

Approved

UKS 4-29-89

Date

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

The meeting was called to order by Representative Vince Snowbarger at
Chairperson

12:05 ~~am~~/p.m. on January 25, 1989 in room 313-S of the Capitol.

All members were present except:

Representatives Justice and King. Representatives Adam,
Bunten, Reardon, and Roe were excused.

Committee staff present:

Fred Carman and Arden Ensley, Revisor's Office
Robert Coldsnow, Legislative Counsel
Mary Galligan and Raney Gilliland, Research
Marian Holeman, Committee Secretary

Conferees appearing before the committee:

Earl Nehring, Common Cause
Celso L. Ramirez, KS Advisory Commission on Hispanic Affairs
Wilton Thomas, Riley County Commissioner

Chairman Snowbarger announced that, at the request of Representative Adam, the Secretary of State's presentation would be postponed until January 26. Representative Charlton requested Attachment 1 concerning communications with legal counsel for the Secretary of State's office be entered into the record.

Earl Nehring presented a statement from Common Cause and a list of recommended standards for use in this session. (Attachment 2)

Celso L. Ramirez, Acting Executive Director, Kansas Advisory Committee on Hispanic Affairs (KACHA) testified on the Kansas census and Kansas Hispanic communities. (Attachment 3)

Representative Freeman, in support of the Secretary of State's office, wished to enter into the record the southeast Kansas case of the City of Parsons which didn't like their census figures. They conducted their own count and found there were fewer people than the Secretary of State's office had counted.

Wilton Thomas, Chairman of the Board of Commissioners of Riley County, testified. (Attachment 4)

The meeting adjourned at 1:20 p.m.

GUEST LIST

COMMITTEE: HOUSE LEGISLATIVE, JUDICIAL AND CONGRESSIONAL APPORTIONMENT DATE 1-25-89

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Malvin Newfeld	Engels, KS	
Chris McKenzie	Lawrence, KS	Douglas County, KS
Sheila Hochheiser	Manhattan, KS	KS Legislature
Wilton B Thomas	Manhattan, KS	Chm. Rely. Comm.
JAMES H. HAYS	TOPEKA	KS. ASSN. OF SCHOOL BOARDS
Jim W. B. ...	Lawrence	observer
Kelly Arnold	Lawrence	City of Lawrence
Ruth Wilbur	Topoka	League of Women Voters
Christy Young	Topoka	Topoka Chapter of Am.
Chris Graves	Topoka	ASK
Henry Long	Topoka	Legis.
Francis Heise	Topoka	Oakland, NIA
Joy Hockett	Topoka	T.F.S.
Steven J. Ramirez	Lawrence	Hispanic Affairs
Robert Gomez	Topoka, KS	LULAC
Rosal Gomez	Topoka, KS	LULAC
Jim Kauf	Topoka	League of Municipalities
Mike Conduff	Manhattan	City of Manhattan
Bob Wootton	Topoka	Marion Barlow staff
Anthony R. Martinez	Topoka	American G.I. Forum
Nickey Martinez	Topoka, Kans.	Topoka Literacy Council
BA Ramirez	Topoka, KS	Retired
Dave Egel	Topoka, KS	A.S.A
Rex Pullin	K.C. MO	consultant
Brad Bryant	Topoka	Office of Sec of State

RILING, BURKHEAD, FAIRCHILD & NITCHER

CHARTERED

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TIMOTHY G. RILING

EDWARD T. RILING (1900-1946)
JOHN J. RILING (1910-1971)
GEORGE K. MELVIN (1898-1982)

JAMES L. POSTMA
OF COUNSEL

January 24, 1989

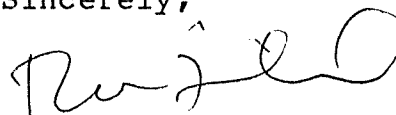
Mr. Mark Stafford
Assistant Attorney General
Attorney General's Office
Kansas Judicial Center
2nd Floor
Topeka, KS 66612

Re: Board of County Commissioners,
Douglas County, Kansas, et al., v.
Mike Hayden, Governor, et al.
Case No. 88-4284
Case No. 88-CV-1953

Dear Mr. Stafford:

This is in regard to our phone conversation Tuesday morning, January 24, 1989. As per that conversation, we have no problem with your having limited contact with Betty Jo Charlton, a plaintiff in the above lawsuits. Any contact with Rep. Betty Jo Charlton in her capacity as a legislator is approved by counsel.

Sincerely,



Robert W. Fairchild



Patricia Hackney

PH/ksn

cc: The Honorable Vincent K. Snowbarger
Rep. Betty Jo Charlton

L., J. + C. Apportionment
1-25-89
Attachment 1



COMMON CAUSE / KANSAS

701 Jackson, Room B-6 • Topeka, Kansas 66603

January 24, 1989

Statement to the
House Committee on Legislative, Judicial and Congressional
Apportionment

by Earl Nehring for Common Cause/Kansas

Members of Common Cause/Kansas are interested in having a reapportionment process utilized in Kansas which will assure that elected officials are chosen in a way which will provide Kansas citizens with fair and equal representation in the halls of government.

There are many things which go into achieving such representation. One of them is the creation of legislative districts which do not distort equitable representation. Primary and general elections lose some of their legitimacy if representative districts have been drawn in such a way as to provide unfair advantage to one group or interest over another, including political parties.

We recognize the innate conflict of interests present in our present reapportionment methods. You are charged with making decisions affecting your party's chances of controlling legislative processes and your own chances of being reelected.

L., J & C. Apportionment
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Attachment 2

That is why we support and have urged the Legislature before to create an independent commission to handle this responsibility, along with prompt judicial review of decisions to provide a final safeguard.

In the absence of such a commission, the only way left to help assure equitable representation is for your committee, and the whole Legislature, to adopt a set of standards to guide your actions in redistricting and reapportioning legislative seats.

We have attached to this statement a list of standards we recommend be adopted for use in this session. This list addresses many of the problems encountered in achieving equitable outcomes. Standards will not eliminate the problems, but they can provide guidelines for making decisions that will help assure attainment of a legitimate system of representation for Kansas.

We urge you to adopt these standards for use in your continuing deliberations.

Standards for Reapportionment and Redistricting

1. All districts shall be equal in population ("as nearly of equal population as is practicable").
2. Districts shall be contiguous and as compact as possible.
 - a. Aggregate boundary lengths shall be as short as practicable.
 - b. Boundaries shall coincide, where possible, with boundaries of political subdivisions (cities, counties, etc.)
3. Variations from the equal population criterion may be allowed only under the following conditions (but in no case more than a 5% variation):
 - a. To establish compact and contiguous districts,
 - b. To respect political subdivision boundaries,
 - c. To account for population trends (to allow for equitable representation over a 10-year period, areas of growth may be apportioned with less than the average population to accommodate growth, and areas of stable or declining population with average or more than average populations).
4. Variations in population apportionment, or in creating compact, contiguous districts, shall not be allowed when the purpose is:
 - a. To protect or defeat incumbent legislators,
 - b. To preserve existing districts,
 - c. To favor a political party,
 - d. To dilute the voting strength of any racial group.

Testimony By
Celso L. Ramirez
Acting Executive Director
Kansas Advisory Committee On Hispanic Affairs (KACHA)
Before
The Legislative, Judicial and Congressional Reorganization Committee
Wednesday January 25, 1989
12:00 Noon
Room 313 South
State House Capitol Building

Political Reapportionment and Kansas Hispanic Communities

May it please the chairperson and the members of this committee, I am Celso L. Ramirez, Acting director of KACHA. I am appearing before you to pass on information pertaining to reapportionment and its possible affects on the Hispanic communities across the state.

In beginning my testimony, I am going to quote from a speech given by U.S. Congressman Edward Roybal (D-California) in 1975, in congress on behalf of the Voting Rights Act of that year. " We are involved today in a fundamental constitutional issue, one that goes to the very democratic roots of this country. The issue I speak of is the right of people to cast a meaningful vote. The preservation of this right is important to the vitality of this country's political system. Its denial, its enfeeblement can only jeopardize our commitment to...democratic principles."

In Kansas there is an apparent undercount in the Kansas census of 1988 in the counting of Hispanics, Blacks and other minorities. These populations groups for whatever reasons have always shied away from the United States Census and virtually any other census. As an example on September 26, 1980 a federal judge in Detroit, ordered the government to adjust the 1980 census figures because of the under count of Blacks and Hispanics. In this instance it made a significant difference in the potential accessibility to increased federal funds and additional political districts it implies.

The Kansas Secretary of State has stated the numbers he certified will be those used for determining reapportionment. If this holds true then many Hispanic and or minority political districts will be at the mercy of this committee. In addition the twenty years of political, economic and social advancement of Kansas Hispanics may be in jeopardy. Hispanics have learned much from the past especially pertaining to the consequences of underrepresentation through the abuses of one party and the indifference by the other in this country.

Consequences of Underrepresentation

There are many direct consequences of the lack of equitable Hispanic political representation.

A. Denying Hispanics a full opportunity to contribute to the process of government which establishes the rules by which all citizens live.

L., J. + C Apportionment
1-25-89
Attachment 3

- B. Excluding Hispanics from significant participation in forming state policies and, therefore, leading to policies which have provided minorities with an inferior education, denying them equal economic opportunities, access to equal justice and a second class citizenship.
- C. Closing off certain political avenues through which minorities could otherwise voice their grievances.
- D. Limiting the ability of minorities to introduce and support critical legislation to alleviate immediate social and economic problems in our communities.
- E. Softening the minority voice on how state and federal funds are distributed to communities for human and social services, including health services, education, housing, and transportation.

Recommendations

KACHA, believes it is not in the best interest of this state to dilute the political representation of Hispanics, Blacks and other minorities now or in the future. The states economic future is relying heavily on a quality work force made up of people from minority groups. Currently Hispanics, Blacks and other minorities have a high incidence of school dropouts and a high rate of students at risk. This coupled with the affects of underrepresentation could spell out a future of almost certain economic failure for Kansas and Hispanics.

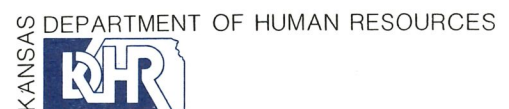
The following are recommendations for achieving an equitable redrawing of the political districts and representation for Hispanics, Blacks and other minorities.

- A. That the Legislative, Judicial and Congressional Reorganization Committee establish a rule, within the statute governing reapportionment that would allow for the implementation of a method to adjust the figures of an agriculture census to more accurately report a certain population in the event of an undercount.
- B. That the Legislative, Judicial and Congressional Reorganization Committee establish a rule, within the statute governing reapportionment allowing for the recounting of districts in which an undercount of a population has occurred.

KACHA advocates a neutral stance for Kansas Hispanic communities across the state. A redistricting plan dominated by either Democrats or Republicans with soley their interests in mind will not satisfy Hispanics. In addition KACHA is cautious about supporting court-drawn plans. Because court-drawn plans would make Hispanics wards of the courts rather than contenders in the marketplace of politics. A plan that will truly give Kansas Hispanic communities significant political power and influence on the political decision making process will gain its support.

Reapportionment is not a partisan question, but rather an issue of shared interest which all Hispanic Republicans, Democrats, La Raza Unida and Independents can support. The common bond is ethnic representation for Hispanics in Kansas.

Thank You



CELSO L. RAMIREZ
Education Specialist
Advisory Committee on Hispanic Affairs

Telephone
(913) 296-3465

512 S.W. Sixth Street
Topeka, KS 66603-3150

COMMENTS OF WILTON B. THOMAS, CHAIRMAN,
BOARD OF COMMISSIONERS OF RILEY COUNTY
BEFORE THE COMMITTEE OF LEGISLATIVE, JUDICIAL
AND CONGRESSIONAL APPORTIONMENT OF THE
KANSAS HOUSE OF REPRESENTATIVES

MY NAME IS WILTON THOMAS. I AM CHAIRMAN OF THE BOARD OF COMMISSIONERS OF RILEY COUNTY. I APPRECIATE THE OPPORTUNITY TO PRESENT TO YOU THE CONCERNS OF THE CITIZENS OF RILEY COUNTY AND TO SEEK YOUR ASSISTANCE IN REMEDYING AN INJUSTICE TO US AND OTHER COUNTIES WHO WERE SIMILARLY AFFECTED BY THE ENUMERATION OF THE RESIDENTS OF THE STATE OF KANSAS WHICH WAS TAKEN AS OF JANUARY 1, 1988, PURSUANT TO THE CHAPTER 61 OF THE 1987 SESSION LAWS.

BY WAY OF BACKGROUND, BETWEEN 1969 AND 1979, WHEN THE CENSUS WAS BEING CONDUCTED BY THE KANSAS DEPARTMENT OF AGRICULTURE, THE POPULATION OF RILEY COUNTY GREW STEADILY BUT NOT DRAMATICALLY. THE 1969 TOTAL WAS 35,861. THIS GREW THROUGH A SERIES OF POPULATION INCREASES AND DECREASES UNTIL 1979, WHEN THE KANSAS AGRICULTURAL CENSUS DETERMINED THAT THERE WERE 41,024 RESIDENTS. IT IS INTERESTING TO NOTE THAT IN 1977, THE AGRICULTURAL CENSUS REFLECTED A POPULATION OF 41,992; IN 1978 A POPULATION OF 41,827 AND IN 1979 A TOTAL OF 41,024. THIS REFLECTS A 2 PERCENT DROP IN POPULATION IN RILEY COUNTY BETWEEN 1977 AND 1979. IT IS MY UNDERSTANDING THAT CERTAIN STATE OFFICIALS HAVE SUGGESTED THAT THE AGRICULTURAL CENSUS WAS UNRELIABLE, BECAUSE IT WAS CONDUCTED BY LOCAL INDIVIDUALS AND WAS THEREFORE EITHER SUSCEPTIBLE TO MANIPULATION OR POOR COUNTING. IF SUCH SUGGESTIONS HAVE BEEN MADE TO THIS COMMITTEE I CAN ONLY SAY

ON BEHALF OF RILEY COUNTY THAT WE DEEPLY RESENT SUCH AN IMPLICATION. I HAVE PERSONALLY VISITED WITH THOSE WHO WERE PRIMARILY RESPONSIBLE FOR THE IMPLEMENTATION OF THE AGRICULTURAL CENSUS IN OUR COUNTY AND FIND THAT THEY WERE EXTREMELY DEDICATED, HARD-WORKING OFFICIALS WHOSE ONLY DESIRE WAS TO CARRY OUT THE MANDATE OF THE STATUTE THAT THEY WERE WORKING UNDER AT THAT TIME. THE CENSUS HISTORY BETWEEN 1969 AND 1979 IN RILEY COUNTY DOES NOT LEND SUPPORT TO ANY MANIPULATION OF POPULATION FIGURES.

BEARING IN MIND THAT THE PRESENT APPORTIONMENT BASE FIGURE WAS THE 1978 AGRICULTURAL CENSUS WHICH WAS 41,827, THE 1980 FEDERAL CENSUS INDICATED A RILEY COUNTY POPULATION OF 63,505.

IN 1988 WE WERE GIVEN THE ASTONISHING NEWS THAT PURSUANT TO THE ~~AGRICULTURAL~~^{STATE} CENSUS, OUR POPULATION WAS 34,336. A DECREASE OF 28,964 PEOPLE OR 46% OF OUR POPULATION HAD DISAPPEARED.

IF WE COMPARE THE 1988 AGRICULTURAL CENSUS (34,336) WITH THE LAST AGRICULTURAL CENSUS WHICH OCCURRED IN 1979 AND WAS 41,024, WE FIND THAT EVEN USING THE SAME CENSUS METHODOLOGY, THAT WE HAVE LOST 6,688 PEOPLE OR 16% OF OUR POPULATION. I AM HERE TO ASSURE EACH AND EVERY MEMBER OF THIS COMMITTEE, THAT RILEY COUNTY AND MANHATTAN HAVE NOT LOST ANY POPULATION SINCE 1979, AND IN FACT, MANHATTAN AND RILEY HAVE HAD AND ARE HAVING THE BENEFIT OF SUBSTANTIAL GROWTH. FOR THOSE OF YOU THAT ARE FAMILIAR WITH MANHATTAN AND RILEY COUNTY, I WOULD SIMPLY ASK THAT YOU TOUR THE RESIDENTIAL AND COMMERCIAL AREAS AND SEE THE DRAMATIC GROWTH THAT HAS OCCURRED IN

OUR AREA; NEW HOUSING, NEW BUSINESSES, NEW PEOPLE. IN SUPPORT OF MY OBSERVATIONS CONCERNING THE GROWTH, I OFFER THE FOLLOWING:

IN 1980 THERE WERE 1,470 MILITARY PERSONNEL WHO WERE STATIONED AT FORT RILEY LIVING IN MANHATTAN. THIS AMOUNTED TO 31% OF THE OFF-POST PERSONNEL. IN 1988, THERE WERE 2,755 MILITARY PERSONNEL LIVING IN MANHATTAN OR 58% OF ALL OFF-POST DWELLERS. THIS WAS AN INCREASE OF 87%.

DURING THE PAST TEN YEARS, 1979 TO 1988 IN MANHATTAN ALONE, THERE WERE 2,497 NEW DWELLING UNITS CONSTRUCTED, USING THE ACCEPTED 2.5 PERSONS PER UNIT AS AN AVERAGE, THIS CONSTITUTES AN INCREASE OF 6,242 PEOPLE THAT OCCUPIED NEW HOUSING. THIS INCREASE IN NEW HOUSING RESIDENTS IS GREATER THAN THE ENTIRE POPULATION OF THE CITY OF CLAY CENTER ACCORDING TO THE 1980 FEDERAL CENSUS WHICH WAS 4,948.

BETWEEN JANUARY, 1982 AND JANUARY, 1989, THE GAS AND ELECTRIC HOOKUPS WITHIN THE CITY OF MANHATTAN ALONE INCREASED FROM 15,109 TO 19,024.

BETWEEN 1980 AND 1988, CUSTOMERS WITH TELEPHONE INSTALLATIONS INCREASED FROM 19,614 TO 22,888.

SO YOU SAY TO ME EVEN IF EVERYTHING YOU TELL US IS TRUE, WHAT DIFFERENCE DOES IT MAKE -- HOW DOES IT AFFECT RILEY COUNTY.

LET ME TELL YOU HOW IT AFFECTS RILEY COUNTY. RILEY COUNTY, THE MUNICIPALITIES IN RILEY COUNTY AND THE CITIZENS OF RILEY COUNTY WILL LOSE POLITICAL REPRESENTATION. IF THERE ARE

65,000 PEOPLE IN RILEY COUNTY (WHICH IS THE LATEST 1988 FEDERAL ESTIMATE) EACH ACT OF THIS LEGISLATURE THAT AFFECTS RILEY COUNTY AFFECTS THOSE 65,000 PEOPLE, WHETHER THEY BE STUDENT, MILITARY OR NURSING HOME RESIDENT. I HOPE YOU UNDERSTAND THEY HAVE A STAKE IN THE AMOUNT OF TAXES YOU SAY THEY PAY, THE AMOUNT OF MONEY THAT YOU SAY COMES BACK TO OUR COUNTY TO EDUCATE THEIR CHILDREN; THE DETERMINATION YOU MAKE THAT CERTAIN ACTS CONSTITUTE CRIMES OR DON'T CONSTITUTE CRIMES AND EVERY OTHER OF YOUR ACTIONS THAT AFFECT THE DAILY LIVES OF OUR CITIZENS.

WE HAVE BEEN DEPRIVED OF THE USE OF ACCURATE POPULATION FIGURES TO REAPPORTION OUR OWN COMMISSIONER DISTRICTS SINCE DATA IS NOT NOW AVAILABLE TO APPLY THE FEDERAL CENSUS FIGURES TO THE NEWLY CREATED PRECINCTS AND WARDS.

FOR YEARS RILEY COUNTIANS AND RESIDENTS OF OTHER COUNTIES THAT HOUSED STATE INSTITUTIONS OR FEDERAL ENCLAVES WERE PENALIZED IN THE DISTRIBUTION OF STATE FUNDS BECAUSE POPULATION, IN MANY CASES, WAS A FACTOR IN THE DISTRIBUTION FORMULA. WHILE AT THE PRESENT TIME THE STATUTE CANNOT BE UTILIZED FOR FUND DISTRIBUTION PURPOSES, WE ARE MINDFUL OF THE UNPLEASANT EXPERIENCES OF THE PAST AND KNOW OF NO REASON WHY THE NEXT STEP WOULD NOT BE A REVERSION TO THE PRACTICE OF USING POPULATION IN FUND DISTRIBUTION.

FROM A PRACTICAL STANDPOINT, STUDENTS SPEND A VAST MAJORITY OF THEIR TIME IN THE COUNTY IN WHICH THE INSTITUTION OF HIGHER LEARNING THAT THEY ARE ATTENDING FOR THE FOUR OR MORE YEARS THAT

THEY ARE ACHIEVING THEIR HIGHER EDUCATION. MILITARY ASSIGNMENTS ARE FOR SUBSTANTIALLY LONGER PERIODS OF TIME THAN THEY HAVE BEEN IN THE PAST AND THE MILITARY PERSONNEL TAKE PART AS WELL AS STUDENTS IN COMMUNITY ACTIVITIES, PARTICIPATING IN CULTURAL, SOCIAL, ECONOMIC AND BUSINESS EVENTS AND UNDERTAKINGS THROUGHOUT THEIR STAY IN RILEY COUNTY. RILEY COUNTY AND MANHATTAN ARE EXPECTED AND GLADLY DO PROVIDE THEM WITH THE NECESSARY SERVICES - FIRE PROTECTION, POLICE PROTECTION, UTILITIES, ROADS, HIGHWAYS, EDUCATION, RECREATIONAL - ALL OF THOSE SERVICES THAT ARE NECESSARY FOR QUALITY OF LIFE. ALL OF OUR CITIZENS THEN SHOULD HAVE EQUAL REPRESENTATION AMONG THOSE OF YOU THAT MAKE THE RULES THAT AFFECT US IN OUR DAY-TO-DAY LIVING.

LAST, BUT CERTAINLY NOT THE LEAST IMPORTANT IS THE IMAGE THAT SUCH LEGISLATION PRESENTS TO NON-RESIDENTS WHO HAVE INTERESTS IN KANSAS FOR ECONOMIC REASONS. IMAGINE THE REACTION OF A MAJOR INDUSTRY WHO IS EXAMINING RILEY COUNTY AS A POTENTIAL SITE FOR A MAJOR EXPANSION. THE QUESTION IS ASKED, WHAT IS THE POPULATION OF RILEY COUNTY, OUR RESPONSE -- WE ARE NOT SURE IF IT IS 65,000 OR 34,000. I CHALLENGE YOU TO TRY TO EXPLAIN THAT TO AN INDUSTRIAL PROSPECT. IT IS AN EMBARRASSMENT NOT ONLY TO RILEY COUNTY BUT THE ENTIRE STATE OF KANSAS.

ON ADVICE OF COUNSEL, BECAUSE LITIGATION IS PENDING CONCERNING CERTAIN ASPECTS OF THIS MATTER, I WILL NOT AMPLIFY MY COMMENTS.

AGAIN, I APPRECIATE THE OPPORTUNITY TO SHARE OUR FEELINGS
WITH YOU. I SINCERELY HOPE YOU CAN UNDERSTAND THE CONCERNS THAT WE
HAVE AND WILL DO YOUR BEST TO REMEDY THE PROBLEM.