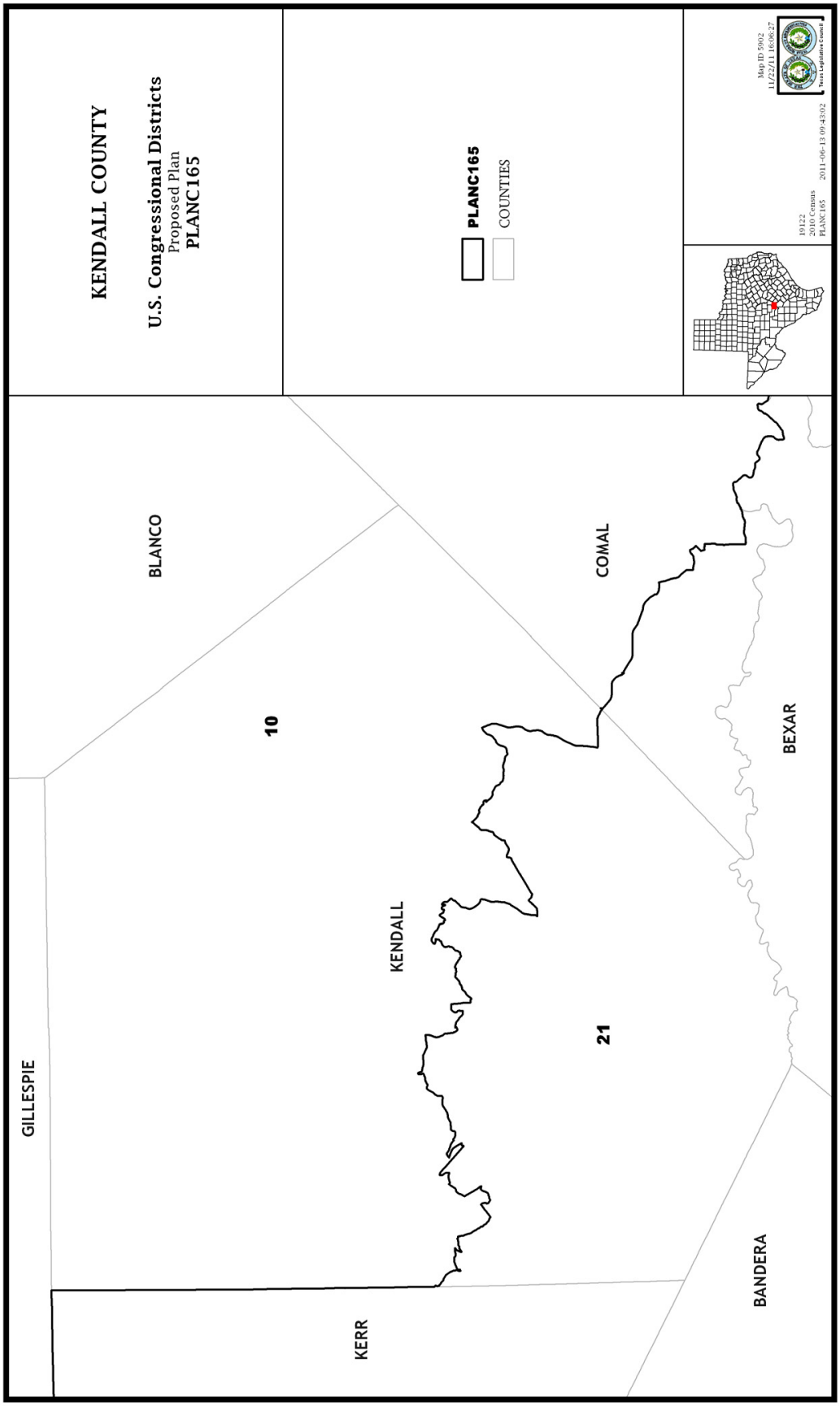
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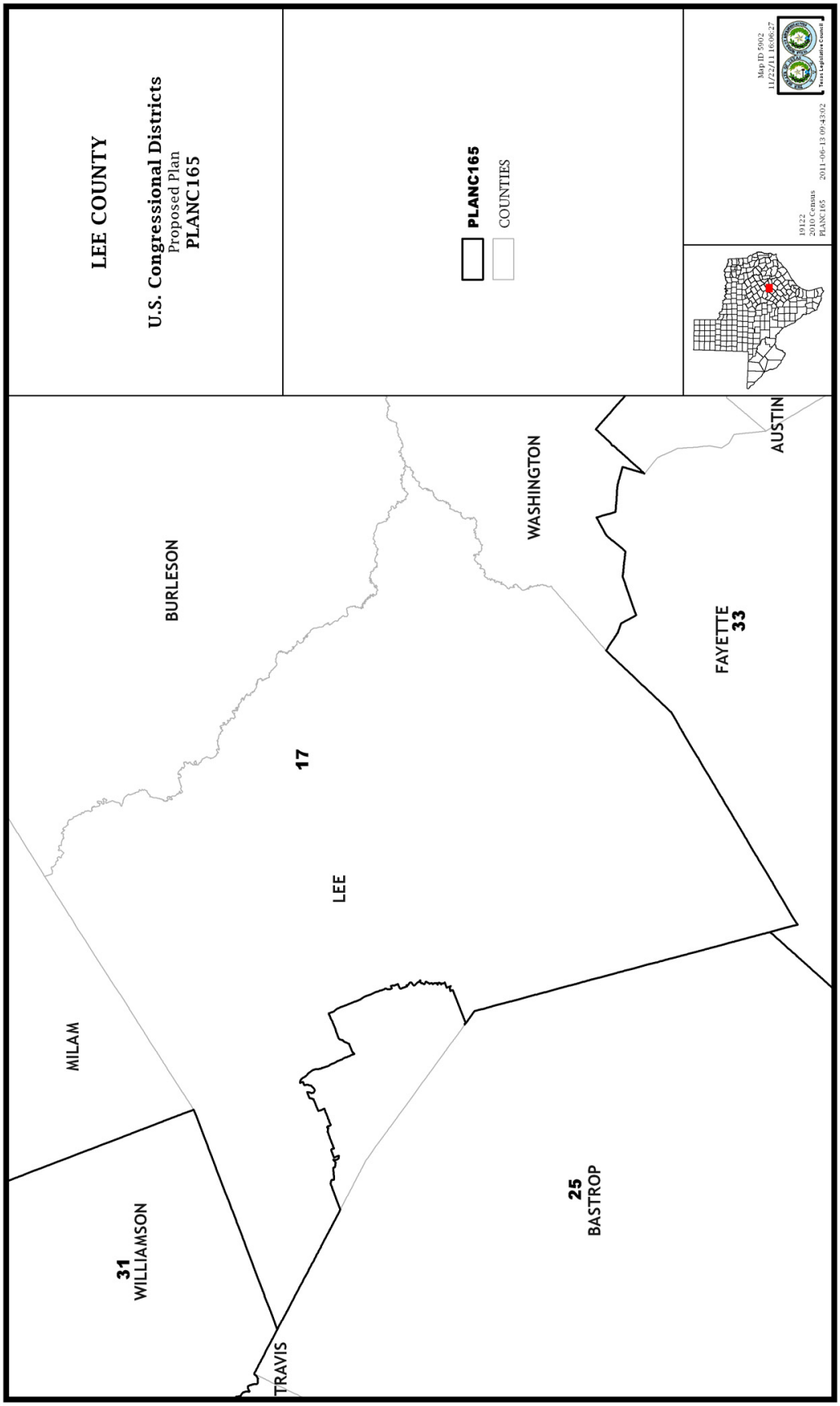
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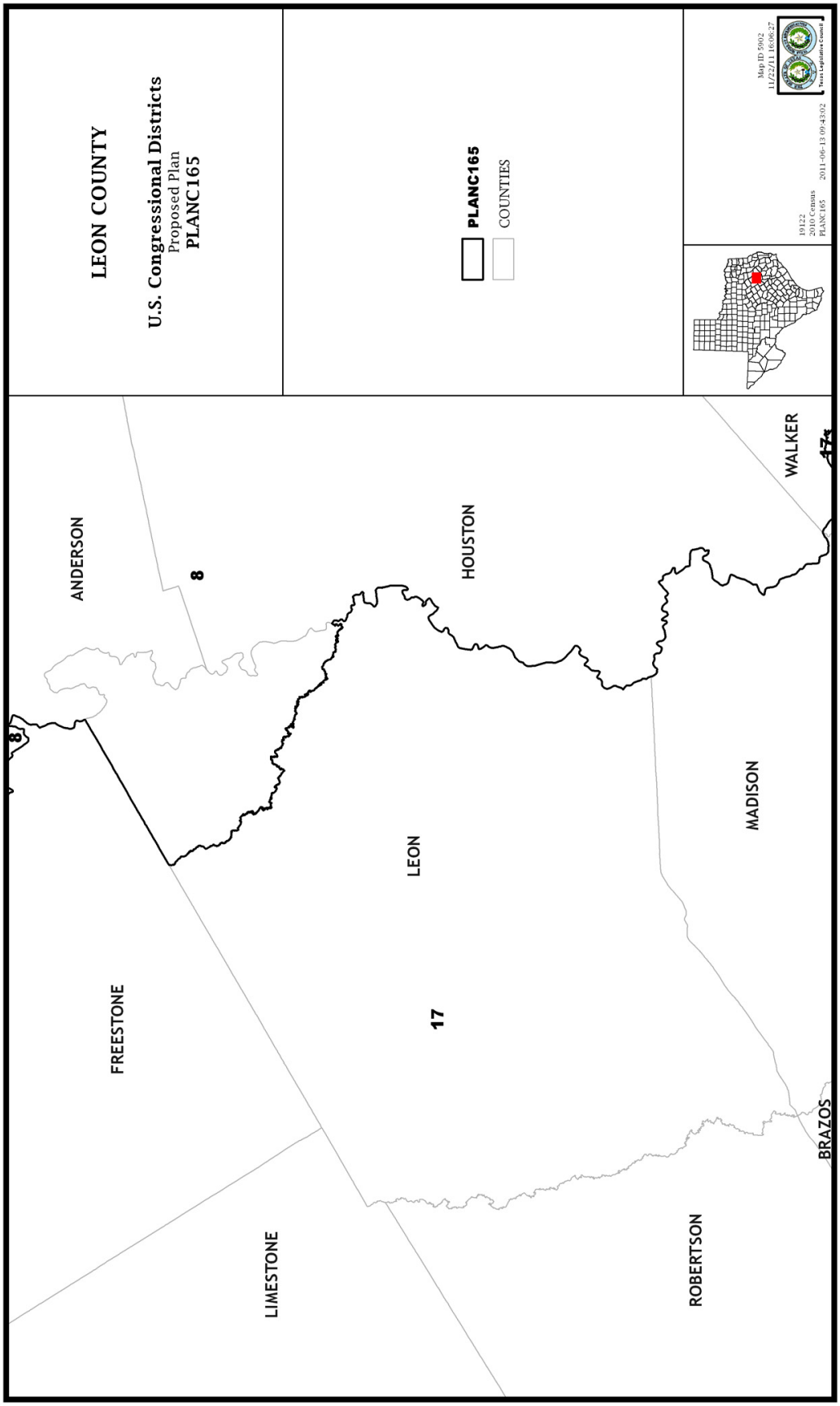
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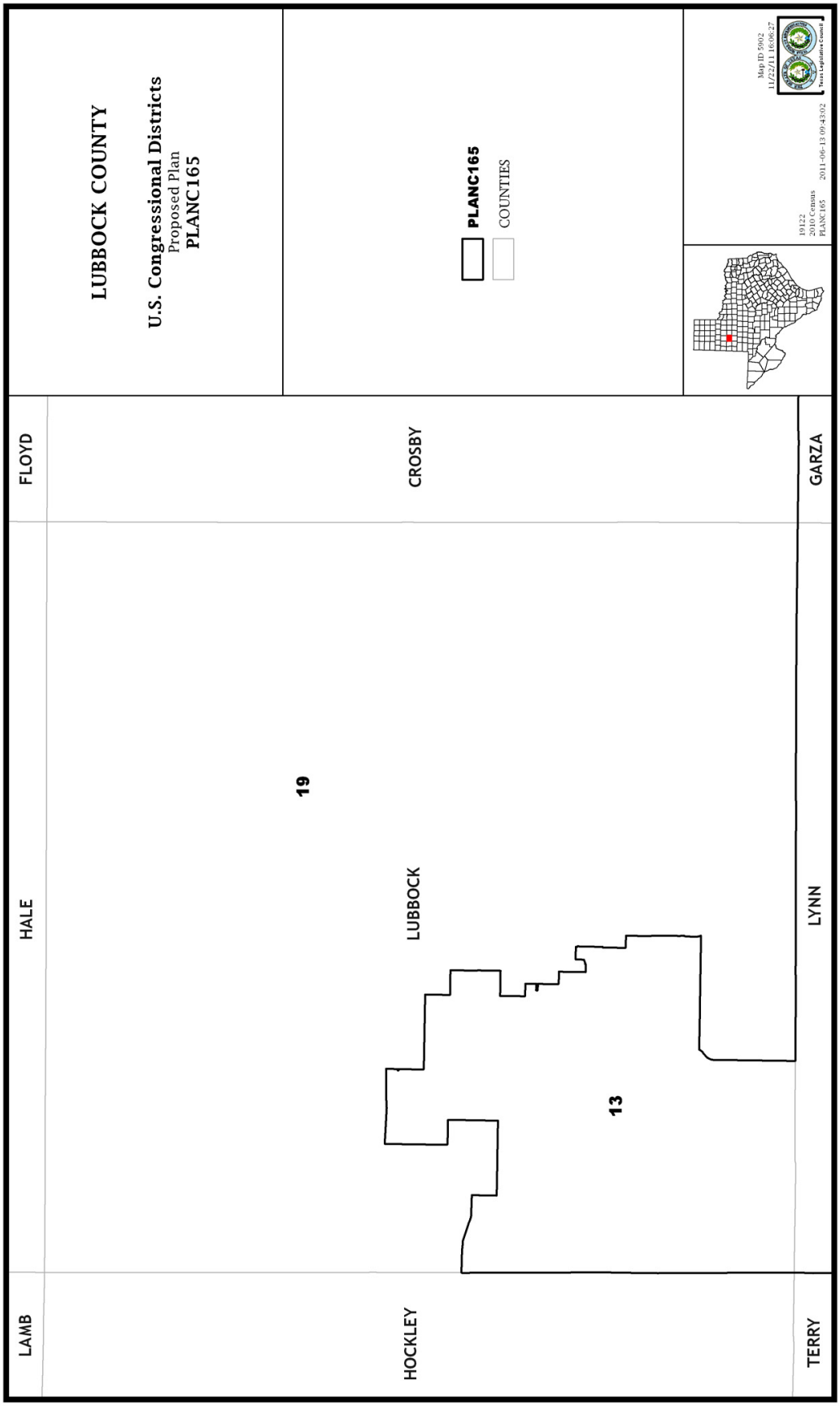
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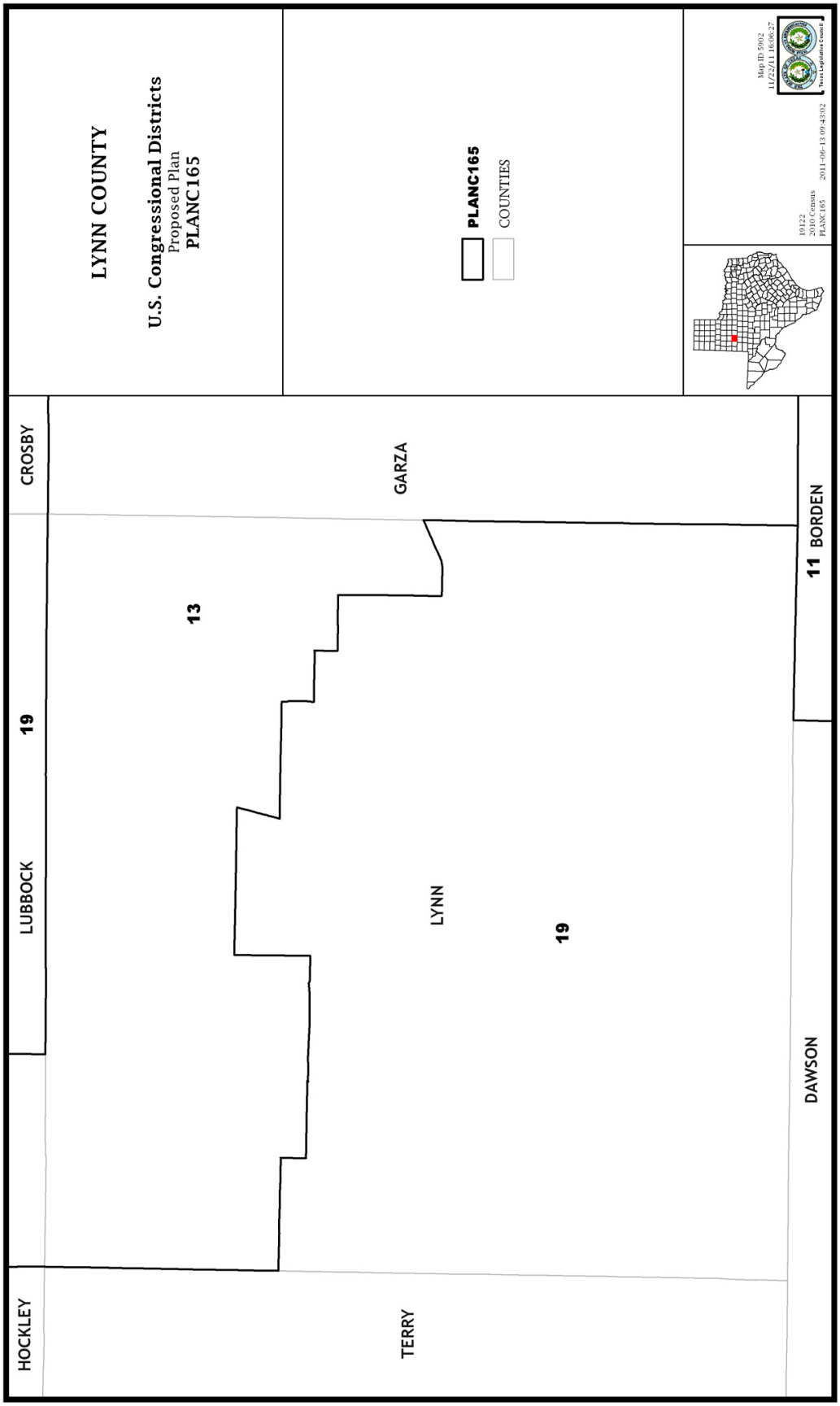
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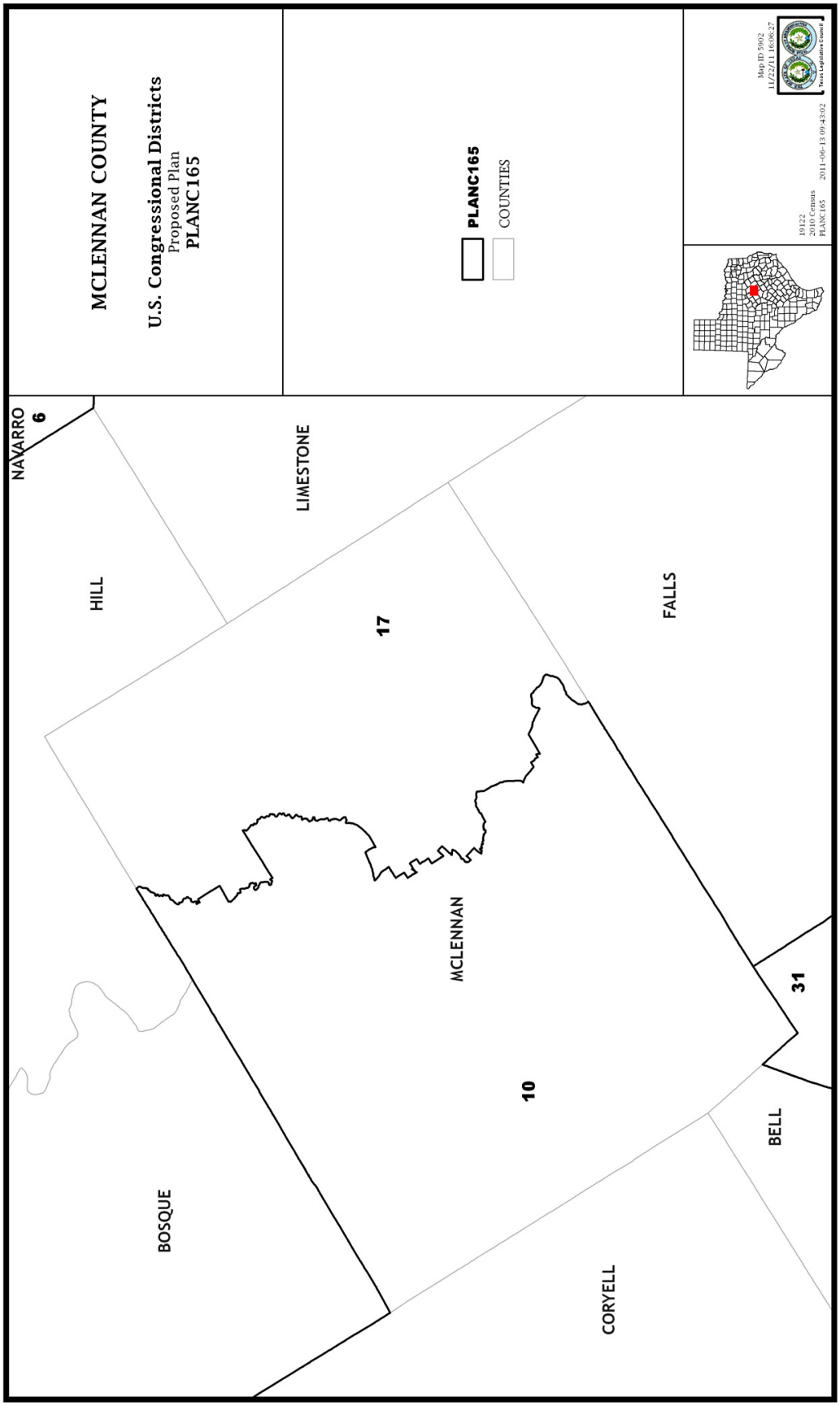
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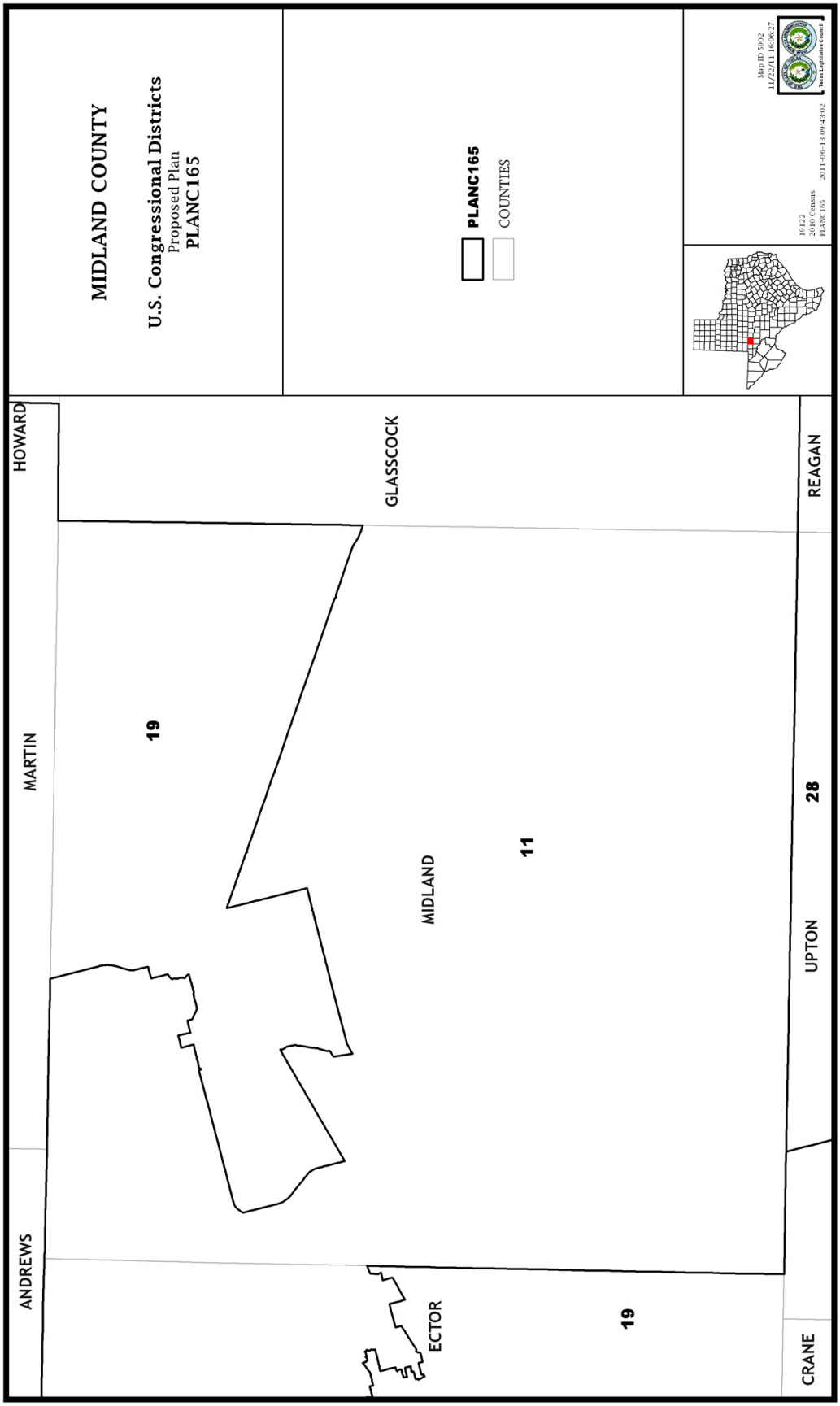
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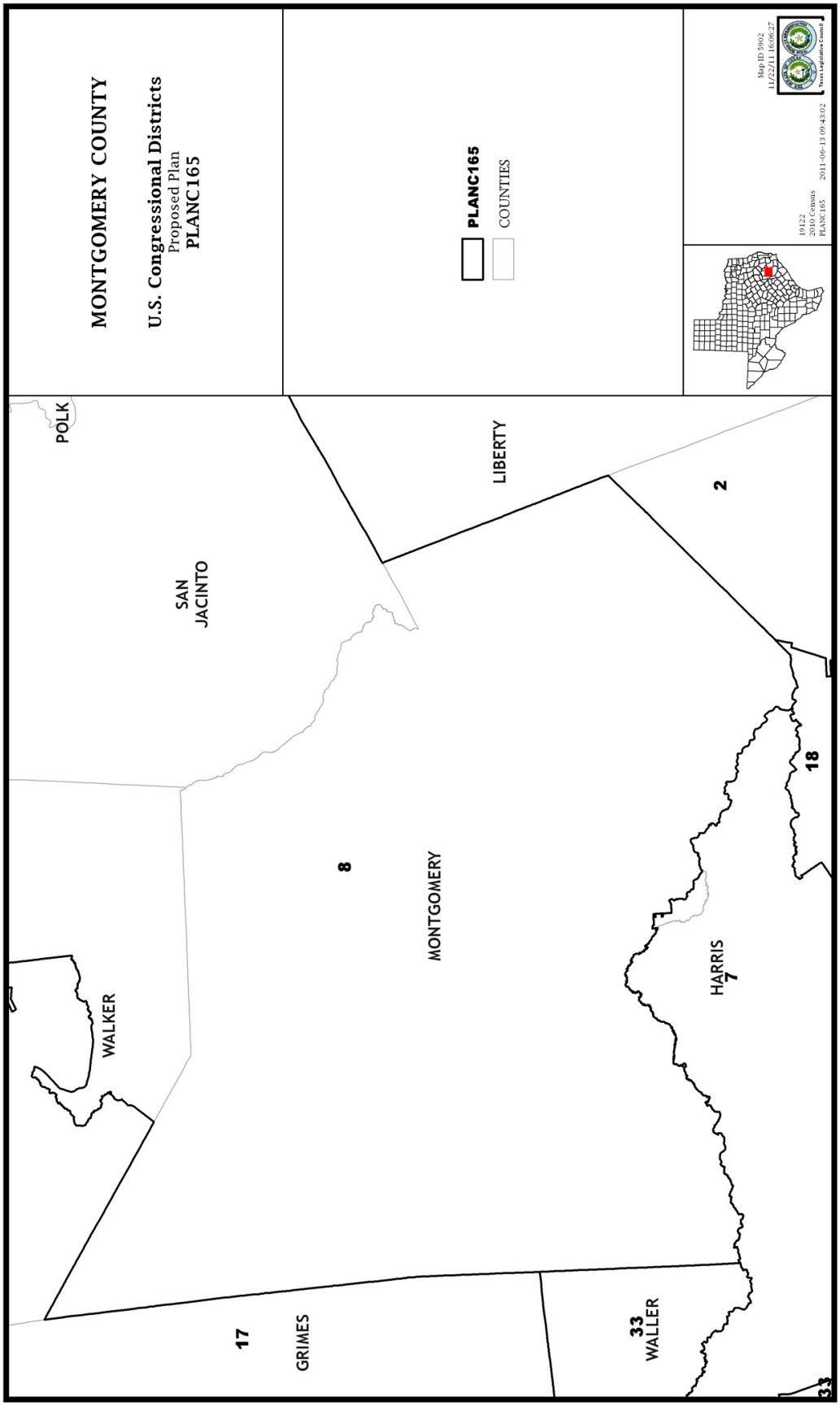
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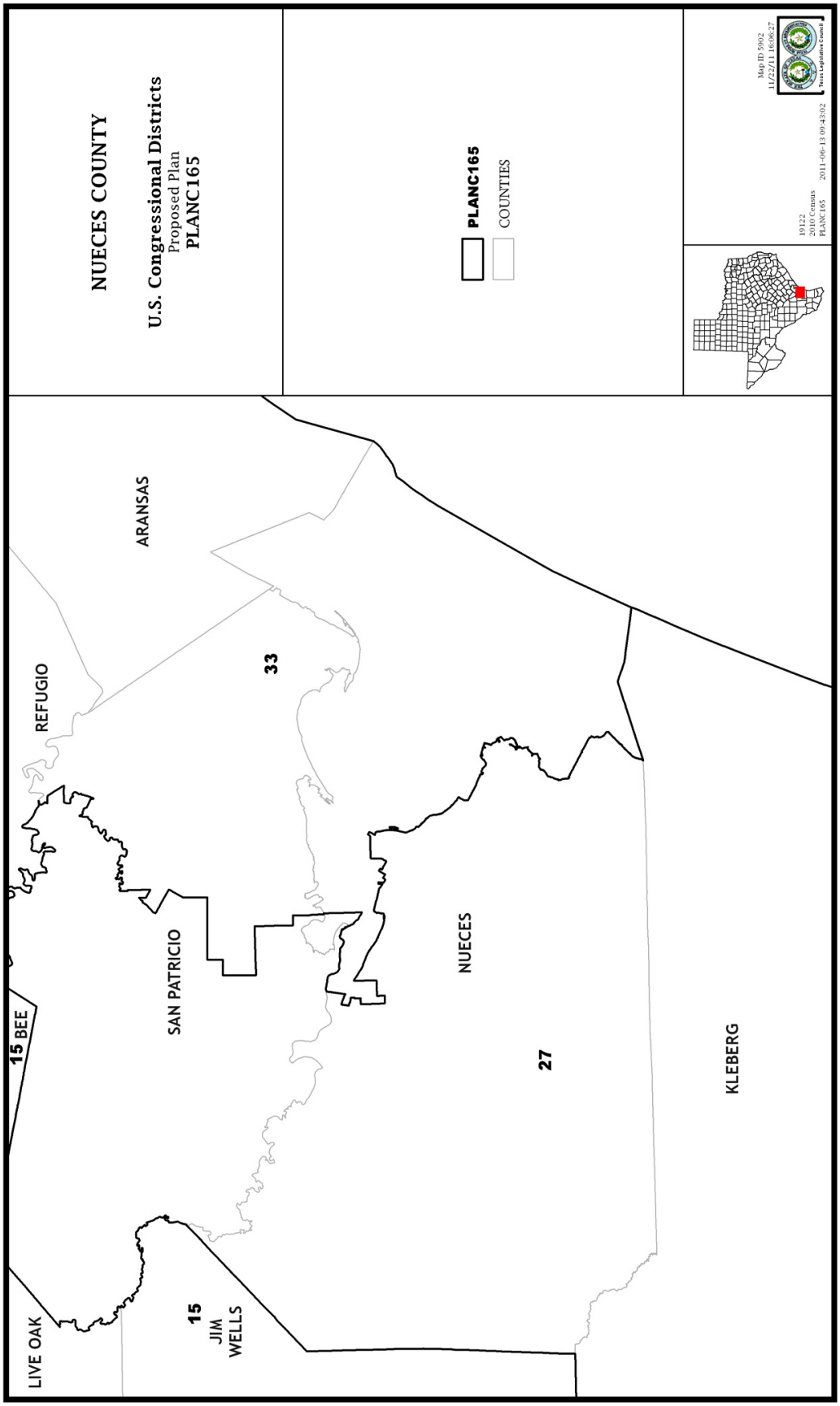
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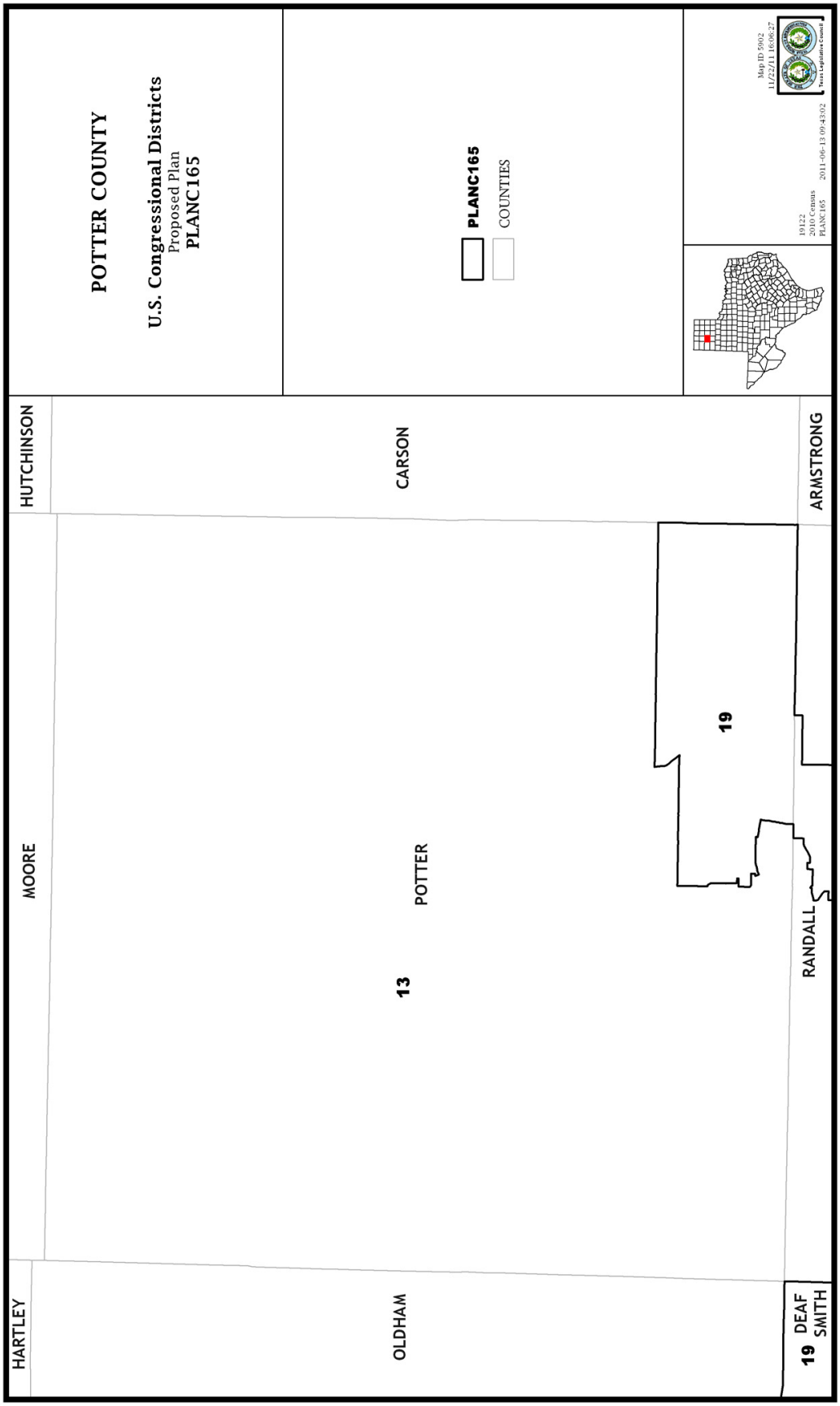
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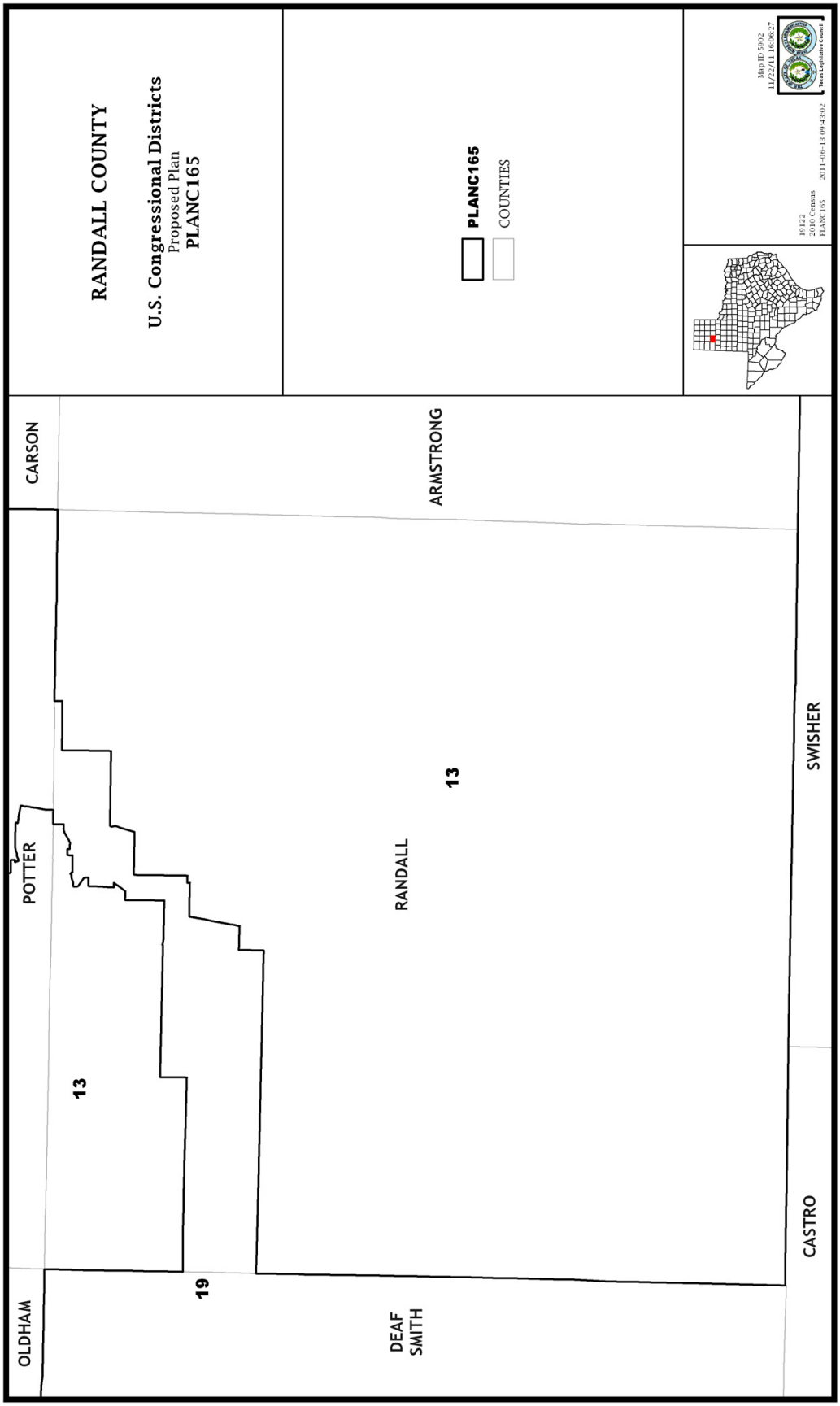
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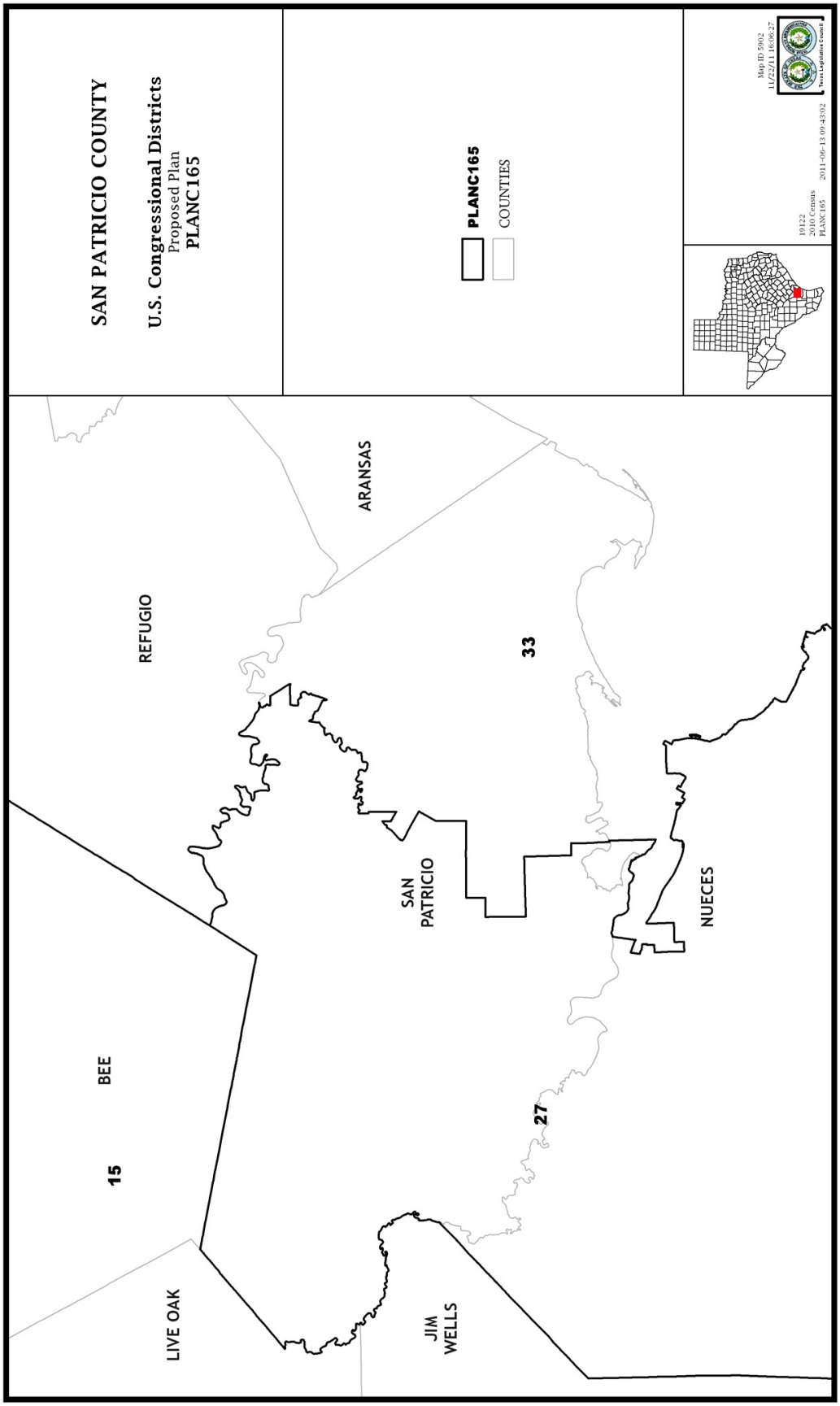
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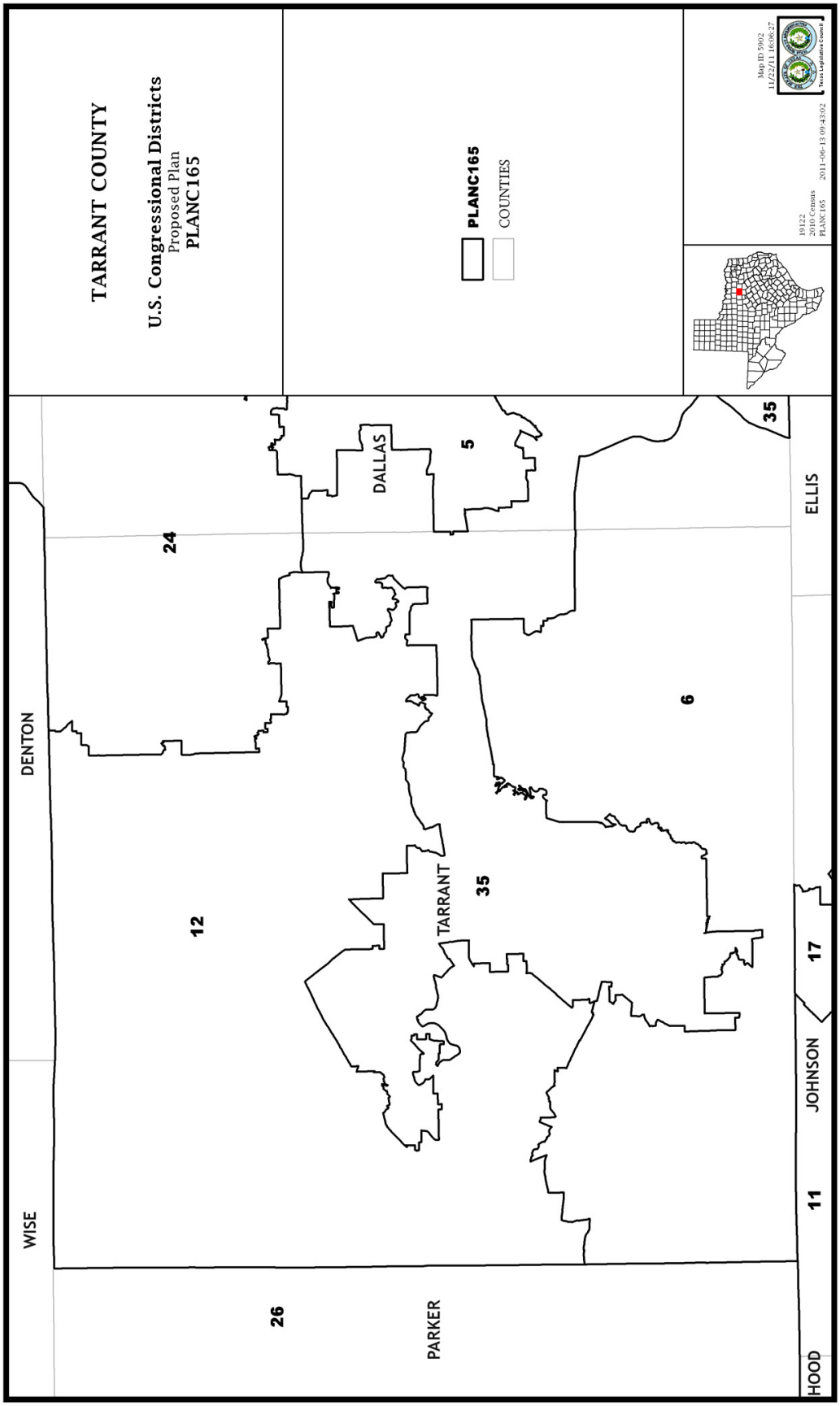
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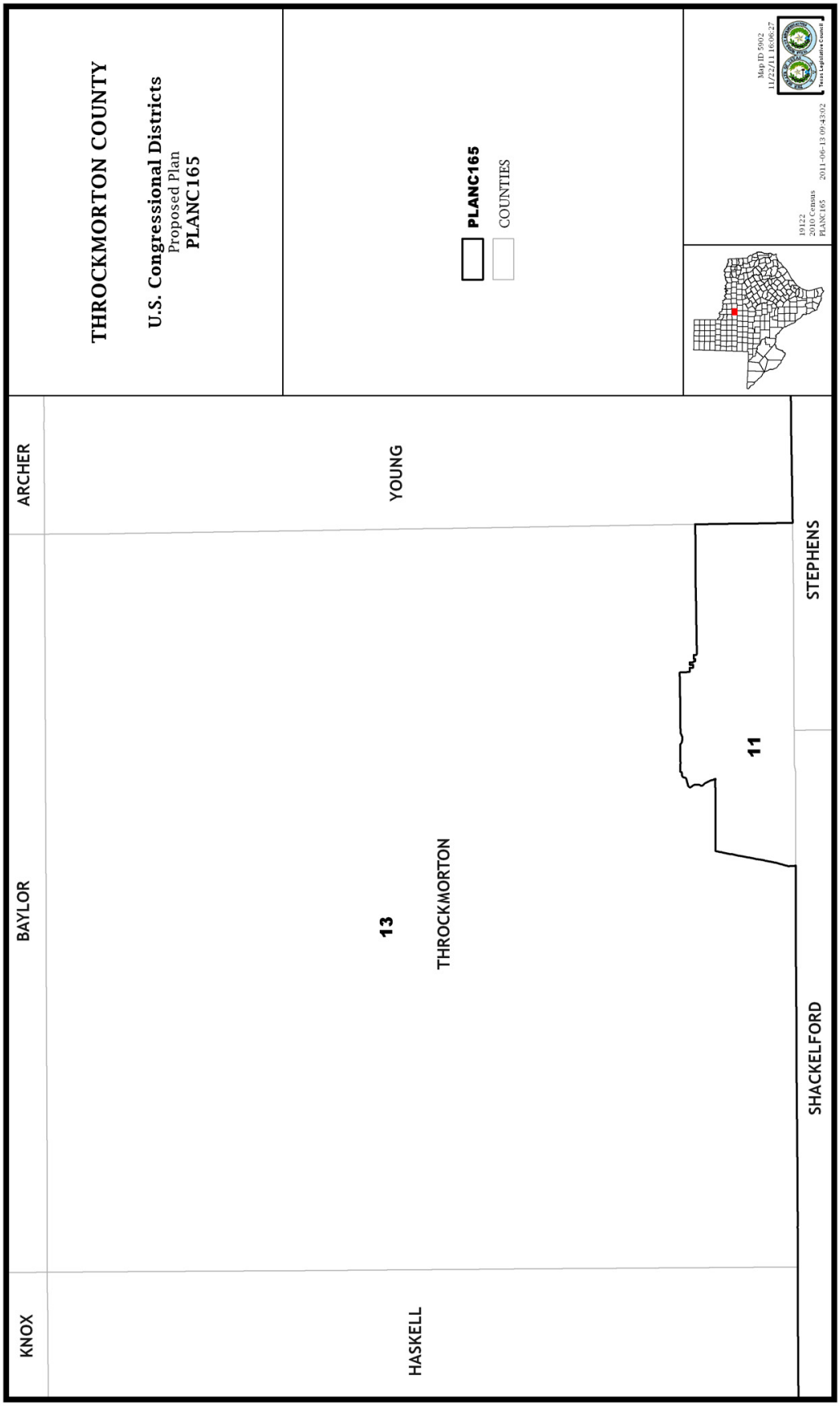
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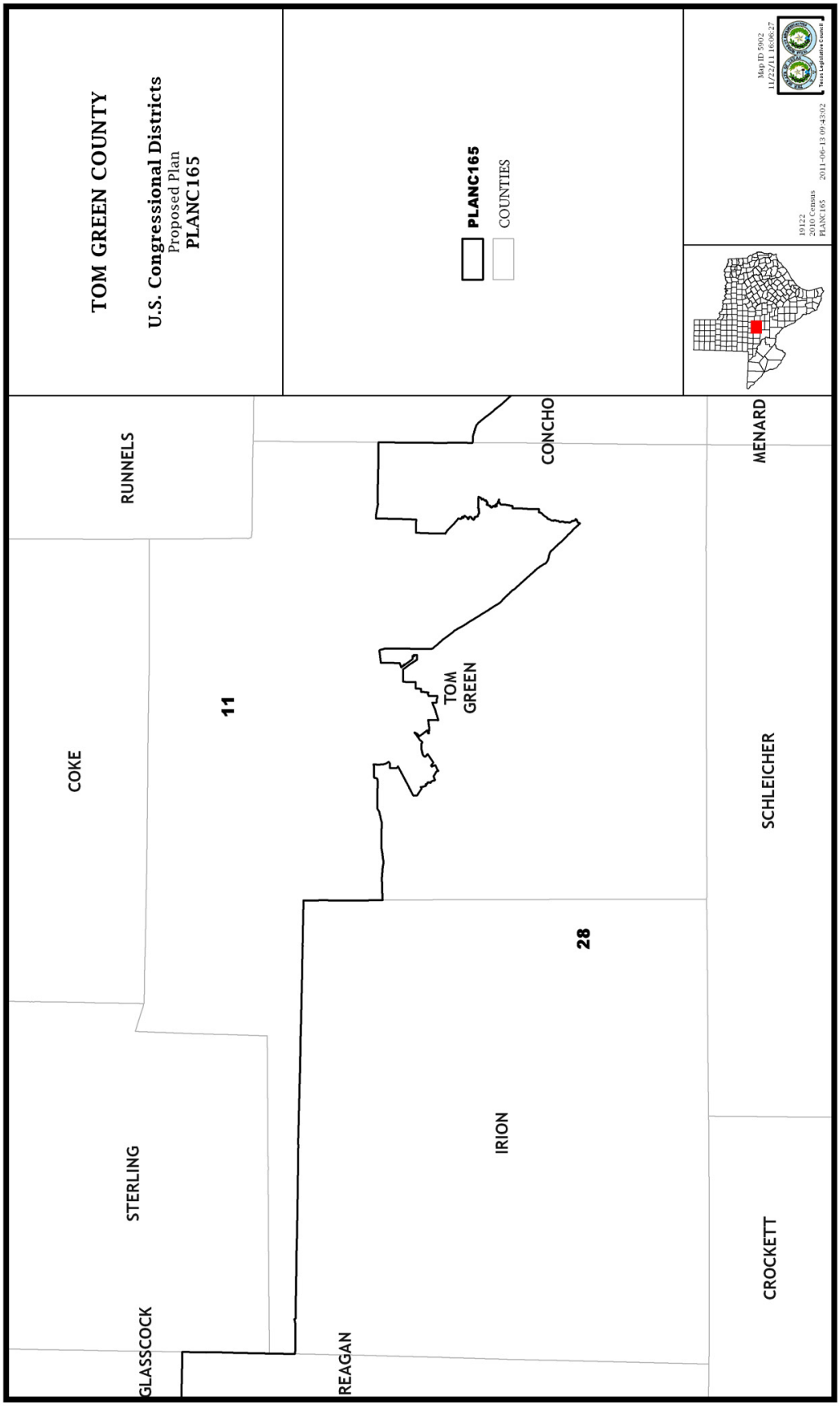
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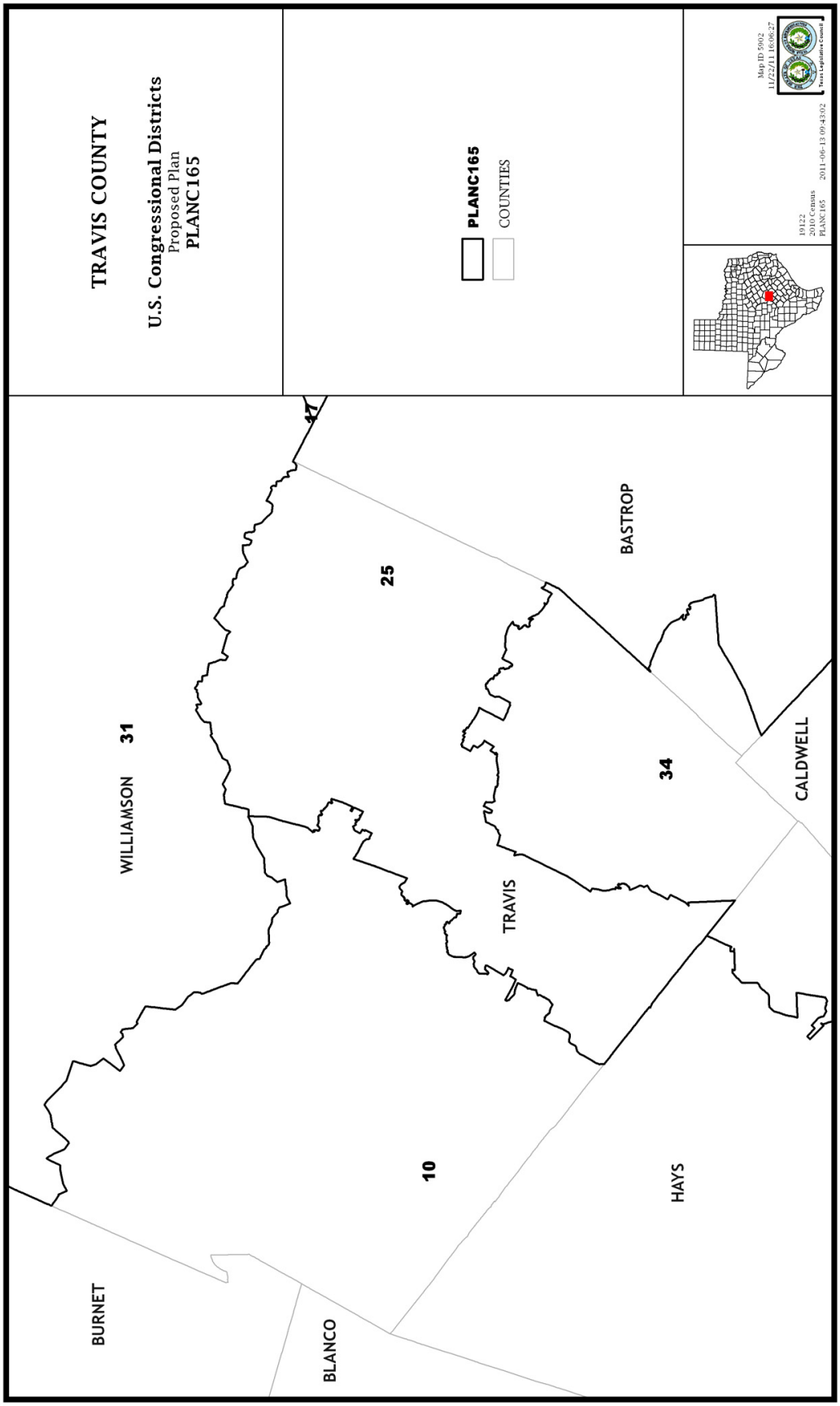
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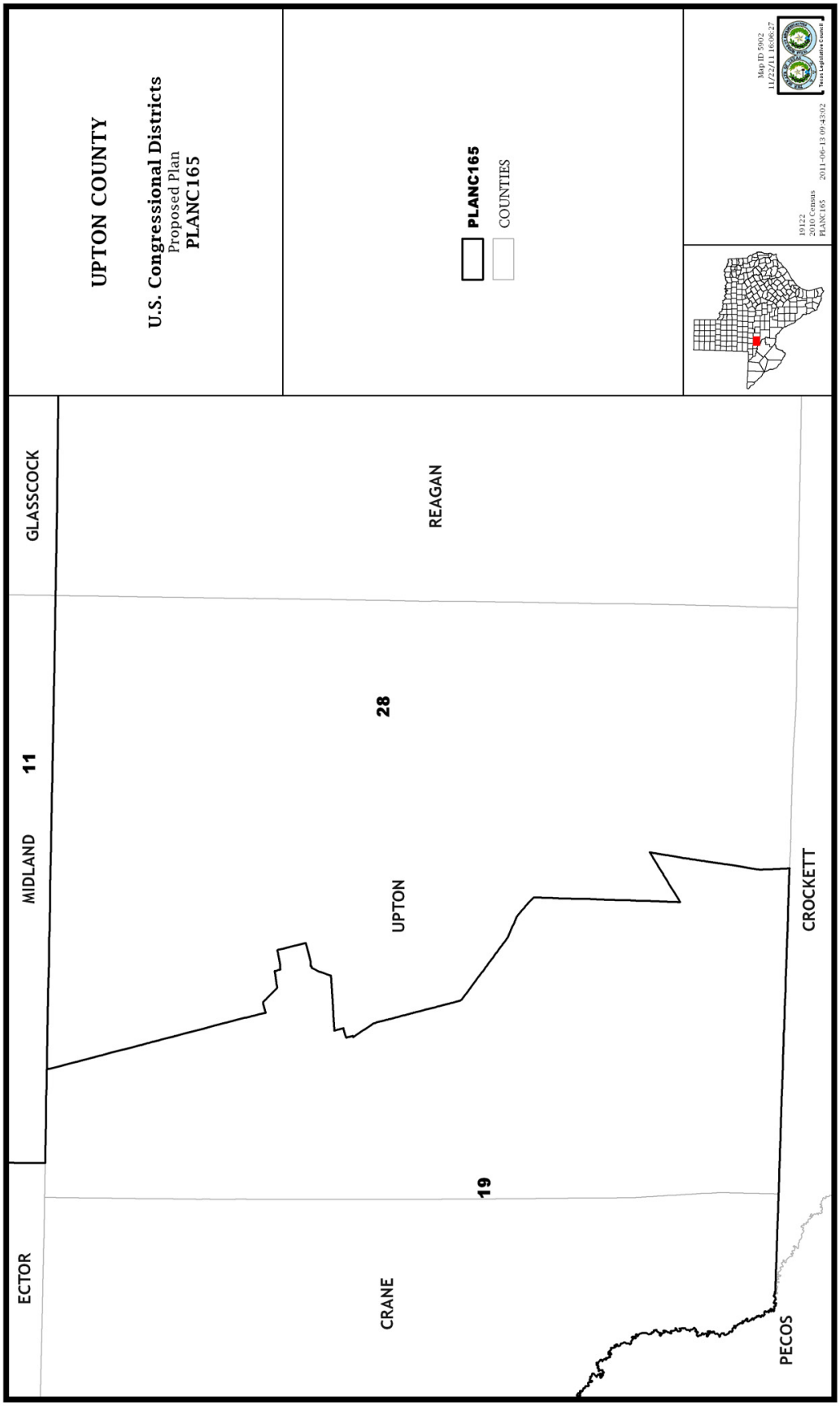
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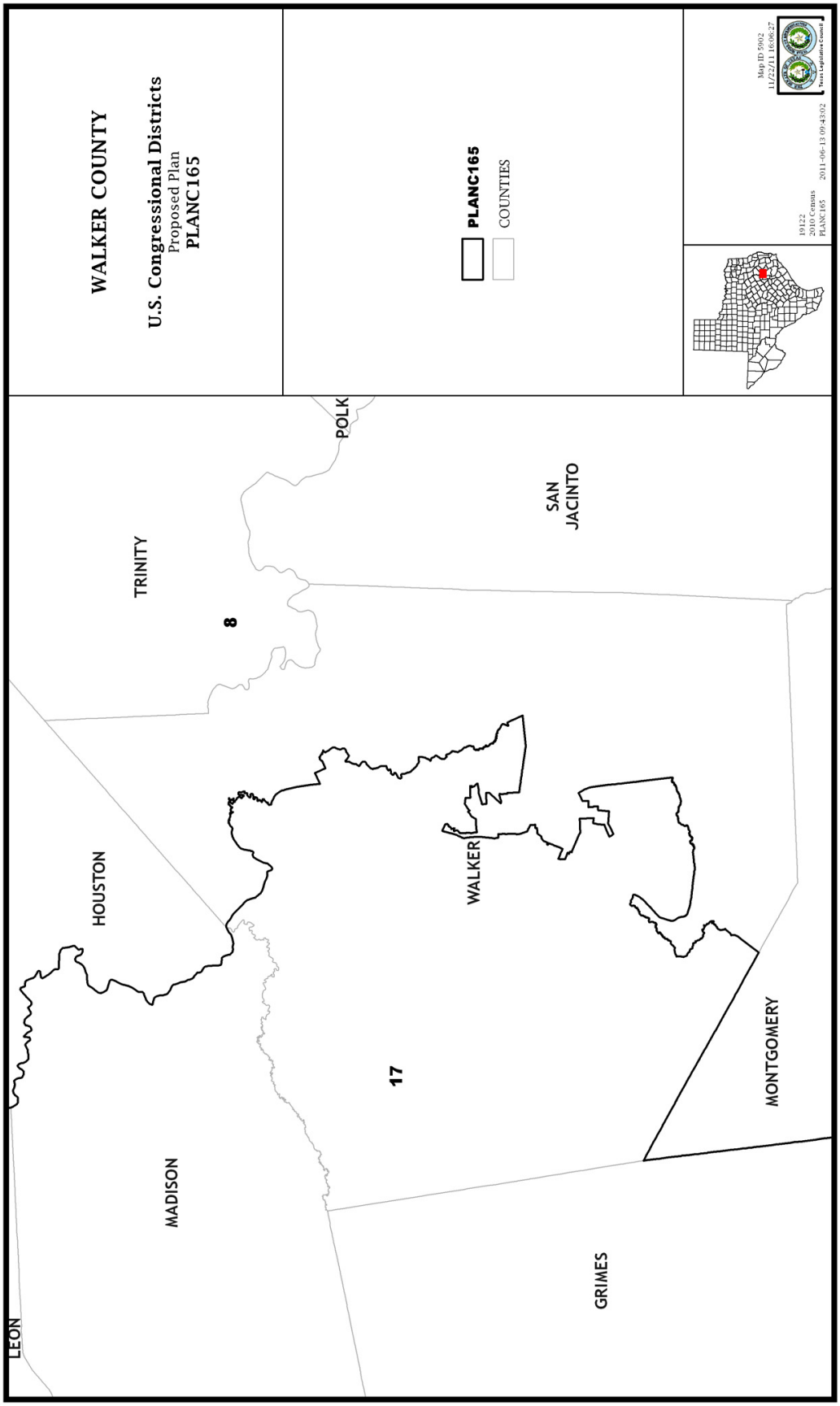
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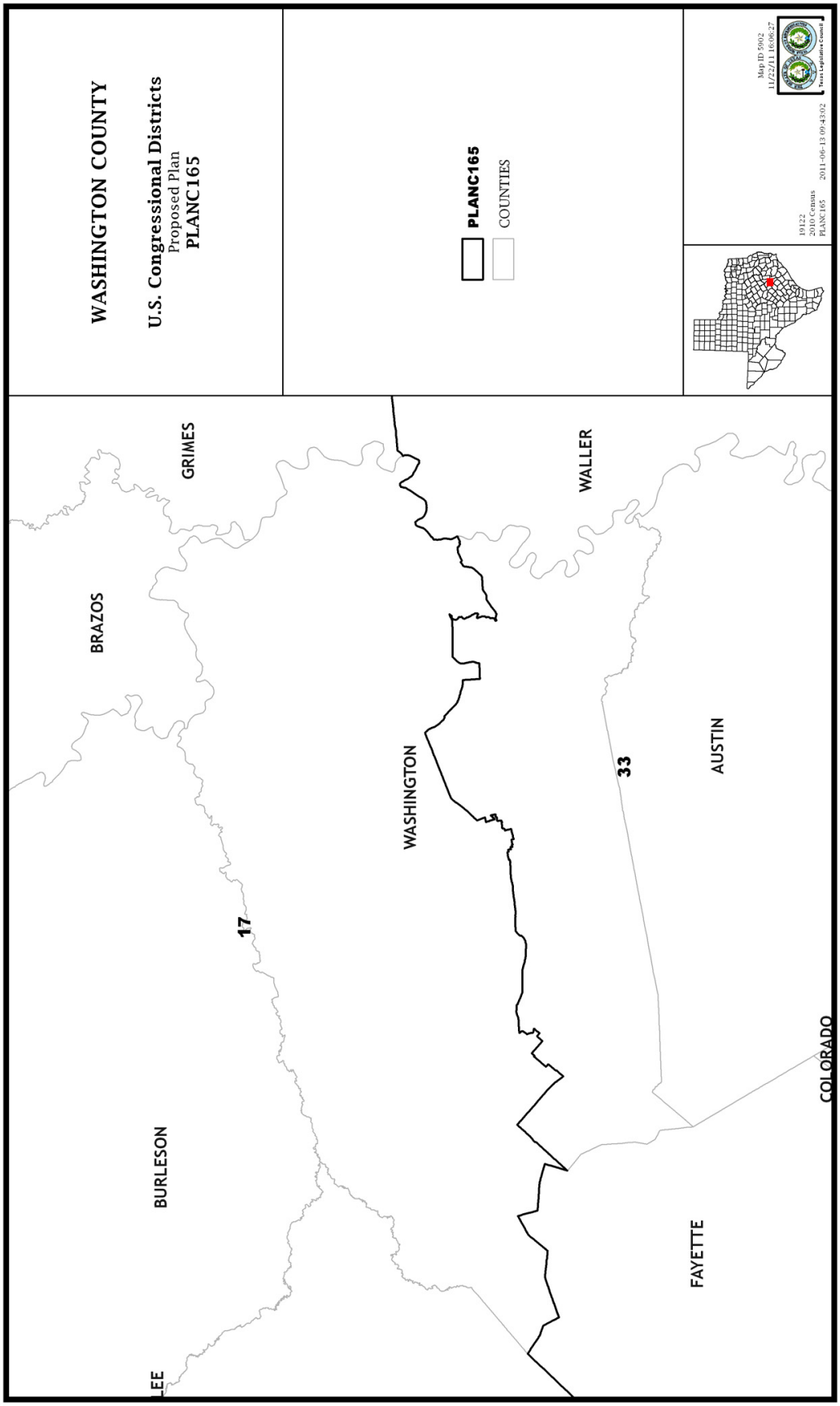
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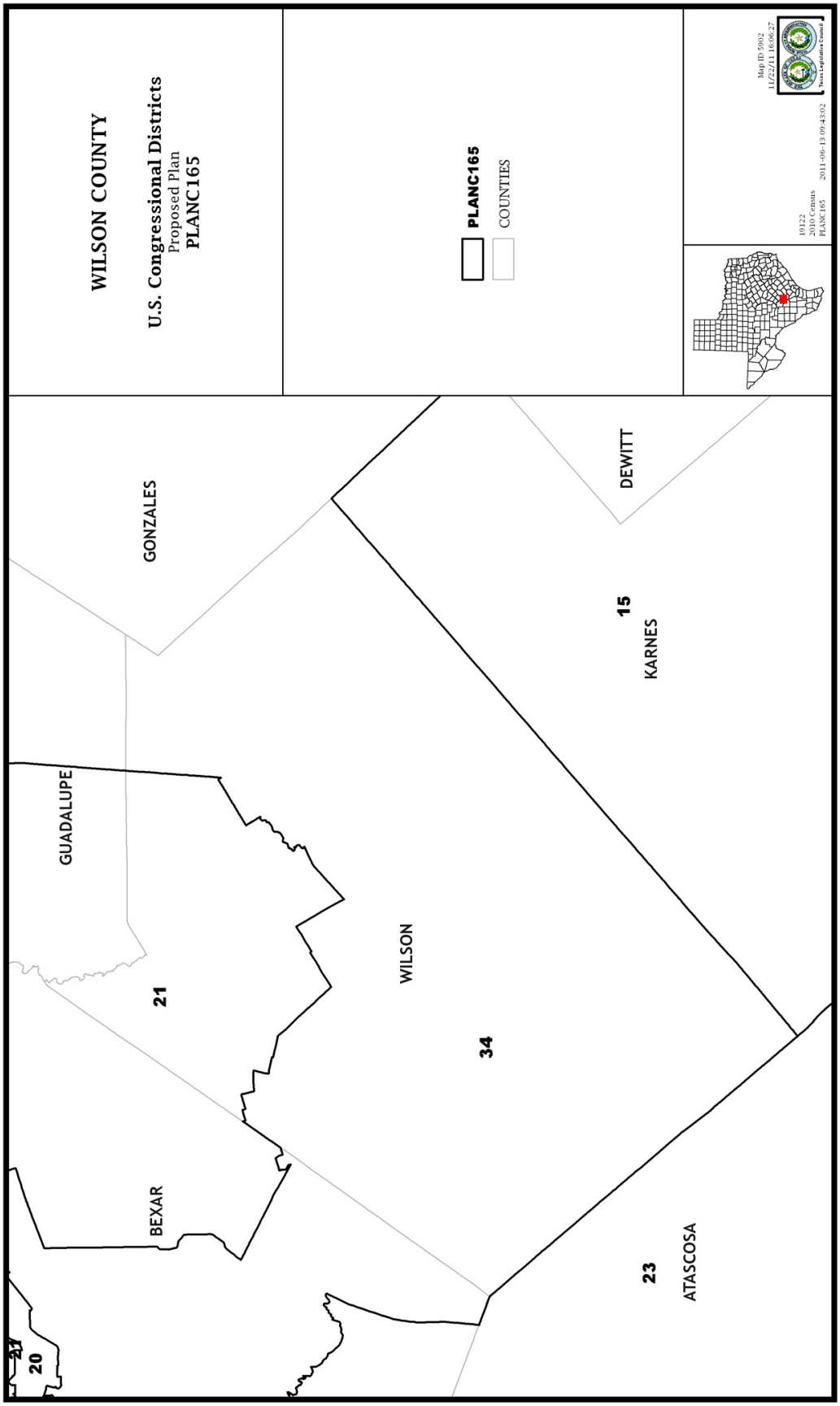
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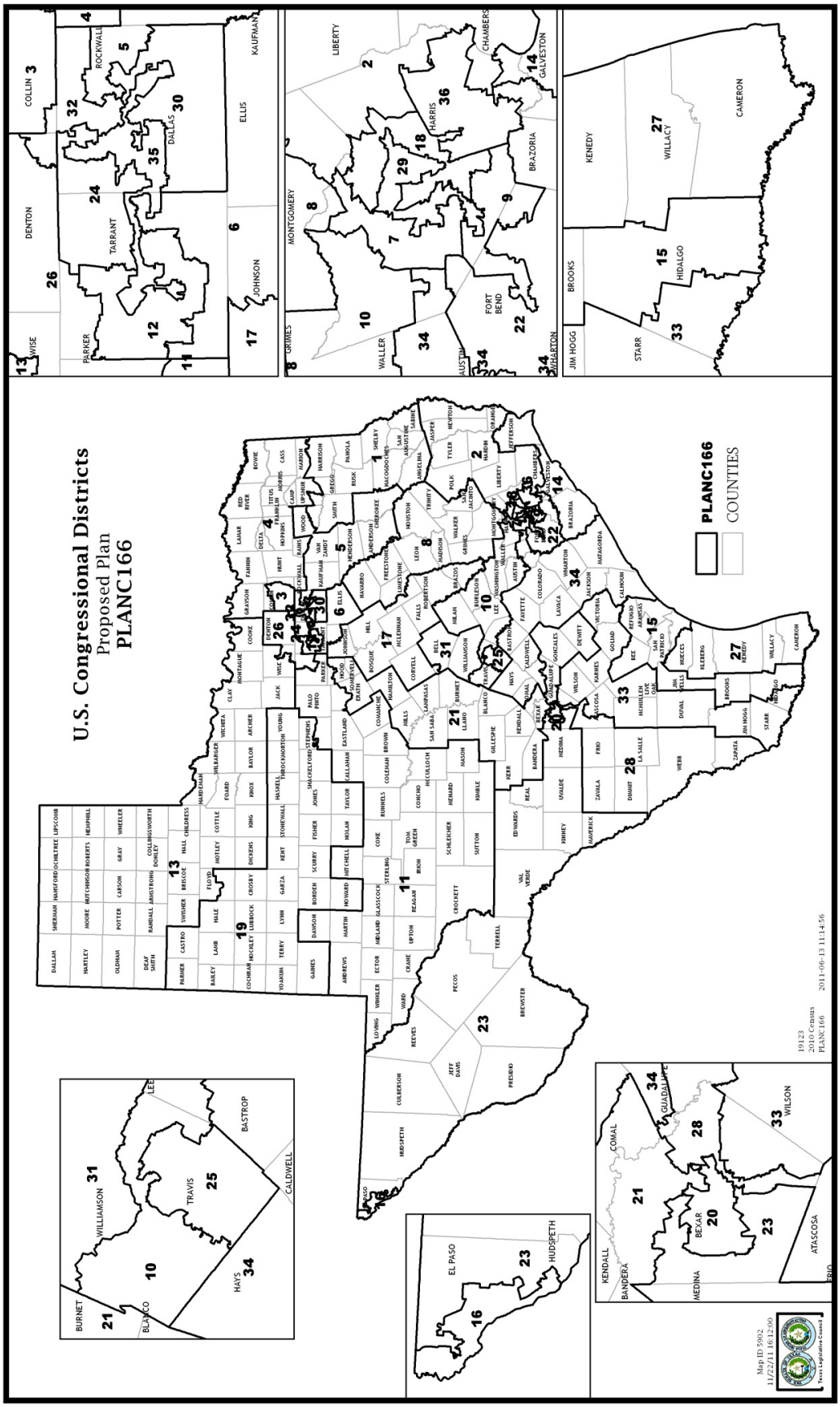
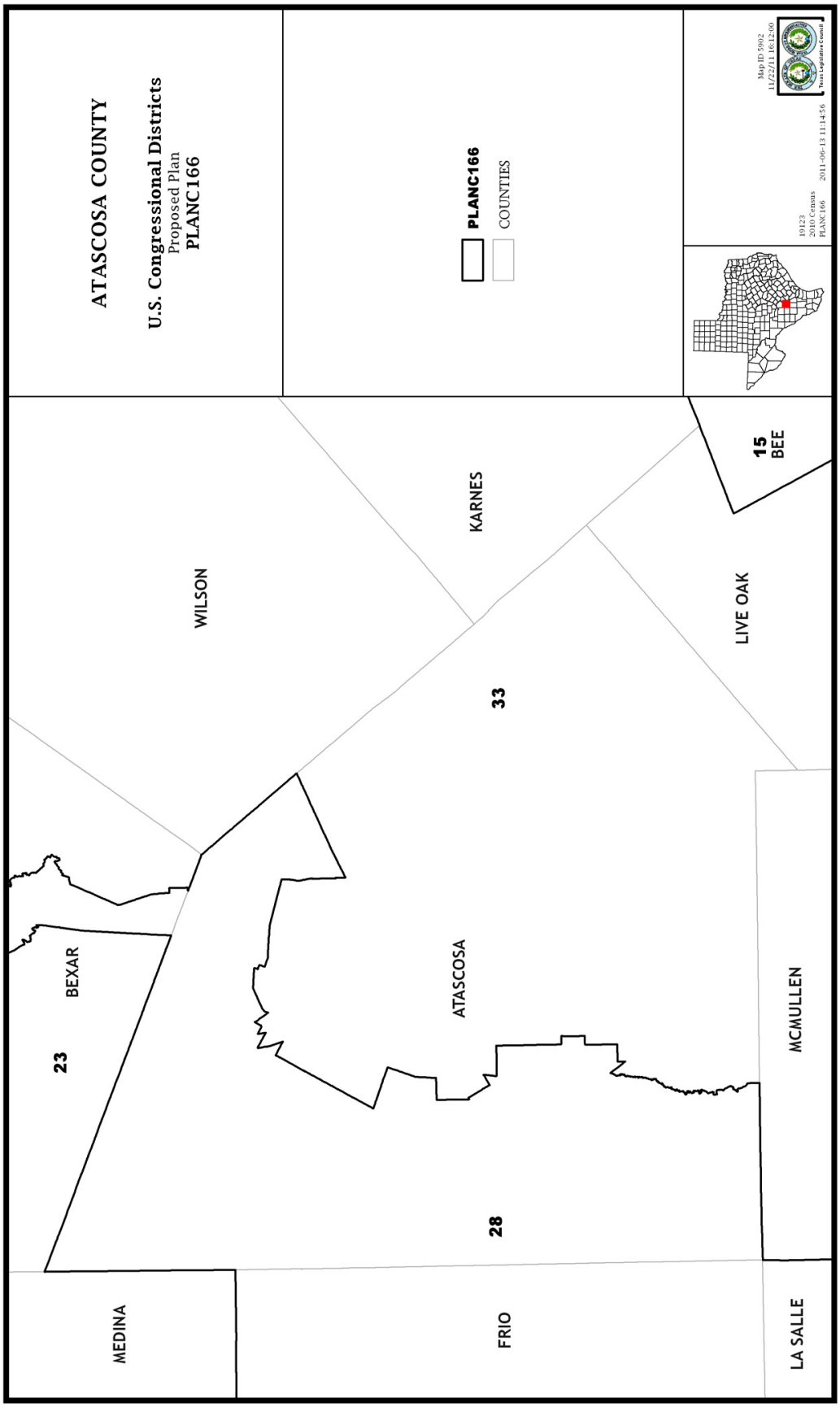
Amendment No. 17 (by Dukes)

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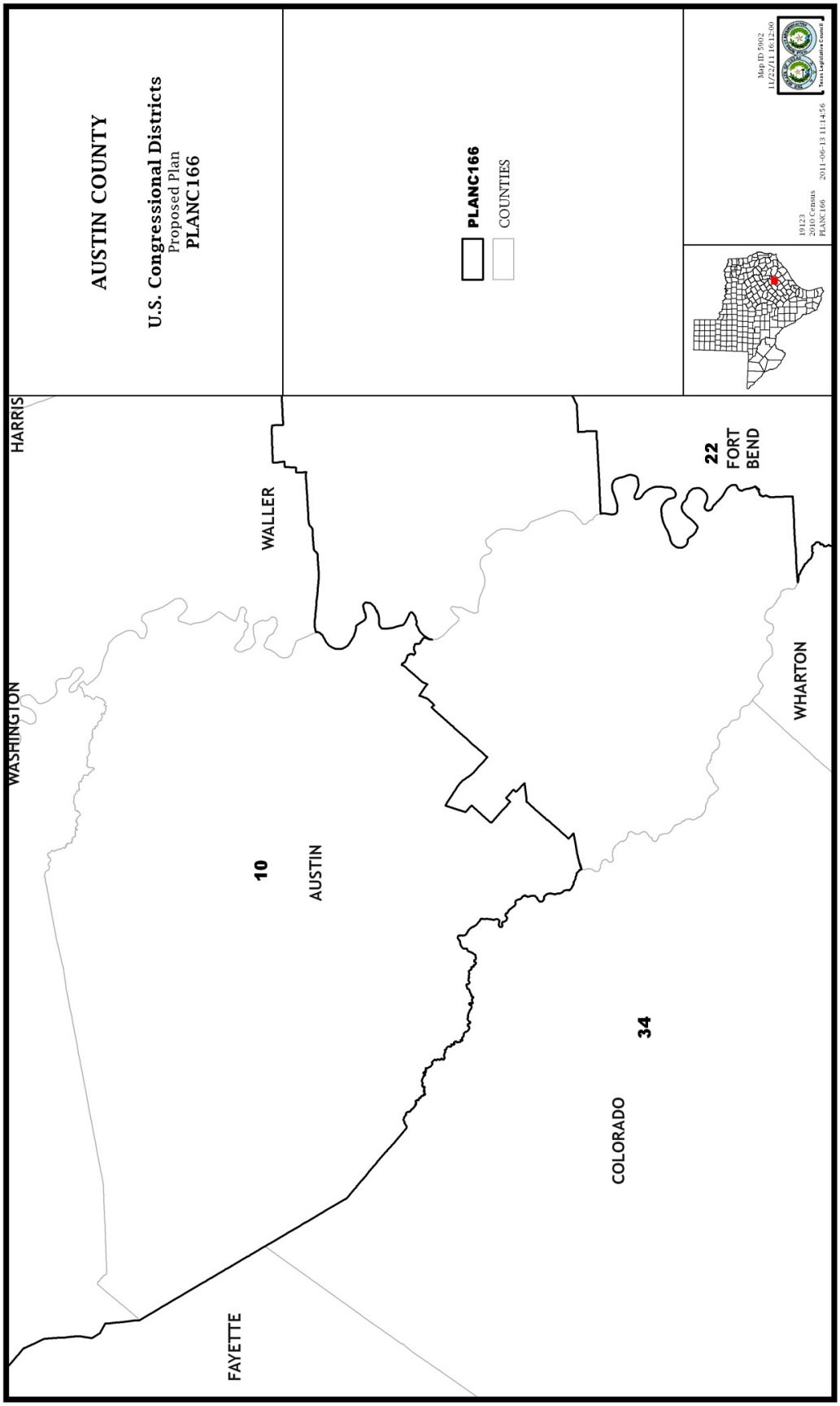
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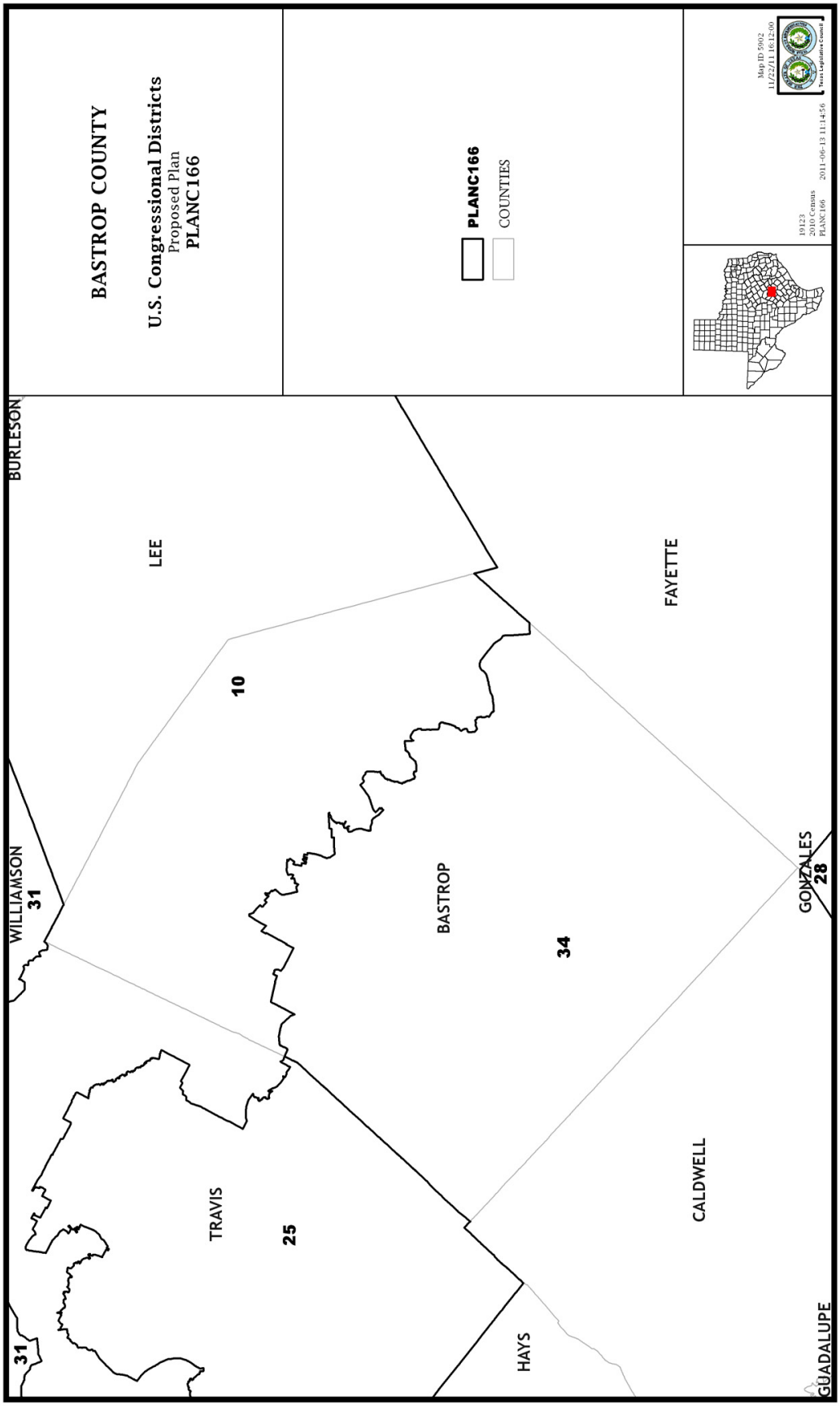
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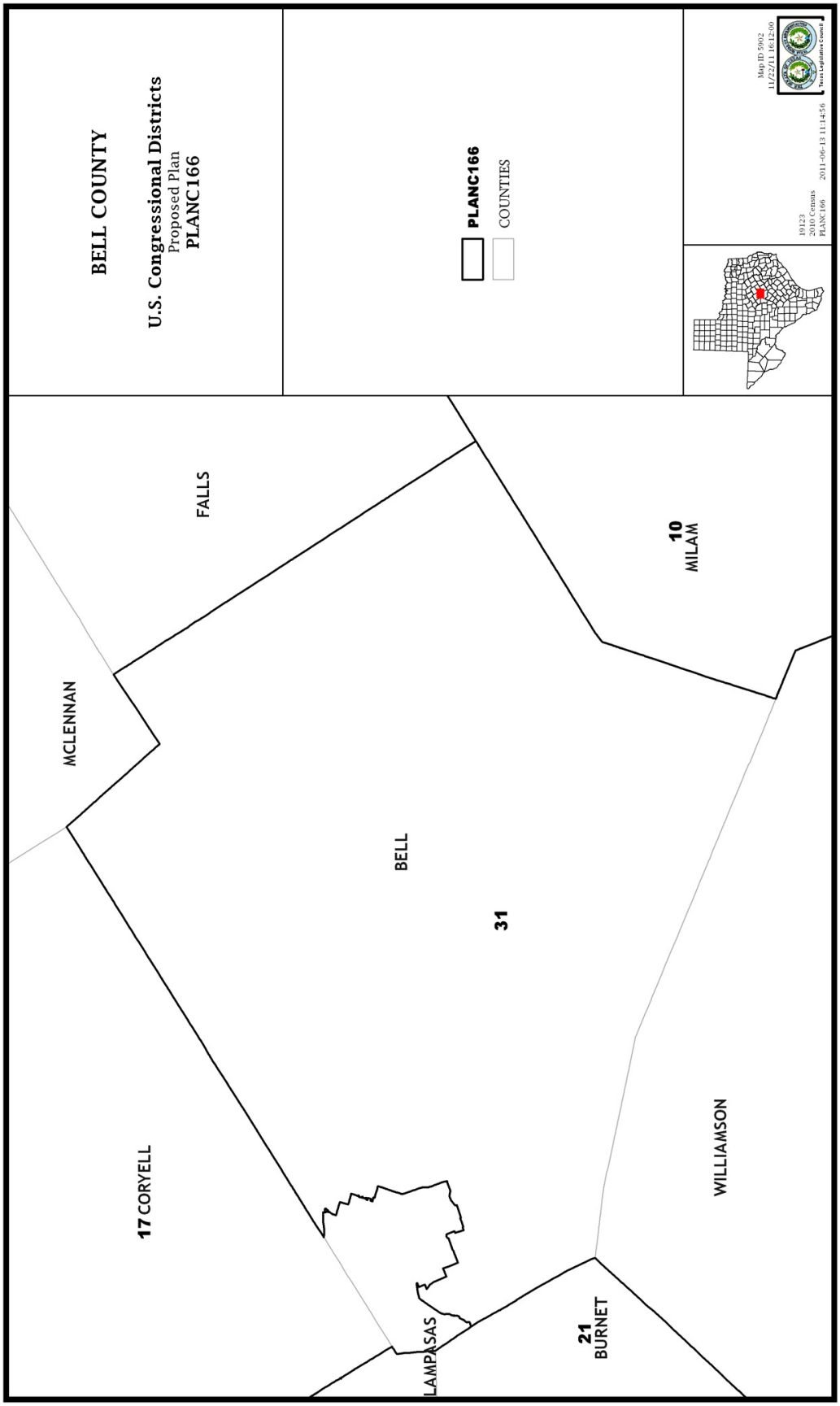
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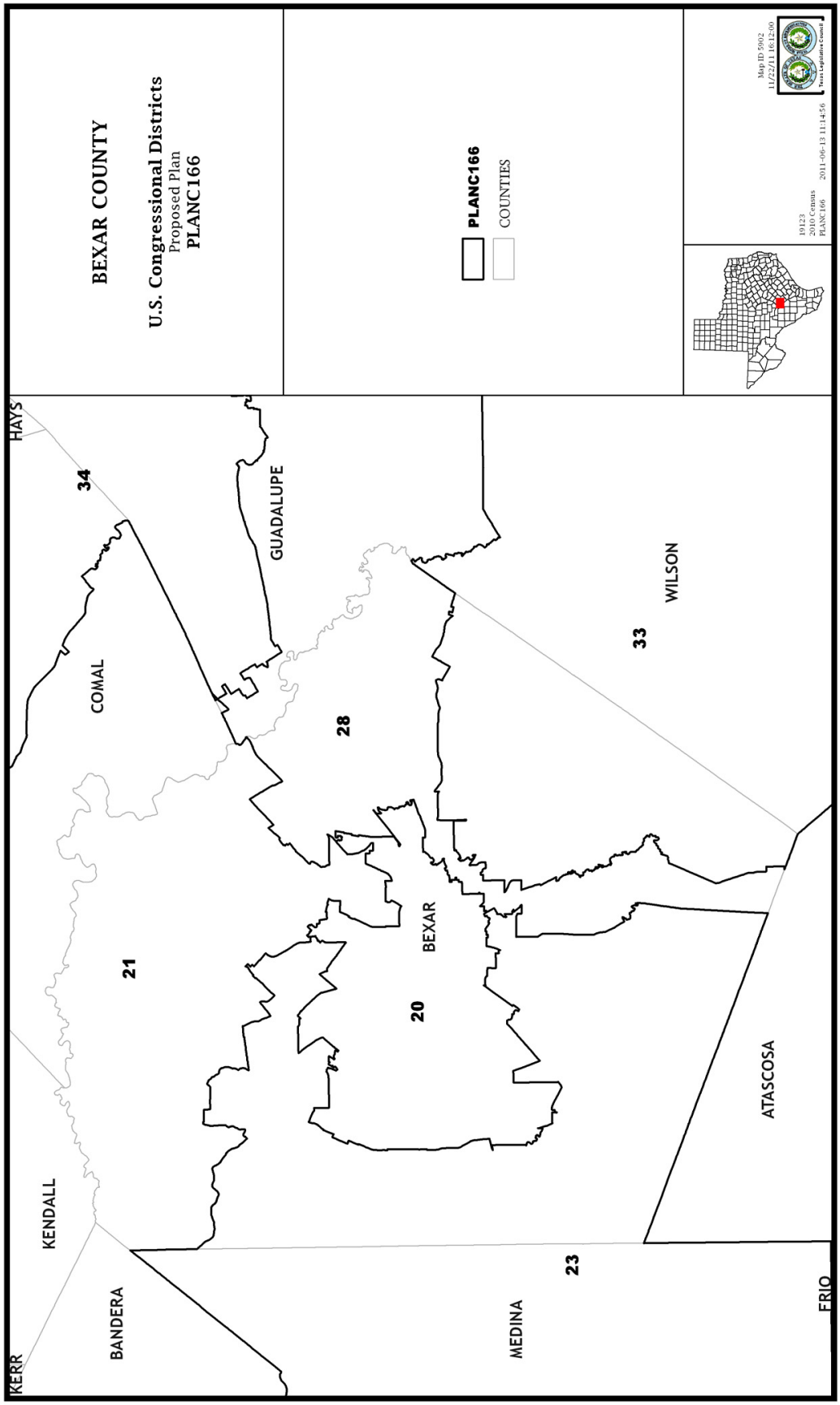
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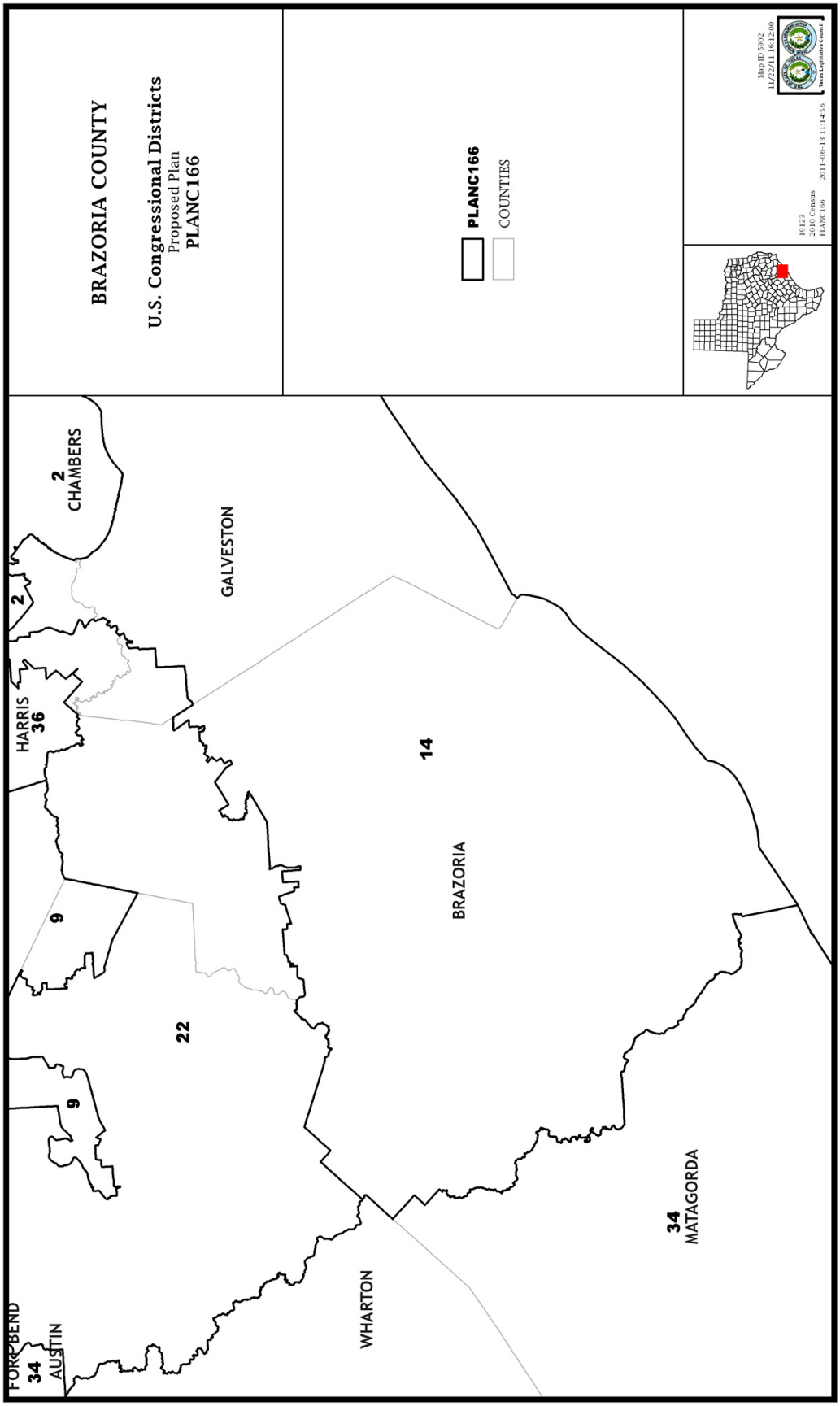
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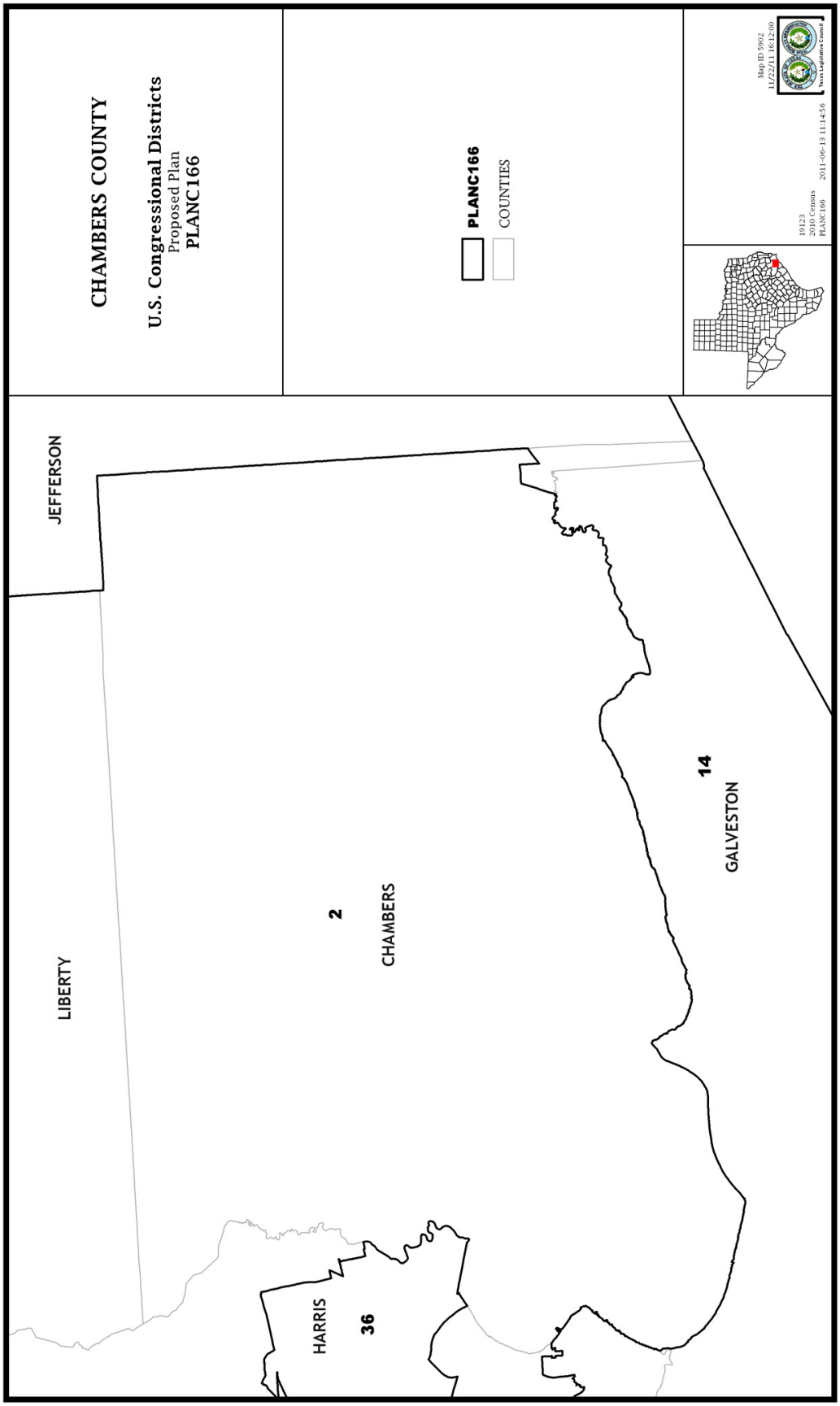
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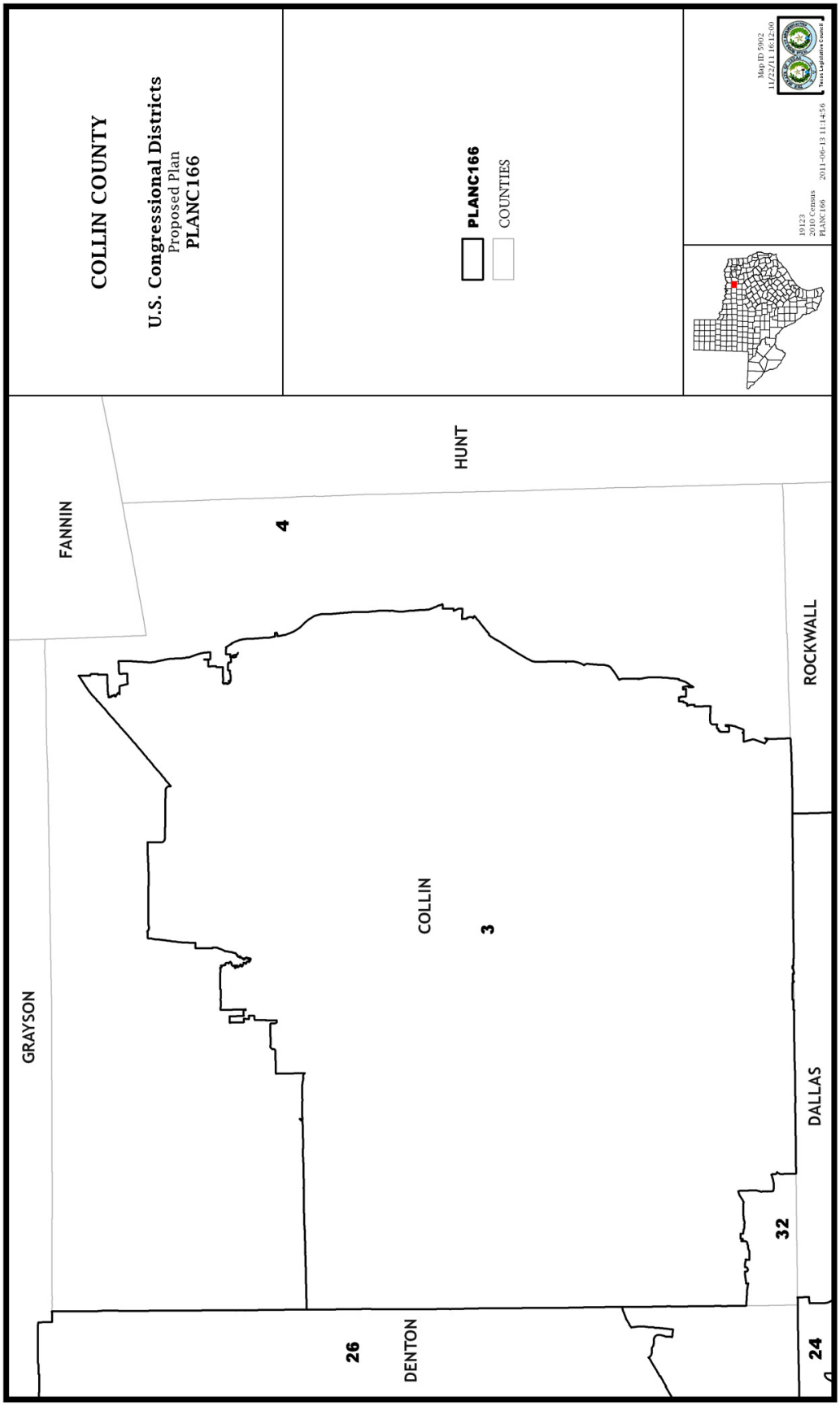
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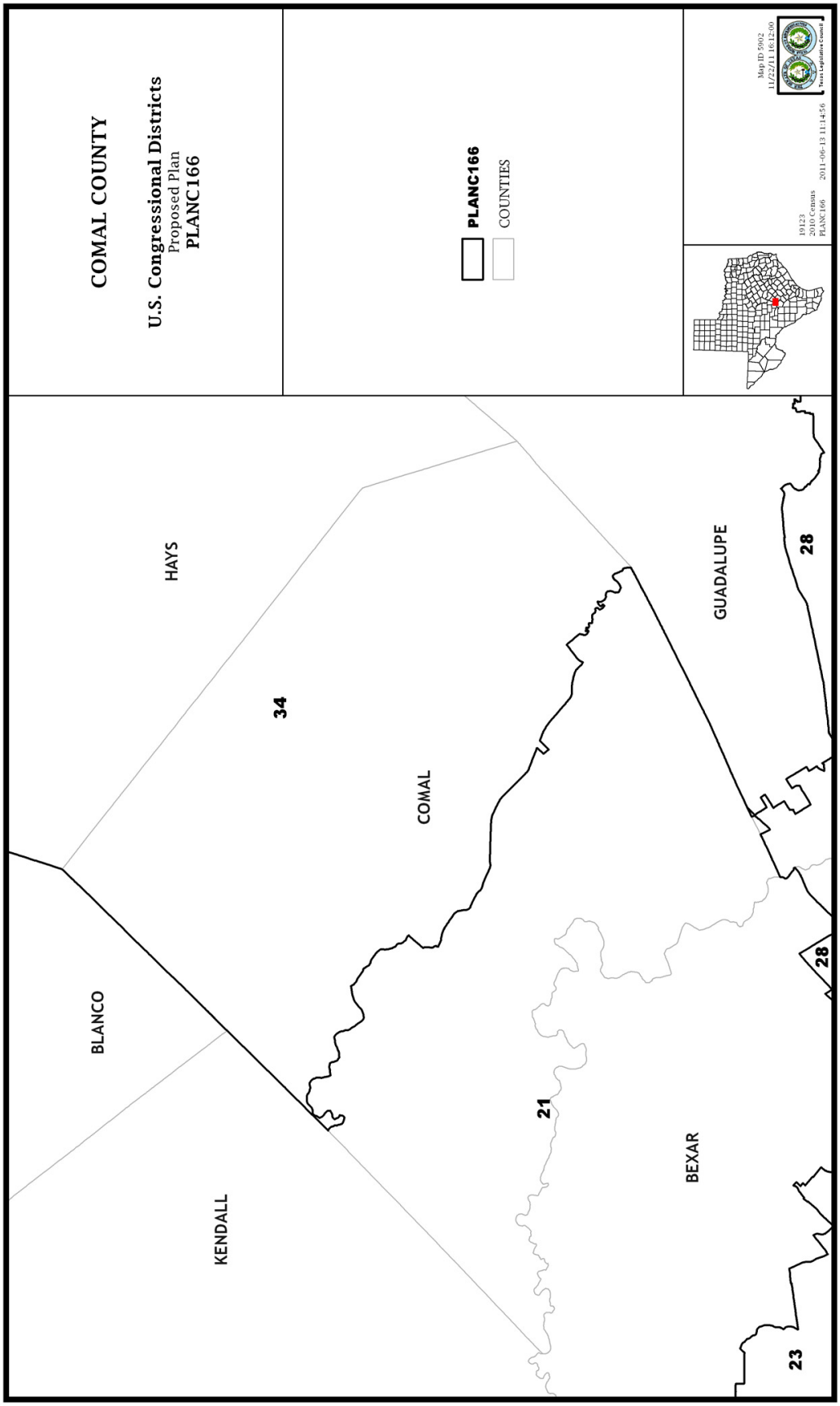
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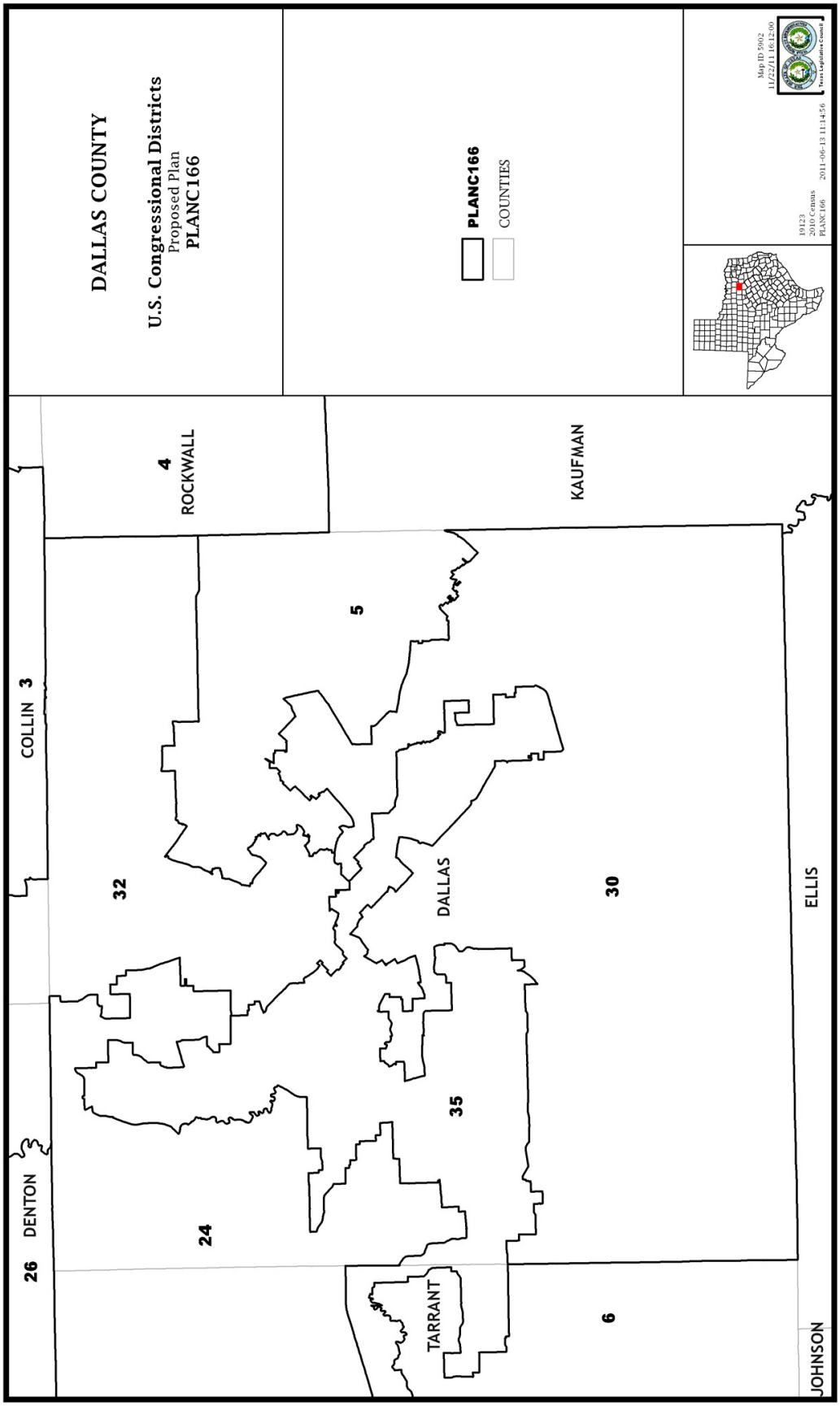
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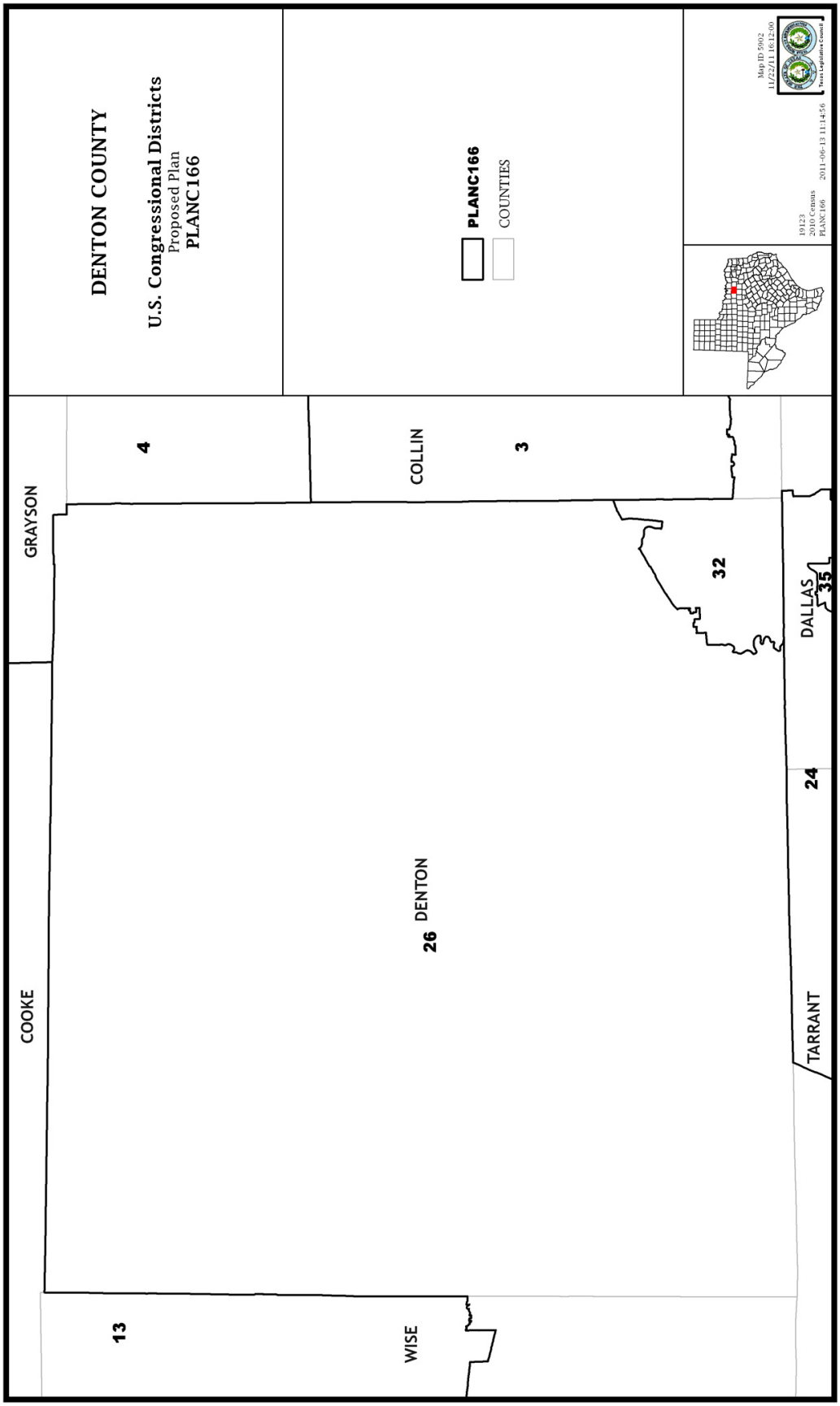
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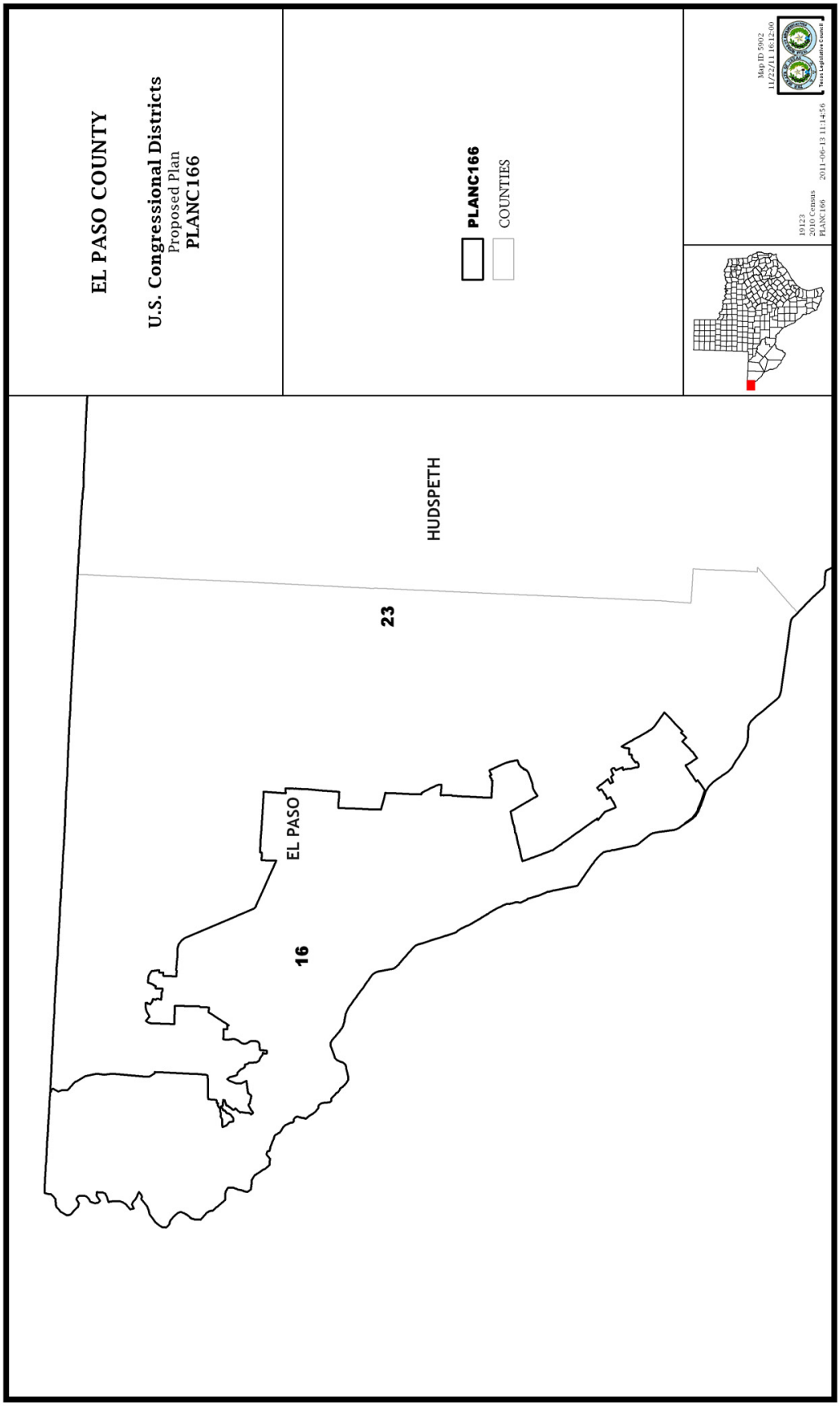
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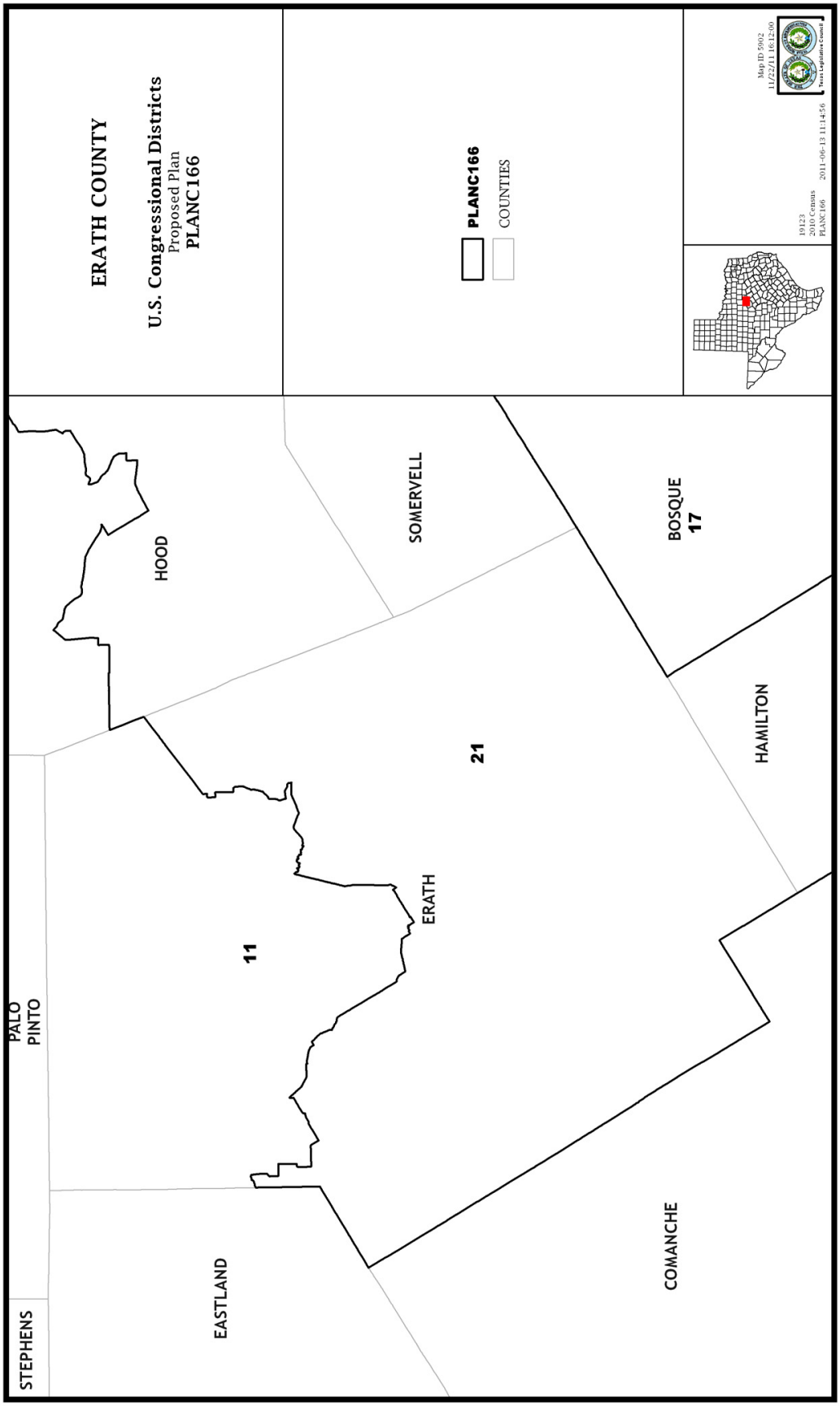
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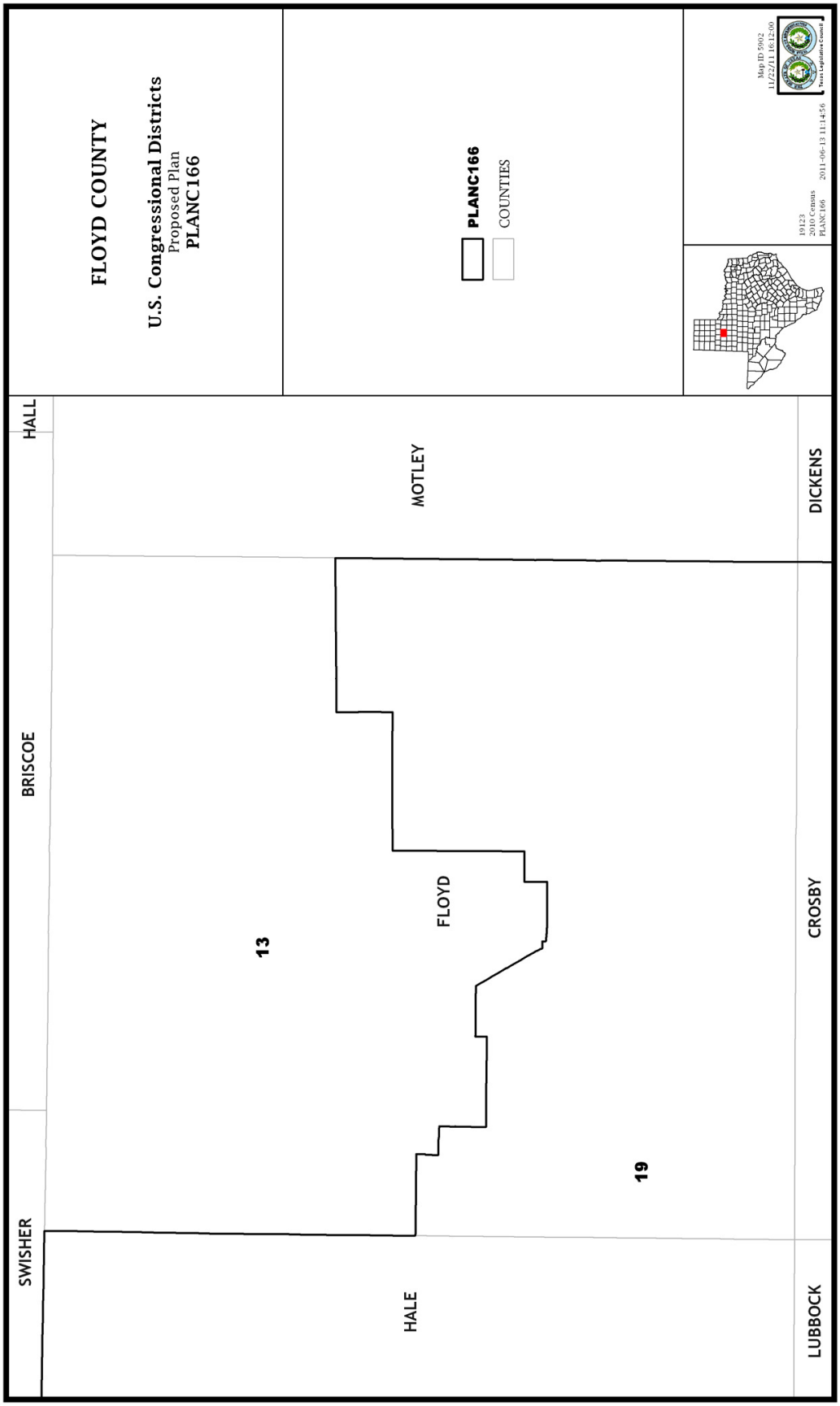
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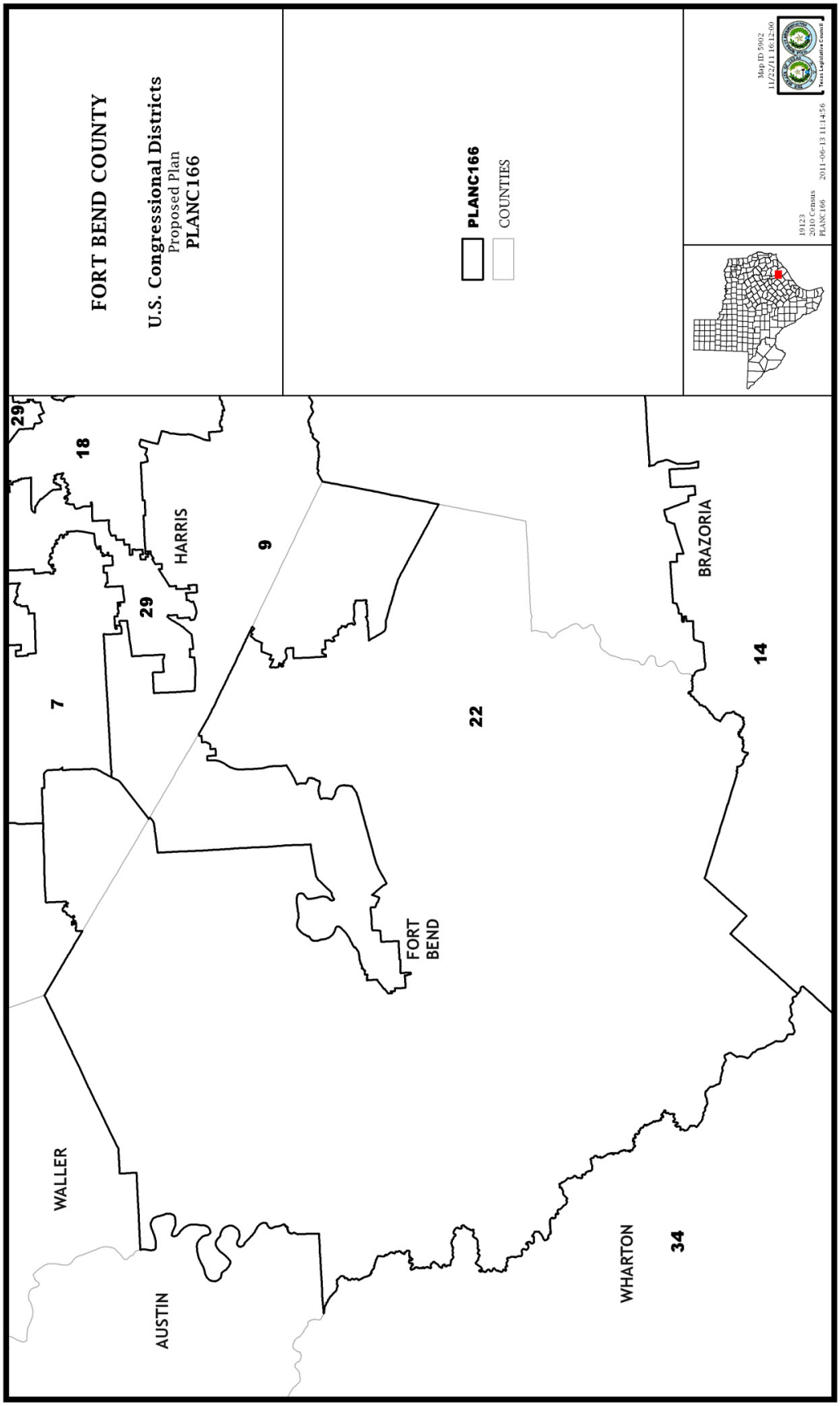
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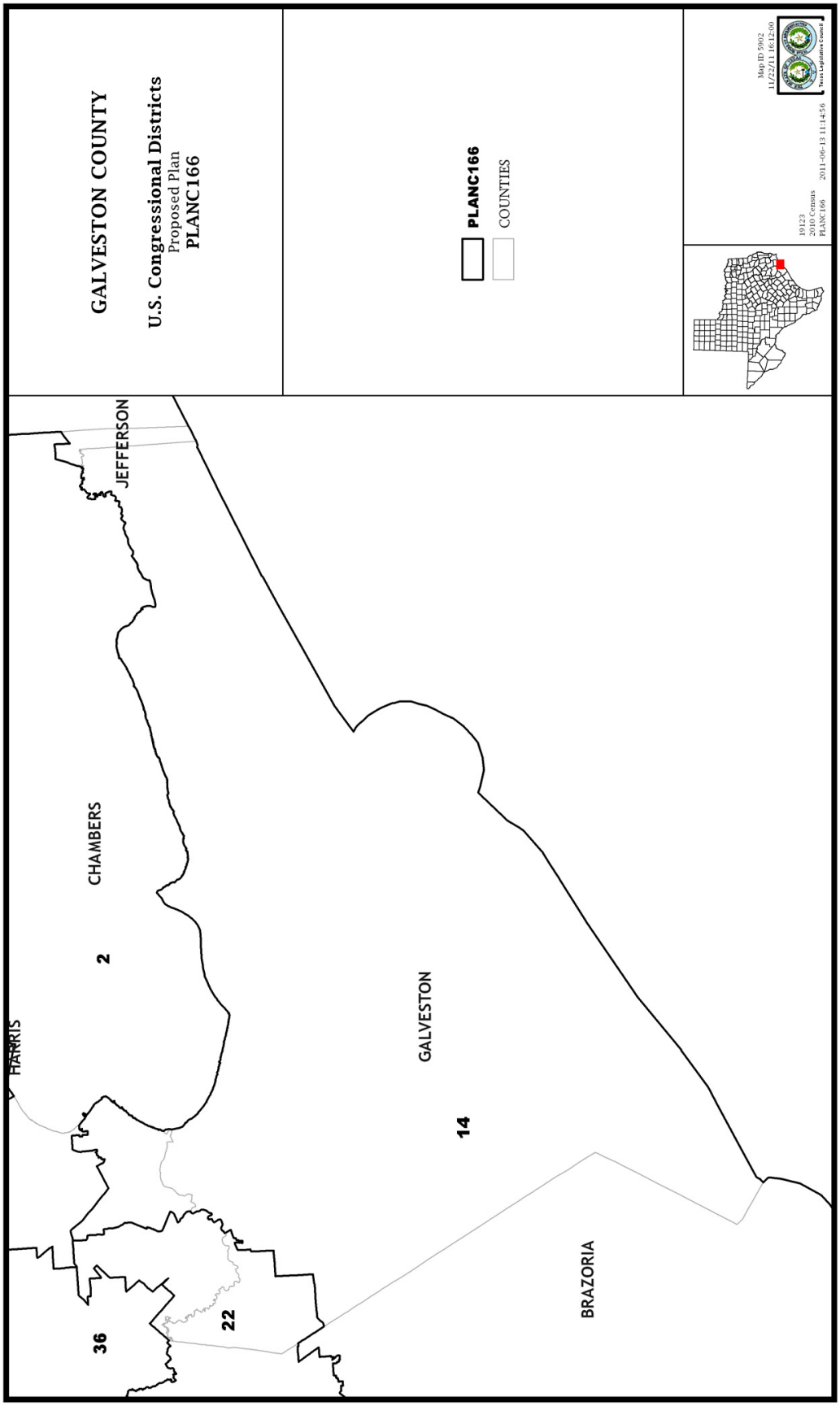
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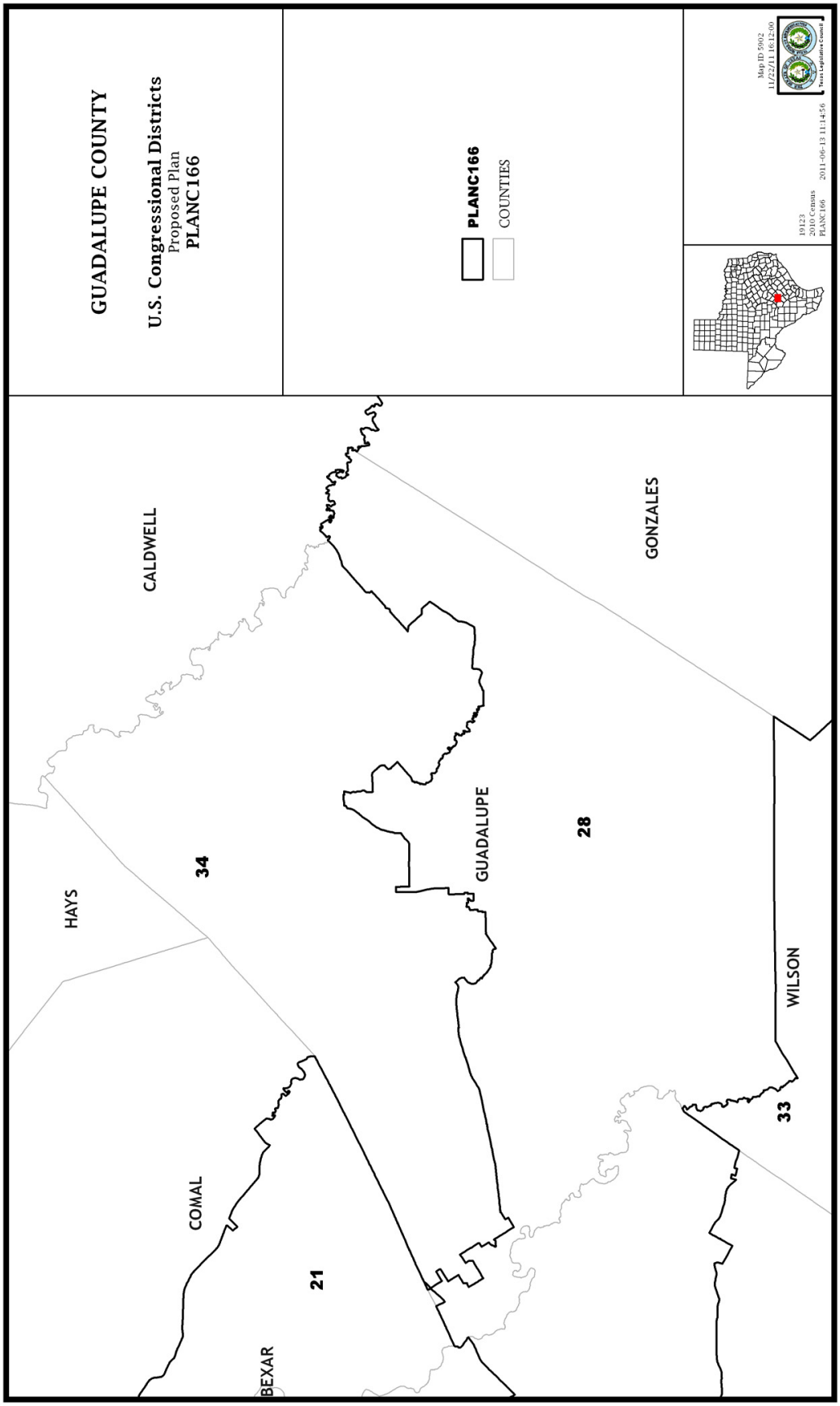
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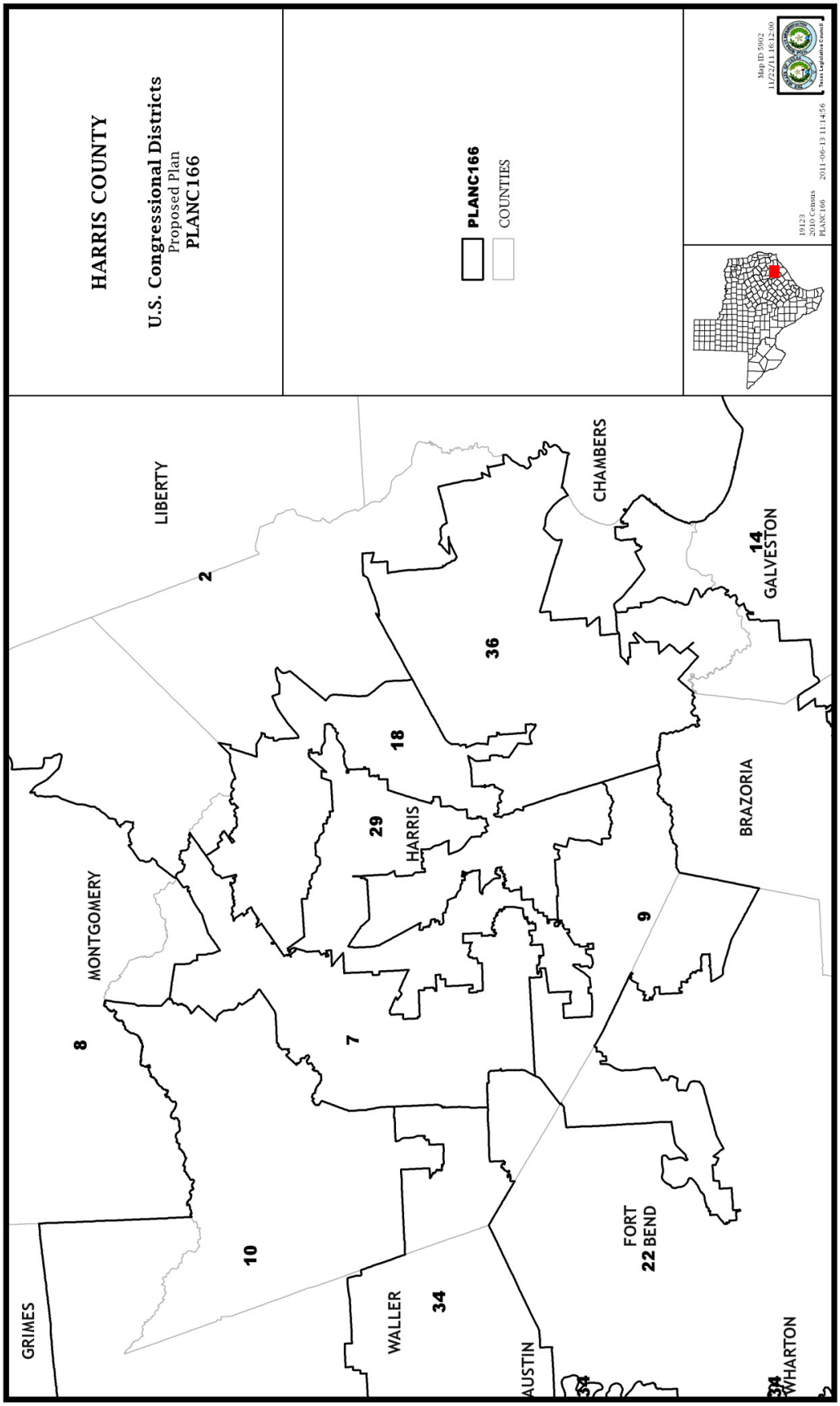
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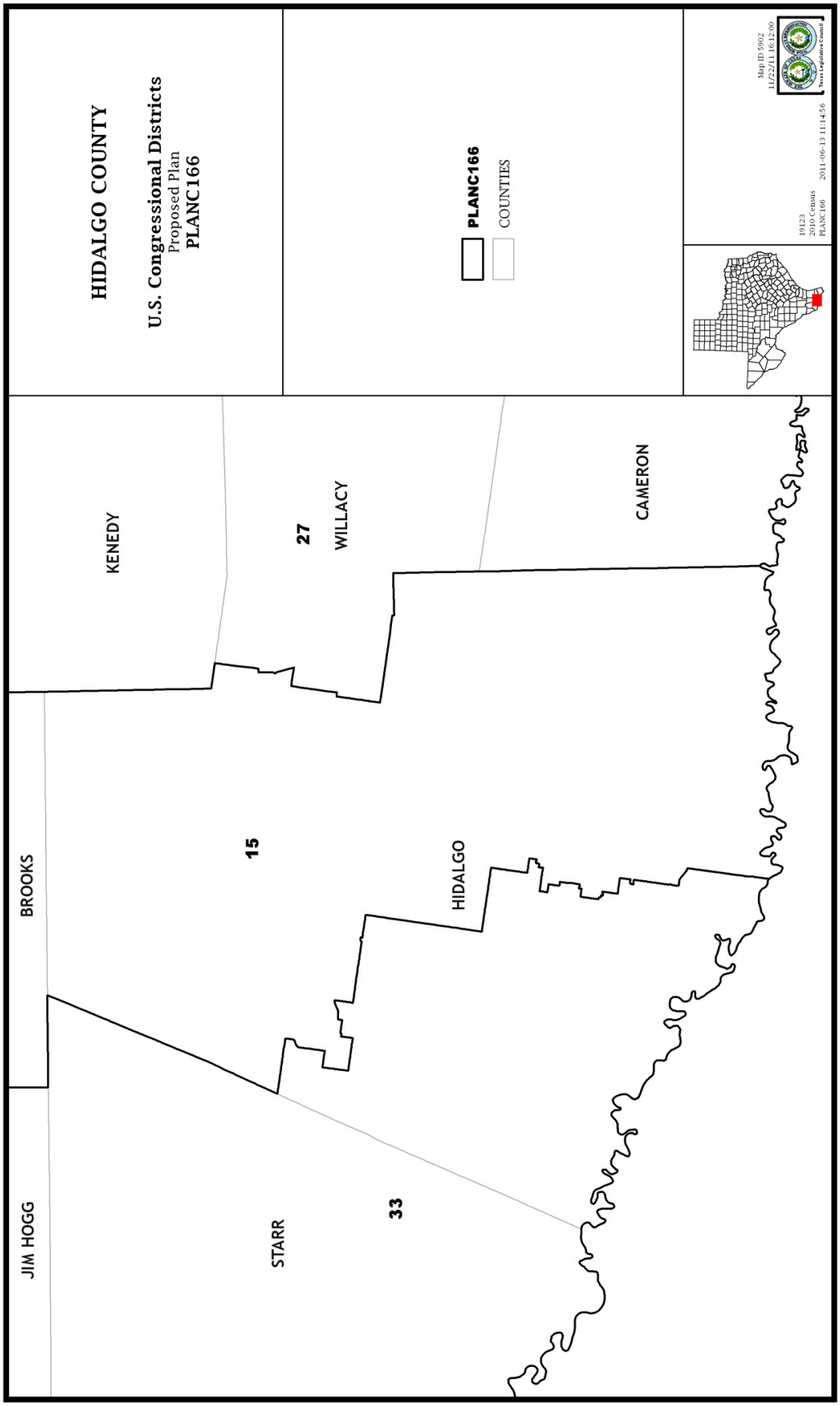
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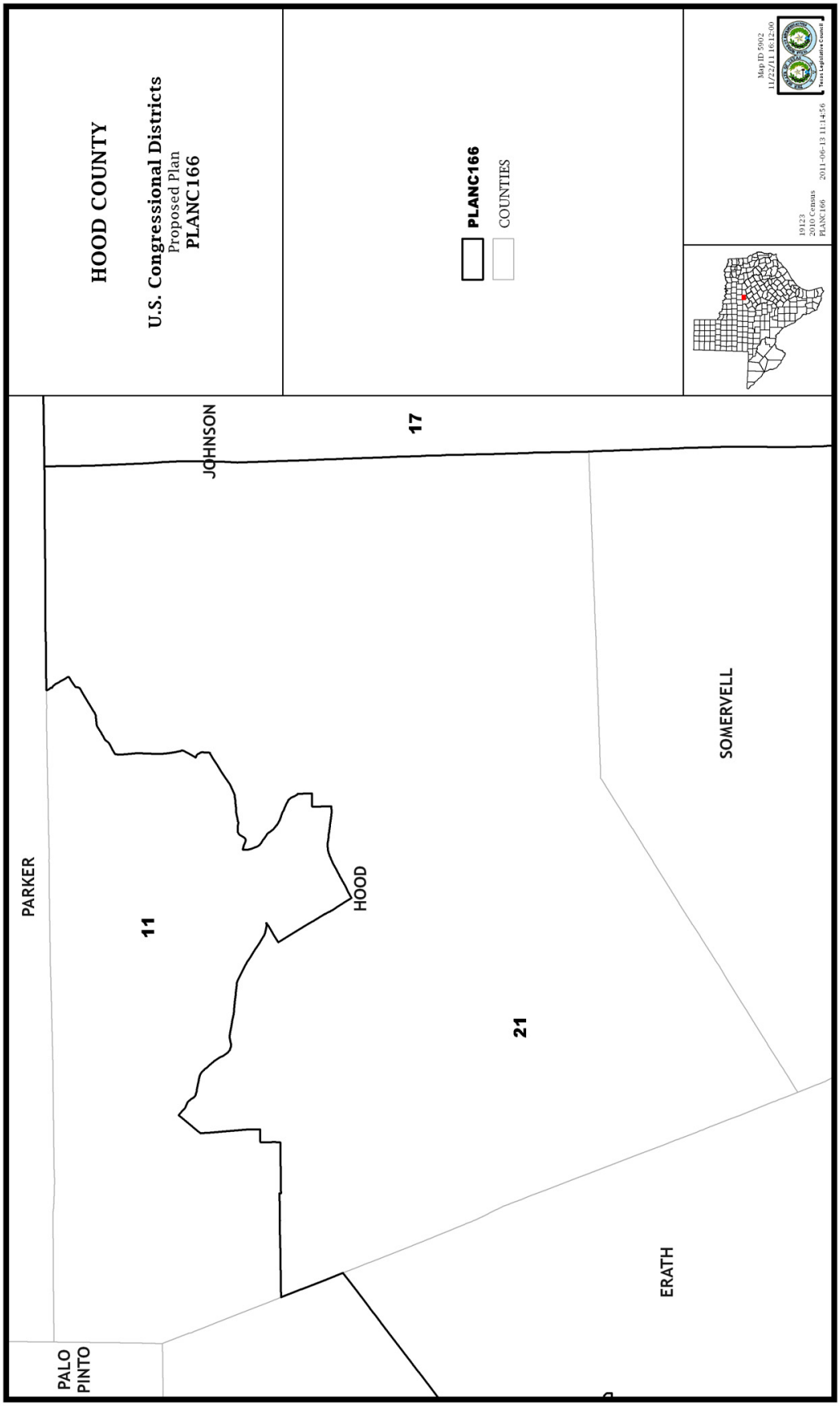
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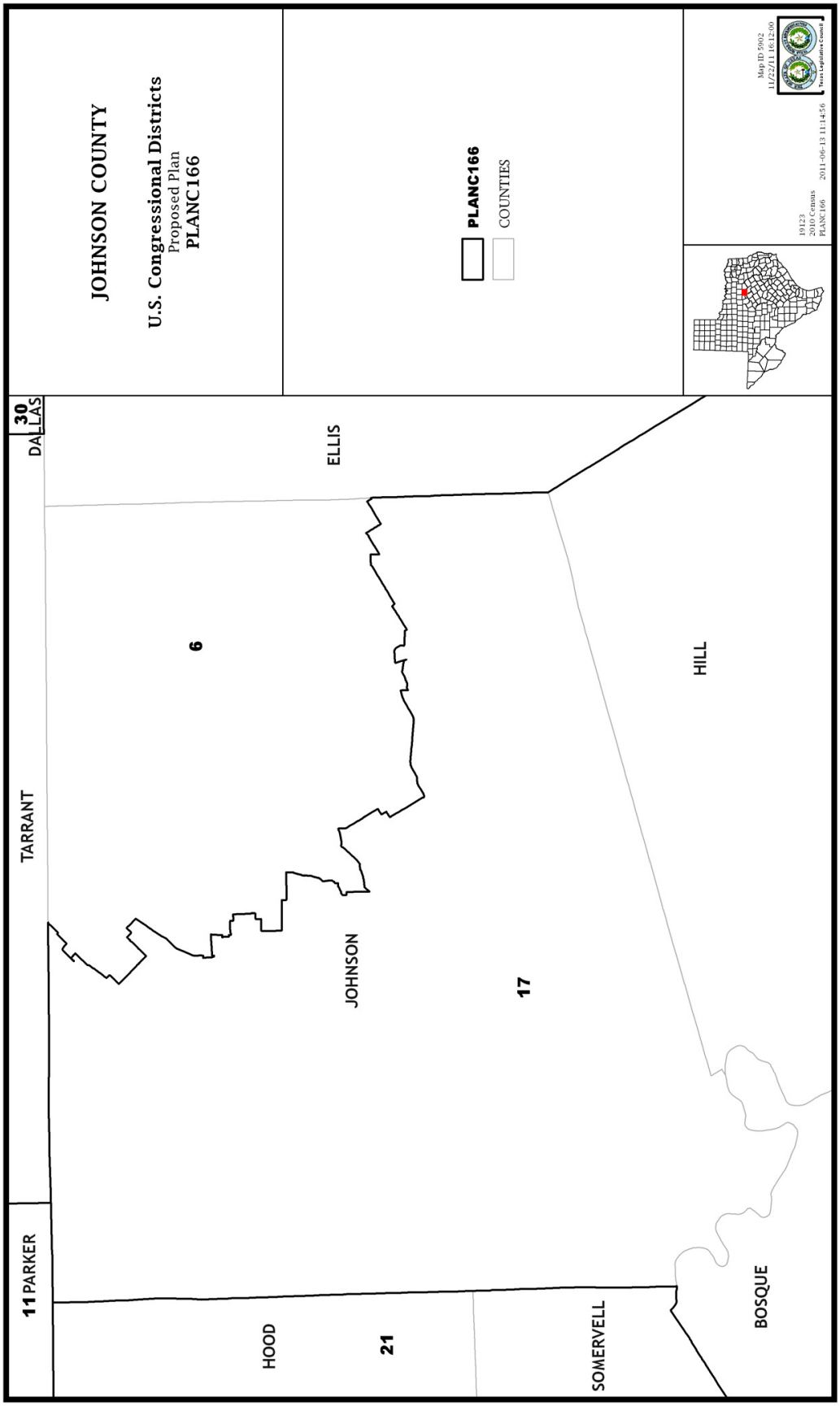
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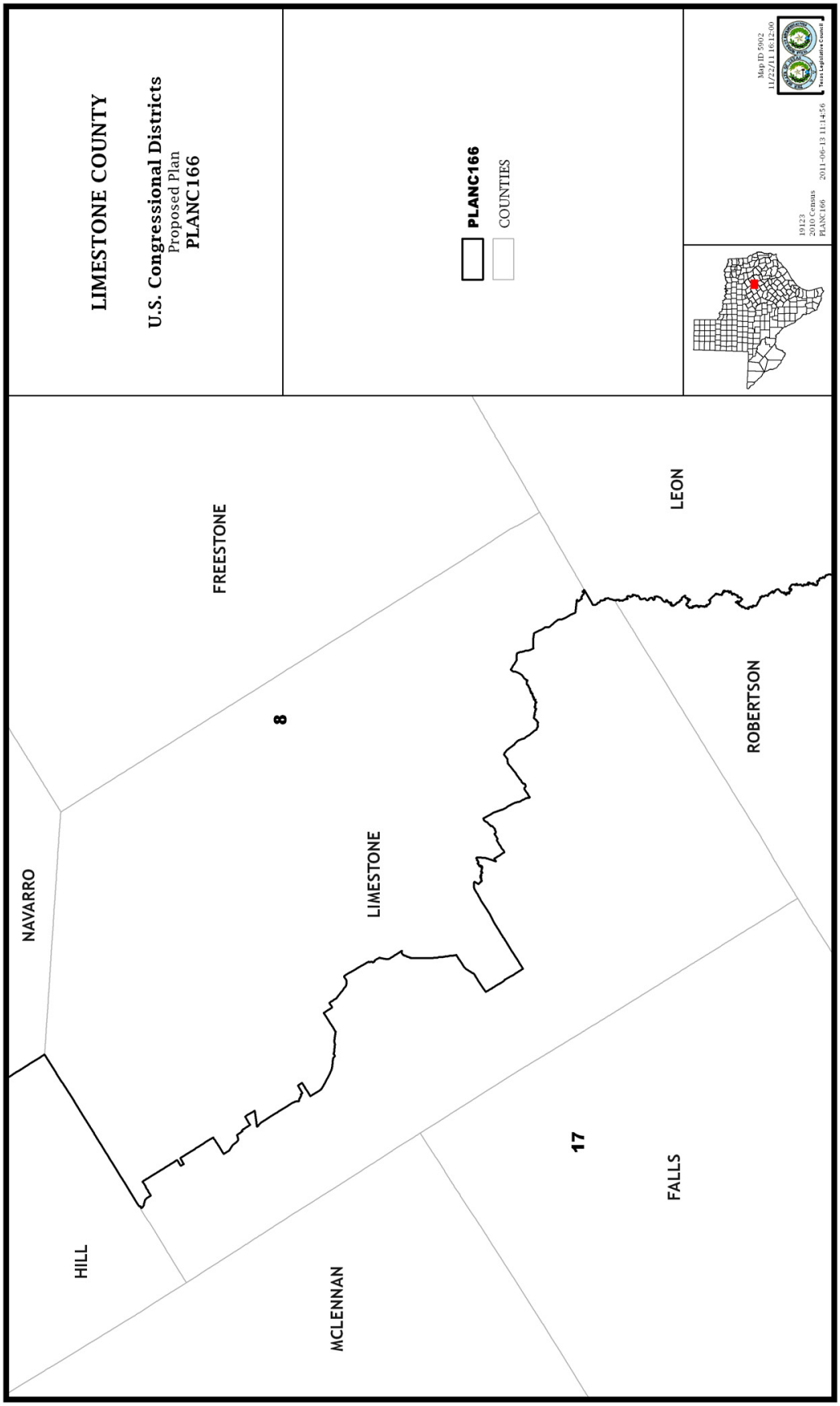
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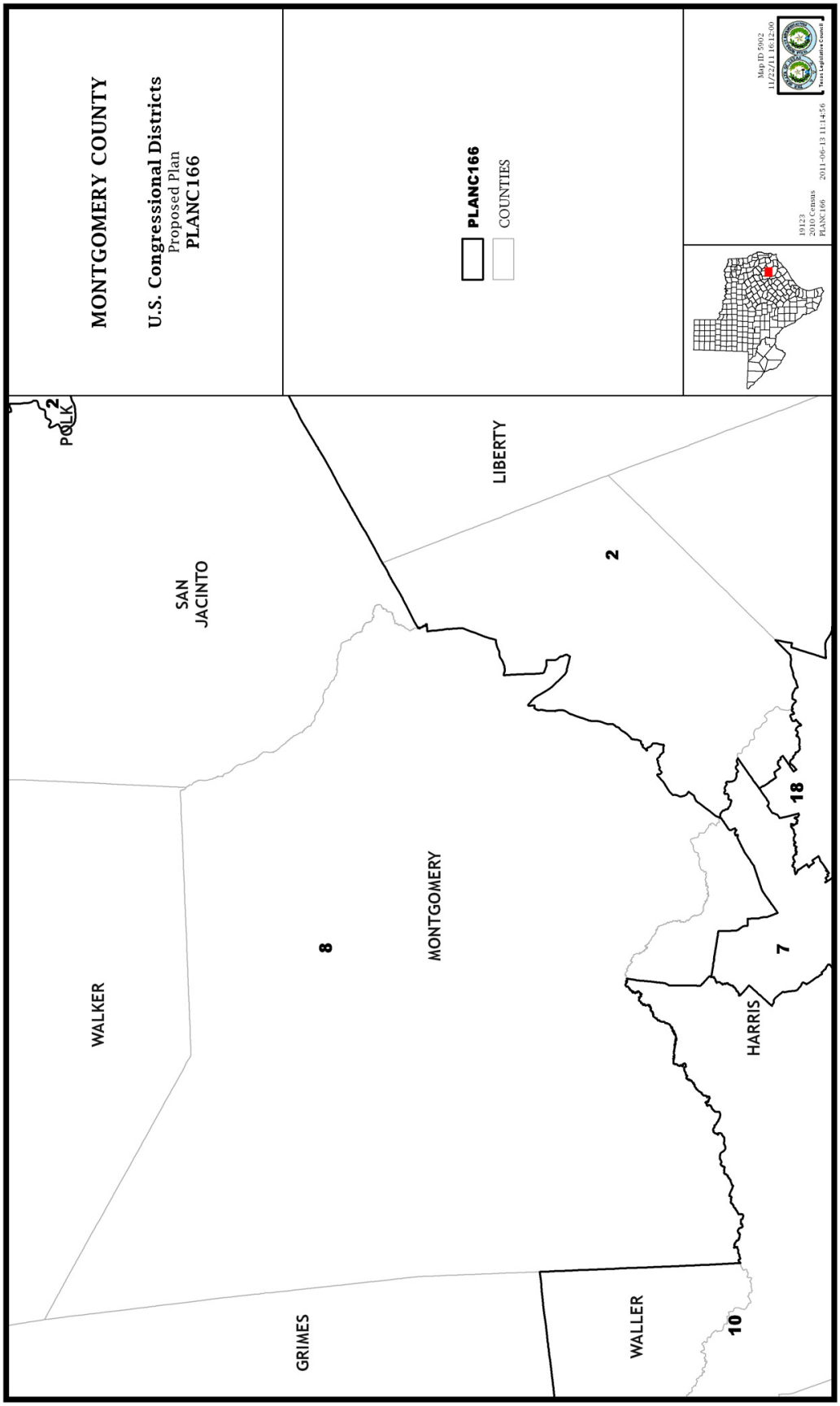
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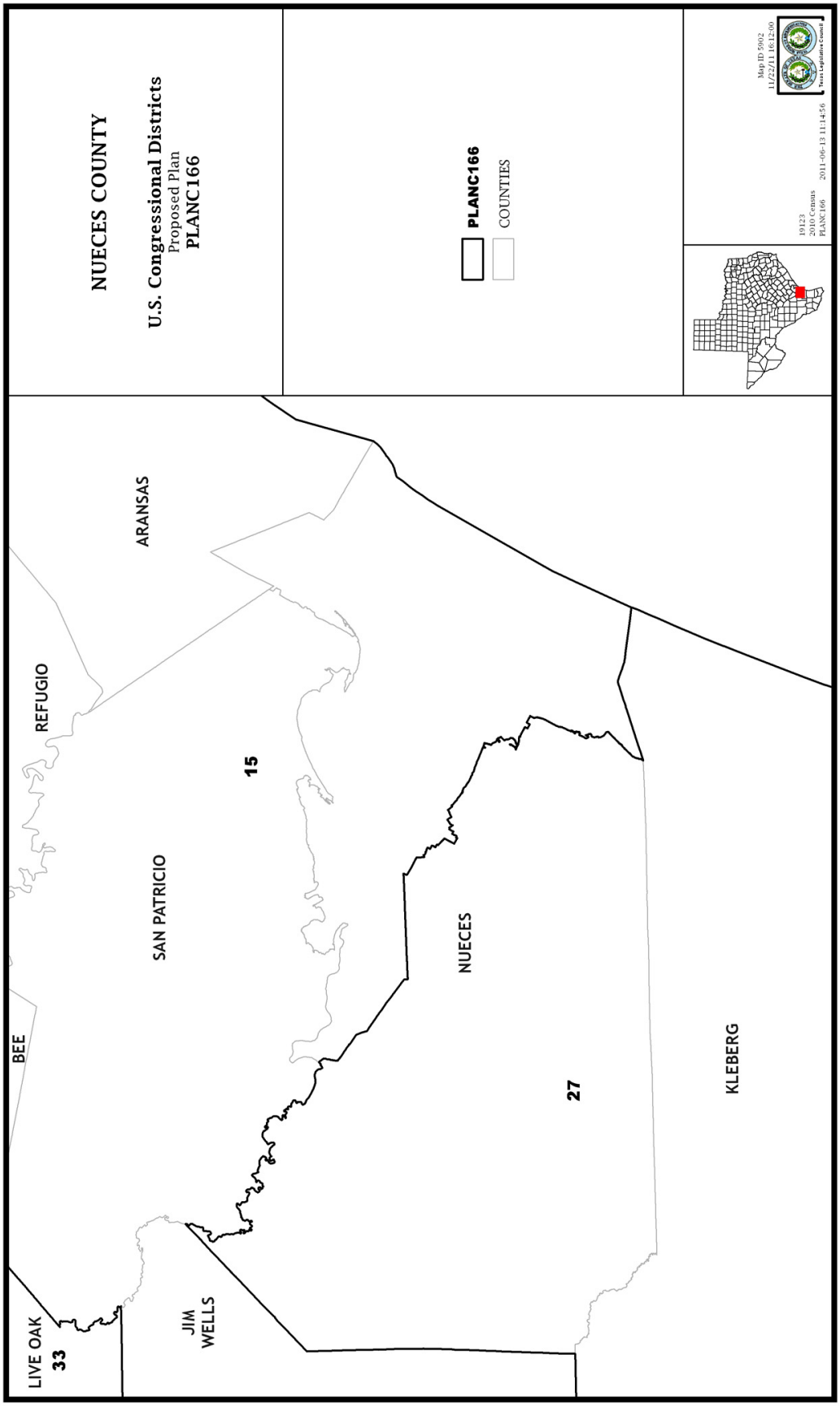
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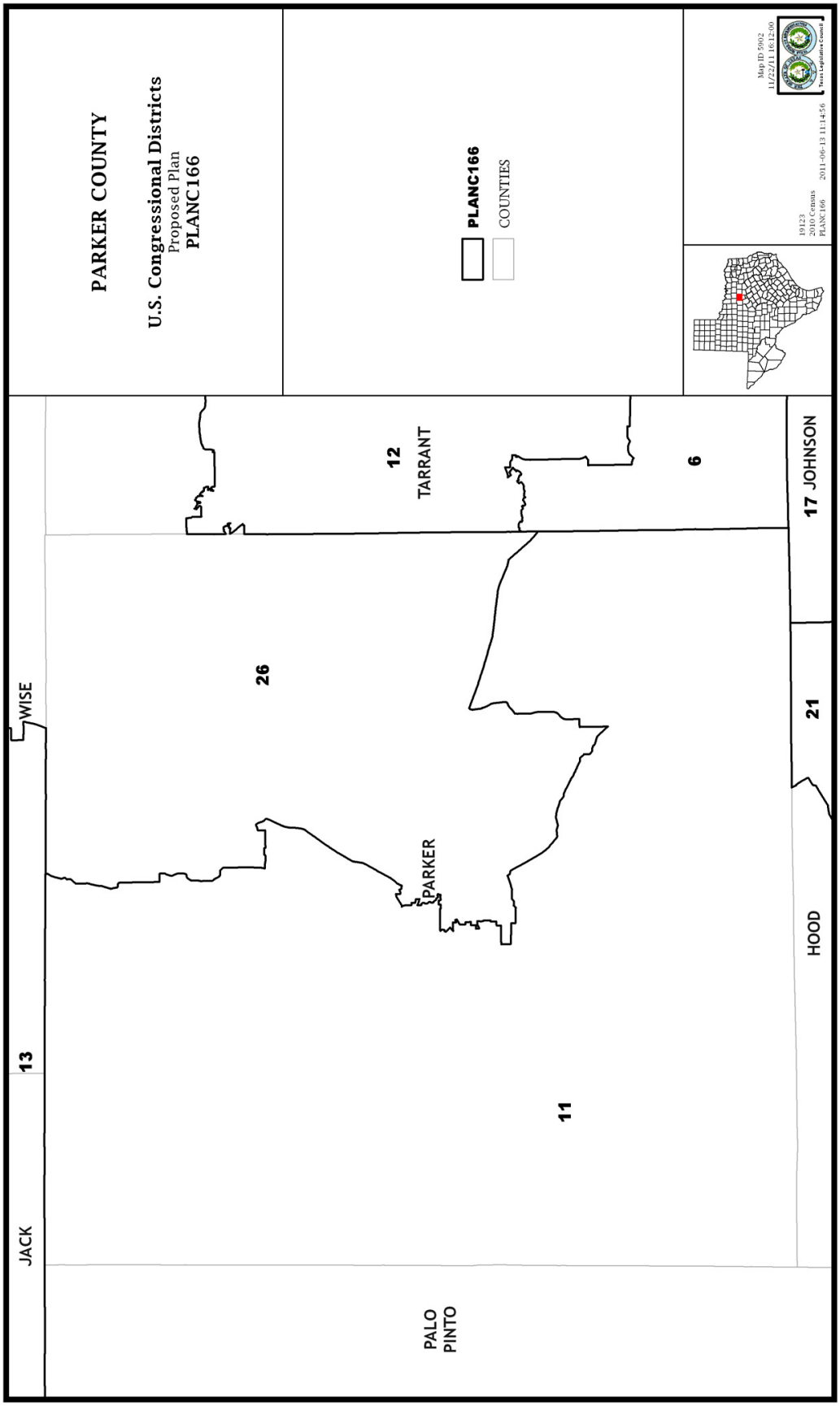
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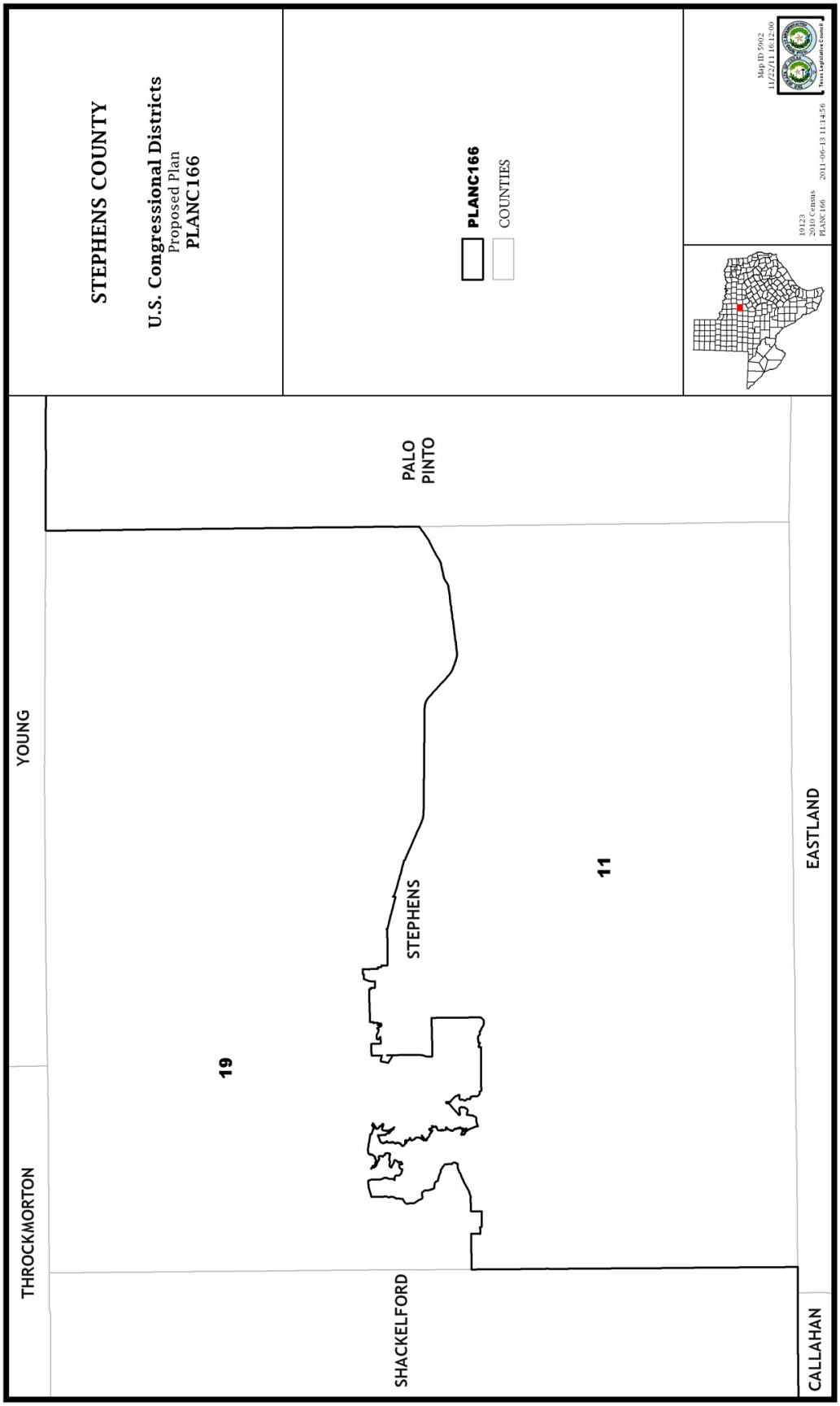
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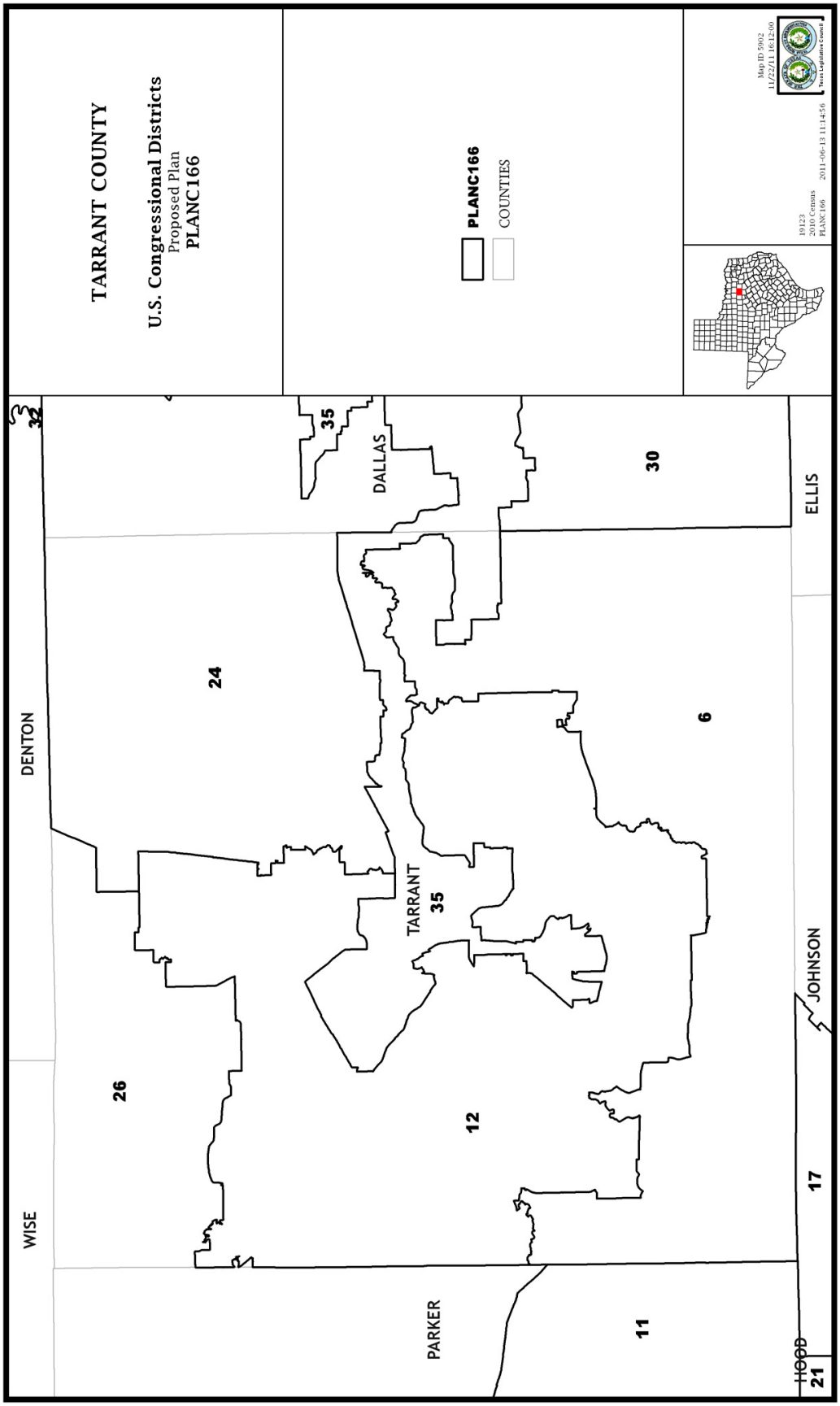
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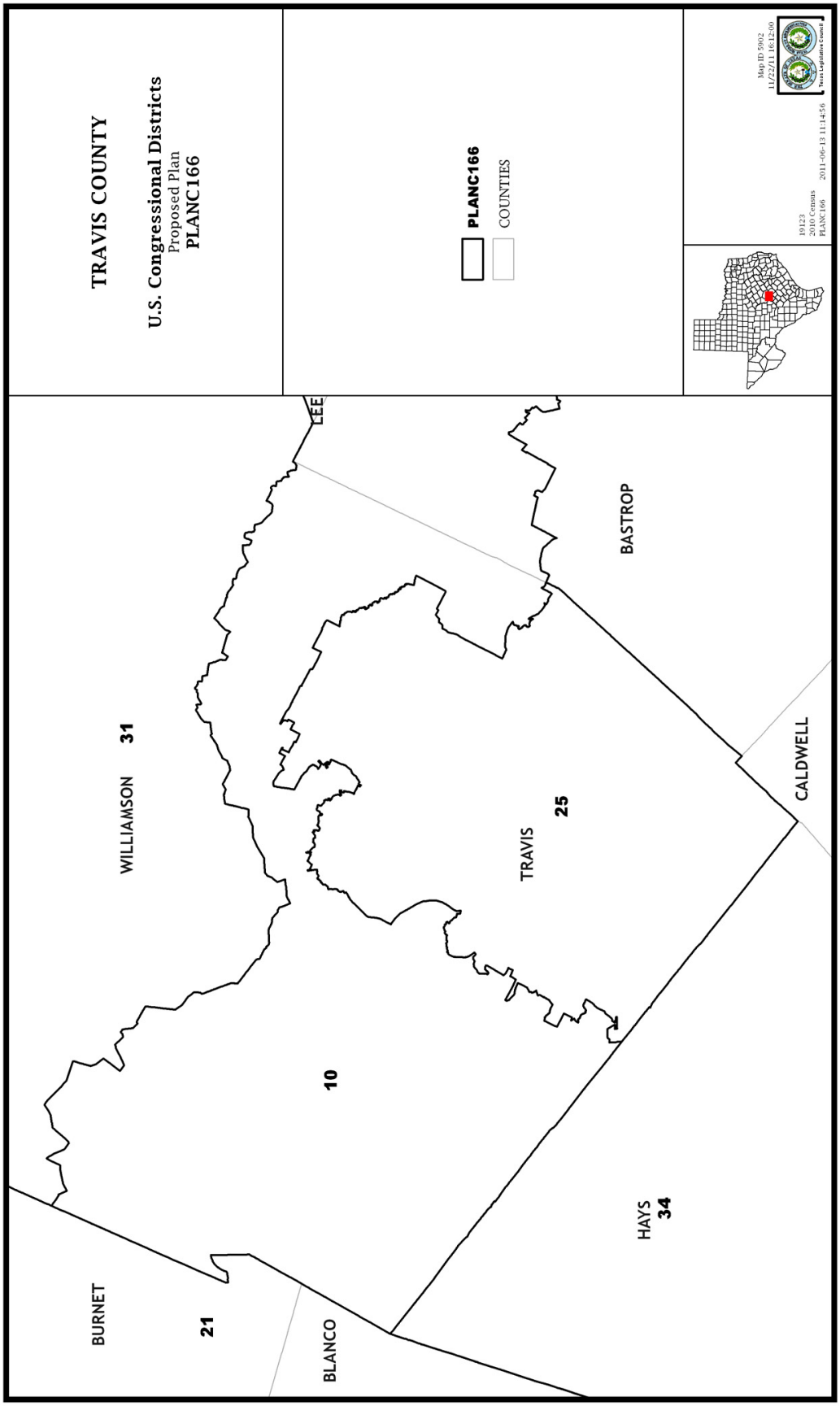
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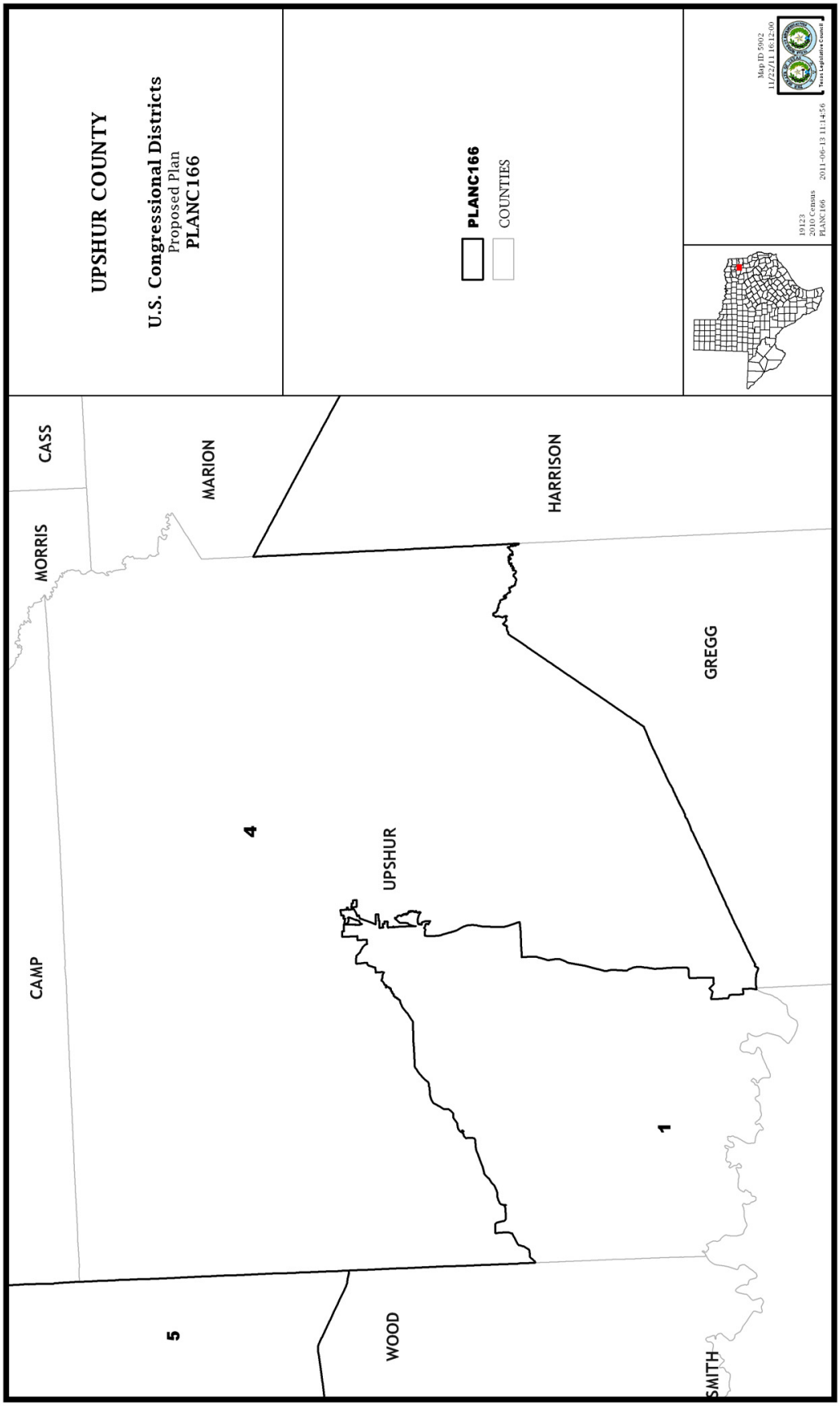
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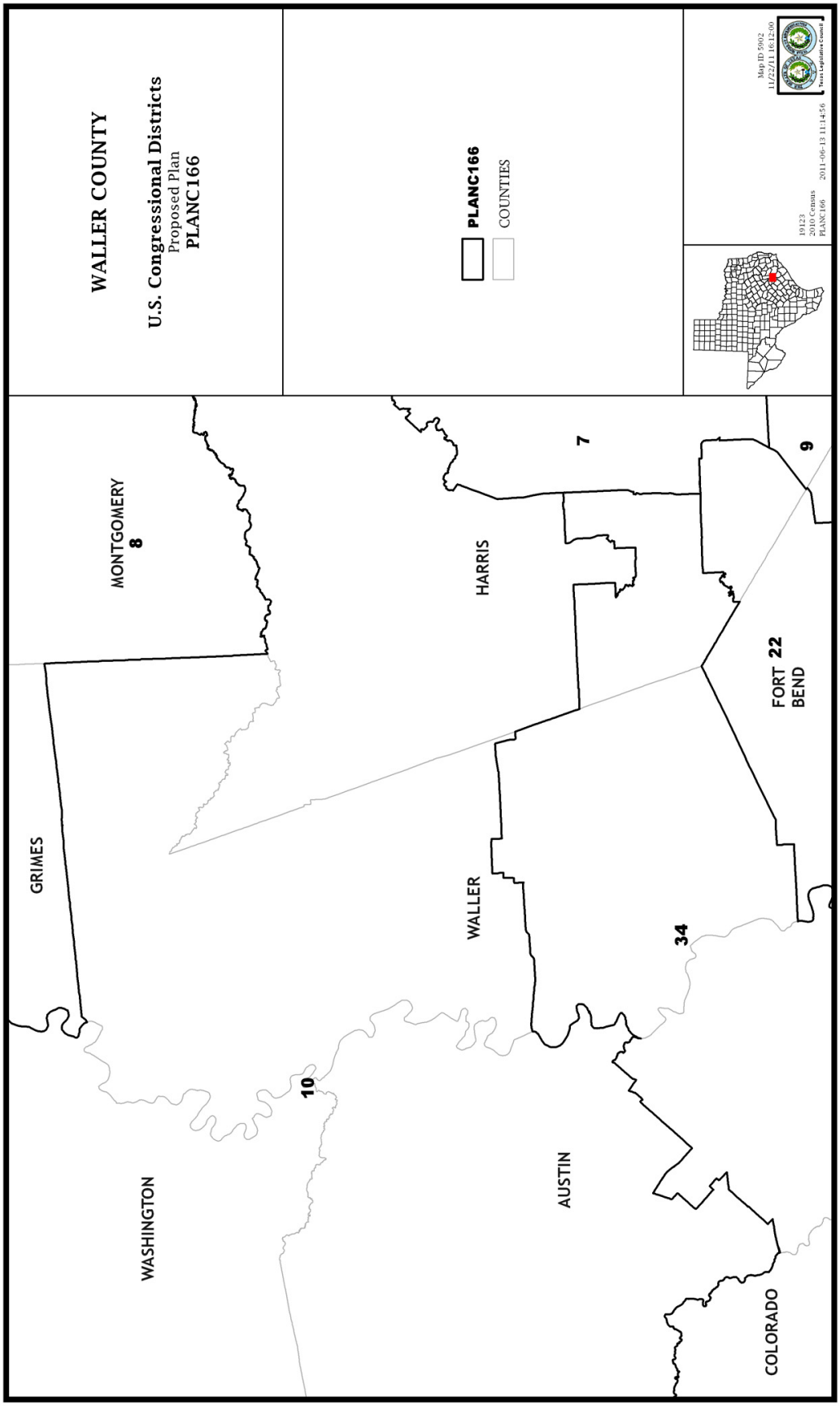
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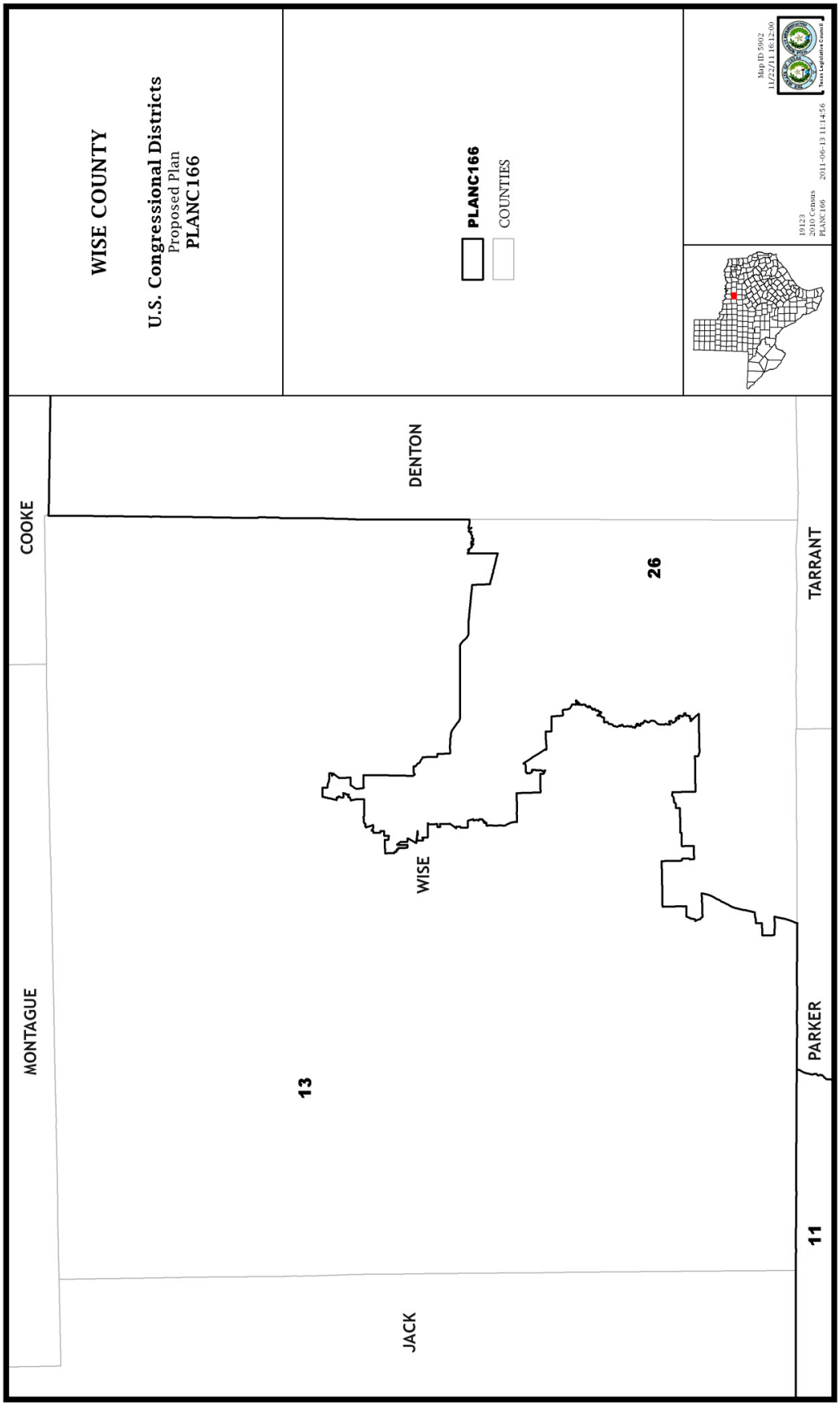
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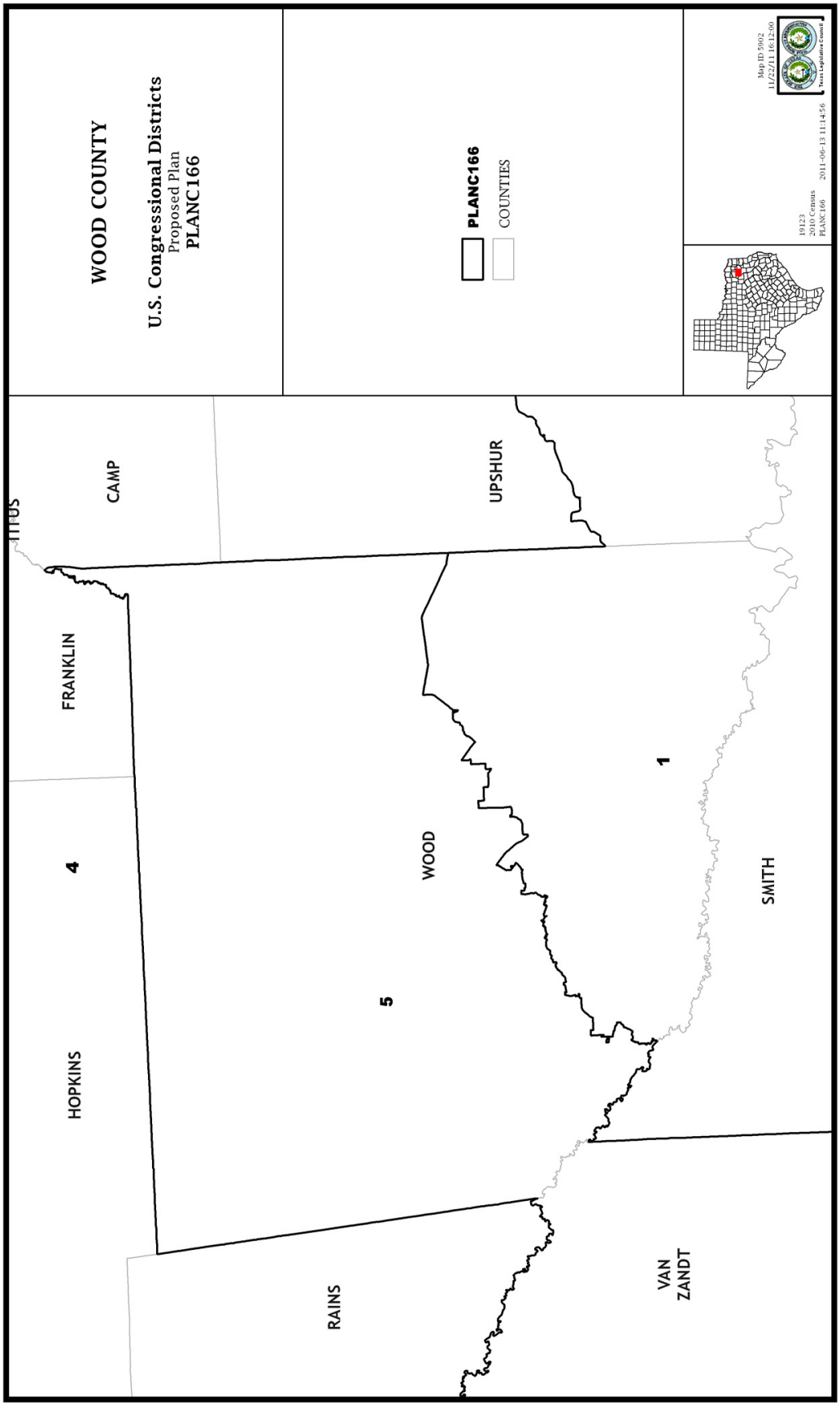
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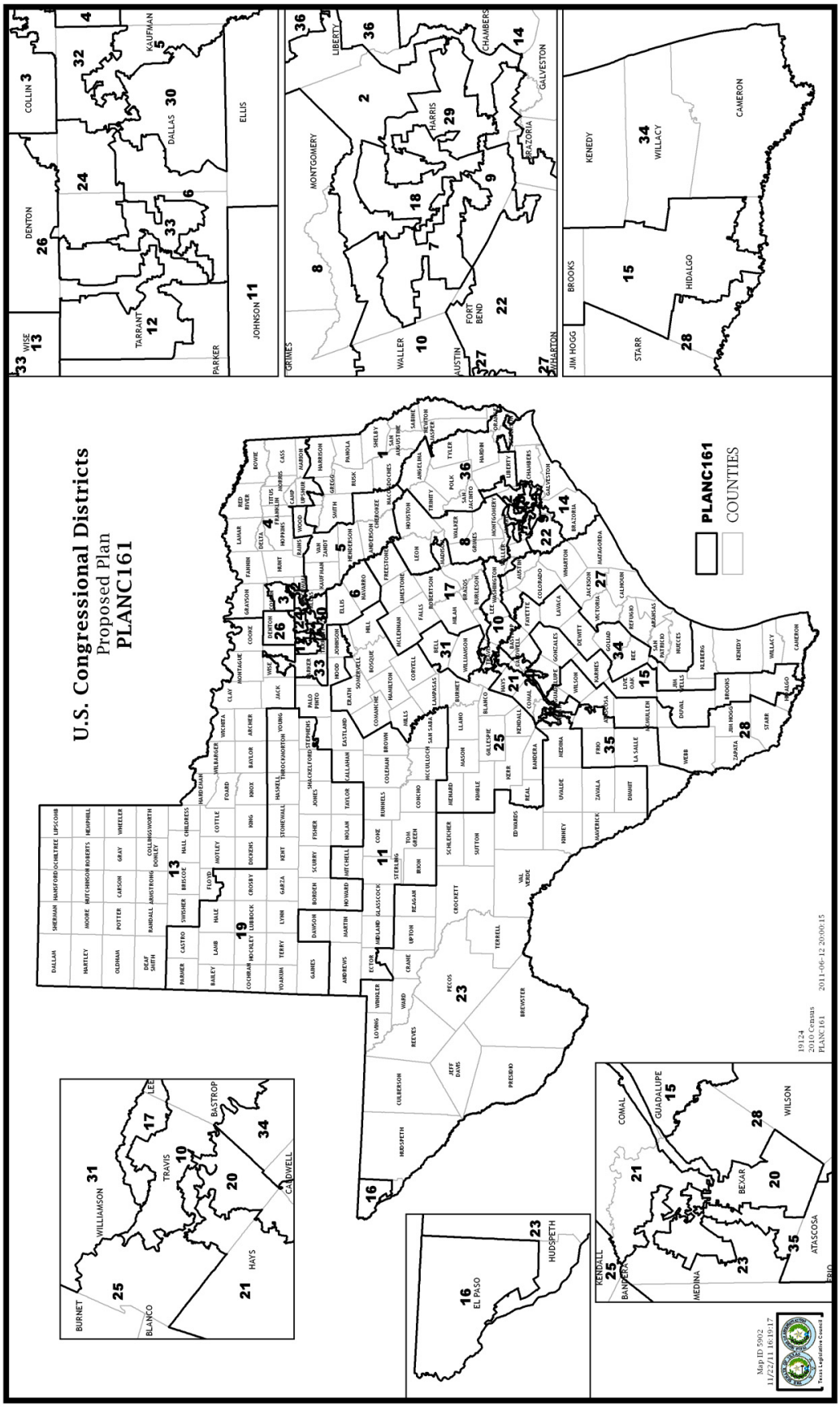
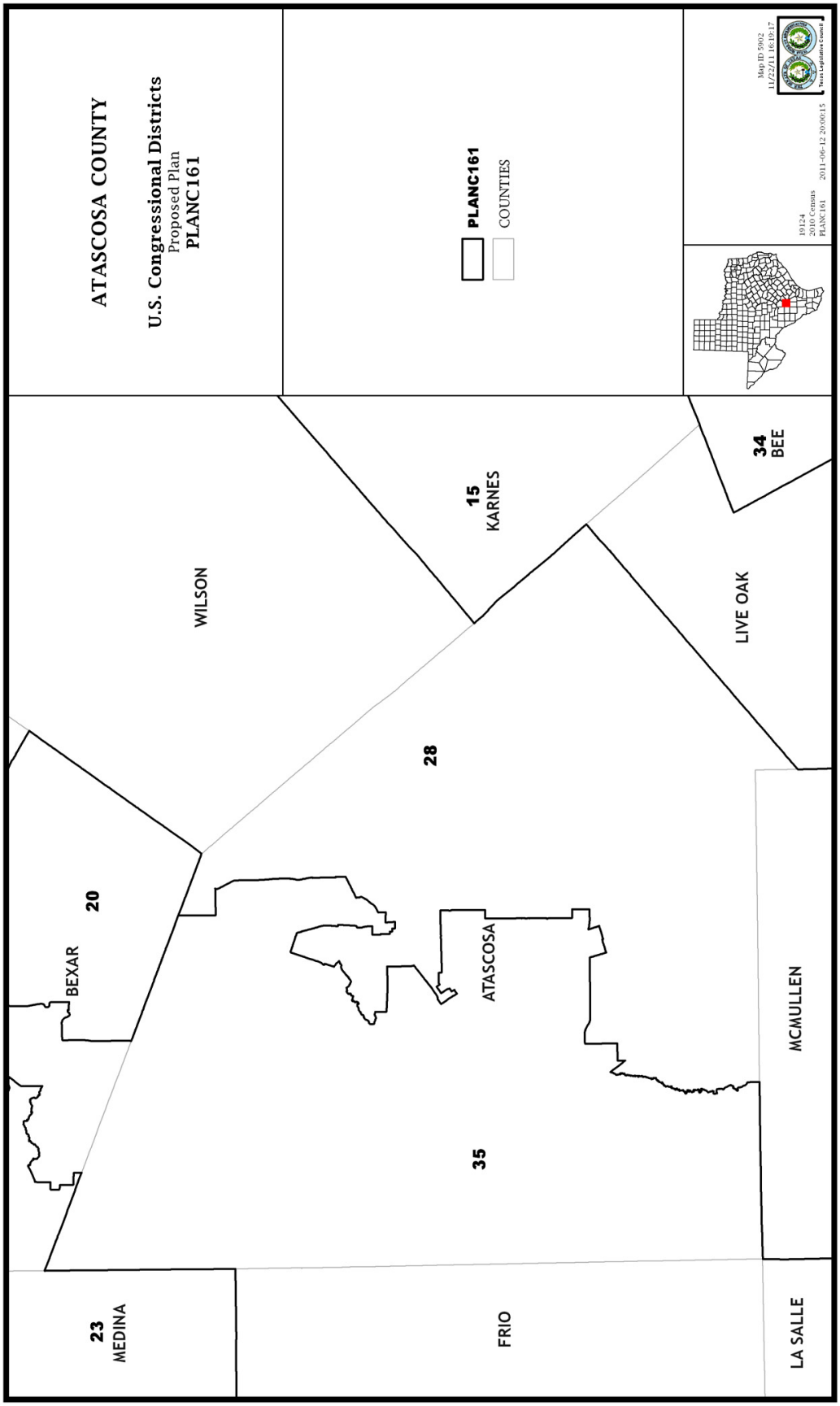
Amendment No. 18 (by Hilderbran)

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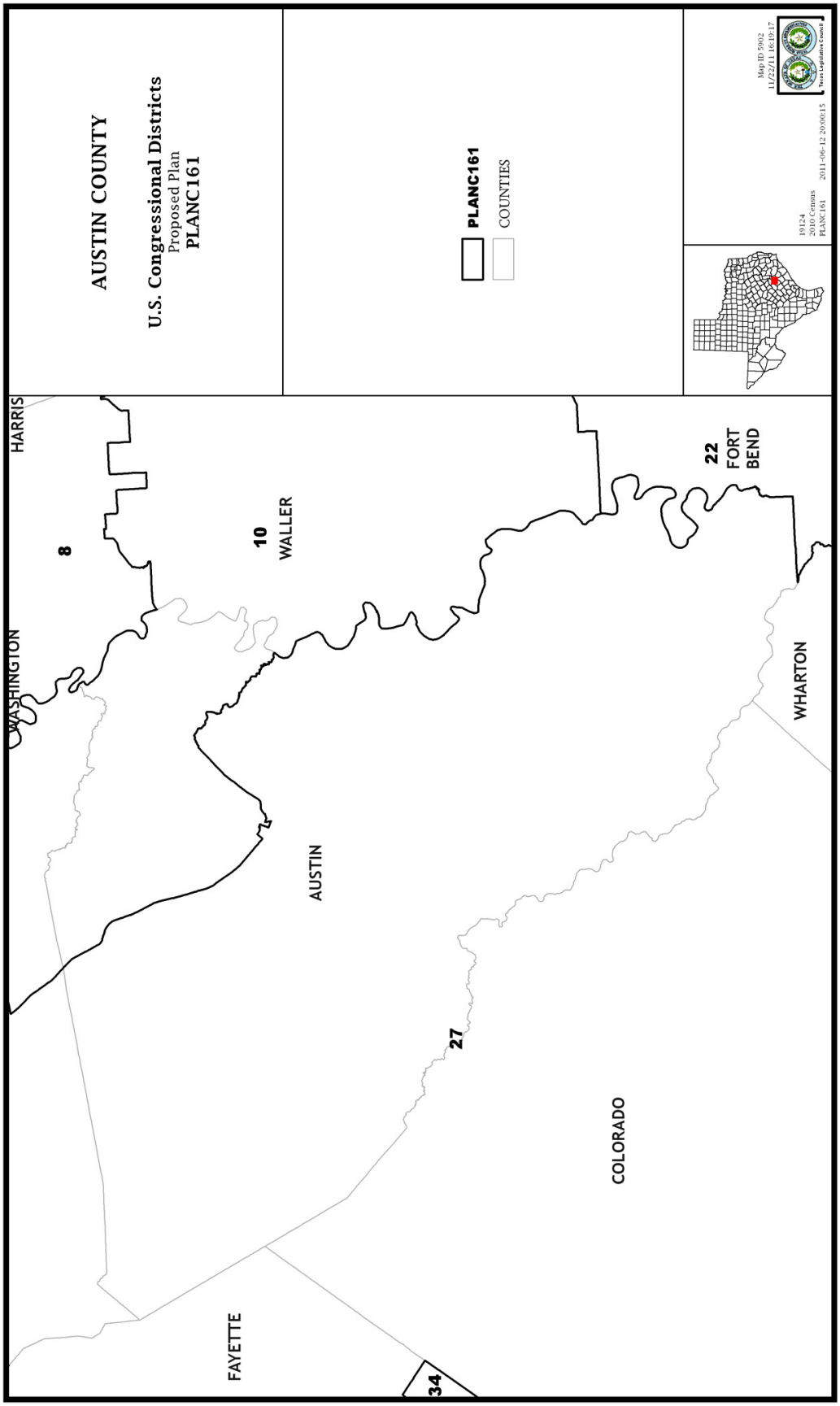
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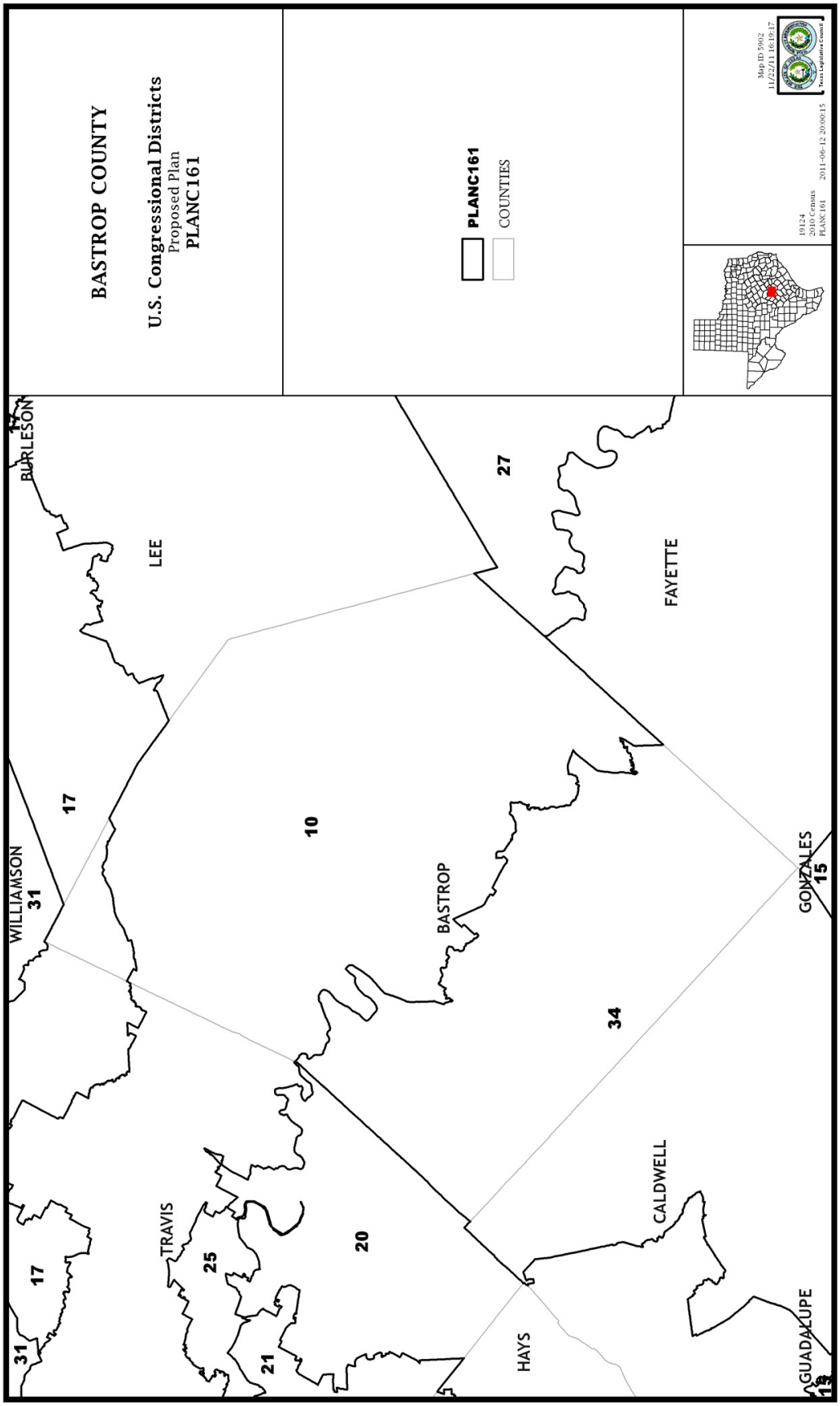
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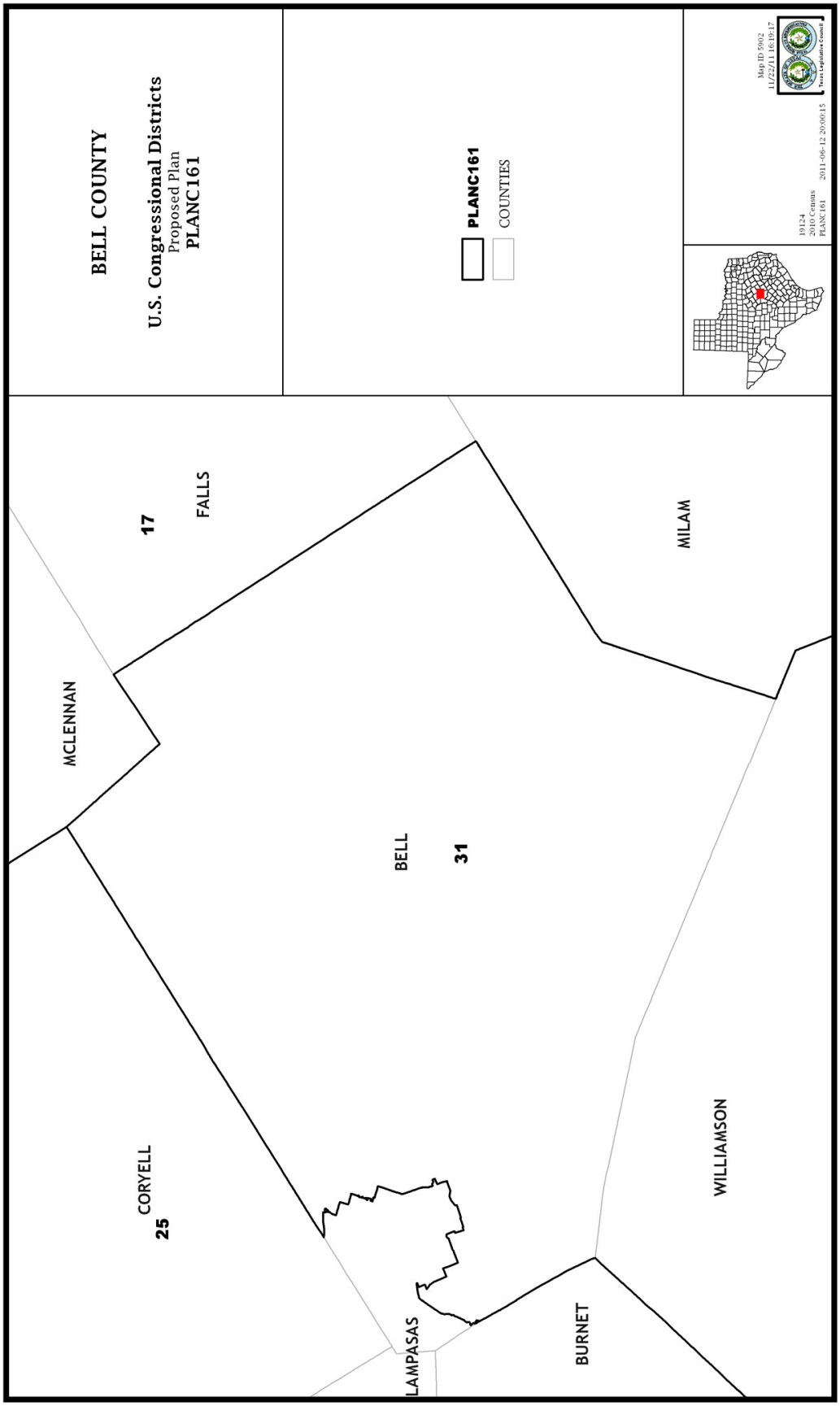
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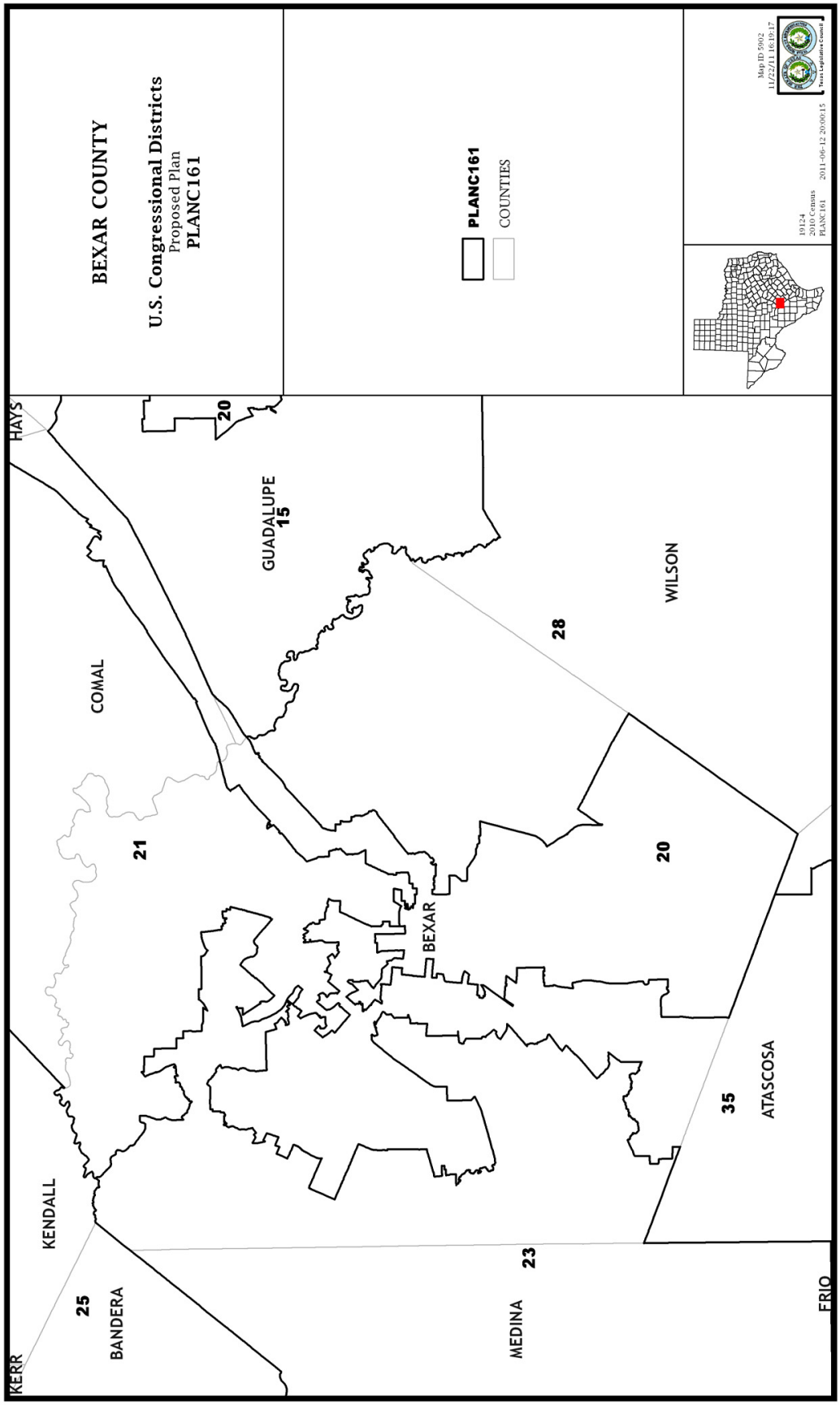
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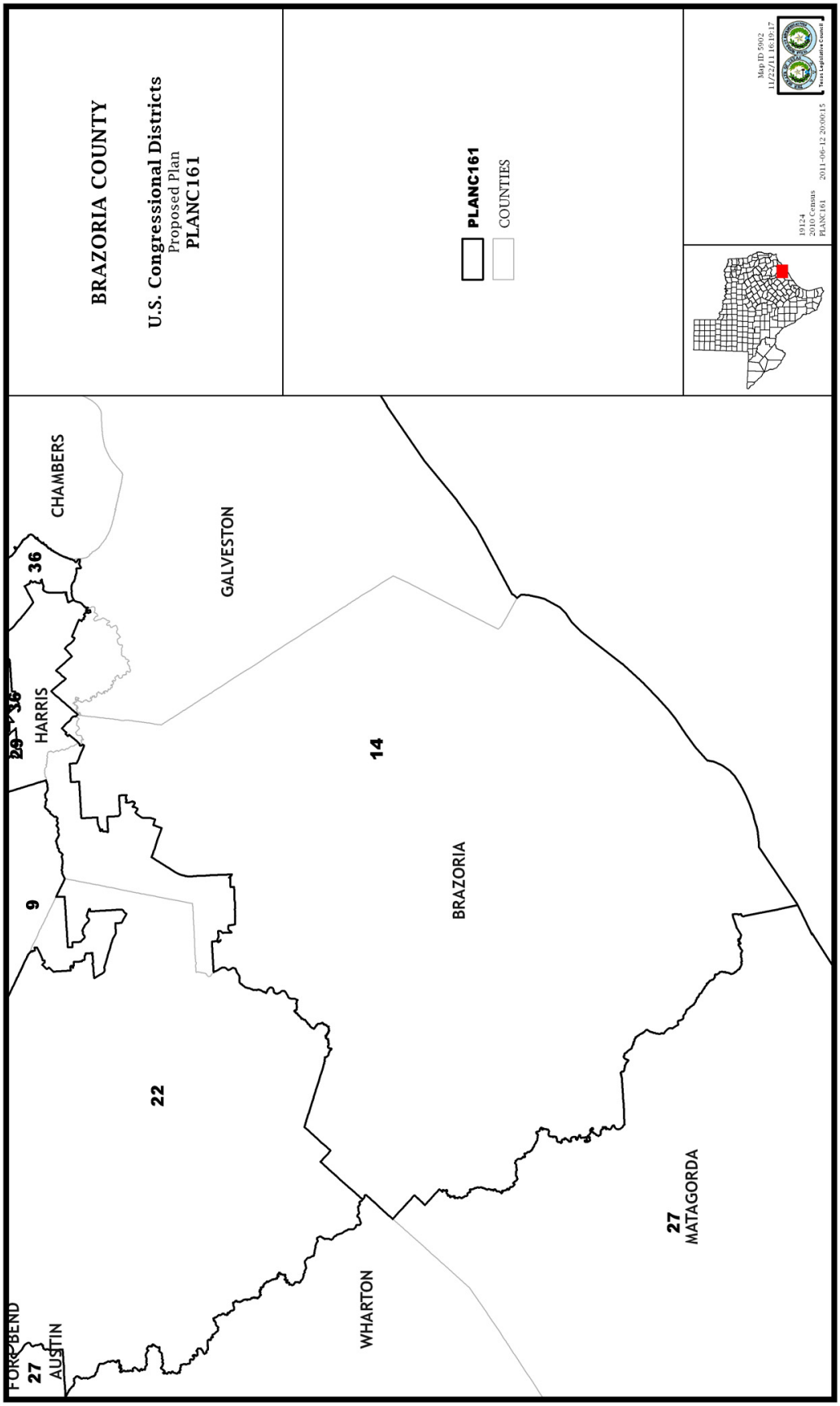
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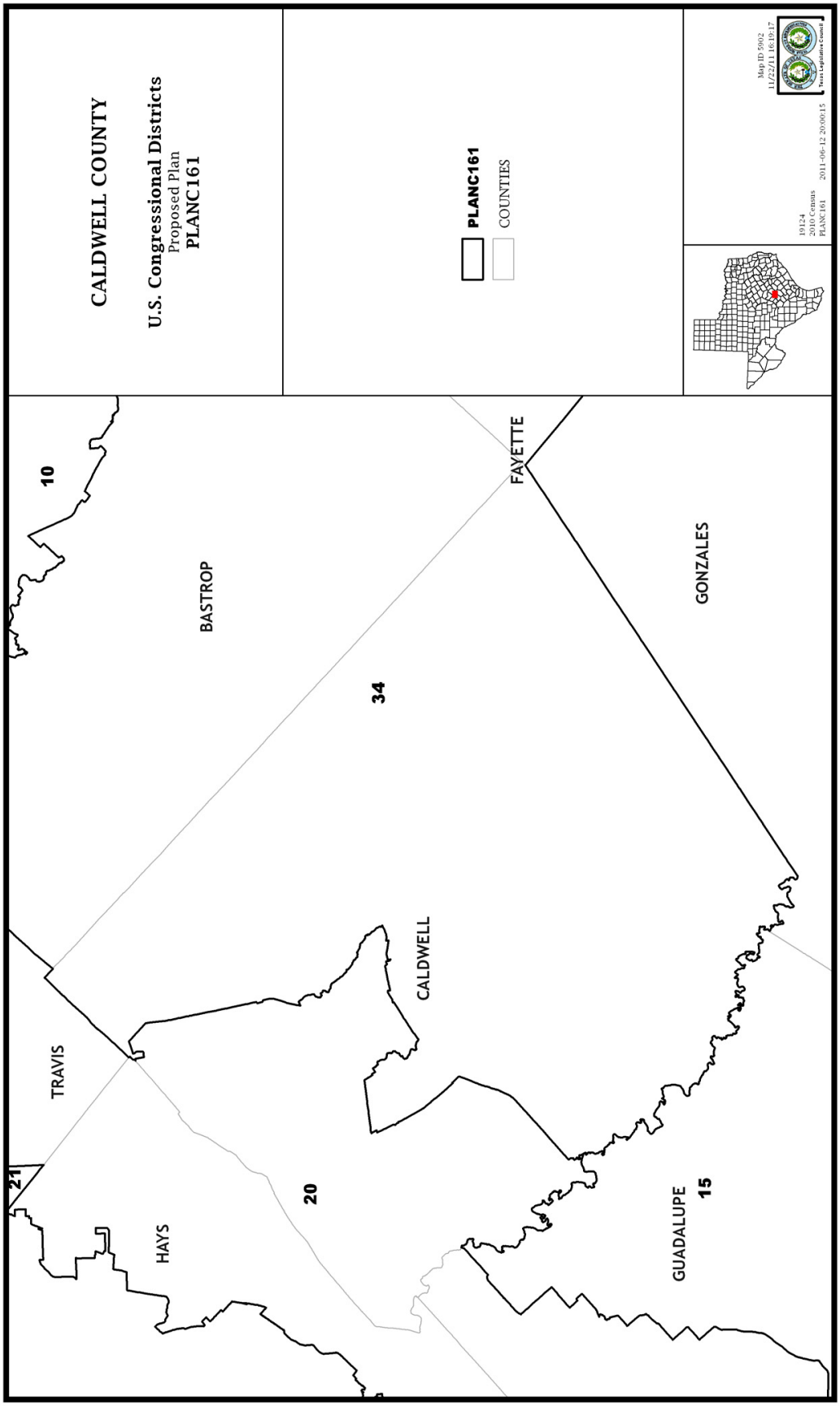
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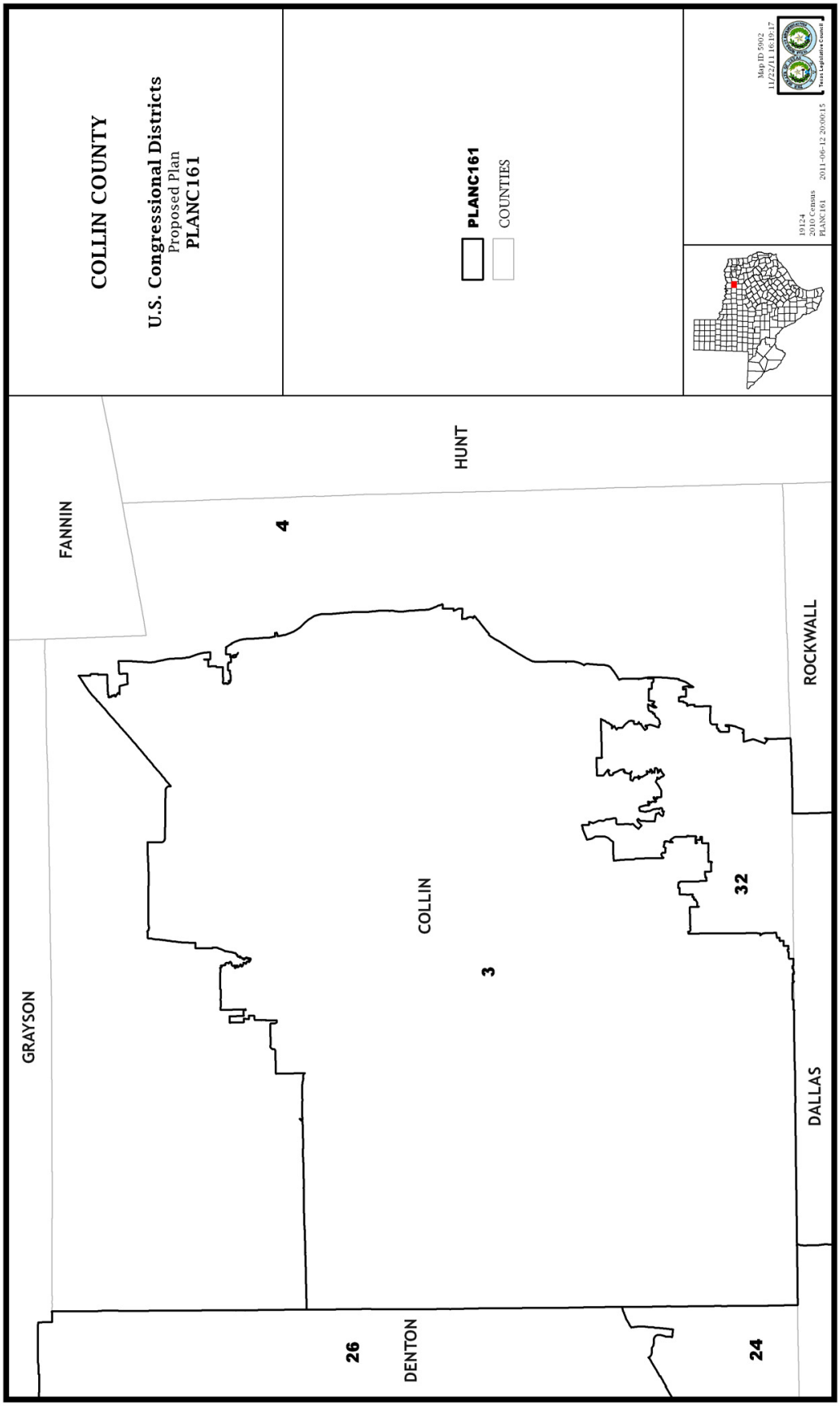
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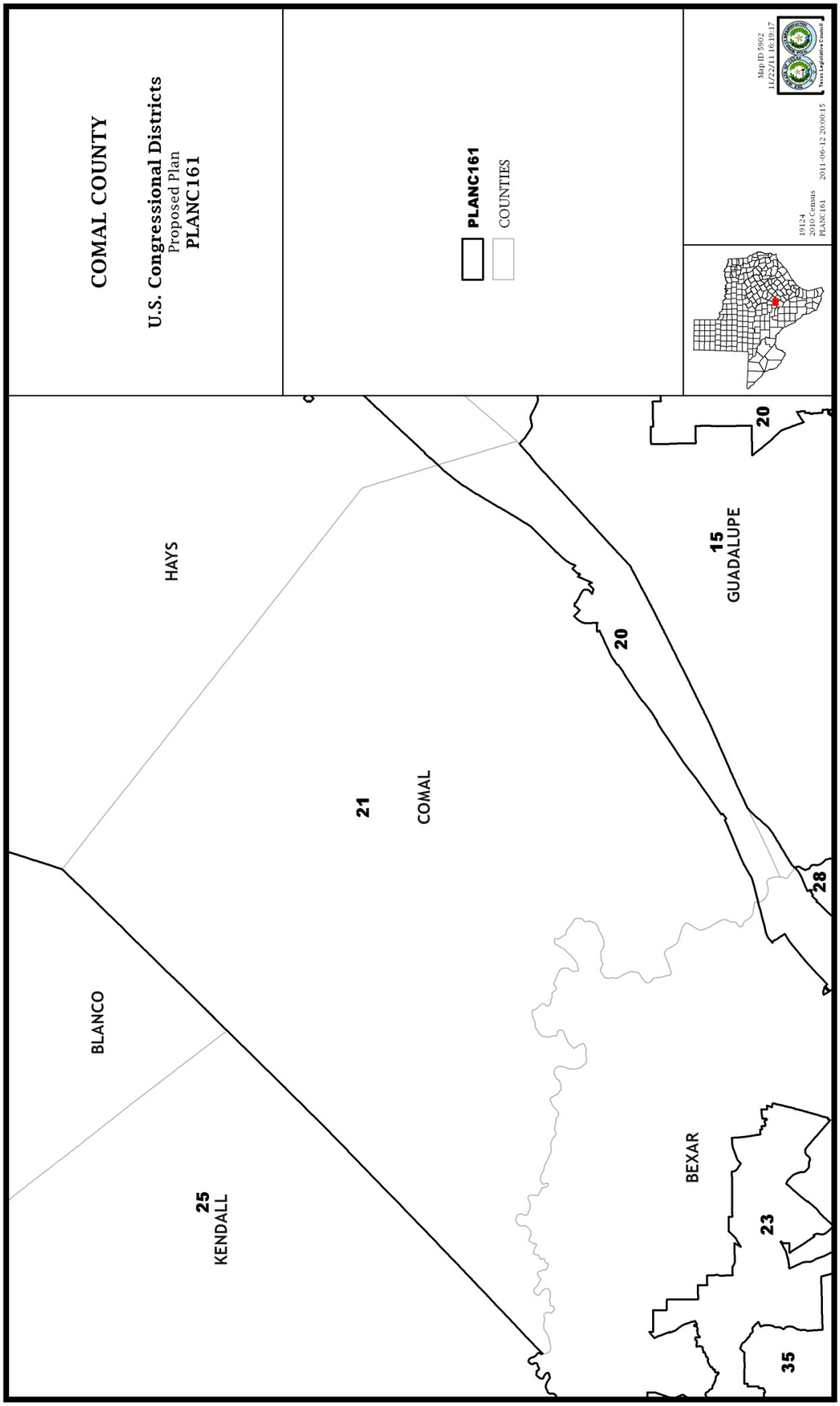
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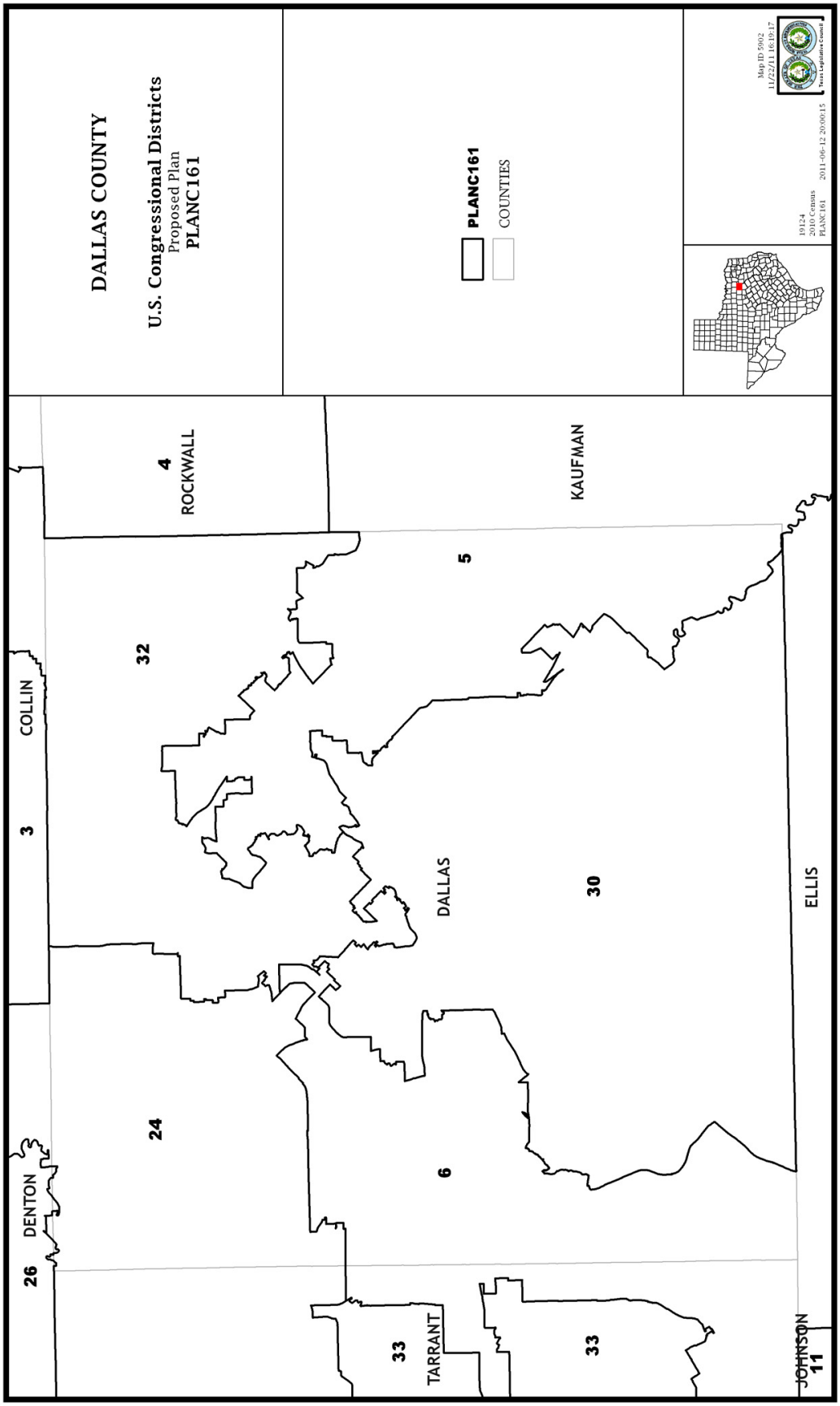
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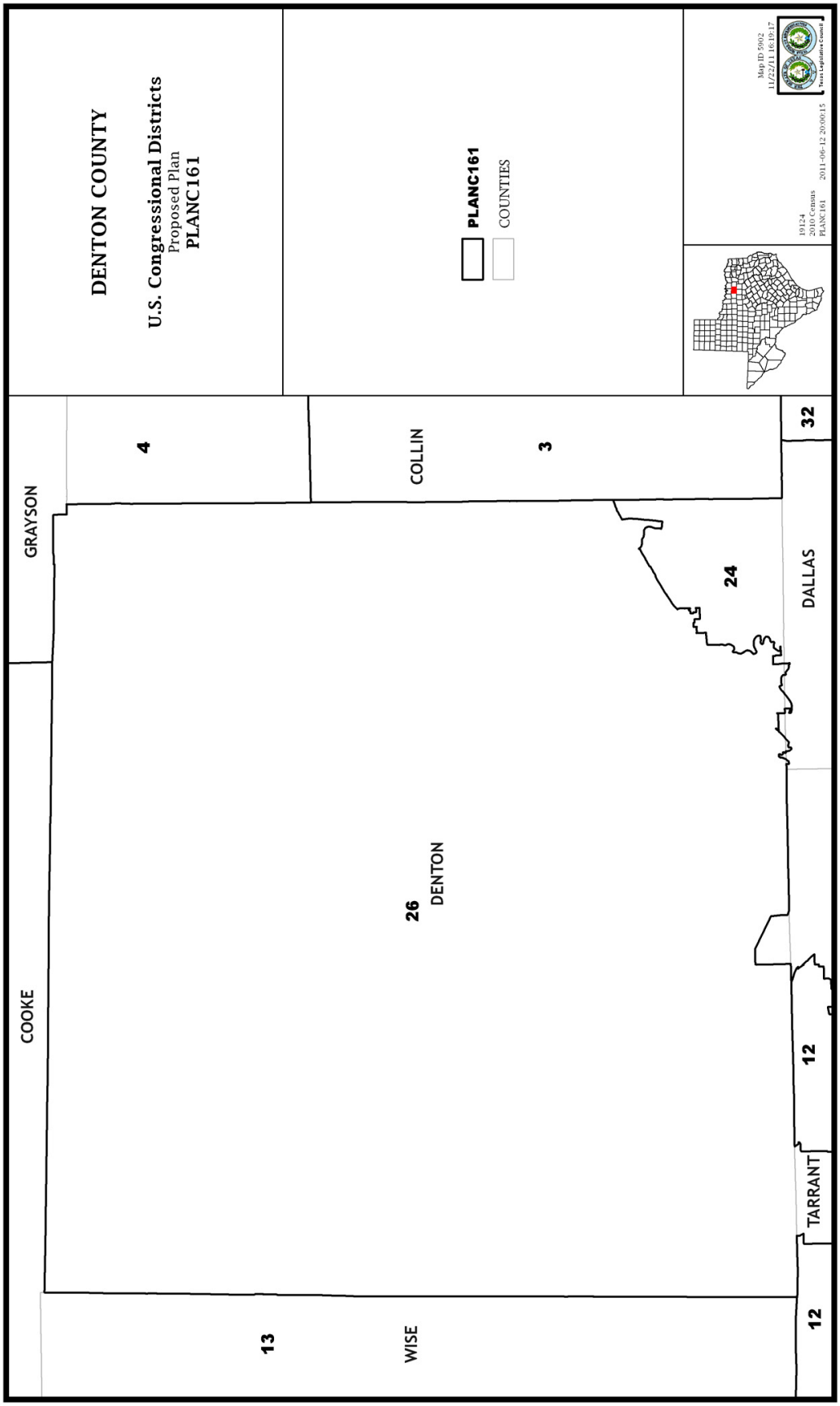
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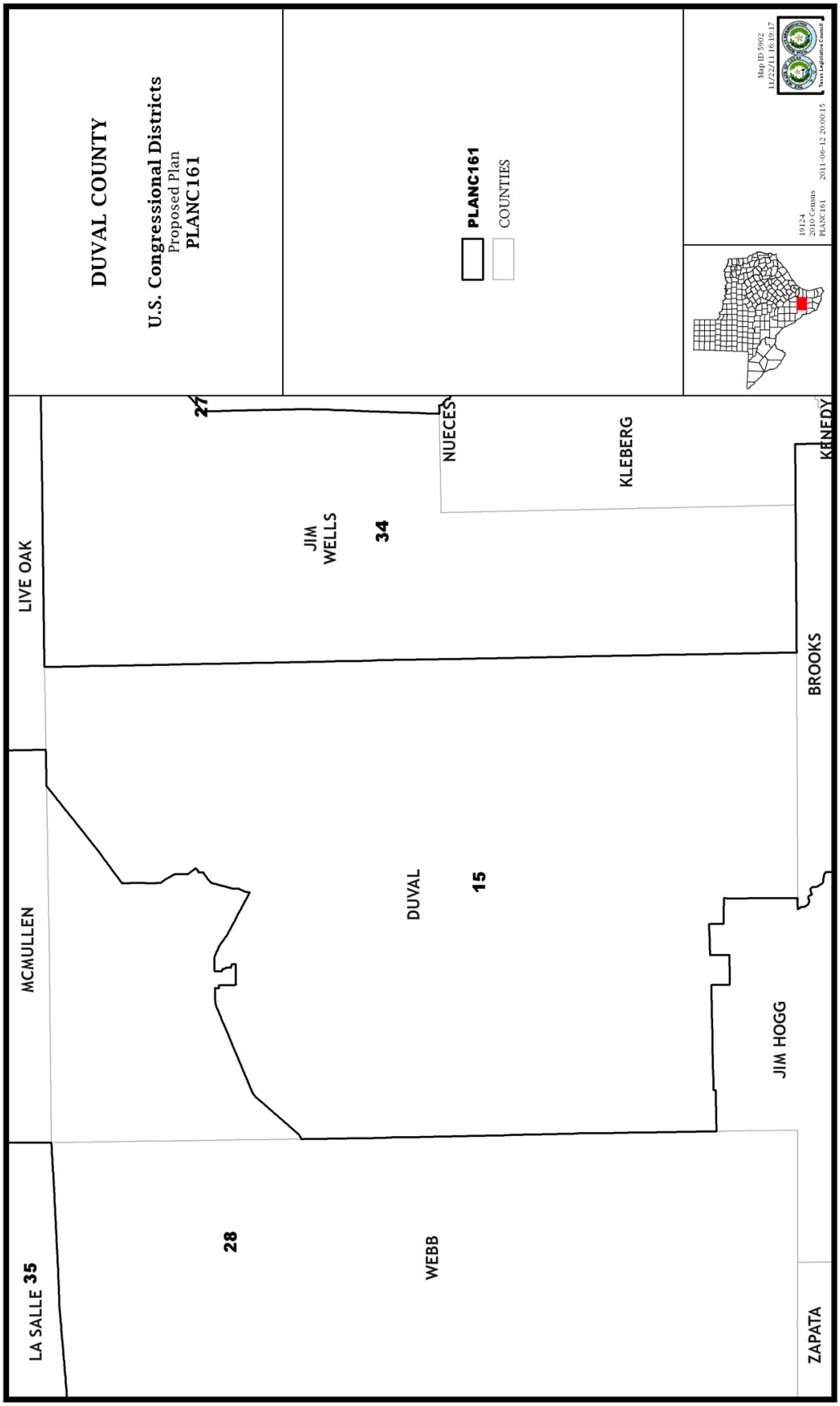
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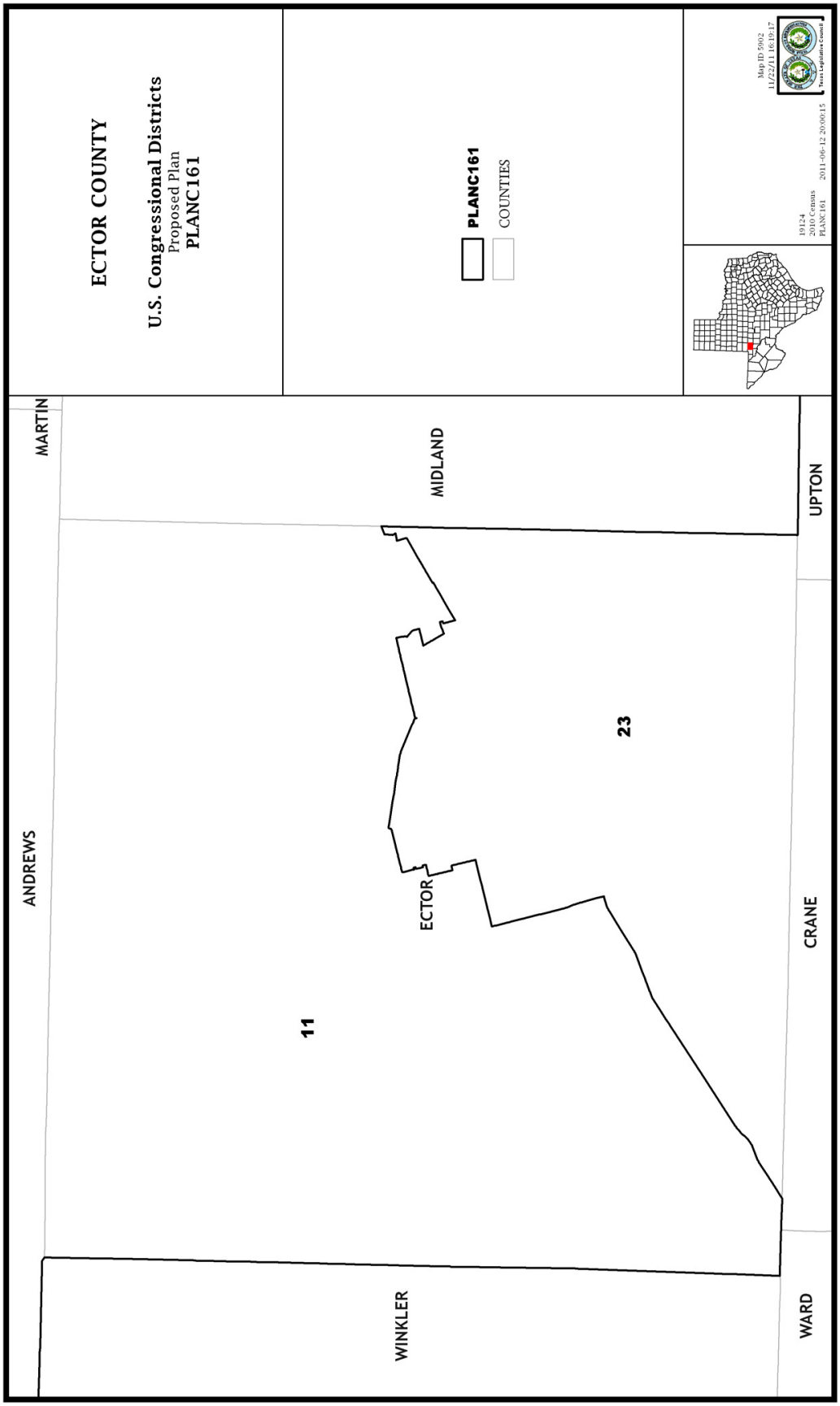
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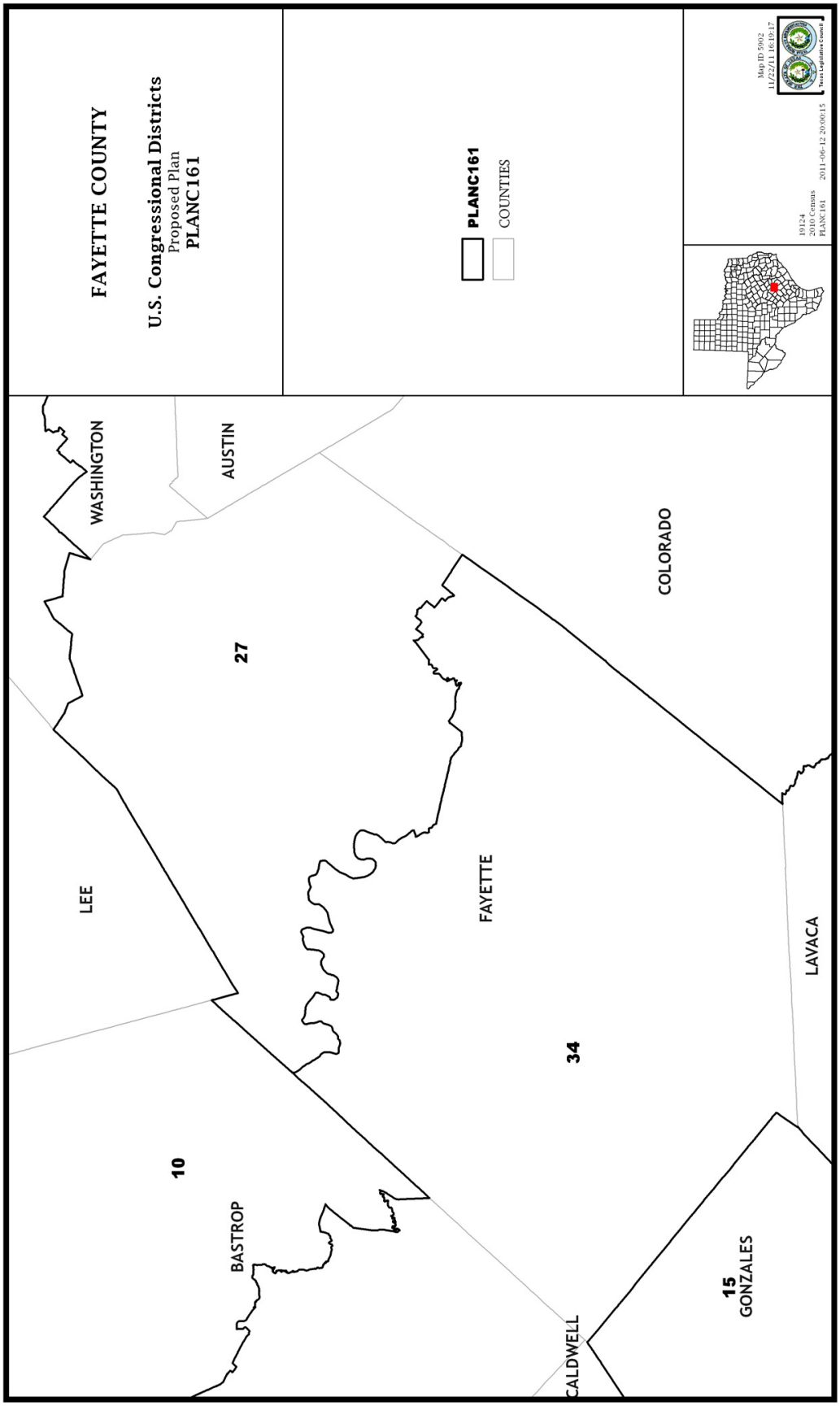
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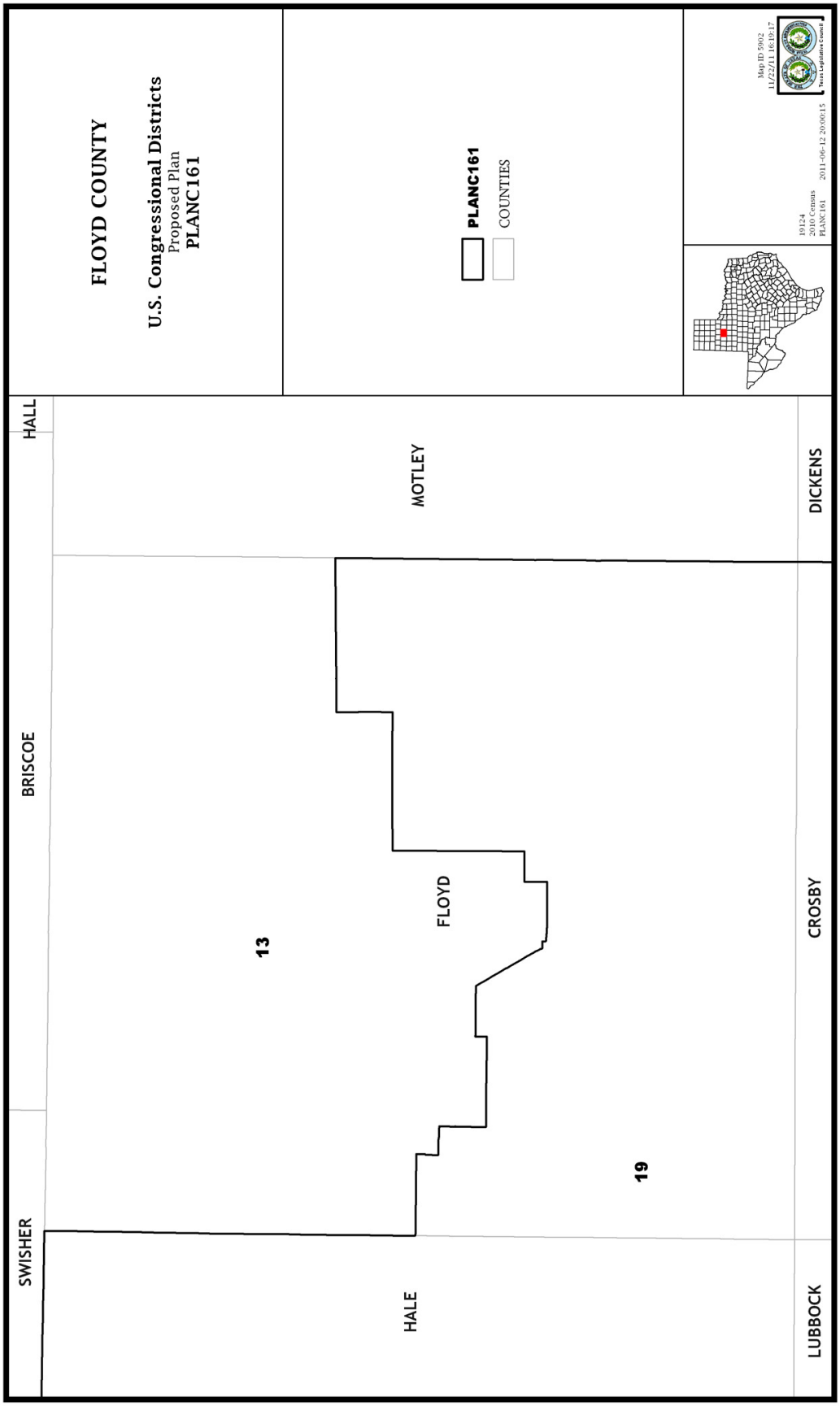
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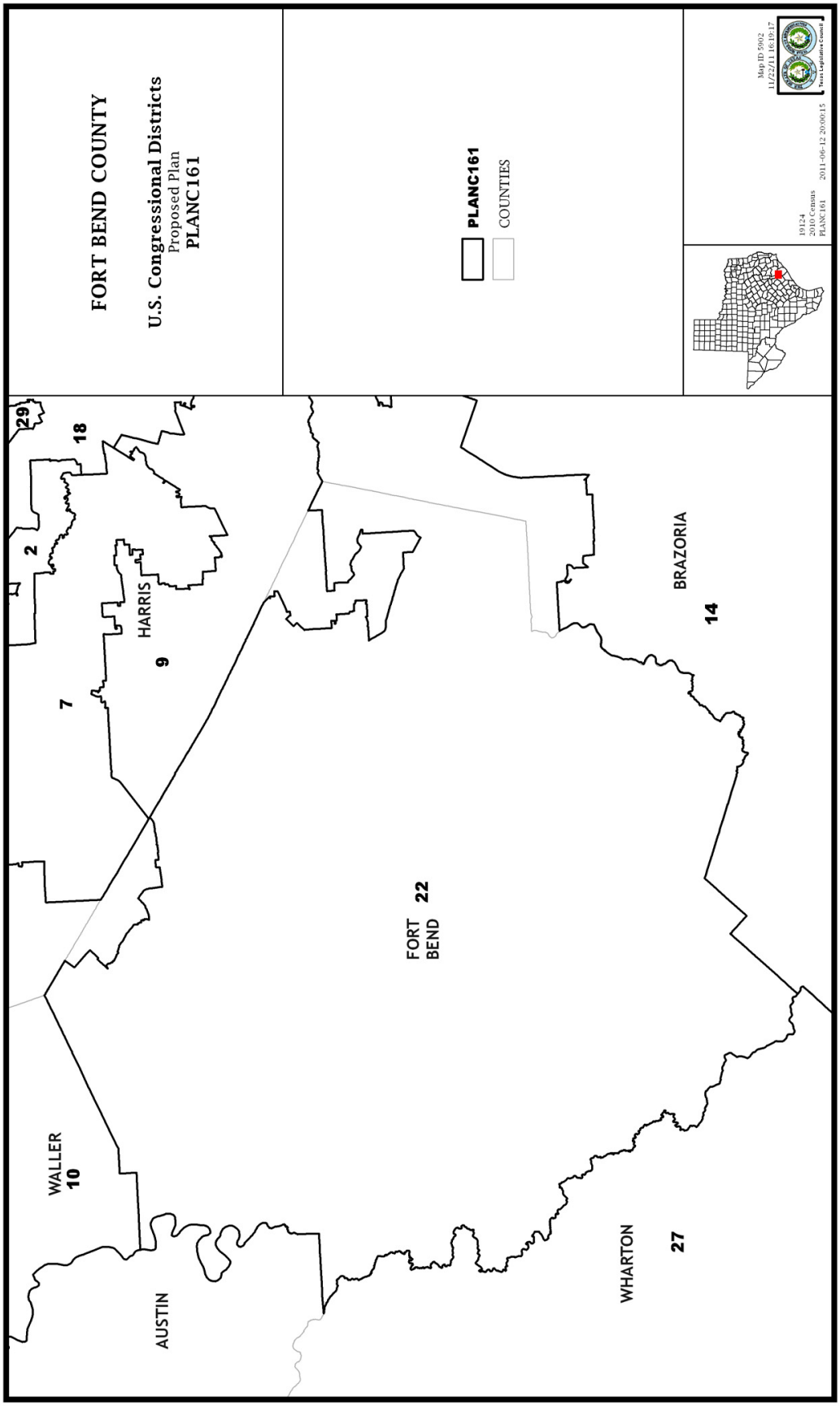
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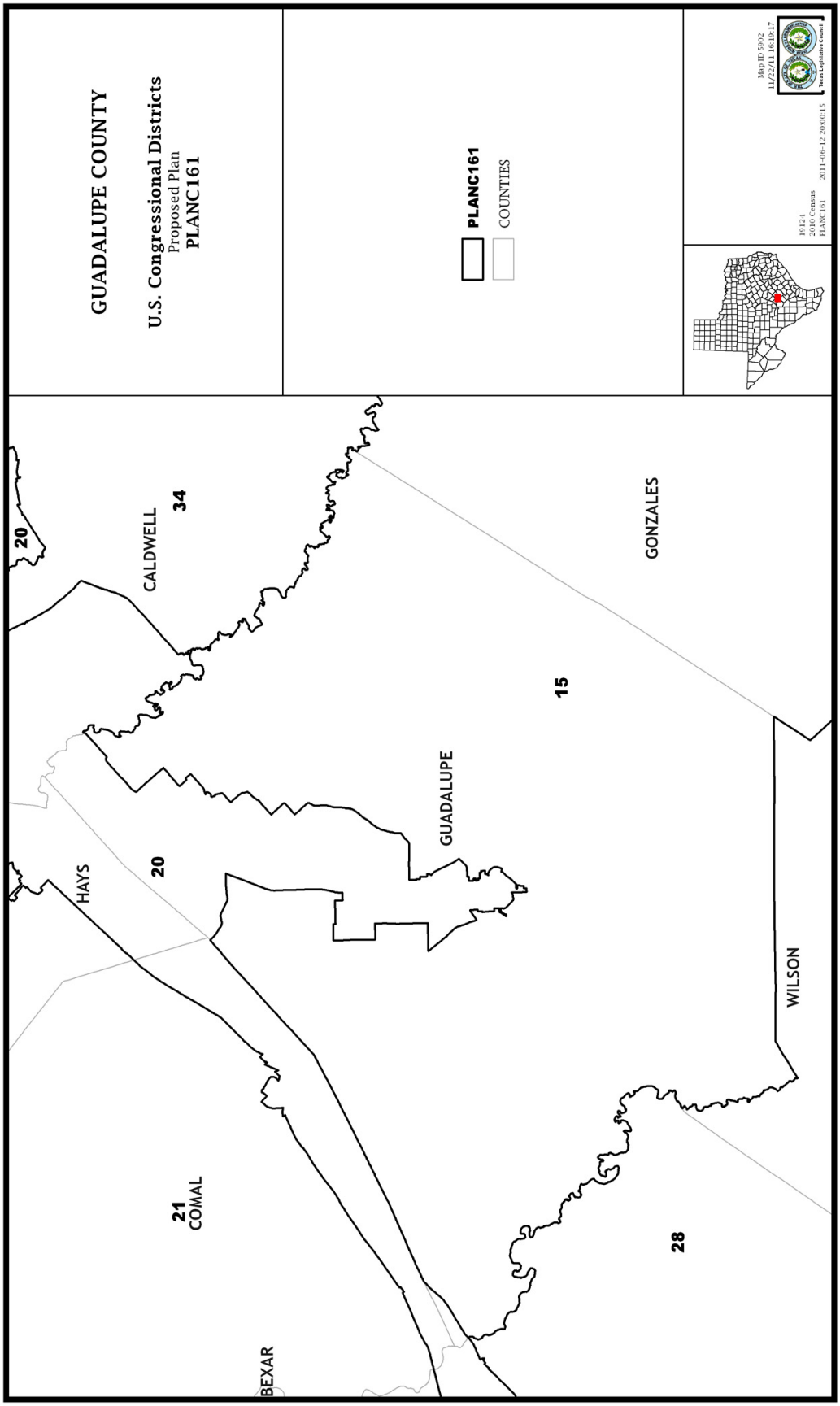
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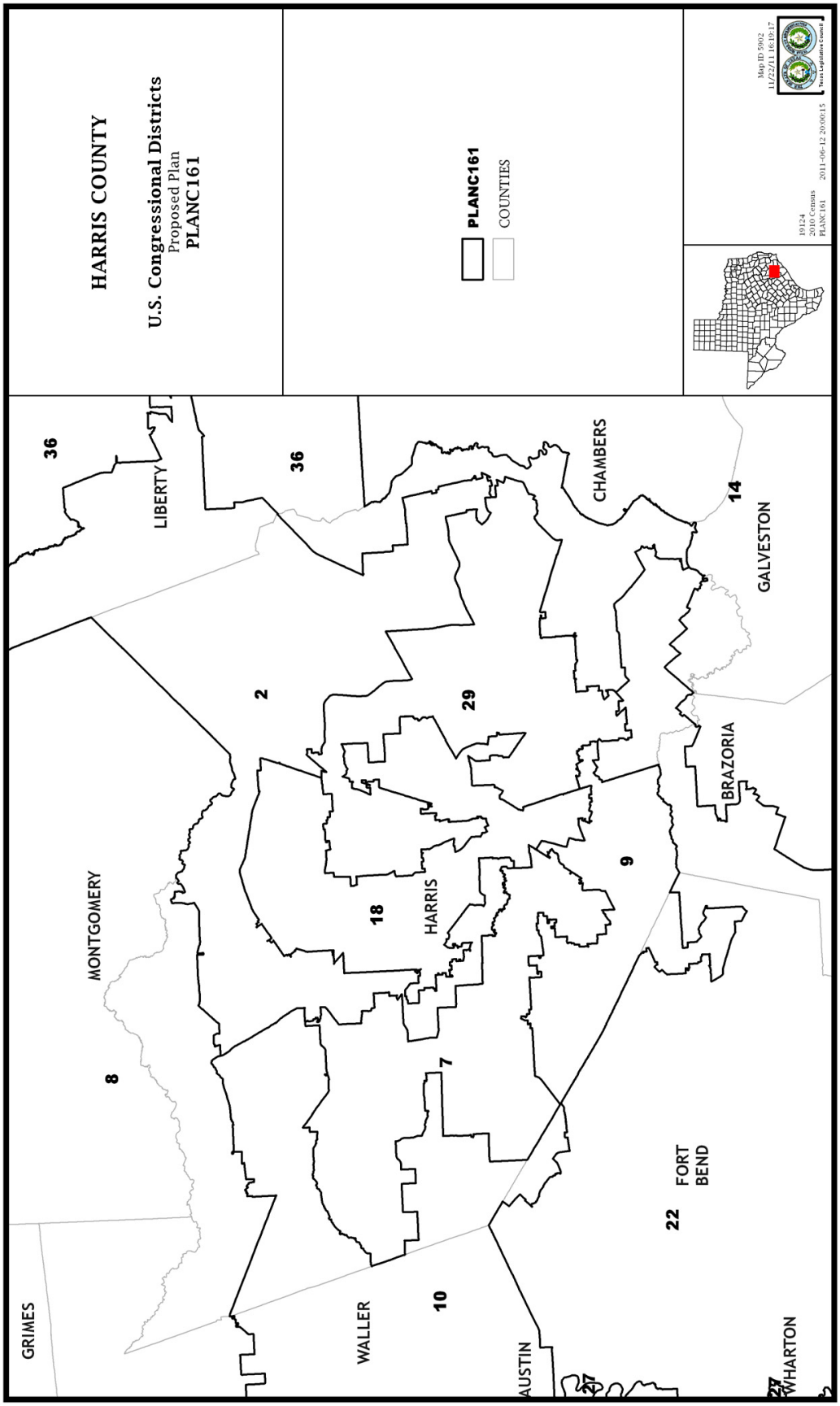
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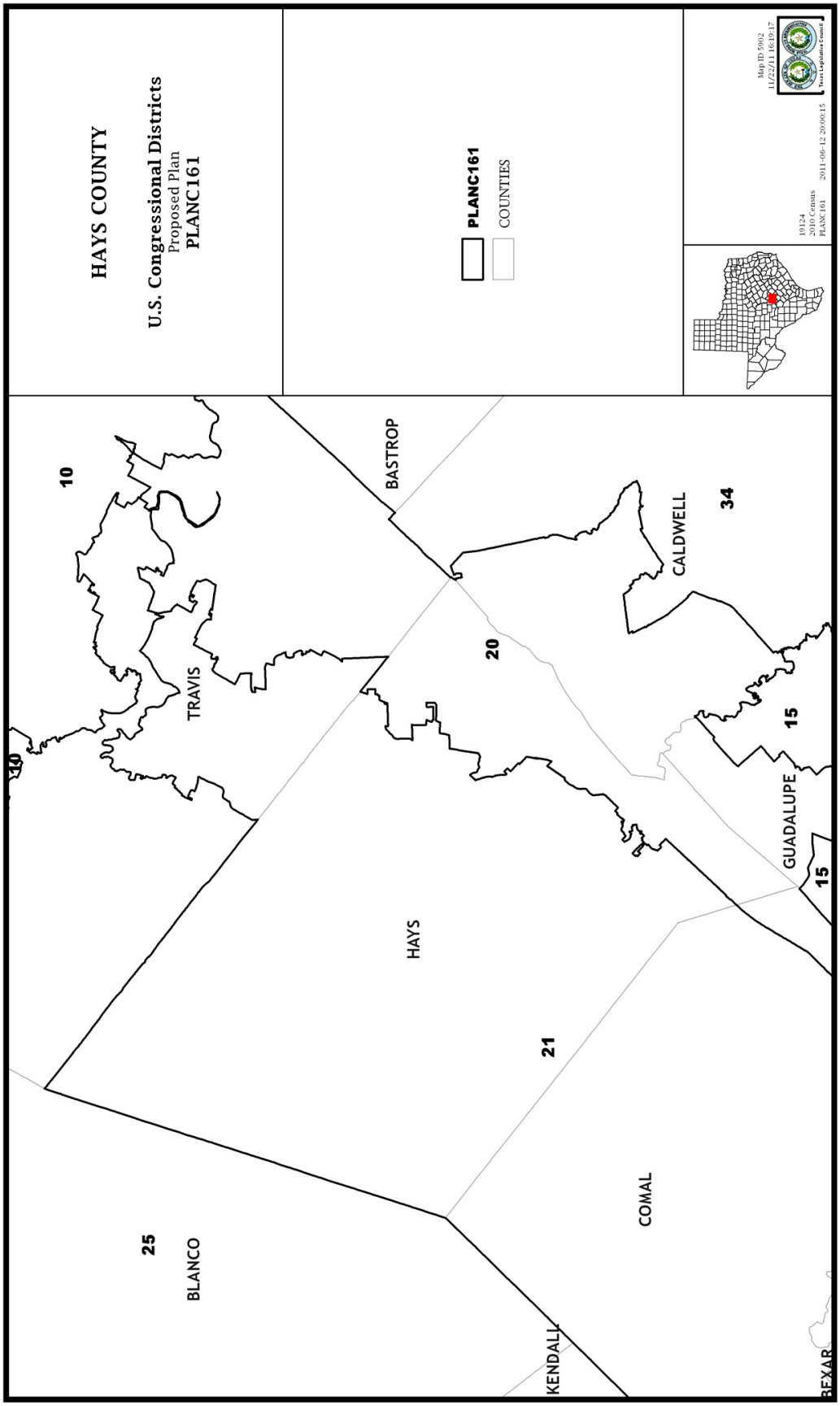
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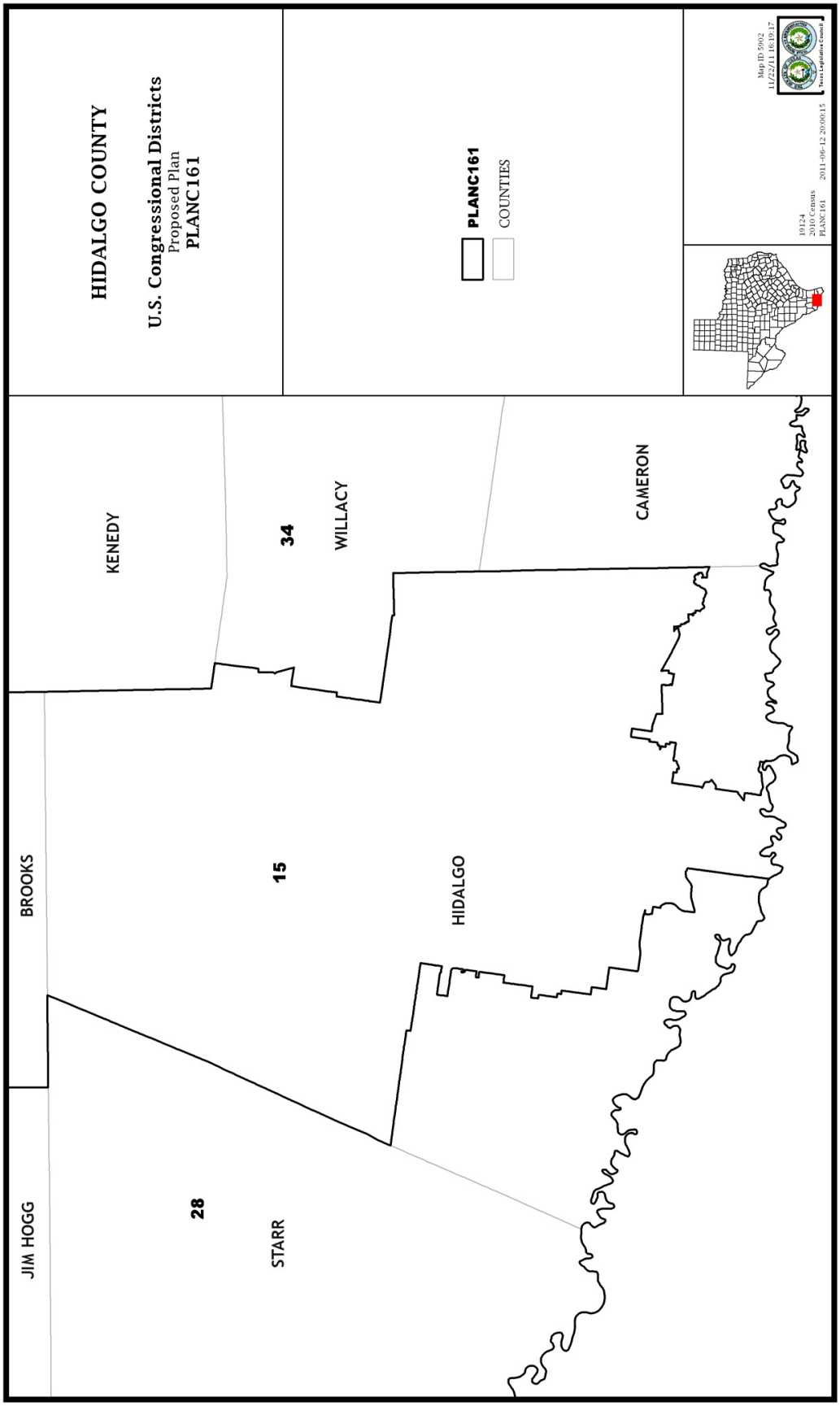
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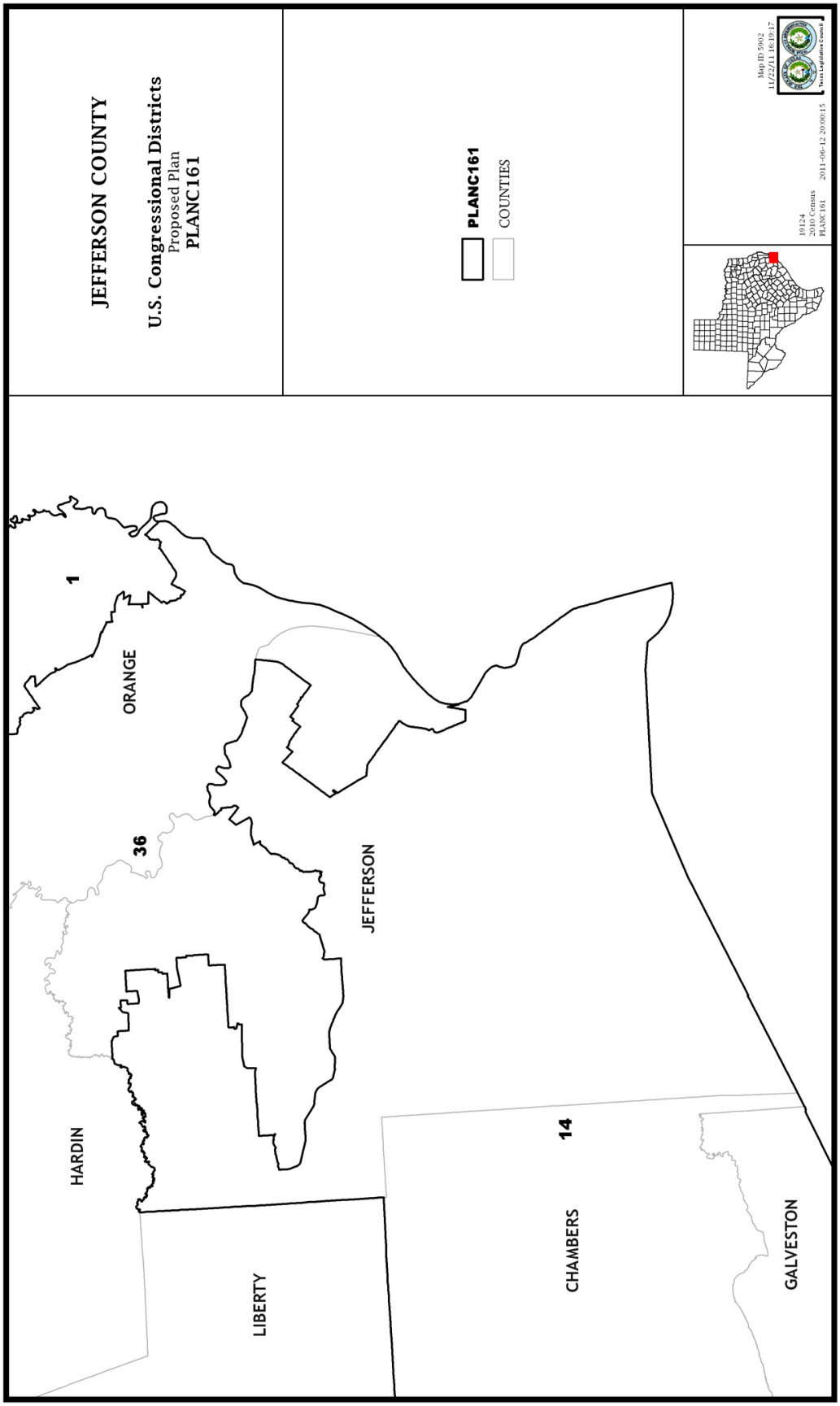
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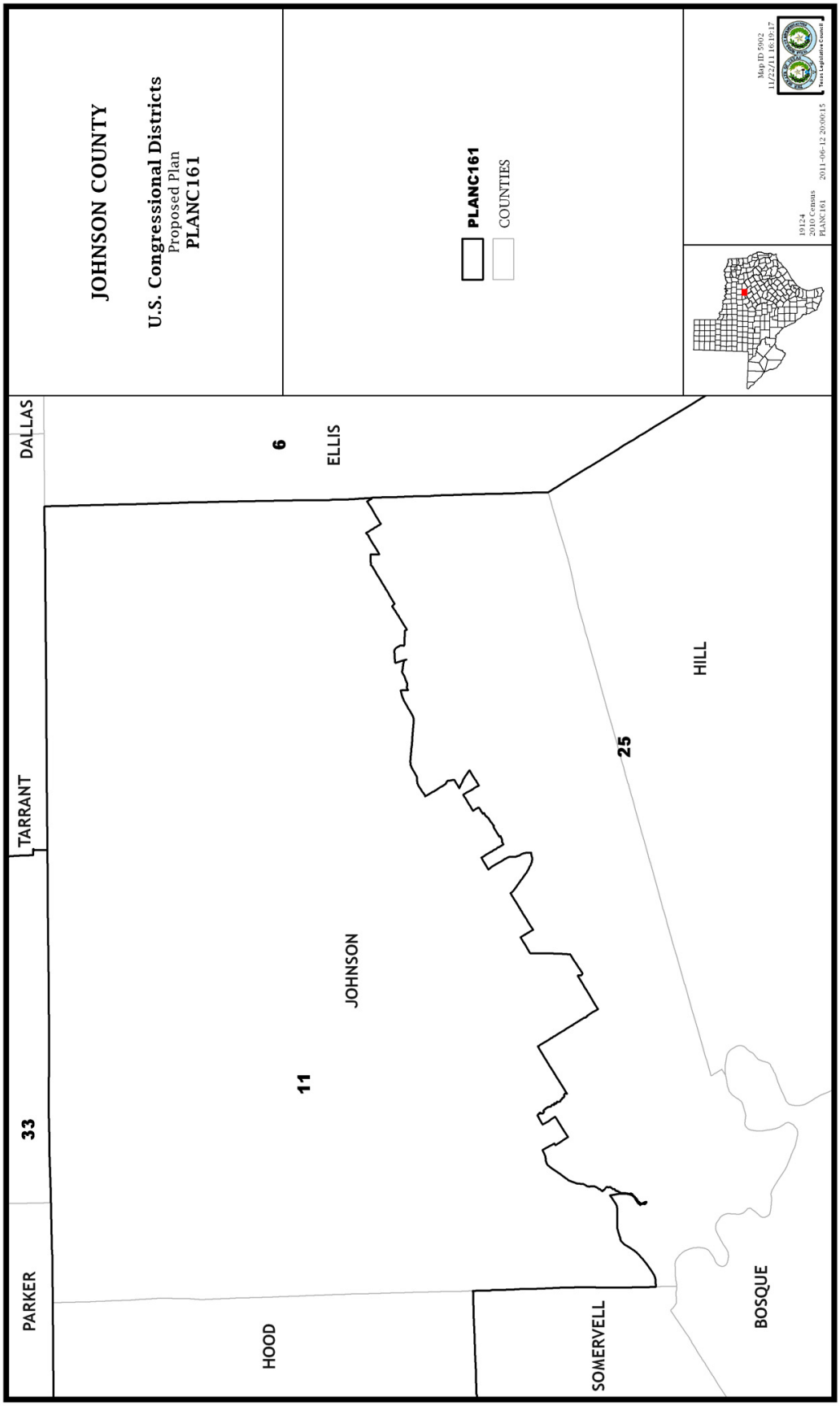
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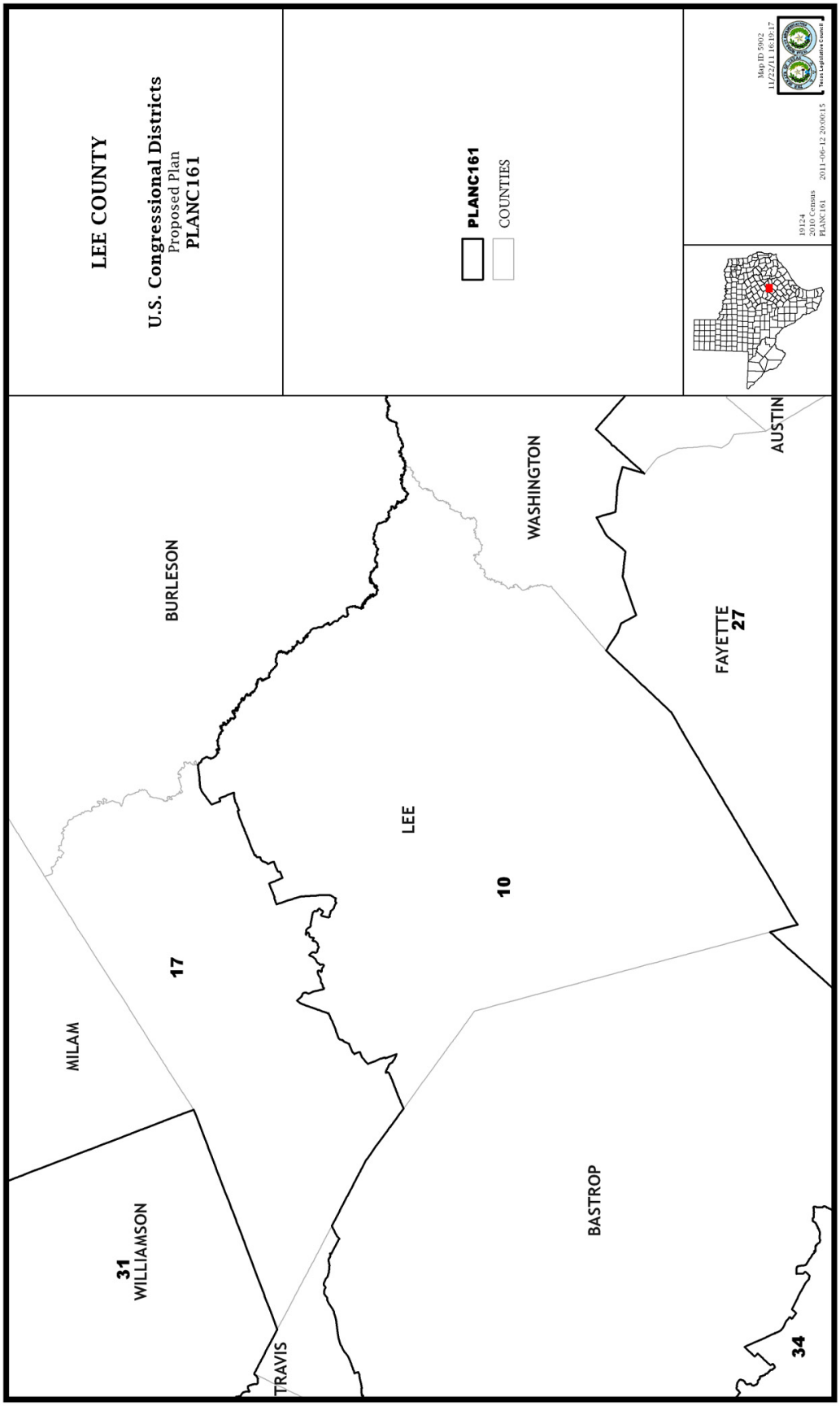
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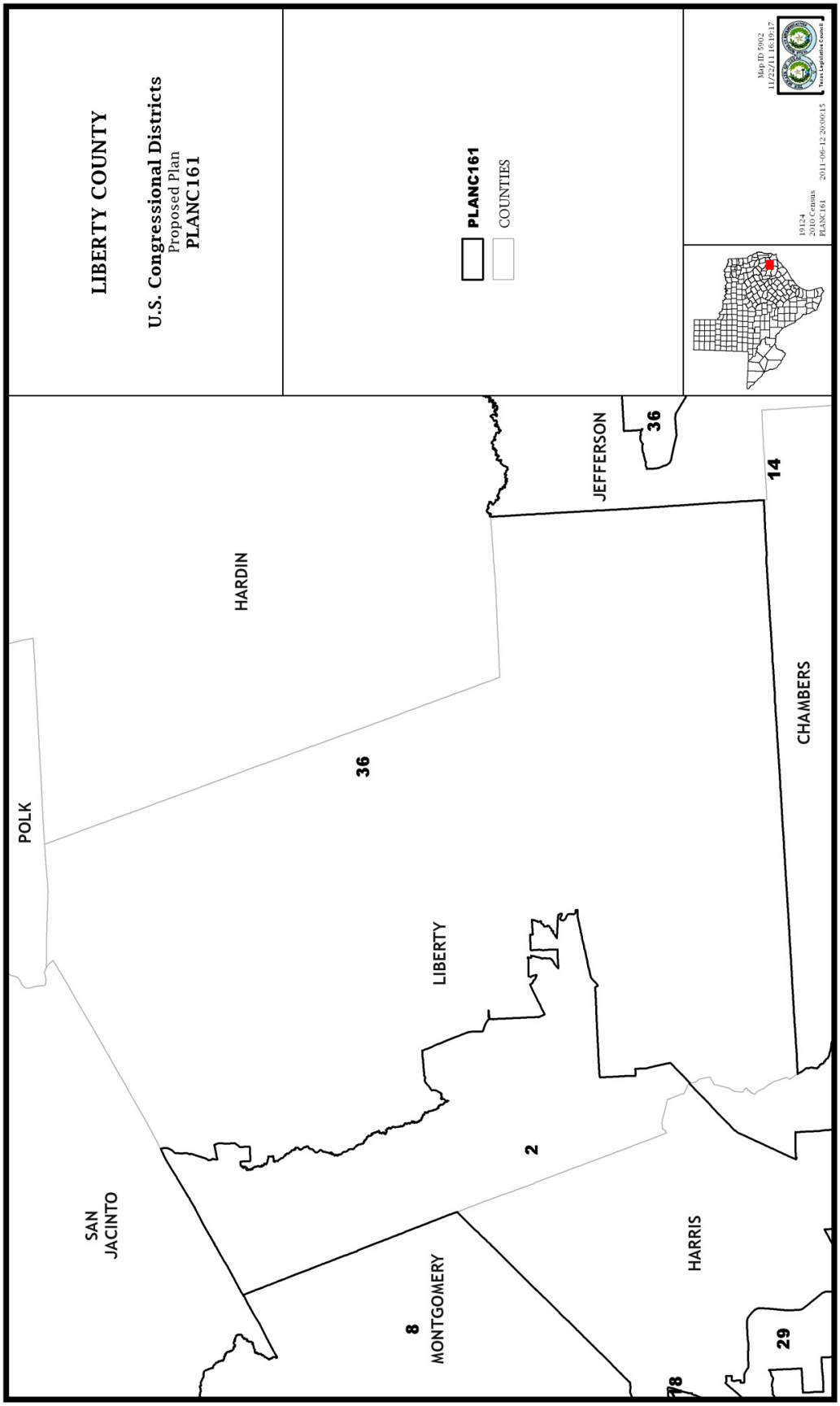
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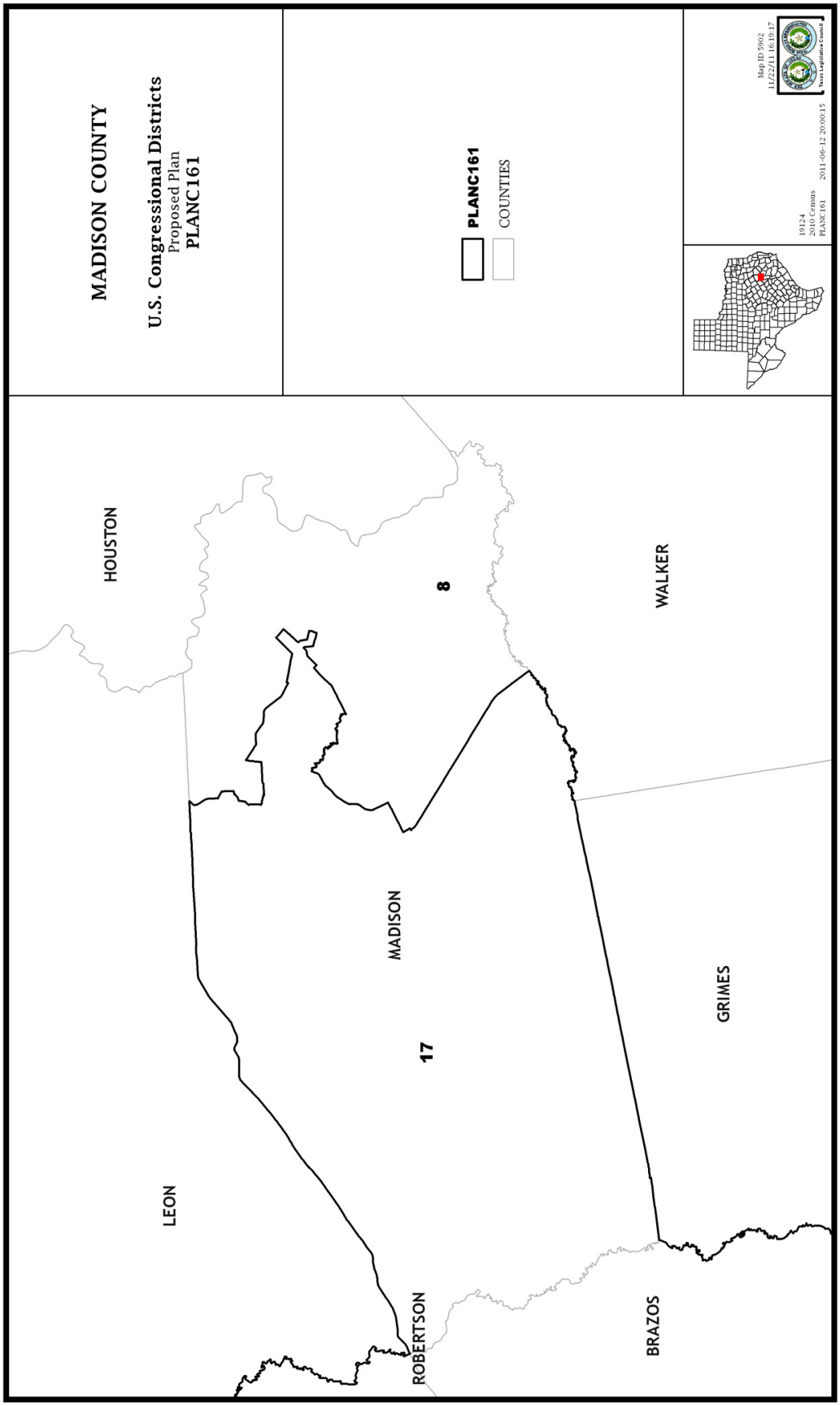
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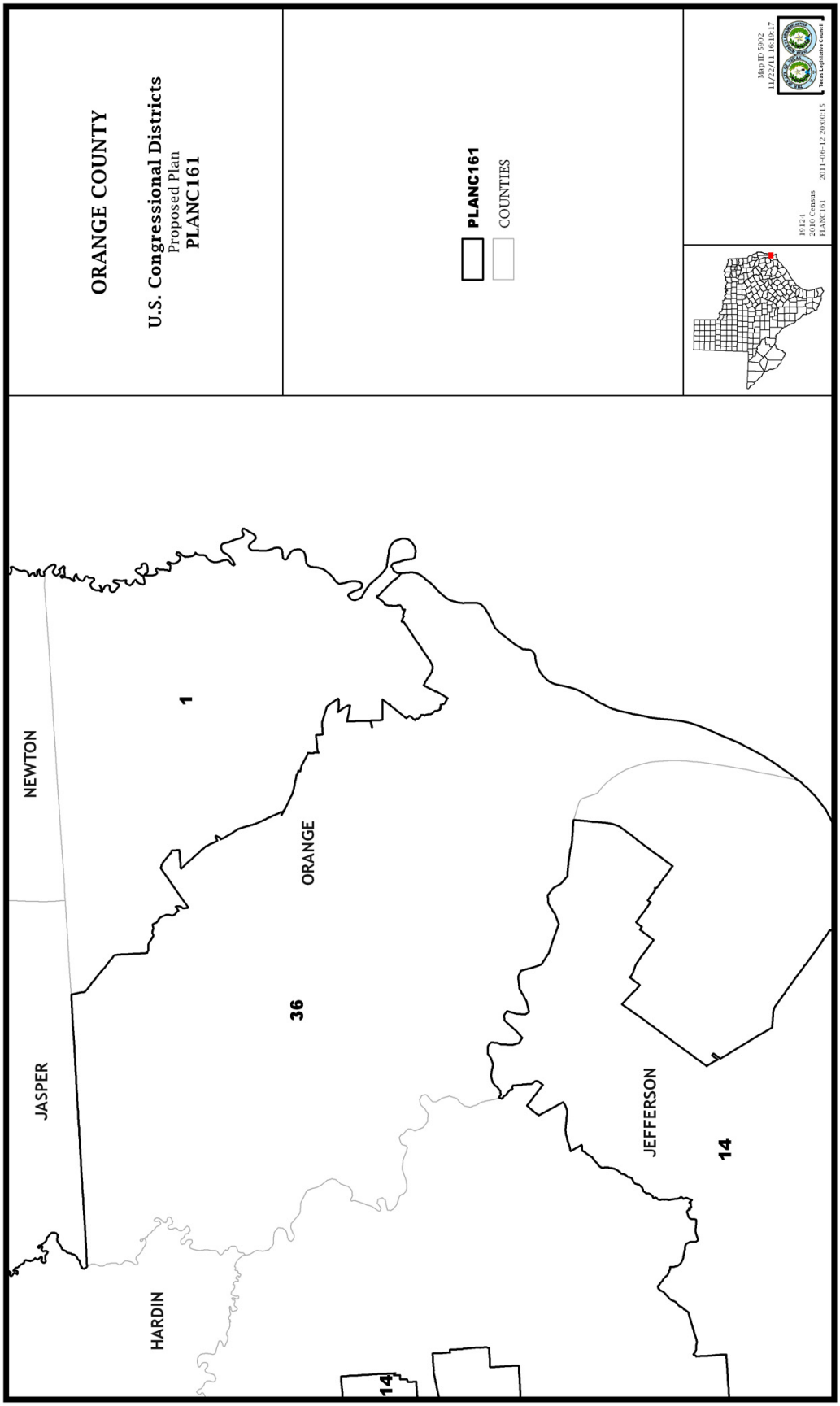
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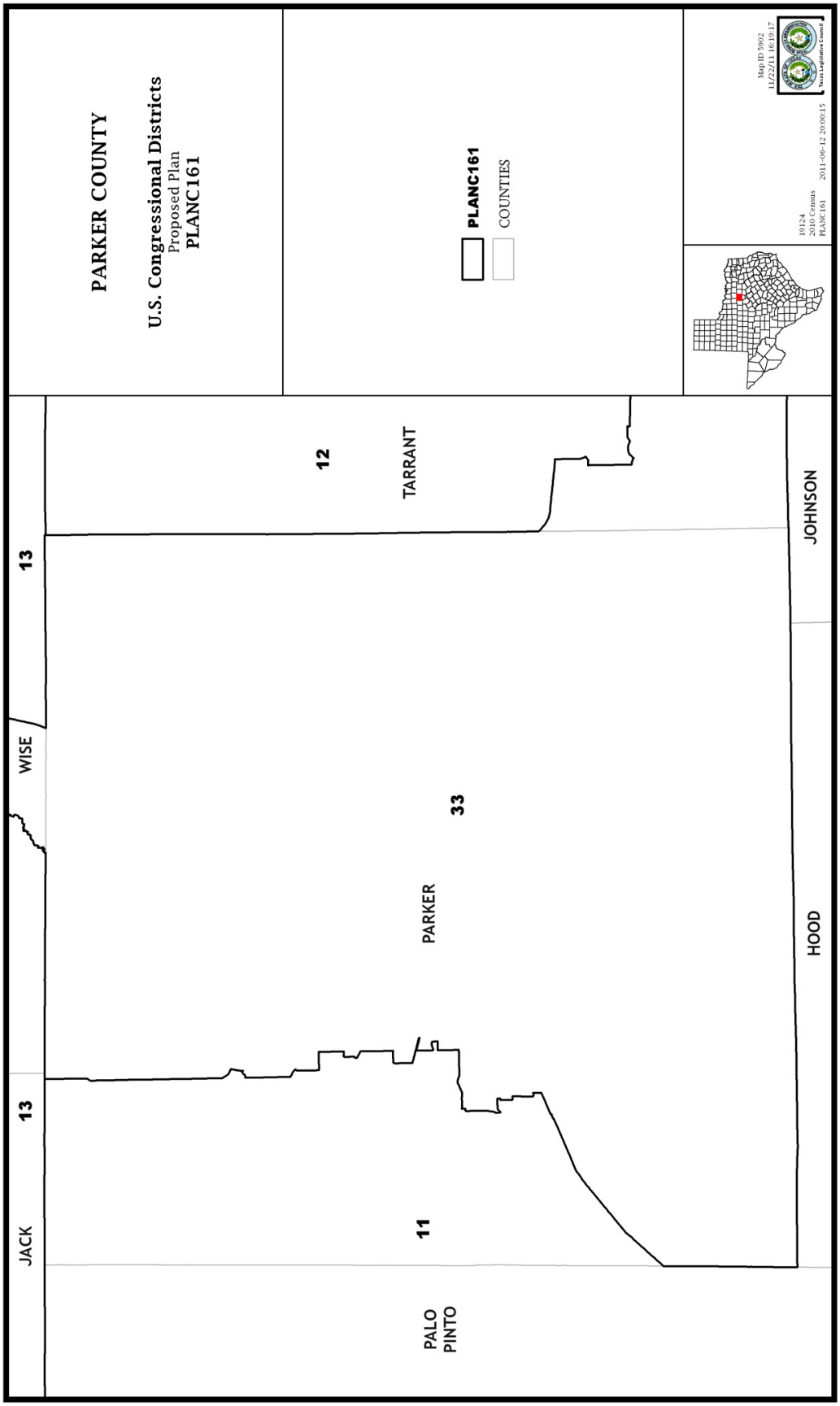
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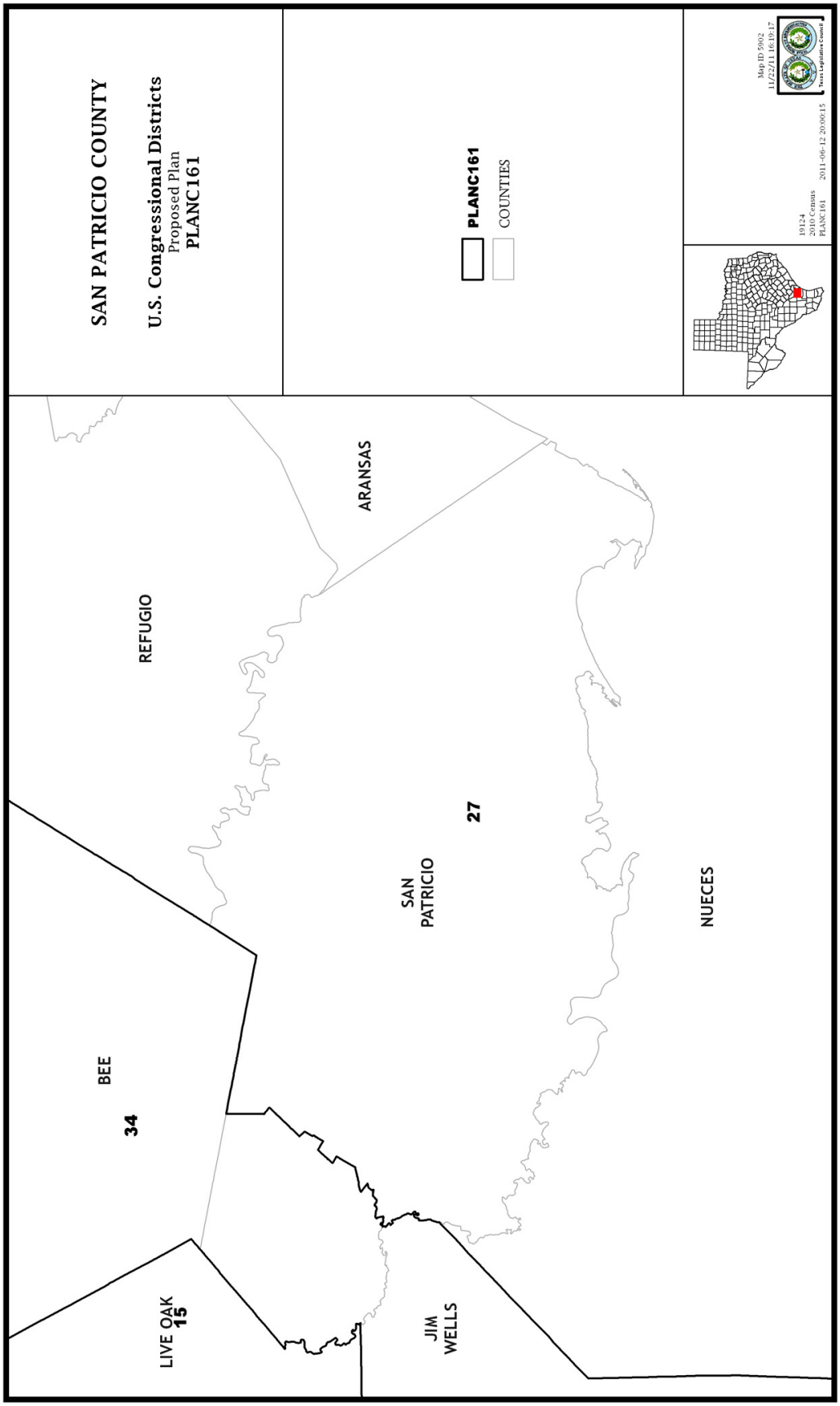
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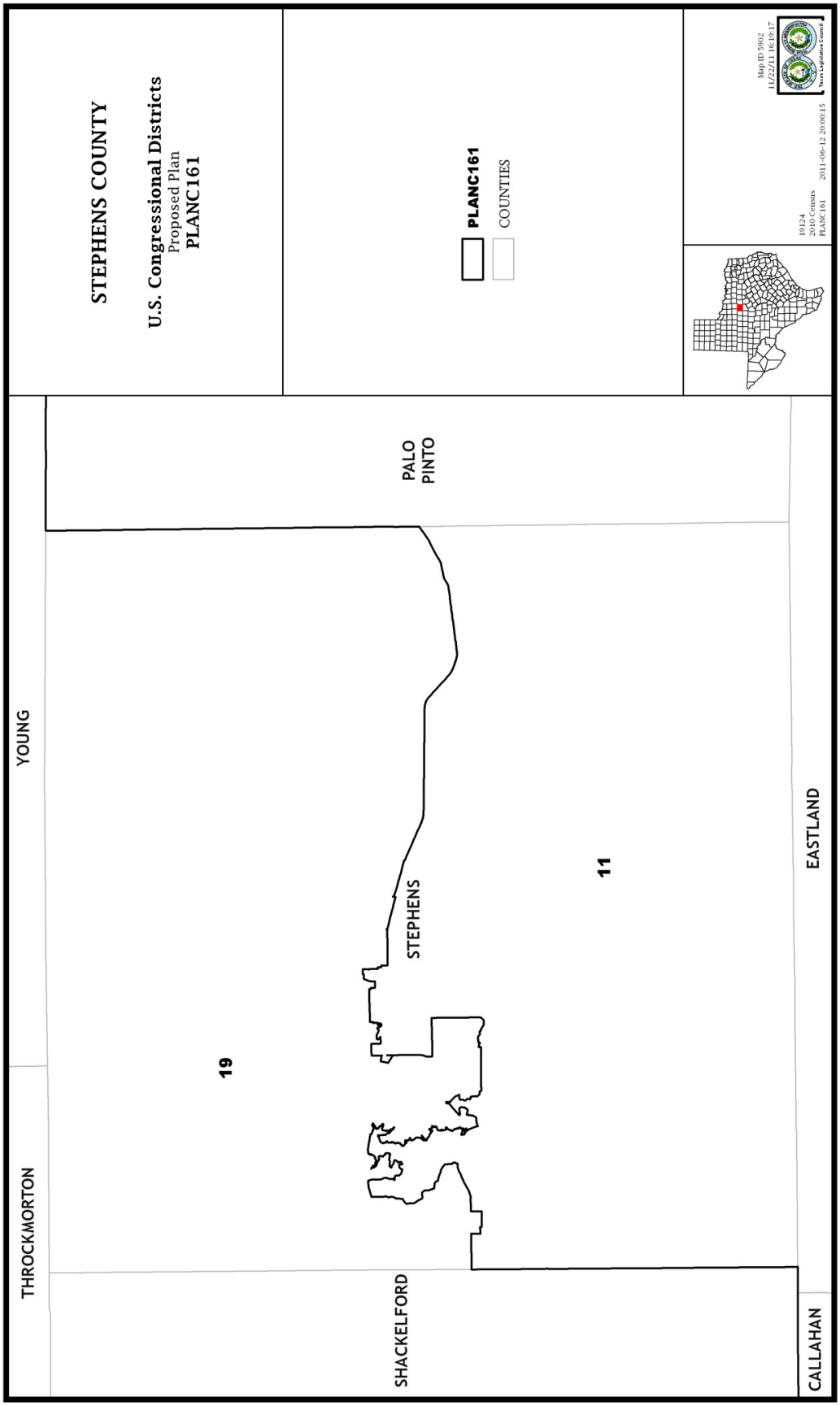
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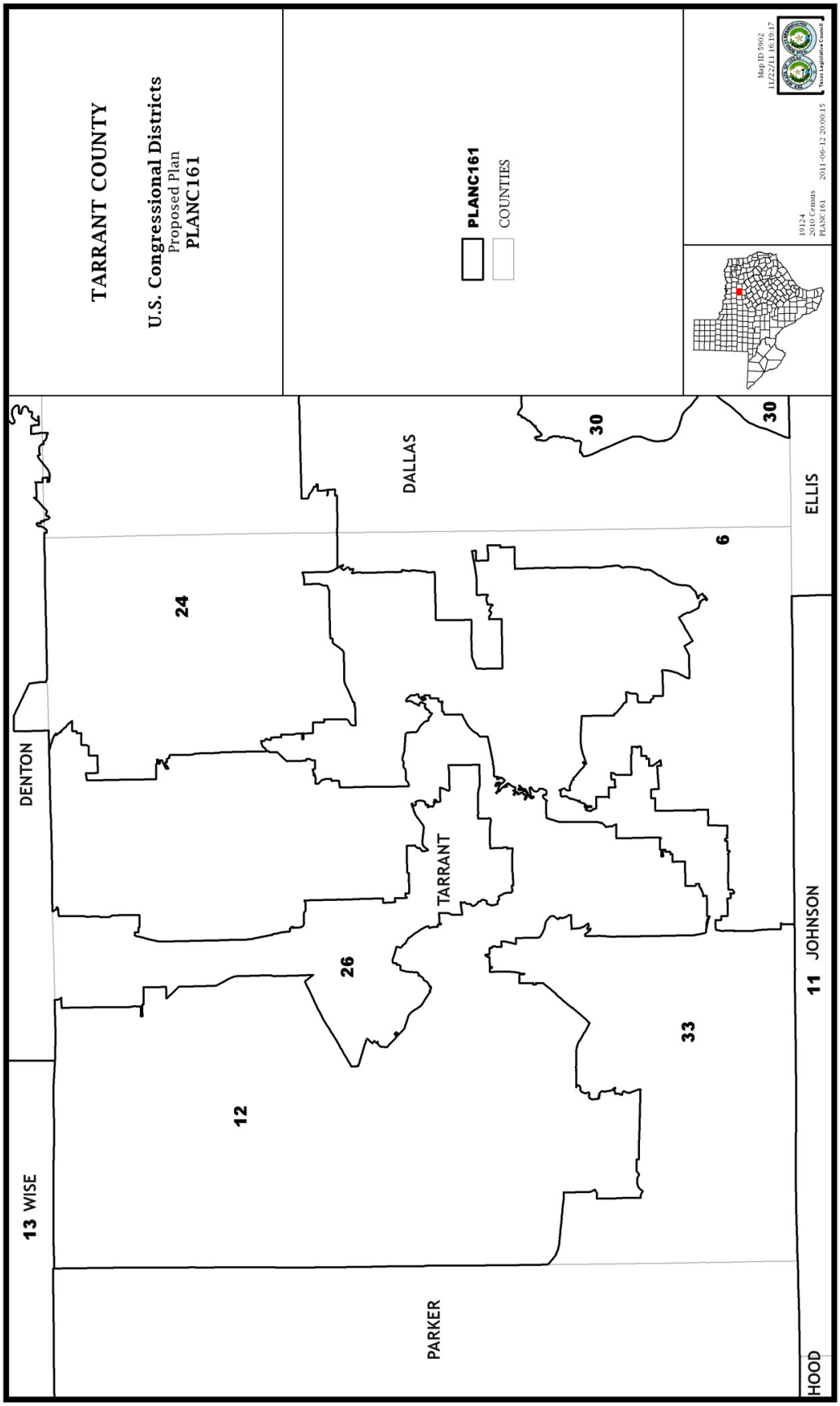
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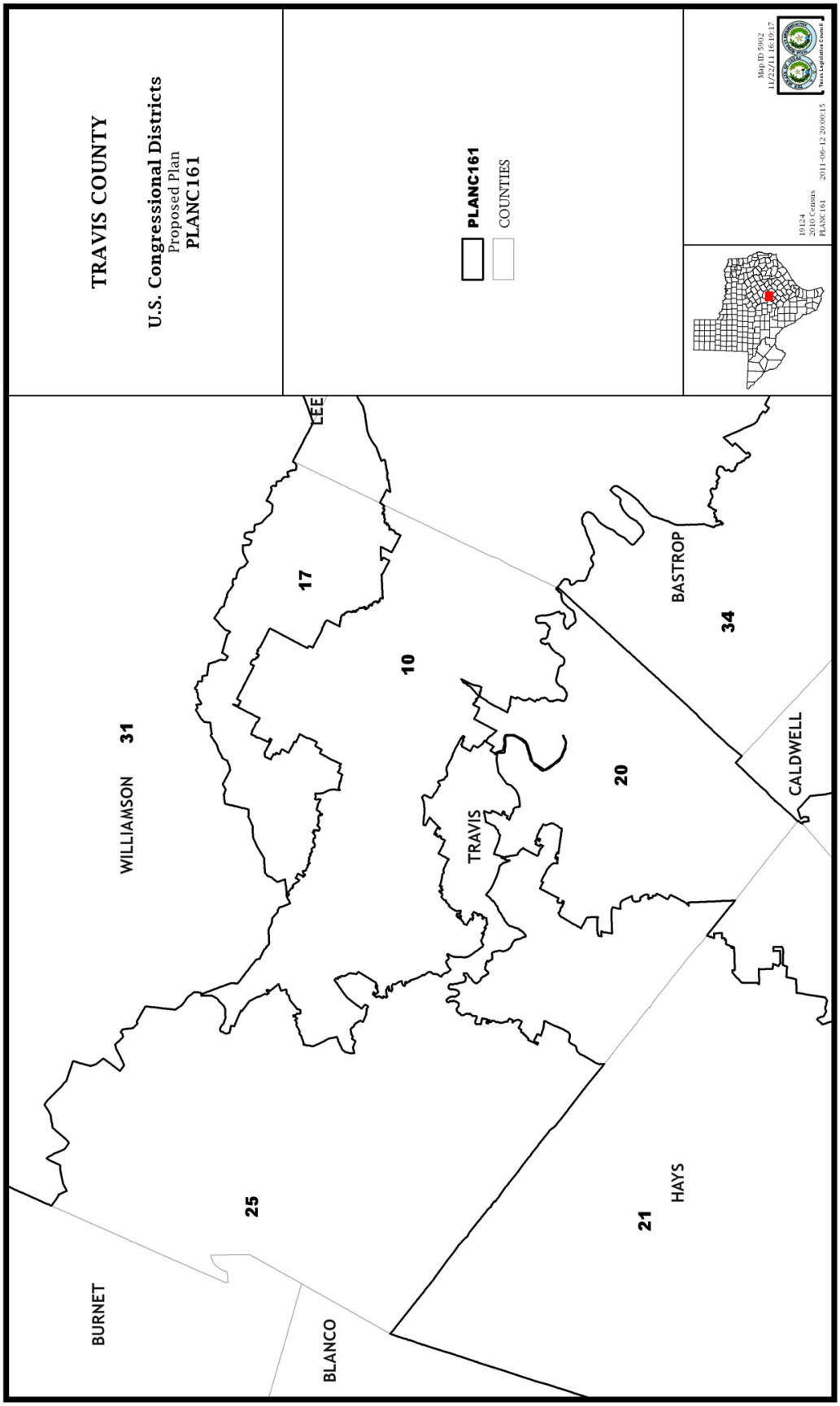
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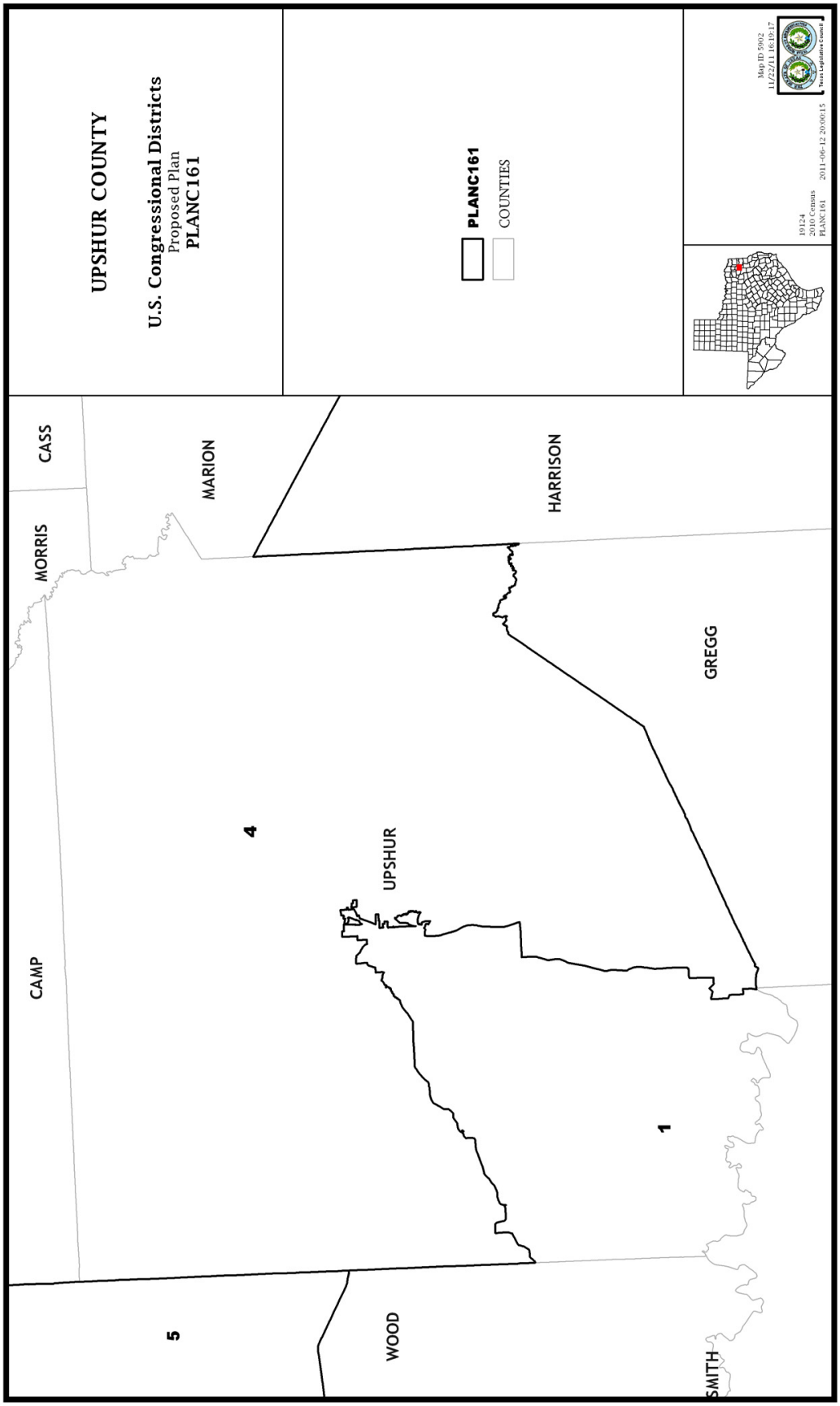
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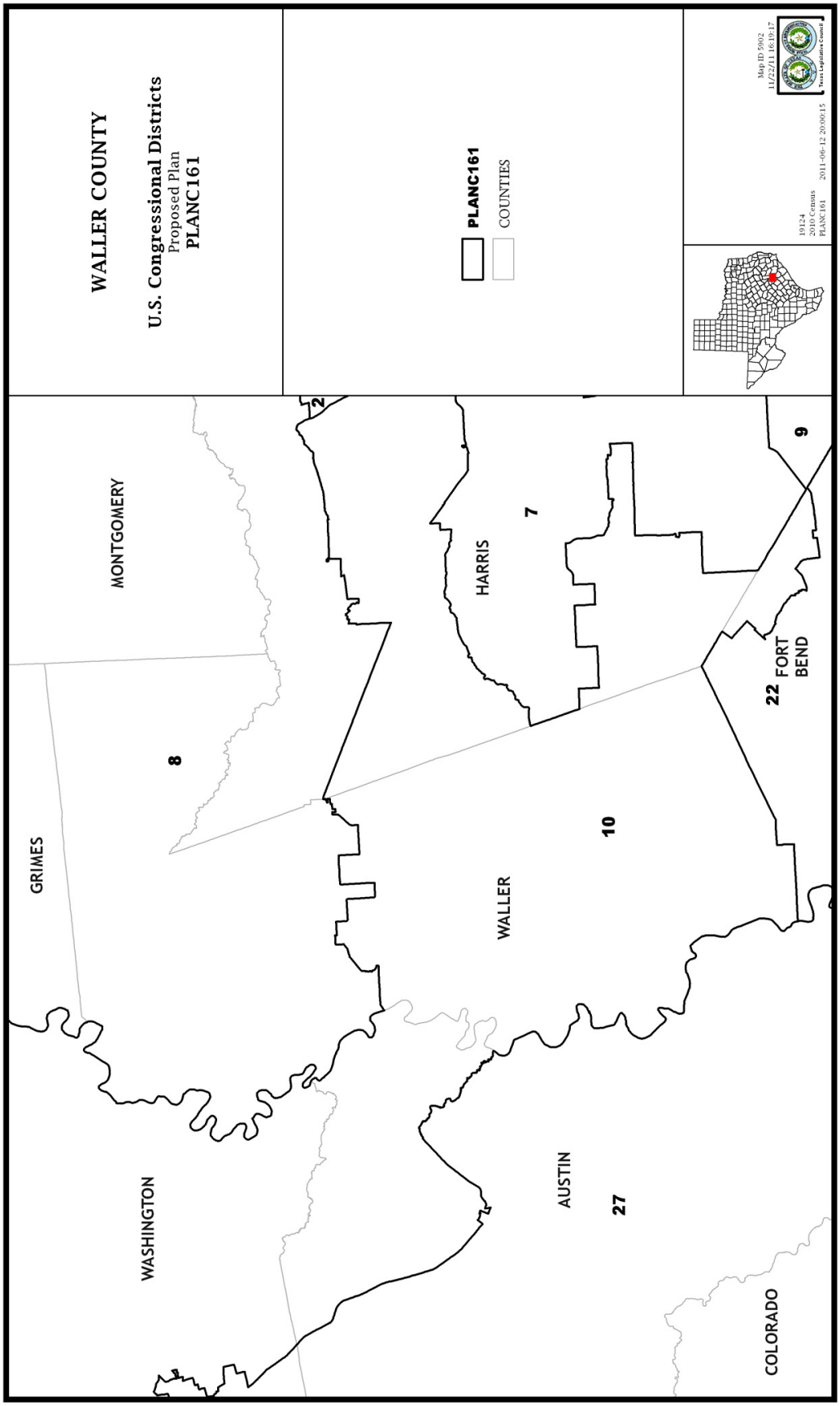
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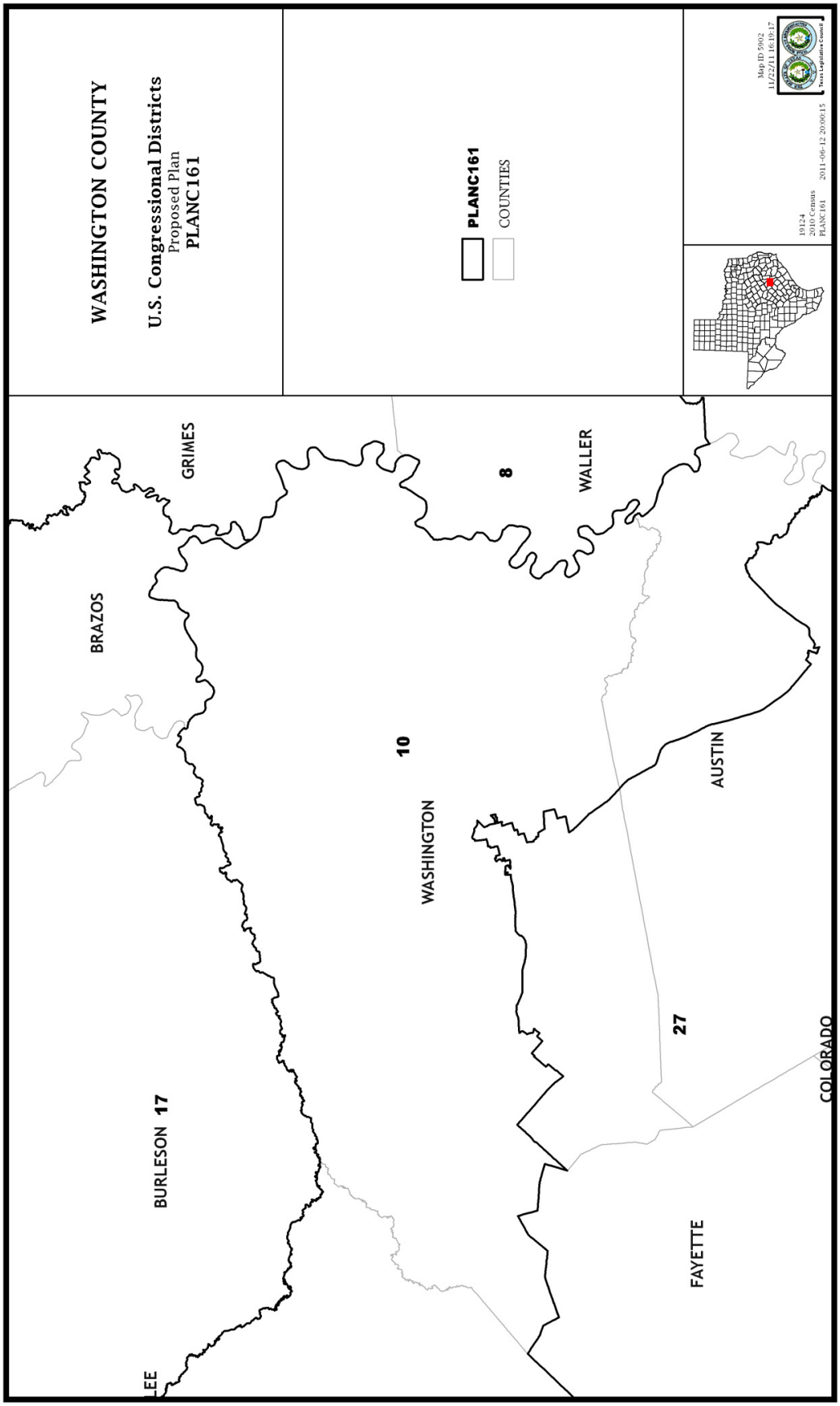
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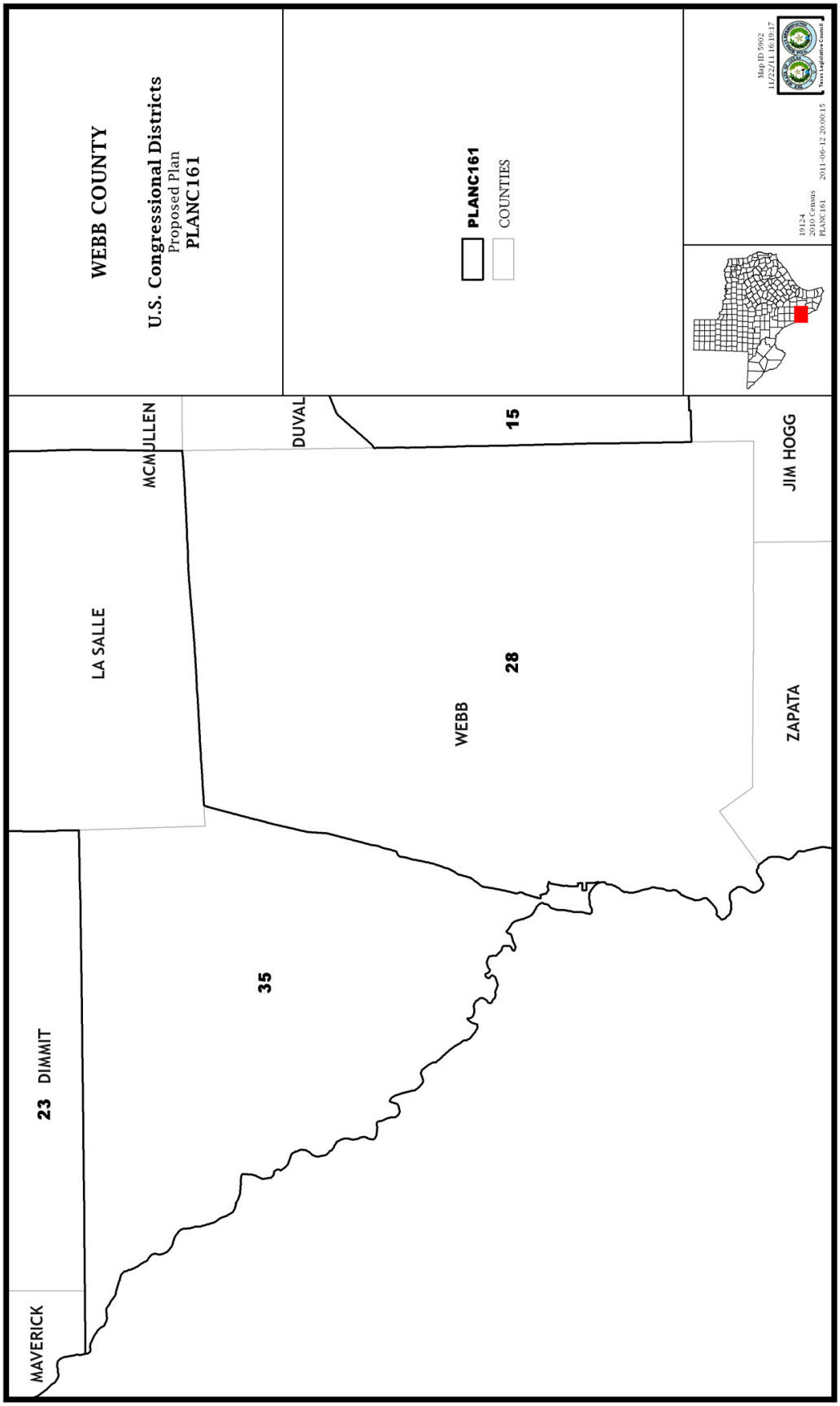
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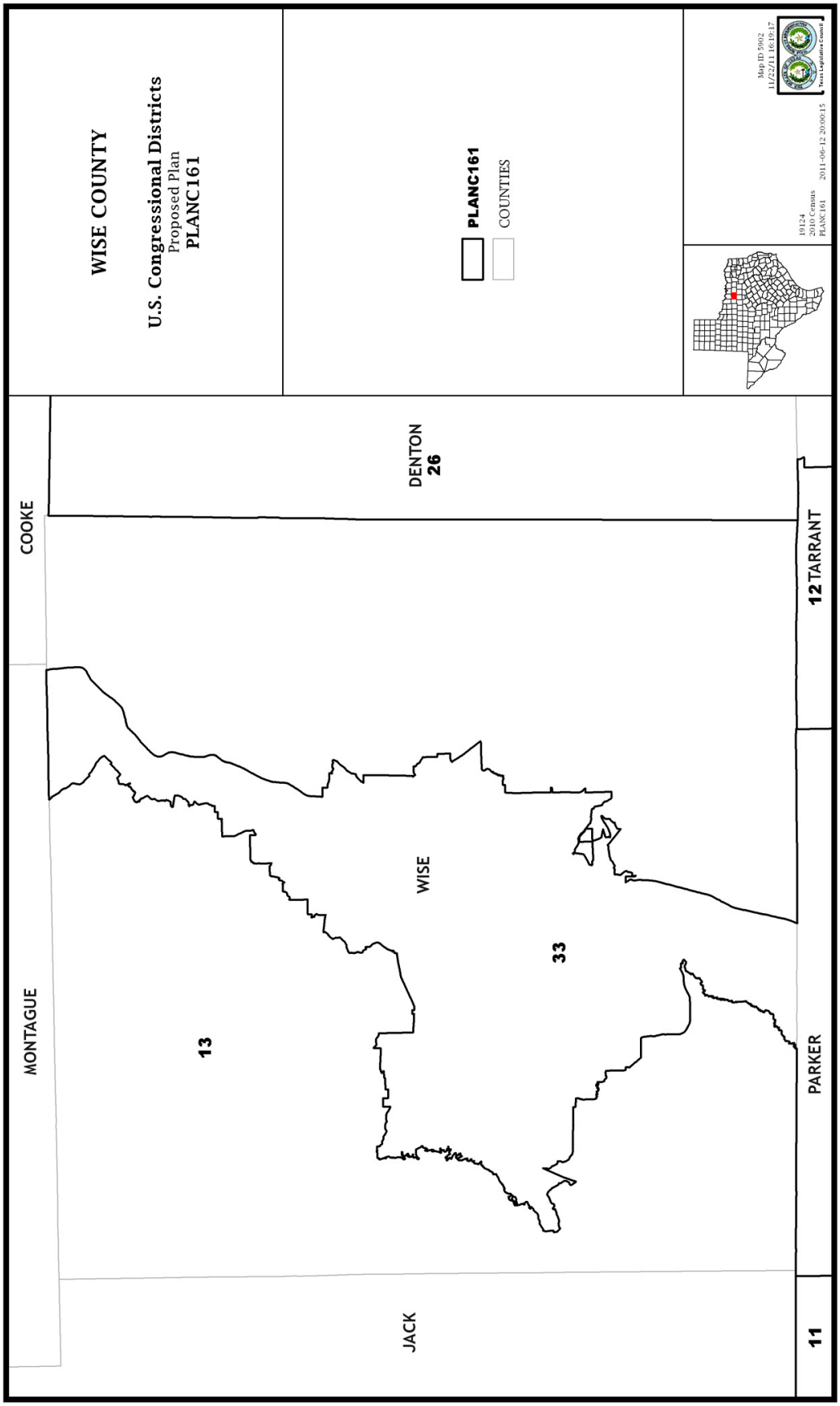
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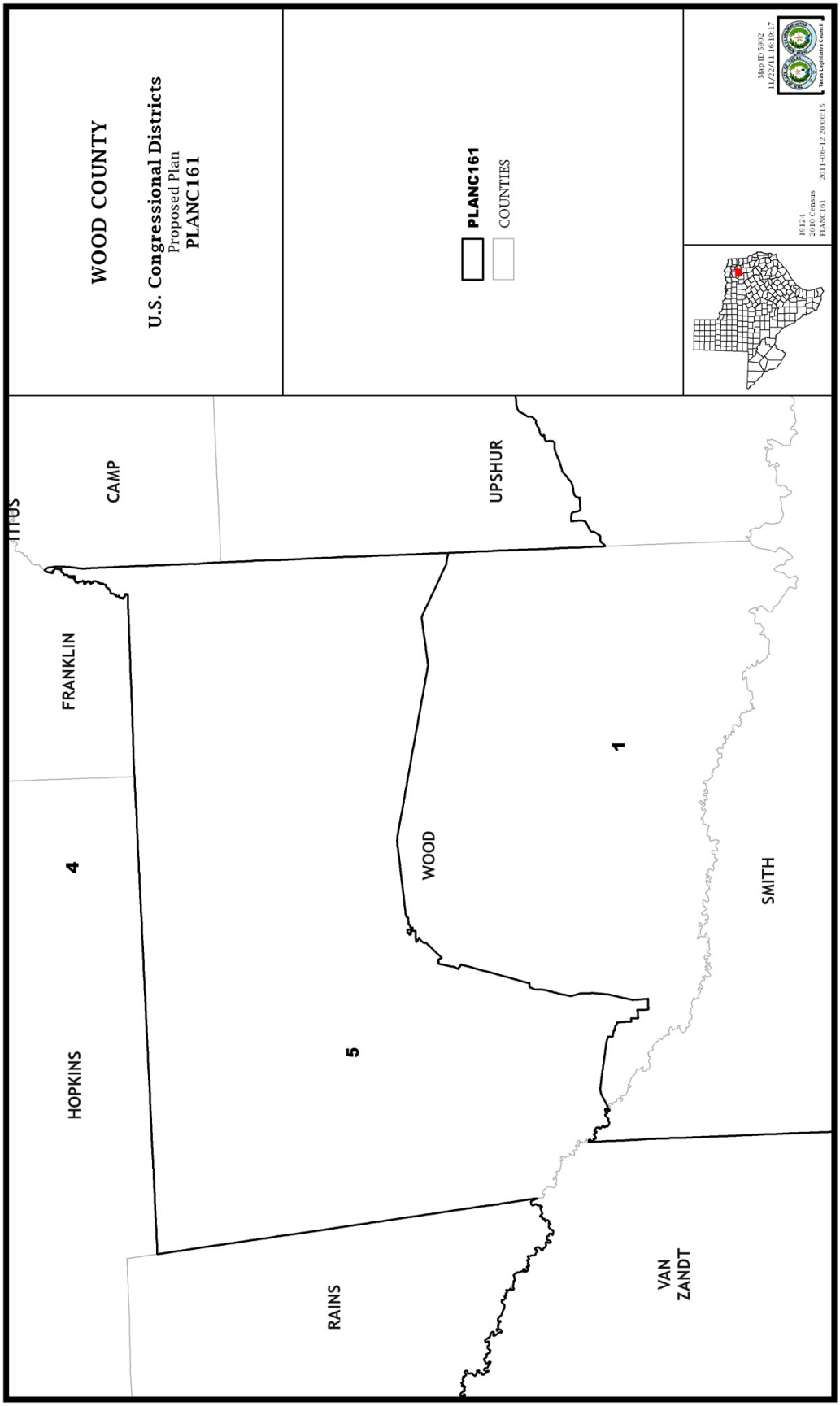
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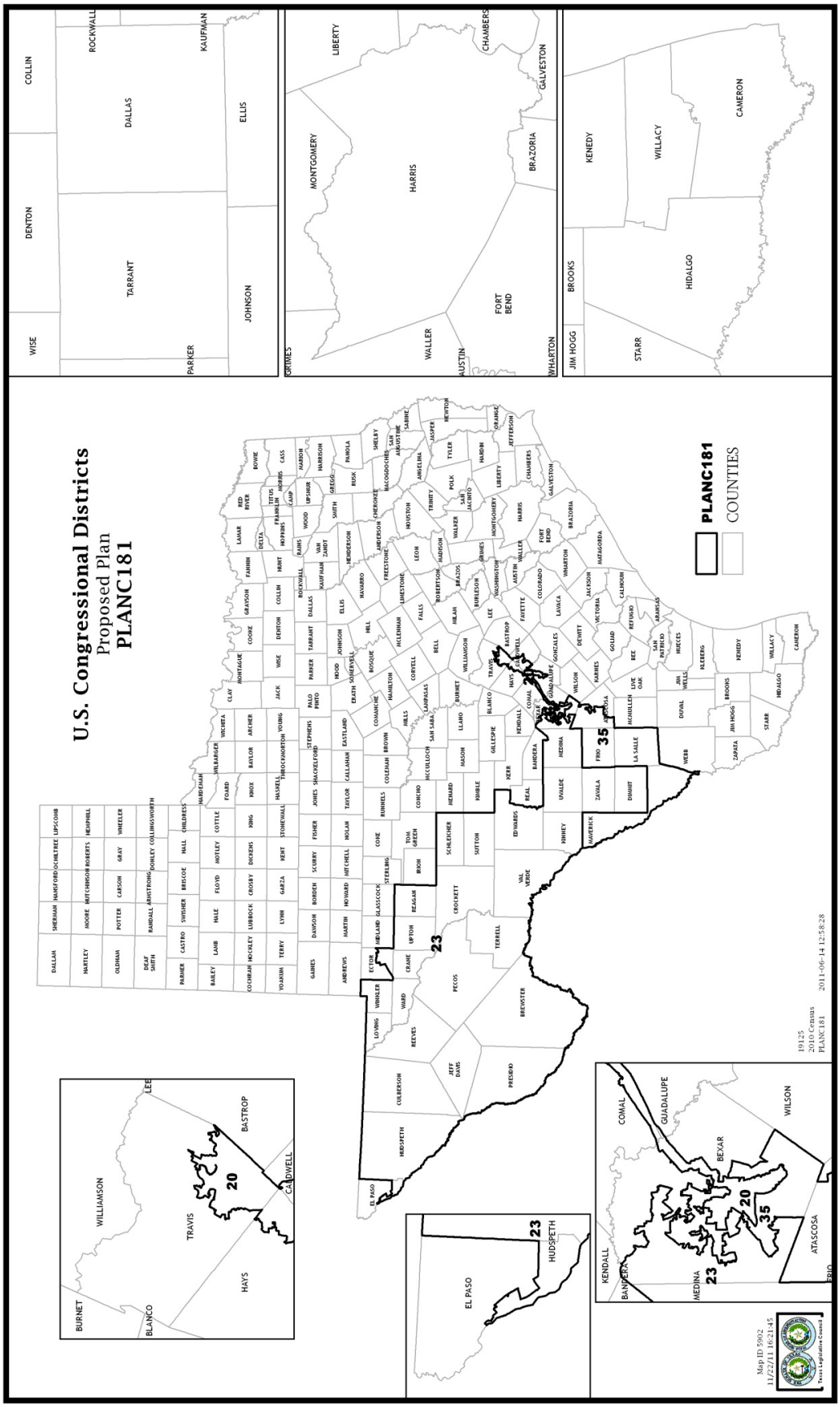

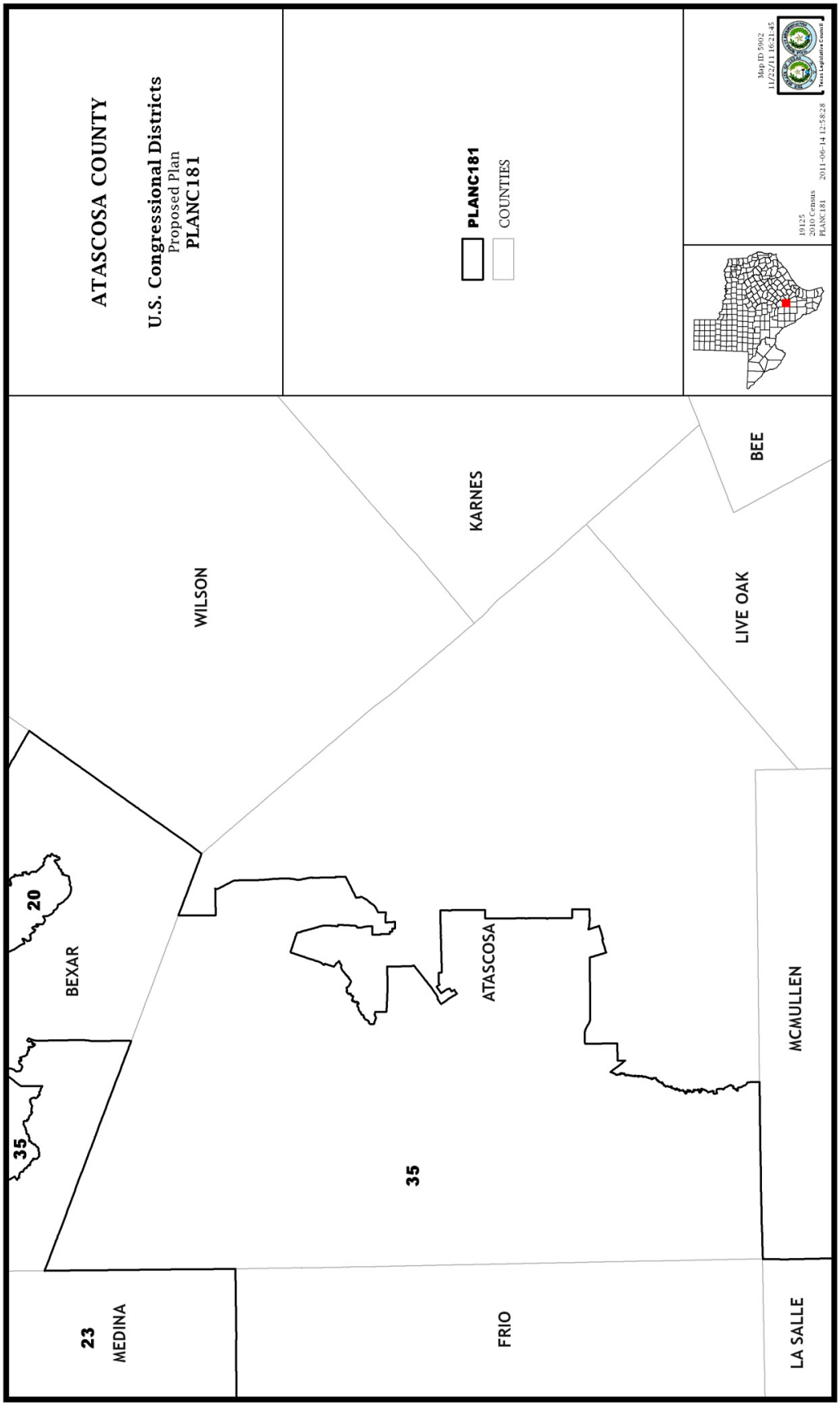
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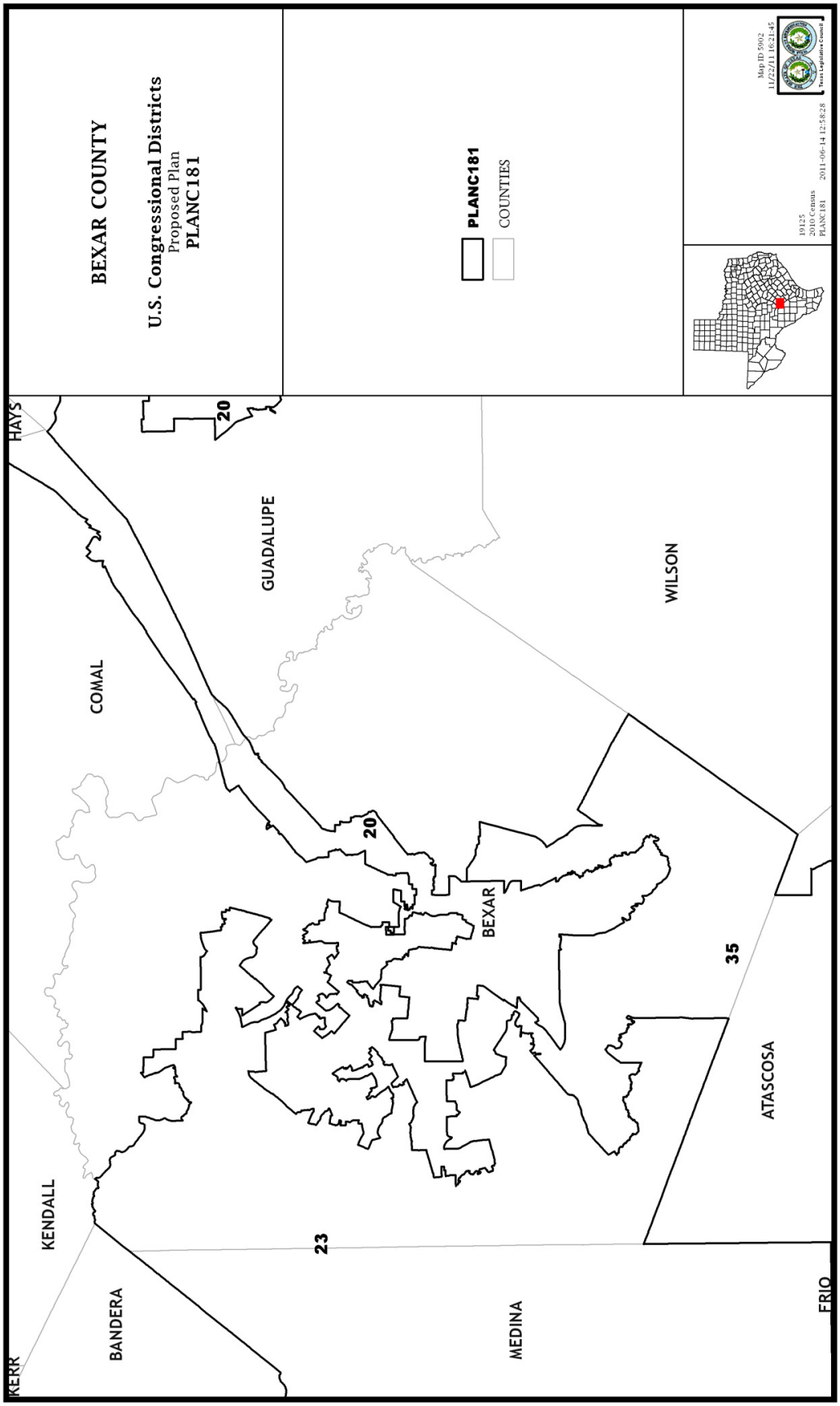
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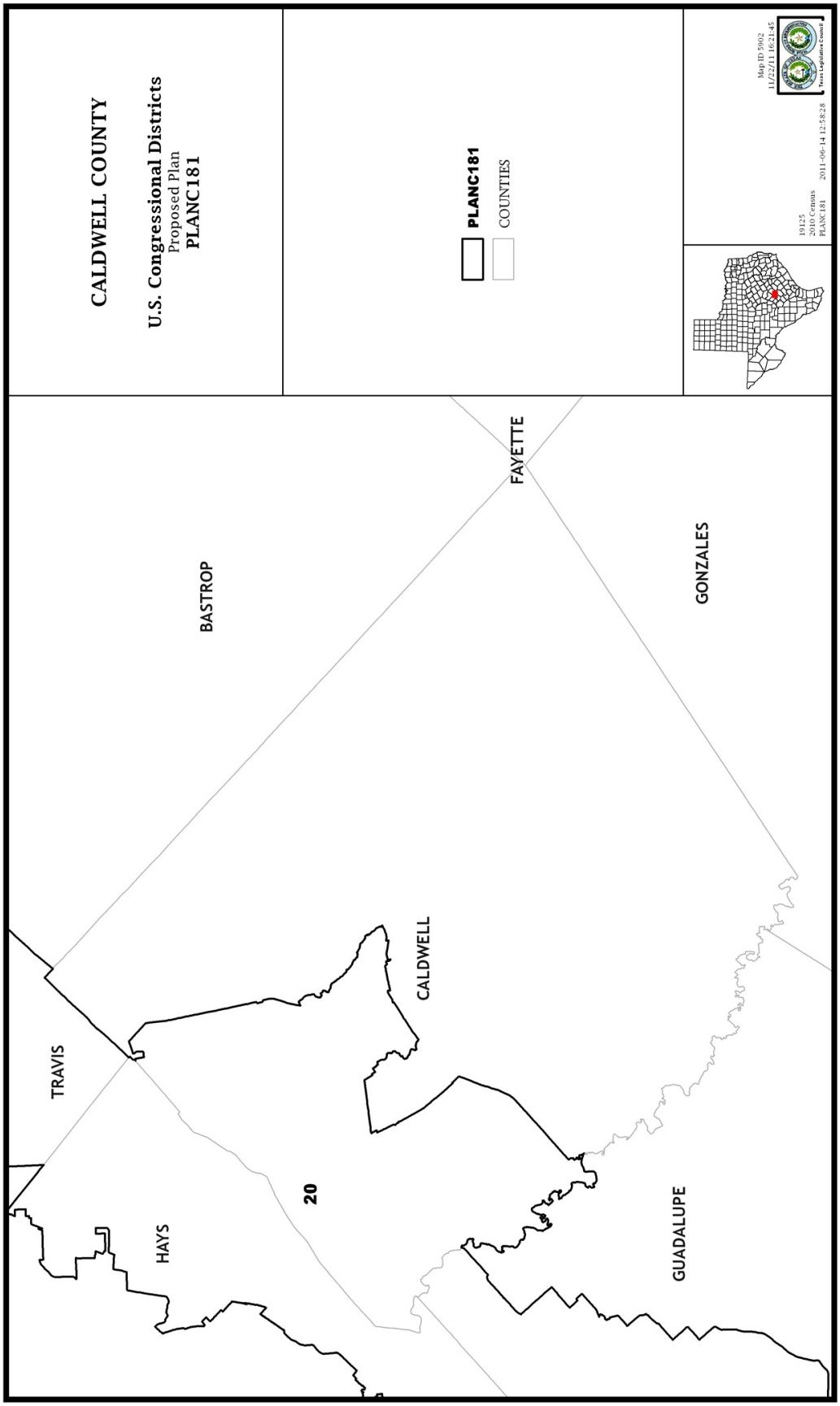
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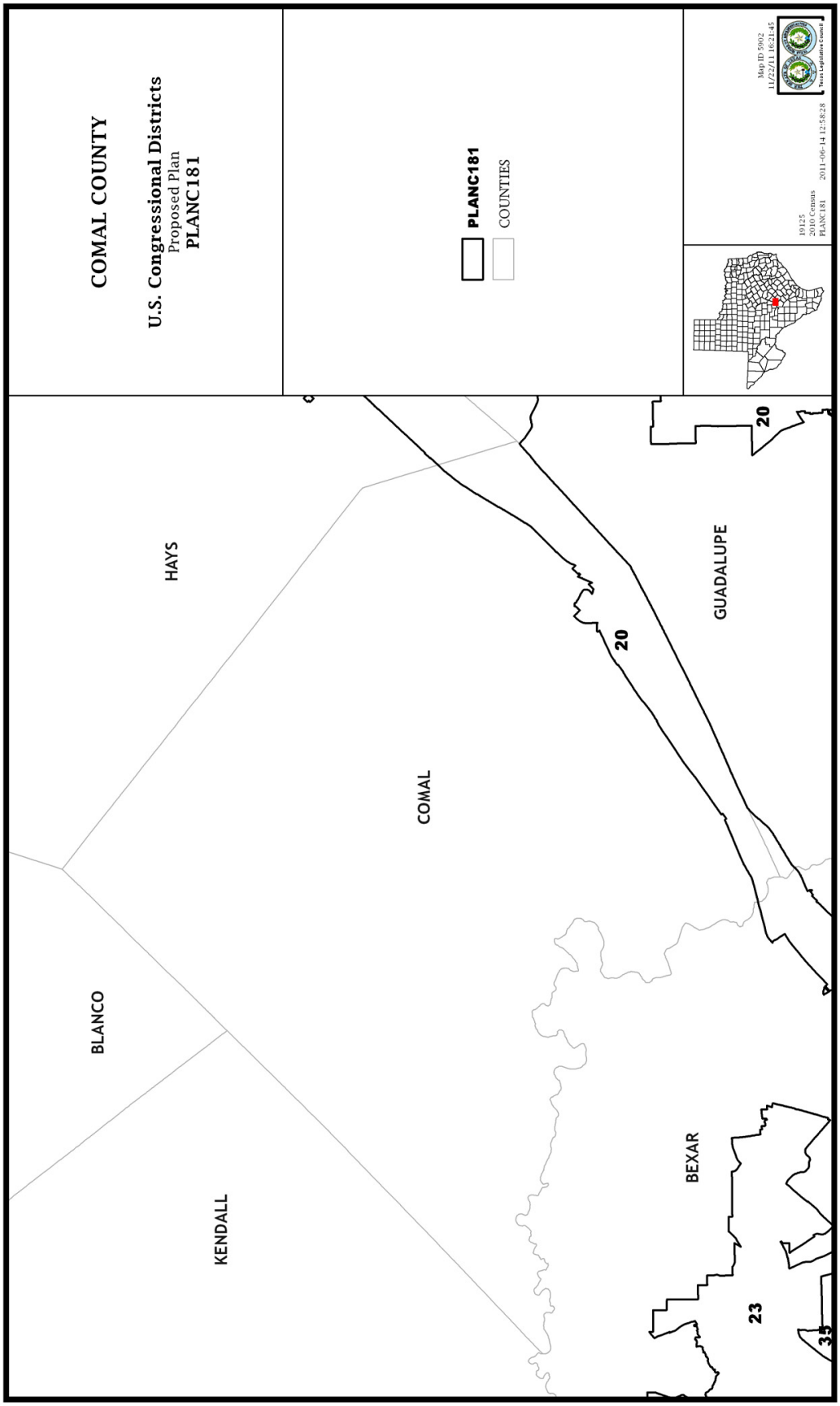
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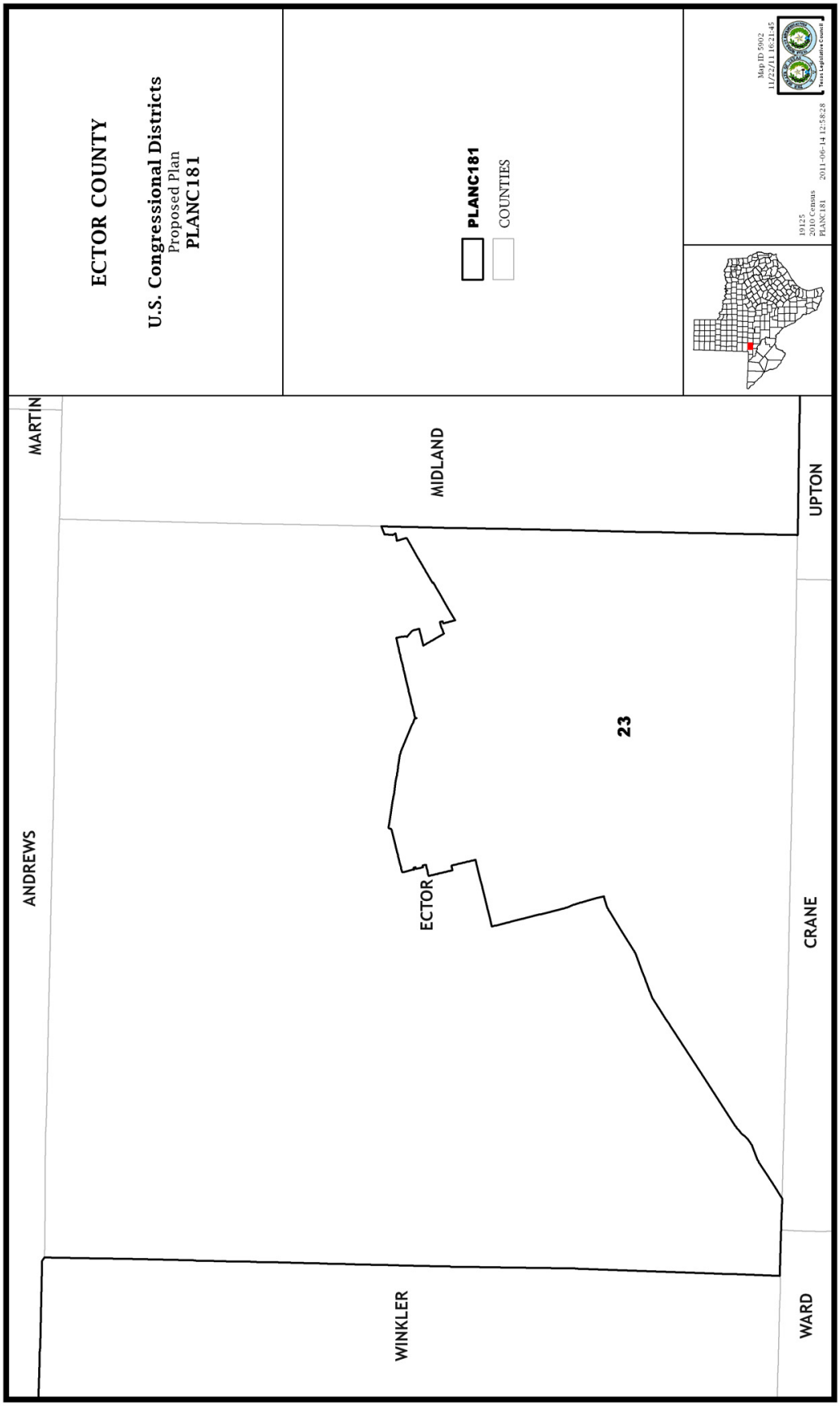
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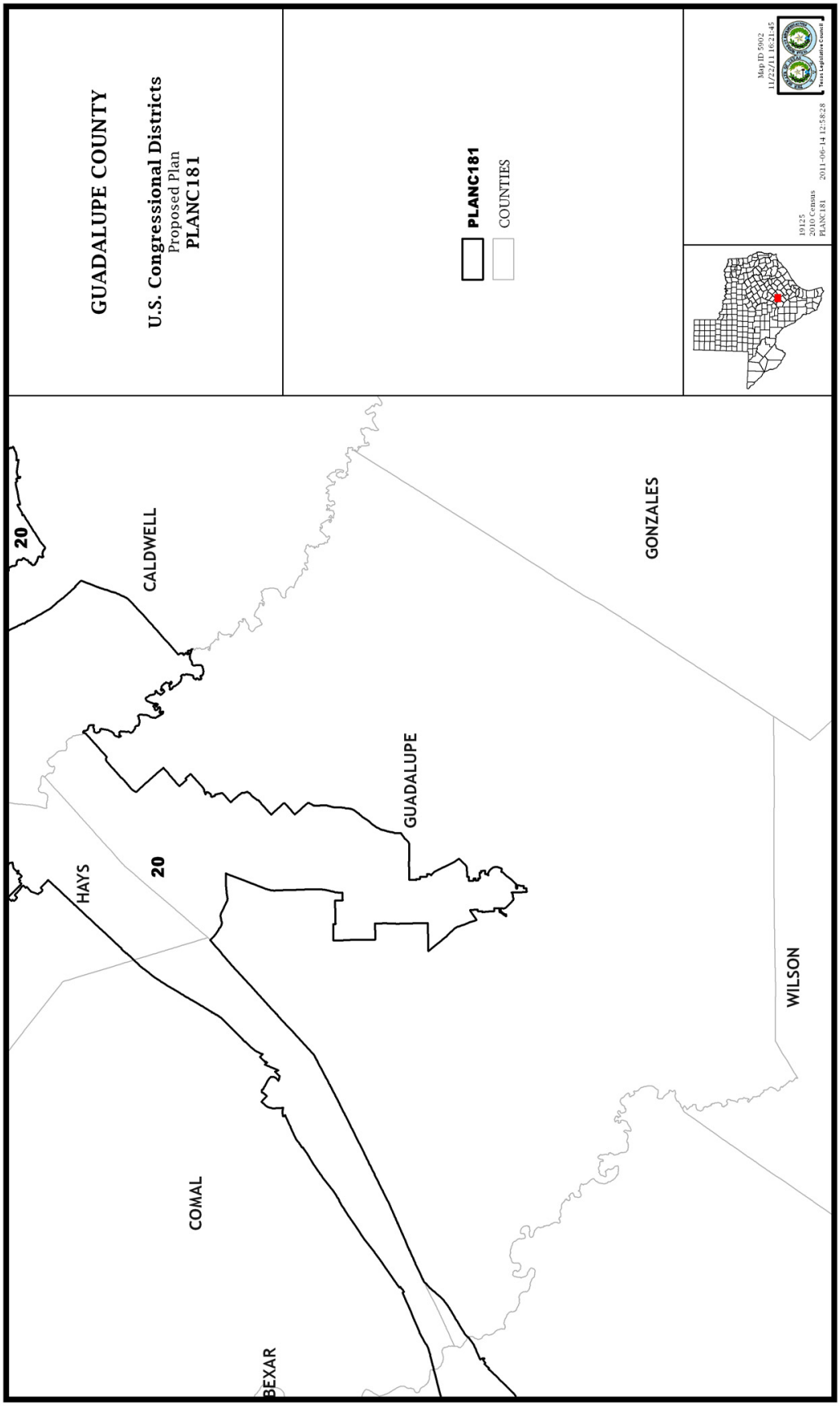
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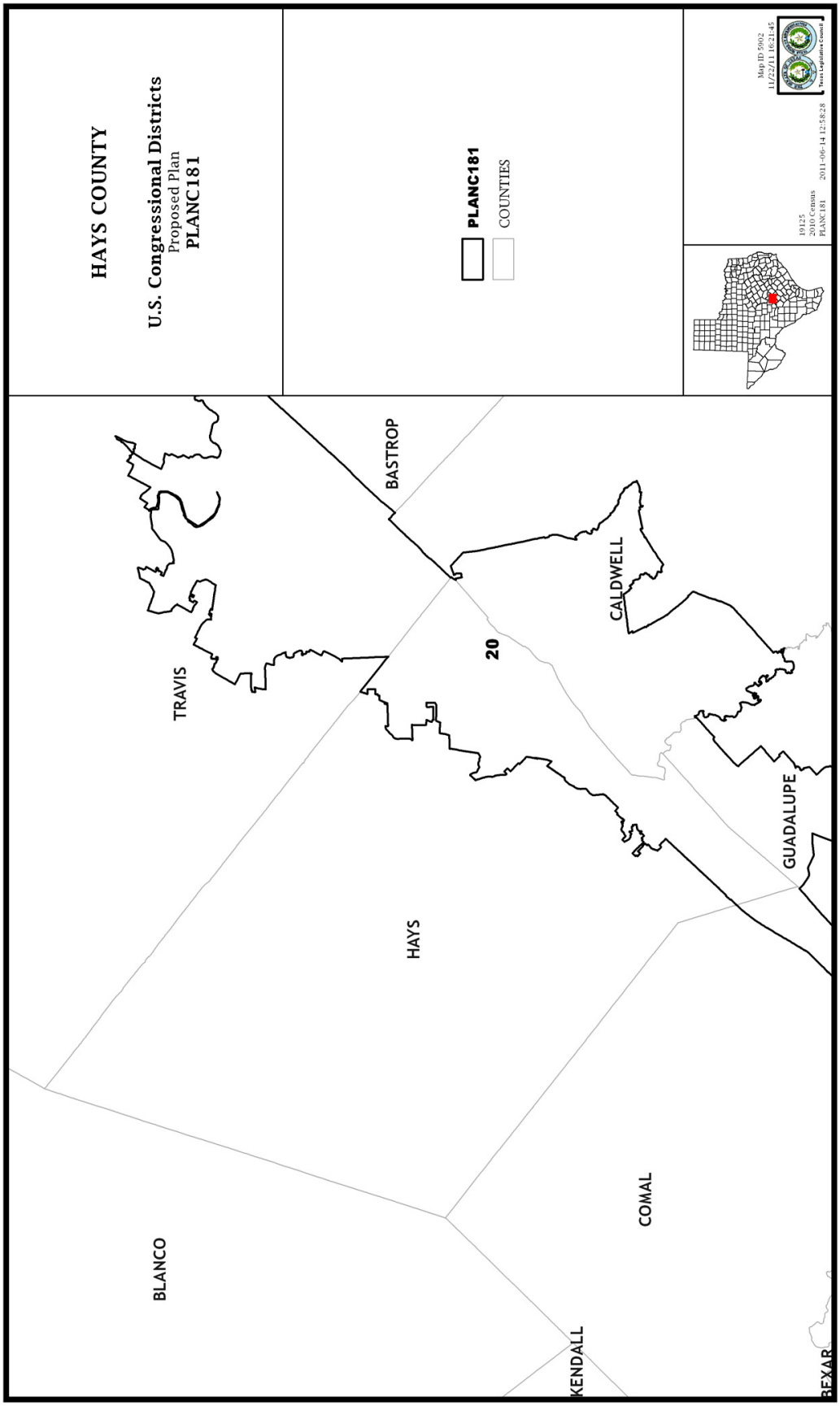
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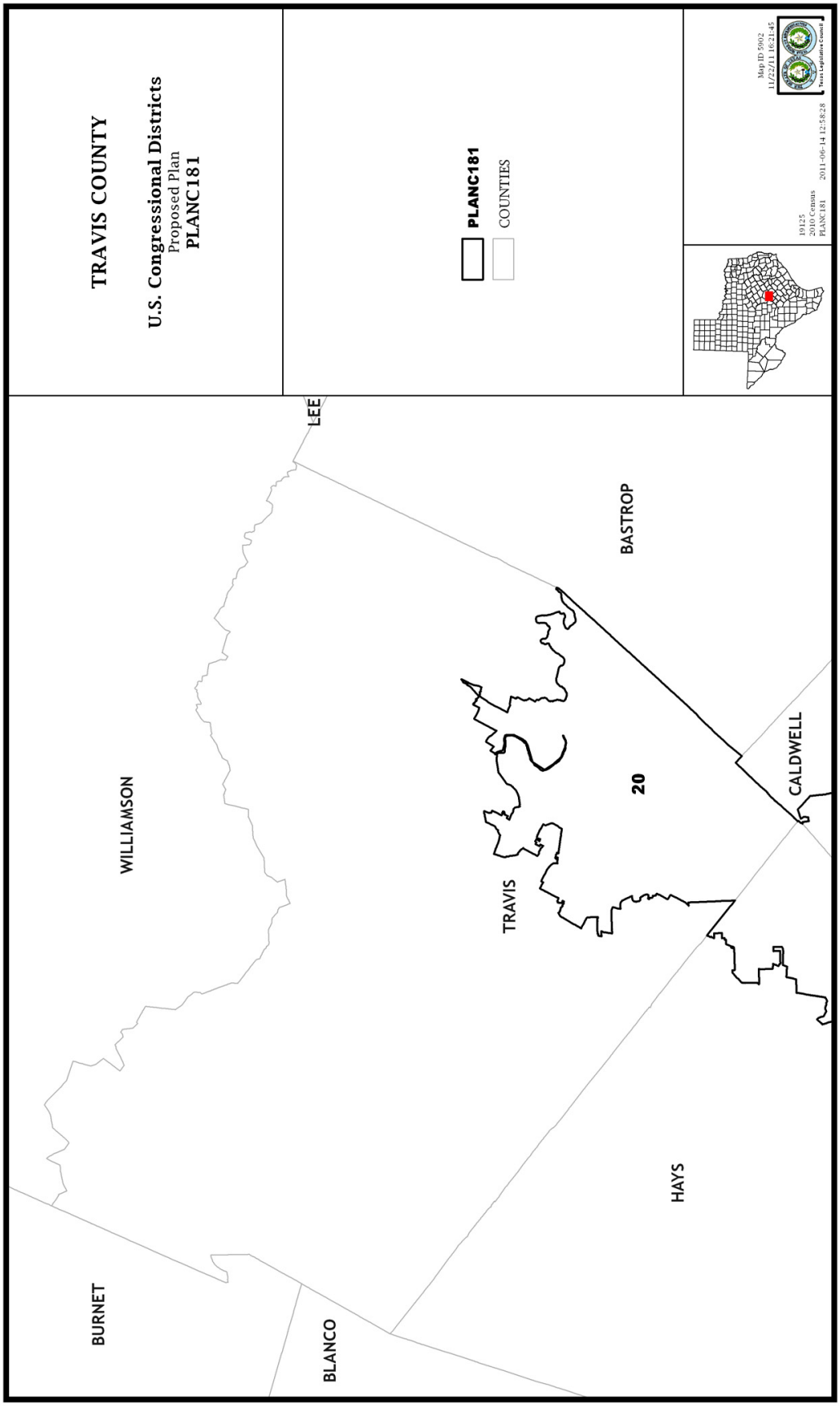
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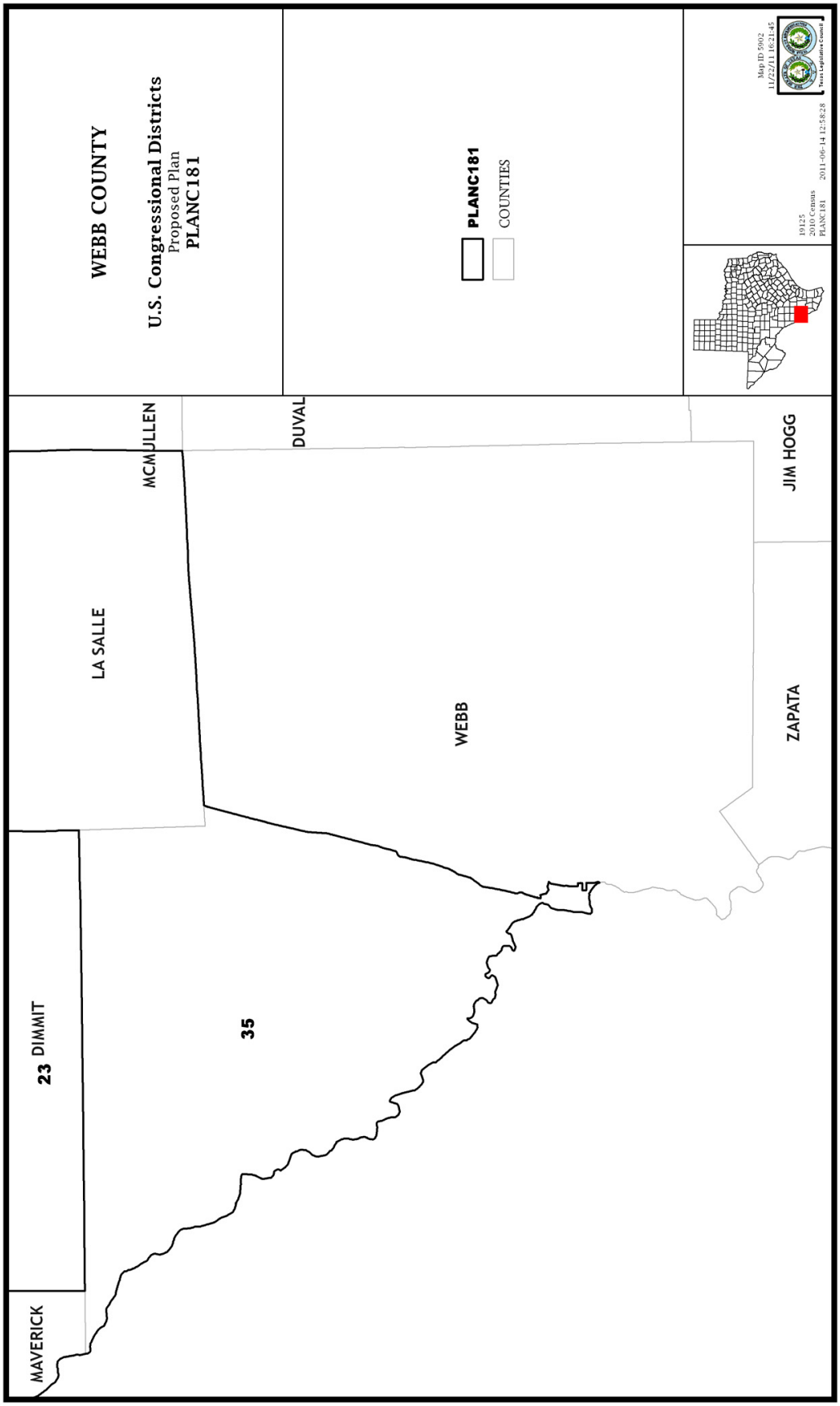
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CSSB 4 DEBATE - SECOND READING

REPRESENTATIVE SOLOMONS: This is the congressional redistricting map by Senator Seliger. I move passage. There is a perfecting amendment, and then we can move passage and be done with this.

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

SOLOMONS: This amendment responds to some concerns from the public and Representative Menendez at the house and senate hearings on the bill. Representative Menendez specifically asked us to increase the SSVR of District 20 over 55 percent. We were able to increase it to 56.3 percent. We also increased the HCVAP of District 35 to 51.9 percent and the SSVR of District 23 to 54.8 percent. While we were doing this, we were able to maintain the performing nature of all the other Hispanic majority districts, and it's acceptable to the author.

REPRESENTATIVE T. KING: This amendment to the amendment doesn't mean anything to anybody, except those of you who now have counties. This is absolutely what's tragic about redistricting in the State of Texas today and perhaps throughout the world. I realize that when we draw congressional districts, there's no law against splitting counties, but this amendment to the amendment—and it may be good for the democrats, and it may be good for the republicans—I don't think I like the one that was withdrawn, either.

The amendment that Mr. Solomons has—and I don't know who it's good for and I don't know where it came from, whether it was democrats, or republicans, or MALC, or—I don't know where it came from. But what it does is it takes Maverick County, which is a county that I represent. Obviously not in Congress, and I don't care if the congressional delegation is all signed off on it. But when you go and you split off the bottom 20 percent of La Salle County, and you take and you split off the bottom half of—basically, it looks like they probably split the city of Eagle Pass, Texas, in half between two congressional districts, and they split another small county over there. You know, there's something very, very wrong with that picture, ladies and gentlemen, when we do that to the men and women that live and vote in these districts, and we force them to be in two congressional districts like that. I mean, they split Travis County—you know, Ms. Howard—into five pieces, but Travis County has six or seven or 800,000 people in it, or however many. Maverick County has 54,000 people in it, but they've never been—it's just terrible. Anyway, I object to the amendment. I object to the whole bill, for that matter.

My point is, you go in there and you destroy communities of interest whenever you split a county like Maverick County and Eagle Pass, Texas—you split it into two, you go into La Salle County and you split that into two like that, and there's just something very, very wrong with that. And I understand that congressional districts have to be drawn, too, they don't give you any deviation and that type of thing. But there's got to be a better way to do this, ladies and gentlemen, than to go in there and split small communities of interest like that just to satisfy a congressional delegation, I suppose. We don't know where the amendment came from. Anyway, I object to it.

SOLOMONS: Let me once again respond that we tried to make some improvements in a certain area, and I understand the concern any time you break up a county. You try not to do it very much, but we needed the numbers, basically, to respond to another member's request, and, quite frankly, it made the district and the map stronger. In District 20, we increased the SSVR over 55 percent, and we were able to increase it to 56.3 percent by this amendment, and we increased the HCVAP of District 35 to 51.9 percent, and the SSVR of District 23 to 54.8 percent. We needed to sort of do that and try to maintain the performing nature of this Hispanic majority district in South Texas. And I'm

sorry we had to divide Webb County, but we really needed to do that. It's not that you can't do it under redistricting—you try not to do it wherever you can—but, we sort of really needed to do that, and we think it improves the map considerably. We talked to other members on the committee, and they believe it helps the map. Even the Hispanic—

REPRESENTATIVE VILLARREAL: Chairman Solomons, you know I voted against the committee plan coming out of our committee.

SOLOMONS: Right, we're trying to fix that a little bit.

VILLARREAL: And I have concerns about the overall plan, but this amendment is actually an improvement from what came out of committee in some very specific ways. Can you—because these numbers are important—can you restate how you improved the Spanish surname registered voters for Districts 35, 20, in San Antonio, in the heart of San Antonio, and 23?

SOLOMONS: Right, well, I know for some of the members it goes over their head because it's blinding numbers. It's blinding numbers to me, but at the end of the day, it really is something that improves those districts and we needed to really do that, for District 20, primarily. But by doing so, we increased the SSVR, Spanish surname voting registration, of District 20 to over 55 percent, and to do that, we were able also to increase it—well, Representative Menendez had asked us to do that. We were able to increase it to 56.3 percent, and we also increased the Hispanic citizen voting age population of District 35 to 51.9 percent, and the SSVR of District 23 to 54.8 percent. That really bolstered all those districts considerably for South Texas, and that's really what the amendment does. And it really was an improvement to what we passed out of committee, especially considering some of the concerns you and others had.

VILLARREAL: I want to thank you for making these improvements.

SOLOMONS: Thank you, I appreciate it. Members, I move passage of the amendment.

[Amendment No. 1 was adopted by Record No. 69.]

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

REPRESENTATIVE GEREN: What this is, it's a swap between Congressional Districts 12 and 26. It makes downtown Fort Worth whole, it puts the entire city of Westlake, both the Denton County part and the Tarrant County part, in the same district, and it unites the black communities in Fort Worth. And I believe it's acceptable to the author.

[Amendment No. 2 was adopted.]

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

REPRESENTATIVE KUEMPEL: My intentions with this amendment were to put Guadalupe County together and bring it into a like-minded district. I've had overwhelming—the majority of the constituents in Seguin and Schertz, Cibolo, everybody in Guadalupe County want to move, like I said, into a like-minded district. From my understanding, with Mr. Solomons' perfecting amendment, this will not hold up legally. So, with that, I will withdraw it.

[Amendment No. 3 was withdrawn.]

[Amendment No. 4 by Hughes was laid before the house.]

SOLOMONS: Representative Hughes asked me to do this because he's delayed. He's at a funeral for a fallen soldier from Wood County, and this does affect Wood County. This amendment moves the city of Mineola from District 1 to District 5, which it's currently in District 5, and the amendment is acceptable to me as the author.

[Amendment No. 4 was adopted.]

[Amendment No. 5 by Riddle was laid before the house.]

REPRESENTATIVE RIDDLE: This is an amendment to my amendment and it makes a statistical correction in making the numbers zero out for the amendment.

[Amendment No. 6 by Riddle to Amendment No. 5 was laid before the house.]

RIDDLE: I apparently jumped the gun on that just a little bit. This is the amendment to my amendment, and it makes the statistical correction in making it zero out. I believe that it is agreeable to the author, move passage.

[Amendment No. 6 was adopted.]

RIDDLE: This amendment keeps approximately 385 acres of undeveloped land in Congressional District 2 instead of moving it into Congressional District 8 as proposed in the new plan. This affects about 28 people. We've been able to zero that out. I believe that it is agreeable to the author. I move passage.

SOLOMONS: Mr. Speaker and members, this amendment—Ms. Riddle and I discussed this amendment last week. I didn't seem to have a lot of objection, but apparently there is some concern now that has been developing over the last several days by some members, as well as the congressional delegation who's involved with this. This has to do with—and Ms. Riddle can speak on behalf of Congressman Poe—but this also right now is in Congressman Brady's district, who was a former member here, and, quite frankly, they haven't been able to resolve this. This has to do with the Exxon world headquarters, and it is basically some undeveloped land and it deals with very personal things between these two members. So I'm going to leave it to the will of the house, in one sense, because I'm going to move to table this amendment because I think it's overreaching by Congressman Poe. We have gone out of our way to listen to all the incumbents as far as their districts and tried to accommodate where we could. In some places we couldn't do that. No congressional member got everything they wanted, and I think this is overreaching and I'm going to move to table, and we'll see what happens. But there has been some concern in the last few days over this particular amendment. And I'll be happy to yield.

REPRESENTATIVE FLETCHER: Chairman Solomons, when I saw the map—I'm personal friends with Ted Poe and Congressman Brady, but this particular little tail that comes down into Harris County, that comes over and takes that 300 acres that has 28 voters in it, is a little bit of an overreach, as you've indicated, to come all the way down into Harris County from up in Montgomery County. Congressman Brady represents all of East Texas and all of Montgomery County, and to come down into our county and take a 300 acre piece of land with 28 voters—I think that's overreaching, sir.

SOLOMONS: So you're—

FLETCHER: I'm against that happening. My question to you is—you're sitting there telling the house—

SOLOMONS: I just think it's gotten to the point where I spent last week, yesterday, and today, and you would be absolutely surprised—no, well, I don't think any member of this house would be absolutely surprised at the amount of nickel-and-diming that's going on in these districts. And, quite frankly, I respect your opinion, I respect Congressman Brady, I respect Congressman Poe. I'm going to leave it to the will of the house, but I'm going to at least try to make the motion to table.

FLETCHER: But let me say one thing to you, because I know you're wanting to give the message to the people in this house. I cover the whole northwest part of Harris County——

SOLOMONS: Right.

FLETCHER: This comes down under me and into Representative Riddle's district.

SOLOMONS: Yes, sir.

FLETCHER: And as I've already indicated, it's 300 acres. It's got 28 voters in it, and Congressman Brady represents East Texas and Montgomery County. And to come down into our county, below my district, into her district to pick up that headquarters, it is pretty obvious what they're doing.

REPRESENTATIVE HARLESS: Mr. Chairman, can we talk about this district as it was drawn originally? Congressman Poe's district, in the last congressional—the current seat? The current seat encompassed all of Chambers County, Liberty, or most of Chambers, Liberty, Polk County. During the redistricting negotiations, Congressman Poe came down here. I introduced him to you. He visited with you a few times. His only concern was that he would like to be in Harris County and not to go all the way out to Beaumont and the Louisiana border. And we have worked with him a number of times to make sure that his district—that he was happy with the district. The other thing is there was some comments by Representative Fletcher that Brady had Polk, or had Montgomery County, and none of Harris County. But that's not actually factual. He has a significant part of the northern part of Harris County, as well.

SOLOMONS: Right.

HARLESS: And we've made a lot of concessions to make sure that they both were served properly.

SOLOMONS: We tried to listen to everybody, the congressional delegation, the members of this body, and I know some of this is seemingly a nickel-and-dime deal. But, at the end of the day, Congressman Brady was a former member here. We're not changing anything. We went out of our way to help Congressman Poe a number of times, to make sure the districts worked, the numbers worked. Congressional delegation seemed to be okay. We're trying to make sure the voters are okay with where we're putting things, and we just tried to do our best job. And, you know, we're nickel-and-diming today, this morning, over—trying—these guys trying to do this. So whatever happens, happens. But I think that I've changed the map enough with Congressman Poe. I would prefer to have a motion to table, table the amendment, and hopefully the will of the body will decide that as they see fit. But I appreciate your help on this.

HARLESS: Mr. Chairman, I'm sticking with you. And I have an e-mail, I'll be happy to show any members, from Representative Poe last week, when he e-mailed me while he was in Iraq, and said that this area was not in his district, and he'd like to have it back, but if it didn't work out, that was fine.

SOLOMONS: Okay. Thank you. So, I'm going to move to table.

RIDDLE: As Senfronia frequently says, she talks about the little dogs and the big dogs. I don't have a map large enough for you to see, but if you could see this, you would see that Congressman Brady, who I respect greatly, has 99.9 percent of all of the district north of Harris County. Only a fraction of what he has is coming into Harris County. And it is taking this 300 acres that was Ted Poe's. And, yes, I applaud Burt and his committee for all that they've done. But this is in my district, this is in my county, and this is important to my district and my

county that Ted Poe have this 300 acres. It is a power grab, in my opinion, for Congressman Brady to come in and grab this. This affects 28 voters. We zeroed it out, we've taken care of it.

REPRESENTATIVE DUTTON: Ms. Riddle, have the congressmen signed off on either of these plans?

RIDDLE: I found out this morning that the congressman did. He was pleased with the way that his district was being drawn, but it is my understanding that he did not know that this 300 acres, where Exxon Mobil is going to be moving, was taken out of his district.

DUTTON: And you mean Ted, the congressman you're speaking of is Ted Poe, right?

RIDDLE: And it was given to Kevin Brady.

DUTTON: Right. Okay.

RIDDLE: Basically, Kevin Brady is coming a little bit into north Harris County and grabbing what I consider the crown jewel, that is the 300 acres where Exxon Mobil is going to be moving.

DUTTON: And where is the rest of Mr. Brady's district?

RIDDLE: Mr. Brady's district goes into Montgomery County, Leon County—it goes all the way north.

DUTTON: And that's the only part that is in Harris County, that little 28 people?

RIDDLE: He's got these 300 acres there, and just a little bit more of a sliver. I'm not taking Congressman Brady out of the little bit that he is in north Harris County. I feel like those folks in north Harris County lose their voice.

DUTTON : So yours is just to take those 28 people out?

RIDDLE: The 300 acres is what this is about.

DUTTON: And that's the 28 people, and the future home of Exxon Mobil corporate office?

RIDDLE: Yes.

DUTTON: Okay.

RIDDLE: And for him to come in, into Harris County and grab that, I see as a power grab. It's in my district and in my county, and I think it's flat wrong. And that is why I have this amendment. This is about the little dogs and the big dogs and right now, I think Senfronia would agree, we're the little dog in this. But we're still scrapping and fighting. And the reason is because we're doing what is right for our county, what is right for our constituents, and what is right for my constituents.

DUTTON: Well, good. And I appreciate it.

[Amendment No. 5, as amended, was tabled by Record No. 70.]

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

REPRESENTATIVE ALVARADO: I offer this amendment because I believe that **SB 4** does not accurately reflect Texas' growth or its diverse population. In Harris County alone, the Latino population grew by over 550,000 people. That, in itself, is almost the size of a new congressional district. With that in mind, this amendment creates a second Latino opportunity district in Harris County, while maintaining its three current minority districts. Both districts, District 29 and the 36, are completely in Harris County and have a Hispanic voting age population of over 50 percent. While the SSVR in the districts are slightly under 50 percent,

both have proven to elect Latino voters' preferred candidate of choice. As the Department of Justice guidelines clearly state, there is no specific demographic percentage, no magic number that determines effectiveness. It's a function of different factors such as turnout and election results. This map does not pair any incumbents. District 29, which is the current Latino opportunity district in Harris County, remains anchored in north Houston and picks up the growing Latino communities of west and southwest Houston, Harris County. Districts 9 and 18 remain as coalition districts that currently would like to remain represented by African American congress members.

REPRESENTATIVE WALLE: Representative Alvarado, what you're in essence trying to do is increase the voting participation of Latinos by creating another Latino opportunity district, is that correct?

ALVARADO: That's correct. As you know, in Harris County, the Latino population is just not anchored in two parts of Houston like it used to be. But the Latino growth is throughout Houston and Harris County. And with this new growth in south and southwest Houston, you are able to create another opportunity district.

WALLE: And the Constitution, and the Bill of Rights, and the Voting Rights Act would allow us to do that because of the nature of Harris County and the nature of the reasons why we still fall under Section 5 and Section 2 of the Voting Rights Act and have to get preclearance. So your amendment is a good amendment, particularly for those folks that have been disenfranchised in the northwest part of the county and the southwest part of the county, where there's a lot of growth of Latinos in those areas, is that correct?

ALVARADO: That's correct. And as I mentioned earlier, with the growth being over 550,000 Latinos, just in Harris County alone—again, that in itself could be almost the size of a congressional district. So I think this amendment is necessary because it does—it gives another opportunity. We're not asking for a sure thing, but Latino voters have a candidate of their choice, so I think this amendment reflects that. Again, I don't think **SB 4** properly reflects the growth and the diversity in Harris County.

WALLE: And you and I know the current representative, congressperson that represents the congressional 29, because you and I have both worked for him.

ALVARADO: Yes.

WALLE: Is that person Latino?

ALVARADO: No, he's not. Representative Walle, that's Congressman Gene Green. And Latino voters have, for the last two decades, reelected him. He is the candidate of their choice. And that's all we're asking for here.

WALLE: Right. And that's the keyword, is the candidate of their choice for the Latino community to come together as a community of interest. Because they've lived, they go to church together, they go to the HEB, to the Kroger, to the Fiesta, the Food Towns in our neighborhoods, to Las Michoacanas that are all over this city. And for us, it's just having the opportunity to elect somebody of our choice.

ALVARADO: That's correct. And that's what the purpose of this amendment is. I think it's what we should all be striving for, which is a fair, equal opportunity for voters to elect a candidate of their choice, regardless of political party.

WALLE: Correct.

REPRESENTATIVE WHITE: I highly respect what you're doing, Representative, but I'm looking at your plan here. I'm kind of curious on why it divided—Tyler County is only about 20,000 folks. I respect what you're trying

to do, but I think in a lot of these plans that come up, someone is trying to do one thing, and I think we all need to be quite respectful of a county of about 20,000 and the communities of interest in that aspect.

ALVARADO: And I appreciate—I know where you're coming from.

WHITE: I live in Tyler County.

ALVARADO: Yeah, you are from that area. And it does split Districts 2 and 8 in Tyler County. Again, it was necessary to accommodate what we were trying to do in Harris County.

WHITE: Okay. All right.

ALVARADO: I know that's a concern to you.

WHITE: Well, you kind of got the city over there and the rest of the county in some other operations.

ALVARADO: Okay. Thank you. I move passage.

REPRESENTATIVE MARTINEZ FISCHER: I just rise to state my support for the Alvarado amendment. I will say that what it demonstrates is something that we will be doing later with some subsequent statewide amendments. But this demonstrates that if you wanted to draw a minority opportunity district in Harris County, you could. I can tell you personally, I'm concerned about the adjustments to SSVR in neighboring districts. I know that's not the author's intent. I think this is clearly to show a demonstration, to state the case that you can do it. So that's why I would rise to speak in favor of the amendment. And for those of you who feel the same way, I'd be happy to articulate that in a statement of the vote, if you want to join me on this. But I do believe this demonstrates very clearly that if you wanted to draw a minority opportunity district in Harris County, you could. And so, for that, I will support the Alvarado amendment.

WHITE: I'm speaking in opposition to this amendment. I respect what Representative Alvarado is trying to accomplish here. I think there's some room to get this accomplished. But I think the folks in Tyler County, where I represent and where I live, don't understand why—to accomplish what we're trying to accomplish in Harris County—why that results in splitting Tyler County, which is only 20,000 residents. So I think when we do these maps, we need to maybe have a little bit more advisement, and I would like to urge you to not support this amendment.

SOLOMONS: I do appreciate everything Ms. Alvarado has done for me during the session, except this. She's put forth, in going over my—in attempting to draw a new Hispanic district in Harris County, we've looked at it, and this map retrogresses, actually, District 29, Gene Green's district. And in the benchmark map, District 29 has an SSVR of 52.6 percent, and a HCVAP of 56 percent. In Ms. Alvarado's map, District 29's SSVR actually drops to 35.5 percent, and its HCVAP, which is Hispanic citizen voting age population, to only 38.6 percent. Ms. Alvarado does not create a new Hispanic majority district, because her new District 36 only has an SSVR of 42.5 percent and a HCVAP of 41.1 percent. So, in reality, even though it appears that she's trying to create another Hispanic district, she creates one less Hispanic majority district in the committee map. And, therefore, because she's creating one less Hispanic majority district in the committee map as a whole, I respectfully move to table this amendment.

ALVARADO: Thank you for your work on this. You know I've had some strong opposition to your map. As it relates to Harris County, these are—again, as the Department of Justice guidelines state, there is no specific demographic percentage. There's no magic number that determines effectiveness. It's a function of different factors such as turnout and election results. These are

coalition districts. Again, I'm stressing that these are opportunity districts. And I think that your plan, **SB 4**, does not create a coalition district in Houston, and does not create a Latino opportunity district, as this amendment does.

SOLOMONS: Well, I appreciate your opinion about that, and I know you tried to have your input throughout the entire process. I just can't support a map that actually creates one less Hispanic district in the committee map as a whole, just because of what you're trying to do in Houston. Let me just tell the members real quickly now—and this was brought up in the committee, as well—in helping determine a compliance with the Voting Rights Act, Sections 2 and 5, you generally look at Hispanic total population. You look at Hispanic voting age population and the two most important, you look at SSVR, Spanish surname voting populations, and you look at Hispanic citizen voting age populations. And when you look at the black compliance for districts, if you look at black total population and black voting age population—and I know what Ms. Alvarado is trying to do, but at the end of the day—and I hate to say that again, second time, Mr. Smithee.

ALVARADO: Third time.

SOLOMONS: Third time, all right. When you look at this, we have tried to increase and to deal with Hispanic majority districts in the map. And in her amendment, it creates one less, and I have to move to table. And I apologize for that in one way, because she's my deskmate and she's been a great member of the committee. But this amendment really destroys the committee map that we've worked on so hard along with the senate on **SB 4**.

ALVARADO: Representative Solomons?

SOLOMONS: Yes.

ALVARADO: The HVAP in both districts is over 60 percent. And if you were to combine the percentage of African American and Hispanic in the 29th, it's 75.6 percent. In the 36th District, it's 72.6. Again, stressing that these are coalition districts.

SOLOMONS: I appreciate it. Members, I'm going to move to table.

REPRESENTATIVE VEASEY: Burt, I wish—would you please acknowledge today—I mean, you're throwing the numbers out, talking about SSVR and these different things. These are arbitrary numbers that you're coming up with. They are not the gold standard. And what you just said a second ago about the SSVR being the most important thing, that is, it is not——

SOLOMONS: It is one of the important elements. It is not the most important.

VEASEY: It's one thing that's looked at, and it's not the legal standard by any stretch of the imagination. Just because a district is not 50 percent SSVR does not mean it's not a Hispanic district. And if we're not careful, what's going on—and what I think that you and the republican party may be trying to do is use these numbers in order to do things that are illegal. And we need make sure that everyone understands that SSVR number is just one thing that is looked at, that there are other factors that are to be taken into consideration. The district that Carol laid out is sufficiently Hispanic for the community to elect the candidate of their choice, and that's what we need to be looking at.

SOLOMONS: I appreciate that. If anyone believes it's the most important element, it is not. But, it is one of several important elements to comply with the Voting Rights Act. And once again, thank you, members. I move to table.

[Amendment No. 7 was tabled by Record No. 71.]

[Amendment No. 8 by Johnson was laid before the house.]

REPRESENTATIVE JOHNSON: I have an amendment to my amendment, and the amendment to the amendment basically undoes some changes that were made to the 5th Congressional District in my original amendment. And I believe it's acceptable to the author.

[Amendment No. 9 by Johnson to Amendment No. 8 was laid before the house.]

JOHNSON: Again, this amendment to the amendment undoes some of the changes that were made to the 5th Congressional District in my original amendment. I do believe it's acceptable to the author.

SOLOMONS: Just so the members know, it makes some minor changes in Dallas County and will be acceptable to the author.

[Amendment No. 9 was adopted. The vote was later reconsidered, and Amendment No. 9 was withdrawn.]

JOHNSON: The amendment, as amended, is also acceptable to the author, and it basically takes a couple precincts in east Dallas that were in Congressional District 30, that were moved to Congressional District 32 under the proposed map, and puts them back in Congressional District 30. And I believe it's acceptable to the author.

[Amendment 8, as amended, was adopted. The vote was later reconsidered, and Amendment No. 8 was amended by Amendment No. 14 and was adopted, as amended.]

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

VEASEY: I wanted to lay out my plan that I'm calling the "Fair Texas Plan." The "Fair Texas Plan" takes into consideration the fact that the State of Texas, in the last 10 years, most of the growth—90 percent of the growth, in fact—has been Hispanic, African American, and Asian American. And also, I wanted to point out, too, that the plan that I have created, it makes it to where the democratic and republican ratios of these seats are based on what I'm calling the "republican doctrine" back in 2003. If you remember, when the republicans did the mid-decade redistricting, one of the things that they said was that the seats should be based upon the statewide election results. Under this plan, if you look at the one that I'm laying out, and you take into consideration the fact that Barack Obama and Bill White roughly got 43, 44 percent of the vote, that's how many of the seats would be democratic, and then the rest would be republican. And there would be a line based on statewide election results.

One of the biggest problems that I have with Representative Solomons' map, also—if you look at the metroplex. The metroplex has 2.1 million Latino and African American residents. Under the Solomons plan, they are mainly packed into one district, which is illegal. Under this plan, a new Hispanic district is created in the Dallas/Fort Worth metroplex, and an African American district. Representative Giddings, you may recall the article in *D Magazine* that just came out, that was just released yesterday, that talked about the fast growing African American area in Dallas/Fort Worth, how so many people from around the country are calling Dallas/Fort Worth home. We need to make sure that growth is recognized. This state should do the right thing and have a new Hispanic seat in the metroplex and a new African American seat. It's the right thing to do and I move passage.

SOLOMONS: Once again, Mr. Veasey has put forth his plan, his vision. Unfortunately, I don't believe it reflects the input we've received from the majority of the current congressional delegation of members of the Texas House, who passed along the views of their constituents. Mr. Veasey's plan unnecessarily pairs three sets of current congressmen, Congressmen Canseco and Gonzalez, Hensarling and Sessions, and Doggett and McCaul. It splits the cities of Fort

Worth, Halton City, Arlington, Grand Prairie, Dallas, Irving, Farmers Branch, Carrollton, and Balch Springs. Most large cities actually do get split, but we tried to avoid splitting small cities wherever possible. Our North Texas districts keep Arlington, Grand Prairie, Halton City, Farmers Branch, Carrollton, and Balch Springs all as whole within their respective counties. And it also does not create a new Hispanic majority district in North Texas. The HCVAP of Representative Veasey's District 34 is only 45.6 percent, and his SSVR is only 41.8 percent. And I respectfully—I appreciate Mr. Veasey's hard work on the committee, but I respectfully move to table the amendment.

VEASEY: Once again, members, let me make something clear, that the SSVR number that Burt just threw out is very arbitrary—doesn't have anything to do with whether or not it's a Hispanic district. The North Texas district is sufficiently Hispanic for the community, for the Hispanic community, importantly, to elect the candidate of their choice. Representative Solomons' plan splits a lot more cities than I think that my plan does. And the other thing, too, to remember, is that the incumbents that he just named all have a district to run into. And, as a matter of fact, the districts that I created are actually better than, I think, probably are better districts for them than under his plan. So I wanted to make sure that members are clear about that.

[Amendment No. 10 was tabled by Record No. 72.]

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

REPRESENTATIVE ALONZO: Members, today I rise to talk about an issue that is very, very dear to my heart. It's an issue that we've been dealing with all session. It's an issue that we've been dealing with all last year. This is a statewide issue. This is statewide, members. This is statewide. What I'm doing today, members, is introducing and presenting to you the Alonzo/Veasey plan. The Alonzo/Veasey plan. Let me tell you why it's the Alonzo/Veasey plan. You've heard the numbers, members. You have heard the numbers, members, and you have heard the numbers and what are they? Over 4 million population increase, over 4 million—over 4 million, close to 90 percent of the growth is minority: Hispanic, African American, Asian. Now why is that important to mention, members? Why is that important to mention? The reason why it's important to mention is because we got four congressional new districts. And you have heard—you have heard, members, that we did the state house map, we did the senate map, and now we're doing the congressional. And we have had a discussion and asked where do these ideas about where the districts come from? And today we heard the answer. We heard the answer. In the house and senate we have been listening, we have been listening to the incumbent congressmen. The incumbent. But you all well know that it's the incumbent republican members. The incumbent republican members are determining for us what we want. And I don't think that's what we want, members. I don't think it's what we want. Because with this plan, we can give them what they want and what we what. And what do we want? What do we want? What we want is an opportunity to participate in the congressional electoral process. If 90 percent of the increase of the district of the population is minority, then we should do that.

With my plan, members, we create four Hispanic Opportunity Districts. One that runs from Cameron to Nueces County. Two, one that is anchored in the south side of Bexar County and runs to San Marcos and Bastrop. Three, and very important, very important, very important—in Dallas County, members, in Dallas County, we create a Hispanic Opportunity District between Dallas County and Tarrant County. Also, members, also, in Harris County we create a new Hispanic Opportunity District. In addition, in addition, then the reason I call this the Alonzo/Veasey plan is because in Tarrant County we unite the insular cohesive

black and Hispanic communities in Tarrant County with a portion of southwest Dallas County. The resulting district is a district that allows for another—for an African American to be elected.

Finally, members, what I find great to think about—all session, I have not forgotten also the Hispanics in West Texas. And what I do in District 19, we create an emerging, an emerging Hispanic Opportunity District. Members, why, why is the current proposed plan so overreaching? Why? Why? Why cannot we create Hispanic Opportunity Districts? Why?

Members, I want to ask that you support this plan in the spirit of what's going on in North Texas. And you saw what's happened this week with the theme. I don't know if you're paying attention, members, but I think you did. The Mavericks won. And why did the Mavericks win? Because they said the time is now. The time was now for the Mavericks to win. And just like the time is now for the Mavericks to win, I think that the time is now for us to create Hispanic Opportunity Districts statewide, and definitely in North Texas. Members, I ask you to support this plan. Because, members, what time is it? The time is what? I can't hear you. What? Okay. Please vote aye on this plan.

SOLOMONS: Dallas Mavericks, the time is now. But it's not time now for Mr. Alonzo's amendment. I appreciate his effort. He has worked hard on the committee and paid attention to a lot and tried to advocate what he thinks needs to be done. However, I think that it does create, it tries to create a Hispanic majority district.

Neither the new District 35 in North Texas, nor the new District 36 in Harris County, are actually Hispanic majority districts. And I know the numbers sort of glaze over, and I don't want to say that they are the most important thing, but they are important. The SSVRs District 35 is 33.9 percent in his map, and his HCVAP is 39.6 percent, that's hispanic citizen voting age population. There's only 36.6 percent. The SSVR in District 36 is 23.6 percent, and its HCVAP is 26 percent. Neither district reaches, and this is what's important, I think, neither district reaches the 50 percent threshold to actually create an Hispanic majority seat. I don't think his map is any better legally than the committee map in what we're trying to accomplish. And so, you know, I don't think the map reflects the input we've had from a variety of sources. It is what Mr. Alonzo envisions what should be done, and I respect that. But I'm going to have to move to table.

ALONZO: Members, I want to thank Chairman Solomons for respecting me. I appreciate that very much. Thank you, Mr. Solomons. Thank you, Mr. Chairman. And let me tell you, in responding to his comments—when we deal with redistricting, and Chairman Solomons is very well aware, as he said, he was put in this position of redistricting. It's a new committee for him. But some of us have been dealing with redistricting issues for years and years and years and years. Let me tell you, in North Texas I would have not had an opportunity, an opportunity when—until the Voting Rights Act. There was the lawsuit that created that opportunity. For years we've been waiting and waiting for a house seat, which we got. We're waiting for a senate seat, which we're working on. And now, now we're working on a congressional seat. And you know, members, every single congressman gets to keep their seat, and there's four opportunities, four, to create. And you know that's the right thing to do, members. And let me tell you, in response to Mr. Solomons—in response to Mr. Solomons about these districts. In these districts, in number 33—which is the Cameron area—in the general election, former Senator Uribe got 52 percent, former State Representative Noriega got 59 percent, and Justice Yanez got 64 percent. The example I'm using, members, in all the district plans I have in creating opportunity districts, the average turn out of Hispanics and people in those districts voting for a candidate of their choice has been laid out.

What am I trying to do, members? What am I trying to do? I'm trying to fulfill what's fair and what's legal. We're going to win the legal, members. But right now we have an opportunity to do what's fair. It's only fair, members. Fair. Every single congressperson gets to keep their seat. but, in fairness, we create opportunities without interfering with the opportunity to get elected. Members, under the law, under the law, the law says that if a district has a factor of minorities being sufficient, it goes to what we're trying to do. When the majority engaged in racial bloc voting, it has, and where the majority voted as a bloc to defeat minority candidates. Every single issue, every single issue under this plan is dealt with. But, more important, let's put aside for a minute the issue—let's put aside the issue of legal; let's talk about what's right and when is it right. And it's right now, right now, right now. And what time is it? And what time is it? The time is now. Members, I ask that you vote no. Please, please, please vote no on the motion to table.

VEASEY: Mr. Alonzo, I want to commend you for your work on redistricting, the time that you spent in the legislature, and also talk a little bit about your background. You live in Dallas, you live in an area of Dallas that is predominately Hispanic. You have organized in Hispanic communities in Dallas and around the state.

ALONZO: That's correct.

VEASEY: The chairman has not. I want you to be clear to everyone here today, these arbitrary numbers that the chairman keeps throwing out about SSVR and what have you; what does that have anything to do with whether or not the district is a Hispanic Opportunity District? Aren't there other considerations that need to be taken into consideration before that determination can be made?

ALONZO: That's right. And under the current proposed map, it doesn't help us at all, because under Section 5 the state has the burden of showing that the map neither has the purpose nor the effect of discriminating on the basis of race, color, or language. More importantly, after the 2006 amendments to the Voting Rights Act, the state must protect the ability of the minorities to elect the preferred candidate of choice, which I pointed out. The proposed map does neither. In several districts in South and North Texas, Latino opportunity minority communities are cracked and packed in order to achieve a desired result. It's not right. And under Section 2, as you point out, the chairman points out the SSVR. But the other thing—or the three points that I pointed out in my presentation—and, Mr. Veasey, as I pointed out, in all the districts that I proposed, more than 50 percent of the people in that district voted for Justice Yanez, former State Representative Noriega, and former Senator Uribe.

VEASEY: Sounds like a Hispanic Opportunity District to me, and I appreciate your help on this and clarifying that for people, because I knew that when the SSVR numbers were first put out there that they would be used for purposes to possibly discriminate. And we want to make sure that there are lots of Hispanic Opportunity Districts around the state, country, that are not 50 percent SSVR, but those communities are having the opportunity to elect the candidates of their choice. And I appreciate your work on this.

ALONZO: Members , again, close to 90 percent of the increase in population that created these four new congressional districts are minority. Ninety percent. Sixty-five percent Hispanic. Sixty-five percent Hispanic.

WALLE: Representative Alonzo, I thank you for your work and all the hard work that you've done. But on a serious note, you touch on some issues that the Supreme Court has ruled on in reference to the Voting Rights Act in reference to creating minority opportunity districts. And the keywords are the purpose and effect of **SB 4** would be to dilute the voting strength of Latinos. Because, in one instance, they take communities of interest out of districts to help incumbent

republicans, and then, at the same time, you pack districts. And it's happened with our state legislative house districts. Because what they try to do is pack all the Latinos and all the minorities into certain districts so that you don't have an opportunity to create more Latino districts or minority districts in general. Is that correct?

ALONZO: That is correct. And, Mr. Walle, I'm very serious. I'm extremely serious about this matter. Very serious, sir. For years and years and years we've been waiting. And what I can see here, as the law says, if it has the effect—and that's the effect, we have 65 percent Hispanic, 90 percent minority. It's real clear, the effect of not creating opportunity minority districts is very clear, very clear. That's why, once again, seriously, seriously, seriously I believe that the time is now to create this. And we can do it on this floor of the house.

WALLE: And because the Supreme Court has also stated and the reason why Texas and other southern states are still falling under preclearance is because African Americans and Latinos, and the test case will be the Asians, because our minority communities have been discrete, insular minorities. And that's the key phrase that the Supreme Court also looks at, at discrete, insular minorities where Texas has had a history of discrimination as it pertains to voting rights issues. And that's still the reason why, under the previous administration, that the Section 5 of the Voting Rights Act, and Section 2, were reauthorized. Is that correct?

ALONZO: That is correct. And when the law passed, Mr. Walle, when the law passed, Voting Rights Act, it was a bipartisan effort throughout the state. The republicans and the democrats supporting this effort. And I think, and I believe, and I know we all have that in our hearts to do what's right, and that's in the spirit of what we did in passing the Voting Rights Act. Members, I'm going to take no more of your time, but only one more time to say the time is now. I ask that you vote no on the motion to table.

[Amendment No. 11 by Alonzo was tabled by Record Vote No. 73.]

[Amendment No. 12 by Turner was laid before the house.]

REPRESENTATIVE TURNER: I am pleased to bring to you this amendment, which is acceptable to the author. Texas has been awarded four additional congressional seats due to the current population growth, which placed Texas at 25,145,561, as of the 2010 census. Plan 155, offered by the Texas Legislative Black Caucus, provides an opportunity for 14 minority communities to elect candidates of their choice to the United States Congress. The Texas Legislative Black Caucus' plan creates three black districts, nine Hispanic districts, and two minority coalition districts. The goal of TLBC, Texas Legislative Black Caucus' plan, was to increase the presence of the minority population throughout Texas, which is in line with the population growth over the past ten years, and which the plan offered by the leadership, Plan 149, fails to do. The TLBC plan creates 14 minority opportunity seats in Texas, whereas the leadership plan, Plan 149, only creates 13.

The plan that has been offered in this amendment provides for three African American seats in the congressional delegation. In District 9, which is presently held by Congressman Al Green, the TLBC map increases the black population by approximately 13,000 people compared to Plan 149. In District 18, presently represented by Congresswoman Sheila Jackson Lee, the TLBC map increases the black voting age population by 2,500 people versus what is presented in Plan 149. And in District 30, presently represented by Congresswoman Eddie Bernice Johnson, the TLBC map increases the black population by approximately 7,000 people versus what is presented in Plan 149, and solidifies the African American population growth centers into the district.

The TLBC plan creates nine Hispanic districts throughout Texas, which are as follows: In CD 10, stretching from Bexar to Travis County, in 15 from Hidalgo up to a portion of San Patricio County, and 16 in El Paso, in 20 in Bexar County, in 23 from West Texas to west Bexar County, and 27 from Cameron to Nueces, and 28 from Star and Webb County to Refugio County, and 29 in Harris County, and 36 newly created district in Dallas County. The TLBC plan also creates two new minority coalition districts, District 33, which stretches from Galveston and Harris County to Jefferson County, where the combined black and Hispanic population is 50.8 percent, and District 35 in Tarrant County, which creates a district with a combined black and Hispanic population of 66.4 seats. Members, Mr. Speaker, and Chairman Solomons, this amendment, Plan 155, is offered for your consideration today.

REPRESENTATIVE REYNOLDS: Sylvester, before I ask any questions about your particular map, do you have an opinion as to whether or not the proposed Solomons map violates the Voting Rights Act?

TURNER: It is our considered opinion that it does.

REYNOLDS: How so?

TURNER: Well, number one, it does not take into account where the actual growth has occurred in this state, and the reason for the growth. It does not provide for added minority districts, whether they be Hispanic or African American. It does not provide for added Minority Opportunity Districts, congressional districts, with Hispanics and African Americans combined, as well as other minorities. We believe that it shortchanges existing congressional districts, District 9, District 18, and District 30, by diluting the strength of minorities in those present districts. So when you combine all of those elements together, combined with the—taking into account the process that has been implemented, and the limited time period that has been allowed, we believe that some of these issues, if not most of them, could have been addressed if the process had been more transparent, more open. If other amendments, for example, were seriously considered. But, due to the hurriedness of this nature, the fact that we are dealing with the Congressional district in a special session on an expedited schedule, makes it very, very difficult to take into account the input from African Americans, from Hispanics, and other minorities in drawing fair and equitable districts. So, without question, in our considered opinion, it is a definite violation in the plan that is before us.

REYNOLDS: And as we've stated from the inception, Texas has gained four new congressional seats, mainly because of the explosive growth with the Hispanic and African American populations. Is that correct?

TURNER: I don't believe that there is any question about that.

REYNOLDS: The numbers speak for themselves?

TURNER: The numbers speak for themselves. But when you look at the congressional districts that are being drawn in the leadership plan, it fails to take that into account.

REYNOLDS: Right. So the numbers from the census, those aren't democrat numbers or republican numbers, those are numbers that were actually taken for the population growth in the State of Texas. Correct?

TURNER: That is correct.

REYNOLDS: And the plan that you devised, the Legislative Black Caucus map, did you take into consideration the explosive growth in the Hispanic and African American populations?

TURNER: That is correct. We took into account the growth, where the growth occurred, the fact that Texas is getting four new congressional districts. All of those elements were taken into account. It had no consideration in terms of the politics involved, but in terms of recognizing where the growth was occurring and whether or not we could draw equitable districts based on the representation of the growth that is occurring in the State of Texas. And, as a result, we are presenting this amendment, Amendment 155.

REYNOLDS: And just so you can summarize for me, how does your proposed map differ from the Solomons proposed map?

TURNER: In this amendment that is before you, there are three black districts, nine Hispanic districts, and two minority coalition districts, a total of 14. With respect to the plan that is before us, it doesn't quite take into account those new minority coalition districts, and it has fewer Hispanic and African American districts as a whole, versus what we are presenting today. It also, the Solomons plan, doesn't take into account the growth or where the growth has taken place. The amendment that is before you does take into account where the growth has taken place.

REYNOLDS: And I think you have a great proposed map. And it looks like, from my lay perspective, that the Solomons map may disenfranchise the minority population strength.

TURNER: And I would agree with you.

REPRESENTATIVE NAISHTAT: Sylvester, with regard to the Solomons plan, I just wanted to clarify a couple of things. Are you aware that Austin voters make up a unique community of interest with strong diversity and a respect for different points of view?

TURNER: Absolutely.

NAISHTAT: Are you aware that nearly every elected official in Travis County has signed a letter stating they don't want Hispanic families to be carved out of the county and connected with a distant population in San Antonio?

TURNER: Yes.

NAISHTAT: And are you aware that in Travis County Hispanics, African Americans, and Anglos act as a coalition, and are able to elect candidates of their choice from all races?

TURNER: Yes.

NAISHTAT: Well, what I wanted to do was ask you if you would agree that the Burt Solomons map, in relation to Austin and Travis County, could be characterized as purposeful or intentional discrimination?

TURNER: Well, from my considered opinion, there is no question.

NAISHTAT: That the map is not really about ensuring that one member of congress doesn't have a voice in Washington, but it's about ensuring that African Americans and Hispanics from Austin will, essentially, be unable to have a candidate of their choice represent them in Washington?

TURNER: I do agree with your assessment.

REPRESENTATIVE GIDDINGS: Mr. Turner, are you aware that the Texas population has grown about 20 percent since 2000?

TURNER: Yes, I am.

GIDDINGS: Are you aware that 89 percent of that growth was from non-Anglos?

TURNER: I am aware of that as well.

GIDDINGS: Okay. I think that you would be aware that the Hispanic population grew at about 41.8 percent, and that African Americans at about 22.1.

TURNER: That is my understanding.

GIDDINGS: Okay. In view of that, the plan that has been put forth by Chairman Solomons, do you believe that it creates the influenced district, which are so critical in terms of the Voting Rights Act?

TURNER: Repeat the question again, I'm sorry.

GIDDINGS: Do you think that the plan that has been put forth by the chair of redistricting recognizes and creates the appropriate number of influenced districts, which is so critical under the Voting Rights Act?

TURNER: The Solomons plan does not. In fact, I believe it is an outright violation of the Voting Rights Act.

GIDDINGS: Do you think that communities of interest were preserved in non-minority districts?

TURNER: Not in the Solomons plan.

SOLOMONS: Although I do appreciate Representative Turner and Ms. Davis, as well, putting forth a map, we've got some legal concerns as in previous maps. Well, we've got some legal concerns. It actually does create one less Hispanic majority district. These are neither the new District 10 in Central Texas, nor the new District 36 in North Texas are Hispanic majority districts. And, you know, I can go into the SSVRs again, but, at the end, the SSVRs in District 10 are 28.7 percent, and the HCVAP is 33.9 percent. Neither district—District 36 is 32.3 percent, and the HCVAP is 37.7 percent, which most of you really don't pay much attention to those numbers, and neither did I before I had to do this job, however, neither district reaches the 50 percent threshold to create a Hispanic majority district. And what we tried to do is accommodate that. And this map creates only seven Hispanic majority districts, compared with the eight in the committee maps. So therefore, I respectfully will have to move to table Mr. Turner and Ms. Davis' amendment.

TURNER: Mr. Speaker and members, I think if you all will take the time to take a look at it, I think many of you might be pleasantly surprised. It's a pretty good amendment with some sound congressional districts that are equitable to all parties concerned. So I submit it for your consideration and I would hope—I would ask that you vote no on the motion to table.

[Amendment No. 12 was tabled by Record No. 74.]

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

MARTINEZ FISCHER: I've been really encouraged by the debate, Chairman Solomons. And first let me say I know he's worked really hard. I know the entire Redistricting Committee has worked really hard, and I know ya'll are probably worn out by this time. But what I'm encouraged by is that Chairman Solomons, in critiquing some of these other amendments, says they don't go far enough because they don't create majority SSVR districts, and they don't create majority HCVAP districts, which are Hispanic citizen voting age population. And I will tell you that if you look at Plan C149 that has been before us today, you will know that we are dealing with 36 districts. You will see in the Solomons plan there are eight HCVAP districts and there are seven SSVR districts. This amendment that I'm bringing to you today actually creates one additional SSVR, 50 percent or more, than the current map. I think that alone ought to be a basis for Chairman Solomons to take this component. We can bring it back on third reading if necessary. These amendments are not easy to do. But its true intent is to create SSVR districts by 50 percent or more, where there was one more he could

have done. And that's what this plan, 163, does. But, more importantly, when you get to voting age population, African American/Hispanic voting age population, 50 percent or greater, the Solomons map gives you 13. Plan 163 will give you 15.

And how do we get there, members? On 163, we draw two districts in the Dallas/Fort Worth metroplex that are Hispanic districts, minority opportunity districts. We draw one in Houston and one in the Valley. This will give us an additional seat in the Valley. We've been through this on State House Redistricting. We know we took a current member, Chairwoman Gonzales' district, and gave her back one percent of her district. And at the expense of bringing other members from other counties into Hidalgo County, the state lost an opportunity to create an additional Hispanic opportunity district in Hidalgo and Cameron, which I believe will be the basis of the subject of a lot litigation. This does the same thing. It demonstrates that if you wanted to draw an additional congressional district in the Valley, you could. There have been several attempts to do that. And my comment is that any map out there that can demonstrate that is a map that we should support, because it certainly demonstrates it to Chairman Solomons and those that will have the final say on this litigation. They will show the potential that you could have done it if you wanted to, as opposed to, we did our best and we came up short.

REPRESENTATIVE V. GONZALES: Representative Martinez Fischer, first of all, thank you for pointing out some of the things that happened in the house map, and how we didn't create minority opportunity seats. You're aware, of course, that the Rio Grande Valley, the South Texas area, has grown tremendously in population, not only as one of the fastest growing areas in the state, but also in the nation, are you not?

MARTINEZ FISCHER: I agree with you completely, and it is not reflected, that growth is not reflected in the map before us offered by Solomon and Seliger. It certainly takes all that population into account, but then it redistributes that population credit to some other part of the state, and the Valley gets the typical response that the Valley gets when it comes to redistricting. They just get a pat on the back for all the population, but no new political capital to show for it, no opportunity for the minorities to have people represent their voices in Congress. And I think it would be one thing if the Valley's needs are being currently being represented in Washington at its fullest potential. This tells us that we would rather pack the Valley and make you more Hispanic, make you more of a packed district—

V. GONZALES: Limited representation?

MARTINEZ FISCHER: Limit your representation at the expense of giving you a fourth member of Congress to help you with all the challenges that exist on the South Texas border. And I would say this, I say those that care about immigration and those that care about securing our borders, you put another member in the Valley, you put another member on the border, I think you get more attention on the border because now you just increased your level of respect and your congressional presence to say that we need to do things and get tough on the border. This is actually counterintuitive to bringing wants and needs to the Valley. Now this is not a perfect map, this map simply demonstrates that you can do it if you want to. We can draw it however Chairman Solomons likes, so long as at the end of the day we have a new minority opportunity district that is majority HCVAP and has a majority Hispanic SSVR registration.

V. GONZALES: Are you aware that the Solomons map would simply replace the current District 27 that is represented by Blake Farenthold, and it would be still controlled by a non-minority congressman?

MARTINEZ FISCHER: And that's a great point, because the argument for that part of the Coastal Bend was that this is the only direction we can go. You can clearly see by this map that what we did is we actually—

V. GONZALES: Created a new district, a District 33, which is a new district in the Rio Grande Valley anchored more along the Rio Grande Valley. And we could still have the Blake Farenthold one, which would be the Gulf Coast, but it would actually give the Valley an additional seat as opposed to keeping three that it currently has.

MARTINEZ FISCHER: By focusing the population, you know, the drawing of the district centered in Nueces, for the Farenthold District, creates the opportunity to run 15 from the Valley to Nueces County.

V. GONZALES: Were you aware that the Solomons map actually moves over 206,000 Hispanic individuals in Nueces County, over 3,000 in Refugio County, and 20,000 in San Patricio County from a Hispanic opportunity district into a non-opportunity district? Were you aware of that?

MARTINEZ FISCHER: I am aware of that. And, again, it goes to the travesty of taking the population growth for the purposes of saying we get four new Congressional seats in Washington and to strengthen our voice. And then those that brought you to the dance are the ones left on the sidelines. And we are drawing these districts for partisan purposes. It's really more of a purposeful and intentional discrimination, which I think is unfortunate that we still see that in these maps. But, fortunately, these are the easiest fallacies and problems to point out either before the Justice Department, the DC Courts of the District of Columbia, or ultimately before a three judge panel on redistricting litigation.

V. GONZALES: One of the things we also look at, Representative Martinez Fischer, as you're well aware, is communities of interest and keeping them intact. Were you aware that under the current proposed map, the Solomons map, that we would, in the Rio Grande Valley, fracture communities of interest? And under your map, we would actually keep them together and be able to create a new district?

MARTINEZ FISCHER: You know, I'm beginning to find out that cracking and packing and splitting of communities of interest is becoming commonplace down in the Valley, as if we're all monolithic people, as if we all make decisions together, that there are not such things as neighborhood associations and church communities and Little League districts, and all the things that you enjoy in other parts of the state. They seem to not matter very much in the South Texas border area because those issues are always expendable. Those issues are always put by the wayside so that we can pack and keep these districts as big as we can so that we can create non-minority opportunity districts elsewhere, and I think it's a shame.

V. GONZALES: I think it is as well, and I appreciate the fact that you're bringing this map, and that there's others that are being brought today that will provide for more equity among Hispanic voters throughout the state.

MARTINEZ FISCHER: I submit again, members—this simply states that, if you want to draw an additional minority opportunity district in South Texas, you could. There's the population that are supported, certainly not new to the committee on redistricting. This is something that they have known about. The reason being why it didn't exist, particularly under the bar that has been set by the chairman, which I believe is a fair read of redistricting law, about making sure you have HCVAP, making sure you have SSVR at those high thresholds. Well, you can do that with your eyes closed in the Valley. You don't even need RedAppl to draw four Hispanic districts, four minority opportunity districts in South Texas. With the population that South Texas has you can draw with a

pencil and a piece of paper. And that's simply what this amendment demonstrates. But again, it creates these new opportunities in Dallas/Fort Worth metroplex and Harris County, as well, which is something you don't see. And it does it by the standards that Chairman Solomons has told us that we need to strive for. It creates one more SSVR 50 percent district than what Solomons-Seliger map does, even as it's changed in the house. As it came over from the senate, you know, those numbers were similar. But the house committee work is a slight improvement. This map certainly demonstrates that if you want to do it, you can. And, with that, I believe under Chairman Solomons' words of drawing SSVR districts, I would hope this would be acceptable to him. And I move adoption of Plan 163.

SOLOMONS: I actually really do appreciate Representative Martinez Fischer's putting forth the map, and discussions of the various elements and SSVRs. However, it is similar in the committee map that creates eight Hispanic minority districts, but neither the new District 35 in North Texas, nor the new District 36 in Harris County are Hispanic majority districts. Neither one reaches 50 percent threshold. That's an important number. Some of these redistricting numbers are important. And it doesn't reach the 53 percent threshold to create a new Hispanic majority seat. So I don't think the map is any better, as far as that goes, than the committee map. I don't think that his map really does reflect the input we received from a number of folks. But I will point out that Mr. Martinez Fischer's Plan 163 splits a number of cities. All maps sort of do, but in this case, in Dallas and Tarrant County alone, it splits Garland, Farmers Branch, Carrollton, Irving, Cedar Hill, Grand Prairie, and Arlington. And that's just a bit much for the committee and me. And when we talk about this being a Solomons map, it's actually **SB 4** that came over from the senate. And the committee has worked hard on redistricting, and the committee has worked hard on looking at what was passed over by the senate when Senator Seliger and I proposed a proposal that has since changed somewhat. In fact, quite a bit. So as you can see, I think that Mr. Martinez Fischer's map is sort of a rewrite of **SB 4**, and I'm going move to table.

MARTINEZ FISCHER: Members, again, I think you can say what you want, but the numbers are what they are. And what this plan does is draw one additional SSVR 50 percent district, which is better than what we have on the floor. If those are the standards and those are the metrics that are being used by the Committee on Redistricting by and through the chairman, well then, you should take this. And what I submitted earlier is if Chairman Solomons doesn't like a certain part of the map as it pertains to Farmers Branch and Carrollton and those cuts, we can draw it however you want. Just give us a net total of 15 BHVAP 50 percent districts, and we'll let you draw the rest of the state however you want, because we can give you 15 seats. You give us 13. That clearly doesn't make up for the fact when you look at going from 10 to 13, from the current plan to the Solomons/Seliger map, with four new congressional seats, it doesn't even begin to take into account the 90 percent growth of the minority community in the last decade. And so, if the bar is going to be set that high, let's take that eighth SSVR district. We can redraw this however you want.

And I will comment that if cutting into cities is not that big of a deal, we cut into two big cities in this current map as we travel from Austin to San Antonio. I think someone told me that we weave in and out of nine different communities and communities of interest, kind of like we're doing a ski slalom. And you cut into a city as big as Travis and a city as large as San Antonio, which I imagine would rival population in Carrollton and Farmers Branch and these other areas that Chairman Solomons cares so much about. So if that's the standard, let's do another amendment to tough up and fix the way we cut in and out of communities from San Antonio and Travis. Let's be consistent. We will all be consistent in that regard. I'll fix my map if he fixes his, and Senator Seliger, you

know, agrees to it. But the point is, if we're going to cut into communities, well, then it's fair game. And if we're going to cut the communities to grow the maps to create more minorities, then we should. That's the obligation. That's what the big fight is all about. I don't believe these litigation disputes ten years ago was able—it was about the very same thing. The state had an opportunity to grow the map, to make it more diverse, to build in more communities of interest, more minority opportunities, and it didn't. And that's why the map changed. And again, this is just a benchmark. It's a sample. It's a demonstration. It's an opinion. It's not the final answer. But it certainly shows that if you wanted to, here's the potential to do it one way. You could probably do it three other ways or half a dozen other ways. In fact, I'm going to offer two more maps after this that can get you the same number by looking at different parts of the state.

REPRESENTATIVE VILLARREAL: Representative Martinez Fischer, thank you for offering this map. I appreciate your work on bringing this proposal that meets what I believe is the obligation of the Voting Rights Act. I'm just now beginning to study your proposal. Can you tell me where you add the additional Hispanic opportunity district?

MARTINEZ FISCHER: In Plan 163, there are two minority opportunities in the Dallas/Fort Worth metroplex, one in Houston, one in the Valley, and so, it would be a total of four. And it will increase, performance-wise, it will give—

VILLARREAL: Oh, wait a minute. I'm sorry, maybe I heard you wrong. You're not just adding one new Hispanic opportunity district?

MARTINEZ FISCHER: No, I'm talking a lot about the Valley because that—

VILLARREAL: Oh, okay.

MARTINEZ FISCHER: Now, I have three maps, and they're all going to be very similar. What makes this one distinct from the other two is that it demonstrates that you can draw from the Valley to Corpus and create an additional minority opportunity district. That would bring two others that will grow the map by the same number of minority opportunities, but not necessarily in the Valley. The next one will focus on looking at Bexar County to Bastrop, for instance.

VILLARREAL: Okay. Thank you so much.

MARTINEZ FISCHER: Thank you for your work on redistricting. I know what it feels like to be outgunned out there, but I know that you've done a good job representing what I believe is the single and sole issue that comes up in litigation. It's that you had an opportunity to draw a Congress that reflects the state and has some sympathy for incumbency, but incumbency doesn't drive. That's not what we're here to do. We all had to make tough decisions on our house maps, and while most of us cared about incumbency, we also recognized that we had to draw a map that reflected road patterns of the state. And there was a map that went in one direction, and there were several amendments that went in another direction. Well, this is one where you don't have to look at your desk mate and say I'm sorry for having to vote this way. Because this is about drawing a fair map based on population. We are one of the few states that are fortunate enough to draw for new seats, and I don't want to spoil that opportunity by—you know that old adage about pigs getting fat and hogs getting slaughtered? I mean this is a status quo incumbency map that is an overreach, and we will be litigating this. But for the purposes of whether you believe this is the right map to draw, you can cannot deny that it improves on **SB 4** by creating that one additional Spanish surname voter registration map. And I move that you vote no on the motion to table. And if we do that then we will come back and hopefully Chairman Solomons will accept it. So please vote no on the motion to table.

[Amendment No. 13 was tabled by Record No. 75.]

[Representative Johnson moved to reconsider the vote by which Amendment No. 8, as amended, was adopted.]

[Amendment No. 14 by Johnson to Amendment No. 8 was laid before the house.]

JOHNSON: This is just a substitute amendment that makes it clear that we are getting rid of the changes to Congressional District 5. It's what we discussed before, but this is a technical correction making it very clear that Congressional District 5 is not affected. And I believe it's acceptable.

SOLOMONS: This amendment is acceptable. It has to do with drafting, more than anything else—technical amendment pulling out five—because when you have to redraw and redraft the bill and the map, it just helps in doing that. So it's a technical amendment as a substitute for the previous amendment. It's acceptable to the author.

[Amendment No. 14 was adopted.]

[Amendment No. 8, as amended, was adopted.]

[Amendment No. 15 by Martinez Fischer was laid before the house.]

MARTINEZ FISCHER: Maybe this will have a better run now that the chairman is in a giving mood; he just accepted the Johnson amendment. This is like the Johnson amendment, except it creates just a couple more minorities—and I know that I'm going to state the obvious. If you look at this map, you will see it's very similar to the map we just brought before. But you always hear the argument about, you know, you can't draw these districts without looking at the communities of interest. You have to respect incumbents, and you have to do all these things. And so, the challenge that I gave to the folks that have been helping me on redistricting was, draw me a district with a brand new Hispanic opportunity district, and don't get into anyone else's business. Because I can draw the map that I think is the best map, and Chairman Solomons might say—not Solomons, just today, because he's debating—or anybody could say, well, we don't like that because you now have made this district more competitive and it threatens that incumbent. So I said okay, I'll tell you what, draw a district that gives me a new Hispanic seat without touching anybody and affecting anybody else's political liability. Because I'm really not concerned about that, I'm concerned about growing the map for diversity. But there seems to be a big argument about protecting incumbencies, and respecting political lines, and so forth.

So, we took all the Hispanics from Bexar County to Bastrop County and we drew a district without even touching Travis County. I think, for some of my friends in Travis County, it's a relief to them, because it doesn't cut into Travis County when everybody so conveniently has. And while I'm sympathetic to the argument, you know, I know that's where population is, and that sort of being in the center of Texas, you sometimes open yourself up to that. But we were sensitive to that, and we drew a map, and that's why you'll see it looks no different than the original. It looks no different than the Fort Bend map that we passed in the State Senate, where it captures communities and moves in a circle that moves up the coast all the way to Port Arthur. This does the same thing from Seguin to Comal and into Bastrop from San Antonio. Again, you can't argue—you may not like what it looks like, and Chairman Solomons was joking with me, saying it looked like the "circle of life." And so I appreciate the humor. I happen to agree with him. But I don't think he can deny that it takes all the Hispanics in that region to create its own district. And in so doing that, it still performs better under the standards for HCVAP, which this map will give you eight, and under Plan 149 offered by Solomons and Seliger, they have eight. So we're tied there. But it does give you an eight SSVR 50 percent district, whereas the Solomons/Seliger map gives you seven. But, most importantly, when you get

down to the nitty gritty, it gives you 15 combined African American/Hispanic voting age population districts, 50 percent or more, it gives you 15, while the Solomons/Seliger map gives you 13. It absolutely performs better for minorities and certainly takes into account the growth that they have contributed to this state. It's a way of saying that we acknowledge the growth, and we want to give that growing demographic of minorities a larger voice in Congress to comport with their growth. And so, with that, I move adoption of the Martinez Fischer/Solomons "circle of life" amendment—in the spirit of Eric Johnson. Is it acceptable? You want to think about? Can we recess a little bit so he can think about it? I move adoption of the "circle of life," Plan 164.

SOLOMONS: I appreciate Mr. Martinez Fischer's attempt to create a "circle of life" around one entire district to try to make it performing. But in District 36, for example, in the map, in doing, it still doesn't create a 50 percent threshold. It still splits a number of cities in North Texas. And I appreciate his vision and what he thinks he wants to do in connection with arguing the legal merits of his position, but I don't think his map really takes in consideration all the work, and what we've done in listening to constituents, and listening to the delegation, and other members of this house. And, quite frankly, I just think it's not the right map. And I would appreciate the members agreeing with me to move to table the amendment.

MARTINEZ FISCHER: Chairman, I'm sorry, I wasn't paying attention. I thought you said you'd take it. And so if you are—I get an atta boy for effort. I appreciate that. I hope you're as nice with me when we have to take your deposition down the road—we'll take breaks, we'll take breaks, you know, and we'll get your good side on video. Don't worry about that. I have that problem, too. I appreciate the work Chairman Solomons does. He's under a tremendous amount of pressure, and the committee works very hard. The fact of the matter is, this is not a sport that's based on congeniality, it's based on demographics and data. The demographics and data support the fact that you can grow this map, make it more diverse. I'm bringing three examples that I can draw in my office, you know, with limited help. The house, as an institution, has tremendous resources, more than any member will ever have in their office. They have the ability to hire people, they're not bound by the budgets that we're constrained by. And so with the best of technology, the best access to RedAppl, and all the data, all the demographic data, election data, everything that you would want—Chairman Solomons has that available to him. The Committee on Redistricting has that available to them. If you were paying attention to the debate, there was even a little repartee about whether or not certain attorneys assigned to the committee work for the committee or work for the chairman, or could the committee talk to the attorney outside the presence of the chairman. I'm not on the committee, I just heard a little bit of the scuttle, I saw some of it on TV. But the point is, the Committee on Redistricting has tremendous resources, so they're in the best position to draw a map that's going to be fair, that is going to comport, that will not purposely discriminate, that will not be an intentional act of retrogression, that will not divide the communities of interest that we've heard about so much.

But yet a single member in his office, with limited assistance, could actually draw a map with less resources that makes a little bit better sense, and tells the story of Texas by having one additional SSVR 50 percent. And, again, I think that Chairman Solomons' chief objection is that he doesn't think that I get to 50 percent, even though I believe I do, and I'll stand by my data. But I submitted that we can draw this however he wants. If I've demonstrated the case that you can do this, and if it's not done to the liking of the committee, let's redraw it tonight, and let's come back on third reading and take something that he will accept. But just to say no because I think it doesn't get to where you say it gets, or because you I don't like the way it looks, well, let's fix it. Because I've demonstrated it can be

done. This is just a second attempt. And, obviously, I'm not going to bring three maps that look the same, but I've certainly shown you that you that you can draw an additional SSVR district if you wanted to. But let's draw it however you want. Let's just get to eight, and let's go from 13 BHVAP districts to 15. You can draw it however you want. The numbers are there that support that you can do it. The question is whether there's the will to do it. And the second follow-up to that is whether or not you're willing to make that tough choice. In the light of everything that seems to be screaming in this map, which is status quo, and protection for incumbency, and growing a map to suit one demographic at the expense of those that are growing the map—that's what that map does. That's purposeful, that's intentional, that is what we would call the way you can segregate and separate, and it does nothing to advance what 90 percent of the minorities did this last decade. It certainly doesn't even take them into account. So, with that, I ask you move no on the motion to table and vote so we can bring Plan 164 back up. Thank you members. Vote no.

[Amendment No. 15 was tabled by Record No. 76.]

[Amendment No. 16 by Martinez Fischer was laid before the house.]

MARTINEZ FISCHER: Okay, they say three is a charm. I think you'll like this map because what it does is it draws a congressional district for our speaker, puts him in congress, and it draws a district for Chairman Solomons, puts him in congress. The idea is if we could get Burt out of the house, maybe we could get some more minority maps on this—no, I'm kidding. It doesn't do that, I just wanted to see if you were paying attention. This does what some other maps that you've seen—it takes a similar approach by connecting Travis County and Bexar County to create that additional district. It also maintains the two districts for the Dallas metroplex area, the one minority opportunity district in Harris County, for a total of four. Even still, on the third rendition, it performs better statistically than the Seliger/Solomons map by taking one additional SSVR district, and it also performs better by taking the BHVAP seats and growing them from 13 in the Solomons/Seliger map and growing them to 15. And another important attribute is it takes areas into account. For instance, you can draw three districts that are majority, or well, excuse me, where the African American population is the largest population in that district, which is extremely hard to do given the geography and demography of the African American community that you can draw great minority districts. But this one actually takes three districts and makes African Americans the largest segment in that district. Currently, if you want to measure that by today's congressional standards, they only do that once, and we do it three times. And so, I think that's an important fact to keep in mind in terms of preserving communities of interest and protecting people of color—African Americans and Hispanics. And so the only variation, again, this one connects San Antonio to Austin, and I move adoption.

SOLOMONS: Not to belabor the point, but it's similar arguments as the last two maps, members, and I hope you'll stick with me and move to table.

MARTINEZ FISCHER: Again, I think the overall point of these three various maps is to show that on three separate occasions, we can draw a better map that respects minority opportunity, that respects our growing diversity in this state, and it's an improvement from what is being offered to us today. I'm not saying this is the perfect map; I'm not saying that we should do this map as is. I say we should stick to the numbers, and we should draw eight SSVR districts at 50 percent. We ought to draw 15 districts that have a combined African American/Hispanic voting age population of over 50 percent. We ought to draw three districts where African Americans are the largest population as opposed to

the one district that exists today. This better reflects and represents who we are as a state. This gives us an opportunity to have more voices at the table when it comes to our congressional approach.

And again, we argue about not having our resources on the Texas border. Well, we're denying the opportunity to put a fourth member of congress. Maybe we'd be so lucky that fourth member gets put on appropriations, perhaps can bring in some infrastructure money, you know. Perhaps we can get somebody to actually bring a veterans hospital to the Valley, and we need that one extra member to do that. Because you know how it is serving on this house floor, when you see these delegations that are occupied by multiple members, the big delegations always are some of the most effective. Harris County has its own four-fifths vote suspension if it wanted to—it almost has enough members to block a four-fifths vote—that's how big they are, and they're very effective up here. Let's add another seat in the Central Texas region, let's add two seats in Congress in the Dallas metroplex area, let's think about what that does for your constituents. Forget about party labels for the moment—let's start thinking about per capita dollar. I hear lots of debate on this floor about how much money we send up to Washington, and how we always get the short end of the stick. Well, maybe if we put two new members of Congress in Dallas/Fort Worth metroplex, maybe the circumstances would improve over there. Maybe, if you add another seat in Houston, maybe they'd become more powerful. If you add a seat in the Valley, that obviously makes the case, and if you can now give communities like Bastrop, and San Marcos, and Lockhart, if you can give them a voice in Congress now, because now they have true skin in the game; why shouldn't we? Why shouldn't we? Especially when Highway 35 is the most congested highway we have in our state, arguably our most congested interstate—one of our great priority federal projects is to see if we can expand Highway 35. Well look, let's put a congress person in D.C. that straddles Highway 35. and maybe we can get some attention to that issue.

That's the point. You need to start thinking about what an additional member does to you, not politically, but what it does for you as a representative government to give us a larger voice in the areas that are getting by and large more and more of the issues that really challenge the State of Texas when it comes to money and infrastructure, and projects and programs. Whatever spectrum you are, if you want to cut government, well, let's put someone up in Dallas that you can get an extra voice so you can cut government. If you want to grow government, you can do the same thing. The fact of the matter is, let's put members of congress where we need them and not satisfy somebody who believes we should accomodate certain people because they believe this is how the map should look. Why don't we do this one for ourselves? Why don't we do this one for our communities? I've clearly demonstrated three different ways, and I imagine if we broke for lunch and come back in an hour, I can bring a fourth map and do it a fourth way because it's too easy to do. It's difficult to do without stepping on people's toes, but being sensitive to just purely demographics, to being sensitive to creating examples of what you can do on limited resources and virtually no resources, we still do better under 163, 164, and 165. And so if Chairman Solomons is sensitive to that notion, we can always draw the map the way he wants. All we need is an additional SSVR district and 15 African American/Hispanic voting age population districts. But I ask you to vote no on the motion to table.

[Amendment No. 16 was tabled be Record No. 77.]

[Amendment No. 17 by Dukes was laid before the house.]

REPRESENTATIVE DUKES: This map is a map which incorporates the new Dallas-Fort Worth minority district, which is labeled CD 35 in this map, that is very similar to the CD 34 Veasey plan, C121, and has the same Hispanic and

black performance. The Hispanic citizen voting age in this district is 45.6 percent. The black citizen voting age is equal to 18.3 percent with a combined percentage way over the 50 percent marker that Representative Solomons has been discussing. Harris County is similar to the plan presented by Representative Alvarado, Plan C126, and the new congressional district labeled CD 36 has the same Hispanic performance and slightly higher black performance as in Representative Alvarado's map. The Hispanic citizen voting age is 45.1 percent; the black citizen voting age is 14.2 percent. The Austin-to-San Antonio district, CD 35 in the republican plan in **SB 4**, was moved to the Valley to give the Valley the new seat that its growth called for, but as well to keep Austin's community of interest intact. It is labeled CD 35. This map contains the same number of minority controlled districts as all other fair and legal maps that our colleagues have presented and that is mandated to meet the Voting Rights Act. This map keeps the minority coalition of Hispanic and African American voters in east Travis County together so their voice and vote can be effective. This is in stark contrast to **SB 4**'s purposeful discrimination of these minority communities. In **SB 4** Austin voters make up a unique community of interest with strong diversity and respect for different points of view—that's why we're considered the heart of Texas, the oasis of Texas. In Travis County, Hispanics, and African Americans, and Anglos act as a coalition, are able to elect the candidate of their choice from all races. Nearly every Hispanic elected official in Travis County has signed a letter stating they do not want Hispanic families to be carved out of Travis County and connected with a distant population in San Antonio. I don't support a plan that would break up that coalition. Austin voters form a coalition to elect candidates of choice regardless of race or ethnicity. Other than the legislature, examples have included former Austin mayor Gus Garcia, former state senator Gonzalo Barrientos, Travis County attorney David Escamilla, and Travis County judge Sam Briscoe, as well as many others. This plan works to ensure that African Americans, and Hispanics, and like-minded Anglo voters in eastern Travis County, eastern Austin, are able to continue a coalition and elect an individual who will properly represent their voice without the creation of purposeful discrimination as that which is done in **SB 4**.

V. GONZALES: Thank you, Ms. Dukes. Does your proposed map create a new congressional district in the Rio Grande Valley to reflect the Hispanic growth in that region of the state?

DUKES: Yes, it does.

V. GONZALES: And, in fact, it does so in order to keep Austin's community of interest intact and to give the Valley a new seat that the growth calls for, does it not?

DUKES: It's a win-win balance.

V. GONZALES: It's a win for both. And does the proposed map in **SB 4** create a district in the Rio Grande Valley, to your knowledge?

DUKES: No, ma'am.

V. GONZALES: In fact, all it does is it places a current district that's represented by Representative Blake Farenthold, which would be equally controlled by non-minority voters, isn't that right?

DUKES: That is correct—purposefully discriminating against minority voters.

V. GONZALES: Correct. And do you know whether or not hearings were had to allow constituents to provide input on the proposed map that Representative Solomons, Chairman Solomons is bringing to us?

DUKES: That's a good question. The proposed map had one hearing that really was just a checkoff, a process, but not necessarily listening to the concerns of voters in your district, your part of Texas, or in my part of Texas. Basically the information and the concerns brought forth by our constituencies, for the most part, went in one ear and out the other.

V. GONZALES: Yes, and don't you find that to be troublesome given that this is going to be a map that's going to last for the next 10 years?

DUKES: Absolutely, because the greater concern is that Texas has been and continues to be a state that needs to be governed by the Voting Rights Act because of purposeful discrimination as has been created in **SB 4**. And there is a purposeful intent to carve out the minority vote in Texas so that those who greatly need the protection of the Voting Rights Act would not be able to vote for individuals who would support the continuation of the Voting Rights Act, purposefully creating separation. You couldn't have done a better job unless you were a surgeon with a sharper scalpel going through carving out minority communities and minority neighborhoods than what was done in **SB 4**.

V. GONZALES: And purposefully creating the separation that you're talking about, don't you believe that would be blocked by the Department of Justice in the federal courts?

DUKES: I think absolutely. I think there's a misunderstanding of minority communities of interest when communities as far south as your district and as far north as my district are paired together. I think really and truly even a kindergartner would know that would be as similar to associating the likeness of a Mexican American with someone who lives in southern Mexico and an African American with someone who lives in eastern Africa. It just is not the same.

V. GONZALES: In fact, it's been done before, and I know that it was found to be void. I remember a few years back, Lloyd Doggett was the representative down in the Rio Grande Valley. They called it the "fajita strip" because it went from Highland Mall all the way down to Starr County where Ryan Guillen's district is.

DUKES: And we called it the "bacon strip."

V. GONZALES: That's right, bacon strip, fajita strip, either way what it was doing was splitting communities of interest, which is what the proposed map that Chairman Solomons has brought is doing, is that correct?

DUKES: The proposed map by Chairman Solomons purposefully attempts to eliminate one person. But when we're drawing maps based on law and based on what is fair and balanced, it's not about one person being elected to office. It's about one voice having the opportunity to elect the individual of their choice. And they have purposefully gone so far in their attempts to eliminate one person that they have eliminated the voice of 688,000 people in Travis County.

V. GONZALES: Correct. And we believe that, at the end of the day, it is going to be found to be in violation of the Voting Rights Act, and your map would give us an opportunity to be in compliance with the Voting Rights Act, would it not?

DUKES: That is correct.

V. GONZALES: Thank you, Representative Dukes, I support your map.

WALLE: Representative Dukes, thank you for your amendment, particularly as it pertains to Harris County, because in your amendment it creates another opportunity district for Latinos to have an influence. Particularly on the east and southeast part of the county. Do you believe that it's justified particularly because of the growth in Harris County that we've experienced? Just to give you a little background, there's probably 500,000 to 600,000 new Spanish surname folks that live in Harris County now.

DUKES: I think it's very important that we look at the growth that is happening on a local level and not just look at the SSVR, as Representative Solomons has stated, but on both the impact that it has on those who turn out and those who vote. And what is more important is that when we are looking at these maps, we always talk about government and policy being from the local community, everything being local. Well your local community of Harris County knows your communities of interest and coalitions best. Why should I, from Travis County, come in and try to manipulate that and change that for some other outcome? There was already a plan in place in the Alvarado map that took into concern the constituents' issues, and so that's what is placed in this map, just as those concerns of African Americans, and Hispanics, and Anglos who have coalition voted in eastern Travis County have been placed in this map, so that we can avoid any level of purposeful discrimination.

WALLE: And just to give you some background—we just had some city council redistricting, under a DOJ, under a lawsuit. The city of Houston, once they reached a threshold of 2.1, 2.2. million, they had to create two more single member districts. And one of those single member districts is the majority Latino district on the southwest part of town, which encompasses part of what you are trying to do in this map. I want to commend you for that because the amount of growth in Harris County with 1.7 million Spanish surname folks, let alone the emphasis on the SSVR. I know that's important, but again what you don't want to do is pack all the minorities in one area and then dilute them in other areas. And what we are trying to do is give the opportunity to folks to elect the candidate of their choice, and I think that is what you are trying to do.

DUKES: We are looking naturally at growth.

NAISHTAT: I wanted to clarify that the amendment that you are offering contains the same number of minority controlled districts as all other fair and legal maps that our colleagues have presented and that's mandated to meet the Voting Rights Act.

DUKES: That it does.

NAISHTAT: And I wanted to clarify that this map keeps the minority coalition of Hispanic and African American voters in east Austin together.

MARTINEZ FISCHER: Members, I just rise to support the Dukes plan. Let me tell you why. As I said earlier there are many members that can come up with an approach to draw a map that does something differently. And as you heard in the debate there is really no set metric that's being used to determine whether or not you are appropriately looking at minority opportunities. I'm the chairman of MALC, and MALC's legal position is we look at HCVAP and we look at SSVR percentages and we believe that's our theory. I talked to Representative Dukes and some members from Travis. They have another metric that they use, that I also think is a viable metric—we just don't agree on each other's metric, though we support each other's metric. We do agree on the idea that you can create multiple opportunities to diversify the congressional map. But the approach they have taken—let me just make the point that I see in Plan 166, offered by Representative Dukes, that is very appealing to me, that should be very appealing to anybody that cares about minority opportunities. The number of HVAP districts grow under the Dukes plan from 8 that's being offered today by Chairman Solomons in the Solomons/Seliger map to 10. And the number of BVAP, African American voting age population plus Hispanic citizen voting age population, which we call HCVAP—so you combine BVAP and HCVAP at 50 percent or more, the Solomons/Seliger map will give you 11. The Dukes map will give you 13. They believe that's a strong argument for them, and that's something they are going to be discussing as this moves forward and down the road. I think it's a respectable theory. I think the theory that MALC is offering is

a theory we want to pursue, but you can't deny the numbers in the Dukes effort. So because it does those increases over the current plan, I will be voting for it, and I will ask members of MALC to vote for it as well.

REPRESENTATIVE DONNA HOWARD: Trey, I'm going to try to simplify this a little bit more for myself and maybe some others. In terms of looking at Travis County, which is obviously the county that Representative Dukes and I both represent, I wanted to ask you, Trey, you've heard—you've probably heard people say that you should be really grateful because you get to have more congress people representing you. Have you heard people say things like that?

MARTINEZ FISCHER: I've heard that. Is this in the map that has 15 members of congress going to Austin?

D. HOWARD: Yes, it's Chairman Solomons' map that has five divisions of Travis County. Did you know though, Trey, that when you look at those five divisions the way that Chairman Solomons has presented it that we don't have a single district in those five that has any more than 35 percent of our population in it, which essentially says that we don't have any possibility, if you look at the percentages that is, of being able to elect our own representative?

MARTINEZ FISCHER: And I think that's troubling, but what is even more troubling is I imagine today that if you have one member of congress or two members of congress and the city of Austin calls a meeting to talk about federal issues, you have a pretty good shot at getting one or both members of congress at those meetings. When you have five members of congress that have this much of Travis County, I mean is it likely that you are going to get any to show up at these meetings?

D. HOWARD: Well I would certainly have that same question myself. But I wonder if you knew that Travis County is the only county out of the 12 largest in the state that doesn't have even one congressional district that includes greater than 50 percent of that county's population. Did you know that?

MARTINEZ FISCHER: I did not know that.

D. HOWARD: The only one out of the 12 largest counties in this state.

MARTINEZ FISCHER: You know, and I think that, and again, you have seen this map and everybody's played with RedAppl. It just seems to me when it came to drawing the Solomons/Seliger map, they started in Travis County and then they moved northeast and west and south.

D. HOWARD: Which I appreciate being the center of the state, but at the same time, it does seem to be depriving, wouldn't you say, Travis County of any kind of substantive representation in terms of at least one congressional district that we would have more than 50 percent of our population in?

MARTINEZ FISCHER: And especially, as I said in a lot of the growth. I mean, if you wanted to recognize the growth between Travis County and Bexar County I just showed you that you can draw a map from Bastrop to Bexar County, and do the exact same thing and leave two members of congress in Travis County that have significant portions of Travis County that makes—I would rather take two strong members of congress that represent substantial portions than to take, you know, five or six members of congress that just have little fingers and little pieces of Travis County because you don't—you're not able to measure the true sentiment of the county when you only have to account for one-fifth of it or one-sixth of it.

D. HOWARD: And I guess you know also that the Solomons map essentially leaves western Travis County, which is the area that I represent, pretty much intact, and divides significantly the eastern portion of our county into five

different—funneling into five different congressional districts, which is basically our minority population, that part of our county. So it is in essence the term ya'll keep using, cracking and packing, that's what it is doing here.

MARTINEZ FISCHER: And I think by simply restoring that, I have not seen the Dukes map. I have just looked at the performance on the data, but I imagine when Representative Dukes corrected that footing of East Austin, you know, from the northeast to the southeast you get the bigger numbers. You get 10 HVAP districts 50 percent or more as opposed to 8, and you get 13 African American voting age population and Hispanic citizen voting age population districts over 50 percent versus 11. And by simply making those adjustments you will restore those minority opportunities, you do not have the intentional discrimination, the purposeful discrimination, that's taken place at the expense of the minority community.

D. HOWARD: Well it does appear to be purposeful discrimination. And Representative Dukes' proposed map, I think, is fair to Travis County residents, and I'll be supporting it.

MARTINEZ FISCHER: Well members that's why I rise on the Dukes amendment. While we have a different theory, we respect Travis County's right to represent their district. And they drew a map that actually performs better for minorities. If you are looking at Hispanic voting age population, BVAP and HCVAP, they do a much better job than the Solomons/Seliger alternative. Faced between those two choices, I'll be voting for the Dukes amendment, and I ask any member who is interested in voting rights to support the Dukes amendment.

NAISHTAT: Members I want to share a few thoughts about Austin, which as most of you know is unusual and special and has many different qualities. One of those qualities is the strength of our diversity and respect for different points of view. Our neighborhoods work together in Austin and Travis County, and we work better when we work together, not divided and joined with remote, distant communities. We deserve a united voice in Washington that reflects our values, Austin values, even those that are weird. While prior to the last redistricting we benefited from one congressional district that encompassed about 98 percent of Travis County, our estimated population of 1 million means that we are too large for a single member of congress. My request would be that we adopt the Dukes amendment and keep as much of Travis County together as the population permits. Central Austin should be represented by one strong voice in Washington, not splintered into multiple pieces. It doesn't serve either Austin or remote rural or urban areas to have their diverse interests united in one congressional district. It's in the best interest of both that they have a representative in congress who can best reflect their views. Travis County's leadership reflects the diversity of its citizens. Travis County has elected an African American county judge and tax collector, as well as several district judges. We have African Americans and Hispanics in our city government and on our school board. We've had a Hispanic city council member, Hispanic mayor, and Hispanic state senator, as well as a number of Hispanics, including our current district clerk and several judges, who have long been successful at winning countywide elections. It doesn't serve our minority communities to be linked with representation outside of Austin, for example with minority communities in San Antonio. It doesn't serve our minority communities to be subjected to what can only be characterized as purposeful, intentional discrimination per **SB 4**. Many of us recall the bitterness of Tom DeLay's congressional redistricting effort to split up Austin in a way that nobody from Austin would serve in congress. It's remarkable, indeed, it's outrageous that to this day the University of Texas, the state capitol, the Travis County Courthouse and surrounding inner city neighborhoods are represented by someone who does not live in Austin. I would hope that you would vote for the Dukes amendment,

which redraws the **SB 4** proposed district lines so that Austin, and as much of Travis County as possible, may be represented by a congressperson who reflects our values and who would give us a united voice in Washington.

SOLOMONS: While I appreciate the effort in the conversation, I have some legal concerns about the map. It creates one less Hispanic district—Hispanic majority district—than the committee map, and neither the new District 35 in North Texas nor District 36 in Harris County are Hispanic minority districts. In fact, this map also retrogresses District 29, and quite frankly Ms. Dukes map, as I say, creates one less majority district than the committee map—

REPRESENTATIVE HILDERBRAN: Burt, you just mentioned that it retrogresses, or takes one Hispanic district away. Which district number are you referring to?

SOLOMONS: I'm sorry, which one?

HILDERBRAN: Which district, you said in your opening remarks that—

SOLOMONS: It retrogresses District 29, according to the numbers based on what the analysis looks like.

HILDERBRAN: So you're saying it's 29?

SOLOMONS: In 29, the benchmark map, District 29 has an SSVR of 52.6, an HCVAP of 56 percent. In Ms. Dukes', map the District 29 SSVR drops to 34.6 percent and its HCVAP drops to 38 percent.

HILDERBRAN: So are you talking about the numbers, or are you talking about SSVR numbers?

SOLOMONS: I thought I was pretty clear, Mr. Hilderbran, I was talking about the SSVR numbers.

HILDERBRAN: Okay, because I've got a benchmark that shows 29 and 51.3.

SOLOMONS: Yeah, I know that you have an amendment that has some similar concerns. But this particular map really—

HILDERBRAN: But it doesn't do anything about District 34 in your map? Or 35 in your map?

SOLOMONS: Neither the new District 35 in this particular map nor the—

HILDERBRAN: Does her amendment impact your 35?

SOLOMONS: I'm sorry, what?

HILDERBRAN: Does her amendment, the amendment before us, affect your, the Solomons map—

SOLOMONS: In District 35, Mr. Hilderbran, the SSVR is 41.8 percent and it's HCVAP is 45.6 percent, and neither district reaches the 50 percent threshold.

HILDERBRAN: Thank you.

SOLOMONS: I move to table.

DUKES: I'm not quite certain where Representative Solomons pulls his numbers, and sometimes I wonder about the concern put forth on minority communities, when Congressional District 29 is used as the litmus test for what is considered retrogression when one arguably can state something different. But here's the deal—there are plenty of maps that could be drawn that are fair and legal, and there are plenty of opportunities with the resources that Chairman Solomons had, and the committee had, to have drawn fair and legal maps. As Representative Martinez Fischer stated, there were far more resources that were available to draw fair and legal maps. But **SB 4** chose not to. The purpose of the republican map, **SB 4** ,is to ensure that minority voices are not heard in Congress, in the strength

that their numbers in Texas require. Enough voters, specifically as it relates to the Dukes plan in Travis County, there are enough voters for a congressional district entirely within Travis County lines. Travis County has more than a million people, and a congressional district is only—if you look at the difference in how folks in Travis County are treated by **SB 4**, all you would have to do is look at the map and drive up Highway 35 from the south to the north, where presently the maps that are congressman run have Austin divided into four different districts, as Representative Naishtat explained to you. Under this new plan of **SB 4**, in eastern Travis County, where I have lived, my parents have lived, my grandparents have lived, my great grandparents have lived, in the minority portion of eastern Travis County, you will now drive in and out of nine twisted congressional districts. It doesn't sound like whoever drew this map was too concerned about the minority community and retrogression. Now look at western Travis County, where the majority population is an Anglo community. It sits entirely in one district, but eastern Travis County, where African Americans and Hispanics live, is drawn into nine separate in-and-out congressional districts. Why the difference? Hispanics and African Americans are cut into all of these divided districts, north, south, east, and west, to eliminate a voice. That is purposefully drawing African Americans and Hispanics into smaller portions and separation to create a GOP plan of purposeful discrimination. This map is not about ensuring one member of congress does not have a voice in Washington. It is about ensuring that African Americans and Hispanics from eastern Travis County, from east Austin, will be unable to have a candidate of their choice to represent them in Washington. This plan, **SB 4**, purposefully denies my family, Eddie's family, and many other families a chance to send their favorite candidate to Congress for a decade.

REPRESENTATIVE RODRIGUEZ: Dawnna, thank you for doing this amendment. I think it's important. Can you tell members a little bit more? I know that Elliot talked about it a little bit, but there's a coalition, isn't there, that minorities, African Americans, and Hispanics have with Anglo voters, as well, to elect people of all colors and races to elected office in Travis County, is that right?

DUKES: For years eastern Travis County, African Americans and Hispanics, have had a gentleman's agreement of coalition building, and in that gentlemen's agreement of coalition building, we have collectively worked back to the first African American who was ever elected to the Austin City Council, and the first Hispanic to be elected to the Austin City Council, to build the coalition to elect candidates of our choice. And with that, within Travis County, and coalition building with Anglo voters, we have been able to elect Gonzalo Barrientos to represent us in the senate, Wilhelmina Delco to represent in the house, we have—when it was an at-large Travis County versus the single member plan, we have been able to elect former Austin mayor Gus Garcia, we have been able to elect county wide Travis County attorney David Escamillia, we have been able to elect Travis County judge Sam Briscoe, and numerous other county judges who were African American and Hispanic into office through this coalition building. But by the separation of placing African Americans and Hispanics in a total of nine different connected districts along eastern IH-35, it is as bad as the slap of discrimination to African Americans and Hispanics in Travis County who couldn't get electrical hookup prior to 1940 if they lived in west Austin. You couldn't get electricity back then, but now your vote will be basically eliminated through the electric shock of being drawn into nine separate districts purposefully to eliminate the voice.

RODRIGUEZ: Would you agree with me that the African American community and the Hispanic community are empowered in Travis County and in Austin?

DUKES: Absolutely. If it were not the case, everyone wouldn't come to the African American and Hispanic community collectively in order to get the support, in order to be elected throughout the county. It's very well respected in the Travis County.

RODRIGUEZ: What would you say the Solomons map does to our power?

DUKES: I would say that it disrespects the voice of a certain segment of the community. If you look at the Solomons map, you can see in western Travis County a bloc, contiguous bloc, without interruption of Anglo votes. It also takes all votes of rural Anglos and makes sure there is no separation there, but when it comes to the urban county of Travis, and the African American/ Hispanic areas east of 35, it purposefully carves it apart, driving through nine separate districts from south to north to ensure that there is no ability to have a community of interest voting together to have representation of its choice. It purposefully discriminates.

RODRIGUEZ: I agree with you. When it comes to redistricting, Ms. Dukes, it seems like messing with Austin is what goes on here, and it's not right. And it's not even about Austin. I agree with you, it's about minority communities—

DUKES: About the minority community in Austin, and it ensures that there is no separation of the Anglo community in west Austin and that's the—things like this are the whole reason why the Voting Rights Act exists. But when you carve up districts to ensure that people who need protection from the Voting Rights Act will not have any influence on who they vote for to represent them in Washington, you are purposefully creating discrimination. It is purposeful discrimination of eastern Travis County's African American and Hispanic voters, to prevent us from having a voice in Washington.

RODRIGUEZ: Thank you for standing up for minorities in Austin.

DUKES: Thank you, and with that, I would ask the membership to vote against the motion to table and to vote for a fair and legal map that does not create a purposeful discrimination against African Americans and Hispanics.

[Amendment No. 17 was tabled by Record No. 78.]

[Amendment No. 18 by Hilderbran was laid before the house.]

HILDERBRAN: The amendment that we have before us is Plan 161. Mr. Speaker, members, the map before the house is amended. I have got concerns about Congressional Districts 15, 20 and 28 on the number of Spanish surname voter registration, SSVR. And I've got a number of concerns that our map—I think it can be improved, and maybe it will be improved in conference. I know that Chairman Solomons, his approach to these—if you look at the state house map—was to continue to evolve the map and keep making changes to it, just as he has done today. But even with the changes today, and he may have plans to make some more at another opportunity, the benchmarks for the Hispanic districts CD 15, CD 16, CD 20, CD 23, CD 34, CD 28, CD 29, and CD 35 in his map before us, we do better in the amendment before you, 161. We do as good as he does in the existing districts, and we add one more voting rights performing district, 35, that's an open district, brand new, Hispanic district that has 57.4 percent SSVR. So the big changes are, we elect about the same partisan split, but we add one more Hispanic seat to the map, which is a performing district. Also the amendment, besides creating a performing Hispanic district in 35, it also—CD 35 in **SB 4** only has 43.8 percent SSVR. Based on *LULAC v. Perry*, the U.S. Supreme Court made action that said that at least 50 percent of the SSVR—we need at least 50 percent to be a performing district, so we have upped those numbers to make sure we meet that standard. And we continue to basically provide a map that, I think, accomplishes the objectives in many ways of Mr.

Solomons, but does it a little differently. And I offer this as an alternative for ya'll's consideration and welcome any debate or dialogue on it, or answer any questions.

REPRESENTATIVE KOLKHORST: Mr. Chairman, looking at the map, I understand what you are trying to accomplish. I just would not, as a good rural member like you, that I look at CD 10 and there is not one whole county in CD 10. It cuts across one, two, three, four rural counties, and you sliced them in half, every one of them.

HILDERBRAN: I tell you what. If this map were going to make it farther in the process, I would be very interested in refining that for your—to contribute towards your point of view as to how that could be improved.

KOLKHORST: Yes, sir.

HILDERBRAN: I mean you understand the odds.

KOLKHORST: Yeah, I do. I note in your area, I think, that would be—

HILDERBRAN: It does a lot better.

KOLKHORST: Is that CD 25? I see a whole lot of whole rural counties out there.

HILDERBRAN: Yeah, isn't that nice? Isn't that pretty?

KOLKHORST: Yeah, that's a pretty—

HILDERBRAN: All that west of 35 looks real pretty, it's very rural and compact.

KOLKHORST: East of 35, I would—

HILDERBRAN: But we need to have your input on the eastern half to make yours look more like the western half of the state does.

KOLKHORST: Right. I would say that the counties that I represent would not be real thrilled with this map.

HILDERBRAN: And I pledge to you, that if this becomes—if this advances in some way either today, or emerges somewhere else, I'd be happy to work with you and get your suggestions. Three other members have come up to me with—and yours, you know when you do a statewide map, there's different areas of the state, you're not going to please everybody. What I'm trying to do is meet the same objectives as the chairman did in terms of performance both politically and Voting Rights Act. And I think I equal him or come close to equaling him on political performance, but I exceed his performance in the Voting Rights Act and doing the things we need to strengthen our case so we have a map that will be approved and get preclearance. And, obviously, if this map were to get more serious consideration, for instance, if the chairman were going to accept it or try to amend it and improve it, I would want to address your concerns and address the concerns of other members for their local areas.

KOLKHORST: Well, I appreciate that Mr. Chairman, you know, as us rural members, and as Sylvester calls us the poor man's caucus, we have to work on this a little bit.

HILDERBRAN: Absolutely.

REPRESENTATIVE ORR: Mr. Chairman, I guess I have the same issues as—

HILDERBRAN: You don't like Johnson being split?

ORR: Yes, sir. I mean—

HILDERBRAN: Is that your concern?

ORR: It's a whole county. We worked very hard to make sure that Johnson County wasn't split, and now you've got us moved into District 11, goes all the way to the New Mexico border.

HILDERBRAN: No it doesn't, it goes—oh I see, are you talking about 11? Oh yeah, 25, it looks really nice on 25.

ORR: Well we were in District 25 before you cut us out and sent us to New Mexico.

HILDERBRAN: As you know, if it was my choice, we wouldn't split any rural counties. However, because of the deviation—the zero deviation that is required for congressional maps, you're going to split some, and what I would just tell you is I understand. I wouldn't like splitting one of my counties. Some of the other maps that have been offered, Mr. Alonzo's and others, split my counties. I didn't like that. I certainly accept and appreciate that you wouldn't want your counties split, but somebody's county is going to be split. In the map before us, that this attempts to amend, we split Eagle Pass in half, we split other counties, so, unfortunately, it is unavoidable. But again, if this map ends up being more seriously considered, I would certainly want to address your concerns.

ORR: I appreciate it very much.

VILLARREAL: Harvey, with regards to Bexar County in your map, there is no single district that is wholly within Bexar County, is that right?

HILDERBRAN: How many in Mr. Solomons' map that way? Does he have one that is wholly in Bexar County?

VILLARREAL: Yes, it's—

HILDERBRAN: Is that from his amendment, or is that from—

VILLARREAL: District, and it's also still in his amendment. It's District 20, it was actually the first Hispanic opportunity—

HILDERBRAN: So he put District 20 back whole in his amendment, because it wasn't whole in the committee?

VILLARREAL: No, it was. District 20 was always whole.

HILDERBRAN: Oh, District 20. Okay, Mr. Gonzales—

VILLARREAL: Yep, yep, Charlie Gonzales. And in this map, it takes his district and—

HILDERBRAN: Moves it north.

VILLARREAL: It makes that one—

HILDERBRAN: It kind of replaces his District 35—

VILLARREAL: Yep, yep.

HILDERBRAN: And let me tell you that's a trade off, and I understand, you and I talked about it earlier, that's a trade off. Under his map, you get District 35 that has Travis and Bexar County in it. It has maybe two-to-one Bexar County over Travis in the I-35 corridor, and in this case, what we do is we have 20 going to Travis, but we create a brand new District 35 that is a Voting Rights, performing Hispanic district that is 57.4 percent Spanish surname voter registration, so it's a trade-off. Yeah, you don't get a whole 20 in all of Bexar, but you get a brand new district, and you keep a district that I think Mr. Gonzales can win.

VILLARREAL: The District 35, is the population based in Webb County or Bexar County?

HILDERBRAN: Bexar. And by the way when you are talking about CD 20 in the C149 with the C170 added, it's about 54.1, and in— I'm sorry, 55.6. And so, in this CD 20 that you don't like because it goes north is 54.6, and so basically for a one percentage point trade down in that district still performing, you get a brand new district CD 35 that goes from 43.8 in the map before us and in the amendment goes up to 57.4.

VILLARREAL: I'm going to go against your amendment because of how it rips apart the county.

HILDERBRAN: And politically it—

VILLARREAL: I want to say that I do like what you've done to 23 which is keeping Maverick—

HILDERBRAN: You would you agree that on a—

VILLARREAL: —all in 23, and based on the numbers that you gave me you improved the 23rd. But, unfortunately I think the way we need to resolve this is ultimately in the courts in improving all these districts.

[Amendment No. 19 by Hilderbran to Amendment No. 18 was laid before the house.]

HILDERBRAN: This is an author's perfecting amendment. It basically deals with CD 23 and has very minor changes, but it does execute—basically accomplishes my objectives of what I've been talking about and refines that district. It overlaps into a couple of other districts, but they're minor changes. And what I ask is to adopt this and then discuss the amendment with Mr. Solomons, as amended. So, I'd like to move adoption of the amendment to the amendment.

VILLARREAL: Tell me, what are you doing to CD 23?

HILDERBRAN: CD 23. Basically, we don't change the Hispanic numbers, but we basically exchange some precincts that makes its political number, using the McCain number, go up from 48, which it is in current law. It's about a 48 percent McCain district today. Under my original amendment it was about a 48 percent McCain district. I'm going to make it about a 49 percent McCain district. The plan before us is a 52 percent McCain district. So, it slightly improves the McCain number in 23, but not as much as the Solomons map before you.

[Amendment No. 19 was adopted.]

MARTINEZ FISCHER: We know they say if you can't beat them, join them. And so, I rise to stand with Chairman Solomons in opposition to the Hilderbran map. I'm opposing the amendment because it does a couple of things that I think are problematic, but overall I agree with Chairman Hilderbran's layout. I think that this is a much better approach in drawing my minority opportunity districts, but the devil's in the details. There are a couple of things that it does that I'm troubled with. We voted for the Dawnna Dukes. I voted no on the motion to table on the Dukes amendment because it actually increased the number of African American and Hispanic voting age population districts than are in the Solomons map. This one actually reduces it. It lowers it to 12. And one of the bigger issues that I'm concerned about is that while it creates a new SSVR district, it does so by taking the 20th Congressional in San Antonio, and taking part of it and running it north to Austin, and the other part of it running it south to Laredo. And I'm not adverse to districts being cut like that. I mean we've done that in our maps and obviously if you're from Travis County you've seen that done in almost every amendment that's crossed the floor. What's concerning about it is in *Lulac v. Perry* the United States Supreme Court said, unequivocally, that Webb County is a constitutionally protected community of interest, and so by

splitting that community of interest I believe you open up that challenge, once again. I think we go backwards not forward. Now, I'm happy to work with Harvey and his folks if he really wants to draw a better—

HILDERBRAN: I've got to ask you about—well you just commented about the Webb County split. And I'm aware that's been on the floor. People have been talking about that. I've got to make very clear that you recognize—you're aware of the difference between what this split accomplishes in Webb County, and what the one 10 years ago accomplished? Because they're completely different apples and oranges in the sense of what they result in. This one results in a brand new performing Voting Rights Act Hispanic district. That one did not. This one improves Hispanic voting opportunities, it doesn't decrease them. That one did. And that's night and day. Clear as can be that there's a complete difference between what this split does and what that one did, and as you know Mr. Solomons split Eagle Pass in half. So the county next door, Maverick County, is split in half right there in the middle of the city. And in our case, we split the rural part right across the border to create a brand new Hispanic district, and that is completely different from what they did last time when it was a court issue.

MARTINEZ FISCHER: Right now, being respectful, I think it's a distinction without a difference. I mean while it still creates a new minority district. I'm not on the supreme court and I know you're not either, but what they say in the opinion is that Webb County is a community of interest so—

HILDERBRAN: Would Eagle Pass be?

MARTINEZ FISCHER: Well, it may be.

HILDERBRAN: They split Eagle Pass in half in their map.

MARTINEZ FISCHER: I can tell you based on what the supreme court has already said. They've made it very clear what their position is with respect to Webb.

HILDERBRAN: So does the supreme court think the community of interest in Webb County is more important than the community of interest in Maverick County?

MARTINEZ FISCHER: I think that's a question for the court. I don't know that. But I know what the opinion says. And the opinion says Webb County is a constitutionally protected community of interest and you couldn't split it. Now, if you are splitting it for a different reason I still think you open it up for debate, you open up for litigation. But overall when you reduce your BHVAP to a number lower than Solomons it's problematic and when you plus up a SSVR district by taking a Hispanic district as it exists and split it into two different communities in two different directions, one of those communities being protected by the supreme court in its opinion in *Lulac v. Perry*. I think that, as some people say around here, the juice isn't worth the squeeze. It's not something you want to litigate over and over again. I'd be glad to work with Chairman Hilderbran on drawing a map that conforms to the principles of creating more minority opportunity. I know he feels—I've looked into him, I know he feels this map does better than **SB 4**. I think we can bring back an even better map that does better than this and **SB 4**, and I'd be happy to work with him on it, whether we do it on third reading or we do it as we head down the litigation track. So with that I ask that you work in a bipartisan manner with Chairman Solomons, and I and vote against the Hilderbran—I wasn't going to move to table. I'll let Chairman Solomons do it.

SOLOMONS: I don't know what to say. I have some similar concerns that Trey had on the plan about splitting Webb County and the city of Laredo. We got beat up on that quite a bit by the U.S. Supreme Court in the history, and Harvey tried to talk a little bit about that—a little different, but I do think that I have to agree

with Trey about a difference without a distinction. But, let me just tell you what the map also does. It splits Arlington into certain event centers and can be cherry picked for certain districts It is the SSVR in District 20 that I've got some real concerns over because under his amendment the total voter registration SSVR is actually lower in District 20, 54.6 percent. It went from 55.6 percent. It's actually lower than the amendment I introduced earlier to fix that. I don't see any reason to split the city of Arlington, and quite frankly, I think it drops the numbers for Congressional District 23—is dropped below 50 percent. And I just don't see any reason to do this amendment, and so I would hope you stick with me this time on a motion to table.

HILDERBRAN: Members, I do want to go through a few numbers. CD 15 is the congressional district Hispanic seats benchmark. We have 70.7 in CD 15; 67.6 in CD 16; 58.1 in CD 20. In CD 23, 52; CD 34, 59.4. In CD 28, 65.6; CD 29, 51.3, and then we have a new CD 35 that doesn't have one because it's not a part of the existing bench. In Mr. Solomons' amendment, he basically lowers it in CD 15 by four points. He raises it by one point in CD 16. He lowers it by 2.5 or three points in CD 20. He raises it two points in CD 23 and he raises 11, 12 points in CD 34, and in CD 28 he raises it about almost three points. In CD 29, he stays the same, and in the brand new district, CD 35, he has a 43.8 percent SSVR. What we have in ours is basically 14 points better in CD 35, and improve in a couple of areas and slightly lower in a couple of the other districts. So, in this comparison between the benchmark and Mr. Solomons' amendment, and CD 61, we perform better. But, at the same time, Mr. Speaker, members, I wanted to make sure we had an alternative map offered by a republican on the record. I've accomplished that. At this time, I will withdraw the amendment, as it will be a part of the record.

[Amendment No. 18, as amended, was withdrawn.]

DUKES: I rise to speak against **SB 4** because I feel, I know there could be a plan that is drafted that does a far better job on ensuring that the Voting Rights Act is being met, and ensuring that every citizen in Texas has an opportunity to be represented in Washington by an individual who represents their voice. But, more specifically, the purpose of the republican plan **SB 4** has been to discriminate. It takes African American voters who live in Travis County, who I represent, who are currently able to elect a candidate of their choice and ensures that for the next 10 years we won't have a voice in Washington. If you just look at the disparity and how the minority communities were treated in Travis County under **SB 4**'s map, and follow IH-35 from south of Travis to the north of Travis, and you will drive in and out of nine varying congressional districts. Now, compare that to western Travis County where predominately Anglos live. What do you see? Is that portion of Travis divided into nine districts, seven districts, three districts? No, it is wholly and entirely contained within a single congressional district, and that's no coincidence. It's plain and simple that this plan was motivated by discrimination. Which races bear the more heavy burden of this plan? Not Anglos in Carter's district. If you look at how nice and neatly they've been drawn. And Anglo families in Williamson County and Bell County. Not rural Anglos, look at how in the committee the republicans worked to ensure that rural Anglos in Colorado County were joined with other rural Anglos. Now look at the mess that is Travis County where African Americans, Hispanics, and Anglos who routinely join together to elect individuals of all races were cut into five different congressional districts. The way minorities and Anglos vote together in Travis is the way it's supposed to be in America. Travis County gets it right, and that is why **SB 4** is so wrong.

The illegal map is not about getting rid of a single congressman. That's just an excuse. It's much bigger than one person. As much as this individual articulates for our community, **SB 4**, is not about silencing the voice of one elected official. It is about silencing the voice of a whole community. And we have worked too hard for so long to build this successful coalition in Travis County in East Austin and that is why using partisanship as an excuse, **SB 4** is seen so hard beyond closed doors to ensure that no African American, and no Hispanic from Austin will be able to have a voice from Austin in Congress. If you look at how this plan was passed, a public hearing called on short notice, then cancelled. The public house hearing was called on less than 24 hours notice during the middle of the week when working families are doing just that, working. No hearings were held around the state. That was done before, and all the testimony heard from folks who actually live here went in one ear and out the other. Because the hearing was only a shadow, a route box process, a box to be checked because they always knew they weren't going to let a plan pass that preserved the voice of Austin minorities.

No enforceable racial zoning law could have been drawn with the precision that **SB 4** used to segregate African Americans. Pairing Austin's African American families with Cleburne and Burleson in Johnson County cannot be viewed in any way but as an attempt, and it would be a successful attempt, to completely eliminate the political bulls in congress. You could erect a sign at the ballot box that says, "Blacks Need Not Vote," and it wouldn't be as effective at eliminating the ability to meaningfully participate as this map does. I have no doubt the Justice Department will put a stop to **SB 4**, a discriminatory map. I know privately some Republicans will tell me that they know it has gone too far. But, for them it wasn't about doing what's right or what's fair. It's all about doing as much as you could get away with. Well, there is a reason we still have the Voting Rights Act. And when some folks say we no longer need it my response is just look at the discriminating map in **SB 4**. It is exactly this sort of purposeful discrimination that the Voting Rights Act serves to protect, and that's why they don't want African Americans to be able to elect folks who understand the importance of the Voting Rights Act. So, pass this illegal map because you have the vote, but thank goodness you haven't succeeded in repealing the Voting Rights Act and the judicial review. Now, I would urge you to vote no against **SB 4**.

ALONZO: Members, I came before you earlier, as Mr. Chisum pointed out, it was kind of like cheerleading, and the answer is yes it was cheerleading, because I'm cheerleading for what's right, I'm cheerleading for an opportunity to have more opportunity minority districts. And specifically, cheerleading for my North Texas area to make sure North Texas has Hispanic Opportunity Districts. And I'm going to do these closing remarks in two parts.

First, I'm going to remind you that I presented a plan, an alternative plan to the current plan, the Alonzo/Veasey Plan. The Alonzo/Veasey Plan which was a joint author showing, members, that Hispanics, and African Americans working together, and making sure that we propose plans and specifically the Alonzo plan that creates an opportunity for four additional Hispanic opportunity districts, and an additional black opportunity district in North Texas. And, as I pointed out definitely in North Texas the Hispanic opportunity plan. And I went step-by-step. And, in addition, members, I pointed out that in Austin, Texas, in Travis County has a strong history of coalition voting. The county has elected a Hispanic to the state senate, and has a multi-ethnic set of city and county office holders. Six current countywide elected officials are Hispanic. This plan places Congressional District 25 almost entirely in Travis County, incorporating the most politically cohesive neighborhoods in the county and adding Hispanic growth neighborhoods in Hays and Williamson County. It enhances HVAP Congressional District 25 by five percent. So members, what it does is talk about

four additional Hispanic Opportunity Districts, an additional coalition African American district in Tarrant County. It talks about how Hispanics and minorities work together to elect their selection of choice in Travis County.

And lastly, members, I mention that one of the areas of Texas that we can not forget is West Texas, West Texas, West Texas. And in this proposal that I presented to you in Congressional District 19, West Texas, we have a district that's emerging Hispanic district that will allow, as time goes by, for Hispanics to be elected, or for Hispanics to have an opportunity to elect a person of their choice. So, members, to support my position I will make exhibit number one part of the record, which are the comments on my presentation.

Exhibit I

Congressional Substitute Plan C142

Fifteen of 36 districts in this plan are majority minority. Ten are majority Hispanic Voting Age Population (HVAP). Eight of those are majority Spanish Surname Voter Registration (SSVR). The 2010 Census shows Texas to be 37.6 percent Hispanic. Proportionality would suggest that 14 of the 36 districts should be Hispanic.

Under this plan, the four new districts are all Hispanic opportunity districts, reflecting the state's growth. CD 33 runs from Cameron to Nueces County and is 68.6 percent SSVR. Unlike the senate plan before us, which strands over 200,000 Hispanics from Nueces in an Anglo-dominated district, this plan incorporates the vast majority of that Hispanic population (173,337) in CD 33. CD 34 is anchored on the south side of Bexar County and runs to San Marcos and Bastrop. The SSVR of 50.1 percent exceeds that of the senate plan by five percent in a similar district. Sixty-nine percent of the district's population is in Bexar County, allowing the minority voters of that county to dominate two districts, which their population justifies. CD 35 is largely in Dallas County, but contains some population in Tarrant. The 34 percent SSVR in this district (vs. 12.6 percent black and 19.4 percent Anglo) will allow Hispanic voters to elect the candidate of their choice through domination of the democratic primary and general election. CD 36 is entirely in Harris County on the western side. The 23.6 percent SSVR will provide Hispanics with the largest voting bloc in the democratic primary in this multi-ethnic district. This current 24 percent voting strength compares to 21.6 percent Anglo population, 14.9 percent black, and 8.9 percent other. Hispanics will clearly have the opportunity to elect the candidate of their choice. Demographic patterns will continue to strengthen the Hispanic contribution in these precincts. Middle class neighborhoods on the western end of the district are seeing an explosive growth in Hispanic population.

CD	Dominant County	Dist pop % in Co.	10G SSVR	08G SSVR	HVAP	Anglo VAP	B+H VAP	Other VAP
15	Hidalgo	64	67.8	67.6	75.3	21.6	77.5	0.9
23	Hidalgo	47	67.1	67.5	75.1	20.4	77.2	2.5
16	El Paso	100	65.8	66.9	77.5	17.1	80.8	2.1
20	Bexar	100	50.7	51.2	60.3	28.7	67.4	3.9
34	Bexar	69	50.1	50.5	60.3	29.1	69.2	1.8
28	Laredo	36	72.1	72.6	80.7	16.1	82.9	1
33	Cameron	58	68.6	69	76.9	19.6	78.9	1.5
29	Harris	100	52.2	52.3	72.1	16.2	81.9	1.8
36	Harris	100	23.6	23.4	51	25.6	64.5	9.9
35	Dallas	91	33.9	33	59.6	24.7	71.8	3.5

Travis County has a strong history of coalition voting. The county has elected a Hispanic to the state senate and there is a multi-ethnic set of county and city officeholders. Six current countywide elected officials are Hispanic. This

plan places CD 25 almost entirely in Travis County, incorporating the most politically cohesive neighborhoods in the county and adding Hispanic growth neighborhoods in Hays and Williamson Counties. This enhances HVAP in CD 25 by five percent. In a district with proven cohesive voting, an enhancement of Hispanic voting strength clearly makes this an opportunity district for Hispanic voters.

CD	Dominant County	Dist pop % in Co.	10G SSVR	08G SSVR	HVAP	Anglo VAP	B+H VAP	Other VAP
25	Travis	91	21.4	21.5	39.1	43	50.4	6.5

Additionally, CD 12 in Tarrant County will unite the insular and cohesive black and Hispanic communities in Tarrant County with a portion of southwest Dallas County. The resulting district, at 35.2 percent black and 70 percent black and Hispanic, will provide black voters the opportunity to elect the candidate of their choice.

This plan then provides four plurality black districts where black voters should control the outcome. Proportionality suggests that there should be four black districts. (11.84 percent of population x 36 districts = 4.26 districts).

		Black %	Anglo %	08G SSVR	Other %	B+H %
9	Harris	39.1	20	12.5	12.5	67.5
12	D/FW	35.2	24.8	15.5	5.2	70
18	Harris	39.1	23.7	14.7	4.3	72.1
30	Dallas	40.4	23.5	10.5	3.1	73.4

The major urban counties of the state are treated more fairly in this plan. Dallas County dominates three districts, Tarrant three, Bexar three, and Harris six. East Texas has two rural districts without fingers going into major urban or suburban counties.

The voters of Hidalgo County are treated fairly in this plan. The county is split between two districts, not three as in the senate plan, and the county's voters will be expected to dominate those districts. Additionally, CD 19 in West Texas provides opportunity for Hispanic growth, becoming a district of less than 50 percent Anglo population. The continued rapid demographic changes on the high plains of West Texas will make this a majority Hispanic district by the end of the decade. CD 19 splits only one county.

		Hisp. %	HVAP	Black %	B+H %	Other %	Anglo %
19	West TX	41.4	36.4	7	47.8	2.7	49.5

Number two, members, one of the discussions that we had was whether the plan created opportunity districts, and I pointed out that in the congressional district that I proposed, District 23, former State Representative Noriega got 60 percent in Congressional Proposed District 34. Former State Representative Noriega got 63 percent in Congressional District 35, he got 63.4, and in Congressional District 36, he got 51.9 percent. So, I submit that, members, as exhibit number two to support my position.

Exhibit II

Congressional Plans Democratic Primary side by side with General Election

Current Districts

Plan C100 CD	2010 Dem Primary Uribe	2008 Dem Primary Noriega	2008 Dem Primary Yanez	2010 Gen. Election Uribe	2008 Gen. Election Noriega	2008 Gen. Election Yanez

15	75.7	66.1	78.9	55	61	65.1
16	72.9	61.7	73.3	57.1	65.6	68.4
20	75.4	75.6	75.2	59.6	64.2	67
23	71.2	68.8	70.3	43.6	50.7	53.7
25	55.6	57.9	53.9	48.2	55.4	57.8
28	80.6	71	77.6	51.3	57.7	60.5
29	51.4	65.2	72.5	62.3	67.5	68.5
27	77.3	63.3	74.1	46.4	54.5	58.2
34						
35						
36						
Statewide	51.7	51	51.4	35.3	42.8	44.6

House Committee Report

Plan C149 CD	2010 Dem Primary Uribe	2008 Dem Primary Noriega	2008 Dem Primary Yanez	2010 Gen. Election Uribe	2008 Gen. Election Noriega	2008 Gen. Election Yanez
15	75.7	65.8	77.1	49.3	57.1	60.3
16	73.5	62.1	73.8	58.5	66.6	69.4
20	73.9	74.2	72.9	52.4	58.5	61.4
23	67.7	65.3	68.4	39.5	47.5	50.5
25	50.5	52.7	42.4	33.2	40.1	41.7
28	81.1	72.5	77.8	60.1	64.3	67.3
29	53.4	67.3	73.5	65.8	70.6	71.5
27	54.1	50.4	57.8	32.9	41	44.5
34	78.2	65.9	79.1	55.4	61.9	66.3
35	62.3	64.9	66.5	52.9	60.2	62.8
36	23	29.2	29.3	24.3	32.9	35.1
	51.7	51	51.4	35.3	42.8	44.6

Alonzo/Veasey

Plan C142 CD	2010 Dem Primary Uribe	2008 Dem Primary Noriega	2008 Dem Primary Yanez	2010 Gen. Election Uribe	2008 Gen. Election Noriega	2008 Gen. Election Yanez
15	73.4	63.3	76.9	52	57.6	61.9
16	72.1	61.4	72.4	55.5	64.1	66.9
20	73.8	73.7	72	52.2	58.6	61.2
23	77.7	68.3	77.1	52.3	59.6	63
25	65.4	61.9	61.3	63.7	67.4	69.1
28	78.7	69.3	77.7	58.8	61	64.4
29	51.1	65	72.2	61.4	66.7	67.7
33	78.6	65.8	77.4	52.9	60.3	64.3
34	60.8	67.3	67.1	52.7	59.5	62.7
35	55.4	58.2	59.5	58.7	63.4	64.9
36	44.1	56.2	59.5	43.7	51.9	52.8
	51.7	51	51.4	35.3	42.8	44.6

Thirdly, members, thirdly, one of the discussions in Travis County, and in Travis County I present an exhibit that shows when Doggett and Hinojosa ran for congress, candidate of choice was Doggett. What we have said all along, what we have said all along is all we want is an opportunity. So that being said members I present exhibit number three.

Exhibit III

Office of the Secretary of State
2004 Democratic Primary Election
3/9/2004

U.S. Representative District 25

County	Lloyd Doggett DEM	Leticia Hinojosa DEM	Total Votes	Total Voters	Turnout
ALL COUNTIES	40,306	22,305	62,611	881,215	7.10%
CALDWELL	2,133	656	2,789	20,650	13.50%
DUVAL	2,347	1,708	4,055	10,121	40.06%
GONZALES	985	243	1,228	12,232	10.03%
HIDALGO	8,663	8,599	17,262	257,274	6.70%
JIM HOGG	811	1,630	2,441	4,261	57.28%
KARNES	1,729	1,047	2,776	8,751	31.72%
LIVE OAK	809	359	1,168	7,124	16.39%
STARR	4,530	5,638	10,168	27,431	37.06%
TRAVIS	18,299	2,425	20,724	533,371	3.88%

Now members, let me speak about the proposed district. The proposed district, **SB 4**, is overreaching, and has been pointed out by Chairman Solomons. The main people that they listen to were the incumbent congressmen, and even though they listened to the incumbent congressmen we still proposed districts taking them into consideration. But we were more concerned about the four additional congressional districts. That being said members, I believe that the plan proposed by Chairman Solomons, senate congressional proposal, **SB 4** is retrogressive. Number two, **SB 4** also has Section 5 violations, because the current congressional district map has 11 districts for minority voters—have been able to elect the candidate of choice within the decade. Under the Seliger/Solomons plan there are only 10 districts where minorities would have an effective opportunity to elect the candidate of choice. One less than the current plan, even though four additional congressional districts were proposed in Texas solely because of population.

The other point I want to point out members, there's a Section 2 violation. Given the presence of alternative plans, the willful decision by the authors to reduce the number of effective minority opportunity districts when additional districts could have been drawn, clearly violates the Voting Rights Act. That being said, members, between 2000 and 2010, the Anglo population in Dallas and Tarrant Counties decreased by 600,000. Only 41 percent of the population is Anglo, but the Republican plan, Anglos will control seven of eight districts in North Texas, 87 percent. Members, that is not right. That being said, members, instead of giving you a five-minute speech, I'm going to submit this as exhibit number four. Exhibit four, members.

Exhibit IV

SB 4 Congressional Proposal

(Note: All versions of the republican plan are virtually the same regarding voting rights issues. The most recent version is PLAN C141, which passed the senate.)

Republican Power Grab Tainted by Statewide Retrogression, Packing and Cracking Minority Voters, and Reckless Disregard for Local and Regional Communities of Interest

The congressional map proposed by Republican Senator Seliger and Republican Representative Solomons is the Tom DeLay approach and then some. Aided and abetted by Governor Perry, Lieutenant Governor Dewhurst, and members of the Texas republican congressional delegation, the Seliger-Solomons plan is an arrogant partisan power grab that is clearly retrogressive in violation of the Voting Rights Act. The GOP plan splits county after county and community after community, it targets minority voters systematically robbing them of their voting strength—all to achieve its partisan and discriminatory purpose.

Mapmaking Process Excluded Minority Officeholders

It's little wonder that the proposed republican congressional plan is retrogressive. The plan was developed without any input from legislators who were elected as the choice of Latino or African American voters. That was true of the process that developed state legislative plans, and the exclusion of minority input was perhaps even more pronounced in the development of this congressional plan.

- Legislators who represent communities of color were not allowed to sit at the table and discuss this plan until GOP leadership agreed to a map that would enlarge Tom DeLay's footprint by trampling the voting rights of the Latinos and African Americans responsible for Texas receiving four additional congressional districts.
- During the regular legislative session, there was one hearing on congressional redistricting in the Texas House committee and one in the Texas Senate committee, but no plan was presented, and this map ignores the testimony of most, if not all, Latino and African American witnesses.
- Again, in the special session, one hearing was held in each chamber after the plan was drawn. This plan was never seen by minority members of the house and senate, or even minority members of the house or senate redistricting committees, until it was made public on Tuesday, May 31.
- Governor Perry signaled how he hoped the plan would be developed and passed without little, if any, public input when he told reporters that he would only call legislators back to Austin on redistricting if lawmakers agree on a map in advance.
- *The Texas Tribune* reported on May 28, 2011, that Perry said: "When they get to an agreed bill, then I would be willing to talk about having them back in there for a very quick two- or three-day session to get redistricting done."

Statewide Retrogression

Facts

- Texas received four additional congressional districts for one reason only: the explosive growth of the state's Latino and African American population growth. Latino growth alone is responsible for 65 percent of the state's population growth, and non-Anglos are responsible for roughly 90 percent of that growth.
- In fact, Texas is now a "majority minority" state. Only 45 percent of the Texas population is Anglo, but this republican plan would give Anglo voters electoral control of 72 percent—or 26 of 36—congressional districts.
- The proposed PLAN C141 would actually allow Anglo voters to control three additional districts, which clearly constitutes illegal retrogression under Section 5 of the Voting Rights Act.
- Additionally, because an alternative plan (PLAN C121) has been presented that shows three additional Minority Opportunity Districts can be drawn in a 36 district plan (and others have proposed a fourth), the proposed PLAN C141 almost certainly violates Section 2 of the Voting Rights Act as well.

Section 5 Violations

The current 32-district congressional map has 11 districts where minority voters have been able to elect their candidate of choice within the last decade. Of the 11, seven are effective Latino Opportunity Districts (15-Hinojosa, 16-Reyes, 20-Gonzales, 23-Canseco, 27-Farenthold, 28-Cuellar, 29-G. Green); three are effective African American Opportunity Districts (9-A. Green, 18-Jackson Lee, 30-Johnson); and in one district (25-Doggett), minority voters and like-minded Anglo voters have formed coalitions to elect their candidate of choice. Although Districts 23 and 27 did not elect the Latino candidate of choice in the 2010 "wave" election, they did elect the Latino candidate of choice in every previous election under their current configuration. Under the Seliger-Solomons plans, there are only 10 districts where minority voters would have an effective opportunity to elect their candidate of choice, one less than the current plan, even though four additional congressional districts were apportioned to Texas solely because of minority population growth.

NOTE: The republican sponsors of this plan will attempt to mask this illegal and unconscionable statewide retrogression by saying two of the new districts, 34 and 35, are new Latino Opportunity Districts. However, that is not the case.

- The District 27-District 34 switch: The "new" Latino District 34 is simply a replacement for the existing effective District 27, which could be easily controlled by Anglo voters under the proposed plan.
- The Dilution of District 23: Even more egregious is the change made to District 23, which would also be controlled by high turnout Anglo precincts and counties in this plan. Although the PLAN C141 configuration would maintain its Latino population based on census data alone, a look at election data demonstrates that it would no longer be an effective Latino Opportunity District. For example, the Hispanic candidate of choice in 2008 was President Obama, who carried the district with 50.9 percent of the vote. Under this plan, McCain carried the district with 51.9 percent of the vote to Obama's 47.2 percent—a 3.7 percent change. This outcome was achieved by exchanging selected precincts in Bexar and El Paso Counties, even going so far as to take District 23 all the way across the Franklin Mountains into the west side of El Paso to achieve a purely partisan outcome.
- Even if the plan preserved District 23 as an effective Latino Opportunity District, simply maintaining 10 current Minority Opportunity Districts in a plan that now has 36 districts instead of 32 would constitute an illegal retrogressive effect.
- District 25 eliminated as an effective coalition district: PLAN C141 also splits the effective Travis County voting coalition into five districts, leaving the state's fifth largest county and the Capital of Texas without a majority of the population in any one of these five congressional districts.

Section 2 Violations: The Failure to Draw Additional Minority Opportunity Districts

- The "Fair Texas" PLAN C121 demonstrates that it is possible to draw three of the four new districts as additional Minority Opportunity Districts while preserving all the current effective Minority Opportunity Districts.
- The "Fair Texas" plan and numerous other plans have shown that it is possible to draw two additional Latino Opportunity Districts while preserving all seven effective existing Latino districts, including one in Dallas and Tarrant Counties and another in the South Texas border region between the Rio Grande and South Central Texas.
- The "Fair Texas" PLAN C121 also demonstrates that it is possible to draw a second effective African American Opportunity District 35 in Dallas and Tarrant Counties (while preserving all the current and proposed Minority Opportunity Districts) which has population characteristics remarkably similar to PLAN C141's District 9 in Harris and Fort Bend Counties.

- Other plans propose the creation of an additional Latino Opportunity District or Latino majority district in Harris County, which, if adopted, would make all four new districts majority minority districts.
- Given the presence of these alternative plans, the willful decision by the authors of PLAN C141 to reduce the number of effective Minority Opportunity Districts when additional districts could be drawn clearly violates the Voting Rights Act.

Regional Analysis

North Texas

In Dallas-Forth Worth, only one district provides opportunity for 2.1 million Latinos and African Americans. The combined population of Dallas and Tarrant Counties is similar to the population of Harris County. Over 2.1 million Latinos and African Americans reside in the two counties—a 52 percent majority of the population—but under the proposed congressional map, only one of eight, or 12.5 percent, of the districts that include parts of Dallas and Tarrant Counties would provide an effective electoral opportunity for African American and Hispanic voters.

- None of the five districts that include all or part of Tarrant County provide an electoral opportunity for African Americans or Hispanic voters.
- Between 2000 and 2010, the Anglo population in Dallas and Tarrant Counties decreased by 156,742 while the African American and Hispanic population increased by almost 600,000. Only 41.2 percent of the Dallas-Tarrant population is Anglo, but in the republican plan, Anglos would control seven of eight, or 87.5 percent, of the congressional districts in the North Texas region.

The Republican Plan Packs District 30 and Cracks the Rest of the DFW Minority Population

- Over 1.4 million Latinos reside in Dallas and Tarrant Counties, but the republican PLAN C141 cracks the DFW Latino population into at least seven different districts, denying effective electoral opportunity for the fastest growing Latino community in the country.
- The core Dallas County Latino community in the Oak Cliff area is split between District 30 and the Anglo-controlled suburban District 6, which also includes Grand Prairie. Other Hispanic neighborhoods are placed in suburban Anglo Districts 24 and 32, and rural-based Anglo District 5.
- In Tarrant County, the Latino north side community is exiled to Denton-based suburban District 26, while the growing south side Latino community is placed in District 33, which is based in Arlington and Parker County.
- Several alternative plans proposed a new Latino Opportunity District in the region that is over 70 percent Latino, but those plans were ignored in republican PLAN C141.

Representative Veasey's "Fair Texas" PLAN C121 proposed not only a new Latino Opportunity District, but also an additional African American Opportunity District in the DFW area, but the republican plan denies the Tarrant County African American community an effective voice in Congress, again. Most of the southeast Fort Worth, as well as Forest Hill and Everman, African American community is placed in District 12, which would be controlled by Anglo voters in northern and western Tarrant County. Most of the African American growth areas in south and southwest Tarrant County and Arlington are placed in suburban and Anglo District 33.

South Texas Border Region

- The current 32 district congressional map has six effective Latino Opportunity Districts in the South Texas border region (15-Hinojosa, 16-Reyes, 20-Gonzales, 23-Canseco, 27-Farenthold, 28-Cuellar).

- The republican PLAN C141 does not create an additional effective Latino district in the South Texas border region. Instead, two currently effective districts (23 and 27) are made ineffective to protect republican incumbents, and those districts are swapped for new districts (34 and 35).
- The republican sponsors of this plan will attempt to mask this swap by implying Districts 34 and 35 are additional Latino Opportunity Districts.
- The "new" Latino District 34, which is based in Cameron and Hidalgo Counties, is simply a replacement for the existing effective District 27, which becomes an Anglo controlled Coastal Bend and rural district under the proposed republican plan.
- The republican plan dilutes an effective Latino electoral opportunity in District 23 in the same way that caused the supreme court to strike down the district as drawn in the 2003 DeLay map.
- District 23 would be controlled by high turnout Anglo precincts and counties in the republican plan. Even though it would maintain its Latino population based on census data alone, a look at election data in the proposed district demonstrates that it would no longer be an effective Latino Opportunity District. Under this plan, the district would swing over four percent to the Anglo candidate of choice, an outcome achieved by exchanging selected precincts in Bexar and El Paso Counties, even going so far as to take District 23 all the way from northern Bexar County all the way across east El Paso and the Franklin Mountains to cherry pick precincts from the far west side of El Paso.
- Given the dilution of District 23, the new San Antonio to Austin District 35 simply replaces it as an effective district, although District 35 goes unnecessarily into the near west side of San Antonio.
- District 20 is maintained as an effective San Antonio-based Latino district, although this configuration splits a portion of its west side base and extends it outside the Anderson Loop.
- District 16 is maintained as an effective Latino Opportunity District based in El Paso County, but the configuration of District 23, which splits lower valley and west side communities, shows a blatant disregard for preserving communities of interest.
- District 15 is maintained as an effective Latino Opportunity District based in Hidalgo County; District 28 is maintained as an effective Latino Opportunity District based in Webb County.

Harris County - Southeast Texas Region

- The republican plan does maintain the three effective Minority Opportunity Districts in Harris County, although the configuration of African American Opportunity Districts 9 and 18 is dramatically altered to extend District 18 al the way south to the Fort Bend County line and into southwest Houston, where an emerging Latino population is split three ways between Districts 9, 18, and 7 (Culberson).
- Given the fact that the proposed plan creates no additional effective Minority Opportunity Districts or majority minority districts in Harris County, there is no reason for the dramatic changes in those districts, and the "Fair Texas" plan maintains these districts with minimal changes.
- Harris County lost 82,000 Anglo residents over the last 10 years, while the Latino population grew by almost 552,000 and the African American population increased by over 134,000. Today, Harris County is only 33 percent Anglo, and neighboring Fort Bend County, with a population of over 585,000, is only 38 percent Anglo.
- 1.7 million Latinos reside in Harris County, and plans have been proposed that create an additional Latino majority district in Harris County, a legislative policy choice the republicans in charge have rejected.

Travis County

- Travis County, and the current District 25 (Doggett), is home to an extraordinary and cohesive coalition of Latinos, African Americans, and like-minded Anglos that have elected their candidates of choice at every level of government—from Congress and the legislature to countywide, citywide, and local district offices.
- In fact, Travis County is so cohesive that the only way republicans can break it up is by proposing a congressional plan that splits it into five districts, none of which would have a majority of its residents in Travis County.
- The proposed District 35 links parts of the Austin Latino community with Latino communities in Bexar County to create a Latino Opportunity District. Even if that were one of only two districts sharing Travis County, the effective coalition could still function in the remainder of the county. Instead, the republican plan splits Travis County into four more districts, and the diverse commissioner's Precinct One represented by African American County Commissioner Ron Davis is split into four districts, a key component of the plan's destruction of the multi-racial Travis County coalition.
- District 25 literally exports the diverse east and northeast Austin African American population into a district that runs west through a sliver of the county in a district that runs 200 miles to Brownwood and the Johnson County suburbs of Forth Worth.
- San Antonio-based District 21 (Smith) enters the county from the south, pulling central south Austin, downtown, the Capitol, and the UT campus down into a district controlled by suburban Bexar County.
- District 10 (McCaul), which is actually based politically in suburban Harris County, enters the county from the east to pull out some African American voters in northeast Austin and Pflugerville and a large portion of north central Austin.
- District 17 is the newcomer to the deny-Austin-a-voice sweepstakes, grabbing a majority minority slice of north and northeast Travis County and submerging it in a Bryan-College Station and Waco-based district.

Rural Texas

Although republicans control rural districts today, the republican plan shows little respect for many rural counties in south, central, and southeast Texas, splitting them for no apparent reason other than snaking their bizarre district lines around the state to achieve a partisan and discriminatory purpose. For example, as a direct result of their insidious five way division of Travis County, the republican plan also splits all seven rural counties immediately east and southeast of Austin and splits both Bastrop and Hays Counties three ways.

Lastly, members, my final exhibit, my final exhibit, my final exhibit. I'm going to label it exhibit number five. This exhibit, members, is a letter from the state demographer. All session long, all session long, all session long, all session long we've talked about the numbers, the numbers, the numbers. The population increased close to four million. Hispanics, close to three million. That's the main point we've been trying to make all session long. All session long about the increase of Hispanics, African Americans, and Asians. Just to make it easier members, I sent it through the internet so you can read it on your own. That is my final point. This is my final exhibit. I rise against, I speak against this plan. Please vote no on the Seliger/Solomons map.

Exhibit V

OFFICE OF THE STATE DEMOGRAPHER

February 24, 2011

The Honorable Roberto Alonzo
Room CAP 4N.6, Capitol
P.O. Box 2910

Austin, TX 78768

Dear Representative Alonzo,

Please see below for the demographic information you requested. You specifically requested the Census 2000 and Census 2010 population counts for Texas by race/ethnicity. Additionally, you requested an estimate of how much of the population growth between 2000 and 2010 can be attributed to growth in the Hispanic population.

The table below references the U.S. Census Bureau 2000 and 2010 Population Counts. As you can see in the table below, the population of the State of Texas has grown by a little over 20 percent. A large majority of that growth is attributed to growth in the Hispanic population, making up about 65 percent of the total population increase.

	2000 Census Pop.	**% of 2000 Pop.**	**2010 Census Pop.**	**% 2010 Pop.**	**2000 to 2010 % Change**	**2000 % Change**	**% of Pop. Growth**
State Tot.	20,851,820	100.0%	25,145,561	100.0%	4,293,741	20.6%	100.0%
Anglo*	11,074,716	53.1%	11,397,345	45.3%	322,629	2.9%	7.5%
Black*	2,421,653	11.6%	2,886,825	11.5%	465,172	19.2%	10.8%
Asian*	685,785	3.3%	1,400,470	5.6%	714,685	104.2%	16.6%
Hispanic	6,669,666	32.0%	9,460,921	37.6%	2,791,255	41.8%	65.0%

Please do not hesitate to contact us if you have any questions on this material or additional data requests. You can reach me at 210-458-6539 or lloyd.potter@osd.state.tx.us. You can also reach us at our Austin office at 512-936-3542.

Respectfully,

Lloyd Potter, Ph.D.
State Demographer

VEASEY: Members, in the old south politicians used high African American populations in order to continue to send themselves to congress. The communities that were being discriminated against in the wake of this very blatant and overt discrimination in places like Charleston, South Carolina, Birmingham, Alabama; Atlanta, Georgia, places that have large African American populations. The people that went to congress repeatedly, over, and over, and over were people who upheld segregation and were against those communities. Even in the midwest, in places like Chicago, and Detroit, and Cleveland. In the wake of the great migration, politicians there still managed even with the fast growing numbers of African Americans that continued to move into those cities, the politicians there continued to keep that power and those additional opportunities bottled up for themselves. And that is exactly what this plan does. The Solomons-Seliger plan. Despite the fact that 90 percent of growth in this state over the last 10 years has been African American and Hispanic, there are three new additional Anglo seats that are being created. I don't understand that math. It's nothing more than discrimination. That is exactly what this plan is all about. Splitting, packing, making it impossible for African American and Latino communities to make, to pick the candidate of their choice. And the people that get to go to D.C., just like back in the old days, are the people that are going to be against these very same communities. They're going to go up there and they are going to vote against things that are important to the African American and Latino community over, and over, and over again.

Times have changed, and things are definitely different. But when you look at this plan, it definitely could have been concocted out of the 1950s, the 1940s. It is no different in regards to that a long time ago. It ignores the fact that if we were dependent on the Anglo population only we would probably be losing a seat. But once again, this plan fails to even take that into consideration. Thank

God for the Voting Rights Act. Representative Dukes talked about that a little bit earlier. Because I believe that Section 2 of the Voting Rights Act and Section 5 makes this plan blatantly illegal.

The other thing that I think is important to point out is that we took field hearings from all around the state over, and over, and over again. And one of the things that I'm proud of, and I presented my "Texas Fair Plan" earlier today that protected all the incumbents and awarded the seats based on proportion of elections and what have you, so we could actually have a fair plan, and not have one that is retrogressive like the one today is. That not only did I listen to the African American and Latino residents of our state that came to testify before the Redistricting Committee, I also listened to the republican communities that are largely Anglo in this state. I can tell you that in North Texas we had republicans, Anglo republicans from Johnson County, from Hood County, from Johnson County, from Collin County, Denton County. All came and testified and said that they did not want their communities to be paired with citizens in urban Dallas and in urban Fort Worth. Exactly what this plan does to dilute votes in those communities to make those communities vote less powerful. That is exactly what they've done, not only in Dallas/Fort Worth, but they did that everywhere. If you look at the Solomons/Seliger plan, there are only 10 Minority Opportunity Districts in the entire plan. That's retrogression. The current plan has 11 seats, so not only does this plan go backwards, it takes into—you would think there was no African American, and no Latino growth at all in the last 10 years, but that is just not a fact. And so, just like back in the day, in 2011 this plan creates new seats for people who are going to go Washington and vote against these very same communities that will allow them to go to congress, and that's just wrong. I urge you to vote no on this plan.

MARTINEZ FISCHER: Again Burt, thank you. I know I've said this publicly and privately—I know it's not easy chairing redistricting. I know you've worked hard, and the committee's worked hard, and the staff, and so on and so forth. And so, while I and other members aren't agreeing with the map that's being produced, we all recognize the effort and the commitment that you and the committee have put into it. And so, you know, thank you for that. Having said that, here's what my concern is. You and I both were talking about redistricting 10 years ago and we talked about how this went to the courts. And from the State Board of Education, the state house, the state senate to now, we've had lots of discussion about theories. You know, your theory, or the theory behind **SB 4** versus the theory, let's say, behind the MALC map. And ultimately, you and I agree that some other authority, whether it be a reviewing authority like the DOJ, or a D.C. court, or three judge panel on the U.S. Supreme Court, somebody is going to have the final say other than us. You agree with that?

SOLOMONS: There is an appellate process—as an attorney, there is an appellate process. You do have another set of eyes down the road that will look at what you're doing. That's why it's so important for the committee, both committees, both in the senate and the house, to try to come up with the fairest, legal plan that we could. You and I both know that you can do things in a lot of different ways, but we think this map will hold up. You may differ in that. Some of the groups differ, but you and I both know that's going to be reviewed by other folks.

MARTINEZ FISCHER: And all I'm asking for is—10 years ago, a group like MALC challenged the LRB map, and we were successful at the United States Supreme Court level. And as you know, under these federal voting rights cases, MALC became a prevailing party, and as a prevailing party they were entitled to their court awarded attorney's fees, expert fees, and all their costs for litigation. And you may or may not know this because of the back story after it was all said and done. We were awarded those fees and costs that we're entitled to as a prevailing party, and then we had to sue the State of Texas to collect them,

because at that time Attorney General Cornyn appealed, and we had to petition before the United States Supreme Court just on attorney's fees. Nothing else. We had already won, the maps were fixed, all the fighting was done, it was just now paying the bill, and all I want from you is to know if that were to happen again that we could get your commitment to work with us, to work with the State of Texas, and make sure if MALC prevails, or any other group that's entitled to relieve it, that you work with us to see that we get what we're entitled to so that we're not fighting these things on shoestring budgets. We don't have the unlimited resources, and should we prevail, would you commit to do your part to help us seek the relief that we're entitled to if it's awarded by a court?

SOLOMONS: I'm not sure how I can do that. That's up to the attorney general to decide on whether or not they think that, for example, the cost would be too high. A lot of times, as you well know, in civil rights cases, and other types of issues, on the federal level especially, that goes to whether or not the parties believe—they may be entitled to the attorney's fees, but there is some issue as to the amount of the attorney's fees. Certainly after all the tort reform we've had around here about prevailing parties, and so forth, I'm sure that's going to be a part of the mix.

MARTINEZ FISCHER: But, you know, just keeping it consistent with the loser-pays philosophy, you know—

SOLOMONS: Tort reform.

MARTINEZ FISCHER: But, being clear, on this issue 10 years ago, the court decided. They set an amount. It was a judgement.

SOLOMONS: I wasn't aware of that. I didn't have that background. You know when Pete walked up he was going, "You know that's true." I believe you. If that's the case, that's fine. And certainly, if the attorney's fees are reasonable, the expenses are reasonable, I would think the attorney general would want to work with the parties. But I can't really comment on what the attorney general would or would not do.

GALLEGO: Mr. Solomons, the last time that we went through this process, the Mexican American Legislative Caucus did, in fact, prevail. The courts ordered the awarding of attorney's fees, and at that point the leadership and the attorney general made the decision not to pay the attorney's fees. And essentially, the goal was a deliberate effort, in my view, to punish the caucus, or to break the caucus. And, I would hope, financially, because of the outpouring of money, the outlay of cash that had gone into the litigation, and so I would hope that you would at least be willing to go with the members of MALC and have the conversations with the attorney general about the appropriateness of following the court orders. Because frankly, had it ended up on the issue of attorney's fees, because that was the only issue that would have gone back up to the Supreme Court, the state would have been sanctioned for something so frivolous. Talk about a frivolous lawsuit of just going up on the issue of attorney's fees and wasting the Supreme Court's time. So I would hope that you would at least be willing to go with the members of MALC and talk to the appropriate—whether it be the attorney general or the governor or whoever—about the appropriateness of ending the litigation. When it's over, it's over. And the cards fall where the cards fall. And we pay the bills accordingly. And I would hope that you would be able to help do that.

SOLOMONS: I generally have found in federal cases, if you prevail, you can argue about the amount, but usually the courts are going to go along and award the prevailing party, in those kinds of cases, attorney's fees.

GALLEGO: And when the court has reviewed the bills and set the amount—

SOLOMONS: Right. I can't. You know and I know, I can't speak on behalf of what the attorney general down the road will do.

GALLEGO: Absolutely. And all we're asking is that you—

SOLOMONS: But let me just say this, as an attorney, as someone who in his younger days actually tried cases; listen, I'm always for the awarding of reasonable attorney's fees.

GALLEGO: And so I would hope, again, we're not—obviously, none of us have the authority to commit the attorney general. But, at the appropriate—and, frankly, this attorney general, General Abbot, on his first day in office is the guy who signed the order paying us the attorneys fees and, personally, I'll be forever grateful for that. But I would be hopeful that you would be willing to engage the attorney general in conversation on our behalf. And I think that's the question, if the circumstances merit that.

SOLOMONS: Well, I'm kind of hoping that you don't prevail, but if you do, I'll certainly consider it.

VEASEY: Mr. Solomons, did you adhere to the republican doctrine back in 2003, when the mid-decade redistricting was done, that the percentage of seats should be awarded based on statewide election totals? And what I mean by that is one of the things that we heard over and over in 2003 was that 50 some odd percent of Texas voters voted an average of 50 some odd percent in state wide elections for republican candidates. So, therefore, that percentage of the congressional seats should be awarded to those candidates. Was that a philosophy that you bought into back in 2003?

SOLOMONS: You know, I vaguely remember 2003 and congressional redistricting. I wasn't really part of that. I remember that we had—it was very contentious in 2003 in congressional redistricting. A lot of arguments were made. I'm sure that was one of them. I know you've tried to make that record on your "Texas Fair Plan," as well as what we're doing here on this plan. So I'm not here to countermand you. I just don't remember distinctly 2003, and what specific arguments were made.

VEASEY: Okay. The other question that I had for you was, of course, you've heard that 90 percent of the growth in the state has been non-Anglo, that 90 percent of the growth in the past 10 years has been Hispanic, African American, and Asian American. I want to specifically ask you about the metroplex. Of course, you know the metroplex is the fastest growing Hispanic area in the entire country, and the second fastest growing African American area in the entire country. You have 2.1 million residents that are African American or Hispanic that live in the Dallas/Fort Worth metroplex. How do you justify drawing only one seat for such a large group?

SOLOMONS: Well, we drew other seats in other parts of the state, and you have an opportunity to decide where you want to put seats. There is some concern about Hispanic citizen voting age population versus raw numbers from the black community. You have mostly—there are citizens. And you look at the total population, you look at the voting age population as well and the totality. But, in context, this is the map we came up with. I know that your position is very strong about creating another Hispanic minority majority opportunity seat in the Fort Worth metroplex, but I think that what we did in the map was fair, it's legal. And, as you well know, and as Mr. Martinez Fischer alluded to, we're probably going to go to the courts and decide if, in fact, we're right on this issue that we can put the seats where we put the seats in the context of the entire state.

VEASEY: Well, I guess more specifically, because I know that ya'll have been able to sort of manipulate and be a little misleading with the SSVR and the HCVAP. But I wanted to ask you about the Section 2 African American—

SOLOMONS: I don't think we've been misleading. Those are the real numbers. Now, we can argue how important they are, but they are the real numbers. They are part of a greater progression of items that you look at in redistricting. I've never served on redistricting before. This is my first session. All I wanted to do, if you recall, I think I told every member of this house, all I wanted to do was be on the committee. But somehow in doing this, as a chair I've had to learn a few things. And one of them is that there are a number of traditional redistricting matters that you look at, not all of it is reliant on the numbers. But the numbers are very important. And that's what we've relied on heavily, the numbers, as well as the other traditional items that you look at in redistricting. With the AG's office looking behind our shoulders, and litigation counsel, and all the people that have far greater experience than maybe you or I in what you really look at to take a map, and you know it's going to be reviewed by the DOJ or the federal courts. And so you try to draw up a map that you can think you can defend, that you think is fair, and that you think is legal.

VEASEY: And those are arbitrary numbers. But let me specifically ask you about the Section 2, African American district that I drew in the Dallas/Fort Worth metroplex. Once again, you have the opportunity to easily draw a Section 2 district in the metroplex. There's already one Section 2 African American district that Congresswomen Eddie Bernice Johnson represents, she's obviously not happy with the plan **SB 4** that you have today. Why didn't you draw a second Section 2 African American district in the metroplex when you could have easily done so, instead of trying to pack all of those African American residents into one district?

SOLOMONS: I understand, and I think the members of this body understand, this is not just Senator Seliger's map, this is not just Chairman Solomons's map. It is a map that comes out of both the bodies of the house and the respective committees. Not just our idea on how we decided on what we were going to do as individuals, it was a body proposed map. You know, we make proposals. We all make proposals, you made proposals. And if the body didn't want to go with that proposal, it would be a body and committee matter. It's not just one individual or two individuals making all the decisions in this case.

MENENDEZ: Chairman Solomons, I have a quick question about communities of interest. And I was wondering, in urban areas, did you have a particular test that would constitute a community of interest? Was there any particular type of test that would apply in an urban area?

SOLOMONS: Just the variety of numbers and the variety of—just a matter of input from the various incumbents and various constituents, and public, and trying to look at communities of interest. You also have to look at where all the numbers really are. And most of them. as you know—now this state is no longer just a pure rural state or even a division. It's become an urban state. You go where the numbers are.

MENENDEZ: Correct.

SOLOMONS: You have to split some precincts, you have to split some tracts, some communities. We tried to go on the core of those communities. We tried to keep those intact. It doesn't mean that you can keep everything intact, but it does mean that you try to go toward the core of those communities of interest.

MENENDEZ: The reason I bring it up is because, even though I do appreciate the work that you did to put the Edgewood Independent School District back into our historic 20th congressional district, now our downtown area of San Antonio, the majority of it seems to be into a district that's up into Austin, into Travis county. And so I was concerned that our city, our downtown San Antonio—I'm not sure how much of a community of interest it is with Travis County. And so I'm concerned that we haven't necessarily applied these community of interest

tests effectively. Now the next question I have here is what did you use in order to evaluate whether a given district constituted an effective Hispanic Opportunity District? Was it specifically just the Spanish surname voter registration?

SOLOMONS: Since we are trying to do legislative intent on the record, let me make it clear, once again, to why we did what we did and try to take in a variety of factors. We looked at Hispanic voting population, we looked at Hispanic voting age population, we looked at the SSVR issue, Spanish surname voting population. We looked at Hispanic citizen voting age population, the actual voters. We looked at—and for a black minority, we looked at black total population, black voting age population. But we did look at, and we had to consider, and we wanted to consider—in fact the bodies, the committees, everybody needs to look at all the various aspects, that includes communities of interest, cores of existing districts, incumbency, compactness, continuity, and other traditional redistricting principles. Whatever they are, you have a number of folks who when you look at these things you have to take into consideration, or try to take into consideration, as much of that as you can. So SSVR, although important, is not the sole factor. But it's a very important factor. Just as is Hispanic citizen voting age population. You may have a number of Hispanics living in an area, but when you break it down to SSVRs and Hispanic voting age populations, those help make some decisions for you on where the line should go.

MENENDEZ: So the answer seems to be that it was truly demographic data that was used to sort of determine whether or not an Hispanic performance and a Hispanic effective opportunity district.

SOLOMONS: Most of redistricting, what I have discovered this session, is about numbers, and about legal requirements. And you're trying to draw districts, as imperfect as some may be, and as perfect as some may be. What you're trying to do is look at numbers, numbers, numbers. And then you look at the other areas of concern that you look at in redistricting that I mentioned, and, quite frankly, you try to do the best you can.

MENENDEZ: Did you use any election data to run through this analysis on the districts?

SOLOMONS: We did retrogression analyses based on prior elections, whether they're performing or not, and how that really works. But, you know, we had lege counsel actually performing those tests, those analyses that they do, which I absolutely cannot describe to you exactly how they do it, but it does go kind of based on voting population. For example, we made some adjustments in your situation, I think we got to 10 out of 10. I mean, you know, those things are apparently important to people that look at redistricting from a legal context for retrogression.

MENENDEZ: Right. So, you don't know which election data that they used on which races?

SOLOMONS: No, not off the top of my head, no. I just know they go back to a series of elections, as far back as they can go on that, which is usually around the number 10. It could be six out of seven, it could be, for example, SBOE one of them I remember being six out of seven. Basically that's what it was at the time. So it just kind of depends on how far they go back. But usually the cut off seems to be around 10, and it could be less. Just depends on how long the district's been there, I suppose.

MENENDEZ: Did you consult with any of the sitting congressmen or women of the Texas delegation on the redrawing of the maps?

SOLOMONS: Did I?

MENENDEZ: Yes.

SOLOMONS: Yes. I mean, Mr. Menendez, Jose, let me just tell you this—we took your comments, we took members' comments about—and they have been talking to their congressmen. Our congressmen in Texas, almost all of them at one time or another, not all, but almost all of them, have either come down here or talked on the phone to various members, including the members of the committee, including some to me. Not all of them, believe it or not, not all of them stopped by to say hello or anything. But a number of them did call, but not all of them. But they did talk in great detail, I think, to some of the members on the committee, and also to members of this body. And also the same on the senate side.

MENENDEZ: I guess the question comes from certain congressmen don't necessarily know whether they had input, and I guess what you're saying is that my congressman had input through my testimony with you.

SOLOMONS: Right. Well, every congressional district changed, it had to change somewhat. And, you know, some congressmen didn't need much change, but some needed a great deal of change. And some districts needed the change. But nobody got exactly what they wanted. Some of them changed more dramatically than others. But they all had a chance to have input as to what they liked and didn't like.

MENENDEZ: I think the reason that there's some sort of consternation on behalf of the congressman that represents me, is that they were 13,000 over in population, and yet they've lost the heart of this downtown area where their office is, where the previous congressman's office is.

SOLOMONS: We took into consideration what they liked and what they didn't like, but they didn't all get what they wanted. And some of it was out of need, some of it was out of—well, a lot of it was out of necessity to make numbers work and districts. But we tried to accommodate where we could. But, yes, not everybody is happy with certain areas. They lost this special event center, or they didn't quite get all of downtown over here. But we tried to keep in context the cores of existing districts as best we could.

MENENDEZ: I appreciate your time.

SOLOMONS: Members, I really want to thank all the members of the committee on the house redistricting side. Thank Senator Seliger and thank you all for your courtesies and your civilities in dealing with each other on this. I know it's a very personal issue even on congressional redistricting. And with that, I would move passage.

[**CSSB 4**, as amended, was passed to third reading by Record No. 79.]

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, FIRST CALLED SESSION

SUPPLEMENT

NINTH DAY — WEDNESDAY, JUNE 15, 2011

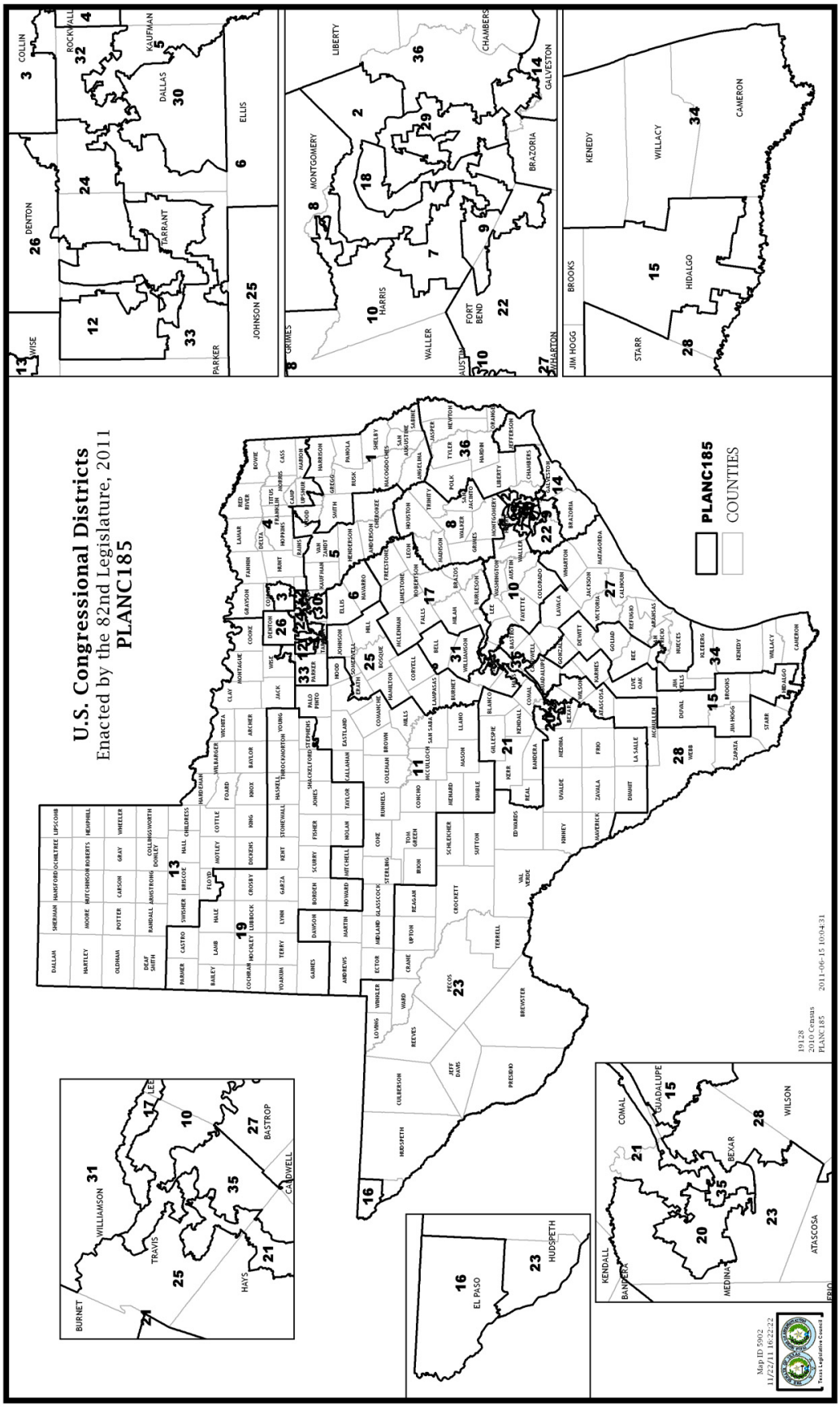
SB 4 - AMENDMENTS

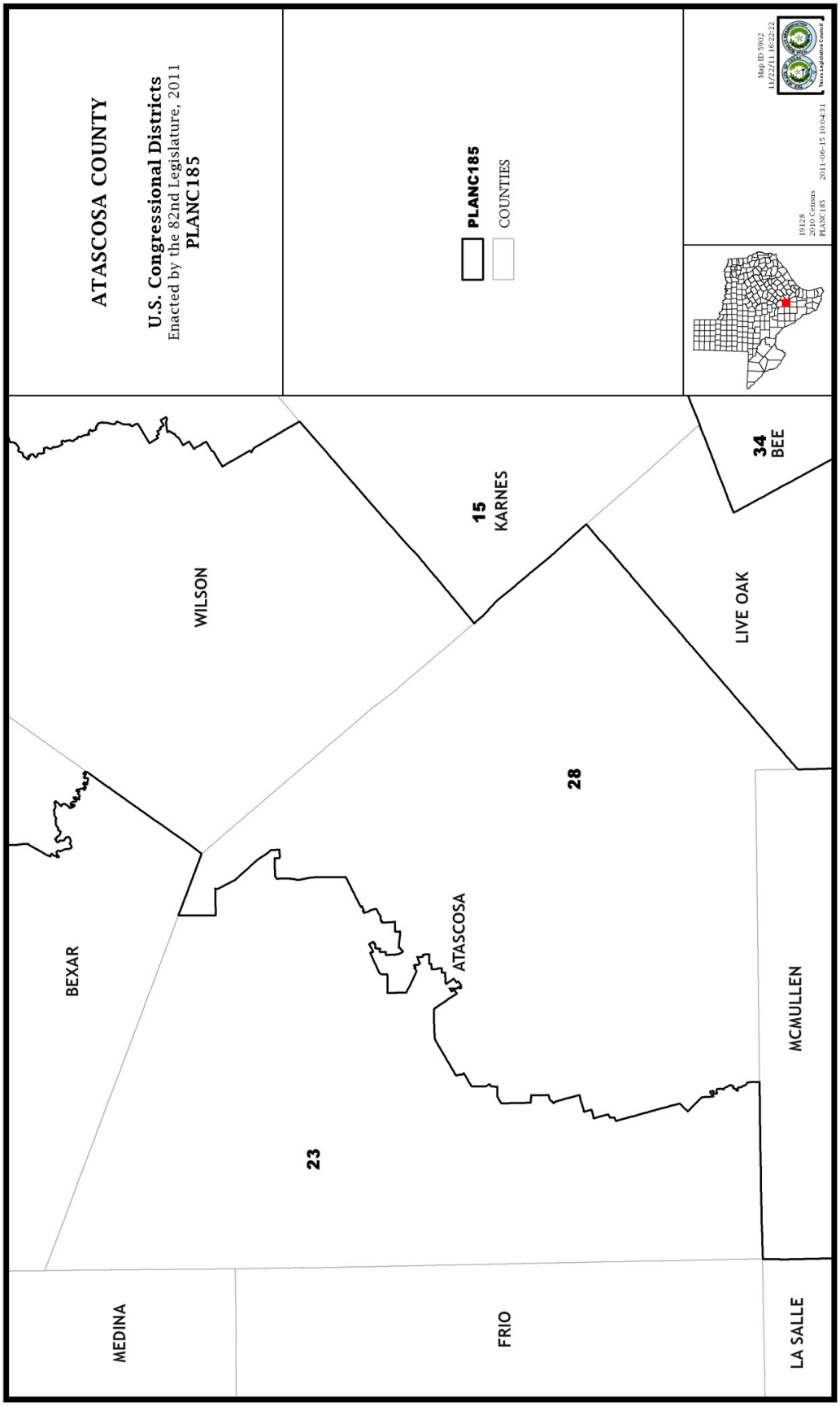
The following are the proposed maps and reports associated with amendments offered on second reading of **SB 4**:

Amendment No. 1 by Solomons S422

Amendment No. 2 by Zedler S456

Amendment No. 1 (by Solomons)

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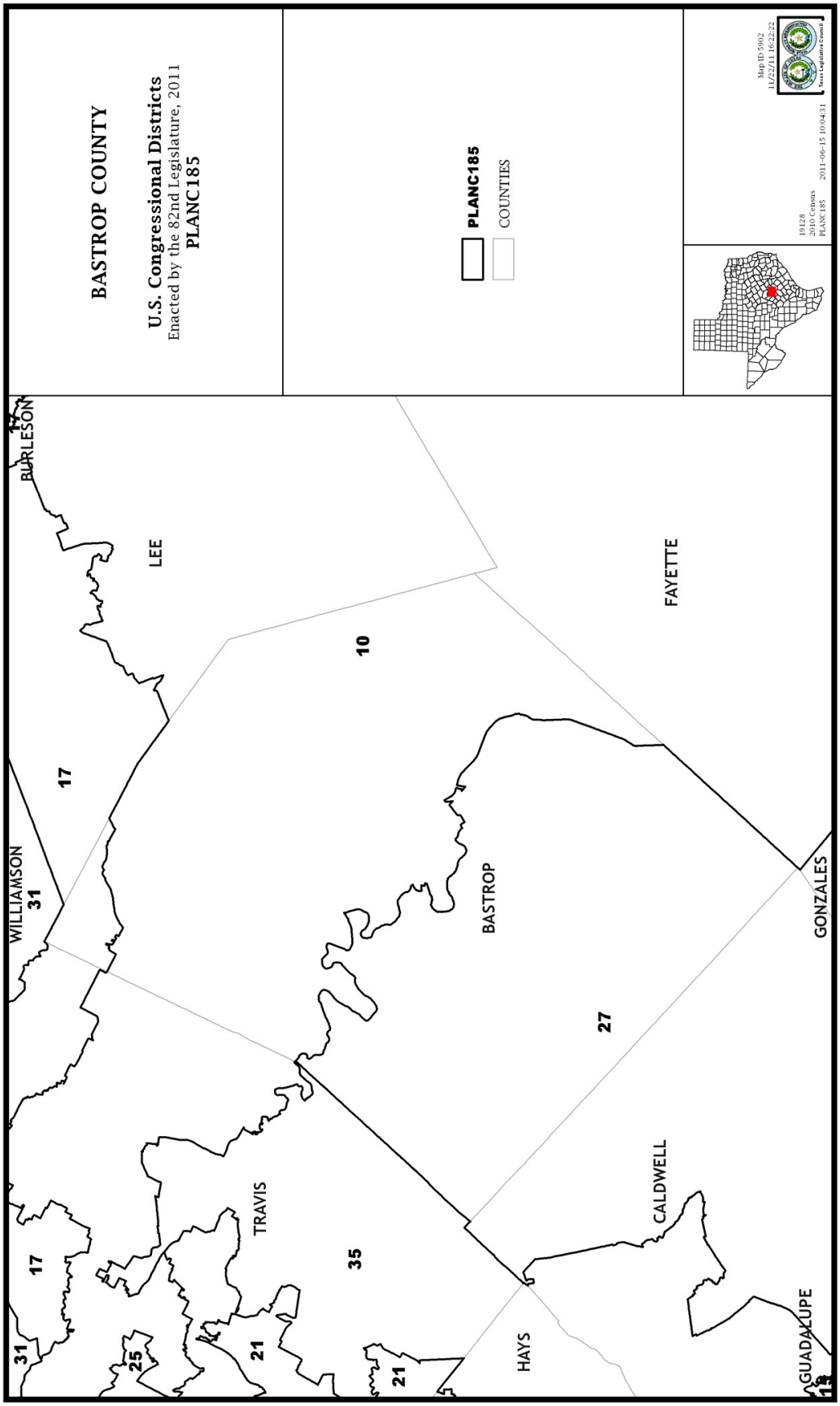
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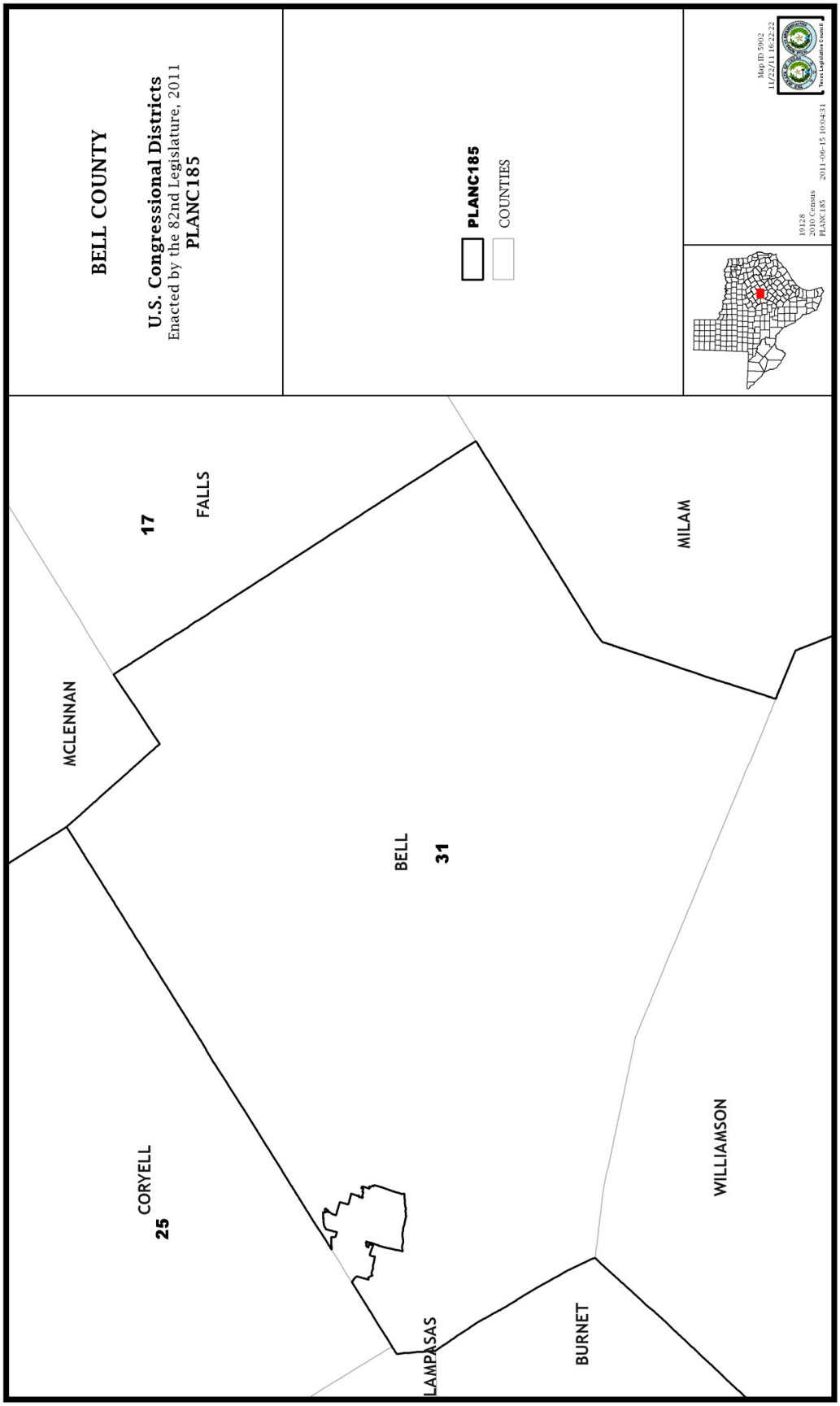
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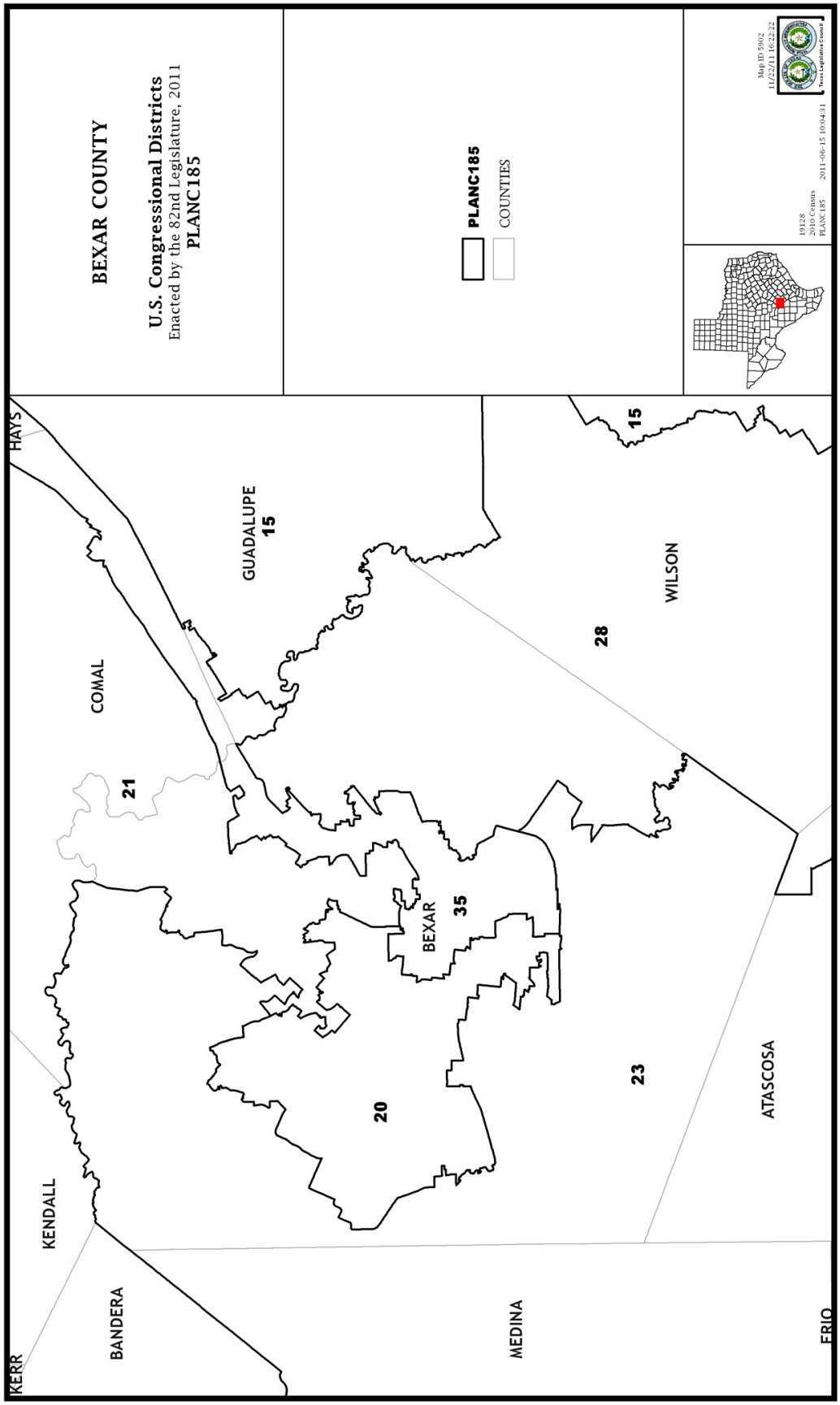
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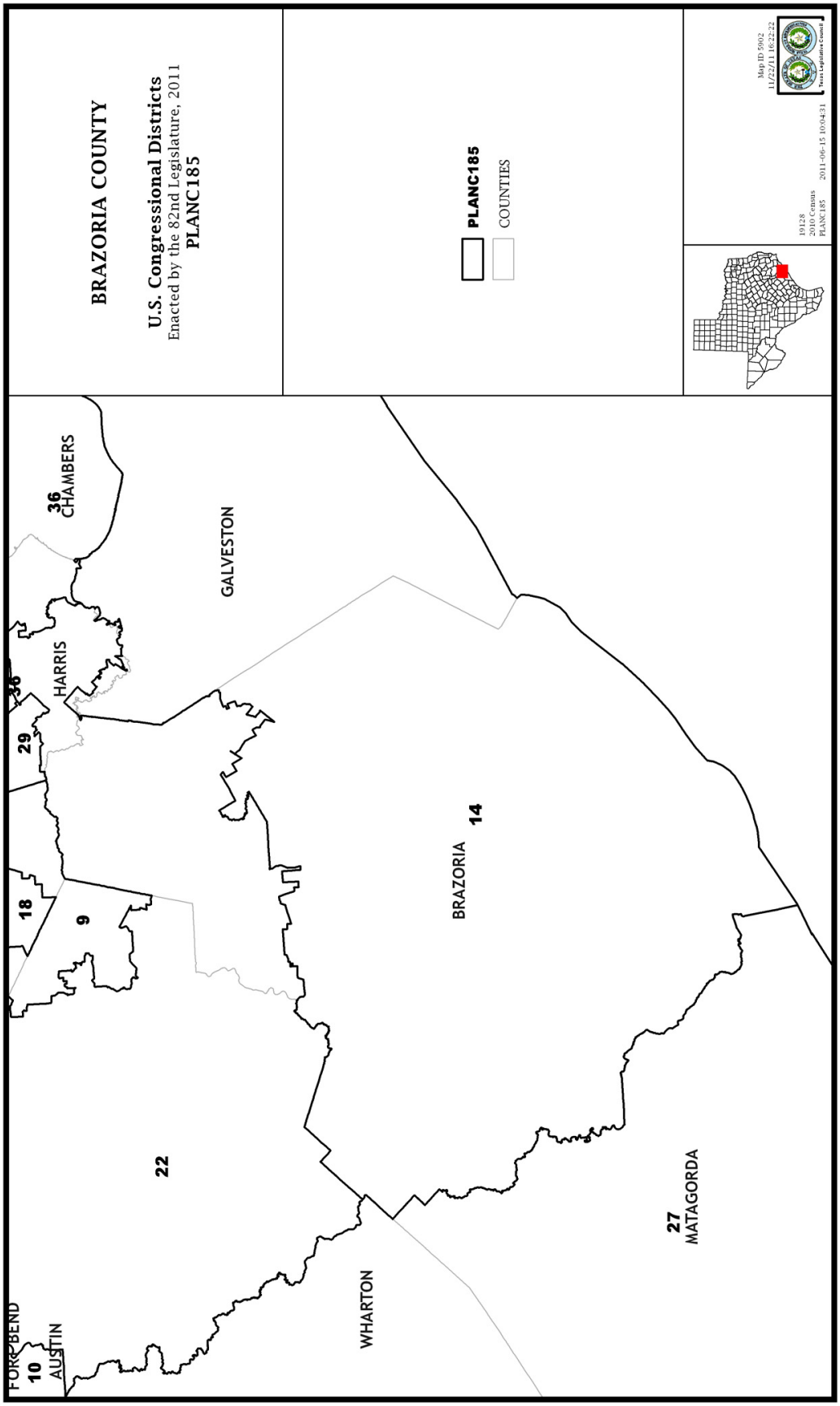
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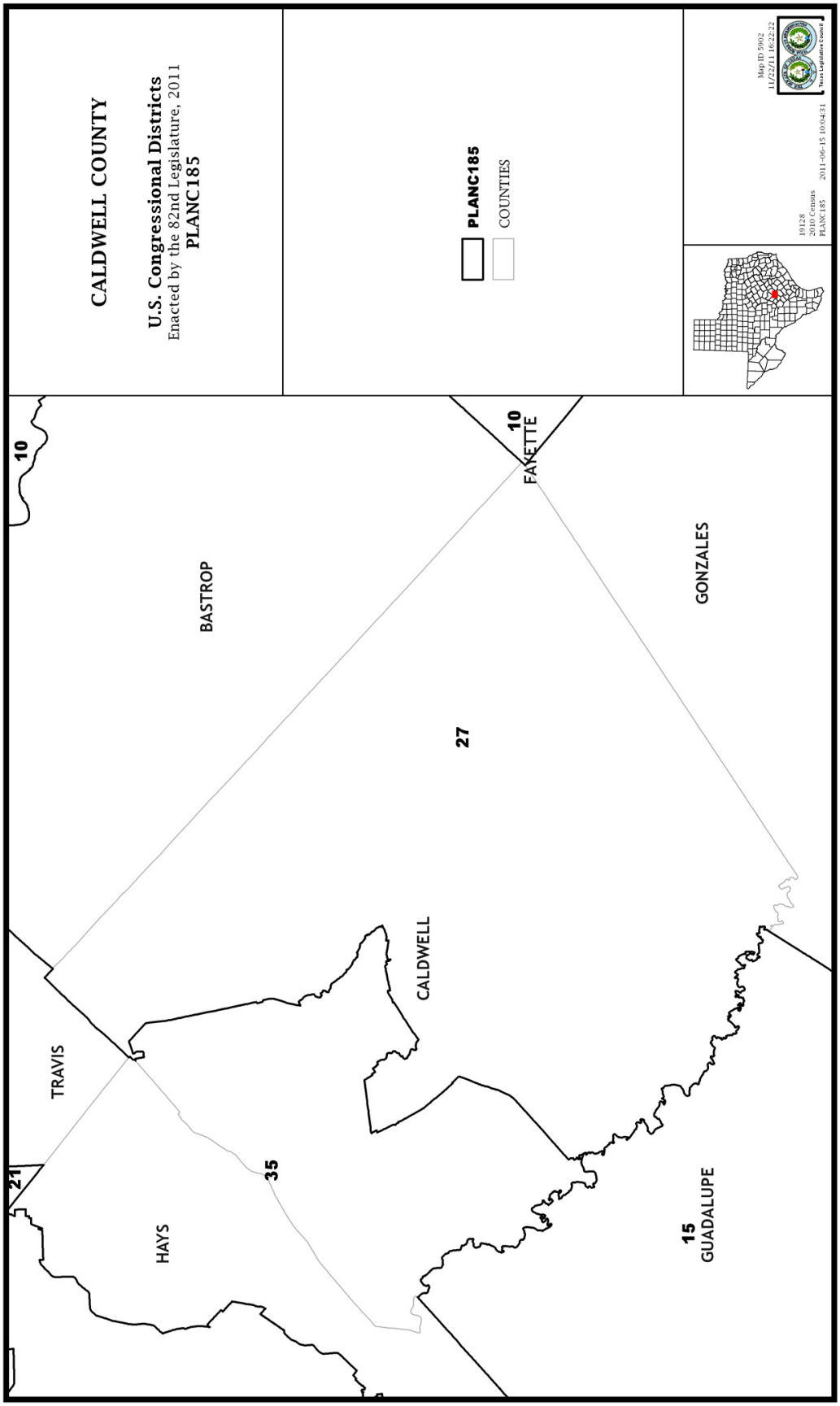
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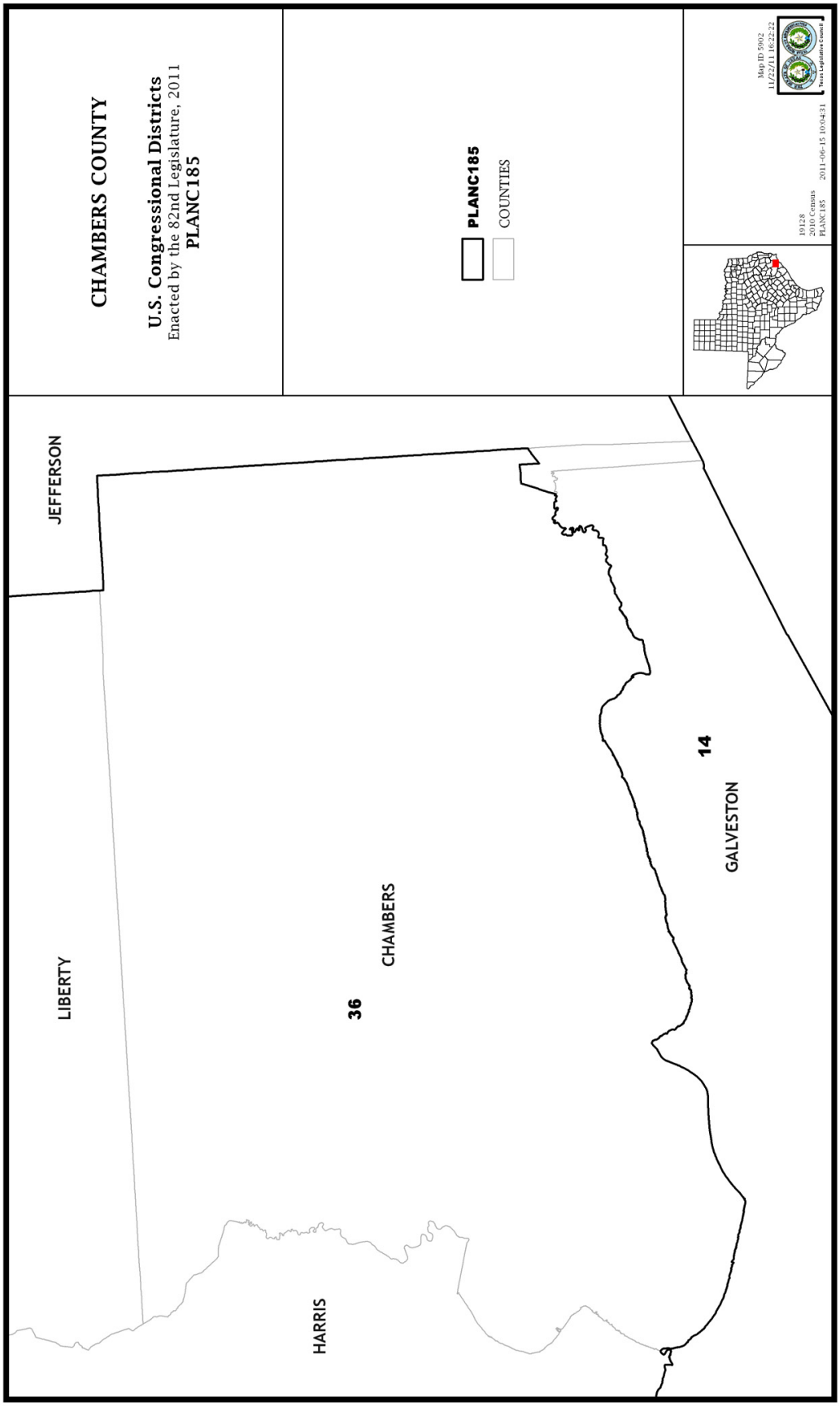
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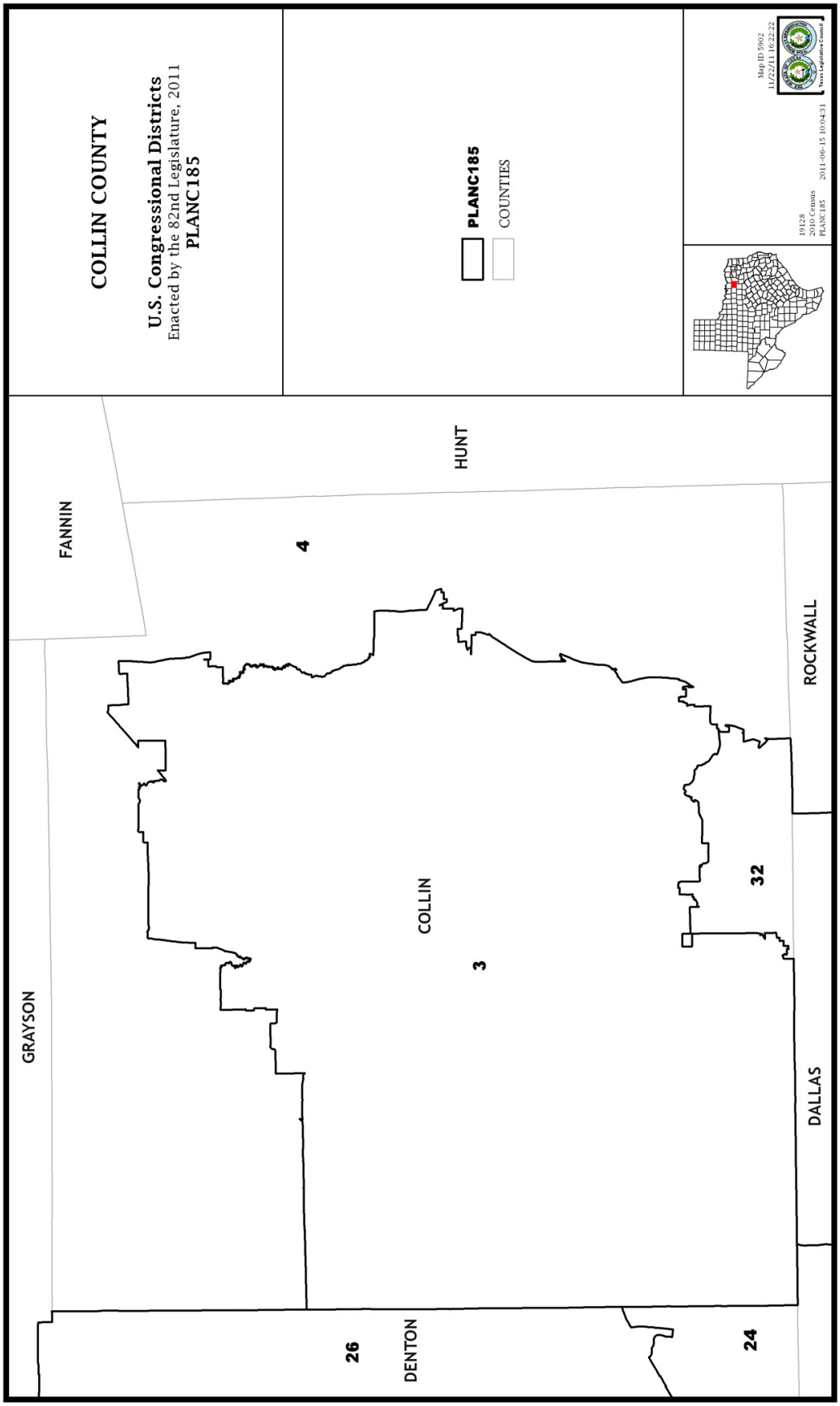
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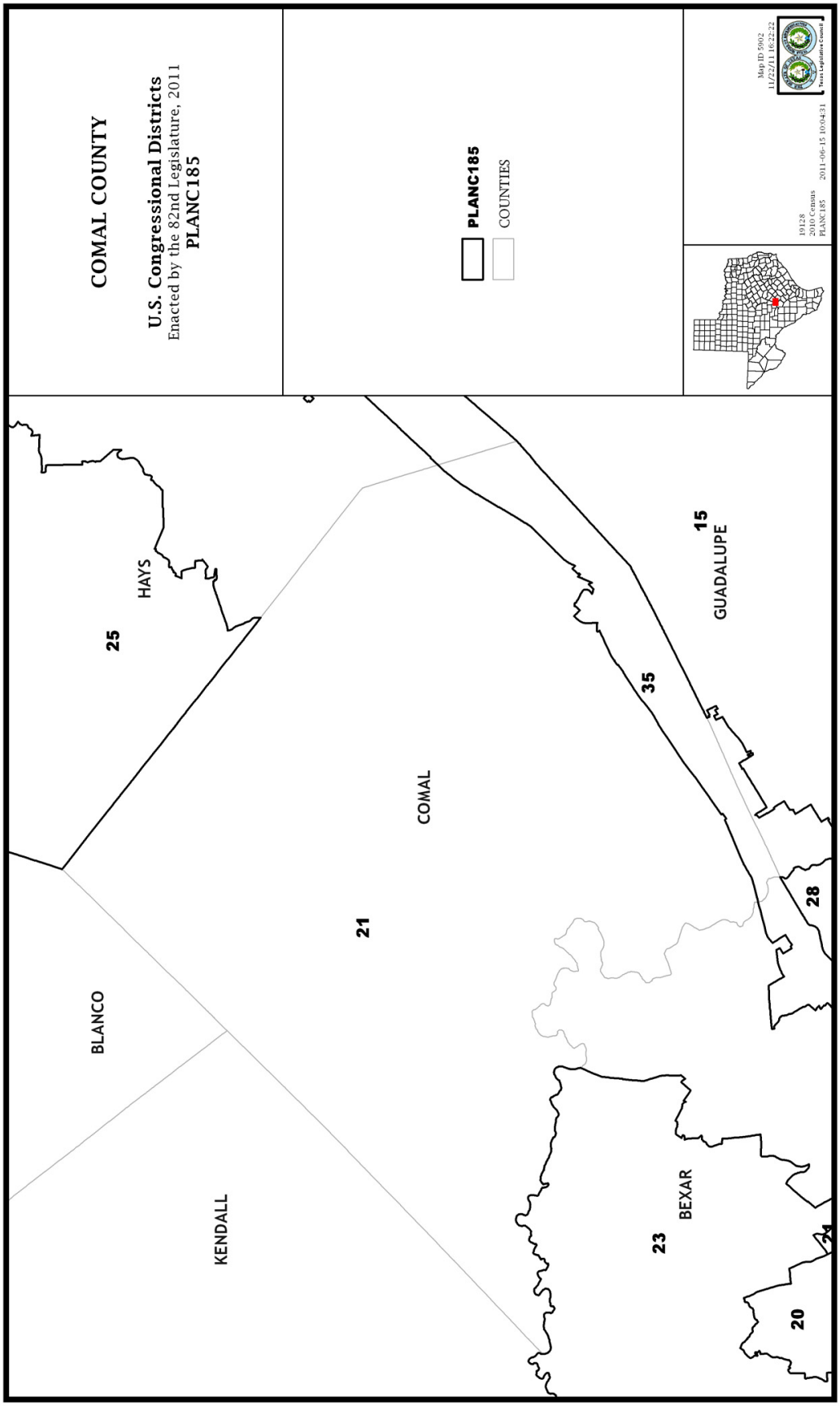
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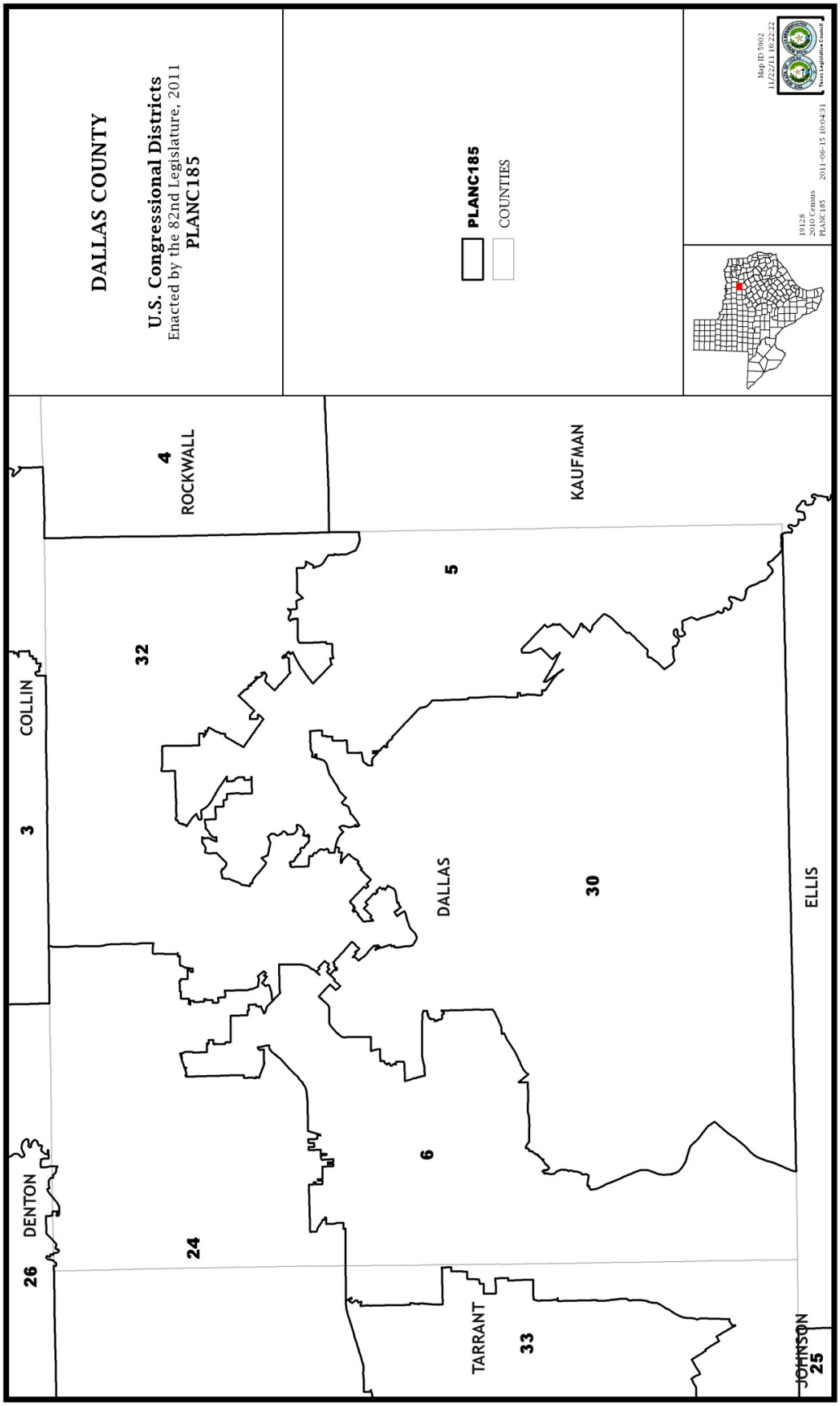
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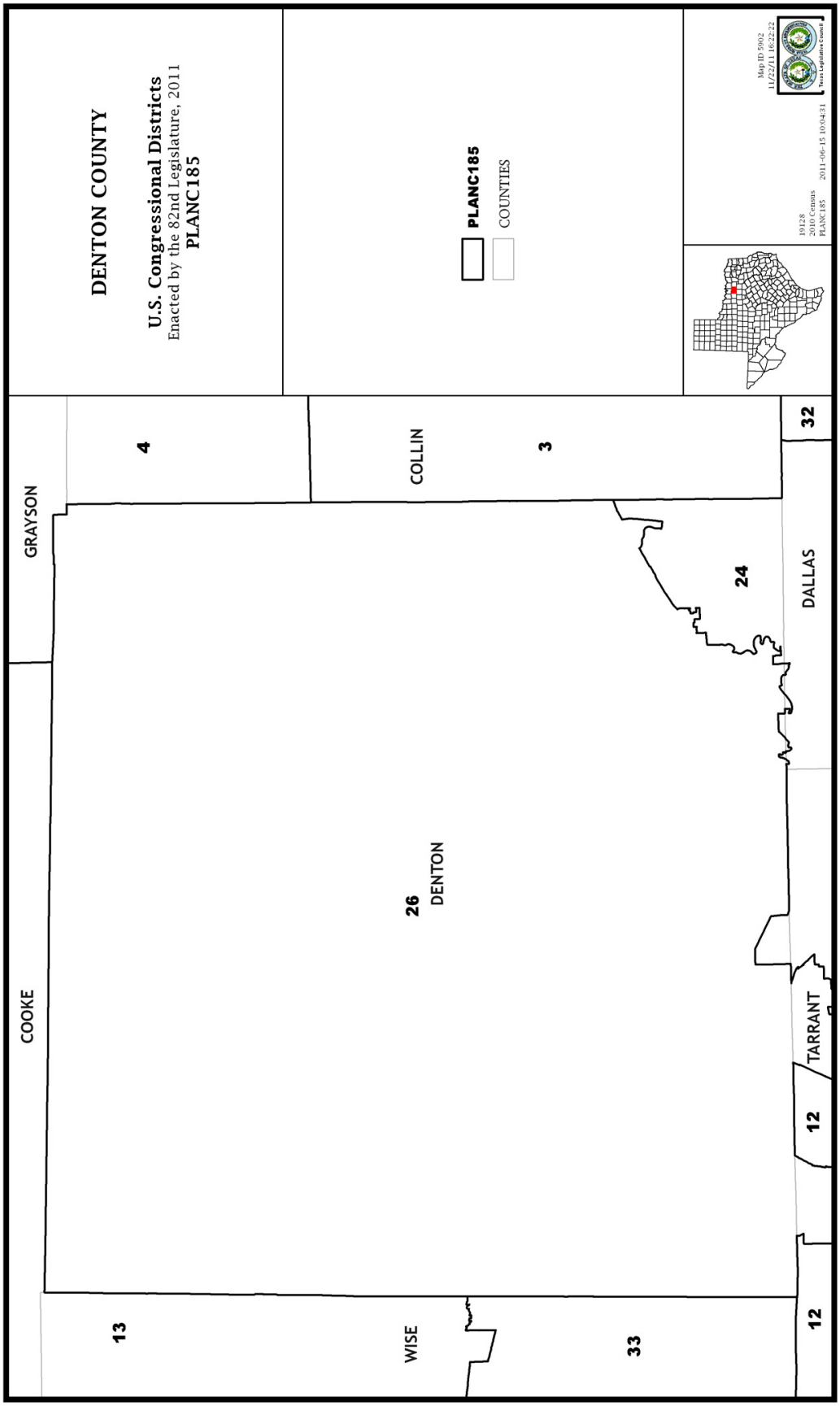
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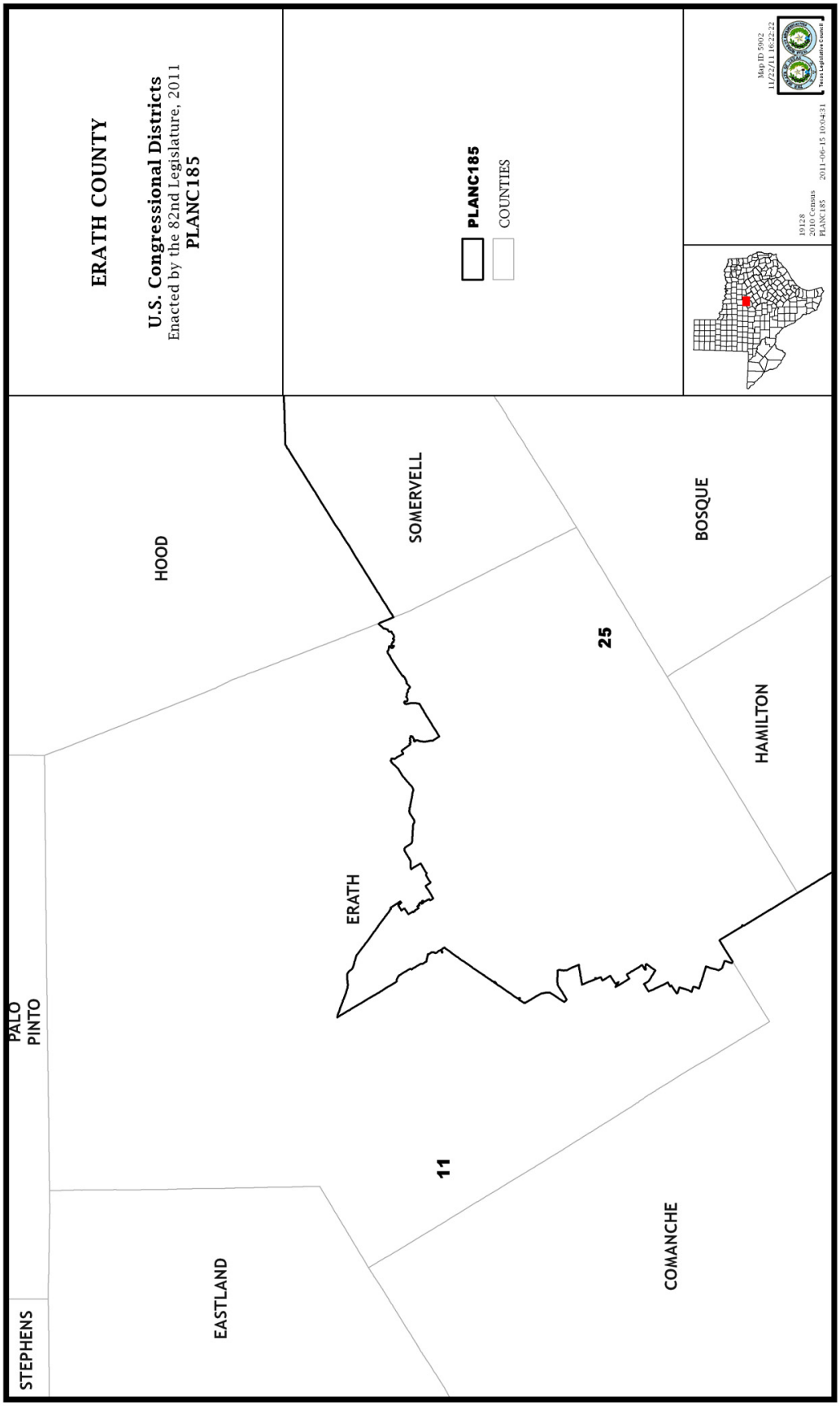
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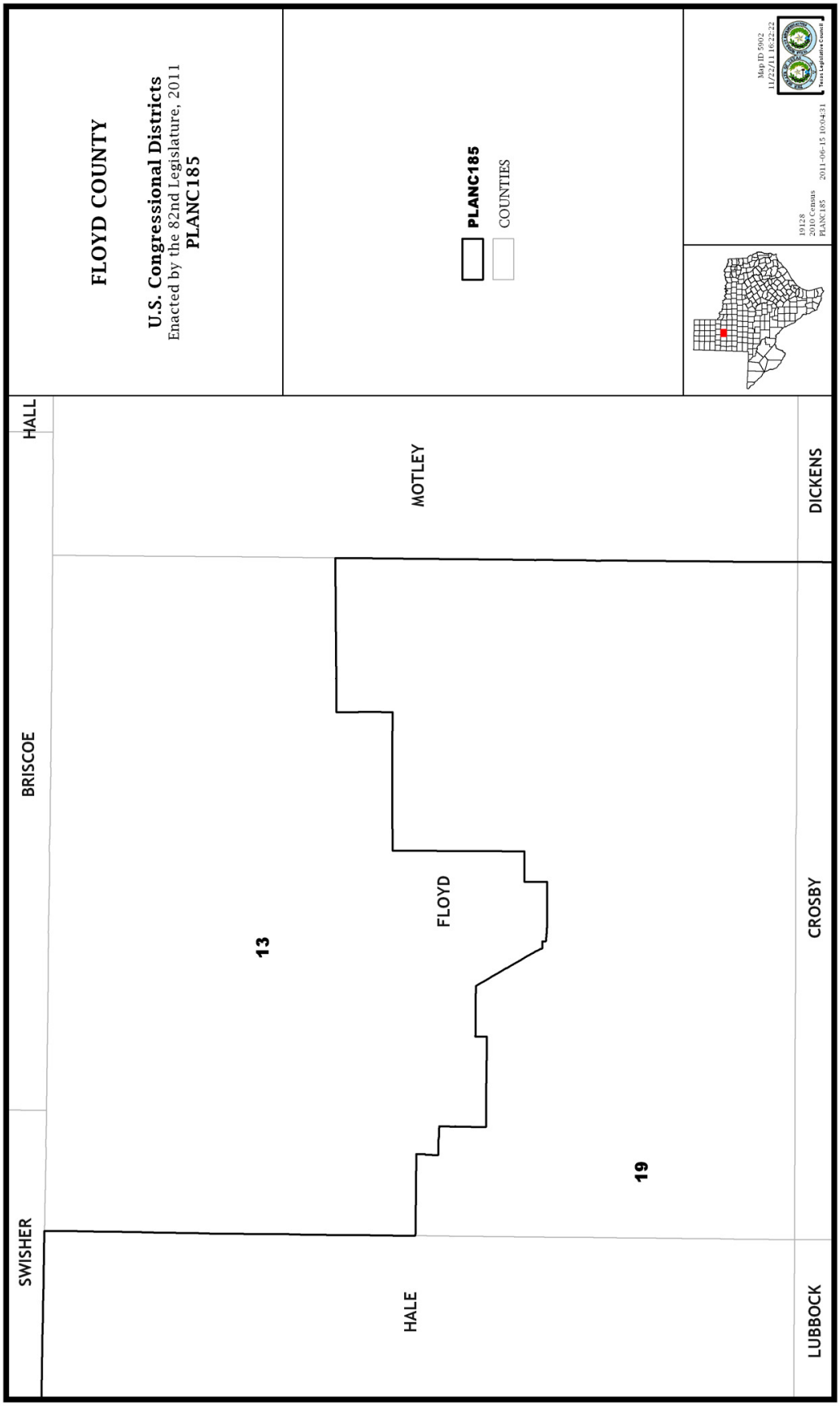
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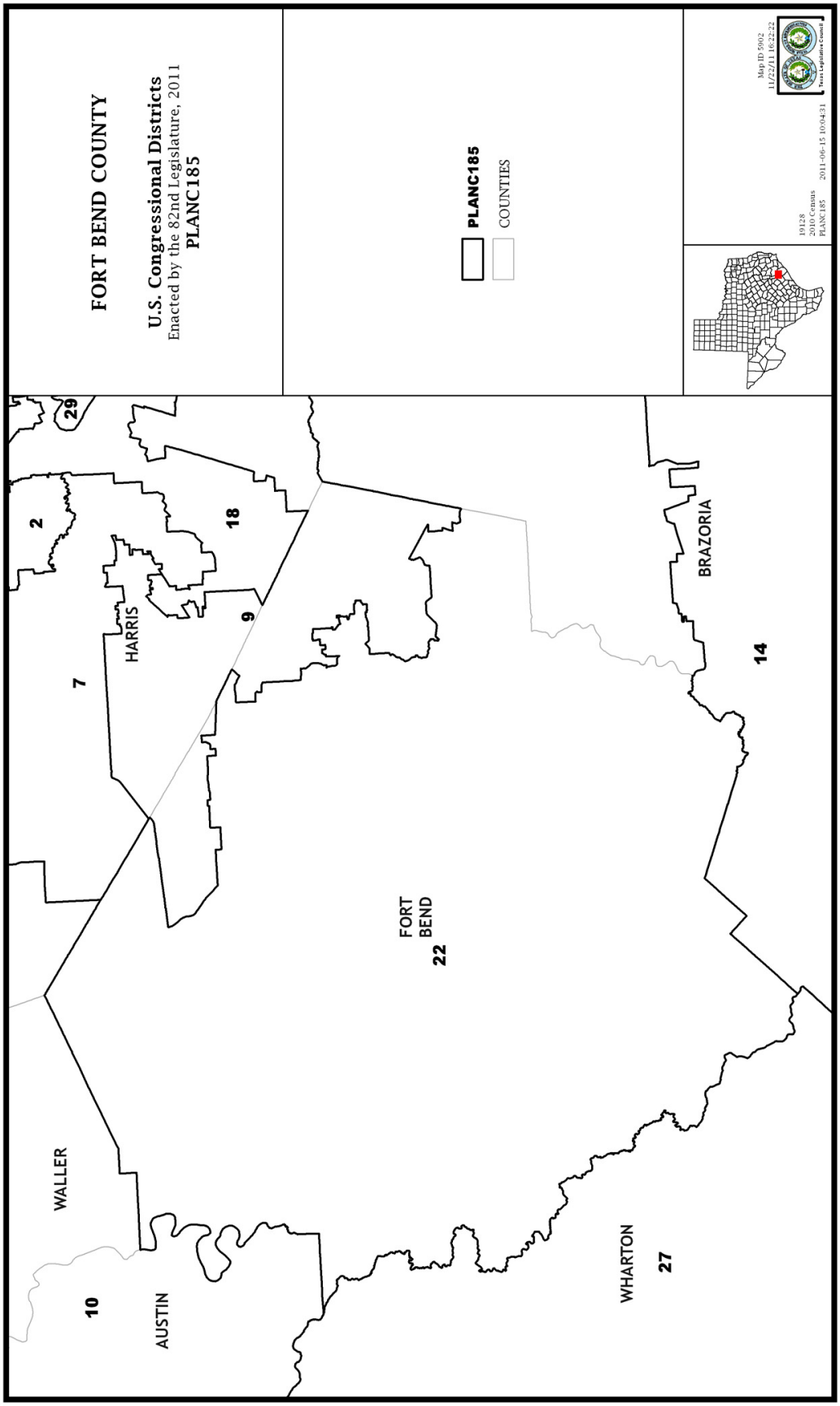
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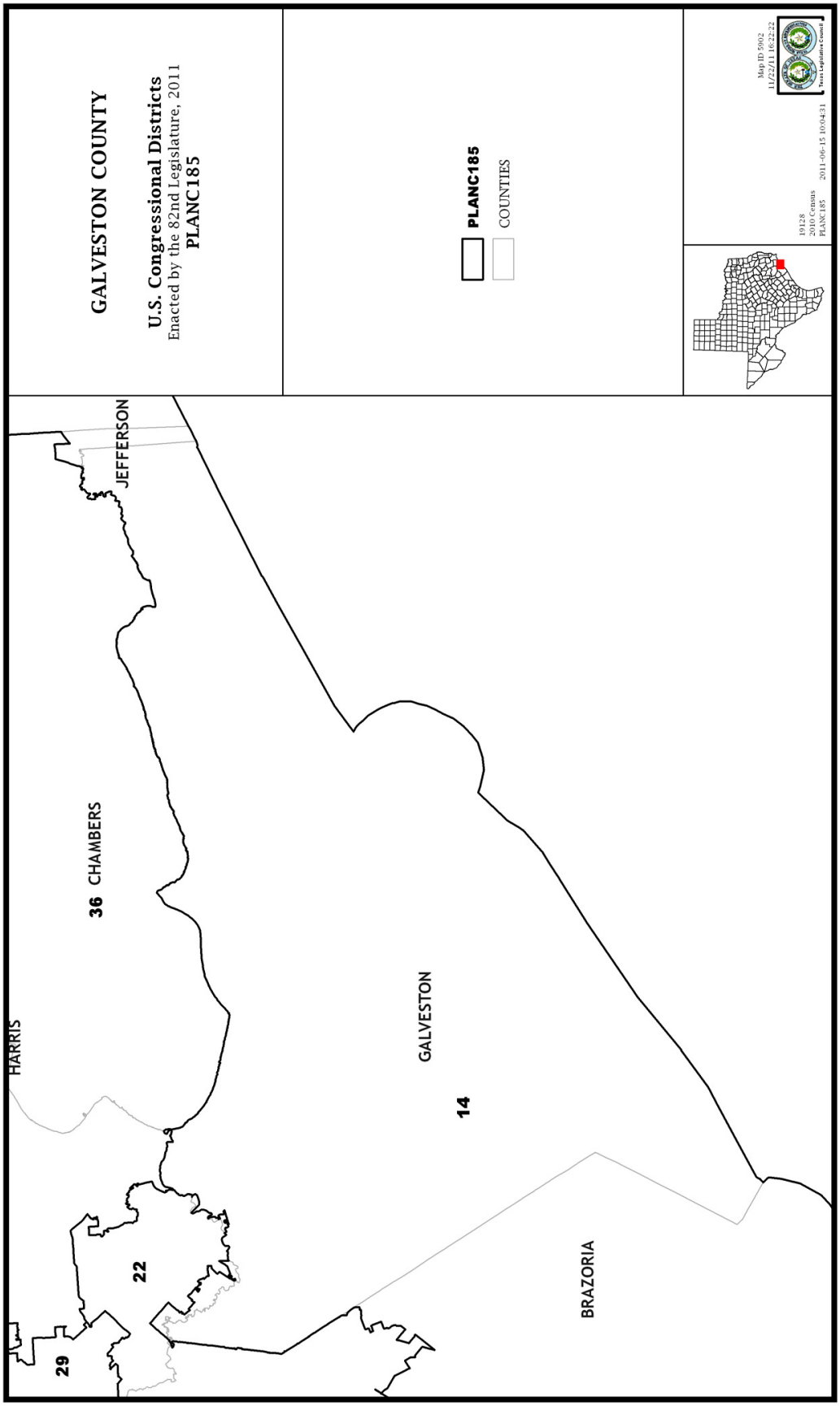
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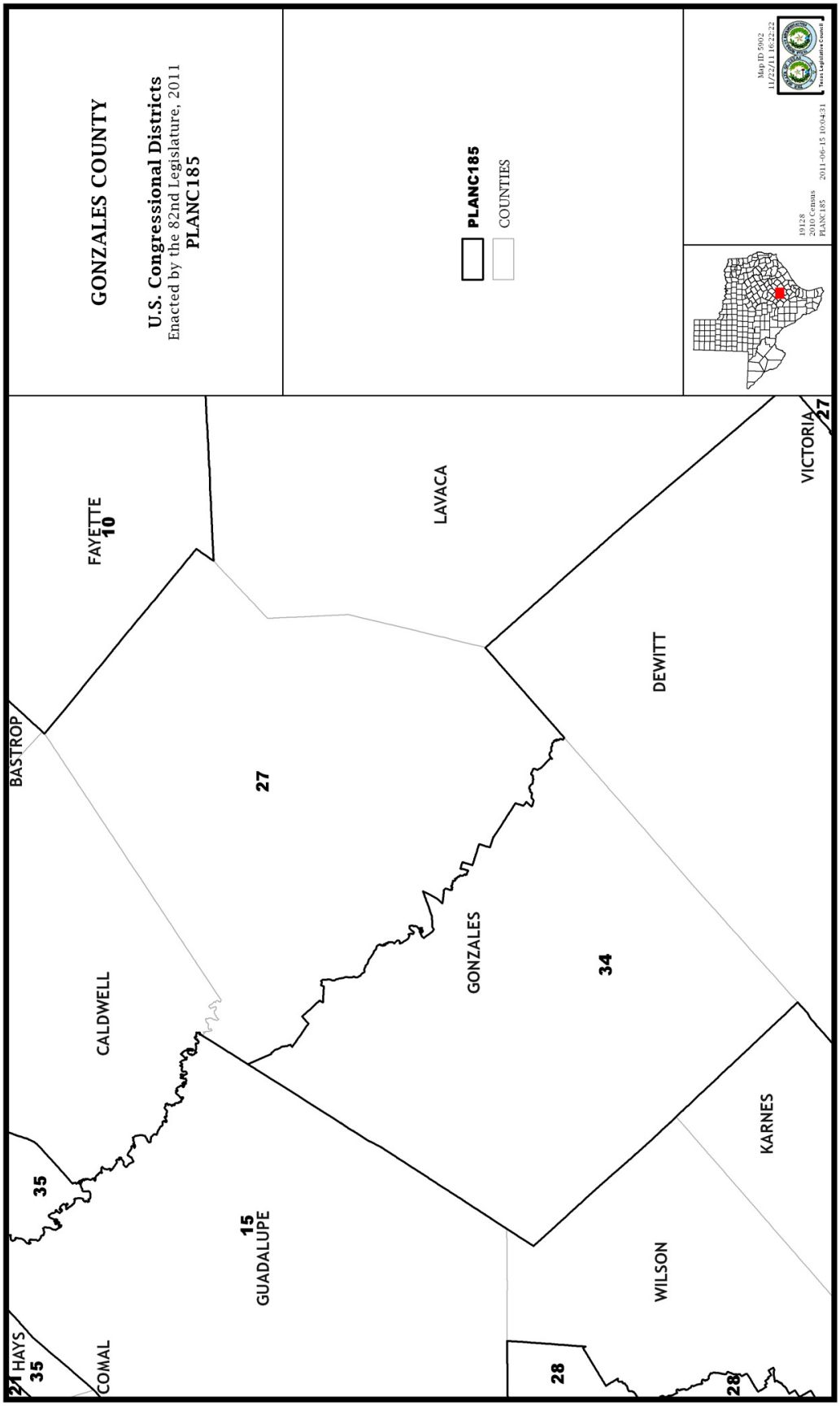
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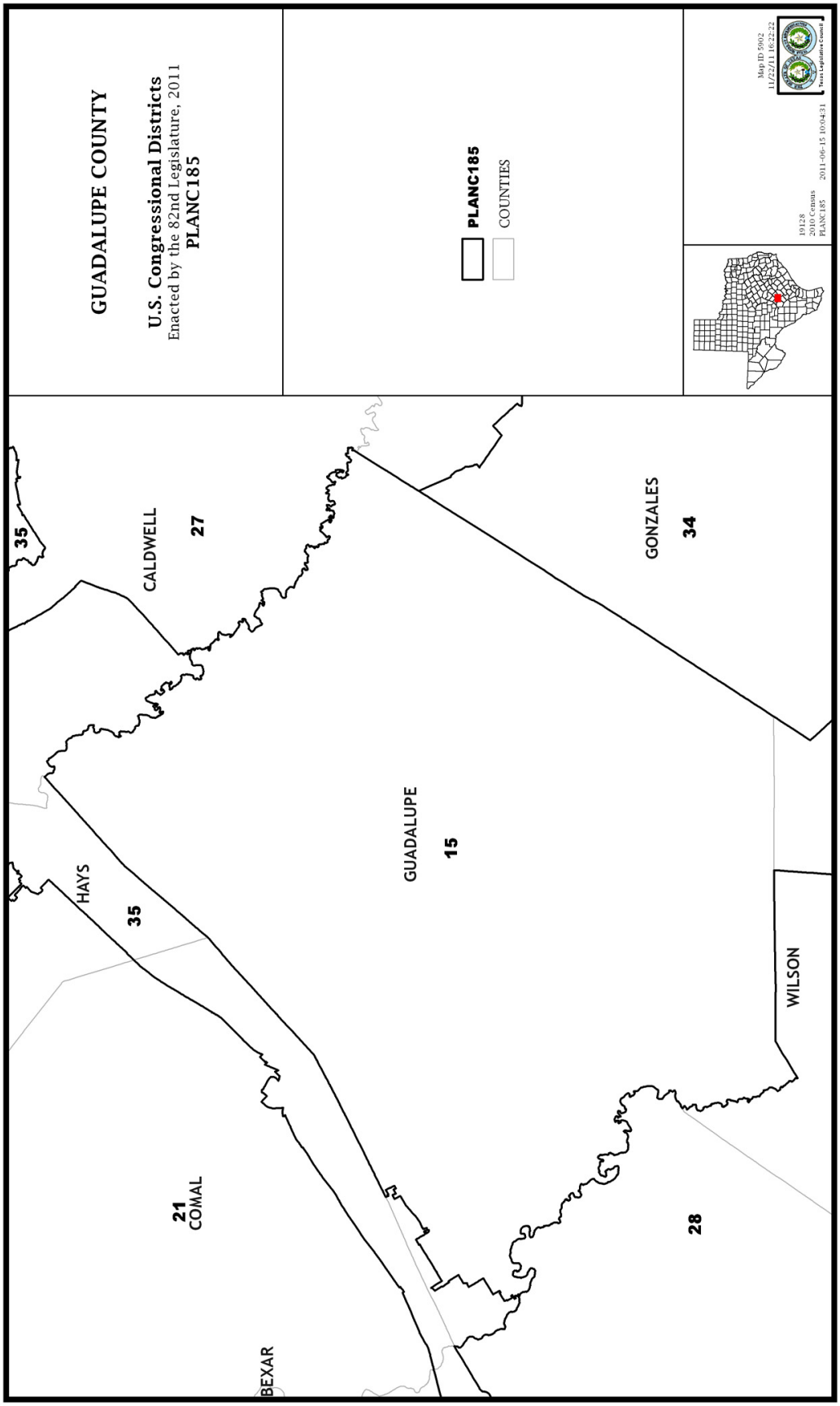
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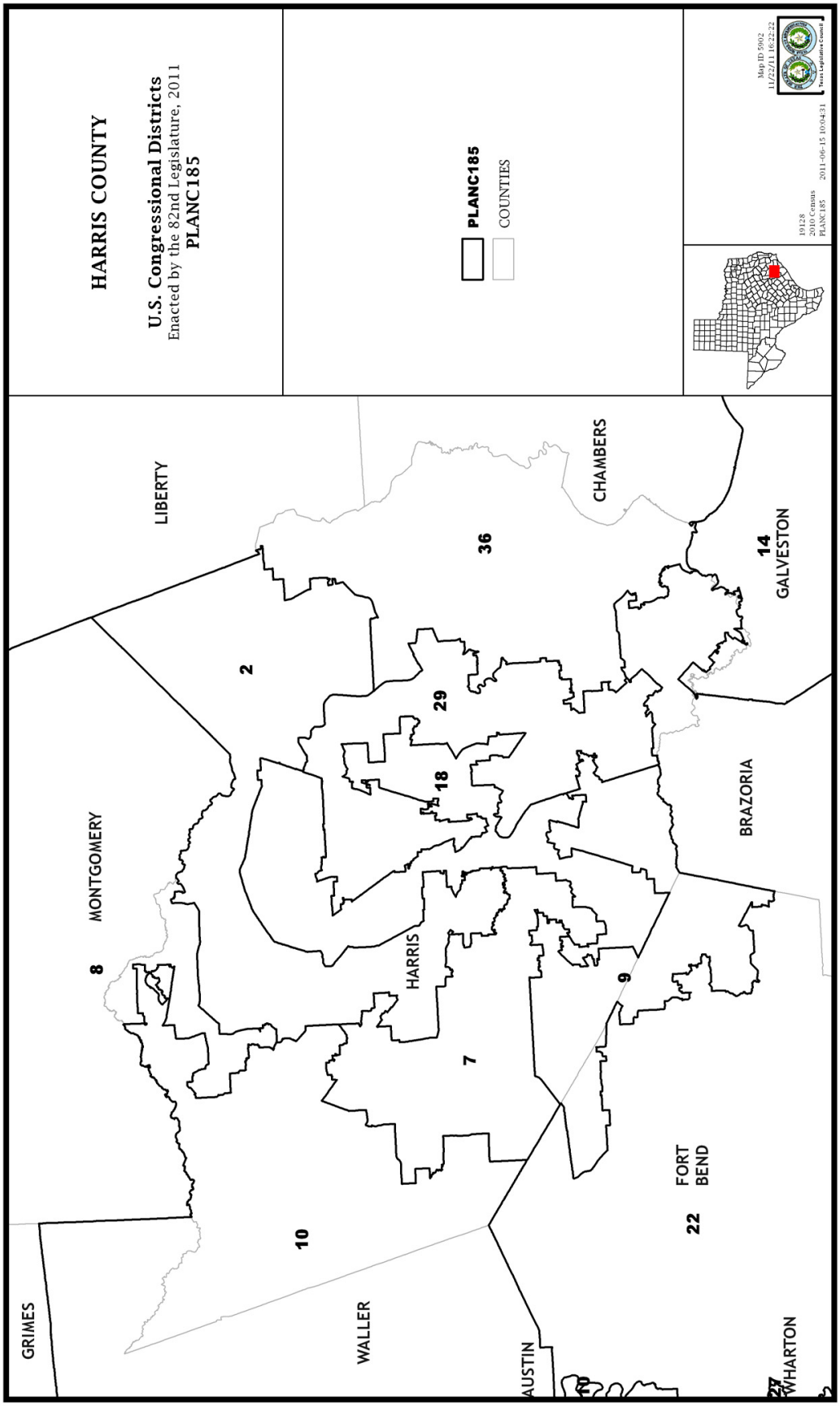
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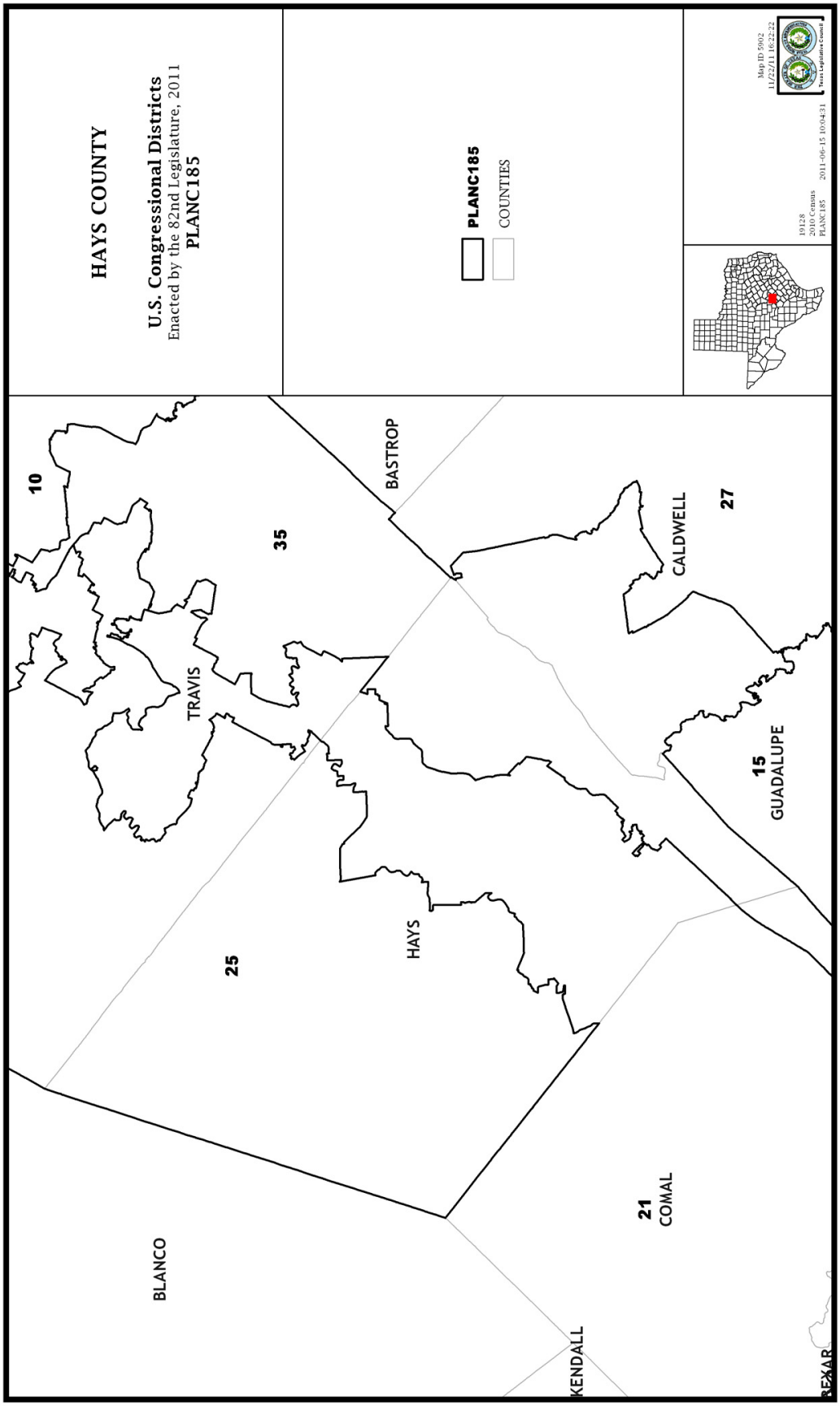
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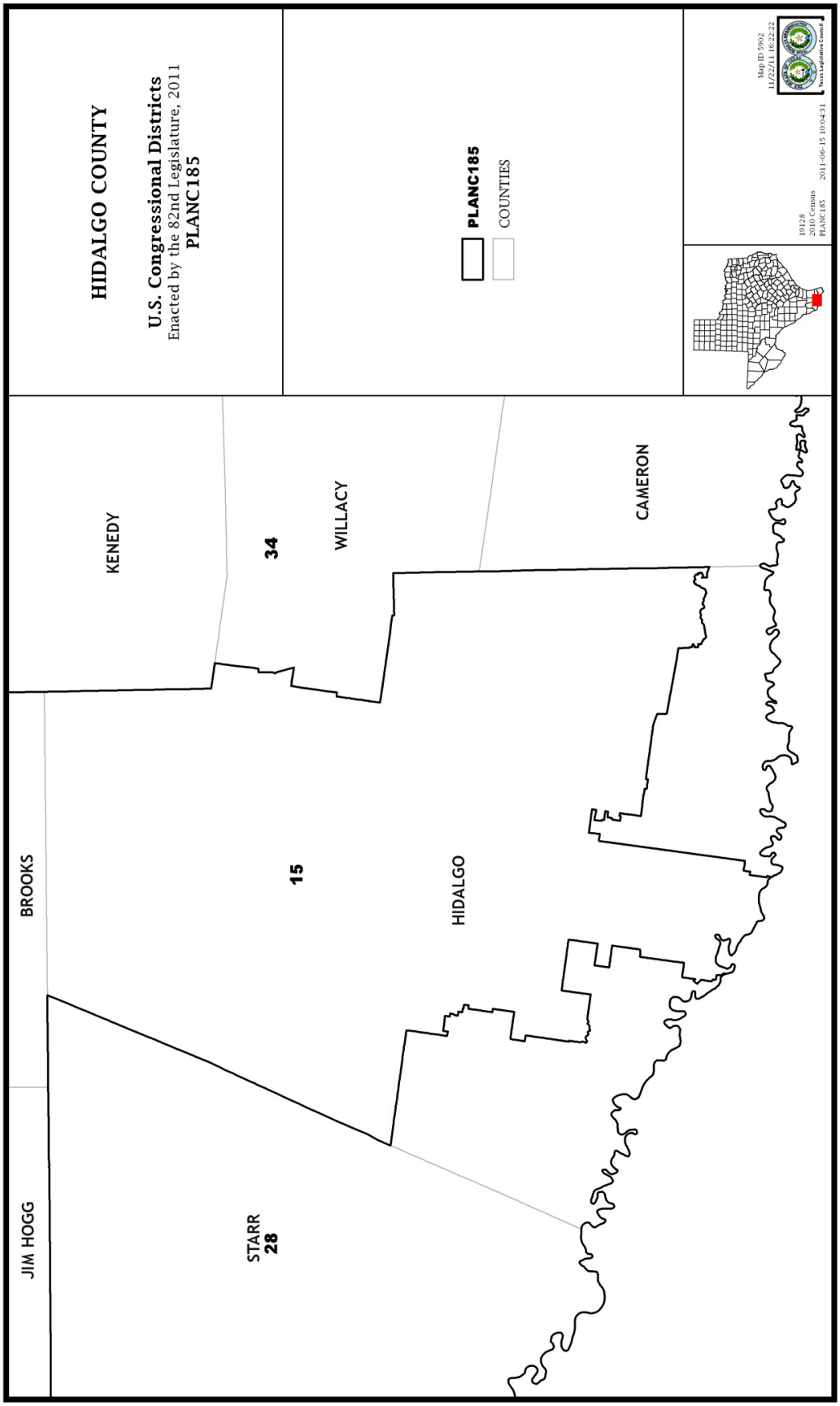
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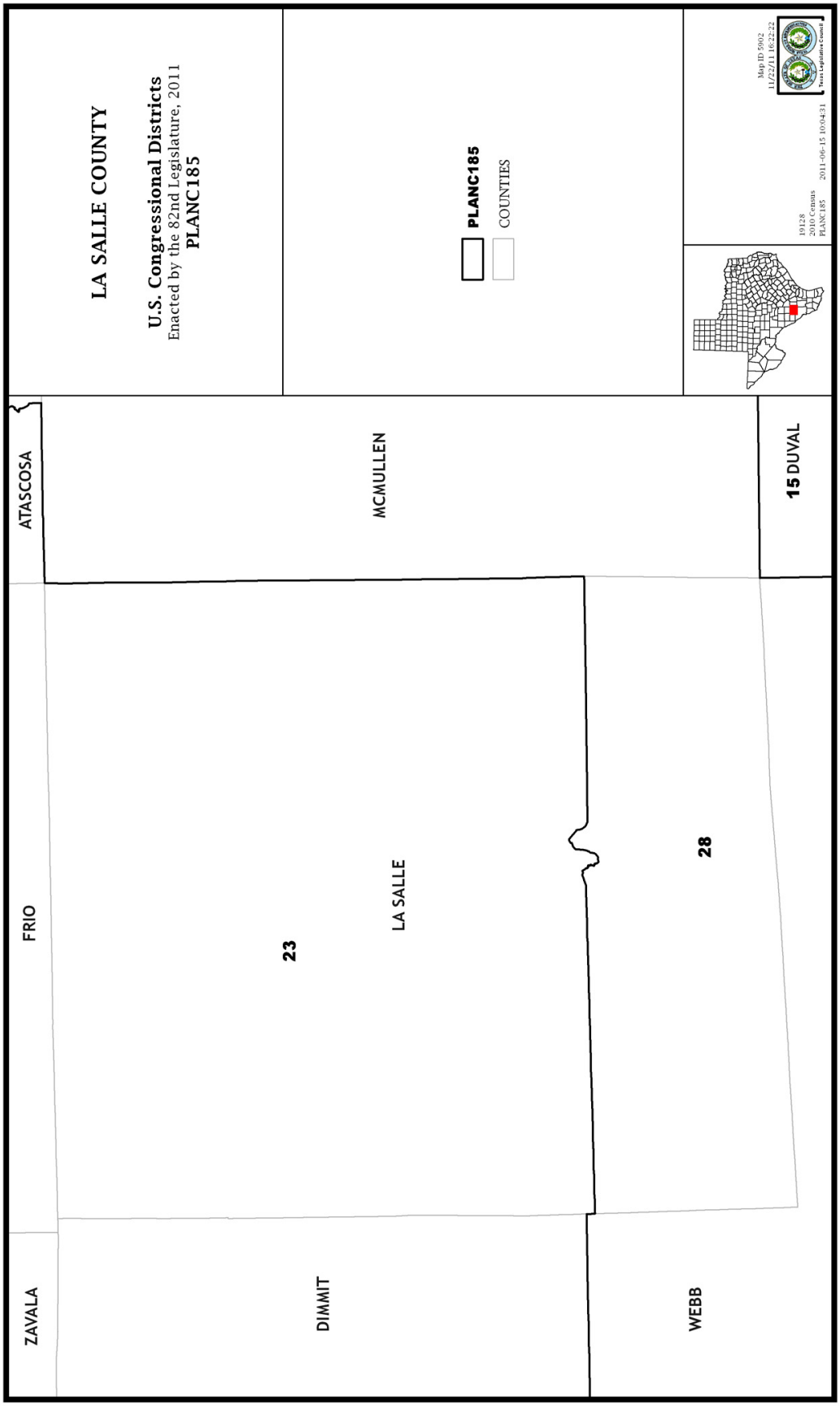
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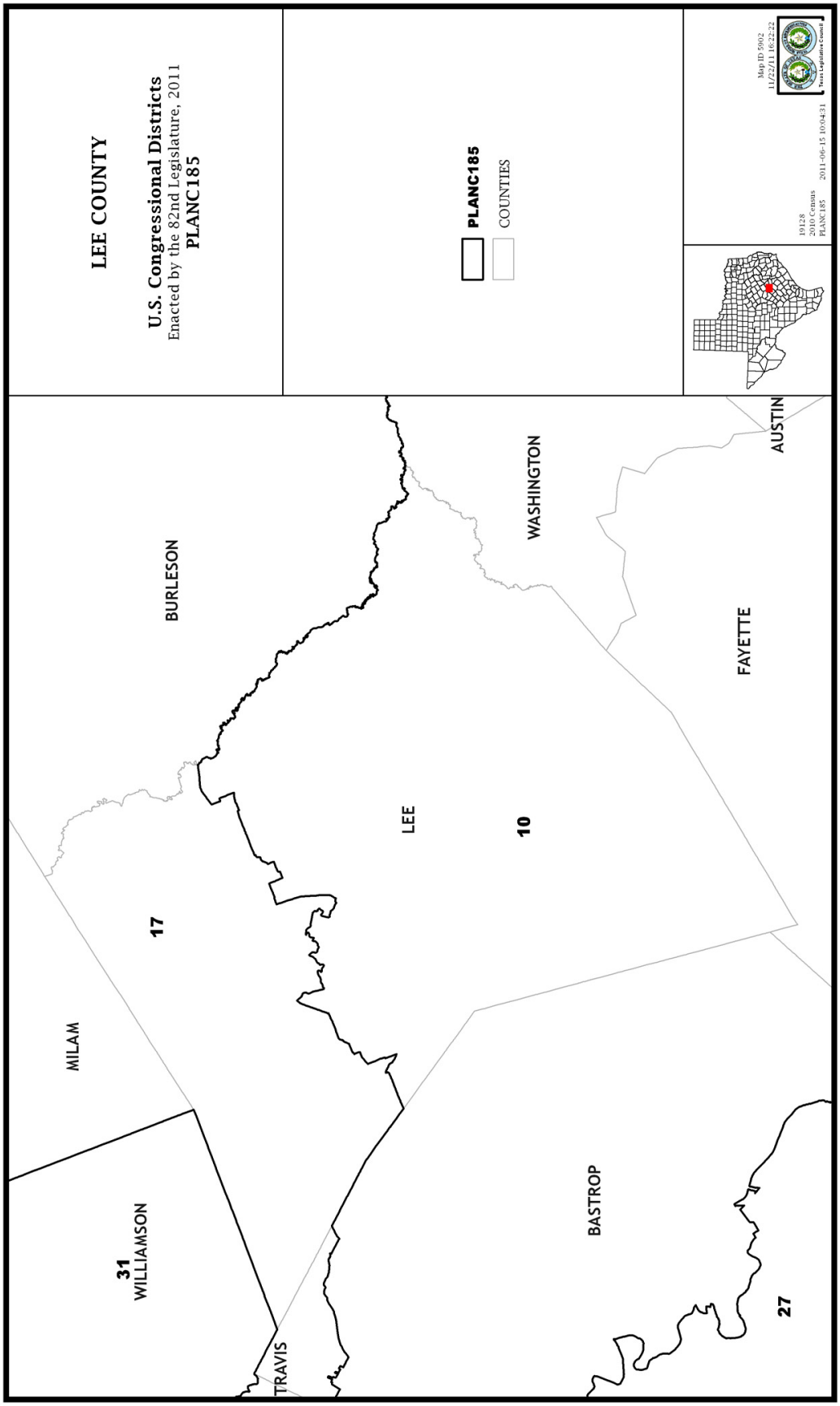
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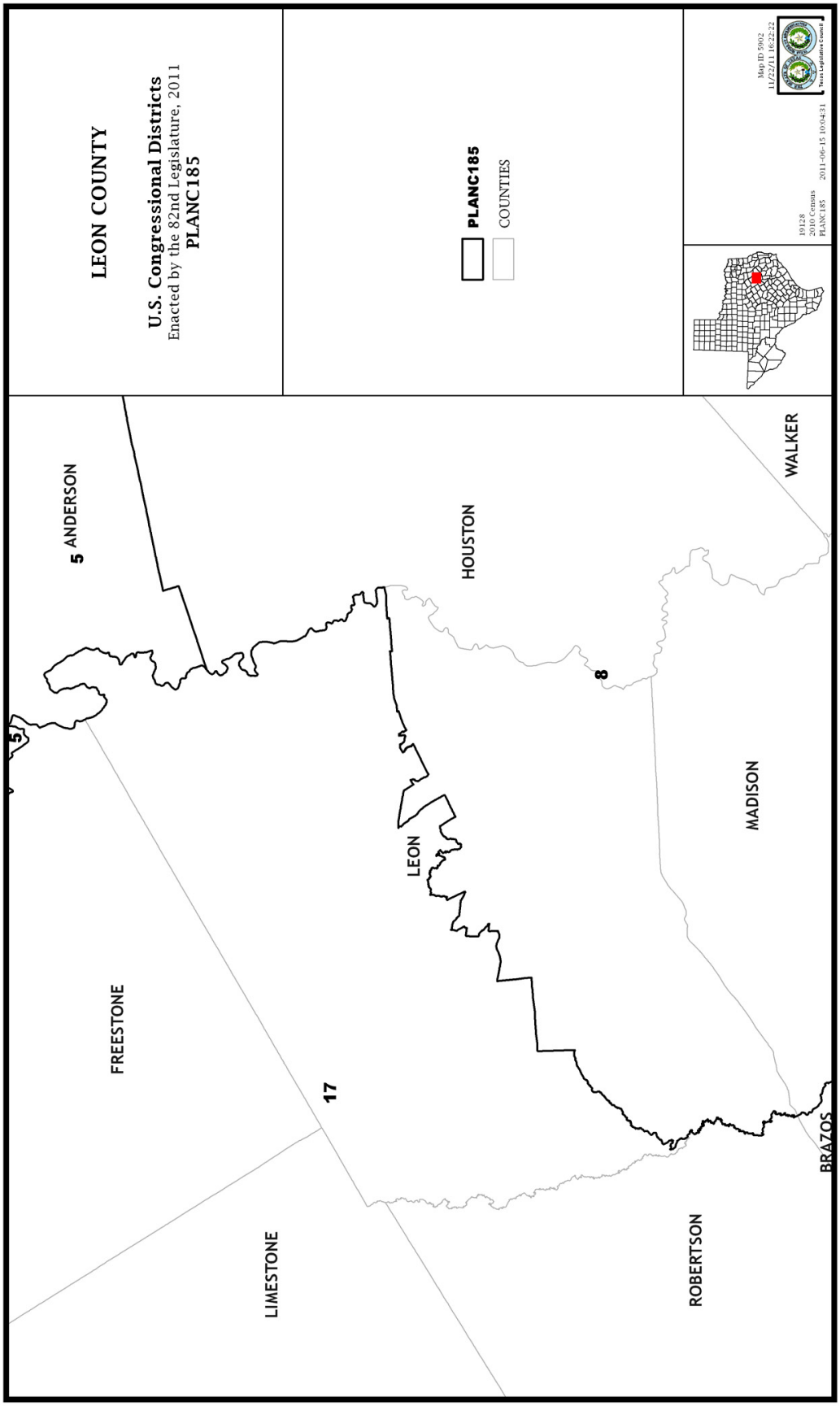
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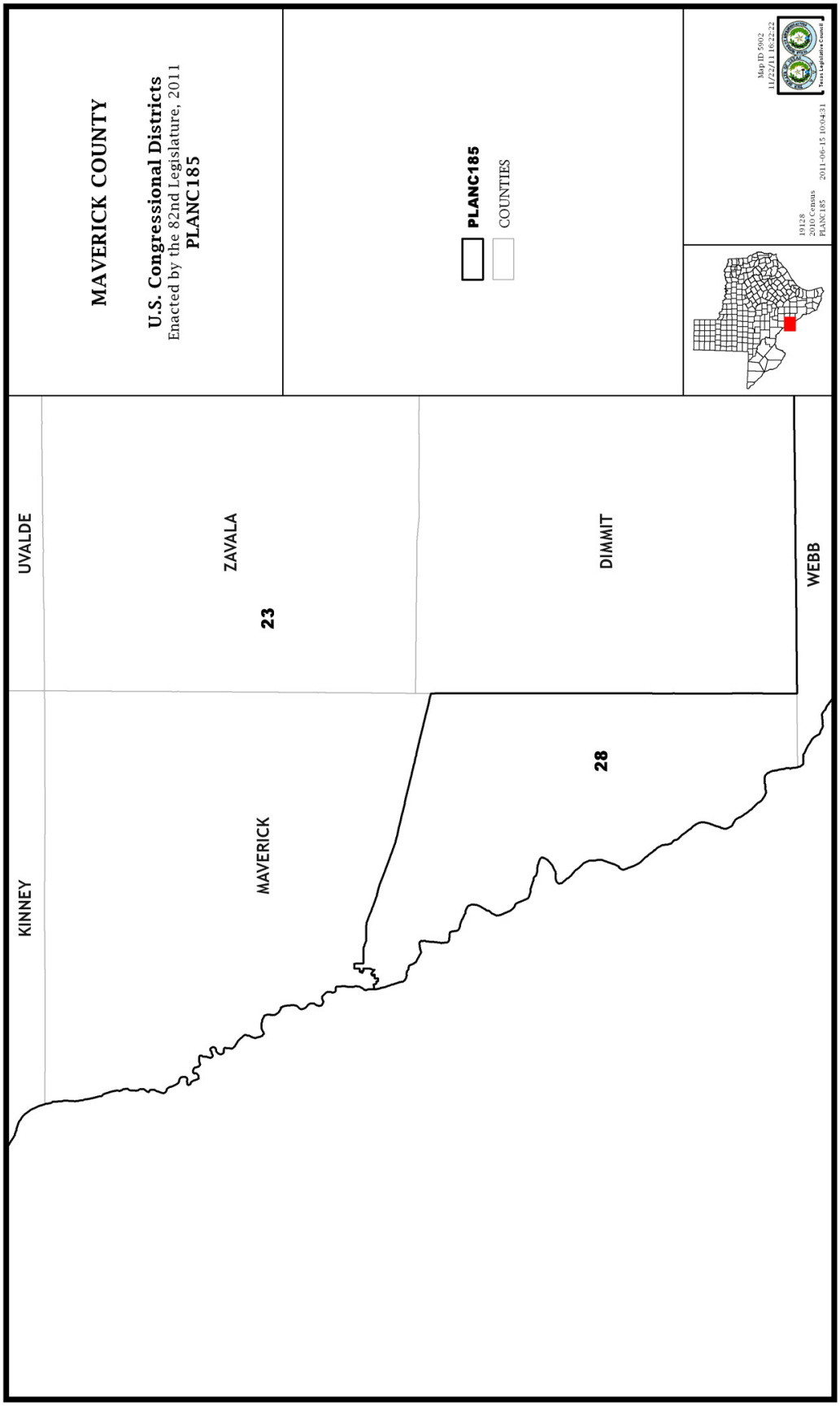
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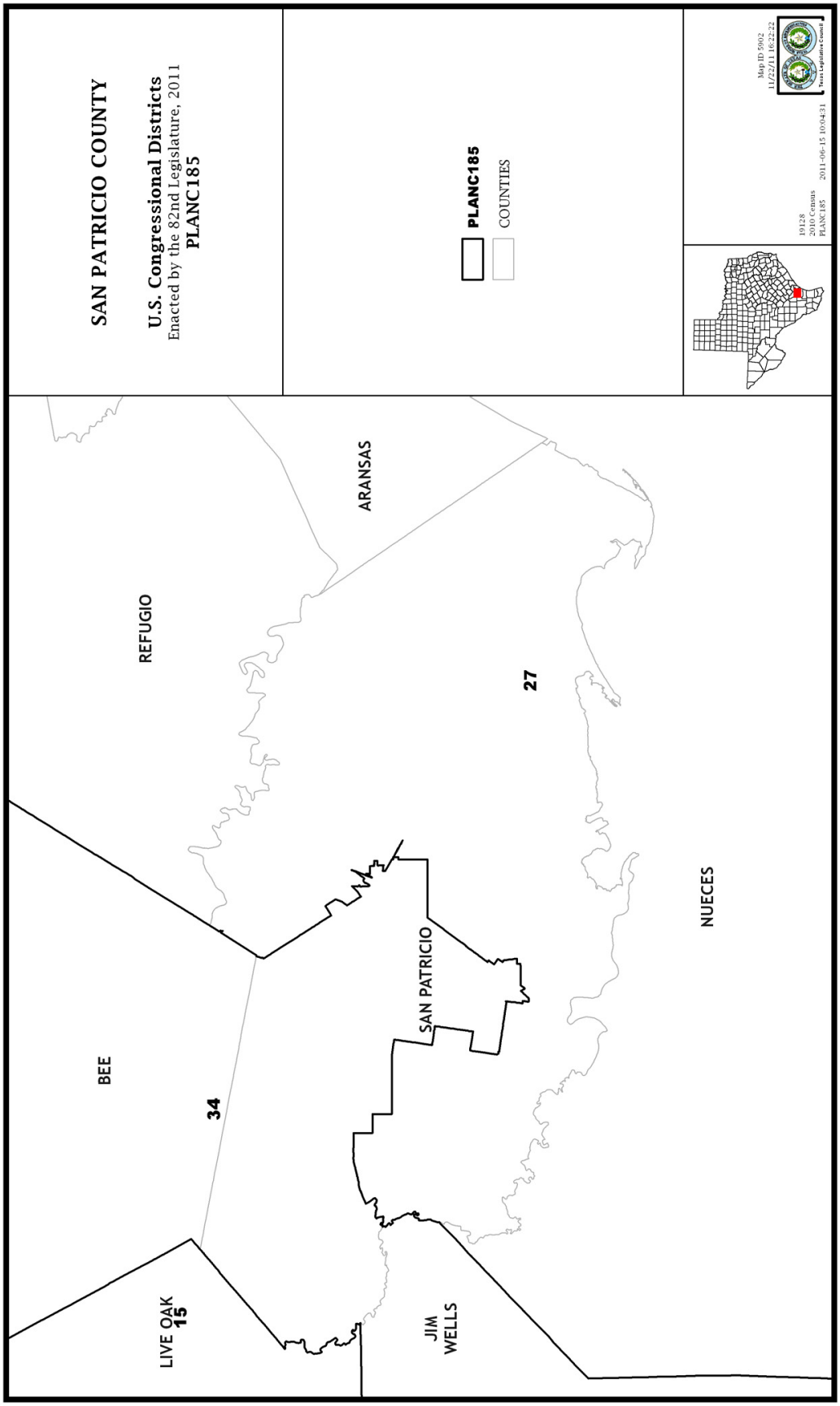
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Enacted by the 82nd Legislature, 2011
PLANC185
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COUNTIES
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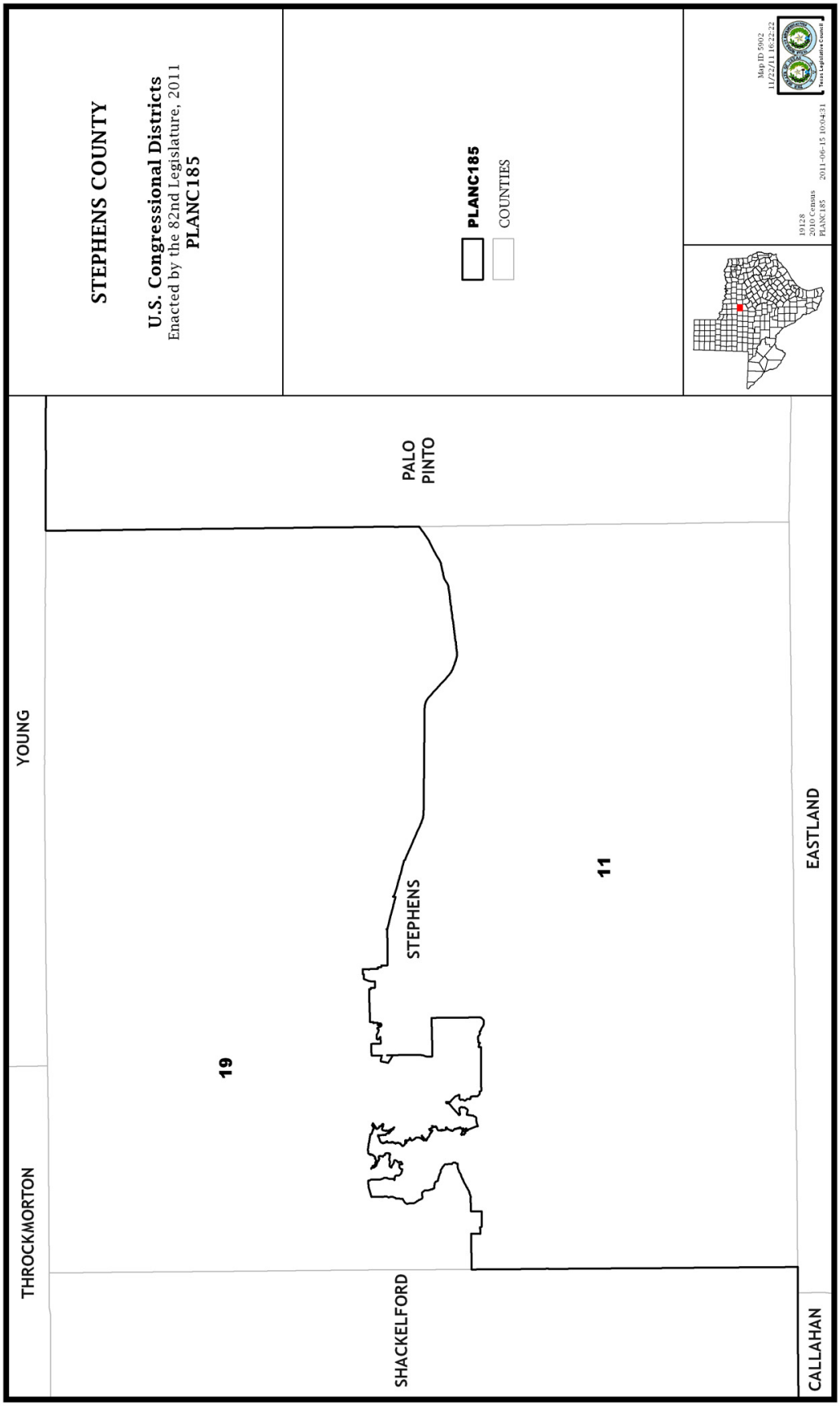
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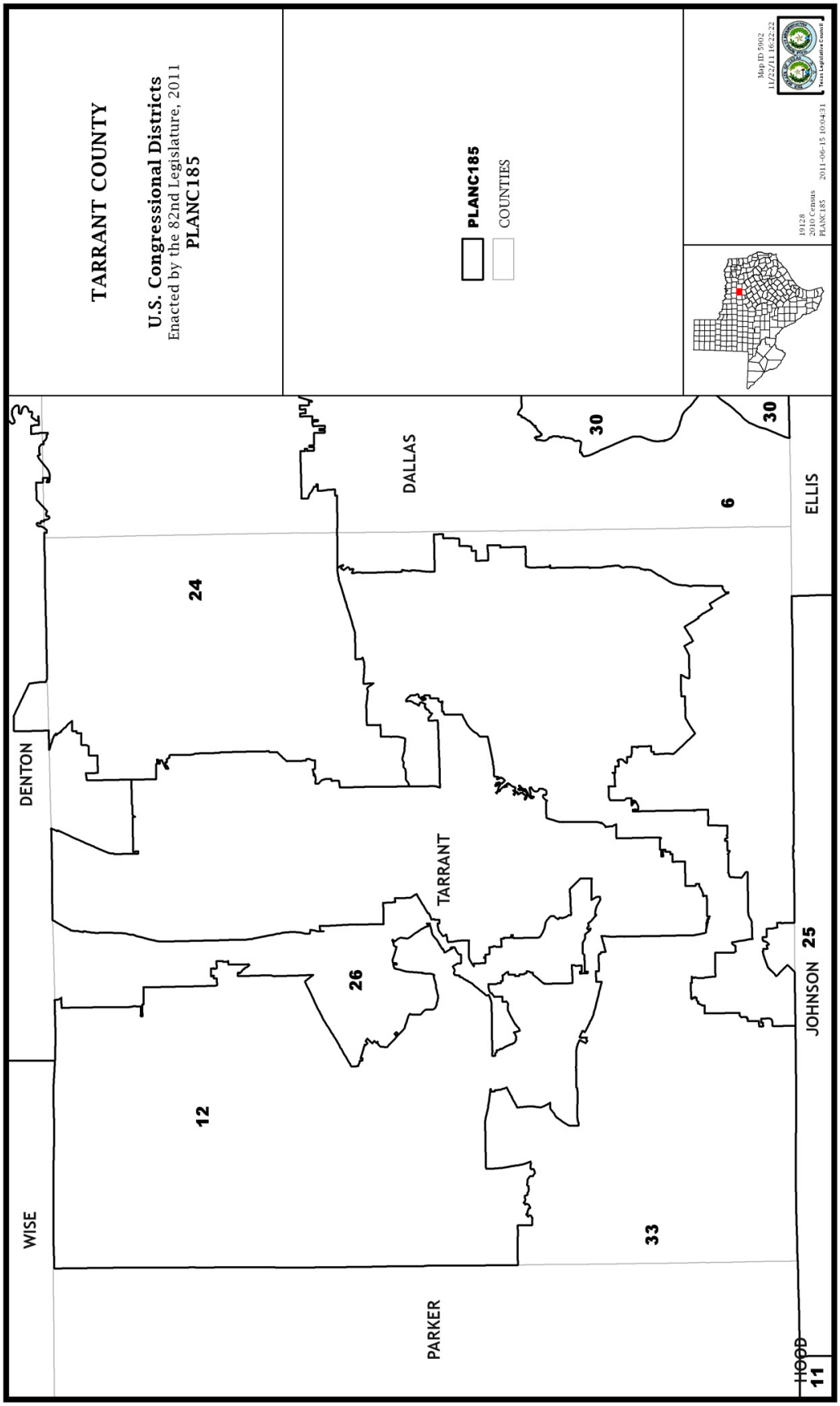
TARRANT COUNTY
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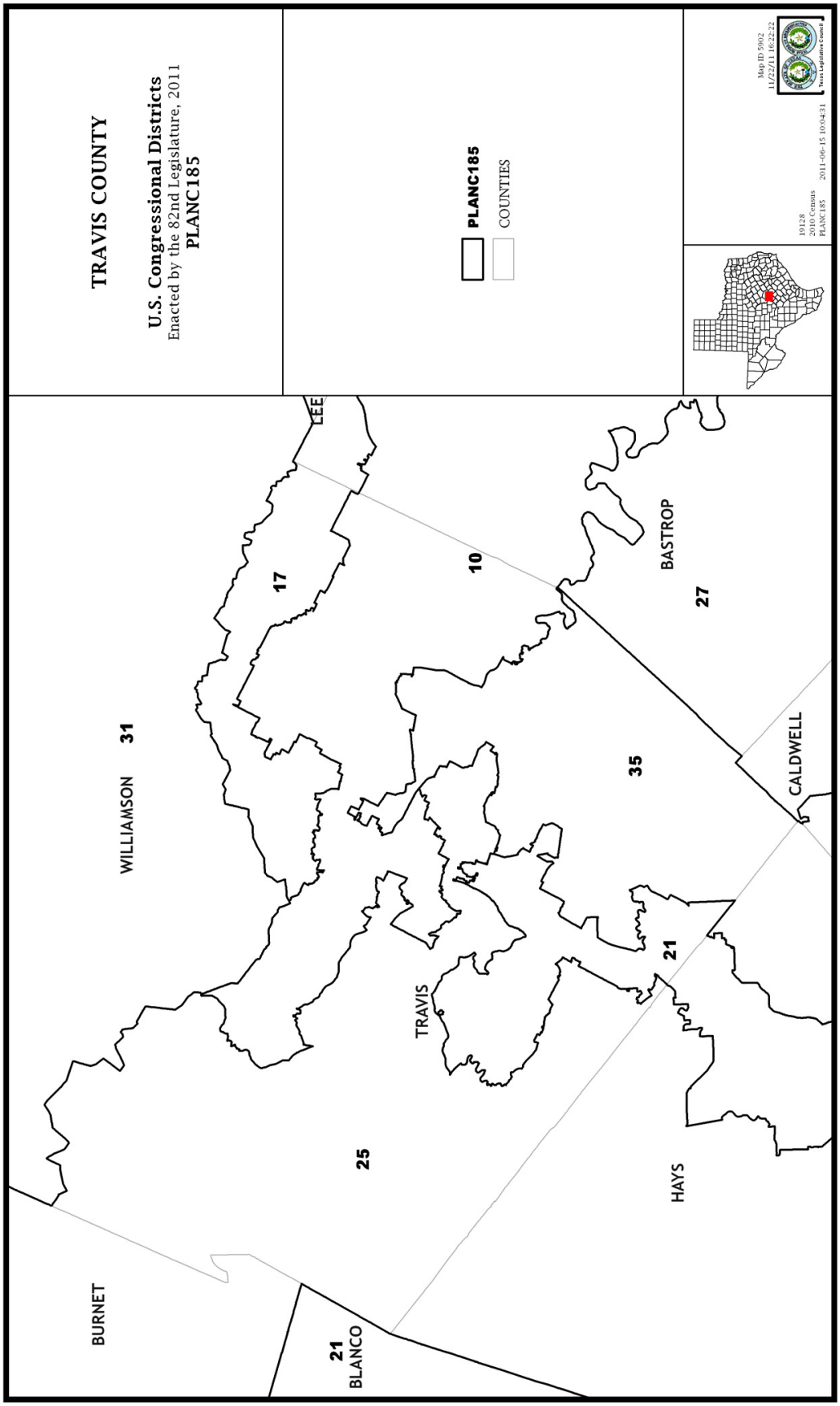
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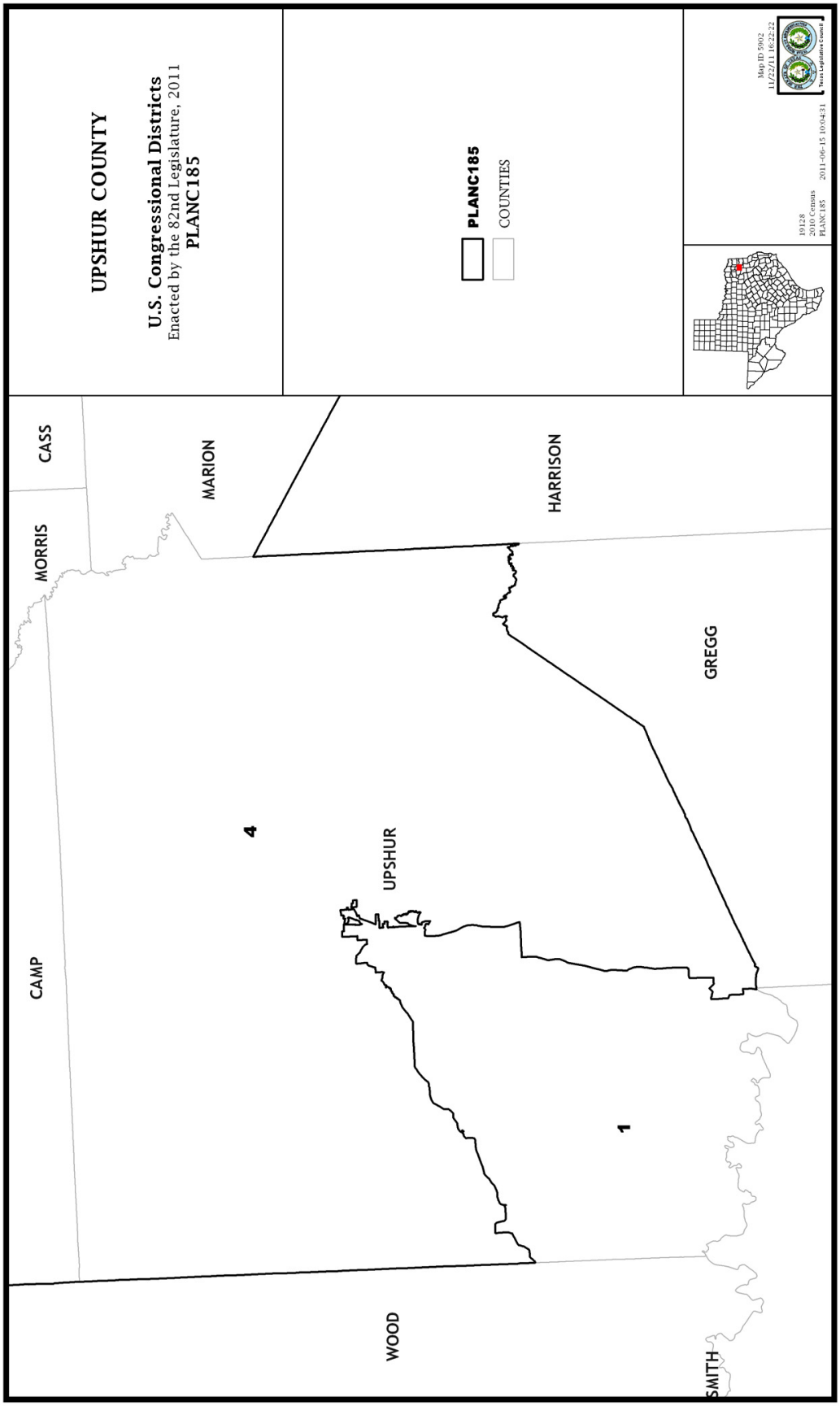
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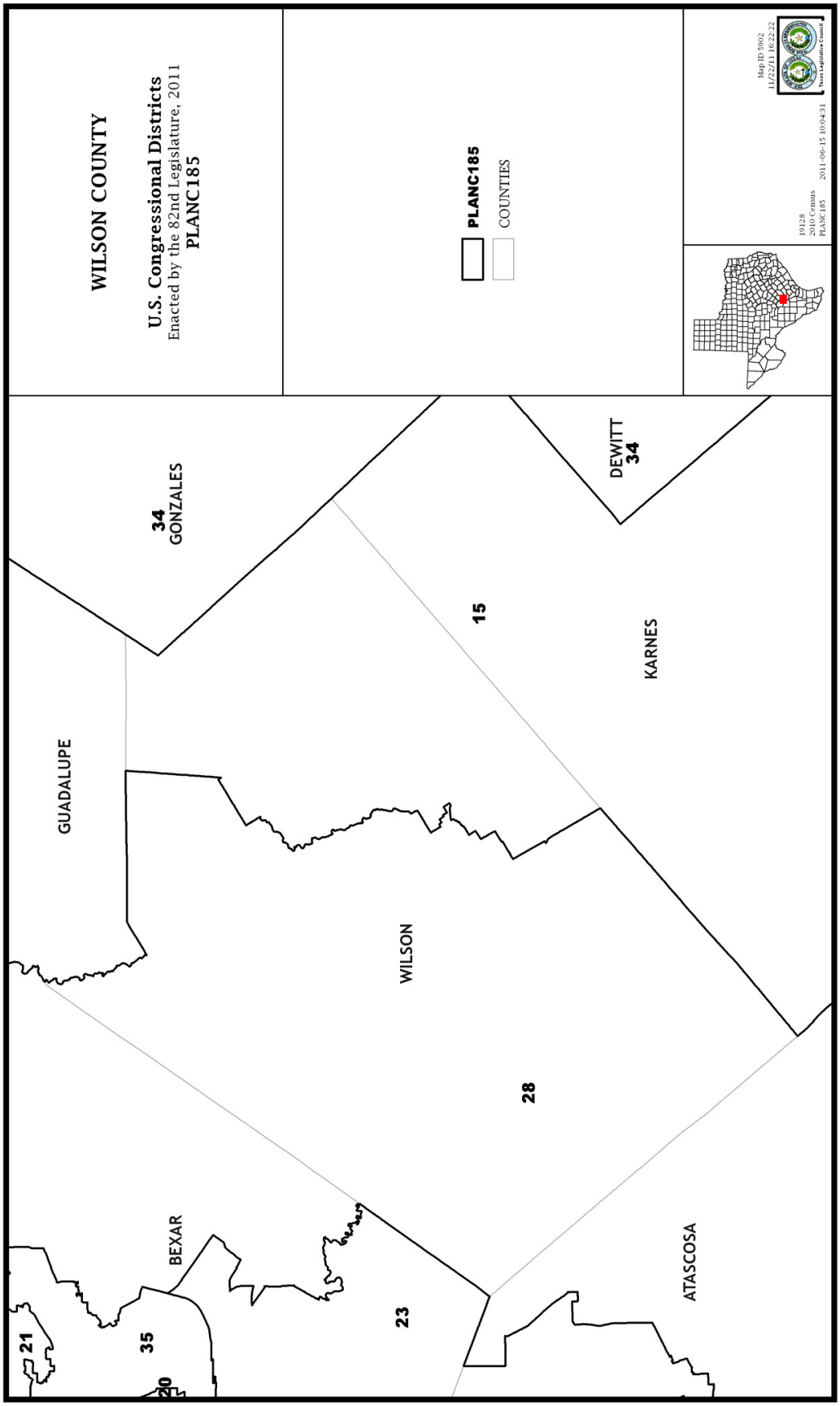
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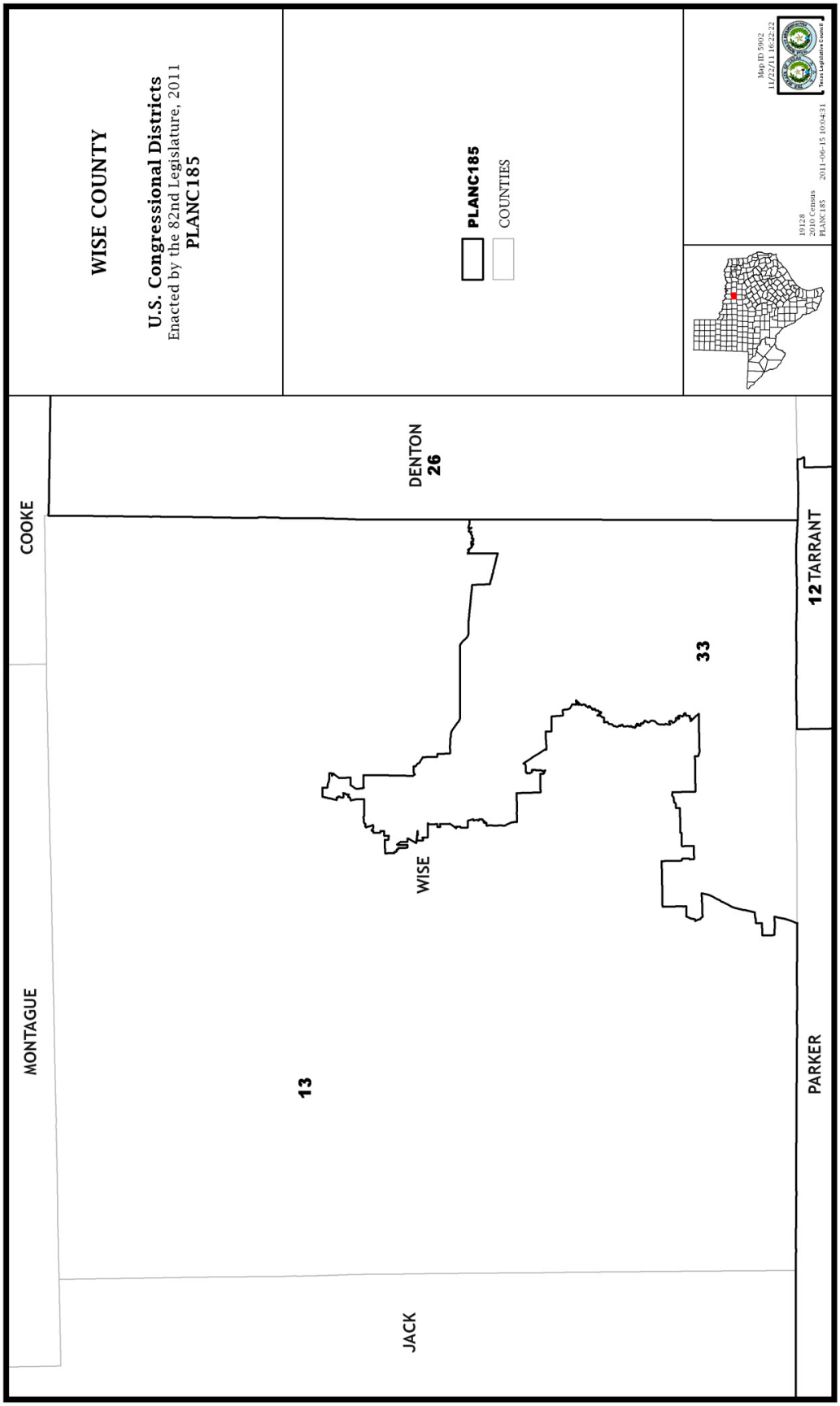
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Enacted by the 82nd Legislature, 2011
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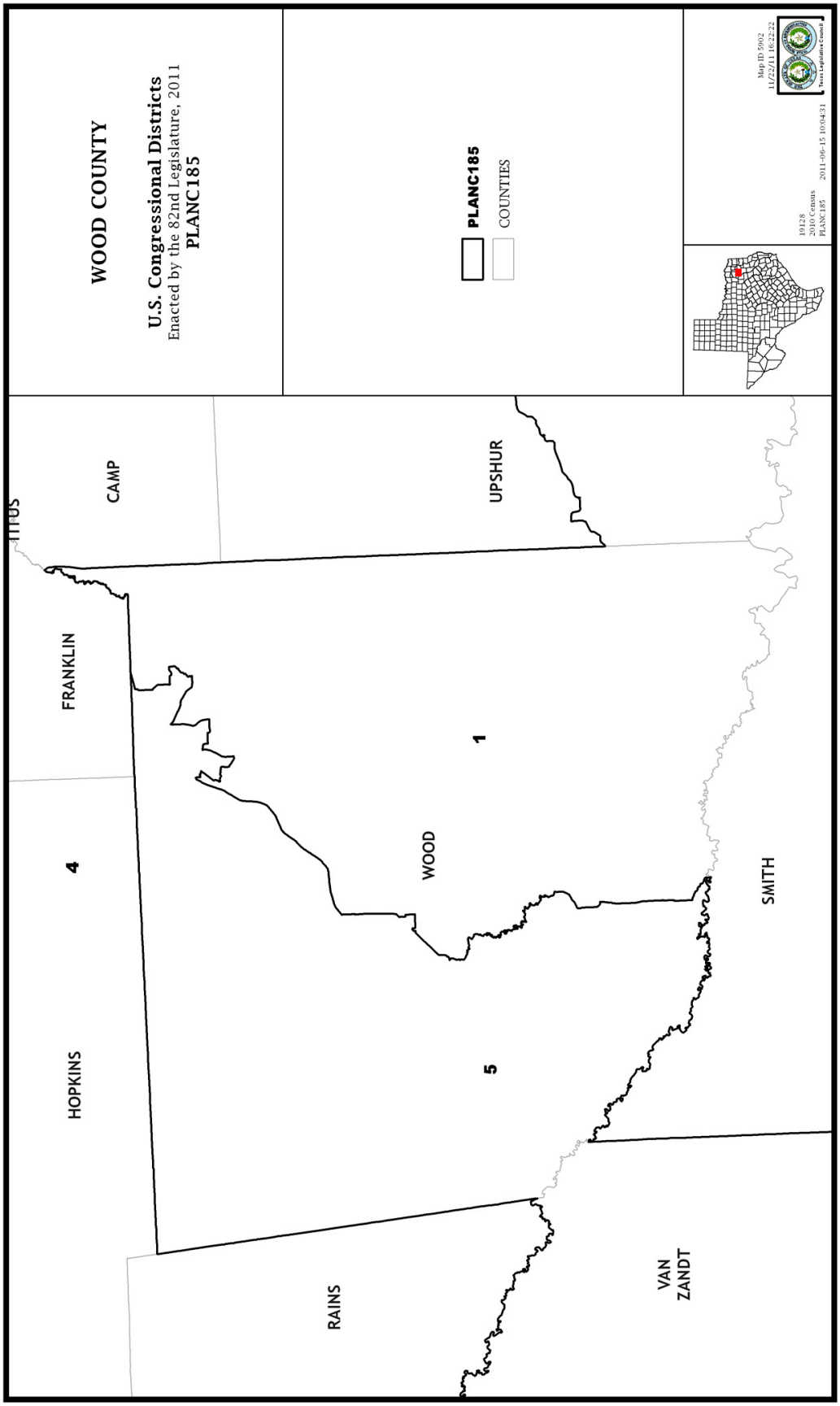
PARKER
JACK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5
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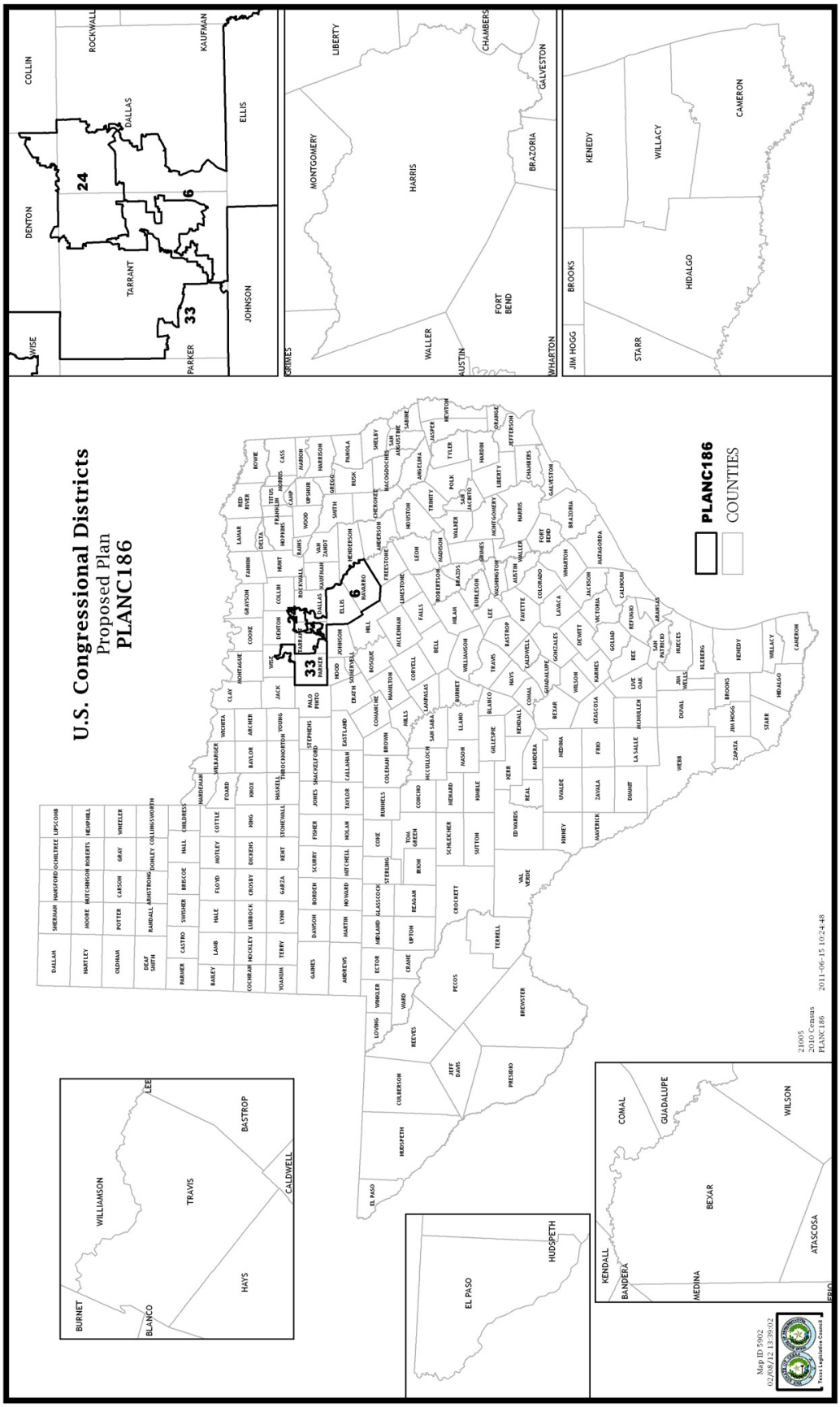
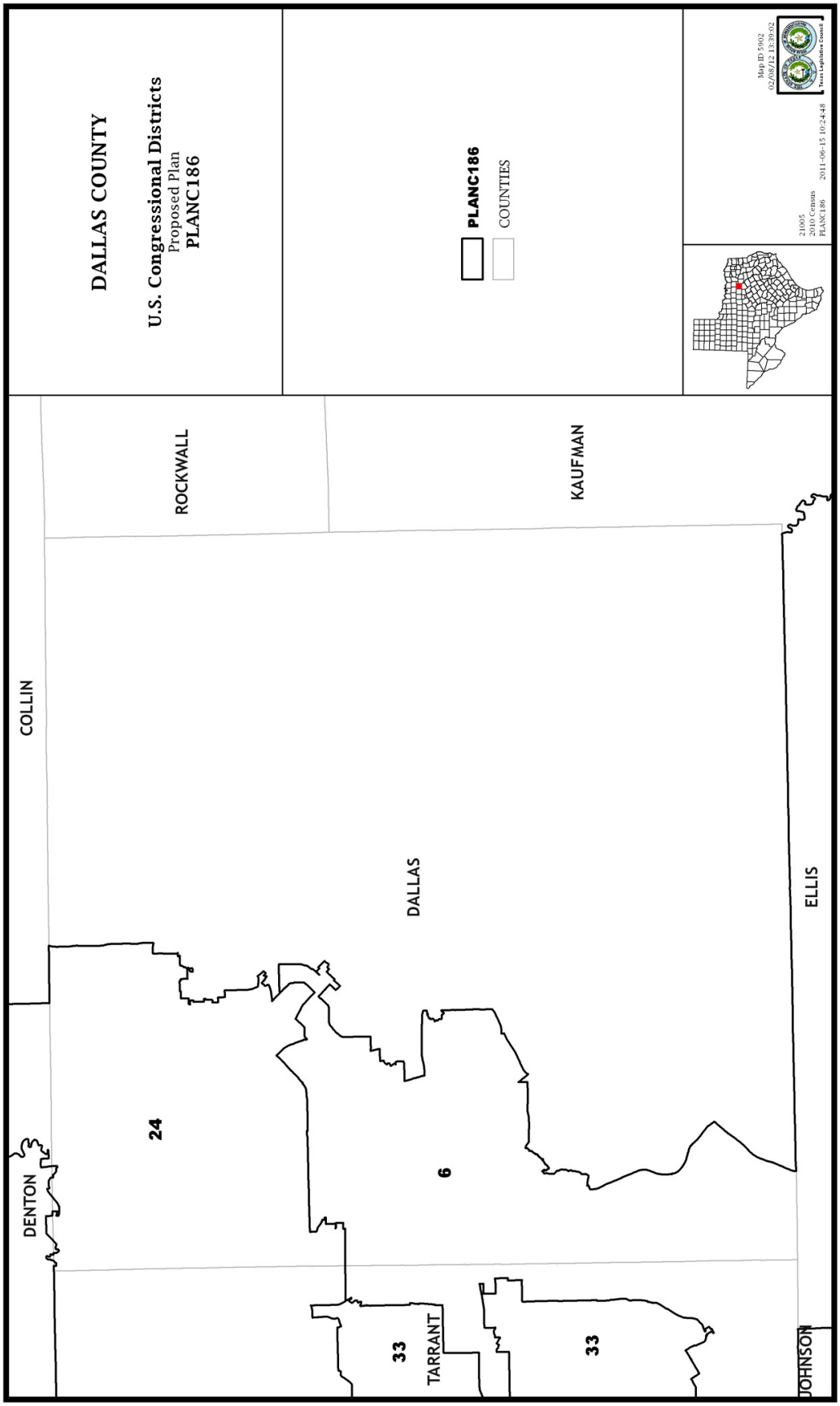
RAINS
VAN ZANDT

Amendment No. 2 (by Zedler)

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2011-06-15 10:24:48
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DENTON
DALLAS
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TARRANT
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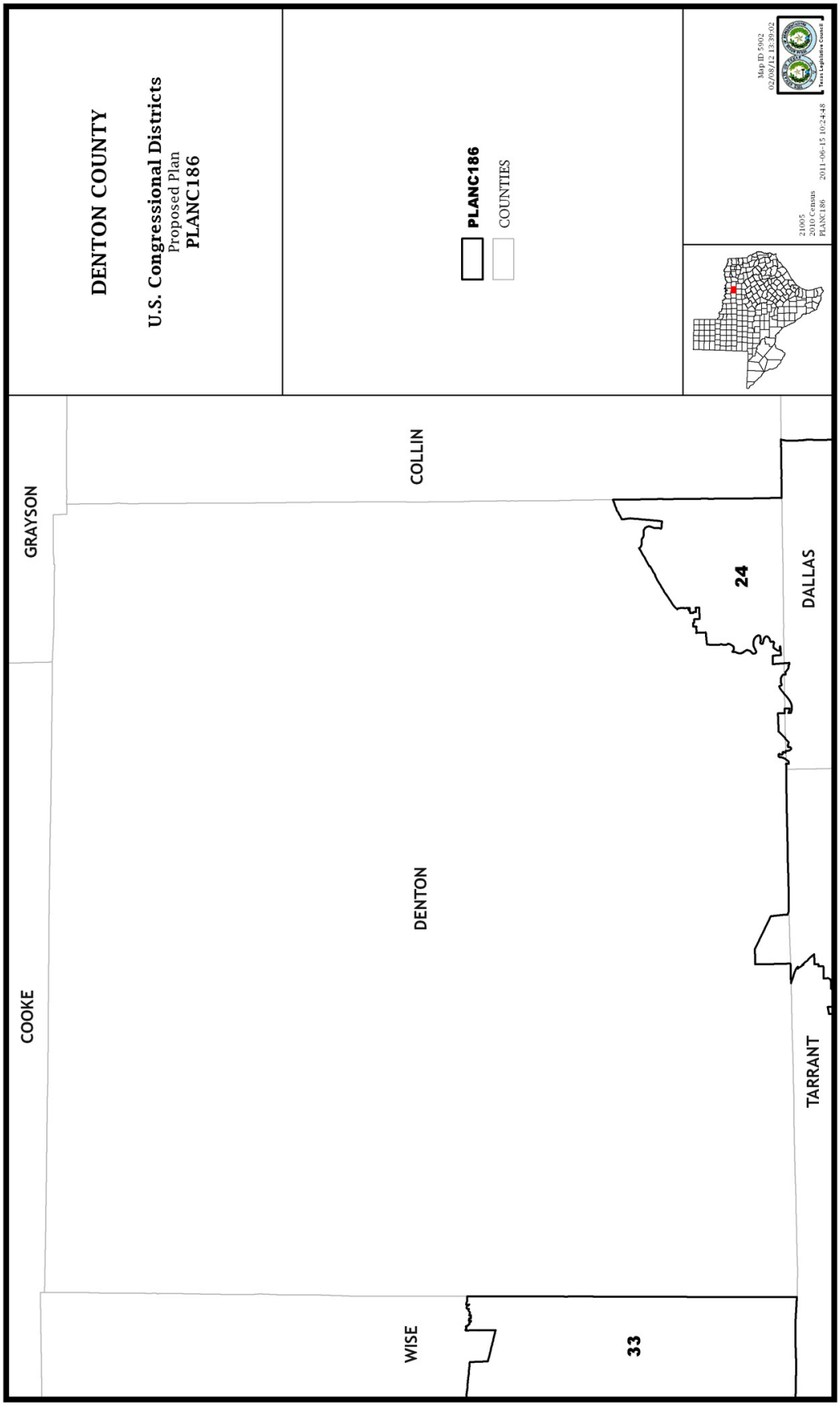
DENTON COUNTY
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02/08/12 13:39:02
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2010 Census
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Texas Legislative Council
GRAYSON
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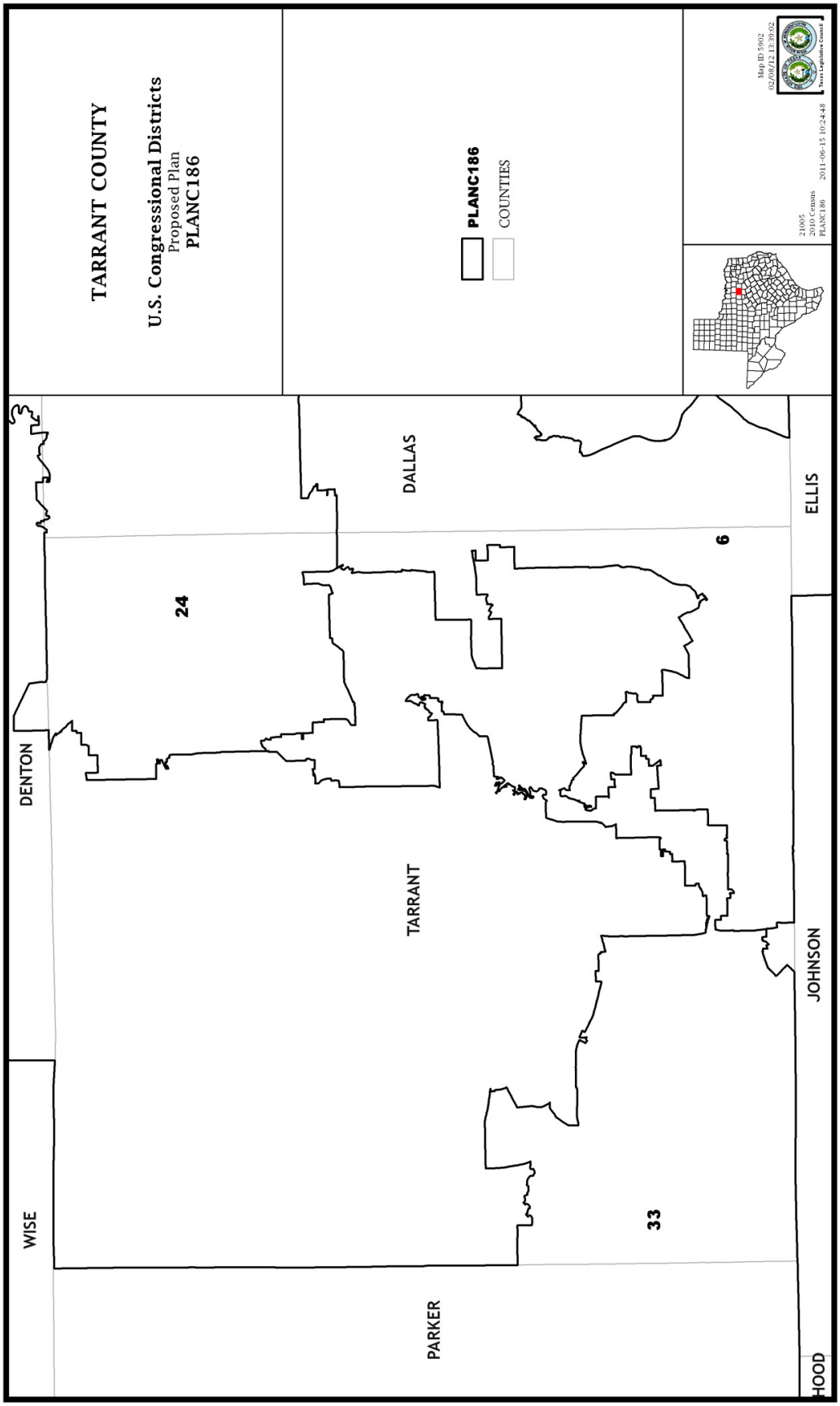
TARRANT COUNTY
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PLANC186
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Texas Legislative Council
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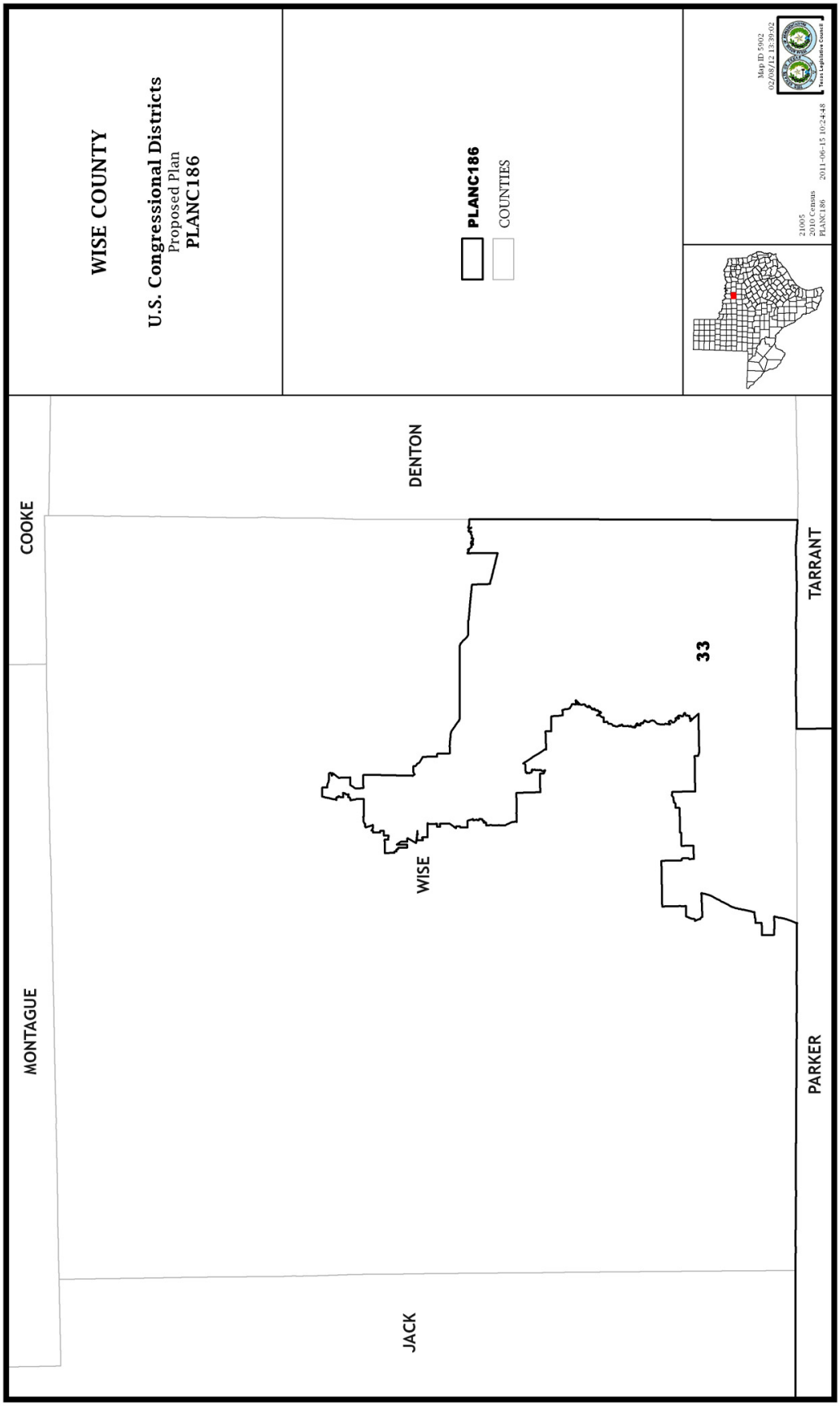
WISE COUNTY
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2011-06-15 10:24:48
Texas Legislative Council
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PARKER
JACK