

MINUTES OF THE HOUSE REDISTRICTING COMMITTEE.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:15 p.m. on January 15, 2002 in Room 313-S of the Capitol.

All members were present except:

Representative John Edmonds - Excused
Representative William Mason - Excused

Committee staff present:

Mary Galligan, Kansas Legislative Research Department
Kathie Sparks, Kansas Legislative Research Department
Mary Ann Torrence, Revisor of Statutes Office
Bob Nugent, Revisor of Statutes Office
Cindy O'Neal, Committee Secretary

Others attending: See List

Chairman O'Neal stated that the purpose of the meeting was to announced proposed scheduling for consideration of the House Plan ([Attachment 1](#)) and revisions in the committee rules ([Attachment 2](#)).

The proposed changes of the rules were on page 4, number 4, should read "All plans must be submitted for technical verification to the Research Department prior to the presentation to the Committee. Any plan submitted must be a complete statewide plan. All pieces of census geography must be accounted for in some district."

Second change is located at the top of page 5 and will read "Except as noted above, any plan submitted in electronic form during the 2001 interim or the 2002 Session must be submitted to the Legislative Research Department, 300 SW 10th Street, Room 545 N, Statehouse, Topeka, KS 66612 no later than 5:00 p.m. at least five business days prior to formal submission to the Committee. For plans that have not originated within the Legislature's redistricting system, the..." (See Attachment 2)

From this point on, any plan that is different from the plan the interim committee approved will have to be prepared as a substitute bill.

Chairman O'Neal stated that the Congressional map was introduced as a Senate bill. Consideration of that bill will not follow the same schedule consideration of the House & Senate maps which must be reviewed by the state Supreme Court. Redistricting staff has stated that it is urgent to get the House & Senate maps approved by the legislature due to the review by the Kansas Supreme Court. If the Court finds fault with the legislative plans, then we have to redo the maps. Therefore, the House & Senate maps need to be on a fast track. Based on the time line set out in the Constitution, staff has picked a date by which action needs to be taken in the House and has worked backwards with regard to committee hearings, and amendments. The calendar is preliminary and there is not a commitment as to when the bill will run. It is the intent that both the House & Senate bills will run the same day. There is a possibility of an agreement that once the House bill passes the House it will be referred directly to the Senate floor and vice versa. There is the expectation that both sides will respect the plan presented by the opposite house.

It was proposed that a February 13, 2002 deadline be set to get the bill debated and out of the House. One week prior to that date, February 6, 2002, would be the deadline for submission of proposed floor amendments to Kansas Legislative Research Department for technical review.

The week before that there should be a couple of days for committee discussion and action, possibly January 30 & 31, 2002. Public hearings will be held on January 22 with the next day as the deadline for submitting to Kansas Legislative Research Department any proposed committee amendments. The Chairman noted that this is an aggressive schedule but one that is important.

Representative Troy Findley expressed of concerns about having a public hearing on January 22, 2002 and the ability to get notices out to constituents so they could testify. He asked if there was some other day as a possibility for the public hearings or allow two evenings of hearings.

Chairman O'Neal replied that he was open to suggestions, but that if public hearings were held any latter than

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January 22, 2002, it would impact any amendments that would come out of the hearings. If we are not concerned about possible proposed amendments, then it really doesn't matter when the public hearings are. Legislative Research staff needs time to check those amendments for technical review and have the amendments ready for presentation to the committee on the 30th.

Representative Findley wanted to make sure that the committee hears everyone who wants to speak on the issue of House redistricting. While we had a chance to listen to comments on the congressional maps this summer, this House map will catch a lot of people by surprise.

The Chairman's understanding was there is an obligation, for every Representative, to notify their constituents that once the maps were approved and placed on the web site that we let them know what's going on and should be hearing from them from that point in time. For most people, their opportunity has happened as a result of the plan being out in the public domain. If the committee can not accommodate all those who sign up on the 22nd then thought should be given to adding another hearing day. Keep in mind that 10 years ago, the Legislature was late in getting maps to the Court and that is a disservice to the people of Kansas, we are trying not to let that happen this time around.

Representative Rocky Nichols asked when in 1992 did the House & Senate pass their respective maps. Mary Galligan responded that it was much later than the deadlines that are proposed today. The redistricting bill was finally passed during Veto Session. She believed that the House managed to get the map to the Senate relatively early during the 1992 Session, only to have the bill hung up in that Chamber. The Representative then questioned how many days the court have to review the maps. Ms. Galligan explained that the Supreme Court had 30 days to render their opinion on the first review. Representative Nichols wondered why February 13 is the drop dead day and believed that there should be plenty of time for great public input. He wanted to look at the time line in 1992. The technology that is available today affords us greater ability to have input.

Mary Galligan stated that the provision of the Constitution that provides for the Supreme Court review ~~so~~ gives the Legislature a couple chances to get the maps right. If the Court rejects the first plan, then the Constitution lays out a 15 day time period for the Legislature to enact another plan. That plan would also be subject to a Supreme Court review on a quickened review schedule of 10 days but still allowing the Governor time to make a decision to sign or use his veto powers, and allowing the Attorney General to prepare a petition for the Court.

The time frame that has been discussed, which was part of the Redistricting Advisory Committee recommendations, is predicated on allowing an opportunity for the reviews to occur in a timely fashion and finish the redistricting work by the end of the Legislative Session. Backing up from that date and building in the Constitutional time frames is what makes mid- to late-February a goal for getting the first bill to the Governor's desk. She provided the committee with a copy of the Redistricting Process During the 2002 Session ([Attachment 3](#)), a time line for the Redistricting Process 2002 Session ([Attachment 4](#)), and a 1992 history of Legislative, Congressional, and State Board of Education Redistricting bills ([Attachment 5](#)).

Chairman O'Neal reiterated that the Legislative Redistricting process that the committee has been working with since the beginning was that by mid-February the plans would be thru both Houses. This schedule was based upon working backwards from a point in time as to not having to change filing deadlines and not be in special session. He asked whether anything has come to light since the inception of it that would make us change the time line.

Representative Tom Klein questioned why there needs to be five days between the proposed amendments and working the bill. Mary Galligan responded that initially the five business days was a recommendation made to the Chairman based upon the possibility that technical review involve some need to get back with the sponsor of the plan for adjustments. The five days allowed time for making the needed changes and then going thru the technical review process again to make sure that it is correct. Also, paper maps need to be produced to support the debate on each plan.

Over the course of the interim, as plans were submitted they were put thru the technical review process and it ended up being around five days. This was not because the plans were flawed and needed a lot of work, but because there is now the expectation of detailed maps for members to review. That expectation has been greater than in the previous rounds of redistricting. The process of producing paper maps has ended up

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taking the bulk of that five days. The Legislative Research Department needs every bit of those five days to scrunized the plan and make sure that accurate maps are produced. Legislative Research Department could compress the time between when amendments are submitted and when they are taken up, but maps would not be as detailed and would not show as many areas of the state and road names. In fairness to the Committee and the members of the Legislature Research staff have taken the position that maps need to be as detailed as possible.

Chairman O'Neal reminded the committee that all amendments must be submitted to Legislative Research Department by January 23, 2002 so they will be in play when the committee takes action on the 31st.

Representative Klein was concerned that a political solution may come very late in the process and questioned how the process would proceed. The Chairman responded that if that happened on the floor Masons Rules take care of that, the rules would be suspended and another day could be added to the calendar.

Representative Mays asked if there could be another deadline as to changing districts in a limited area.

Mary Galligan responded that it could be done but questioned who would define "a limited area." It would still be necessary to review the entire plan, ~~in~~ reprint that area of the map, and then reprint the statistical report to reflect that change, before voting. She reminded the Committee that staff does still has limited resources, such as, if there are five amendments, all computers would be used.

Representative Crow voiced her concern that there will be no real public input on the proposed House map. She didn't believe that the public would be able to digest the proposed map and make suggested amendments for the Legislative Research Department by the next day.

Chairman O'Neal stated that the work product of the Committee may not be what comes out of the House. He stated that this redistricting process is different from the years past. The public has had many opportunities to view the proposed maps because of the internet. He reminded the members that they represent both their caucus and constituents and should already know where the problems are and should have been working on those areas.

Representative Pauls requested that the deadline for amendments be moved from January 23rd to January 24th with the understanding that maps that are not being generated due to the public hearings would strongly be recommended ready on January 23rd. Legislative Research responded that it would be fine to postpone the amendments deadline one day.

Mary Galligan explained that the two day meeting would be for consideration of amendments on the first day and final action on the second day.

Representative Wilson questioned whether, if there is a gut and go on the floor, there would be an opportunity for reconciliation of the map. Chairman O'Neal responded that there would be no need for it because each amendment would be a statewide map and Legislative Research would have already done a technical review.

Mary Galligan responded that if more than one amendment was adopted on the floor, the bill could be sent back to committee to decided the intent of the amendments and for reconciliation.

Representative Reardon suggested that a motion be made on the floor to move on, so the Chair, Vice-Chair, Ranking Member and staff could meet and agree on the intent of the amendments and do a quick reconciliation and then come back to the floor and take up where the Committee as a Whole had left off on the map the previous day.

The Committee received copies of State House 4 map (Attachment 6) and Caucus J map (Attachment 7), which had been introduced by the interim committee.

The committee meeting adjourned.