

House Concurrent Resolution No. 5006

By Committee on Veterans, Military and Homeland Security

1-28

9 A PROPOSITION to amend section 1 of article 10 of the constitution
10 of the state of Kansas, relating to the reapportionment of senatorial
11 and representative districts.
12

13 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*
14 *members elected (or appointed) and qualified to the House of Repre-*
15 *sentatives and two-thirds of the members elected (or appointed) and*
16 *qualified to the Senate concurring therein:*

17 Section 1. The following proposition to amend the constitution of the
18 state of Kansas shall be submitted to the qualified electors of the state
19 for their approval or rejection: Section 1 of article 10 of the constitution
20 of the state of Kansas is hereby amended to read as follows:

21 **§ 1. Reapportionment of senatorial and representative**
22 **districts.** (a) ~~At its regular session in 1980, the legislature shall by~~
23 ~~law reapportion the state representative districts, the state senato-~~
24 ~~rial districts or both the state representative and senatorial districts~~
25 ~~upon the basis of the latest census of the inhabitants of the state~~
26 ~~taken by authority of chapter 61 of the 1987 Session Laws of Kansas.~~
27 ~~At its regular session in 1992~~ 2012, and at its regular session every
28 tenth year thereafter, the legislature shall, by law, *shall* reapportion
29 the state senatorial districts and representative districts on the basis
30 of the population of the state as established by the most recent
31 census of population taken and published by the United States bu-
32 reau of the census. ~~Senatorial and representative districts shall be~~
33 ~~reapportioned upon the basis of the population of the state adjusted:~~
34 ~~(1) To exclude nonresident military personnel stationed within the~~
35 ~~state and nonresident students attending colleges and universities~~
36 ~~within the state, and (2) to include military personnel stationed~~
37 ~~within the state who are residents of the state and students attend-~~
38 ~~ing colleges and universities within the state who are residents of~~
39 ~~the state in the district of their permanent residence. Bills reap-~~
40 ~~portioning legislative districts shall be published in the Kansas reg-~~
41 ~~ister immediately upon final passage and shall be effective for the~~
42 ~~next following election of legislators and thereafter until again~~
43 ~~reapportioned.~~

1 (b) Within 15 days after the publication of an act reapportioning the
2 legislative districts within the time specified in (a), the attorney general
3 shall petition the supreme court of the state to determine the validity
4 thereof. The supreme court, within 30 days from the filing of the petition,
5 shall enter its judgment. Should the supreme court determine that the
6 reapportionment statute is invalid, the legislature shall enact a statute of
7 reapportionment conforming to the judgment of the supreme court
8 within 15 days.

9 (c) Upon enactment of a reapportionment to conform with a judg-
10 ment under (b), the attorney general shall apply to the supreme court of
11 the state to determine the validity thereof. The supreme court, within 10
12 days from the filing of such application, shall enter its judgment. Should
13 the supreme court determine that the reapportionment statute is invalid,
14 the legislature shall again enact a statute reapportioning the legislative
15 districts in compliance with the direction of and conforming to the man-
16 date of the supreme court within 15 days after entry thereof.

17 (d) Whenever a petition or application is filed under this section, the
18 supreme court, in accordance with its rules, shall permit interested per-
19 sons to present their views.

20 (e) A judgment of the supreme court of the state determining a re-
21 apportionment to be valid shall be final until the legislative districts are
22 again reapportioned in accordance herewith.”

23 Sec. 2. The following statement shall be printed on the ballot with
24 the amendment as a whole:

25 “*Explanatory statement.* The purpose of this amendment is to elim-
26 inate the adjustment of census taken by the United States bureau
27 of the census regarding nonresident military personnel and non-
28 resident students when reapportioning the Kansas senate and
29 house of representatives.

30 “A vote for this amendment would eliminate the adjustment of cen-
31 sus taken by the United States bureau of the census regarding
32 nonresident military personnel and nonresident students when
33 reapportioning the Kansas senate and house of representatives.

34 “A vote against this amendment would continue in effect the re-
35 quirement for the adjustment of census taken by the United
36 States bureau of the census regarding nonresident military per-
37 sonnel and nonresident students when reapportioning the Kan-
38 sas senate and house of representatives.”

39 Sec. 3. This resolution, if approved by two-thirds of the members
40 elected (or appointed) and qualified to the House of Representatives, and
41 two-thirds of the members elected (or appointed) and qualified to the
42 Senate shall be entered on the journals, together with the yeas and nays.
43 The secretary of state shall cause this resolution to be published as pro-

1 vided by law and shall cause the proposed amendment to be submitted
2 to the electors of the state at the general election in November in the
3 year 2010 unless a special election is called at a sooner date by concurrent
4 resolution of the legislature, in which case it shall be submitted to the
5 electors of the state at the special election.