

Approved April 28, 1989
Date

MINUTES OF THE Senate COMMITTEE ON Legislative & Congressional Apportionment

The meeting was called to order by Senator Vidricksen at
Chairperson

3:30 ~~xxx~~/p.m. on April 5, 1989 in room 529S of the Capitol.

All members were present except:

Senator Hayden
Senator Moran

Committee staff present:

Arden Ensley - Revisor
Fred Carman - Revisor
Mary Galligan- Research
Robert Coldsnow - Legal Counsel

Conferees appearing before the committee:

Attorney General Bob Stephan

The Chairman called the meeting to order at 3:30 p.m. and introduced Attorney General Bob Stephan to share with the Committee the conversation they had had on the phone earlier in the day.

The Attorney General alluded to an article concerning the fact that a lawsuit could occur if the state does not reapportion this year and he assured the committee that this would probably take place. He stated that there was no question in his mind that the School Board Districts that have a 44% total deviation are in violation of the equal protection clause of the 14th Amendment of the United States Constitution. He pointed out that those Districts were determined by the Senatorial Districts. He reiterated that someone would certainly bring a suit because of the State Board of Education Districts.

Senator Vidricksen asked if the Legislative Coordinating Council would allow the Reapportionment Committee to work this summer and actually come up with a Senate plan that could be adopted by the committee and then introduced the first day of the session, if this would satisfy someone who could or would file suit?

The Attorney General responded by saying that he thought that could probably be done but that it would be up to the Federal Judges to decide whether or not they would order a special session to take care of this Reapportionment.

Senator Yost asked at what point (date wise) did the State Board of Education Districts become unconstitutionally over or under populated because the Districts that are coming up in 1990 are not very far off from where they need to be. The Attorney General responded by saying that you have to take all the Districts as a whole and the State Board of Education is a constitutional office so it has to be treated in the same way and he did not have the answer to that kind of a question.

Senator Steineger pointed out that of the 10 School Board Districts, 5 are up for election and of the 5 only one has a deviation of 8% and the remainder have 5% or less so we have one out of the 10 that is clearly unconstitutional. He stated that inasmuch as when unconstitutionality is found, it should be dealt with as soon as practical and that argument could also apply to all the State Senate

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Legislative & Congressional Apportionment,
room 5295, Statehouse, at 3:30 ~~xx~~/p.m. on April 5, 1989

Districts and asked if the Senate could not be forced to run for re-election? The Attorney General responded by saying he did not think so because there is a law that states that if there is a time at which either Reapportionment is had and scheduled constitutionally or when elections are had that that satisfies the constitutional question.

The Attorney General pointed out that the thing that stands out here is that we have a State Board of Education that is a constitutional office and that presents a myriad of problems and that has been a concern of the Legislature in the past.

Senator Francisco voiced a concern that if we reapportioned this year without an election in the next 3 years, we would have Districts that do not have any elected representation and if we lost a legislator due to retirement or death then how would they be replaced during that 3 years?

Mr. Stephen responded by saying that this problem would be resolved by a Judge in the event that the Legislature did not do anything and an individual filed suit.

After a brief discussion the Chairman announced that there needed to be another meeting to adopt the Guidelines and then adjourned the meeting.

GUEST LIST
SENATE LEGISLATIVE AND CONGRESSIONAL APPORTIONMENT COMMITTEE

Date: April 5, 1989

NAME ADDRESS COMPANY/ ORGANIZATION

Paul Stafford Topka AK

John Coughlin Topka AK

John Kalditz " AG

Becky Sahel Topka AG

Bill Vidrocks Topka S/COO

Jim Renne Fatem Vidrocks

CHARLES LAWTON Intecw - Steingel

Nancy Keeling Topka Shore San Francisco