

Approved

3-27-87 SOB  
Date

MINUTES OF THE HOUSE COMMITTEE ON LEGISLATIVE, JUDICIAL, CONGRESSIONAL  
APPORTIONMENT

The meeting was called to order by Representative Ed Bideau at  
Chairperson

11:28 a.m./p.m. on February 12, 1987 in room 313-S of the Capitol.

All members were present except: Representative Bunten, King, Knopp, Williams, Grotewiel, Justice - excused.

Committee staff present:

Mary Galligan, Research Kay Coen, Secretary  
Raney Gilliland, Research  
Myrta Anderson, Research  
Arden Ensley, Revisors  
Robert Coldsnow, Legislative Counsel

Conferees appearing before the committee:

Lisa Freese, Assistant Planner, Johnson County  
Elgia Stevenson, Johnson County Commissioner, Elections  
Linda R. Johnson, President, League of Women Voters of Kansas

Lisa Freese, Assistant Planner, Johnson County was the first conferee and reviewed the Johnson County Census program. Ms. Freese stated that Johnson County's Census is a computerized project for which routine procedures have been established, but it is still a major effort to maintain quality control.

She stated that a project of this kind, must be done systematically with structured training and supervision of field workers, carefully managed data entry, and rigorous quality control. The major work effort involves identifying new households and tracking relocations to avoid duplications or omissions. (Attachment 1)

To assure consistency among counties, she stated that minimum standards should be established by the State, but Johnson County is requesting the opportunity to exceed those standards to meet local informational needs. In particular, Johnson County feels strongly that the Board of County Commissioners should be assigned the overall responsibility for the project, with the flexibility to delegate the operation of the census to the appropriate department within county government.

Elgia Stevenson, Johnson County Commissioner, appeared before the committee and gave information to the committee concerning her work in initiating the census in Johnson County. She stated that a simple procedure head count is preferred and that on-site door to door solicitation is the most effective means for an accurate count. Each county must have a Master Control - one basic way to do it. The same manual and procedures should be used for all counties to assure uniformity.

Linda Johnson, President, League of Women Voters of Kansas, was the next conferee. She stated that the league is caught between a concern for constitutional rights and economic realities. The league is attempting to balance its opposition to a state census with a recognition of the need of reapportionment.

The League of Women Voters will support House Bill 2038 reestablishing a state census on a one time basis and will also support HCR 5003 to amend the constitution. The league views the two as a package; passage of both bills is necessary to resolve the dilemma of legislative apportionment in Kansas. The League requested that the committee consider an amendment to HCR 5003 so that the legislature "shall" reapportion in 1989 rather than making it optional. (Attachment 2)

After committee questions and discussions the meeting adjourned at 12:30 p.m.

Unless specifically noted, the individual remarks contained herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

**Committee on Legislative, Judicial and Congressional  
Apportionment**

**Hearing on HB 2038**

Date: February 12, 1987

Testimony by: Lisa Freese, Assistant Planner, Johnson County

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to appear before you today. My name is Lisa Freese and I am a planner with the Johnson County Planning Office. I would like to briefly highlight some aspects in the Johnson County census.

1. Johnson County has conducted a local census for many years, usually every two years. We have continued to perform with a local initiative, after the state requirement for a census was removed in 1979.
2. Many uses are made of the local census data, especially for economic development, school enrollment projections, plans for utility extensions, and reapportionment of County Commissioner districts and City Council ward boundaries. The census information is very valuable to the business community, especially for major firms conducting research on site selection.
3. Johnson County's census is a cooperative project with school districts and the community college.
4. Johnson County's census is a computerized project for which routine procedures have been established, but it is still a major effort to maintain quality control.
5. In 1985 the approximate cost of the census was \$121,000 for temporary staff and direct expenses, plus about \$40,000 for computer services. These figures, however, do not include staff costs for permanent county employees who are assigned on a part-time basis to the census project for coordination and analysis. About \$43,000 was contributed by the school districts and the community college. (It should be noted that these are costs for repeating the census; other counties would incur substantial start-up costs for an initial census.)
6. A project of this kind must be done systematically with structured training and supervision of field workers, carefully managed data entry, and rigorous quality control. I have available for you certain

excerpts from Johnson County's manual for the census, plus sample report pages from the output. The process requires the field enumerator to update the computerized worksheet for each household that existed in the previous census. The major work effort involves identifying new households and tracking relocations to avoid duplications or omissions.

7. Johnson County would be able to participate in a statewide census, and we believe the previous experience would be good preparation for the task. To assure consistency among all counties, minimum standards should be established by the State, but Johnson County requests the opportunity to exceed those standards to meet local informational needs. In particular, Johnson County feels strongly that the Board of County Commissioners should be assigned the overall responsibility for the project, with the flexibility to delegate the operation of the census to the appropriate department within County government.

On behalf of our Board of County Commissioners, I appreciate this opportunity to address your committee today. I will be pleased to answer any questions you may have. If you need additional background materials, we would be happy to provide them.

# LWVK LEAGUE OF WOMEN VOTERS OF KANSAS

Statement to the  
HOUSE COMMITTEE ON  
LEGISLATIVE, JUDICIAL AND CONGRESSIONAL APPORTIONMENT  
by Linda R. Johnson, President,  
League of Women Voters of Kansas  
February 12, 1987

In reference to H.B. 2038 and HCR 5003:

The League of Women Voters of Kansas has been following the deliberations regarding legislative apportionment with a great deal of interest and a degree of vacillation. Like the legislature, we are caught between our concern for constitutional rights and economic realities; we are also attempting to balance our opposition to a state census and our recognition of the need for reapportionment.

The League of Women Voters of Kansas did enter a friend of the court brief in the 1983 case of Bacon v. Carlin because of our belief that the districts as currently drawn are now substantially unequal.

In testimony before the interim committee studying reapportionment issues, we stated in July that the legislature appeared to have no option but to establish a suitable data base and reapportion in 1989. As you all know, the three-judge federal panel which ruled in the Bacon case put the state on notice that reapportioning in 1989 on the basis of the 1980 census would not be acceptable; in the court's words, "in 1989, if the Kansas legislature attempts to implement its constitutional provision requiring reapportionment by reliance upon 1980 federal census figures or those figures updated by estimates, constitutional problems will arise." (Courts have not found estimated updates to be an acceptable data base for apportionment.)

At the same time, the United States Supreme Court has suggested that reapportionment once every ten years would be a "rational approach to readjustment of legislative representation" and has also stated that "reapportionment with less frequency would assuredly be constitutionally suspect." (Both in Reynolds V. Sims) We therefore suggested that the interim committee consider a state census on a one-time basis and also explore the possibility of contracting for a special census by the U.S. Census Bureau.

Nevertheless, in September I appeared before the interim committee to express the view that, if the choice was between the two draft proposals before the committee, i.e. taking a state census every ten years or changing the constitution to postpone reapportionment until 1992, we would support the

latter choice. This view was largely based on our opposition to the state census.

The League of Women Voters of Kansas studied census procedures in 1975 and adopted a position favoring abolition of the state census in 1976. The League concluded from its study that the Kansas census could be more realistically described as 105 separate county censuses rather than one state-directed enumeration and that it was subject to greater amounts of error than was the federal census because of decentralized procedures and the relative lack of accuracy checks.

The major complaint against the Kansas census was the lack of standard procedures. The League surveyed Kansas counties to determine what method of enumeration they used and found that 43 relied primarily on a house-to-house canvass, 22 relied primarily on automobile registration figures, 6 used a combination of those two, and 30 relied primarily on other methods; the method used by 4 counties was not known. (Note the use of the word "primarily"; many counties combined methods, for instance employing a house-to-house canvass in cities while taking the census in rural areas from assessment registers.)

Decisions as to methodology, residency, etc, were left up to the 105 county assessors acting independently. While the state provided guidelines for determining residency, especially with regard to counting students and military personnel, in practice different definitions of residency were used. Some counties used the federal definition (counting people where they live and sleep most of the time), while others required evidence of intent to be a resident, such as registering to vote or the purchase of an automobile license.

The League favors utilization of federal census figures both for the redistribution of state tax monies to local governments and for legislative reapportionment, recognizing that some minor adjustments may occasionally be needed. (We have no particular position on how to count students and military personnel, so long as they are not systematically excluded from representation.)

Given the results of our study of the census, we supported abolition of the state census and have no choice but to oppose reestablishing it. We are also concerned about the cost of a state census. As this committee heard on Tuesday, the estimates of how much it will cost the state to conduct a census are not very firm. I would not be surprised to see the estimated cost go up as plans become more detailed. We share the concern of some members of the interim committee that it may be irresponsible to spend millions of dollars on a census that will be used to reapportion one house of the legislature for one two-year term. This concern can only grow at a time when the state has been forced to make cuts in important services and in support for the needy.

We also share the concern that if the census bill is passed, the legislature will breathe a sigh of relief and take no further action to reapportion in 1992 using federal data. We believe that the state must at some point begin to use the federal census as a basis for reapportionment, and that will require a constitutional amendment.

It now seems clear that if the state attempts to postpone reapportionment beyond 1989, a lawsuit will be filed. Furthermore, even if a constitutional amendment is on the ballot in 1988 to permit the postponement, there is always the possibility that voters could reject the amendment. Therefore, the state must be ready to reapportion in 1989 and, with the option of contracting for a federal census rapidly fading, that appears to mean a state census.

The League of Women Voters of Kansas will support House Bill 2038 reestablishing a state census on a one-time basis and will also support HCR 5003 to amend the constitution. We view the two as a package; passage of both bills is necessary to resolve the dilemma of legislative apportionment in Kansas.

Of the options presented by Mr. Brent Anderson for ways of conducting a state census, we would urge you to choose one of the centralized methods. Mandating counties to do their own censuses or contracting with some counties could easily result in the same sort of decentralized, inaccurate census we had before.

We would also ask you to consider an amendment to HCR 5003, so that the legislature "shall" reapportion in 1989 rather than making it optional. I give you fair warning that the citizens and taxpayers in the state of Kansas will be extremely displeased at the expenditure of three or four million dollars of scarce state funds on a census which is not used.