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Date

4/28/98

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS.

The meeting was called to order by Chairperson Representative Susan Wagle at 1:30 P.M. on April 8, 1999 in Room 313-S of the Capitol.

All members were present except:                      Reps. Mayans & Henderson, both excused

Committee staff present:                                      Theresa Kiernan, Revisor of Statutes  
Mary Galligan, Legislative Research  
Russell Mills, Legislative Research  
Judy Swanson, Committee Secretary

Conferees appearing before the committee:      Senator Janice Hardenburger

Others attending:    See attached list

Hearing on **SB 351**, Census data used for congressional and legislative redistricting required to be based on actual enumeration and not sampling, was opened.

Senator Janice Hardenburger testified in favor of the bill. (Attachment #1) She explained time frames involved in the redistricting process. Kansas redistricting will take place in the 2002 session. This bill would designate in statute the population data that Kansas would use for legislative and congressional redistricting.

Mary Galligan, Legislative Research, further explained **SB 351**. She said it would set in statute for the first time in Kansas the data which is used for the census. The Secretary of State would have to use actual enumeration not sampling. If the Census Bureau releases two sets of figures, Kansas would use actual enumeration.

Committee discussion followed. The Census Bureau will give the President at the end of 2000 an actual count which will be used for congressional redistricting. Galligan presented the Committee with two press releases concerning the census. (Attachment #2) (Attachment #3) Congress is fighting the issue of going with the Clinton proposal right now because it is unclear whether it will save dollars. Because the 1990 census was probably the least accurate census ever conducted, Congress mandated the Census Bureau do a more accurate and less expensive census in 2000.

**SB 351** does not have anything to do with how college students and military personnel are counted. There are no states other than Kansas who pull out the student and military population. Student data is gathered by mail. Both actual enumeration and sampling census numbers will be published by the Census Bureau so will both be constitutional. Both sets of numbers are currently planned to be released simultaneously.

Galligan said it could be expected that there will be a noticeable undercount in Brown, Jackson, Wyandotte, Sedgwick, Shawnee, Douglas, Finney and Johnson Counties for several reasons. Typically Native American and urban counties have undercounts. Galligan explained how the Census Bureau tries to find all residents. There is no sort of state funding from the Federal Government either lost or gained because of this bill. If this bill is not passed, the ramification could be that Research and the Secretary of State would have to draw districts from both actual enumeration numbers and from sampling numbers.

Chair Wagle announced that the Committee will consider action on SB 351 the first day of the veto session.

Rep. Ruff made a motion to introduce a Committee bill and resolution to take another look at the gun liability bill. Rep. Faber seconded the motion. The motion passed.

Meeting adjourned at 2:40 P.M.



JANICE HARDENBURGER

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TOPEKA

SENATE CHAMBER

## SENATE BILL 351

## COMMITTEE ASSIGNMENTS

CHAIRMAN: ELECTIONS/LOCAL GOVERNMENT  
 JOINT COMMITTEE ON ADMINISTRATIVE  
 RULES & REGULATIONS  
 MEMBER: ASSESSMENT AND TAXATION  
 ORGANIZATION, CALENDAR AND RULES  
 PUBLIC HEALTH AND WELFARE

Thank you, Madame Chairman Wagle and House Federal and State Committee members for this opportunity to testify and support the passage of Senate Bill 351. This bill would primarily establish a state policy by mandating that the Secretary of State use results of the actual enumeration, instead of results based on sampling, to calculate populations for legislative redistricting as required by the Kansas Constitution.

An explanation of the time frames involved in the redistricting process might be helpful before the bill is discussed. The federal census will be conducted on April 1, 2000. The Census Bureau delivers final numbers to the President of the United States, no later than January 1, 2001. Census figures under the federal law have to be given to states by April 1, 2001, or could be March 1, 2001, because of Kansas deadlines.

The Secretary of State's deadline to recalculate or readjust the census numbers, according to the Kansas Constitution, is July 31, 2001 (in other words, from April 1 to August 1--four months to readjust numbers).

From September 1, 2001 to the start of the session, a standing interim will ensure that the computers will be "fed" with the two sets of numbers -- federal census numbers for the Congressional reapportionment and the federal census numbers for the state legislative seats.

Kansas redistricting will take place in the 2002 session. The first plan must be introduced by mid-February, 2002.

Senate Bill 351 would designate in statute the population data that Kansas would use for legislative and congressional redistricting. As determined by the Supreme Court, on January 25, 1999, the Census Act

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prohibits sampling in the census for the apportionment of the U. S. House of Representatives; however, the Court declined to decide whether statistical sampling would also be a violation of the census clause of the U. S. Constitution in determining redistricting for state legislative districts.

For the 2000 Census, the Clinton Administration has proposed — for the first time in U. S. history — not to try to count every American directly. Instead, the Census Bureau would stop at 90% of households and estimate the last 10% by statistical sampling. A population “undercount” mostly affects the poor, the minorities and the cities where they live.

In 1990, a post survey of each state’s count was conducted after the census was completed. The midwest has historically had a high response rate to the census, and Kansas was determined to have only a 17,000 undercount. The numbers came too late in 1991 to be considered in the federal census numbers that were used in the last legislative redistricting effort.

As I understand, statistical sampling, if conducted after the 2000 census, would concentrate on the undercount of illegal aliens and inner city populations. It has been determined that California, Texas, New Mexico, Arizona would be among the states to gain population by statistical sampling. Proponents of sampling, including the Clinton Administration, have indicated that they intend to seek the use of sampling techniques in population counts for intrastate redistricting and funding allocation formulas. Opponents of sampling want the focus on improving the traditional headcount through methods such as expanded outreach to undercounted groups and the use of administrative records. The states cannot affect the federal funding formulas determined by statistical sampling, but the Redistricting Advisory Group encourages the legislature to statutorially determine our own redistricting plans by passing Senate Bill 351.

Redistricting is one of the most political activities in which a legislature partakes. Taking the question of sampling out of the effort early on in the process relieves some of the political indecisions later on, and lessens the chances of the courts intervening in the process.

Senate Bill 351 would amend the current law requiring that the

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Secretary of State must use the data from the actual U. S. Bureau of Census enumeration (or count) for the state adjusted census as mandated under the Kansas Constitution. The Secretary of State would not be able to use numbers that have been derived by other means, including statistical sampling. The second section of the bill would require the Secretary to use the actual data from the U. S. Census to determine congressional redistricting.

**UNITED STATES DEPARTMENT OF  
COMMERCE  
NEWS**  
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**ECONOMICS  
AND  
STATISTICS  
ADMINISTRATION**

**BUREAU OF THE  
CENSUS**

FOR IMMEDIATE RELEASE  
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Racial, Ethnic Undercounts Detailed For Census  
2000 Dress Rehearsal Sites By Census Bureau

Measurements of how completely the population was counted in the three Census 2000 Dress Rehearsal sites were released today by the U.S. Commerce Department's Census Bureau. The figures show the undercount rates by major race/origin groups in Sacramento, California; Menominee County, Wisconsin; and 11 counties around Columbia, South Carolina.

Census Bureau Director Kenneth Prewitt noted that in each site a quality check survey was conducted. In Sacramento and Menominee, the results of the survey were used to produce the final population and housing estimates and to measure the net population undercount. In South Carolina, the survey was used only to measure the undercount.

"In looking at these figures," Prewitt said, "it's important to remember that net undercount figures historically have been higher in dress rehearsals for each census than in the actual census itself."

For Sacramento, the net undercount percentages for minority groups were higher than those for non-Hispanic Whites. A similar differential was measured in South Carolina. In both sides, the pattern is similar to earlier censuses. The net undercount of 4.1 percent for American Indians in Menominee, however, may not be indicative of all American Indians living on reservations. The 1990 census net undercount of this group was 12.2 percent.

Editor's Note: News releases issued by the Census Bureau on Census 2000, as well as other activities, can be found on our Internet homepage at <http://www.census.gov>. Click on the News button to view news releases, by date and by subject, or for Census 2000 information.

Census 2000 Dress Rehearsal Undercounts

Site	Group	Undercount (in percent)
Sacramento	Total	6.5
	Non-Hispanic White	4.7
	Non-Hispanic Black	8.7
	Non-Hispanic Asian	6.0
	Hispanic	8.3

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Menominee	Total	3.1
	Non-Hispanic White	4.1
South Carolina	Total	9.4
	Non-Hispanic White	6.3
	Non-Hispanic Black	13.4

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The Census Bureau needs the help of local residents to conduct Census 2000. Job opportunities include working as a census taker in communities and neighborhoods, as well as in an office. A large number of part-time positions are available. For more information on census jobs in your area, call toll-free 1-888-325-7733.

The Census Bureau guarantees that the answers given on census forms are kept strictly confidential and never shared. Information collected in Census 2000 will provide local area data needed for communities to receive federal program funds and for private sector and community planning.

The U.S. Census Bureau, pre-eminent collector and disseminator of timely, relevant and quality data about the people and the economy of the United States, conducts a population and housing census every 10 years, an economic census every five years and more than 100 demographic and economic surveys every year, all of them evolving from the first census in 1790.

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**Statement**  
**Dr. Kenneth Prewitt**  
**Director**  
**U.S. Bureau of the Census**  
**National Press Club**  
**Wednesday, February 24, 1999**

I will make a few general observations and then take your questions.

I start with a word on recent history. The results of the 1990 census did not please the Census Bureau, or the Bush administration, or the Congress, or governors, mayors, and other state and local officials, or a large number of private and public sector data users, or the American public. It was a costly census; it was less accurate than what the country has a right to expect. The Census Bureau was charged to design a more modern census, one that would reduce the number of Americans who are missed -- either because we cannot find them or because they won't cooperate. It did so. That design, however, quickly became mired in political disputes, was litigated, and a month ago was set aside by the Supreme Court.

The Census Bureau had, of course, planned for that possibility. It had presented an alternative design to the Administration and the Congress in mid-January, before the Court ruling. Based on our recently completed evaluation of our Dress Rehearsal experience, we have further refined that plan. Its principle features are the subject of this press conference.

The Dress Rehearsal tells us two things.

First, however hard we try and whatever the level of resources available, Census 2000 will not count everyone. Moreover, this "undercount" will not be equally distributed across demographic groups. There is what we refer to as a differential undercount. For instance, in 1990 we counted nearly all white Americans, but only approximately 95 percent of African-Americans and Hispanics, and an even lower rate of Native American Indians. Insofar as these less well counted groups are concentrated in some states, not others; in some cities, not others; in some neighborhoods, not others those states, cities, neighborhoods do not get their fair share of either the political or economic benefits allocated on the basis of census numbers.

Second, the Census Bureau's design should include a procedure described in the updated summary as the Accuracy and Coverage Evaluation (ACE) that will identify the magnitude and distribution of the differential account, and correct for it. The Dress Rehearsal confirms the statistical soundness of this procedure. Consequently, I have today informed the Secretary of Commerce and the Congress that it is feasible for Census 2000 to include this procedure, and that by doing so we will produce a more accurate and complete census than would otherwise be the case.

Because the Supreme Court ruled that this more accurate number is not to be used for apportionment purposes, our design also includes a major, labor intensive (and expensive) effort to find and enumerate as many Americans as is humanly possible in the time-frame available. In pursuit of this goal, our first and most important effort is to put a census form in the hands of every single household in America. Census 2000 features many improvements and technical innovations not available in 1990 for example, a completely re-engineered Master Address File, the most comprehensive ever constructed in U.S. history; first-ever use of paid advertising; intensified partnerships with tens of thousands local governments, tribal organizations, private groups and non-profit organizations nationally and locally, a census-in-the-schools initiative.

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This plan is operationally robust, and will be conducted with complete dedication by the Census Bureau professionals. This said, the apportionment counts are not likely to be an improvement on the 1990 accuracy levels. How can this be? How can you spend more money, mount improved operations, and yet not increase accuracy? Because all the factors that made it difficult to count Americans in prior censuses are today even more present. In more American families, both parents work, making it difficult to find anyone at home. Transient lifestyles are on the rise. People are busy. More people live in irregular housing. Greater numbers of people are linguistically isolated. Large immigrant populations avoid government officials. Census forms must compete with huge flows of junk mail. More persons are cynical about or actively hostile to any of the works of government. Census 2000 must overcome decreased levels of civic engagement by the American people. In short, the Census Bureau has to work harder to stay in place. We will produce the best apportionment counts that we can; they will not include everyone.

Allow me to summarize the points just covered, so as to leave no ambiguity. Between the 1st of April and the 31st of December, the Census Bureau will count (and assign to an address) everyone it possibly can. The results of this effort will meet our obligation to present apportionment counts without the use of modern statistical methods. But the work will not then be finished. Census 2000 will continue its work with an Accuracy and Coverage Evaluation in order to produce more complete and accurate numbers, which will be ready prior to April 1, 2001. It is the task of the Census Bureau to produce the best numbers possible, not to decide how they will be used. The more complete census counts will be made available in a form that allows them to be used, if it is so decided, for redistricting purposes, for determining the allocation of federal funds, and for ongoing statistical and program purposes. Some may describe this as a "two-number census," but it in fact is a census that is progressively more complete, more accurate.

I conclude by reminding us all that the census clock ticks -- relentlessly, ceaselessly. In just 372 days the first Census 2000 forms get delivered. Given the lateness of the hour, we must acknowledge the hard reality that we no longer have the luxury of debates about alternative designs, or substitute procedures. No matter how well intentioned, we cannot now take a chance on untested operations or late additions. The largest peacetime mobilization in U.S. history must go forward based on the considered professional judgement of the career scientific and operational experts at the Census Bureau, who stand with me here today. We are up to the task, but only if we are allowed to do the task.

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