

Approved February 16, 1989
Date

MINUTES OF THE Senate COMMITTEE ON Legislative and Congressional Apportionment

The meeting was called to order by Senator Vidricksen at
Chairperson

3:10 ~~xxx~~/p.m. on January 25, 1989 in room 254E of the Capitol.

All members were present except:

Committee staff present:

Arden Ensley - Revisor
Raney Gilliland - Research
Mary Galligan - Research

Conferees appearing before the committee:

Robert Coldsnow - Legislative Counsel

MINUTES OF SENATE APPORTIONMENT COMMITTEE

Senator Vidricksen, Chairperson, called the meeting to order for the purpose of reviewing the provisions of the Kansas Constitution and any case law or other pertinent information regarding legislative reapportionment.

Senator Vidricksen asked Mr. Ensley, Revisor of Statutes, to review the current provisions of section 1 of article 10 of the Kansas Constitution relating to the apportionment of districts of members of the houses of the legislature together with any background information that might be of assistance. Mr. Ensley explained that prior to the last amendment of this section the constitution had required that the representative and senatorial districts be apportioned in the regular session of the legislature in 1979 and at its regular session every 10th year thereafter. He explained that the section was amended to provide that "At its regular session in 1989, the legislature shall by law reapportion the state representative districts, the state senatorial districts or both the state representative and senatorial districts upon the basis of the latest census of the inhabitants of the state taken by authority of chapter 61 of the 1987 Session Laws of Kansas. At its regular session in 1992, and at its regular session every tenth year thereafter, the legislature shall by law reapportion the state senatorial districts and representative districts on the basis of the population of the state as established by the most recent census of population taken and published by the United States bureau of the census. . ."

Mr. Ensley pointed out that the constitution appeared to provide an alternative by stating that the legislature shall reapportion the state representative districts, state senatorial districts or both state representative and state senatorial districts in 1989. Mr. Ensley stated although there were no cases directly in point that based upon such case law as was available and other factors involved in his opinion it would be safer to have the districts of the senate reapportioned in 1989.

Chairman Vidricksen stated that this was one of the basic questions which must be decided by the committee and asked for discussion. Senator Steineger stated that inasmuch as members of the senate would not be required to run for office prior to the redistricting of the senate in 1992, that the reapportionment of senate at this time would be little more than a futile act. He

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Legislative & Congressional Apportionment

room 254 E, Statehouse, at 3:10 ~~xxx~~/p.m. on January 25, 1989

pointed out that redistricting at this time could change the composition of certain districts in that it could change the ratio of urban to rural constituents. Senator Parrish raised the question as to whether if the senate were reapportioned, incumbents would be representing the districts as constituted when elected or would be representing the districts as reapportioned. Senator Johnston also expressed concern whether an incumbent senator would continue to represent the constituents in the area from which the senator was elected or would represent constituents within the district as reapportioned. He then asked if inasmuch as senators will not run for election in 1990 reapportionment could not be delayed until the regular session in 1991. Mr. Ensley stated that the constitutional provision specifically provided that "bills reapportioning legislative districts shall . . . be effective for the next following election of legislators and thereafter until again reapportioned."

Senator Yost asked what the effect upon the validity of the districts of members of the state board of education would be if the senatorial districts were not now reapportioned. Mr. Coldsnow responded that the requirements of the federal constitution concerning one person, one vote applied to other elective offices in the same manner as to houses of the legislature. He also pointed out that the districts of members of the board of education had not been changed since the last reapportionment of the senate and the courts have recognized the "once a decade rule" as being a reasonable maximum for reapportionment in all such districts.

Senator Francisco asked if senatorial districts were reapportioned this year if senators should run for office in 1990. Chairman Vidricksen responded that this could only be done through amendment of the constitution. Senator Bond asked if even though the committee were not certain that reapportionment of senatorial districts were absolutely mandated in 1989, is it advisable to run the risk of forcing the courts to reapportion board of education districts if it was determined that reapportionment was necessary and the legislature failed to act?

After further discussion by members of the committee, Senator Bond moved that the committee proceed with the development of a bill for the reapportionment of senatorial districts in 1989. Senator Yost seconded the motion. Chairman Vidricksen asked if there was any discussion on the motion. Senator Steineger stated that for the record he wanted to say that "in my opinion, this is an exercise in futility and we are going to have to re-do everything when we get the federal census anyway. I don't think the state school board is a problem. It is only a problem if someone cares to make it a problem which I doubt if anyone . . . will bring a lawsuit on the state schools."

After a brief discussion, Chairman Vidricksen called for a vote upon the proposition and announced that the motion had carried. The meeting was adjourned at 4:17 p.m.

GUEST LIST
 SENATE LEGISLATIVE AND CONGRESSIONAL APPORTIONMENT COMMITTEE
 Date: January 25, 1989

NAME	ADDRESS	COMPANY/ ORGANIZATION
Joan McBride	Topeka	Observer
Ruth Wilkins	"	LWV
Ellen Johnson	Lawrence	Am Assoc Univ. Prof
Rex Pullin	K.C.	Consultant
Brad Bryant	Topeka	Sec. of state's office
Ann Heberger	Overland Park	LWVK
Mechelle Utz	Wichita	Reporter/Agillatious
Gary Heek	Thru	KS Dem Party
Jan Mattison	Salina	Observer - dau. - Ben V.
Lola Vidricksen	Salina	Wife
CHARLES LAWREN	TOPEKA (K.C.)	Sen. Starnes' office
M. Hawver	"	Cap - Johnson
Jim Renne	Lawrence	Sen. Vidricksen's Intern