

*Backman
Sent to Leadership
12-10-81*

Kansas Legislative Research Department

November 23, 1981

M I N U T E S

HOUSE COMMITTEE ON LEGISLATIVE, JUDICIAL AND CONGRESSIONAL APPORTIONMENT

October 29-30, 1981
Room 527-Statehouse

Members Present

- Representative Robert Frey, Chairman
- Representative Joe Hoagland, Vice-Chairman
- Representative Jayne Aylward
- Representative Bill Bunten
- Representative Betty Jo Charlton
- Representative Vic Elliott
- Representative Larry Erne
- Representative Jerry Friedeman
- Representative Tony Hensley
- Representative Jim Holderman
- Representative Ken King
- Representative David Miller
- Representative Anita Niles
- Representative Bill Reardon
- Representative Kent Roth
- Representative John Solbach
- Representative Nina Strahm
- Representative Neal Whitaker
- Representative Eric Yost

Staff Present

- Russell Mills, Kansas Legislative Research Department
- Myrta Anderson, Kansas Legislative Research Department
- Fred Carman, Revisor of Statutes Office

October 29, 1981

Representative Frey welcomed the members of the Committee and gave a brief summary of the area meetings held in Kansas City, Lawrence, Wichita, and Hutchinson. Representative Frey stated the meetings were well attended and the Committee heard from individuals as well as people representing political groups. He stated no predetermined plan had been established and that the Committee sought input from all interested citizens in order to make their decision. He hoped the Committee could develop some firm recommendation at this meeting. The Senate Committee met on October 28 and began with 14 maps and narrowed their choices down to three maps to recommend to the House Committee. Those maps are available today, as well as maps prepared by other interested individuals. The maps the Senate Committee agreed upon and sent to this Committee are identified as the Hess-Whitaker map, KLRD-S2 and KLRD-S3. Representative Frey explained the reasons for the Senate Committee rejecting the other maps. He listed the four major areas of disagreement as Douglas; Wyandotte; McPherson and Marion; and Reno and Sedgwick Counties.

Representative Solbach stated that the people in Douglas County generally would like to see the County remain in the 3rd District, but they realize that if Wyandotte is put back together this would be impossible. If they cannot stay in the 3rd District, they would like to be in the 2nd. None want to be in the 5th District. Representative Charlton expressed the same general comments as Representative Solbach regarding Douglas County.

Representative Holderman questioned staff as to the difficulties they had in drawing up the maps which put Wyandotte County all in the same district. Russell Mills, Legislative Research Department, replied that the maps were drawn at the request of the Senate Committee and the main problem is that there are simply too many people to put Douglas, Wyandotte, and Johnson Counties together.

Representative Holderman stated that he had not had the opportunity to review the maps and he wanted to contact his constituents in Sedgwick County to get their reaction.

Representative Joe Hoagland stated that he practices law in Wyandotte County and has heard from some people. The line was originally drawn along city boundary lines and the city has expanded in 16 years so the boundaries have changed. If it is possible, they would rather see Douglas divided and Wyandotte put together in the 3rd District, but most people know this will probably not happen.

Representative Frey requested deliberations on the maps.

Russell Mills stated that the Senate Committee requested a variety of maps: Reno in the 1st and in the 4th; Douglas in the 2nd, 3rd, and 5th; and some making as few changes as possible.

Representative Whitaker discussed the Hess-Whitaker plan and explained that they had access to all maps from the Research Department when they sat down to try to come up with a plan. They tried to move as few lines as possible and meet all of the criteria, taking into consideration all of the concerns of the people.

Representative King asked whether projected growth factors had been taken into account. Mr. Carman responded that these could not be used just on speculation. It is difficult demographically to predict where the growth may be. The court will want proof if it is going to accept the growth factor.

Representative Solbach stated that the population deviations of the maps do not seem to come within the guidelines of the Committee. A member responded that the 0.15 percent might be too stringent and the Senate Committee yesterday felt that other states have had the same problem. Representative Solbach further questioned whether he should assume that these figures will not be acceptable to the present Supreme Court. He stated that he would like to see whatever maps were prepared for the Senate Committee. There are things that the people in our districts think are more important than the population deviation. Staff distributed copies of the maps considered by the Senate Committee. (Attachment I.) ✓

Representative Hoagland stated we need to agree to concentrate on the maps before us and asked whether anyone else had a map to present for Committee consideration.

Afternoon Session

Representative Reardon inquired whether all members had copies of the maps in advance. He stated that some of the members were present at the meeting held in Kansas City, Kansas, and the people testifying there did not want the county, much less the city, split.

Representative Bunten stated that we have to make a start and eventually there has to be a decision made. To lock ourselves into anything saying that we have to get within a certain percentage without splitting cities or counties, or townships is a place to start, but beyond that the Committee has to have latitude to get it through the legislative body.

Representative Bunten moved, Representative Yost seconding, that the Committee consider the Hess-Whitaker map, S-2 map, and S-3 map and any modifications to those three basic maps.

Representative Holderman stated that he thought the October meeting was to be for further public hearings and also to provide an opportunity for other interested parties to present maps to the Committee. He assumed the Committee would then adjourn and meet in December to review all of the proposals and at that time make a recommendation to the Legislature. He stated that members of this Committee and other interested parties in the public have been waiting to receive copies of the staff drafts to use as a basis to work from rather than starting out from scratch. If we limit our deliberations to the ones from the Senate we are excluding the opportunity for other persons to submit information to the Committee. He asked Representative Frey if it was his intention to prefile a bill if the Committee reached a consensus. Representative Frey replied that it was.

Representative Holderman stated that there are at least two new proposals that are being prepared which would be ready for presentation at the December meeting for the Committee's consideration. Representative Bunten asked if he could share with the Committee how they would be so different from what we have here. Representative Holderman replied the population deviation of one proposal will bring the population figures more in line with the Committee direction at the August meeting. There is some fine-tuning and shifting of counties in three of the five districts and one of the proposals does not break any county lines.

Representative Frey suggested that the Committee listen to what Representative Holderman had to say and, if they felt they wanted to wait until the December meeting to make a final decision, that was the direction the Committee would go.

Representative Holderman stated that he personally was not prepared to make such an important decision today since he was not aware that there might be final action taken by the Committee today or tomorrow. In addition, there were only two members of the minority party that got copies of the packet that was sent to the Senate Committee.

Representative Solbach stated he wanted to delay the decision until the December meeting. "I have no objection to Representative Bunten's motion if we are trying to narrow down alternatives."

Representative Reardon stated that he did not think Representative Bunten's motion is proper, and unless a motion is made to reconsider action from our previous meeting, the motion is out of order.

Representative Whitaker stated that no other members have tried to draw a map yet. The Committee has been at this since the end of June, taking testimony, talking to people, going across the state and holding hearings to find out what the people felt about the situation, and if we wait until December, we will be in the situation we were in in June of looking at new maps and no decision will be made in December. There will be new maps that nobody has seen and we will be facing the session with no decision having been made.

Representative Frey stated that all of the basic questions raised are contained in the maps that are before the Committee. If this Committee chooses not to adopt the motion and wants to see more maps, then that will happen.

Representative Solbach stated that the basic geographical areas are contained within these three maps; these are three separate alternatives. He said he did not oppose these general concepts and it would be reasonable to pass the motion; but the Committee, the Legislature and the public should be given time to look at these general geographical concepts and explore other possibilities.

Representative Solbach made a substitute motion, Representative Charlton seconding, that the Committee take these three maps for geographical concepts and adopt these as the ones for more consideration so the public will know what we are considering and that the Committee meet in December and take final action on one of these concepts or a modification of these concepts. The motion failed. A division was called for. Seven members voted yes, and eight voted no. Representative Bunten's original motion was adopted that the Committee consider the Hess-Whitaker map, S-2 map, and S-3 map, and any modifications to these three basic maps.

Representative Bunten moved, Representative Friedeman seconding, that the minutes of the July 1 meeting be approved. The motion passed.

The meeting was recessed.

October 30, 1981

Representative Frey called the meeting to order and stated that the Committee would begin consideration of the maps and that further comments on the form of any maps or amendments to the existing maps should be presented now.

Representative Frey stated that in the interest of allowing all maps a fair hearing he would accept no substitute motions. Hearing no objections from the Committee, the meeting proceeded.

Representative Reardon presented a map prepared by Senator Steineger and himself that meets the most important criterion of improving the population deviation. (Attachment II.) The map does not split any counties and it also resolves the Mulvane city problem. This is a five-fold improvement in reducing the maximum deviation and the plan does not split any counties. The total population deviation is .220 percent.

Representative Strahm stated that this map puts most of the major state universities in one district and suggested that this should not be done.

Representative Reardon stated the Committee should not follow what other states are doing on reapportionment but should harken to what is best for the State of Kansas.

Representative Frey stated that the political and geographical differences and the policies of the Committee should be decided now in order to get a final recommendation to the Legislature. He had anticipated that there would be more participation and input from the public and other legislators on the issue.

Representative Erne stated that the people of the 5th District have not been represented fully. They had not realized that there would be the possibility of final action on a map at this meeting. He stated that the timing is not proper to take final action at this meeting.

Representative Bunten moved, Representative Friedeman seconding, that the Committee recommend the Hess-Whitaker-II map, with its adjustments in Rockford township, for pre-filing, and that it be adopted as the Committee's final recommendation. (See Attachment III.)

Representative Reardon stated that he could not agree with that motion when there was another map on the table that more nearly fit the population deviation criterion, with .220 percent and which does not split counties. He opposed the motion on the basis that the Committee has before it today a map that nearly does fulfill the criterion adopted on July 1.

Representative King stated that to accept a map like the Steineger map ignores everyone in the Southern part of the state and those who have expressed a desire to stay in the district they are now in. There is as much justification for making as few moves as possible as there is for changing the metropolitan area. He did not think the Wyandotte split could be considered gerrymandering when this has existed for the last 16 years.

Representative Whitaker stated that the Steineger-Reardon map moves 13 counties out of their present districts and, while he had not had time to check the population figures, he expected it displaces numerous people. He stated that Representative Reardon was given plenty of opportunity to move to introduce the Steineger map and did not do so.

Representative Frey stated that this Committee could be interpreted as a standing committee for the summer. The joint meetings of the House and Senate committees would be considered special committees. According to law, a standing committee can recommend bills for introduction. The Legislative Coordinating Council will ultimately make the decision to prefile a bill.

Representative Hensley questioned whether the recommendation of the Committee today is to pre-file the Hess-Whitaker-II plan. Representative Frey stated that that was correct.

Representative Reardon made a substitute motion, Representative Roth seconding, that the Steineger-Reardon map be adopted and recommended as the re-districting plan by this Committee. The Chair ruled the substitute motion out of order. Representative Reardon challenged the ruling of the Chair. Discussion followed.

Representative Solbach stated that without the substitute motion procedure there would be no mechanics to get other alternatives discussed. The Chairman again ruled that no substitute motions would be allowed. Representative Frey stated that there were no objections from any Committee member when he first announced that he would take no substitute motions during the meeting.

Representative Bunten stated that we have been working on this issue all summer and, if there is a majority of votes, why should the Committee go through the rest of the proposals.

Representative Solbach stated that he disagreed with the rules being modified in such a way to preclude all other ways to discuss measures.

Representative Reardon withdrew his challenge to the ruling on the substitute motion and moved to amend the original motion by changing it to the lines reflected in the Steineger map. Representative Roth seconded the motion.

Representative Frey ruled the motion out of order and asked that the Committee vote on each individual plan as it is offered.

Representative Solbach made a substitute motion to amend the Bunten motion with the revised S-3 map. (Attachment IV.) This map brings Mulvane into the 4th; equalizes the differences between the 2nd and 3rd districts by moving the line closer to the city limits; and picks up a small township at the bottom of Barber County. The maximum deviation is 0.13 percent. It leaves Mr. Bunten's proposal intact but it makes a slight shift so that the people in the 4th and 5th are not disenfranchised.

Representative Frey ruled that the motion was out of order as it made a material alteration to the original motion and did substantial harm to population figures.

Representative Solbach then suggested that the Hess-Whitaker map be amended to bring the population deviation into the accepted limits.

Representative Holderman questioned the procedure of pre-filing a bill and whether that constitutes final action on a bill. Fred Carman of the Revisor's Office read the applicable statute (46-803) to the Committee on the prefiling of bills.

Representative Holderman questioned whether the Speaker could direct this bill straight to the floor without further committee hearings and further deliberations. Representative Frey replied that any member of this Committee or the Legislature could pre-file a bill and have it referred directly to the floor.

Representative Holderman stated that we are meeting as a standing committee and he considered action taken or any vote taken to recommend the prefiling of a bill as final action under the rules on voting and records in committees. He stated that we have addressed the subject of reapportionment, we have had public hearings, and we have had committee deliberations. It would be inappropriate to recommend any legislation for prefiling and would be illegal in reference to the rules of the House.

Representative Frey stated that this Committee has the authority to recommend bills for prefiling and that prefiling does not constitute final action.

Representative Reardon stated that he is aware that the Committee has an opportunity to vote on a map that has a deviation of .022 percent and we also have in that same map the opportunity not to split any counties. If we now vote in a map that falls short of the goals of the Committee, it is partisan politics.

Representative Whitaker stated that he set out to come as close to the ideal population as possible, moving as few people as possible from the present districts.

Representative Reardon stated this large a deviation was not one of the goals we set out for the Committee and is a smokescreen for gerrymandering.

Representative Friedeman stated that Representative Reardon was suggesting that what the voters request or want is irrelevant and he takes issue with that. The Hess-Whitaker map does take care of the people by making the fewest changes.

Representative Holderman stated that it is too bad that politics has entered into the deliberations. He said that if this proposal passes the Legislature virtually unchanged and they are hoping to embarrass the Governor or draw him into the reapportionment issue, the Governor will not be asked to veto the bill but it will instead be taken to the courts. The courts will then make the final decision on our congressional boundaries.

Representative Anita Niles called for the question on the original motion of Mr. Buntin on the Hess-Whitaker II map. The motion passed. A division was called for. Ten members voted yes and eight voted no. Representatives Roth, Reardon, Holderman, Charlton, and Hensley were recorded as voting no.

Representative Charlton explained her vote: "I cannot compare the Hess-Whitaker map with the one that Representative Reardon was talking about today because I have not had time to look at it. S-2 seems to satisfy most of the problem areas."

Representative David Miller is recorded as voting yes for Douglas County.

Representative Larry Erne is recorded as voting no because of the time limit factor of having only a few hours to study the maps and not being able to go back and get adequate input from the people of his district.

Representative Reardon is recorded as voting no because the highest percentage of Democratic voters in the state have been divided for political purposes and he cannot support this.

Representative Erne moved, Representative Hensley seconding, that along with the introduction of this bill as a Committee bill, the request be made to the Speaker that it be referred back to this Committee for further action. The motion carried. Representative Friedeman is recorded as voting no because for once he would like to vote with the Barton County delegation. The motion carried with 14 members voting yes.

Representative Frey stated that the minutes will reflect that a letter be sent to the Speaker that the Committee has requested that this bill be referred to the House Committee for consideration.

Representative Reardon moved, Representative Roth seconding, that the Committee also propose that the Steineger-Reardon map be introduced. The motion failed. A division was called for. Eight voted yes and 10 voted no. Representative Friedeman is recorded as voting no as it is very insensitive to the people of Marion, McPherson, and Harvey counties. Representative Reardon is recorded as voting yes as it is an opportunity to have the lowest deviation of all maps presented. He said he is disappointed that it was a straight party vote.

Representative Frey told the Committee that the Senate has suggested a joint meeting on December 16. The Committee has already set aside the dates of December 3 and 4 and he sees little to be accomplished with this joint meeting.

The Chairman was directed to discuss the joint meeting with the Senate Chairman.

The meeting was adjourned.

Prepared by J. Russell Mills

Approved by Committee on:

12-9-81

(Date)

MEMORANDUM

October 6, 1981

TO: Senate Apportionment Committee

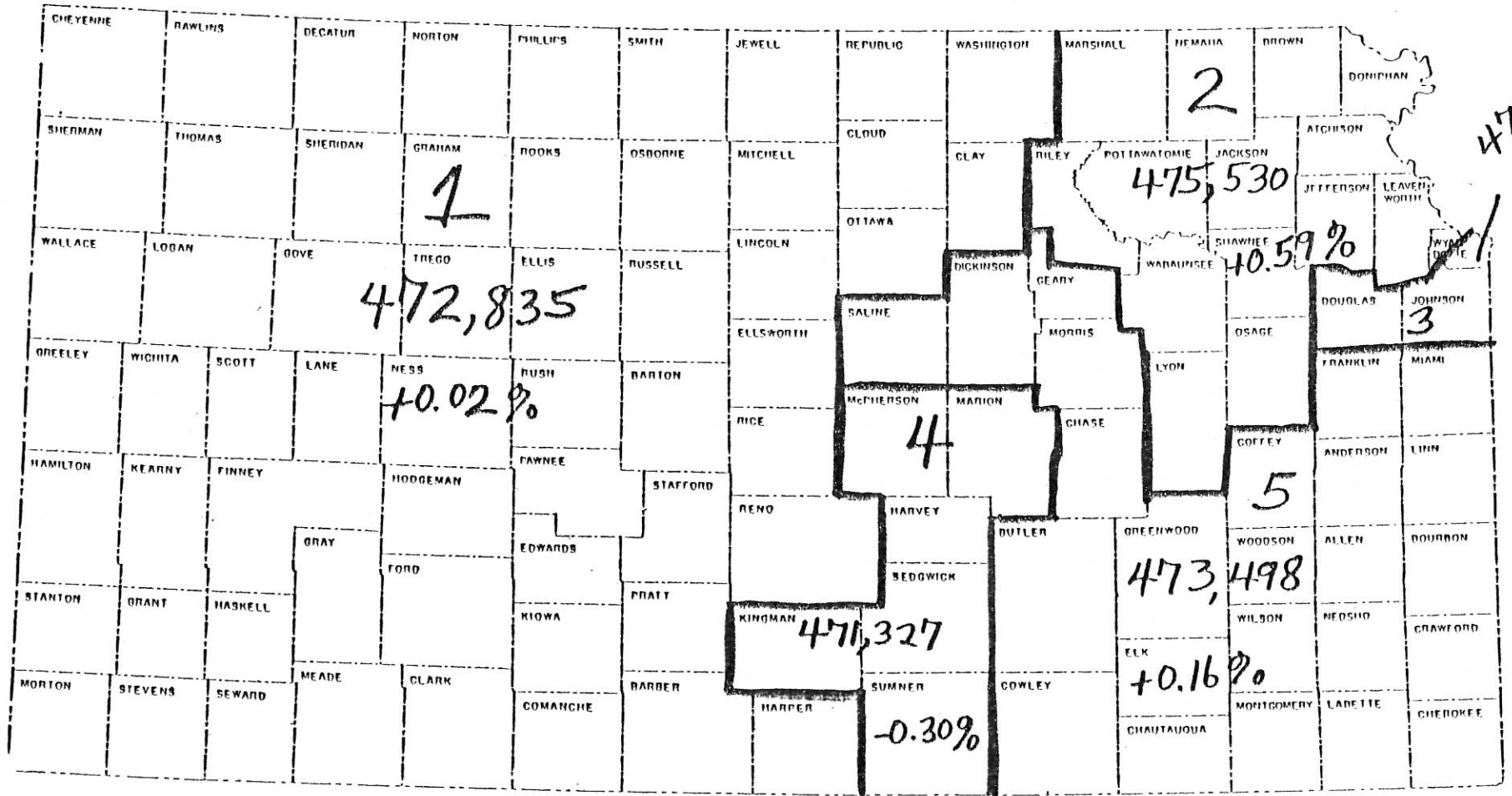
FROM: Kansas Legislative Research Department

RE: Enclosed Maps

Enclosed for your consideration are several proposed redistricting plans for the Kansas Congressional districts. The maps designated as "KLRD-S__" were prepared by the Research Department at the direction of the Senate Committee on Legislative and Congressional Apportionment. The maps are sent at the request of Senator Thiessen. The following maps are enclosed:

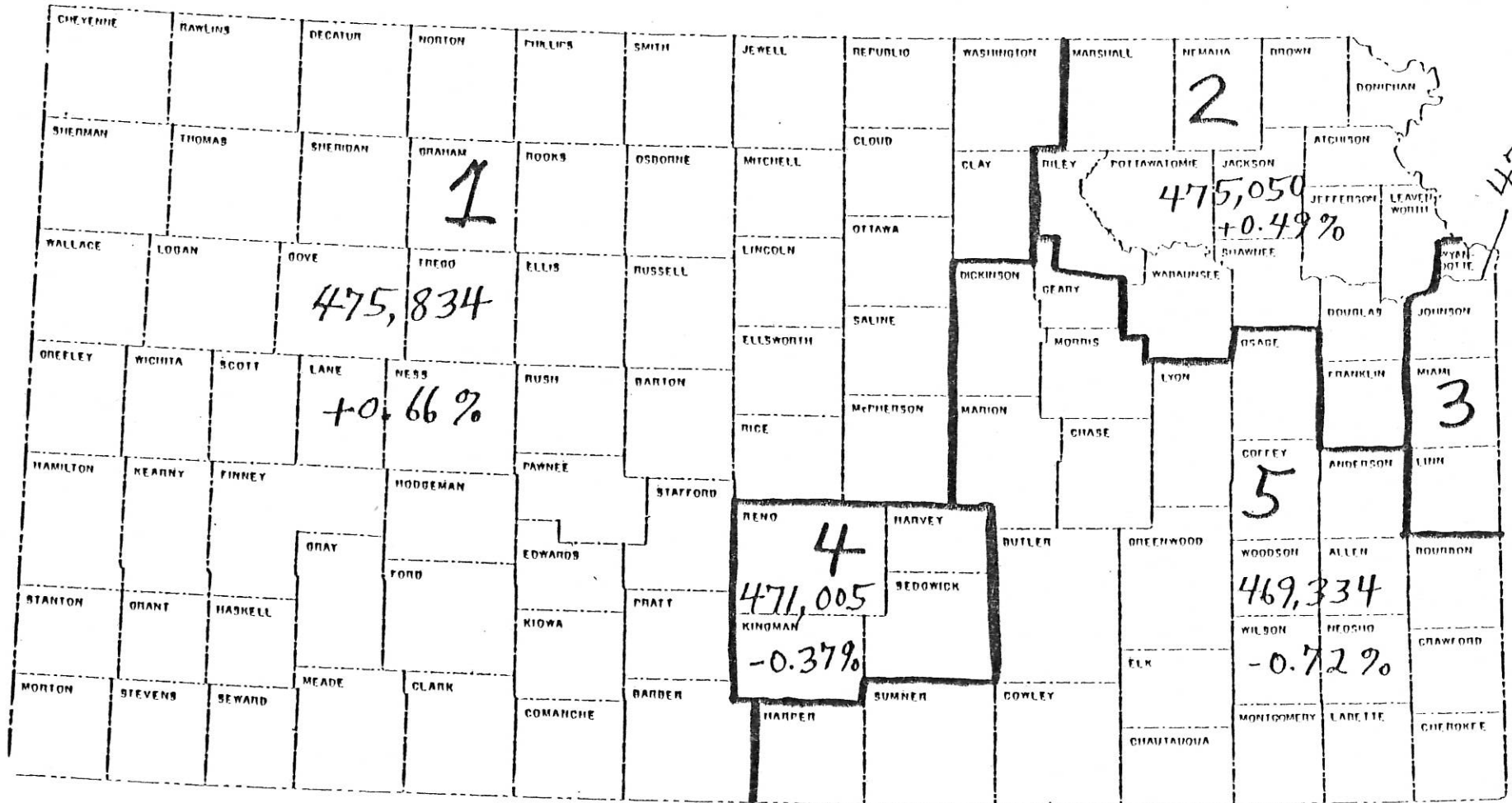
<u>Map</u>	<u>Total Deviation</u>	<u>Comments</u>
KLRD-S1	1.07%	Reno in 1st; McPherson and Marion in 4th; Douglas in 3rd; existing split in Wyandotte
KLRD-S2	1.38%	Reno in 4th; Douglas in 2nd; no split counties
KLRD-S2 (modified)	0.19%	Douglas in 2nd; Reno in 4th; City of Mulvane in 4th; four counties split
KLRD-S3	1.13%	Douglas in 3rd; existing split in Wyandotte; Reno in 4th
KLRD-S4	1.10%	Douglas in 5th; City of Mulvane in 4th; Reno in 4th; one county split
KLRD-S4 (modified)	0.14%	Douglas in 5th; City of Mulvane in 4th; three counties split
KLRD-S5	1.25%	Douglas in 2nd; Marion and McPherson in 5th; Reno in 4th; one county split
Cong. Delegation	4.10%	Submitted by Kansas Congressional delegation, April, 1981
Sebelius	1.15%	Submitted by Keith Sebelius, 9-11-81
Sallee	1.63%	Submitted by Kent Sallee, McPherson County Democrats
Angell	1.37%	Prepared by Senator Angell
Hay	2.04%	Submitted by Donald Hay, Franklin County Republicans

KLRD - S1
(9-14-81)



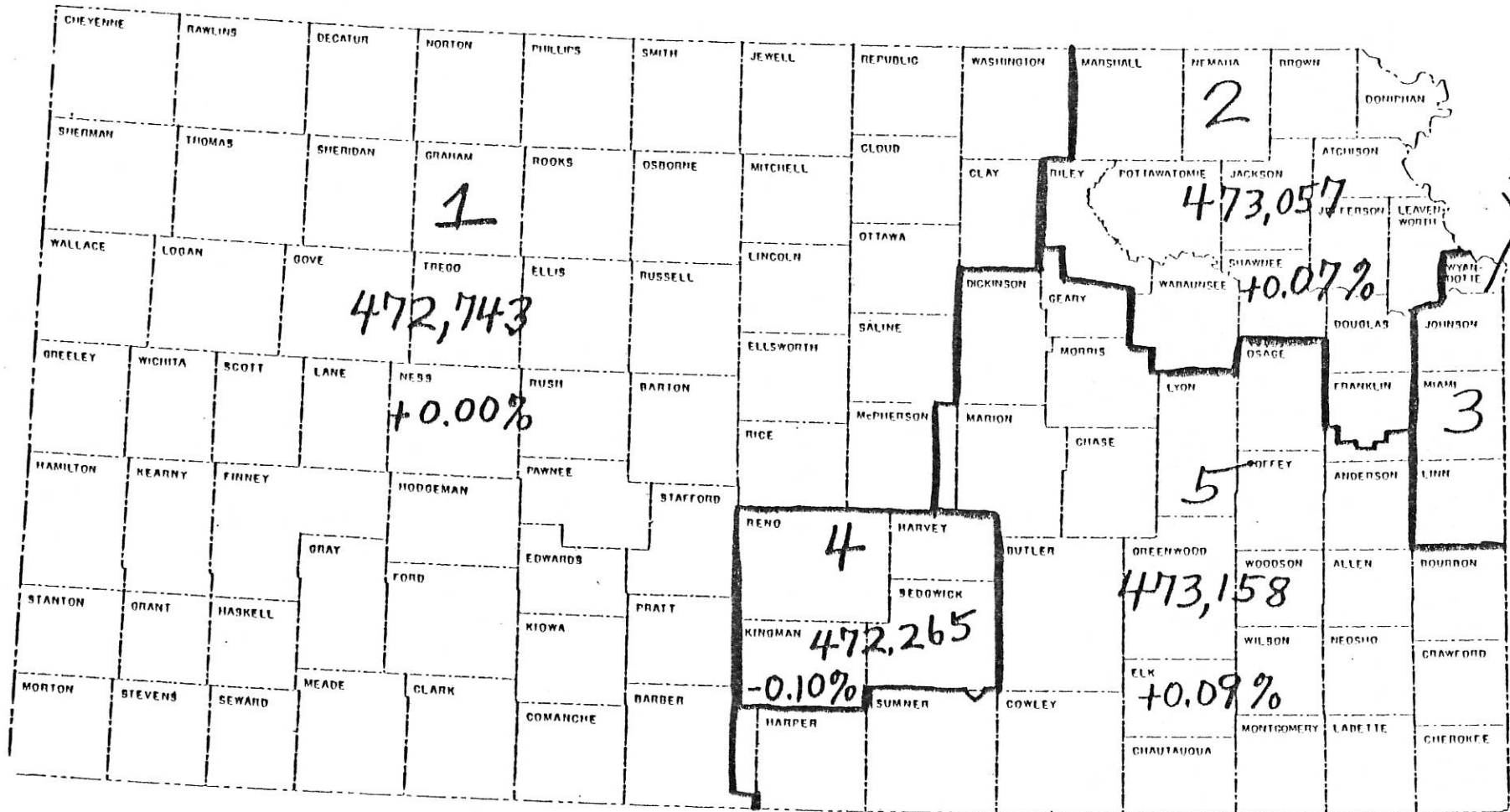
State Total: 2,363,679
"Ideal": 472,736

KLRD - S2
(9-14-81)



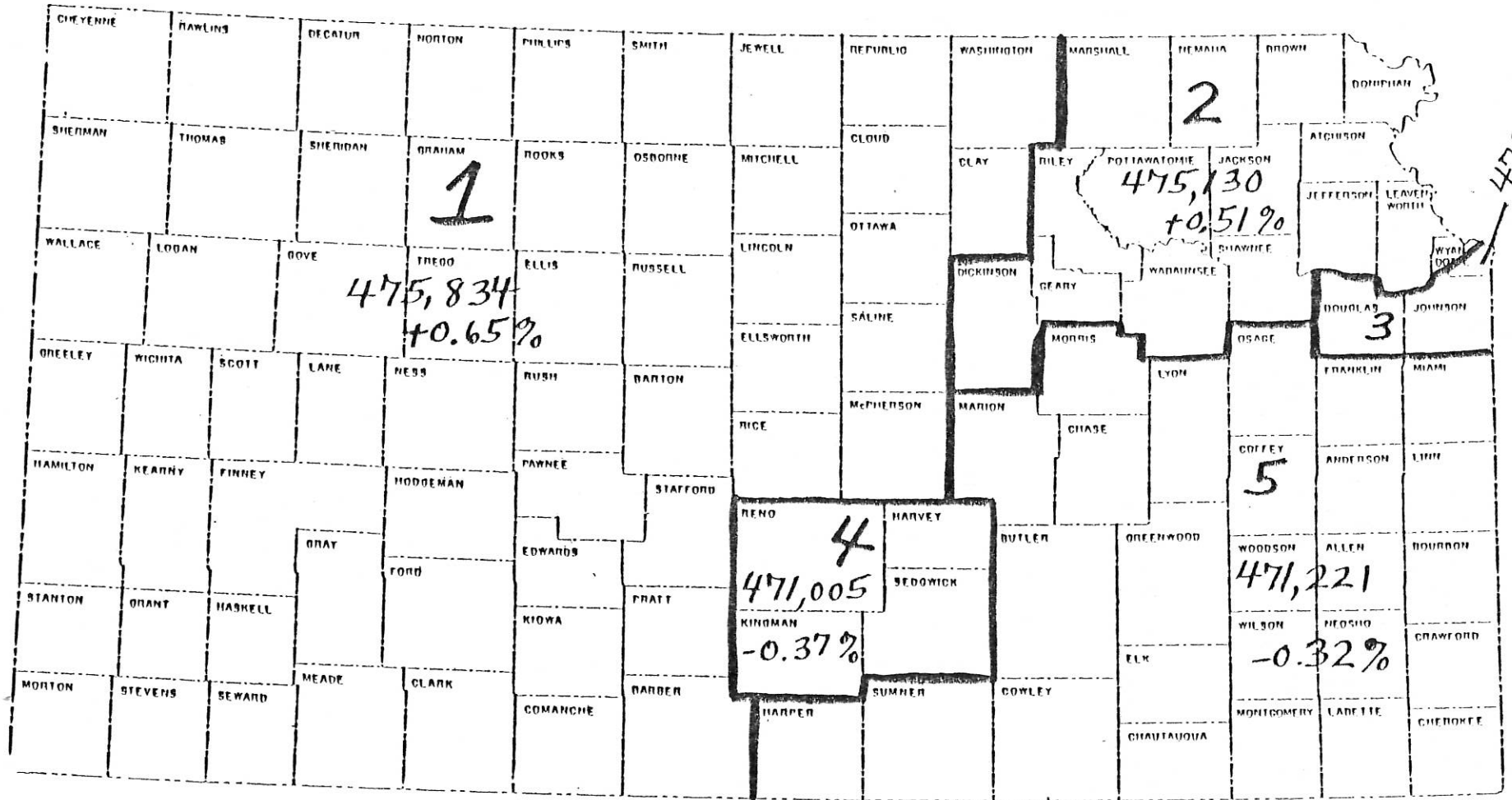
State Total: 2,363,679
"Ideal": 472,736

KLRD - S2 (Modified)
(9-21-81)



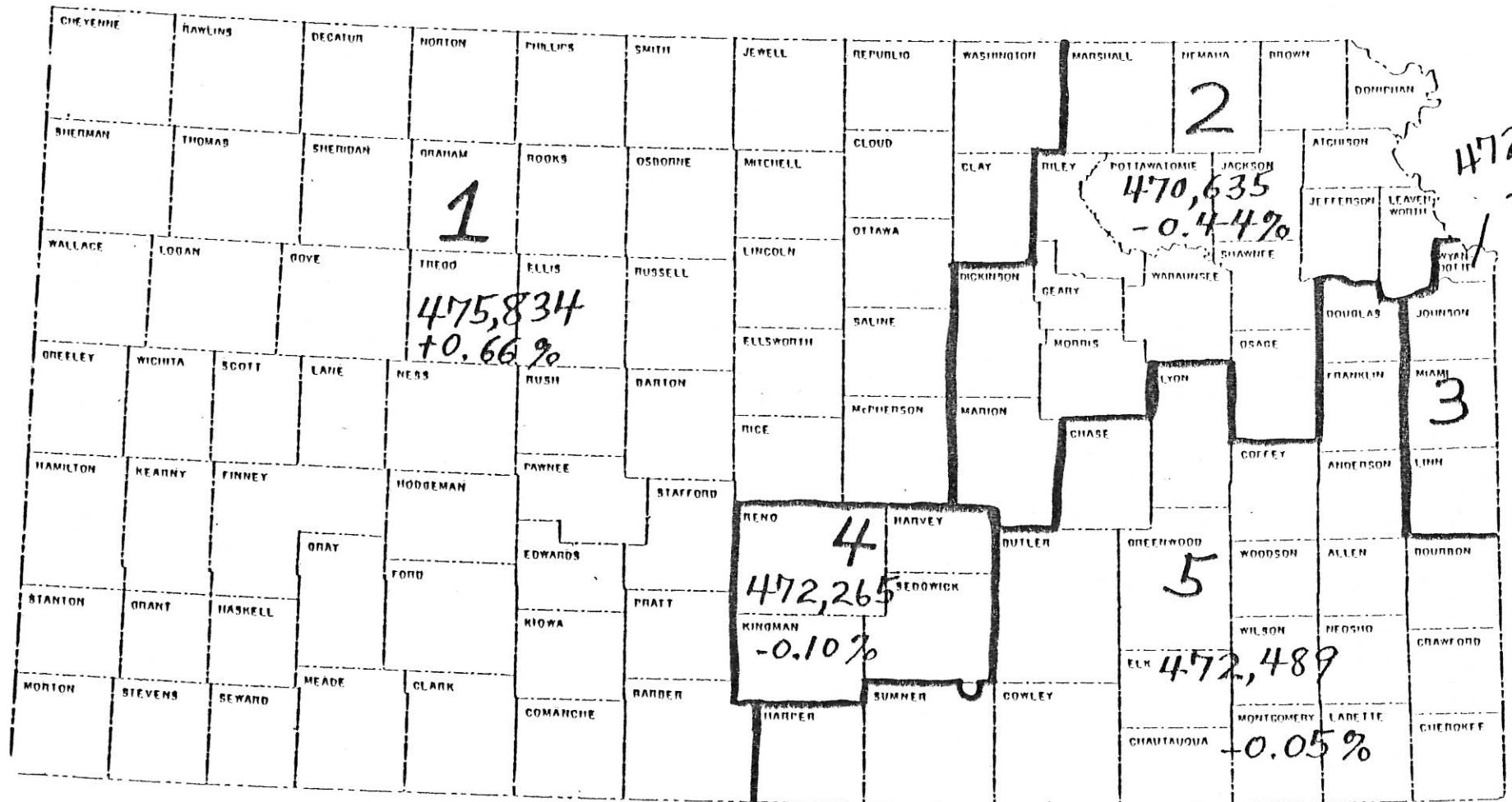
State Total: 2,363,679
"Ideal": 472,736

KLRD - S3
(9-15-81)



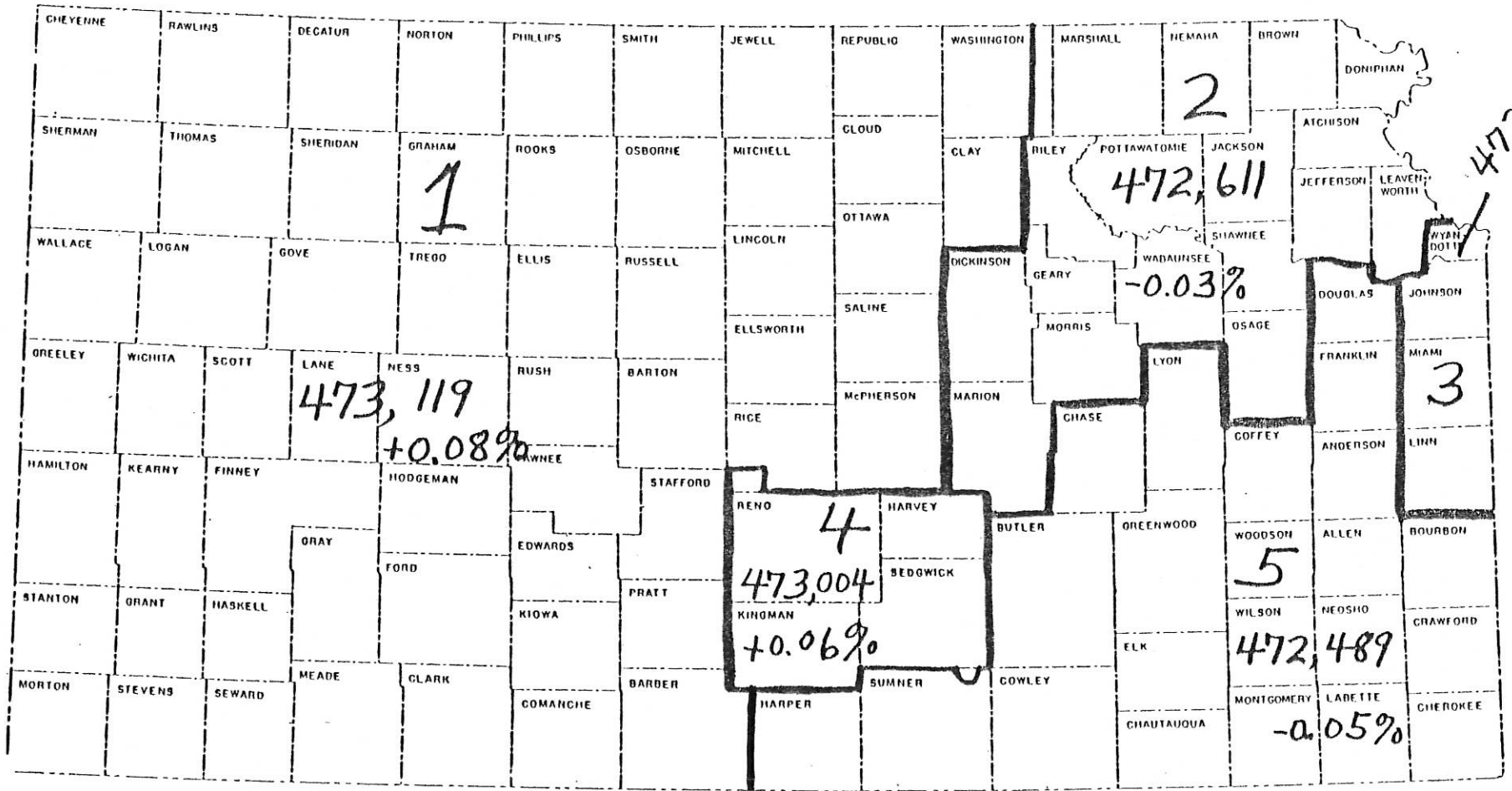
State Total: 2,363,679
"Ideal": 472,736

KLRD - S4
(9-15-81)



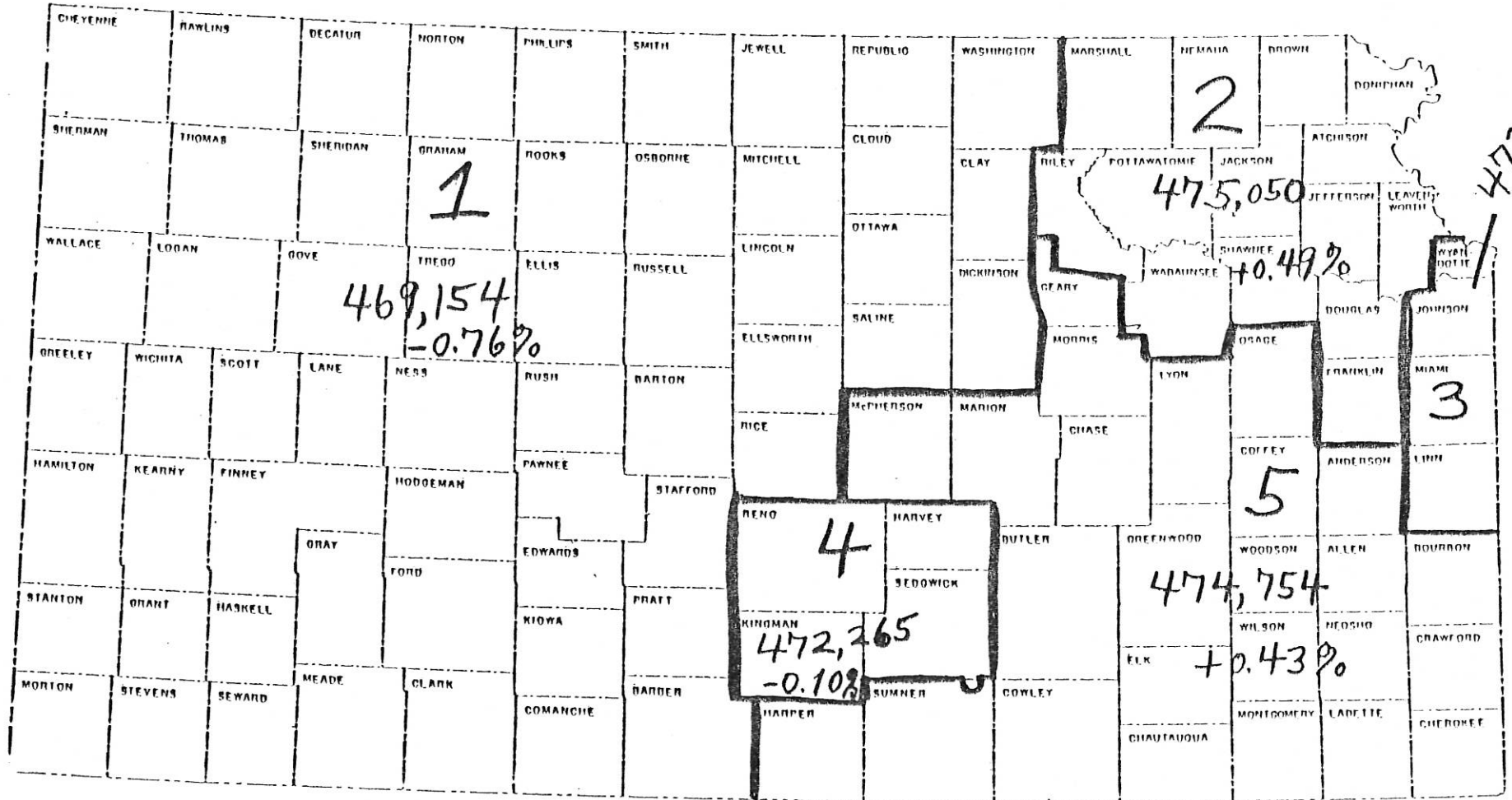
State Total: 2,363,679
"Ideal": 472,736

KLRD - S4 (Modified)
(9-21-81)



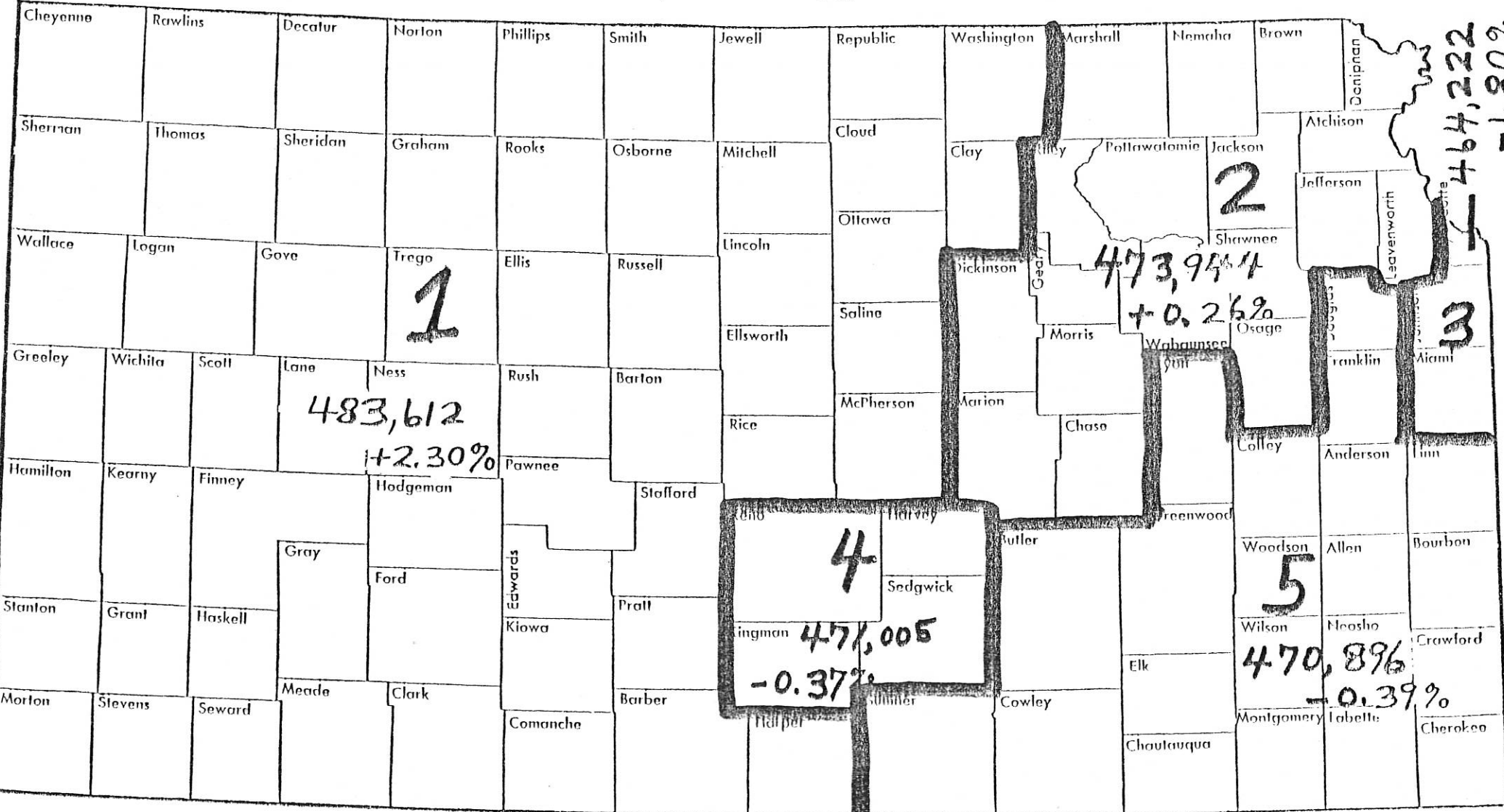
State Total: 2,363,679
"Ideal": 472,736

KLRD - S5
(9-15-81)



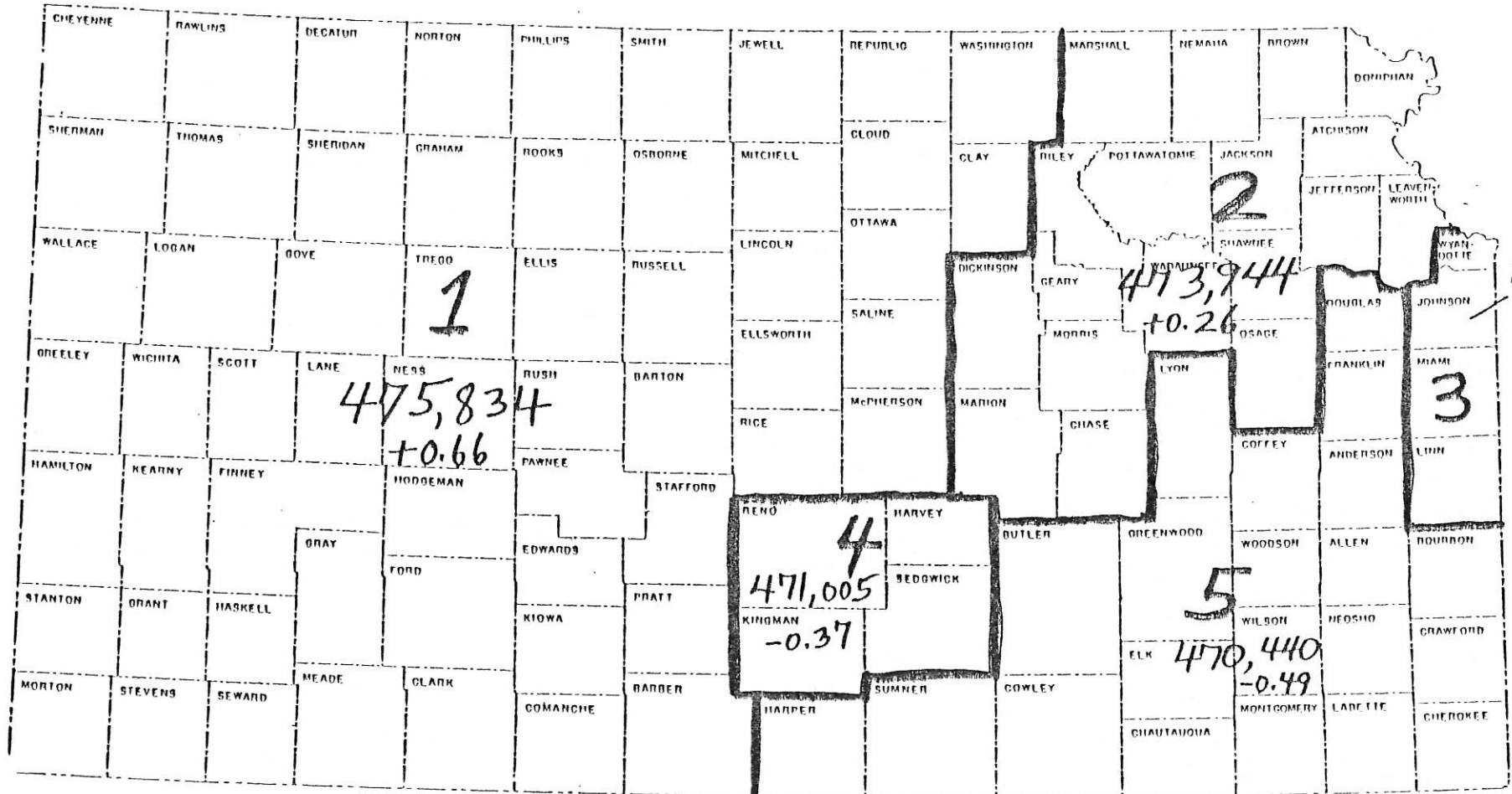
State Total: 2,363,679
"Ideal": 472,736

CONGRESSIONAL DELEGATION PLAN (APRIL 1981)
(1980 Census Data)



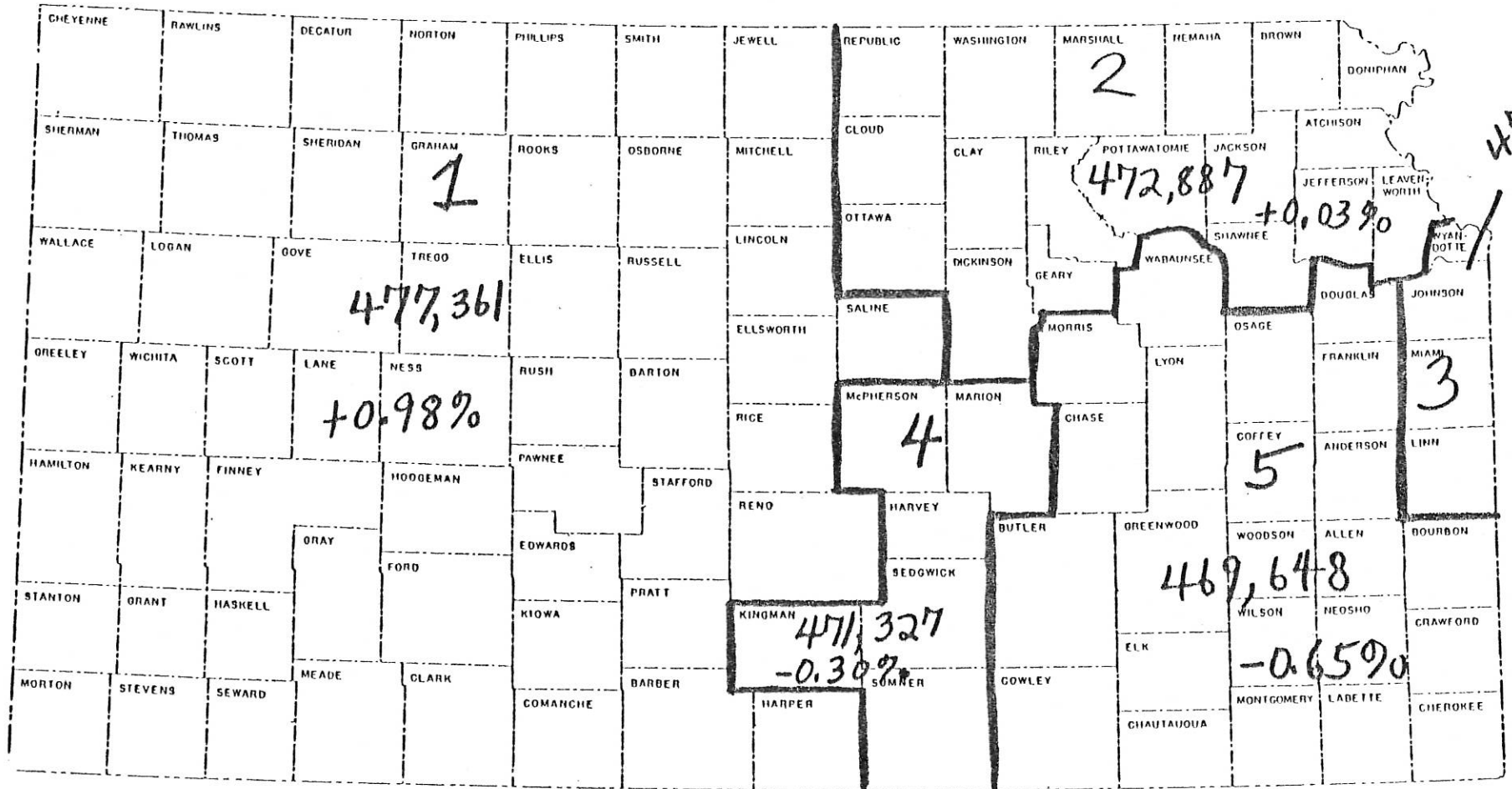
State Total: 2,363,679
"Ideal": 472,736

KEITH SEBELIUS PLAN
(9-11-81)



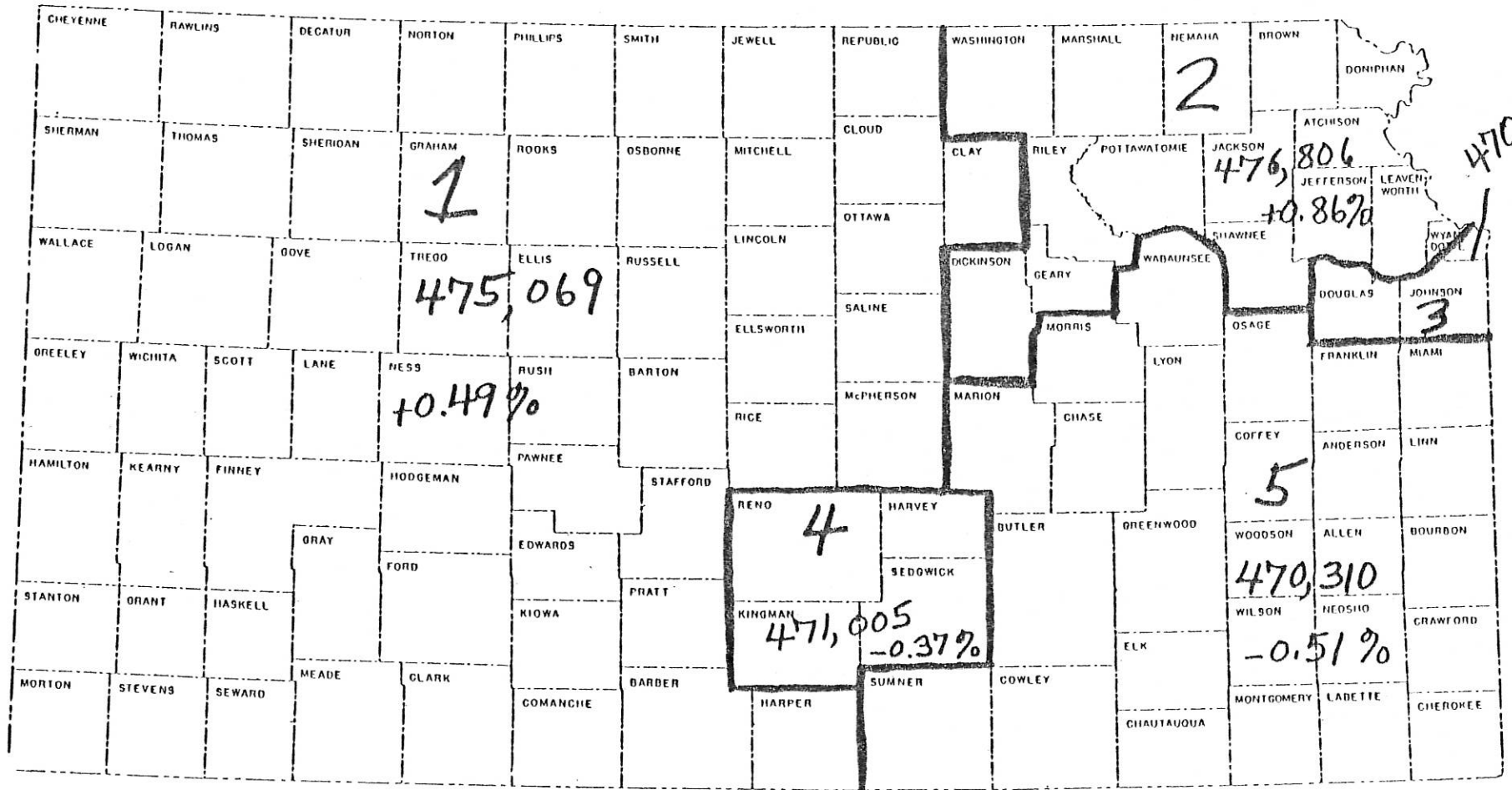
1980 State Total: 2,363,679
"Ideal": 472,736

KENT SALLEE PLAN
(8-30-81)



State Total: 2,363,679
"Ideal": 472,736

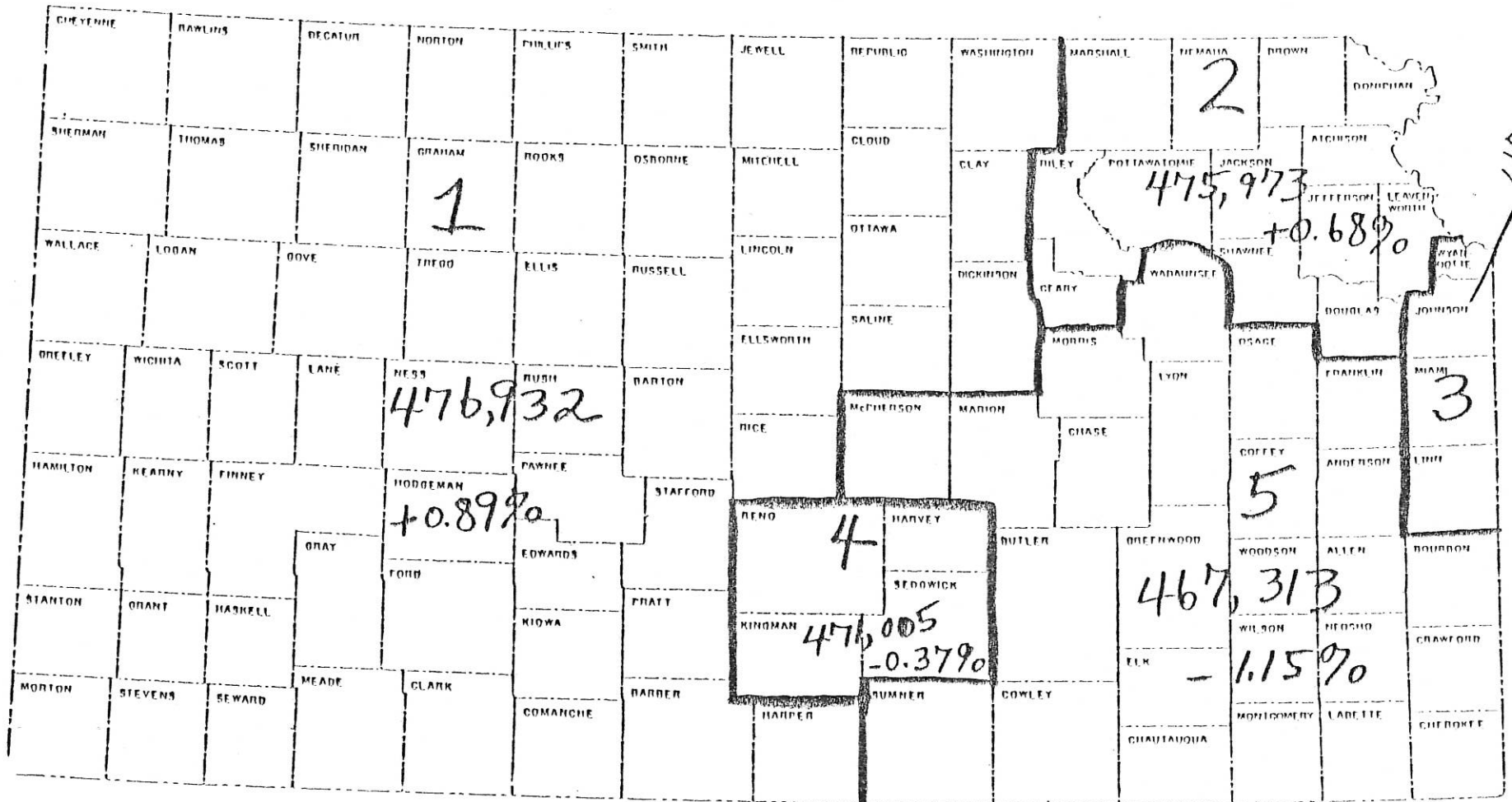
SENATOR ANGELL PLAN
(9-9-81)



470,489
-0.48

State Total: 2,363,679
"Ideal": 472,736

Donald Hay Plan
(7-22-81)



State Total: 2,363,679
"Ideal": 472,736

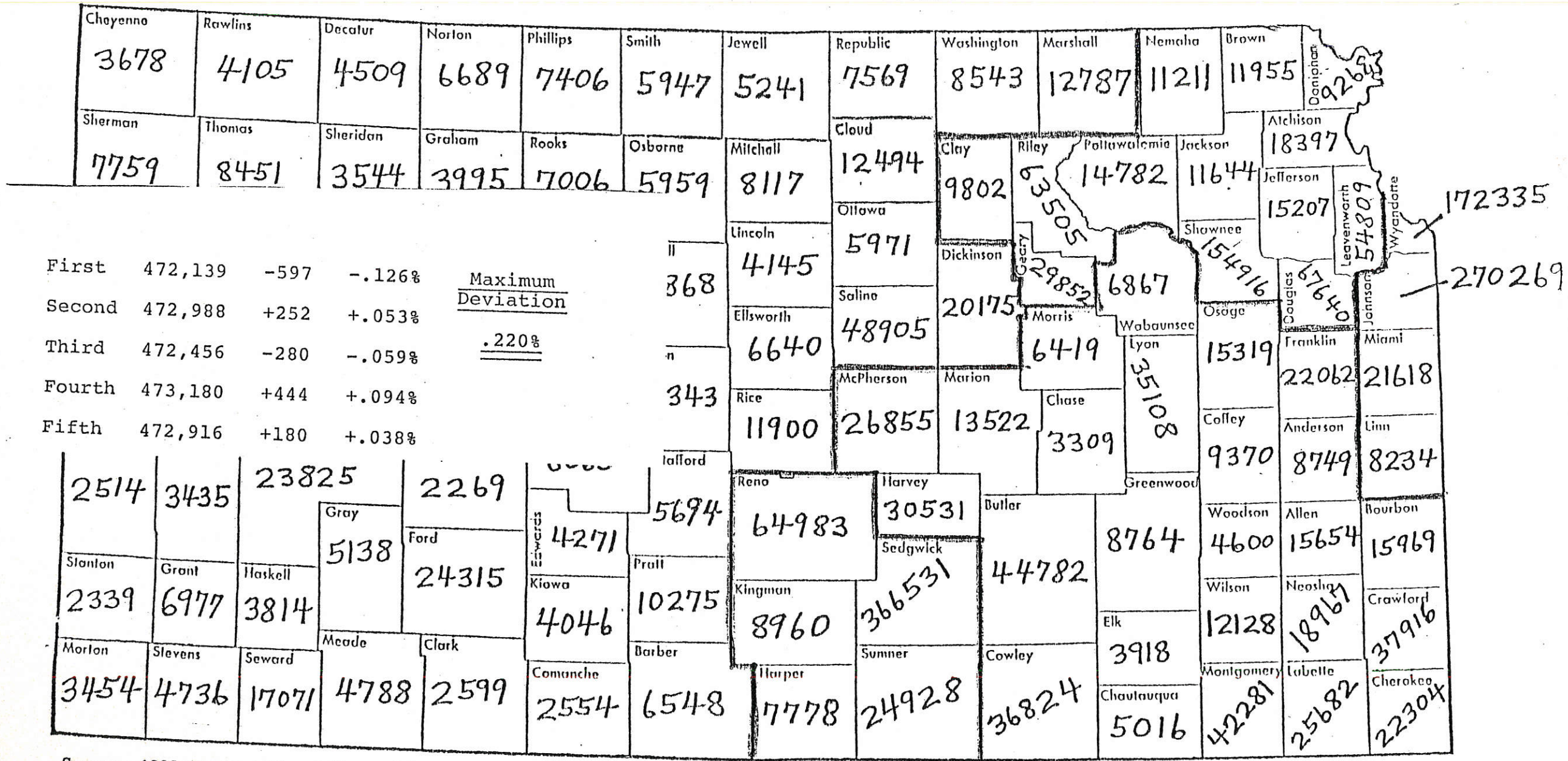
REARDON

Attachment II

April 10, 1981

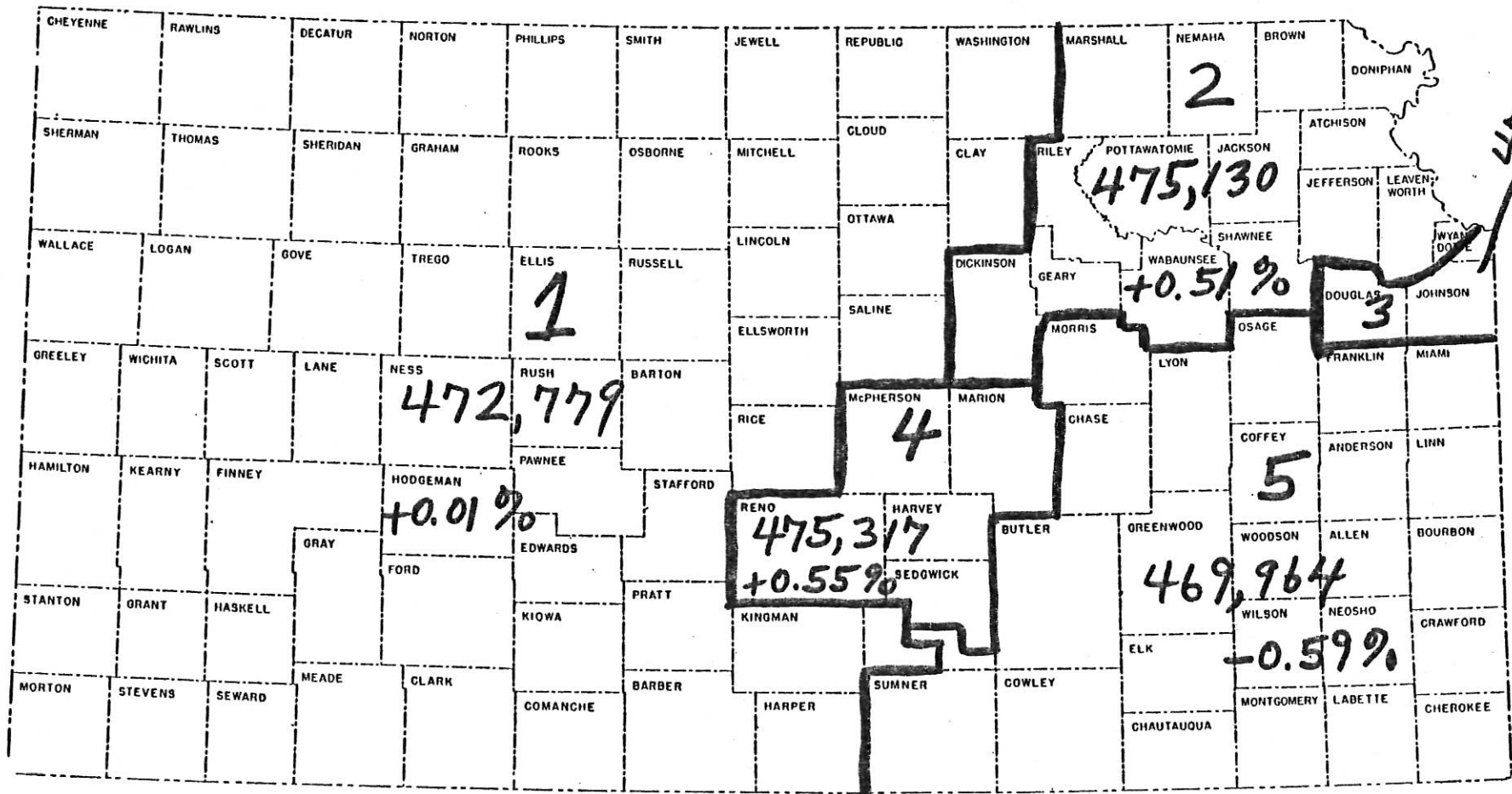
Revised Sept. 14, 1981

1980 KANSAS POPULATION BY COUNTY 10-30-81



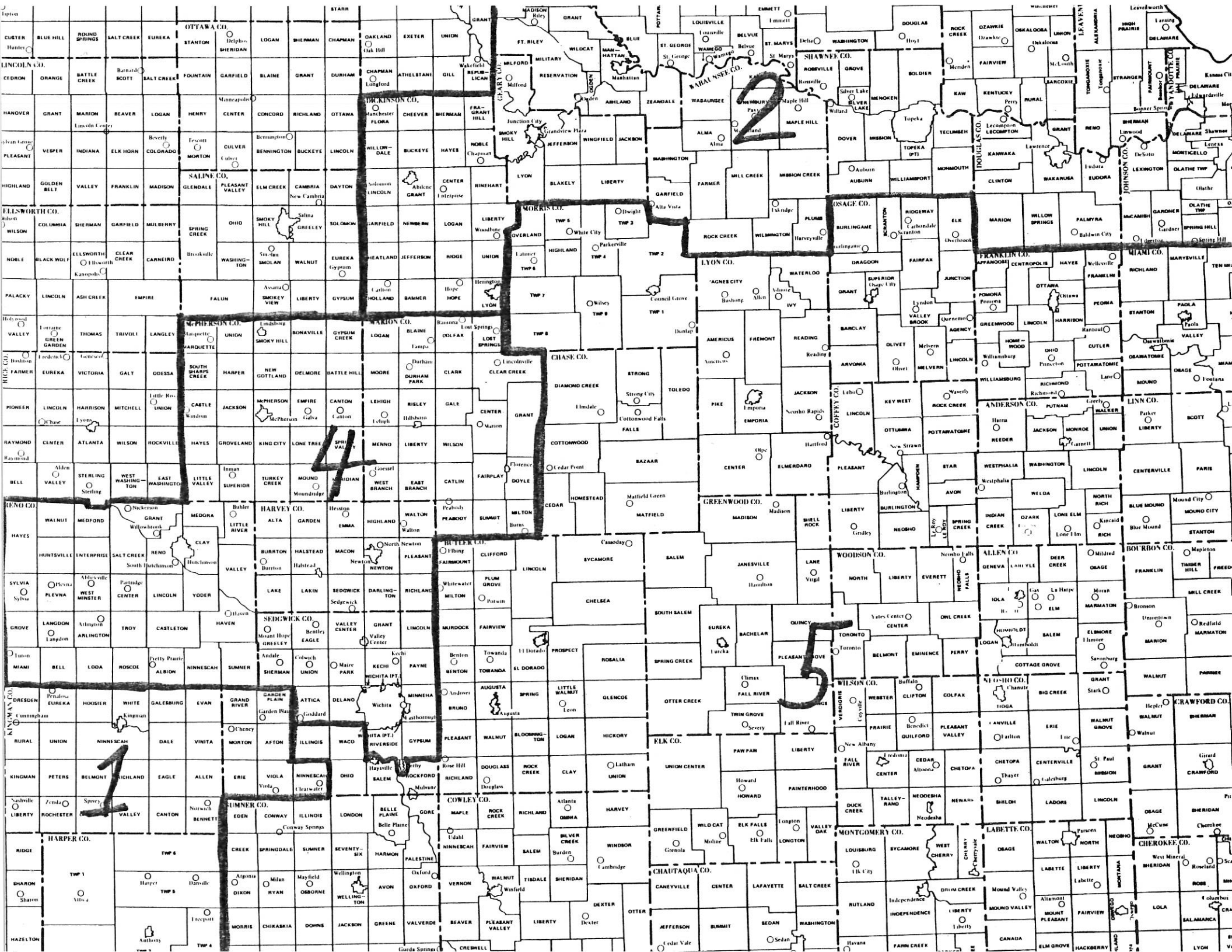
Source: 1980 Census of Population and Housing, U.S. Bureau of the Census (PHC 80-V-18), as revised.

HESS-WHITAKER II
(10-29-81)



470,489
-0.48%

State Total: 2,363,679
"Ideal": 472,736

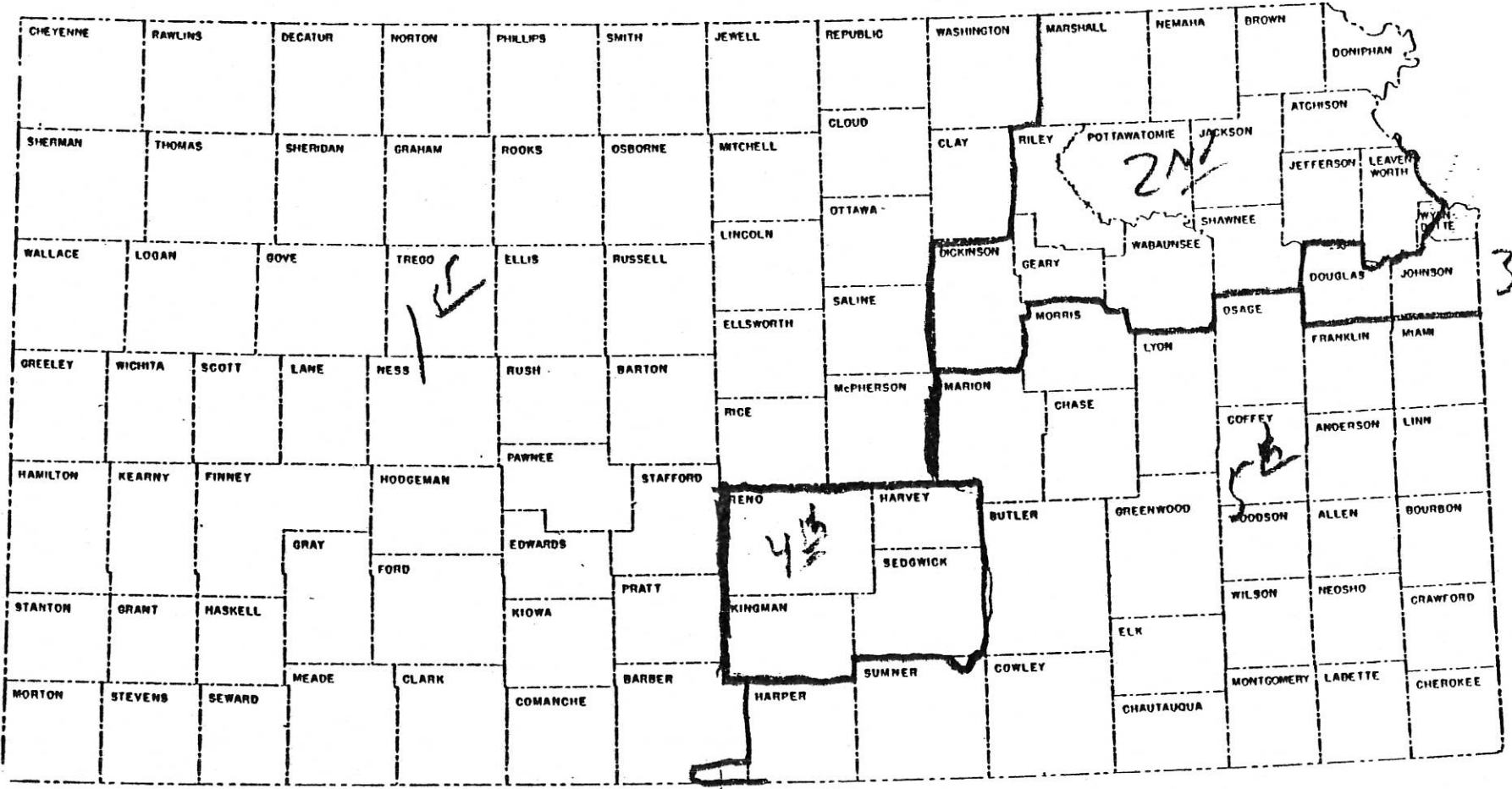


Attachment IV

KLRO-53

Collected for Pop.

- 1 472,893 + .035%
- 2 472 --- --- %
- 3 472 --- --- %
- 4 472,265 - .09%
- 5 472,902 + .035%



one

Max Deviation:

.13