

Approved: \_\_\_\_\_

1-26-99

Date

## MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT.

The meeting was called to order by Chairman Senator Janice Hardenburger at 1:30 p.m. on January 20, 1999 in Room 529-S of the Capitol.

All members were present

Committee staff present: Dennis Hodgins, Legislative Research Department  
Mike Heim, Legislative Research Department  
Ken Wilke, Revisor of Statutes  
Graceanna Wood, Committee Secretary

Conferees appearing before the committee: Judy Moler, Ks. Assoc. of Counties  
Senator Lana Oleen  
Brad Bryant, Deputy Asst. Sec. Of State

Others attending: See attached list

Chairman Hardenburger asked for introduction of bills. Judy Moler, Legislative Services Director of the Kansas Association of Counties recommended the introduction of a bill relating to corporate hog farming, county home rule and environmental conditions relating to confined feeding facilities. (Attachment #1)

Senator Petty moved that the bill be introduced, seconded by Senator Lawrence. Motion carried.

Chairman Hardenburger opened discussion on **SCR 1601 reapportionment of senatorial and representative districts**, which was introduced in the House last year but removed from the calendar. The Redistricting Advisory Group recommended that it be resubmitted as a SCR on the Senate side.

Senator Oleen, the first conferee, testified before the Committee in regard to what might happen in an area that has two different kinds of censuses and what it does in regard how a senatorial district is treated. Kansas is the only state that has two types of census. We have our federal census state census. For example, Gary County used the state census instead of the federal census. This resulted in a significant dollar loss per one year until it was rectified. Subtracting out of state students and military personnel effects only the state Legislative Districts, not the Congressional Districts. Through our state census we count people whose voting rights have been removed and are serving in prison. We count prisoners but we don't count others. In addition, we have applied for federal grants within those two counties and again there has been confusion and disqualifications because of the two census, they don't know which one this is to be used.

Staff discussed the recommendations by the Redistricting advisory Group in regard to the federal census and what effect it would have on redistricting in Kansas. (Attachment #2)

Brad Bryant, Deputy Assistant Secretary of State spoke in support of **SCR-1601**, advising if passed by the Legislature and approved by the voters, the resolution would end the adjustment of federal census figures for State Legislative Redistricting. (Attachment #3).

Senator Praeger added that students come to Kansas University and say it is their residence and take courses at Johnson County Community College. Douglas County gets stuck without district aid. These students are not counted in the readjusted census but district aid is paid out for them when they take classes at Johnson County Community College and these could be out of state students.

Chairman Hardenburger advised continued hearing would be tomorrow.

Meeting was adjourned at 2:30 p.m. Next meeting scheduled for January 21, 1999.





**KANSAS**  
ASSOCIATION OF  
**COUNTIES**

**Request for Bill Introduction  
Before the Senate Local Government Committee  
January 20, 1999**

Senator Hardenburger and Member of the Committee, I am Judy Moler, Legislative Services Director of the Kansas Association of Counties. I am appearing today to request the introduction of a bill of great importance to the Kansas Association of Counties. During the 1998 Legislature the passage of HB 2950 relating to corporate hog farming deleted county home rule in reviewing environmental conditions relating to confined feeding facilities. It is the position of the Kansas Association of Counties that an all encompassing, one size fits all environmental law does not take into consideration the obvious differences in terrain from county to county. Water levels, soil conditions and other local environmental conditions vary from county to county. We would ask that the restriction on home rule in K.S.A. 19-101a (a) (28) be deleted from the statutes.

Thank you for your consideration of this matter. I would be glad to answer any questions.

The Kansas Association of Counties, an instrumentality of member counties under K.S.A. 19-2690, provides legislative representation, educational and technical services and a wide range of informational services to its member counties. Inquiries concerning this testimony should be directed to the KAC by calling (785) 233-2271.

700 SW Jackson  
Suite 805  
Topeka KS 66603  
785•233•2271  
Fax 785•233•4830  
email kac@ink.org

**Senate Elections & Local Government**  
**Attachment: # 1-1**  
**Date: 1-20-99**

# REDISTRICTING ADVISORY GROUP

## LAYING THE GROUNDWORK FOR REDISTRICTING OF LEGISLATIVE, CONGRESSIONAL, AND STATE BOARD OF EDUCATION DISTRICTS BY THE 2002 LEGISLATURE\*

### CONCLUSIONS AND RECOMMENDATIONS

The Committee recommends introduction of a Senate Concurrent Resolution proposing amendment to Section 1 of Article 10 of the *Kansas Constitution*. The amendment would eliminate the requirement that legislative districts be based on adjusted results of the decennial U.S. Census. The Committee also recommends that the Legislative Research Department and Revisor of Statutes staff proceed with plans to develop a support structure for the Legislature's redistricting effort similar to that provided in 1992.

### BACKGROUND

The study topic was assigned by the Legislative Coordinating Council (LCC) as the beginning of the internal planning process for the 2002 redrawing of legislative, board of education, and congressional districts. Since much of the work of redistricting will be done during the 2001 interim, the Legislature has only about three years to identify and put in place the necessary support for that effort.

The Legislature has initial responsibility for developing legislative districts every ten years, following the decennial federal census. A review of the Legislature's redistricting plan by the state Supreme Court is required. The *Kansas Constitution* also requires that the population basis for legislative districts exclude nonresident students and military personnel and include resident students and military at the place of their permanent residence. By statute, the Secretary of State is responsible for making the required adjust-

ment to the federal census figures and providing those data to the Legislature.

**Timing.** The redistricting process, including the constitutionally mandated automatic review by the state Supreme Court, must be completed relatively quickly because of the June 10 filing deadline for the August primary election in 2002. Reapportionment bills are published in the *Kansas Register* immediately upon enactment. Within 15 days after the bill's publication, the Attorney General must petition the Supreme Court to determine the act's validity. The Court has 30 days from the filing of the petition to render its judgment. "Should the supreme court determine that the reapportionment statute is invalid, the legislature shall enact a statute of reapportionment conforming to the judgement of the supreme court within 15 days."

A second reapportionment bill also would be subject to Supreme Court review. In this in-

---

\* S.C.R. 1601 was recommended by the Committee.

stance, the Supreme Court would have to enter its judgment within ten days from the filing of the petition by the Attorney General. If the second reapportionment bill is invalidated by the Court, the Legislature would be required to enact a bill “. . . in compliance with the direction of and conforming to the mandate of . . .” the Court within 15 days of the Court’s decision. In order to be prepared for the possibility that two plans would be needed to satisfy the Court, the first redistricting plan would have to be through both houses before mid-February. The Supreme Court’s judgment regarding the validity of a reapportionment bill is final until the next scheduled reapportionment.

New legislative districts are effective for the following legislative election and “thereafter until again reapportioned.” The June filing deadline for the August primary thus creates an effective end date for validation of new legislative districts.

**Adjusted Census Results.** K.S.A. 11-301 *et seq.*, requires the Secretary of State to gather data necessary to make population adjustments as required by the *Constitution*. The statutes define resident, nonresident, student, and military personnel for the purpose of the census adjustment. All colleges, universities, and military units are to report to the Secretary information regarding students and military personnel necessary to make the adjustment. The Secretary is authorized to adopt rules and regulations needed to implement the law.

The constitutional provision that requires the use of adjusted U.S. Census figures for development of legislative districts was adopted by the voters at the November election in 1988. Prior to that time the *Constitution* required that legislative districts be based on population determined through a state census. Thus, the current adjustment process was used for the first time for redistricting in 1992, following the 1990 federal census.

In 1997, the Secretary of State proposed amendment of the *Constitution* to remove the adjustment requirement. The proposal was introduced as H.C.R. 5005 by the House Committee on Governmental Organization and Elections. The resolution was recommended for adoption by the House Committee, but was stricken from the House calendar.

At the hearing on the resolution, the Secretary of State’s Office testified that the 1991 adjustment process cost approximately \$300,000 and “. . . had little effect on the apportionment of political power among the regions of the state.” (Secretary of State’s testimony to House Committee on Governmental Organization and Elections, February 5, 1997.)

**Preparation for Redistricting.** The LCC in 1995 decided to participate in phase 1 of the Census 2000 Redistricting Data Program. At that time, the LCC also entered into a contract for the computer support necessary to convey census block boundary suggestions to the Bureau for preparation of 2000 Census maps. In 1998 the LCC opted to participate in phase 2 of that effort which involves providing the Census Bureau with precinct boundaries that will be included in those census maps. The same contractor provided computer support for the second phase. The Redistricting Data Program enables states to give the Bureau the geographic information necessary to report to the Legislature in 2001 precinct-level population data for redistricting. Having census population tabulations available for precincts enables the Legislature to use precincts as the building blocks for legislative and congressional districts.

While that work proceeds, the Legislature will need to make a number of decisions about:

- who should take the lead in the organization and planning for redistricting;
- what type of support the Legislature will need for redistricting;
- how the work of redistricting will be orga-

- nized in 2001 and 2002; and
- any statutory or constitutional changes that might be necessary to facilitate timely completion of redistricting.

### COMMITTEE ACTIVITIES

The Committee held a single-day meeting in September. At that meeting, representatives of the U.S. Census Bureau reviewed the variety of census issues that have an impact on redistricting. As part of that discussion, the Bureau officials reviewed in detail the Redistricting Data Program. In addition, the Committee had an opportunity to ask questions about residency rules used for the Census, the current discussions about sampling, and the new race categories that will be used for tabulation of Census results.

The Committee also received a briefing from the Secretary of State's Office regarding adjustment of Census population figures for legislative redistricting. The Committee learned during that briefing that the 1991 adjustment cost approximately \$300,000 during four fiscal years and that the cost may be higher for the next round of redistricting. The Secretary of State will request approximately \$34,000 for FY 2000 to begin the process for the 2002 redistricting.

During that discussion, the Committee also discussed amending the *Constitution* to eliminate the requirement for using adjusted Census figures for legislative redistricting. The Committee learned that placing a proposed amendment to eliminate the adjustment on the 2000 general election ballot would not result in much, if any, monetary savings because the data collection effort would have to be completed prior to the 2000 election. The Committee learned that a proposed constitutional amendment could be placed on the ballot in 1999.

The Committee reviewed the redistricting guidelines used for the 1992 round of legislative and congressional redistricting. During that review, the Committee discussed briefly some of

the statutory and case law that supports certain of those guidelines. The Committee also discussed how the guidelines impact technical preparation for redistricting in terms of the data the Legislature would need to have available when it evaluates various district plans.

### CONCLUSIONS AND RECOMMENDATIONS

The Committee concluded that the Legislature should have an opportunity to debate the practice of adjusting U.S. Census figures for legislative redistricting. The Committee also concluded that the debate should begin in the Senate. Therefore, the Committee recommends introduction of a Senate Concurrent Resolution that would propose a constitutional amendment to eliminate the requirement that adjusted population figures be used for legislative redistricting. If approved by the Legislature, the proposal will be submitted to the voters at the April 1999 elections. The Committee emphasizes that in making this recommendation the Committee is not taking a position on the merits of the resolution.

Based on information provided during the Committee's meeting, the Committee directed staff of the Legislative Research Department and Revisor of Statutes office to begin planning for staff and computer support of the Legislature's redistricting activities. That initial planning is to be based on the assumption that the Legislature's needs will be met in much the same manner as they were met during the last round of redistricting, *i.e.*, with staff support from the Legislative Research Department, Revisor of Statutes office, and legislative leadership offices with limited additional staff; dedicated computer workstations in leadership offices and the Legislative Research Department; redistricting support software that can be used directly by legislators to reduce the amount of staff assistance needed; a single, shared database that includes census results, voter registration, and election results; and public hearings and subcommittee

work during the summer and fall of 2001. Finally, the Committee recommends that the LCC continue this Committee's continuous

existence to guide preparations for 2002 redistricting.



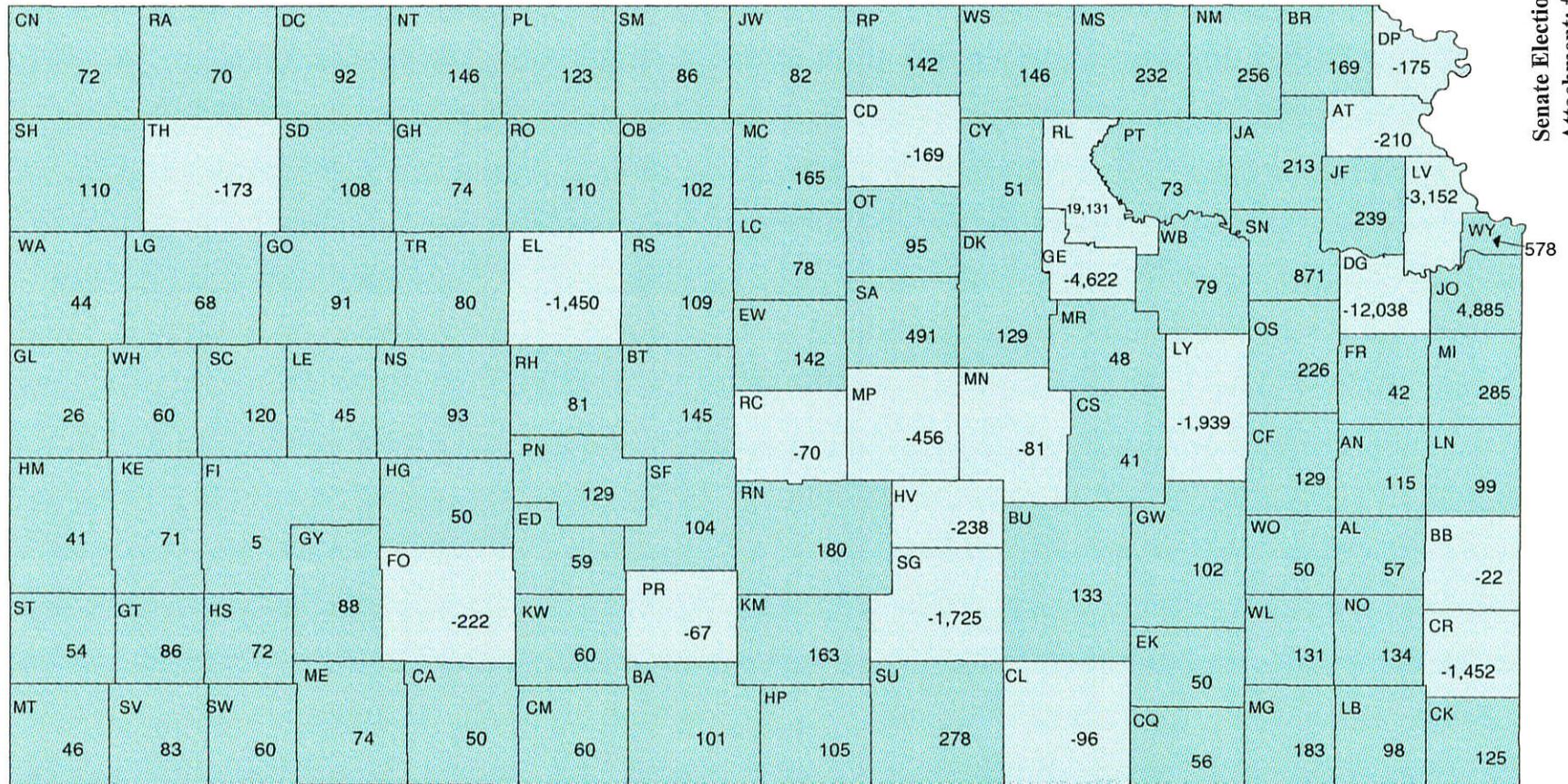








# Population Adjustments by County



Senate Elections & Local Government  
 Attachment: # 2-9  
 Date: 1-20-99

Source: Adjustment to the 1990 U.S. Decennial Census. Kansas Secretary of State, 1991



**COMPARISON OF SENATE DISTRICT POPULATIONS**

**Published 1990 U.S. Census and as Adjusted for Legislative Redistricting**

(Shaded districts would exceed allowable +/- 5% deviation from ideal district size.)

Federal Total Population	Ideal Senate District Population	SOS Total Adjusted Population	Ideal Senate District Size
2,477,574	61,939	2,445,380	61,135

Senate District	1990 Federal Population	Percent Deviation from Ideal	SOS	Percent Deviation from Ideal	Net Effect of Change	Location
22	84,266	36.0%	61,184	0.1%	(23,082)	Riley and Geary Cos.
2	72,949	17.8%	61,381	0.4%	(11,568)	Lawrence
3	63,524	2.6%	60,730	(0.7)%	(2,794)	Leavenworth
17	62,604	1.1%	60,795	(0.6)%	(1,809)	Emporia
13	62,844	1.5%	61,395	0.4%	(1,449)	Pittsburg
28	63,893	3.2%	62,674	2.5%	(1,219)	Wichita
29	62,425	0.8%	61,462	0.5%	(963)	Wichita
37	59,472	(4.0)%	58,649	(4.1)%	(823)	Hays
35	63,358	2.3%	62,856	2.8%	(502)	McPherson County
25	61,583	(0.6)%	61,317	0.3%	(266)	Wichita
30	61,677	(0.4)%	61,520	0.6%	(157)	Wichita
31	62,778	1.4%	62,635	2.5%	(143)	Sedgwick County
21	62,271	0.5%	62,248	1.8%	(23)	Cloud and Riley Cos.
4	59,923	(3.3)%	59,911	(2.0)%	(12)	Kansas City
19	62,846	1.5%	62,864	2.8%	18	
18	59,359	(4.2)%	59,396	(2.8)%	37	
38	60,631	(2.1)%	60,728	(0.7)%	97	
1	61,588	(0.6)%	61,703	0.9%	115	
32	61,550	(0.6)%	61,726	1.0%	176	
34	62,389	0.7%	62,569	2.3%	180	
6	59,043	(4.7)%	59,249	(3.1)%	206	
5	59,742	(3.5)%	60,006	(1.8)%	264	
16	61,754	(0.3)%	62,039	1.5%	285	
14	61,791	(0.2)%	62,106	1.6%	315	
26	62,402	0.7%	62,763	2.7%	361	
39	59,027	(4.7)%	59,438	(2.8)%	411	
27	61,138	(1.3)%	61,568	0.7%	430	
23	60,152	(2.9)%	60,609	(0.9)%	457	
33	61,649	(0.5)%	62,140	1.6%	491	
20	58,700	(5.2)%	59,206	(3.2)%	506	Topeka
15	61,804	(0.2)%	62,326	1.9%	522	
12	61,277	(1.1)%	61,816	1.1%	539	
24	60,134	(2.9)%	60,728	(0.7)%	594	
9	60,961	(1.6)%	61,707	0.9%	746	Johnson County
10	59,363	(4.2)%	60,120	(1.7)%	757	Johnson County
7	58,339	(5.8)%	59,256	(3.1)%	917	Johnson County
40	60,033	(3.1)%	61,021	(0.2)%	988	Northwest
8	59,739	(3.6)%	60,746	(0.6)%	1,007	Johnson County
11	59,648	(3.7)%	60,696	(0.7)%	1,048	Johnson County
36	58,948	(4.8)%	60,097	(1.7)%	1,149	North Central
TOTAL	2,477,574		2,445,380		(32,194)	







Ron Thornburgh  
Secretary of State



2nd Floor, State Capitol  
300 S.W. 10th Ave.  
Topeka, KS 66612-1594  
(785) 296-4564

**STATE OF KANSAS**  
**Senate Committee on Elections and Local Government**

**Testimony on SCR 1601**

Brad Bryant, Deputy Assistant Secretary of State  
Elections and Legislative Matters

January 20, 1999

Madam Chairman and Members of the Committee:

Thank you for the opportunity to appear before the committee in support of Senate Concurrent Resolution 1601. If passed by the Legislature and approved by the voters, the resolution would end the adjustment of federal census figures for state legislative redistricting. The Secretary of State urges you and both houses of the Legislature to pass this resolution and to do it quickly. Only if it passes the Legislature by mid-February is it possible to conduct the statewide election to approve it on April 6.

Kansas was the last state to conduct its own census in 1988. That same year, the Kansas Constitution was amended to end the state census and to adopt the federal census, but part of the old state census methodology was perpetuated by requiring the adjustment of federal census figures to count college students and military personnel at their places of permanent residence.

Our office performed the census adjustment in 1990, and the attached map is from the report we made to the Legislature in 1991. We have also provided copies of the full report for anyone who wants more information.

A brief outline of the 1990 adjustment procedure follows:

- the Secretary of State appointed an Advisory Group to help design questionnaires and devise procedures for contacting students and military personnel
- we contacted each of the 26 colleges and four military installations, explaining the requirements and asking for a designee to oversee the project
- we distributed census questionnaires to each of the 100,000 students and 25,000 military personnel, asking them what they considered their permanent addresses
- for those who responded that their residence was somewhere other than where they lived at college or on the military base, we plotted their addresses down to the census block level. This required hundreds of letters and thousands of telephone calls.

---

Administration (785) 296-4564  
FAX (785) 291-3051  
Corporations (785) 296-4564  
FAX (785) 296-4570

Web Site:  
<http://www.ink.org/public/sos>  
e-mail:  
[kssos@ssmail.wpo.state.ks.us](mailto:kssos@ssmail.wpo.state.ks.us)

**Senate Elections & Local Government**  
**Attachment: # 3-1**  
**Date: 1-20-99**

- we entered respondents' census information into a database and wrote a computer program to compare that database to the federal census database  
- based on the results, we reported the adjusted census figures to the Legislature in July, 1991.

SCR 1601 is identical to a resolution proposed by the Secretary of State in 1997. We proposed it because we believed the Legislature and the public should have an opportunity to review the state's policy of adjusting the census and decide whether to continue it into the 2000 census. We proposed the amendment in 1997 because it would have meant voting on it in 1998, the most convenient time to administer the election. Although that legislation, HCR 5005, did not pass, we welcome another opportunity to express our support for the new resolution.

We encourage the committee to pass this resolution for the following reasons.

1. The census adjustment had a negligible impact on the allocation of population and the apportionment of legislative power. In hindsight, the results did not warrant the expenditure of \$300,000 for the project in 1990. The costs will increase significantly for the 2000 adjustment. The state would save the cost of the adjustment if the Legislature passes SCR 1601 and if the voters of Kansas approve the amendment in a statewide vote.

2. We know of no other state in the United States that adjusts the federal census figures for redistricting purposes. Further, this policy is in effect in Kansas only for redistricting of state Senate and House of Representatives seats. Adjusted figures are not used for congressional redistricting, allocation of public funds or government planning purposes. It is time for Kansas to use a consistent set of figures for all census-based government functions, and it is time to adopt the same policy as other states.

Again, we urge this committee and the full Legislature to pass this resolution quickly. It is possible to conduct the statewide election this April 6 only if the resolution passes both houses by mid-February.

I will provide more detail on the 1990 adjustment project if the committee wishes.

Thank you for your consideration.

# 1990 CENSUS

EXAMPLE  
 14,638 = 1990 U.S. Census  
 +55 = Net Adjustment  
 14,693 = Adjusted 1990 Total

# ADJUSTMENT

EXAMPLE  
 14,638 = 1990 U.S. Census  
 +55 = Net Adjustment  
 14,693 = Adjusted 1990 Total

3,243 +72 3,315	3,404 +70 3,474	4,021 +92 4,113	5,947 +146 6,093	6,590 +123 6,713	5,078 +86 5,164
Cheyenne	Rawlins	Decatur	Norton	Phillips	Smith
6,926 +110 7,036	8,258 -173 8,085	3,043 +108 3,151	3,543 +74 3,617	6,039 +110 6,149	4,867 +102 4,969
Sherman	Thomas	Sheridan	Graham	Rooks	Osborne
1,821 +44 1,865	3,081 +68 3,149	3,231 +91 3,322	3,694 +80 3,774	26,004 -1,450 24,554	7,835 +109 7,944
Wallace	Logan	Gove	Trego	Ellis	Russell
1,774 +26 1,800	2,758 +60 2,818	5,289 +120 5,409	2,375 +45 2,420	4,033 +93 4,126	3,842 +81 3,923
Greeley	Wichita	Scott	Lane	Ness	Rush
2,388 +41 2,429	4,027 +71 4,098	33,070 +5 33,075	2,177 +50 2,227	7,555 +129 7,684	5,365 +104 5,469
Hamilton	Kearny	Finney	Hodgeman	Pawnee	Stafford
2,333 +54 2,387	7,159 +86 7,245	3,886 +72 3,958	5,396 +88 5,484	3,787 +59 3,846	9,702 -67 9,635
Stanton	Grant	Haskell	Gray	Ford	Pratt
3,480 +46 3,526	5,048 +83 5,131	18,743 +60 18,803	4,247 +74 4,321	2,418 +50 2,468	2,313 +60 2,373
Morton	Stevens	Seward	Meade	Clark	Comanche
					5,874 +101 5,975
					Barber

 Counties with net loss of population after adjustment

4,251 -82 4,333	6,482 +142 6,624	7,073 +146 7,219	11,705 +232 11,937	10,446 +256 10,702	11,128 +169 11,297	8,134 -125 7,959	Doniphan
Jewell	Republic	Washington	Marshall	Nemaha	Brown	Atchison	
7,203 +165 7,368	11,023 -169 10,854	9,158 +51 9,209	67,139 -19,131 48,008	16,128 +73 16,201	11,525 +213 11,738	16,932 -210 16,722	Leavenworth
Mitchell	Cloud	Clay	Riley	Pottawatomie	Jackson	Jefferson	Wyandotte
3,653 +78 3,731	5,634 +95 5,729	18,958 +129 19,087	30,453 -4,622 25,831	6,603 +79 6,682	160,976 +871 161,847	15,905 +239 16,144	161,993 +578 162,571
Lincoln	Ottawa	Dickinson	Geary	Wabaunsee	Shawnee	Douglas	
6,586 +142 6,728	49,301 +491 49,792	6,198 +48 6,246	15,248 +226 15,474	81,798 -12,038 69,760	23,466 +285 23,751	21,994 +42 22,036	Johnson
Ellsworth	Saline	Morris	Chase	Lyon	Osage	Franklin	Miami
10,610 -70 10,540	27,268 -456 26,812	12,888 -81 12,807	3,021 +41 3,062	34,732 -1,939 32,793	8,404 +129 8,533	7,803 +115 7,918	8,254 +99 8,353
Rice	McPherson	Marion	Chase	Lyon	Coffey	Anderson	Linn
62,389 +180 62,569	31,028 -238 30,790	50,580 +133 50,713	7,847 +102 7,949	4,116 +50 4,166	14,638 +57 14,695	14,966 -72 14,944	Bourbon
Reno	Harvey	Butler	Greenwood	Woodson	Allen	Bourbon	
8,292 +163 8,455	403,662 -1,725 401,937	3,327 +50 3,377	10,289 +131 10,420	17,035 +124 17,169	35,568 -1,452 34,116	21,374 +125 21,499	Cherokee
Kingman	Sedgwick	Butler	Elk	Wilson	Neosho	Crawford	
7,124 +105 7,229	25,841 +278 26,119	36,915 -96 36,819	4,407 +56 4,463	38,816 +183 38,999	23,693 +98 23,791	21,374 +125 21,499	
Harper	Sumner	Cowley	Chautauqua	Montgomery	Labette		

 Counties with net loss of population after adjustment

Senate Elections & Local Government  
 Attachment: # 3-3  
 Date: 1-20-99