

Approved

Date

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

The meeting was called to order by EDWIN H. BIDEAU III at  
Chairperson

11:10 a.m./p.m. on February 29, 1988 in room 313-S of the Capitol.

All members were present except: Rep. King, Pottorff, Justice, Roper - excused

Committee staff present:

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

Conferees appearing before the committee:

Senator Bogina - proponent

The meeting was called to order by Chairman Bideau.

The committee proceeded to continued public hearings on HB 2817 and S.B. 588.

Senator Bogina was welcomed to testify as a proponent on SB 588, concerning the use of certain data from the state census by political and taxing subdivisions. Senator Bogina noted that SB 588 would allow more benefits derived for the census in progress. His original intent in introducing SB 588 was to permit school districts to use the census for planning purposes. The bill was amended in the Senate to permit county commission districts and cities to be reapportioned using state census data. Committee discussion followed with comments from Mr. Coldsnow, Legislative Counsel, regarding the need for reapportionment of county commissioner and city districts. Having no further conferees on either bill, public hearings on SB 588 and HB 2817 were closed.

The committee then moved to committee action on SB 588. Rep. Miller moved that the bill be amended to provide that the use of the state census data by counties and cities be limited until the time (April, 1991) as the 1990 Federal Census figures are released. Seconded by Rep. Charlton. Motion passed.

Rep. Blumenthal next moved to strike the Senate amendment regarding use of statistical data by cities and counties. Seconded by Rep. Adam. Motion failed.

Rep. Snowbarger moved that SB 588 be amended to incorporate the balloon amendment suggested by Mr. Coldsnow on HB 2817, concerning sharing information with the Federal Census. (Attachment I) Seconded by Rep. Knopp. Motion passed.

Rep. Knopp moved that SB 588 be reported favorably as amended. Seconded by Rep. Aylward. Motion passed.

Committee discussion then proceeded to HB 2817 which had been continued from the previous meeting. A motion was made by Rep. Snowbarger to amend the bill to reduce the penalty section from a Class E felony to a Class A misdemeanor. Seconded by Rep. Freeman. Motion passed.

No further action was taken on HB 2817.

Rep. Miller moved to adjourn at 12:10 p.m., seconded by Rep. Snowbarger and the motion was passed.

0048 population of each incorporated city within the county, using the  
 0049 most recent information which is available from the United  
 0050 States bureau of the census and which provides actual or es-  
 0051 timated population figures for both cities and counties as of the  
 0052 same date. The county treasurer shall use the table as the basis  
 0053 for apportioning revenue from any countywide retailers' sales tax  
 pursuant to K.S.A. 12-192 and amendments thereto.

0054 (c) Population figures established by the enumeration au-  
 0055 thorized under K.S.A. 1987 Supp. 11-204 to 11-208 and amend-  
 0056 ments thereto shall be used only as a basis for the reapportion-  
 0057 ment of any state legislative districts, reapportionment of which  
 0058 is authorized pursuant to section 1 of article 10 of the constitution  
 0059 of the state of Kansas, in the year 1989, and for such additional  
 0060 purposes as may be specifically authorized by K.S.A. 1987 Supp.  
 0061 11-204 and amendments thereto.

0062 Sec. 2. K.S.A. 1987 Supp. 11-204 is hereby amended to read  
 0063 as follows: 11-204. An enumeration of the residents of the state of  
 0064 Kansas shall be taken as of January 1, 1988. Such enumeration  
 0065 shall be conducted by the secretary of state in accordance with  
 0066 the provisions of this act and rules and regulations adopted by  
 0067 the secretary for such purposes. Such enumeration shall be made  
 0068 upon forms prescribed by the secretary but shall include only  
 0069 such information as may be required to enumerate the residents  
 0070 of this state for the purposes of reapportioning state senatorial  
 0071 and representative districts. *Except as otherwise provided in*  
 0072 *this section, all enumeration or census records shall be con-*  
 0073 *fidential. Nothing herein shall be construed to prohibit the*  
 0074 *publication of statistics, so classified as to prevent the identifi-*  
 0075 *cation of particular individuals. It shall be unlawful for any*  
 0076 *person to disclose data contained in enumeration or census*  
 0077 *records, except as authorized by this act.* The secretary of state  
 0078 shall certify the census to the legislature by county, ward and  
 0079 precinct not later than November 1, 1988.

0080 Sec. 3. K.S.A. 1987 Supp. 11-208 is hereby amended to read  
 0081 as follows: 11-208. (a) Any person employed in the enumeration  
 0082 of residents of the state pursuant to this act who shall knowingly  
 0083 fail to perform the duties of enumerating such residents in

(a)

other than the official census as certified by the secretary of state to the legislature

(b) Notwithstanding the provisions of this section, the secretary of state may permit the director of the bureau of the census of the United States, or the proper official or authorized representatives of the director, to inspect the enumeration or census records and the secretary of state may make available or furnish to the director of the bureau of the census of the United States, or the proper official or authorized representatives of the director, information contained in any enumeration or census records, as the secretary may consider proper, but such information shall not be used for any other purpose than the administration of the census laws of the United States as set forth in Title 13 of the United States Code and all such information made available or furnished to the director of the bureau of the census of the United States, or the proper official or authorized representatives of the director, shall be subject to the confidentiality provisions of Title 13 of the United States Code.

0001 compliance with the provisions of the act or rules and regulations  
 0085 of the secretary adopted pursuant thereto or who shall knowingly  
 0086 submit any false report or enumeration of residents shall be  
 0087 guilty of a class A misdemeanor. In addition to the criminal  
 0088 penalties prescribed therefor, upon conviction of violating the  
 0089 provisions of this act or rules and regulations of the secretary  
 0090 pursuant thereto a public officer or employee shall forfeit such  
 0091 office or employment.

0092 (b) Any person failing or refusing to provide information  
 0093 necessary for enumeration pursuant to this act to any person  
 0094 employed in the conduct of such enumeration or failing or  
 0095 refusing to return or file any questionnaire or form utilized in the  
 0096 conduct of any such enumeration or willfully gives any answer or  
 0097 information which is false on any questionnaire or form utilized  
 0098 in the conduct of any such enumeration shall upon conviction  
 0099 thereof be fined not more than \$100.

0100 (c) Any person disclosing data contained in enumeration or  
 0101 census records or returns in violation of ~~this act~~ shall be guilty  
 0102 of a class E felony.

0103 (e) (d) When any request for information or answers neces-  
 0104 sary for enumeration pursuant to this act, made by the secretary  
 0105 or other authorized officer or employee conducting the enumer-  
 0106 ation, is made by registered or certified mail or telegram, the  
 0107 return receipt therefor or other written receipt thereof shall be  
 0108 prima facie evidence of an official request in any prosecution  
 0109 under this section.

0110 Sec. 4. K.S.A. 1987 Supp. 11-201, 11-204 and 11-208 are  
 0111 hereby repealed.

0112 Sec. 5. This act shall take effect and be in force from and  
 0113 after its publication in the Kansas register.

K.S.A. 1987 Supp. 11-204 and amendments thereto