

Approved

3-21-88 [Signature]
Date

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

The meeting was called to order by Edwin H. Bideau III at
Chairperson

11:30 a.m./p.m. on February 23, 1988 in room 313-S of the Capitol.

All members were present except: Rep. Bill Bunten, David Miller, JoAnn Pottorff, excused.

Committee staff present:

Raney Gilliland, Legislative Research
Myrta Anderson, Legislative Research
Arden Ensley, Revisor of Statutes
Robert Coldsnow, Legislative Counsel
Kay Coen, Committee Secretary

Conferees appearing before the committee:

Linda R. Johnson, League of Women Voters of Kansas
Dr. George McCleary, University of Kansas

Chairman Bideau called the meeting to order.

Chairman Bideau reported that he had received a communication from the Secretary of State's Office requesting that the members of the committee be advised that Secretary Bill Graves wishes to go on record as strongly supporting HCR 5043.

The Committee next proceeded to a public hearing on HCR 5043. Chairman Bideau recognized Linda Johnson, League of Women Voters of Kansas as the first conferee. She testified in support of HCR 5043 with a suggested amendment, regarding wording change. (Attachment I).

Having no further conferees, the public hearing on HCR 5043 was closed. The committee next moved to committee consideration and action on HCR 5043. Rep. Hensley moved to amend the resolution in accordance with the suggested amendment in Mrs. Johnson's testimony. Seconded by Rep. Adam. Motion failed.

Rep. King moved that HCR 5043 be recommended favorable for passage, seconded by Rep. Snowbarger. Motion passed.

The committee next proceeded to public hearing and testimony on HB 2817. Rep. Joan Adam testified in favor of HB 2817. Rep. Adam stated that her goal in requesting the bill was to make it absolutely clear that the census data was to be kept confidential and that this data be used for one purpose only. Rep. Adam noted that the bill would provide for penalties for unauthorized disclosure of census information and which would classify the offense as a Class E felony. (Attachment II)

The Chairman then recognized Legislative Counsel, Bob Coldsnow, for a brief presentation on a possible amendment to HB 2817 regarding sharing the data with the Federal Census Bureau. The Federal Census Bureau would be subject to the same strict confidentiality requirements now imposed upon that agency by federal law.

Chairman Bideau then called upon Dr. George McCleary, Cartographer from the University of Kansas, who has been working with the Federal Census Bureau and the Secretary of State's office along with County Clerk's on the block boundary

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LEGISLATIVE, JUDICIAL & CONGRESSIONAL
APPORTIONMENT,
room 313-S, Statehouse, at 11:30 a.m./~~p.m.~~^{XX} on February 23, 1988.

suggestion program. Dr. McCleary shared a few remarks regarding his confidence in the Federal Census, their confidentiality procedures and the need for information exchange with the Federal Census. He feels successful reapportionment is dependent on good data. He feels we would have a better Federal Census because of the data the State Census accumulated and indicated his support of the suggested amendment.

Public hearings on HB2817 were then continued until a later date by Chairman Bideau pending further action of the committee. The meeting adjourned at 12:35 p.m.

LWVK LEAGUE OF WOMEN VOTERS OF KANSAS

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STATEMENT TO THE HOUSE COMMITTEE ON LEGISLATIVE, JUDICIAL, AND CONGRESSIONAL APPORTIONMENT

February 23, 1988

by Linda R. Johnson

Legislative Action Chairman

In Re H.C.R. 5043 and H.B. 2817:

The League of Women Voters of Kansas followed very closely the activity of the interim committee on reapportionment and the census in the summer and fall of 1986. The League twice submitted testimony to that interim committee, and I spoke before the House Committee in the spring of 1987. Therefore, you probably know what I'm here to say: Please pass a resolution to amend the apportionment section of the State Constitution.

The League of Women Voters may be the only public interest group that has given much attention to the matter of reapportionment. In the past we have filed briefs when apportionment cases have come before the courts, and we have been involved in drawing up apportionment plans. However, the fact that apportionment doesn't draw a lot of public attention or comment does not mean it is unimportant. It is vital to our democratic system that all people have an equal voice in influencing government, a principle that has come to be expressed as "one person, one vote." We were therefore pleased that the Legislature last year made plans to reapportion in 1989 as called for in the State Constitution.

At the same time, we were not pleased at the failure of the proposal to amend the State Constitution so that in the future reapportionment could take place after the tenth year of the decade using the U.S. Census as a data base. As we have told you before, our study of the state census led us to adopt a position favoring its abolition and the use of federal data when population figures are needed. We hope and believe that the office of the Secretary of State is doing a better, more standardized job of the census than was ever done in the past, but we would still prefer that the state of Kansas not go into the census-taking business as a regular thing. The census was estimated to cost around \$3.5 million, and I would not be at all surprised to learn that the projected cost has risen since last year. As a multi-issue lobbying organization, the League is telling the Legislature this year that more money should be spent on public assistance grants to the needy, on environmental

projects such as cleanup of contaminated sites and water projects recommended by Governor Hayden, and on the provision of much-needed programs and services for the inmates of our crowded correctional institutions. Here is one place we are telling the Legislature to cut expenditures. While it was necessary this year, we don't want the state ever again to spend millions of dollars taking a census. Leave that to the federal government and use the money for vital state services.

We believe it is important that a resolution to amend the Constitution be passed this year, lest it be put off indefinitely. Next year the Legislature will be reapportioning its districts; I'm sure this committee will be deeply involved in that and will not have much time to devote to anything else. We do not want to see this important legislation postponed until the state suddenly finds itself facing the same problem again as 1999 approaches.

The League will not enter into the argument over counting students and the military, so long as methods of enumeration are standard throughout the state and no one is systematically excluded from representation. The federal courts have ruled that it is permissible for states to adjust the U.S. census data, and we agree that the Legislature has the right to do that. We do see one problem in the wording of H.C.R. 5043, of which you may already be aware; that is the statement that "the legislature shall by law reapportion the state representative districts, the state senatorial districts, or both..." I suggest that this should be changed to read "the legislature shall by law reapportion the state representative districts or both the state representative and state senatorial districts..." in order to avoid giving the option of reapportioning only the senatorial districts when there is no state senatorial election.

The League is concerned about a bill that has been introduced in the other house, SB. 588, which would permit the use of state census data for apportionment of local government districts. This could lead to a situation where local governments use whichever census is most favorable to them, possibly causing inequities. And continued expansion of the purposes for which the state census may be used could result in the eventual re-establishment of a state census.

We do support H.B. 2817 which this committee is also considering today. While the League believes strongly in open government and easy access to public records, we also believe that the information governments collect about private citizens should usually remain private. We know that the 1988 census forms promised confidentiality, but we have been told by Secretary of State Bill Graves that many citizens expressed concern over the confidentiality of the information they were asked to provide. We see no reason not to reassure those citizens by passing H.B. 2817.

The League of Women Voters of Kansas therefore asks your favorable recommendation of H.B. 2817, and a favorable recommendation and prompt action on H.C.R. 5043.

JOAN ADAM
 REPRESENTATIVE, FORTY-EIGHTH DISTRICT
 305 NORTH TERRACE
 ATCHISON, KANSAS 66002-2526



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 MEMBER: ASSESSMENT AND TAXATION
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 RANKING MINORITY MEMBER: LEGISLATIVE, JUDICIAL,
 AND CONGRESSIONAL APPORTIONMENT

House Bill 2817 proposes to make it absolutely clear that the census data will be kept confidential. Except in very limited circumstances where aggregate statistical information can be provided, disclosure of census data would constitute a Class E. felony.

Representations that this data is confidential have been made to this committee, by this committee to the entire legislature and most importantly to the people of this state. It would be an extreme act of bad faith to now change the rules and say that the census data is no longer confidential. Were we to change the rules now -- after the major collection of data has been accomplished -- surely Kansans would and should cry "foul".

I'd like to refresh your memory on some of the representation concerning confidentiality that we have heard:

1. Representations made to this committee:

In a letter to this committee on 17 February, 1987 Mr. Brent Anderson urged us to amend HB 2038 so that the enumeration would not require the use of the names of residents. In urging us to support the amendments Mr. Anderson stated:

"If the statute requires our office to enumerate according to name, address and age, that enumeration could be interpreted to be subject to the Open Records Act, KSA 45-201 et. seq. The U.S. Census Bureau testimony suggests that it's ability to maintain confidentiality with respondents is crucial to its ability to gather comprehensive and reliable census information".

2. Representations made by this Committee to the Legislature:

HB 2038 enacting the state census stated the use of census data would be for the reapportionment by state legislative districts:

"Population figures established by the enumeration authorized under Sections 1-5 of this act shall be used only as a basis for the reapportionment of any state legislative districts."

The word only was specifically added as an amendment by this House Committee -- in order to assure that census data would be used for the stated purpose and no other.

3. Representation made to the people of the state:

In a December 1987 article Secretary of State Bill Graves wrote for a newspaper column, he said -- and I quote:

"State census information is confidential and is used for reapportionment purposes only."

(La Voz del Llano, Vol. 1, Dec. '87)

In addition, at various public appearances Mr. Graves has attempted to reassure Kansans concerned about the confidentiality of this data -- specifically the use of the word confidential on the census post card -- by stating that the information is indeed confidential.

It is clear that Kansans are aware of and concerned about this issue. At the first meeting of this committee earlier this year, Mr. Anderson stated that 6420 people had called the 800 hotline with questions about the census -- in Mr. Anderson's words:

"Many callers expressed concern about the confidentiality of the information on the card."

Mr. Anderson also stated that several hundred letters from people were received who had similar concerns about confidentiality.

I don't doubt that now in hindsight we could all craft some worthwhile uses of this data besides reapportionment of legislative districts. But the important point is that representations were made to all parties that this data would be used for one purpose only. It seems to me too late to go back on our word.