SENATOR SHARON HEWITT: All right, members. I'd like to get started. This is February the 7th, Senate and Governmental Affairs Committee. Madam Secretary, if you would please call the roll.

MADAM SECRETARY: Senator Hewitt?

SENATOR SHARON HEWITT: Present.

MADAM SECRETARY: Present. Milligan?

SENATOR BARRY MILLIGAN: Present.

MADAM SECRETARY: Present. Allain?

SENATOR R. L. BRET ALLAIN: Here.

MADAM SECRETARY: Present. Senator Foil?

SENATOR FRANKLIN FOIL: Here.

MADAM SECRETARY: Present. Senator Harris? Senator Price?

SENATOR EDWARD PRICE: Here.

MADAM SECRETARY: Present. Senator Reese?

SENATOR MIKE REESE: Here.

MADAM SECRETARY: Present. Senator Tarver and Senator Womack?

SENATOR GLEN WOMACK: Here.

MADAM SECRETARY: Present. That is seven and a quorum.

SENATOR SHARON HEWITT: All right, terrific. Thank you. The first thing on our agenda, we need to approve some of the minutes that are in your folder.

Hearing Exhibit
PR-59
3:22-cv-00211-SDD-RLB

The first is the 9:30 meeting we had February the 2nd, where we heard some of our bills before this committee. Senator Milligan has moved, that we accept those minutes. Is there any discussion about that? Any questions? Give everyone just a minute to take a look. Okay, Senator Milligan has moved that we accept the minutes. I don't see any questions or concerns about that so those minutes will be approved. The second set of your minutes was the 2:30 meeting where we considered and interviewed ethics candidates for the ethics board. Any discussion about that? Senator Womack moves that we accept those minutes. All right, those minutes will be approved. All right, today, our agenda is to consider BESE bills as well as Public Service Commission Bills. It's my understanding, is this correct, Senator Fields that you do not intend to hear Senate Bill 3 today?

SENATOR CLEO FIELDS: That's correct Madam Chair, I refer to that bill.

SENATOR SHARON HEWITT: Okay. All right. For the public, if anyone that was here to hear Senate Bill 3, that bill will not be heard today. I'm going to start with the BESE Bills and Senator Barrow has asked if she could go first. So, we'll hear Senate Bill 21 from Senator Barrow.

SENATOR REGINA BARROW: Good morning, Madam Chair and committee. Thank you so very much for this opportunity to present Senate Bill 21. Senate Bill 21 is to look at the redistricting of the BESE Board, which consists of 11 members, 8 are elected, 3 are pointed. And the one thing to me that I think needs to be taken into consideration is, that makes it different than all of the redistricting, in my opinion, that we are doing is the clientele that they serve. I do have something additional I would like to ask Madam Chair if could be passed out?

SENATOR SHARON HEWITT: Sure. Yeah, the sergeant-at-arms can assist with that.

SENATOR BARROWS: The clientele that the BESE Board serve are the students of our state and when you look at the demographics of the students of our state, which is what you are receiving now, and this is a total enrollment as of October 1, 2021 with over 690,000 students. It gives a breakdown, a female and male, then it gives the demographics by race and ethnicity. And when you look at the race and ethnicity, majority of the students are children of color and specifically, 290,000 students are black or African-American and 296 students are white. And then you have all the other that make up the number to get

to the 690,000. So, in my opinion, when you look at the BESE Board, it should always have consideration of the clientele that they serve in terms of the students as we are setting and looking at policies. I have joining me to actually share in my testimony, a former BESE Board member who helped me with this particular bill. Then I'm going to ask her to introduce herself and to share why she think we need at least one additional board member.

LINDA JOHNSON: Good morning. Thank you, Senator Borrow. My name is Linda Johnson.

[00:05:00]

I'm the former BESE member and I served as the chair for three years and I served on BESE for 13, was elected in 1999. So, this is not my first rodeo coming to talk about census data or redistricting. After the 2000 census, I was over here, but I honestly can say I had no knowledge of what we should have been doing. After the 2010 census, I tried to get us to get a third minority District and I was very unsuccessful with it. And the reason why I was doing it after 2010, is because we had had a population shift due to the 2005 Katrina and the population had changed them and I thought, surely at that time, it would happen, and it did not happen.

So, I'm here again, and I'm asking you all, I think it's morally responsible for us to have representatives on, not just on BESE, but on any of these organizations that the children can look like the children. I think that is morally an obligation. I don't think it is and I do know that you don't have to take into the population in the public school when you're doing the redistricting. I truly understand that, but I believe it is a moral obligation to look at it that way. Also, because after Katrina, we had some learning loss and BESE had to make some educational changes in order to improve, well, now we're in a pandemic and we have more learning loss, more gaps. It has become extremely difficult to get the education up to where it should be. Having another face on BESE may help to change the educational outlook for children of color, and that is why I'm here. And I support this particular bill, I support getting three minorities on BESE. When Governor Kathleen Blanco was governor, she appointed two, and we had two that were elected, so we had four. And we made a lot of changes during that time because of the four people we had who could come together and talk about the needs for minority children. I am not just for minority children either.

I'm a quality education person. I really don't care who operates the schools. I want them to all be high quality. So that is really what I'm about, high quality and I do think having a third minority district will be and a minority district with somebody and I hope the person who gets that seat has the passion that I learned by getting on BESE for education and for the education of children in our state. Thank you.

SENATOR REGINA BARROW: And with that, members, I will just make this as my final comment and then be ready to accept any questions. The map is going to be second to the last that we are looking at to create a third minority seat, which will be up in the north, then port of the state and north quarter of the state. And as we look at some of the things that are happening across the state and across this nation as they were related to education, it is to me, I think, as former BESE board member, President Johnson stated that we have to look at things differently and we have to make sure that that's representation of the students that are actually receiving the education and the people that are making the policy, setting the policies, need to have, to me, a level of sensitivity, connectivity as it relates to what these

children are experiencing. Things are not as they were. When we came along and when we grew up, there are a lot of things that our children are being faced with. That they're just competing against their interests and we need to have people that understand the trauma, the experienced that these young people have and how they have to come to school and show up every day and have to, and they can expect to learn and to be present when they may have just seen something tragic happen in their community or in their home. And so, ensuring that we have another voice and the only reason why we have three now is because the governor actually appointed one, is to make sure that we draw that District that can ensure that we have their level of representation and not only from as a minority but also from their quartile of the state, where the issues that we face in South Louisiana may be a little different from North Louisiana and ensuring that we have that level of representation is just extremely important. With that, I'd be happy to accept any questions.

[00:10:00]

SENATOR SHARON HEWITT: All right, Senator. Thank you very much for the presentation and for the words of your guests. We appreciate you being here today.

I'm looking at the map. It appears that again District 5 would be the one that you're working to create as a third minority district. It certainly got a very unusual shape to it when I look at it, just visually on the map was raised the predominant reason for drawing the map as you did.

SENATOR REGINA BARROW: It was not the predominant reason, but certainly it is a factor. But Madam Chair, if I looked at some of the lines that we have drawn in this state, there are some really unusual lines that we have even now in terms of districts that are drawn. Why it does look a little unusual, race was not the predominant factor in this case.

SENATOR SHARON HEWITT: Okay. And then when I look at the statistics, the total population and voting age population statistics that are presented with this bill. Districts 2 and 8 are currently are minority districts. They have in your bill 57.48% voting age population in District 2, 55.9 in District 8. Only 47.7 for District 5, which total population is 50.49. It would be technically a minority district because it's over 50% total Black. But when I look at the voting age population Black, it's 47.7. Do you

1 really believe that that would perform as a minority
2 district?
3 SENATOR REGINA BARROW: Well, certainly it
4 definitely have the tendency to be able to perform I
5 believe. Certainly, it definitely give individuals to
6 an opportunity to elect a candidate of their choice.
7 And with that stated, I do believe that it can.
8 SENATOR SHARON HEWITT: Do you believe though
9 with again, that they would have an equal opportunity
10 if only 47% of the voters are Black? That that's an
11 equal opportunity to elect a candidate of their
12 choice?
13 SENATOR REGINA BARROW: I do. I mean, I honestly
14 believe that it can. And so, I believe that it can
15 perform and that it will allow individuals, I mean of
16 course the person who runs would have to get out and
17 work extremely hard to get their votes out, but I
18 believe that he can.
19 SENATOR SHARON HEWITT: And do you have any
20 evidence by looking at data statistical analysis,
21 past election history to know that the district as
22 you configured it would perform?
23 SENATOR REGINA BARROW: I do not have any data,
24 but if this bill makes it out of committee, I would
25

make sure that I have that information and I can speak to it more on the floor.

SENATOR SHARON HEWITT: Okay. All right. Senator Price for a question.

SENATOR EDWARD PRICE: Thank you Madam Chairman, and thank you Senator Barrow for the bill and Ms. Johnson, thank you for being at the table. I'm quite aware of your past with the BESE Board and the things that you did on BESE and just to say thank you for all the things that you've done and keep doing. You're very active, so thank you. And on the map, well on your statistics here, I see that 690,000 kids in public school, that includes charter schools also? I guess that's my question.

SENATOR REGINA BARROW: Yes.

SENATOR EDWARD PRICE: Okay, so that's include charter school. The Black population is 290,289 and the white population 296,731, almost equal to the numbers. And you're basing your bill basically saying that you should have some equal opportunities from minorities on the board also, is that correct?

SENATOR REGINA BARROW: Correct. And while I know that this is not the determinant factor in terms of when we actually are redistricting, I think it's something that we certainly should take into

consideration. When you look at the clientele that they serve, everybody else we are redistricting does not have a specific clientele such as this. And I believe that that's important because you're setting policies for individuals that just needs to be consideration of various factors.

SENATOR EDWARD PRICE: Thank you. And District 2, 57% as the chairman said and 55 in District 8, and 47, these are voting age population, so this really creates an opportunity district more than anything, correct?

SENATOR REGINA BARROW: Right.

SENATOR EDWARD PRICE: All right. Thank you.

SENATOR SHARON HEWITT: Yes sir. Thank you, Senator Price. President Cortez.

[00:15:00]

PATRICK PAGE CORTEZ: Thank you Madam Chair. Senator Barrow, thank you for bringing the map. I'm just curious that this is the BESE map, it's not the Senate map. But your district has been in the conversation, your senate district of having too high a population of voting age, population Black, if your district where to go down to 47% voting age population Black, would you feel comfortable with that?

SENATOR REGINA BARROW: If that's what happened, I feel comfortable with it, but guess what? I'd get out and work it.

PATRICK PAGE CORTEZ: Okay. I just wanted to make sure because there's alternatives out there that would potentially put yours at that level and I know that you and I have had conversations that there's a concern that that would be too low and it would not perform, but I just wanted to ask that question. Thank you.

SENATOR REGINA BARROW: Thank you. I appreciate it Mr. President. At the end of the day, again, it creates the opportunity and wherever seats are being drawn, whether senate or if it's BESE, PSC, or a congressional seat, as long as we have the opportunity, then that's the best that we can ask for. And whoever the candidate is, then they have to get out and do the work.

PATRICK PAGE CORTEZ: That's right. Okay. Thank you very much.

SENATOR REGINA BARROW: Thank you.

SENATOR SHARON HEWITT: All right. Thank you, Mr. President. All right. Any other questions from the committee of Senator Barrow? All right, Senator, I

1 think the board is clear. Ms. Johnson, thank you for
2 being here today. Thank you, Senator, very much.
3 SENATOR REGINA BARROW: Thank you.
4 SENATOR SHARON HEWITT: Excuse me. You haven't
5 been in the committee hearings to know kind of how
6 we're doing this. I apologize. We are going to hear
7 all the BESE bills today. I do believe that there is
8 at least one bill that will have some amendments.
9 And so, what we have done both with the Senate bills
10 and the Congressional bills is we have kind of
11 deferred all of the bills so that particularly that
12 one that is amended the public as well as the members
13 have an opportunity to digest the amendment. We are
14 trying to be as public and transparent as we can. And
15 so, what I guess I would like to do is to entertain a
16 motion by someone on this committee that we defer
17 this bill until tomorrow and then we'll consider all
18 of the BESE bills as amended and then be able to
19 decide what the will of the committee is in terms of
20 moving forward. I apologize for not saying that
21 earlier. You haven't been in the committee with us
22 all week.
23 SENATOR REGINA BARROW: Okay. Thank you.
24 SENATOR SHARON HEWITT: SO, Senator Milligan
25 moves that we defer the bill and Senator, then, we

will take it up tomorrow and consider how to move forward on the BESE Bills. All right. Senator Fields, you've got several bills. Would you like to come next with Senate Bill 7?

SENATOR CLEO FIELDS: Thank you, Madam Chair, members of the committee. We'll start with Senate Bill 7. Madam Chair, members of the committee, the BESE Board was created by constitution. I think it was Article 8, Subsection 3b, and it constitutionally said that we should have 11 members, 8 were elected and 3 were appointed by the governor of the State of Louisiana. And Senator Barrow gave some statistics. I want to give some numbers to those statistics. There are 690,000 public school students in the State of Louisiana. You have it before you but I want to give some percentages to those numbers. There are 4,006 American Indians which is 0.58%. Asians, there are 10,954 which equals 1.6%. And of that 690,000, there are 290,289 Blacks which gives us a percentage of 42.1%.

[00:20:00]

And Hispanics, there are 64,871 which equals the percentage of 9.4%. And Hawaiian Pacific Islanders, there are 557, which equals a number of 0.8%. And whites, there are 296,731, which equals the

1 percentage of 43.0%. And then those that are non-
2 Hispanics that falls into other races other than
3 those that I mentioned would be 22,684, which would
4 give us a percentage of 3.3%. The total minority
5 population in the State of Louisiana that are in
6 public school would be 57.0%. Madam Chair to my right
7 is Mr. Michael Pernick who you know, from the NAACP
8 Legal Defense Fund. I would like to offer up an
9 amendment. I have someone from the committee to offer
10 up an amendment. And I apologize to staff when I had
11 this bill introduced because we have this joint rule
12 like I explained earlier in the committee that we
13 don't have split precincts and I wanted to put the
14 bill back in its original form and if someone would
15 offer up the amendment, it would put the bill in the
16 form that you actually saw the bill when they
17 introduced it on the roadshow. So, and then I have
18 Mr. Pernick to speak to the bill in that form.
19 SENATOR SHARON HEWITT: Okay, Senator Price will
20 offer up the amendment. I don't know what the set
21 number is. Set 87. And so, if you all would please
22 distribute that to the members.
23 SENATOR CLEO FIELDS: Thank you, Madam Chair and
24 members. Let me briefly go through before I have Mr.
25 Pernick speak to the bill. Just talk about the

parishes that the bill in District 1. District 1 has a total of about four parishes. There are three split parishes in one whole parish. District 2, there are four split parishes and two whole parishes. District 3, there are seven split parishes and six whole parishes. District 4, there are 11 split parishes and five whole parishes. And District 5, there are 12 split parishes and 13 whole parishes. District 6, four split parishes, two whole parishes. District 7, three split parishes, five whole parishes. And District 8, nine split parishes and four whole parishes. And with that Madam Chair and members, I'll turn it over to Mr. Pernick.

MICHAEL PERNICK: Thank you, Senator Fields. Thank you, committee members, Chair Hewitt for the opportunity to be here with you today. And thank you, Senator, for the opportunity to present this bill with you. I'd actually like to refer this to my colleague, Victoria Wenger, to present some information on the bill with the Senators' permission.

SENATOR SHARON HEWITT: Okay, if you would introduce yourself, please for the record.

VICTORIA WENGER: Certainly. Good morning, Chair and members. My name is Victoria Wenger and I work

for the NAACP Legal Defense and Educational Fund. SB7 as amended, mirrors one of two BESE maps submitted during the roadshow by a coalition of 14 nonprofit, nonpartisan organizations along with former BESE member Linda Johnson who you heard from earlier. The co-authors of that map and its corresponding letter include both Black and Latino led racial justice organizations, civil rights and civic engagement, nonprofits and groups focused specifically on education equity in the State of Louisiana. As you know, the Louisiana Board of Elementary and Secondary Education or BESE holds incredible influence over educational outcomes for Louisiana students.

[00:25:02]

BESE has budgetary, curricular, administrative and policy authorities that uniquely impact Black and Latino students due to historic, contemporary and correlated inequities in the state. Under the current map, Black and Latino Louisianans are severely underrepresented. Of the 8 elected members of the 11-member board, only 2 are elected from majority-minority districts, 25%. However, Louisiana's population as a whole is almost 40% Black or Latino. Moreover, Louisiana's school age population, those who are under 18 and eligible to attend public

1 schools is 47.5% Black or Latino, almost twice the
2 percentage of BESE districts reflecting these
3 populations. Louisiana's Black and Latino populations
4 are sufficiently large and geographically compact to
5 constitute a majority in three BESE districts. SB7
6 provides just one of multiple alternative maps that
7 achieves compliance with the Voting Rights Act on
8 this metric. Moreover, SB7 offers a BESE map that's
9 scored as more compact than the current map according
10 to the widely accepted Polsby-Popper Compactness
11 Measure and it splits fewer parish boundaries. Based
12 on numeric measures from recent elections, SB7's
13 three proposed majority-minority districts perform
14 for the candidates preferred by minority voters in
15 the presence of well-documented patterns of racially
16 polarized voting across these regions.
17 Geographically, each one of the eight districts in
18 SB7 is anchored by a metro area or region. District 1
19 includes the southern half of Jefferson Parish, parts
20 of the River Parishes, Olive Livingston, and East
21 Baton Rouge. District 2 includes all of Orleans and
22 the urban center of Jefferson Parish. District 3
23 includes all of Washington, St. Tammany and St.
24 Bernard, Parishes that share an eastern border with
25 Mississippi. District 4 includes all of Central

1 Louisiana and the top portion of the parishes that
2 border Arkansas. District 5 includes communities in
3 North Louisiana united by socio-economic disparities
4 and poor outcomes in health, employment and most
5 importantly for BESE, education. District 5 also
6 includes Ouachita, Richland, Franklin, East Carroll,
7 Tensas and Madison parishes. District 6 includes the
8 heart of the Bayou Region and the eastern portions of
9 Acadiana anchored by the entirety of Lafayette
10 Parish. District 7 includes the Florida Parishes,
11 portions of the River Parishes and is anchored by
12 East Baton Rouge. Finally, District 8 includes the
13 Western half of Acadiana, all of St. Landry and
14 Avoyelles Parish and is anchored by Lake Charles. It
15 is critical that Black and Latino Louisianans are
16 fairly represented on BESE because the current Board
17 has been unresponsive to the particularized needs of
18 Black and Latino families and students. Whether
19 regarding COVID regulations, curricular standards or
20 student and school assessment metrics, the BESE board
21 has largely failed to account for histories that
22 produce racial inequities in the State and factors
23 that protract these disparities today. By ensuring
24 minority voters are no longer cracked across
25 disparate districts in Northern Louisiana, SB7

ensures compliance with the Voting Rights Act, and equitable representation for Louisiana's rising generation of Black and Latino voters. Thank you.

SENATOR SHARON HEWITT: Okay. All right. Thank Ms. Wenger for that. I'm looking at the statistics again, and so there are three minority districts represented in these bill Districts 2 and 8. And the new district that appears that you all are creating in and this bill is District 5. Again, with 47.7& voting age population Black. What evidence do you have that that district would actually perform as a minority district?

VICTORIA WENGER: Certainly. Much like of the analysis that we've conducted for other maps that are being drawn during this session, we've looked at recent elections to see whether or not in these districts candidates are preferred cohesively by Black and Latino voters and tend to be different than the candidates that are preferred by the white majority voting bloc. And what we've found is that consistently, the minority preferred candidate has been able to succeed in these hypothetical districts.

SENATOR SHARON HEWITT: And you believe that there is certainty in that data that you can

demonstrate that through your study that there's certainty in the data?

VICTORIA WENGER: Certainly, we found that through the metrics that are used acknowledged by courts to analyze performance and cohesion. There's very compelling evidence to suggest that these districts would perform for the minority-preferred candidate.

SENATOR SHARON HEWITT: As I recall from the letter that you all sent during the roadshow, you were adding Black voters as well as Hispanic voters into your minority population.

[00:30:02]

SENATOR SHARON HEWITT: So, to meet the Voting Rights Act, they have to be able to - you have to -- where the jingles precondition hit to demonstrate that those two minority groups would act cohesively, right? And vote as a Black. Have you -- do you have evidence that they would?

SENATR VICTORIA WENGER: Yes, we've conducted that analysis and have evidence to support that.

SENATOR SHARON HEWITT: And do you have -- can you present that evidence before this Committee?

SENATR VICTORIA WENGER: We don't have that here but we also have recently learned that I believe

you've retained council as well that have experts that might be able to conduct this analysis, and whether or not that's true, we would highly, highly encourage you to also have that analysis conducted by experts that are retained by this chamber.

SENATOR SHARON HEWITT: We do have experts that have been retained and they do not agree with your position, right, that you can, that those groups would be cohesive or that there's enough certainty in the data to be able to predict that 47.7% voting age population Black would give the minority an equal opportunity to elect a candidate of their choice?

SENATR VICTORIA WENGER: I think we would have to see those numbers as well, but the analysis that we have received suggests that they would.

SENATOR SHARON HEWITT: Okay. Well, again, it would be very helpful to this Committee in our deliberations to be able to consider your evidence rather than us just taking your word for it.

SENATR VICTORIA WENGER: And we certainly hope to also see the evidence that the Chamber is looking at as well.

SENATOR SHARON HEWITT: Yeah, it's -- okay, it's my job to ask the questions. It's your job to answer

them in this Committee hearing. All right, Senator Allain.

SENATOR R.L. BRET ALLAIN: Thank you, Madam Chair. It's very hard for me to tell from your map. I've looked through all the maps, but it appears to me that you have the current Chairman, Ms. Sandy Holloway, has been taken out of her current district and is put over with Lafayette. You also move in Lafayette from the historic district that it's been in number eight along with late Charles and including that in this newly formed District, can you tell me if Ms. Holloway is currently being moved out of her District into District 1, along with Jefferson and Plaquemine.

SENATR VICTORIA WENGER: Senator, I would have to follow up to confirm that. What I can say is that this map is provided to show just one of multiple different alternatives that could achieve representation for Black and Latino voters in the State. And my understanding is, there are other maps as well that especially in the Southern Region of the State, largely mirror exactly what the map is right now with more changes in the North. This does more work to change the boundaries overall, but we can

1 follow up to confirm the exact impact that would
2 have.
3 SENATOR R.L. BRET ALLAIN: But at least, if she's
4 left in her own District, she's been fairly isolated
5 from that. The current Chairwoman Ms. Holloway, are
6 you satisfied with the job that she's done in the
7 past? Have you followed what's going on over there?
8 SENATR VICTORIA WENGER: What I can say is we're
9 not here to make particular statements on one member
10 of the board or another. If it is the prerogative of
11 the Committee to prioritize protecting incumbents and
12 having that --
13 SENATOR R.L. BRET ALLAIN: I'm not trying to
14 protect an incumbent but shoving or completely out of
15 her District, or at least putting her on the edge
16 gives that District that has never, I mean, who
17 elected it before, at least the choice to keep her
18 did get rid of her, but completely isolating her in
19 another District doesn't give those same people who
20 elected her a chance to say whether they thought
21 she's done a good job for him or not. So, I don't
22 understand but 120 Godchaux Drive, Ramsey
23 Subdivision, Thibodaux, Louisiana, very hard to tell
24 from your map if she's included, but at the very
25 least, she's been ostracized and put completely on

1 the edge gathering Lafayette into the new District.
2 So, I would like an answer on that, please.
3 SENATR VICTORIA WENGER: Yes, and we will follow
4 up with you directly.
5 SENATOR R.L. BRET ALLAIN: Thank you.
6 SENATOR SHARON HEWITT: All right, Senator Price.
7 SENATOR EDWARD J. PRICE: Thank you, Madam
8 Chairman. And I guess it's more of a statement not to
9 them, but you just offered that you'll have an
10 attorney that has doing the same analysis as they're
11 doing, is the Committee going to be provided with
12 that information so that we can make the comparison
13 on sales?
14 SENATOR SHARON HEWITT: Yeah. Well, I don't -- we
15 don't have a final report yet, that is a work in
16 progress, but again the, you know, this organization,
17 the legal defense fund, has offered on a number of
18 occasions both in writing to this Committee as well
19 as before this Committee that they have evidence. And
20 I'm just asking, I mean, if you want to really
21 influence how the bills are being constructed then it
22 would be nice to see that. So, our study is not
23 complete. Their study appears to be complete.
24 SENATOR EDWARD J. PRICE: I don't know about
25 their studies, but you brought up one and I was just

wondering if you would share that with the Committee so we all can see both sides of it.

SENATOR SHARON HEWITT: Yeah.

SENATOR EDWARD J. PRICE: I would like it anyway.

SENATOR SHARON HEWITT: Yeah, that study, I've only had some preliminary discussions. It has not been completed but certainly the preliminary results are that we're getting very different expert advice than what apparently the legal defense fund is getting.

SENATOR EDWARD J. PRICE: Thank you. It's just a thought that maybe we'd see both sides of it.

SENATOR SHARON HEWITT: Thank you.

SENATOR EDWARD J. PRICE: Thank you.

SENATOR SHARON HEWITT: All right. Any other questions from the group? All right, Senator. I don't see any other questions. The Board is clear.

SENATOR CLEO FIELDS: Can I have my amendments set up, Madam Chair.

SENATOR SHARON HEWITT: Yes. We have not adopted the amendment yet. Thank you. Senator Price offered up amendment Set 87, any objection to adopting that amendment? All right, [INDISCERNIBLE 00:36:37] we will adopt amendment Set 87.

SENATOR CLEO FIELDS: And let me correct the record. I apologize. I was reading when I was given the map split. I was reading from SB12, and not SB7. So, SB7 is much more compact than SB12, so I apologize for the record.

SENATOR SHARON HEWITT: Let me ask about compactness. There are a number of acceptable formulas for compactness that the ones that I've seen, they measure the compactness of a particular District, you know, I'm not as familiar with the one that I believe you cited, Ms. Wenger, how does that measure the compactness of an entire map?

SENATOR MICHAEL PERNICK: This is Michael Pernick, Redistricting Counsel, Legal Defense Fund. I'll take that question. The compactness scores can look district-by-district. The compactness scores can also measure an overall score for a map as a whole by averaging the individual compactness scores for the District. So, when you're looking to measure the compactness of a map as a whole, you take those averages and that gives you a benchmark to compare the overall compactness of various maps. So, the polls --

SENATOR SHARON HEWITT: So it's just a simple average, if there are six districts, you can then

take those six numbers and add them and divide by six?

SENATOR MICHAEL PERNICK: That's my understanding, Senator. There may be more advanced methodologies that I have to confess, might be a little bit above my head, but my understanding is you can take a simple average of the individual district scores and that gives you a measurement of the compactness as a whole. But I'll caveat that by saying, there may be more advanced methodologies that I'm not personally familiar with.

SENATOR SHARON HEWITT: Okay. And do you believe that that's an industry accepted technique? I average them like that.

SENATOR MICHAEL PERNICK: I'd have to defer to the experts -- expert demographers but that's what I've seen done regularly so, I believe it is, but I'd have to defer to the experts and we'll certainly circle back with you if there's additional methodologies that are more robust, that are worth bringing to the Committee's attention.

SENATOR SHARON HEWITT: Okay. Yeah, I'm not an expert on compactness either, but the measurements that I've seen and that are generated by the staff, it measures compactness on each individual districts

and sort of curious about some of your statements of the table about this map is more compact than that map. Really didn't understand how you were able to draw those conclusions.

SENATOR MICHAEL PERNICK: Of course. Well, we look at both. We look at it in the individual district level. We look at the map as a whole. And when we're comparing a map to map, it makes sense to look at the compactness scores for the map as a whole. When we're comparing a district to a district, then you look down at the district level. So, I think they're both helpful data points and worth considering.

SENATOR SHARON HEWITT: Okay. Alright. Well, thank you.

SENATOR MICHAEL PERNICK: Thank you, Senator.

SENATOR SHARON HEWITT: All right. So, Senator Milligan moves that Senator feels as we've done with all of the bills as you know, when this Committee will defer Senate Bill 7 to give members and the public an opportunity to understand the amendments that we just adopted. Okay. All right. And your next bill, Senator, is Senate Bill 12, which is also a BESE map.

SENATOR CLEO FIELDS: Real quickly Madam Chair, members of the Committee, Senate Bill 12 does the same thing similar to the map that you just heard.

[00:40:00]

The only difference is the deviations are within the 5% deviation. I've already gone over the number of parishes it split. It creates a second minority district in the Fourth District. The Fourth District, I give you those numbers. The Fourth District is 51.1% Black, that's what the bill does. It's similar to the last bill, this is only to give the Committee options. I ask for your favorable consideration to be happy to take any questions.

SENATOR SHARON HEWITT: All right. Certainly a very crazy looking District 5. All right. Any questions from the Committee? I think the debate and the comments are very similar. The Third District is created with a 48% voting age population Black, although it technically is a Black minority district with 51% total Black. So, the issue of what it perform, I think is still a significant issue to which we have appeared to have differences of opinion. Giving members a chance to sort of catch up a little bit on this map. Do you have any amendments, Senator, for this map?

SENATOR CLEO FIELDS: No, amendments for this map, Madam Chair.

SENATOR SHARON HEWITT: Okay. Do you have a preference? So, I'm always sort of curious when you file more than one bill--

[OVERLAY]

SENATOR CLEO FIELDS: No, the reason why I filed this bill is because the first bill does not comply with the practices of the Senate and the House. The joint resolution that comply would not have in split precincts. This bill complies with the practices of the House and the Senate that this bill does not have any split precincts. So, that was the purpose of filing two bills, and to give the membership, the opportunity to look at two different options.

SENATOR SHARON HEWITT: Okay. Okay. Any questions? All right. I don't see any questions. Senator, the Board is clear, I appreciate you presenting both bills.

SENATOR CLEO FIELDS: Thank you, Madam Chair and members.

SENATOR SHARON HEWITT: Thank you. Senator Reese moves that we defer this bill, and we will consider it again tomorrow with the rest of the BESE bills. We

have one last bill here, Senate Bill 14, by President Cortez, I think with an assist from Senator Foil.

SENATOR PATRICK PAGE CORTEZ: Thank you, Madam Chair, and if I could, I'd like to go ahead and introduce Senate Bill 14. I do see that Senator Foil's name is not on the top, but he is actually the co-author on the bill, and his name will appear on there, and he's going to be presenting the bill, but when he and I worked together in the beginning of the bill, I want to go back to the principles that I use with this map, was number one, obviously, to comply with the one man, one vote doctrine, which is a constitutional requirement. Then, secondly, to provide that the current majority minority districts will have an equal opportunity for the minority community to elect its candidate a choice. Thirdly, as best as possible, maintain a continuity of representation.

[00:45:01]

SENATOR PATRICK PAGE CORTEZ: And then to apply compactness respecting the population shifts. The challenges once again, where there were population shifts, the eight districts with the ideal population of 582,219 just quickly, Districts 1, 6 and 7 were over by 23,000 or more. Districts 2, 3, 4, 5 and 8

1 were all under. District 8 being under by 28,000,
2 District 3 by 18,000, District 2 by 15,000, District
3 4 by 9,000 and District 5 by roughly 1,500. And
4 lastly, before Senator Foil takes over, I just want
5 to remind everybody that each of these district
6 representatives must be responsive to the voters of
7 their district in the policy making role as members
8 of BESE. I just want to be clear that we are
9 responsible to reapportion based on population of the
10 people, not population of the student bodies that
11 came up in the other examples, and it gives me great
12 pause that we would choose the students who are not
13 voting, but the public is the ones that are voting,
14 and it's much more sometimes I always get curious by
15 this, I grew up, my dad was 33-year educator in the
16 public school system. I went to public school. I'm a
17 product of the public school system. I watched
18 throughout my career in public school a person on the
19 school Board who sent all of his children to private
20 school, and I remember asking my dad as a high
21 schooler, why is he a member of the School Board when
22 in fact all of his children go to the private
23 parochial school? And my dad said, "Well, it's real
24 simple, he has a concern about the Parish and the
25 policies of the school system because the product of

the school system will determine the Parish product will be whether obviously we all talk about if you have an educated population, you'll have lower crime. He was concerned about that. Now, I did know the man and I was always curious about that. He didn't need the job. He certainly could provide for his family. So, he wasn't a member of the School Board for any particular purpose other than I think he had that interest. Never got a chance to have the interview with him and asked the reason, but my dad knew him because my dad worked in the school system at the School Board and there were multiple people like that, and I'm sure that happens throughout the parishes and the different school districts. So, I want to make sure that when Senator Foil and I started this, we never took that as a criteria. So, I don't want you to think that this map is in any way or the other maps are in any way wrong or right, except that our version deals with the populations and the population shifts and simply that it doesn't deal with respect to maintaining those minority districts that we do have currently. And then, the other comment I'll make, which is not really on the bill, but everybody's mentioned it, the Constitution does establish the BESE board and it does establish

the eight elected districts and the three appointed districts. I know there's been a lot of conversation outside of this about, should we just elect all eleven or should we change the Constitution? Unfortunately, that's not part of the conversation here in this particular bill but that is a conversation that if the Legislature would want to have that to change the makeup of BESE constitutionally, that's a whole another process. And so, with that I'm going to turn it over to Senator Foil and let him explain the changes that were made to the current map based on those population shifts.

SENATOR FRANKLIN J. FOIL: Thank you, Mr. President. Thank you, Madam Chair and members. So, when the President and I started working on this bill, we looked at the existing districts and worked from the existing districts to try to adjust the population. The Supreme Court -- or actually we have a one-person one-vote rule and the Supreme Court has said, you can have up to a 10% deviation over or under. So, the President and I looked at the districts that were over or under by 5% and basically moved the population around, because if you look at the existing map as well as the map that we're proposing it looks very similar and as you can see

it's compact and it's regional, and so there are different regions and communities of interest in the different districts.

[00:50:01]

So there are several different things you look at when you are drawing a map. There are several different factors. And I think the primary thing we look at here was the continuity of the districts. In other words, the continuity of the representation to allow people in the different areas to either elect or vote out their current BESE person, and this map achieves that. Number two, you look at communities of interest, and once again, you can look in the northwest part of the state, in District 4, that is a particular region of the state that we kept all together in one district. You can look at District 5, which is northeastern Louisiana, once again we kept all of that district together. It did have to go down into central Louisiana, into Rapides and Allen to gain enough population. District 7 is over in the southwest region of the state. We tried to keep Lafayette and Lake Charles in the same district. You look at District 3, that's the coastal area where you have Houma, Thibodaux, Franklin, all the way over to Plaquemines Parish, we sort of kept that as one

1 district. Then you go over to District 1, that's the
2 Jefferson Parish, partially Northshore, St. Tammany
3 district. Then you go to District 2, which is Orleans
4 and some of the river parishes. And then District 6
5 is the Florida parishes and part of Baton Rouge and
6 then finally, District 8 is also part of Baton Rouge
7 and into the Felicianas. So we drew the map also with
8 a regional purpose and intent in mind. The next
9 factor that the courts look at is compactness of the
10 districts. Once again, in some cases the courts will
11 look -- just do an eye test and look at the map and
12 say, hey, you have all these squiggly lines or it
13 looks like a spider or a snake. You don't see that
14 here. District 8 I guess of all the districts does
15 stretch out a little bit, but that was actually to
16 create a majority-minority district. We have
17 maintained District 8 as a majority-minority district
18 in this map. And also District 2 will be a majority-
19 minority district. District 2, the voting age
20 population of Black voters is a little over 57%. And
21 District 8, the voting age population of Black voters
22 is a little over 56%. And once again the Voting
23 Rights Act requires you not to dilute based on race
24 and so that's what we have tried to achieve with this
25 map. I believe this map is a good proposal and

1 follows the federal laws and state laws and I am
2 happy to answer any questions.
3 SENATOR SHARON HEWITT: All right. Thank you
4 Senator Foil and President Cortez. I appreciate that.
5 SENATOR FRANKLIN FOIL: Madam Chair, I am sorry,
6 I think we have some amendments that you would like
7 to propose that we need to adopt as well.
8 SENATOR SHARON HEWITT: Yeah, this would be the
9 right time?
10 SENATOR FRANKLIN FOIL: I think so. It will put
11 the bill in its proper posture.
12 SENATOR SHARON HEWITT: Okay. All right. I do
13 have an amendment for this bill, for Senate Bill 14
14 that I would like to offer up. I don't know the set
15 number. Set 82, so I'll give sergeant-at-arms an
16 opportunity to pass that out.
17 SENATOR FRANKLIN FOIL: Sure.
18 SENATOR SHARON HEWITT: Okay. I will just kind of
19 talk through this amendment so members understand
20 kind of what the changes are. Again, my focus in this
21 amendment is primarily the Northshore and the Greater
22 New Orleans area. I don't think any of these changes
23 affected the districts in the northern part of the
24 state, very little in the southwestern part of the
25 state, really just sort of focused up in the

Northshore New Orleans area. So a few things that this amendment does, it unites Washington Parish into District 1, which currently is split between Districts 1 and 6, so it unites it all into District 1. It adds some of Tangipahoa Parish in District 1 from District 6. It adds more Orleans Parish to District 2.

[00:55:02]

It keeps Jefferson Parish still predominantly in District 1. It unites Assumption into District 3, which was previously split between Districts 2 and 3. It unites St. John in District 2, which was previously split between Districts 2 and 3. It unites Vermilion in District 7, which was previously split between Districts 3 and 7. It moves St. James from District 2 to District 6. It splits St. Charles between Districts 2 and 3. Previously it was only in District 2. Of course we had to do that to address some of the population numbers. So this map basically I think does unite more of the parishes. It does drop the Black voting age population in District 2 from 57.5% to 55.7%. And that's just kind of a high-level summary of the changes. Again, primarily focused over in the southeastern part of the state.

SENATOR PATRICK PAGE CORTEZ: Madam Chair, you and I spoke about this amendment, and so I understand what you're trying to do, and you do not have any opposition to this amendment.

SENATOR SHARON HEWITT: Thank you. All right. Any questions on the amendment? I will attempt to answer those.

SENATOR EDWARD PRICE: Yes, I am trying to see, you've taken St. James Parish entirely out of District 2, which traditionally that's where it has been forever.

SENATOR SHARON HEWITT: Yeah, it is moving it from 2 to 6. And again, some of that is numbers driven. So we were able to unite some parishes, but ended up moving St. James from 2 to 6, yes sir.

SENATOR EDWARD PRICE: And I am sure that's what drove the numbers down in the voting age population by moving St. James because it is a majority Black area. Have the BESE member from District 2 know about this amendment?

SENATOR SHARON HEWITT: No, I've not spoken to any of the BESE members about this amendment.

SENATOR EDWARD PRICE: Okay. We're going to get a chance overnight to peruse it.

SENATOR SHARON HEWITT: That's right. That's part of the process is to give people an opportunity to digest it. Yes sir.

MALE 1: Madam Chair, did you put Vermilion completely back into District 7? I did get a phone call that Vermilion was concerned that they were being put in the district with St. Bernard. So it appears that -- it looks like you placed it back in its traditional District 7.

SENATOR SHARON HEWITT: Yes sir. So it was previously split between 3 and 7, I think in the original bill and so this puts it all in District 7. It unites it in District 7.

MALE 1: Okay. Because as the author I was getting phone calls from my local BESE district saying why are you splitting it up? And it's driven by population is what I had to explain. This is a population driven map. But it looks like your alternative actually would solve a problem that I had in my own district, so thank you.

SENATOR SHARON HEWITT: You are welcome. It's a team effort. Any other questions on the amendment? I will make a motion then that we adopt Set 82 to amend Senate Bill 14. Is there any objection? Excuse me, Senator Price.

SENATOR EDWARD PRICE: Just for the mere factor of what's going on at this point with some parishes in my district, I am going to have to object. I want to look at it overnight and see what it is and talk to my BESE member, but at this point I am going to object.

SENATOR SHARON HEWITT: Okay. All right, fair enough. And again, our process of sometimes you have to adopt them to be able to digest it all as one bill so we're trying to put it in a posture that makes it a little bit easier to evaluate. But Senator Price has objected to Amendment Set 82. So Madam Secretary, we will call for the vote. So a vote yes would be to adopt the amendment. A vote no would be to not adopt the amendment.

MADAM SECRETARY: Senator Milligan?

SENATOR BARRY MILLIGAN: Yes.

MADAM SECRETARY: Yes. Senator Allain?

SENATOR R.L. BRET ALLAIN: Yes.

MADAM SECRETARY: Yes. Senator Foil?

[01:00:01]

SENATOR FRANKLIN FOIL: Yes.

MADAM SECRETARY: Yes. Senator Price?

SENATOR EDWARD PRICE: NO.

MADAM SECRETARY: No. Senator Reese?

SENATOR MIKE REESE: Yes.

MADAM SECRETARY: Yes. Senator Womack?

SENATOR GLEN WOMACK: Yes.

MADAM SECRETARY: Yes. Senator Hewitt?

SENATOR SHARON HEWITT: Yes.

MADAM SECRETARY: Yes. That would be six yeas, one nay.

SENATOR SHARON HEWITT: All right. Okay, so that amendment stands adopted. And Senator Price, I am certainly willing -- we'll talk about it some more over the next 24 hours if you have some issues that you would like to try to address.

SENATOR EDWARD PRICE: Thank you.

SENATOR SHARON HEWITT: All right. Okay. Now, back on the bill, any other questions with the amended Senate Bill 14? All right, the Board is clear as we have done with all the other bills. Senator Milligan moves that we defer this bill and we will consider it again tomorrow. Any objection to that? All right, seeing none, we will defer that bill and we will consider it again tomorrow.

[BACKGROUND CONVERSATION]

SENATOR FRANKLIN FOIL: Madam Chair, do you need anything else of us?

SENATOR SHARON HEWITT: I think we're good. I was kind of waiting for you all to figure your powwow. Yeah.

SENATOR PATRICK PAGE CORTEZ: Sort of the same thing as Senator Price. We were trying to figure out exactly what happened but the map that we see is so small that we can't see it by precinct. So we were just trying to figure out exactly which precincts were being moved and which ones were being the same.

SENATOR SHARON HEWITT: Absolutely.

SENATOR PATRICK PAGE CORTEZ: I appreciate that it will lie over.

SENATOR SHARON HEWITT: It will lie over and give everyone an opportunity.

SENATOR PATRICK PAGE CORTEZ: I'll take a good look at it. Thank you.

SENATOR FRANKLIN FOIL: Thank you.

SENATOR SHARON HEWITT: Thank you all very much. I appreciate it. Okay, we've got some cards. I know we have cards on the BESE bills and cards on the PSC bills or where are we on that? Let me kind of take stock of where we are. Okay, why don't I -- I am going to allow public comment on the BESE bills before we move on to our PSC bill. We have a number of green cards here present. It will provide

information if requested. Michael Pernick, Victoria Winger present in support but do not wish to speak, Michael Pernick, Senate Bill 12. Victoria Winger, Senate Bill 12, as well as Victoria Winger, Senate Bill 21 and Michael Pernick, Senate Bill 21, as well as Senate Bill 7, offered to provide information if requested. Okay. We have one person here who would like to speak on Senate Bill 21. And Ms. Johnson, you spoke earlier with Senator Barrow. Okay, all right, from Ms. Linda Johnson. Okay. So those are all the comment cards on the BESE bills. We have one PSC bill that we would like to hear today and that would be Senator Reese with Senate Bill 19. All right senator, whenever you're ready. Thank you.

SENATOR MIKE REESE: Good morning Madam Chairwoman and members. This morning I bring to you Senate Bill 19, which is a bill to redistrict the Public Service Commission. I'd like to begin this morning by putting this bill in its proper posture and would appreciate the committee entertaining Amendment Set 77.

SENATOR SHARON HEWITT: All right.

SENATOR MIKE REESE: Before I begin presenting.

SENATOR SHARON HEWITT: Senator Reese would like to consider Amendment Set 77 to put the bill in

proper posture. Is there any objection? You want to talk through the amendments first or you want to adopt it and then talk about the entire bill?

SENATOR MIKE REESE: I really rather just adopt it and talk about the entire bill.

[01:04:51]

SENATOR SHARON HEWITT: Okay. All right. So Senator Reese has a move that we adopt Set 77 for Senate Bill 19. Is there any objection? All right, seeing none, that set of amendments is adopted. So proceed with your presentation please senator.

SENATOR MIKE REESE: All right. Thank you Madam Chairwoman and members. Senate Bill 19 provides for the redistricting of the Public Service Commission. Based on the 2020 census the size of an ideal district has changed to 931,551 citizens. In creating the map in Senate Bill 19 I adhered to traditional redistricting principles as well as the criteria adopted by the legislature's Joint Rule 21 Redistricting Criteria. This bill I believe complies with the Equal Protection Clause of the Fourteenth Amendment, the Fifteenth Amendment of the US Constitution as well Section 2 of the Voting Rights Act of 1965. It is composed to continuous geography, contains whole election precincts to the extent

1 practicable and in this case splits very few
2 parishes, respects established boundaries of
3 parishes, municipalities and other political
4 subdivisions and natural geography of this state to
5 the extent practicable, contains single-member
6 districts, contains districts that are substantially
7 equal in population, are within the 5% variance and
8 given due consideration to traditional district
9 alignments to the extent practicable. We can put the
10 map as amended on the screen and I can walk you
11 through this. So District 1 contains 952,420 in
12 population with a relative deviation of 2.24%.
13 District 2 contains 951,868 in population with a
14 relative deviation of 2.181%. District 3 contains
15 917,503 in population with a relative deviation of -
16 1.519%. This is a majority-minority district and
17 contains 57.484% Black voting age population.
18 District 4 contains 918,537 in population with a
19 relative deviation of -1.397% and District 5 contains
20 917,519 in population with a relative deviation of -
21 1.505%. So District 4, District 5 have little less
22 than 1,000 people difference in population. So again,
23 trying to adhere to the traditional district makeup
24 as it existed for Public Service Commission properly
25 protecting the majority-minority district in this

map, reflective of where the population growth occurred in the Northshore, Orleans areas. And again, trying to remain as compact as possible without splitting parishes, which I believe we've achieved, for instance in 4 and 5 without splitting parishes within about 1,000 people in population between those two districts. So with that, I am happy to answer any questions.

SENATOR SHARON HEWITT: Okay. So this has one majority-minority district, that's District 3. Is that correct?

SENATOR MIKE REESE: Yes ma'am.

SENATOR SHARON HEWITT: Okay.

SENATOR MIKE REESE: And based with five seats, nearly a million people in each seat, I searched for ways that we could address that, where there are opportunities for additional majority-minority districts and based on the size and population of these districts, I didn't see a way to construct another district legally that would create an opportunity for minority populations to have a reasonable expectation of electing a candidate of choice.

SENATOR SHARON HEWITT: Okay. All right. This does look very much similar to the existing map with

adjustments for population. All right. Any questions from the members? All right. I think we've worn us down for the day already.

SENATOR MIKE REESE: I am sorry he is on the side.

SENATOR SHARON HEWITT: All right senator, I don't see any questions on the board.

SENATOR MIKE REESE: And I'll tell you the differences Madam Chairwoman between this amendment and what was originally filed. It was primarily changes between District 2 and District 1 and it primarily resulted in shifting St. Bernard, Plaquemines and Jefferson back into District 1. My original map had those in District 2. So it wasn't a significant change between this map and what was originally filed.

[01:09:57]

SENATOR SHARON HEWITT: Okay. All right, super. All right. So senator, would you like to defer this bill again tomorrow to give members and the public an opportunity to digest the amendments?

SENATOR MIKE REESE: I would defer to your leadership on that.

SENATOR SHARON HEWITT: All right. I think that's been a policy of this committee. I think that would

be a good thing to do. So Senator Reese moves that we defer this until tomorrow. Is there any objection to doing that? All right. So we'll defer that. So members, that's everything I think on our agenda for today that's been asked to be heard. So our plan for tomorrow will be to consider again the BESE maps and PSC maps that were presented today. In addition, I'd like to hear the Supreme Court maps and we will be working our way through the senate maps. I think we'll be very close to the end of those that have asked to be heard so far. You have a lot of information in your folders and the staff would be happy if you want to leave your folders, they'll recycle them for you for tomorrow. If you want to take it to study it overnight, of course you can do that as well. All right, is there any other business before this committee? Then Senator Womack moves that we adjourn. I will see you tomorrow.

[01:11:35]

TRANSPERFECT

I, Anders Nelson, hereby certify that the document "F895008-louisiana-redistricting_0207_22_SG-3" is, to the best of my knowledge and belief, a true and accurate transcription from English to English.

Anders Nelson
Project Manager

April 27, 2022

216 EAST 45TH STREET, 9TH FLOOR, NEW YORK, NY 10017 T +1 212.400.8845 F +1.212.867.3106 LEGAL.TRANSPERFECT.COM