

MINUTES

SPECIAL COMMITTEE ON REDISTRICTING

October 2, 2001
Room 313-S—Statehouse

Members Present

Representative Michael O'Neal, Co-Chairperson
Senator Barbara Allen
Senator David Corbin
Senator David Haley
Senator Anthony Hensley
Senator Tim Huelskamp
Senator Ed Pugh
Senator Lynn Jenkins
Senator Janis Lee
Senator Derek Schmidt
Senator Ruth Teichman
Representative Clay Aurand
Representative John Ballou
Representative Lisa Benlon
Representative Marti Crow
Representative John Edmonds
Representative Troy Findley
Representative Broderick Henderson
Representative Andrew Howell
Representative Tom Klein
Representative Carl Krehbiel
Representative Doug Mays
Representative Rocky Nichols
Representative Peggy Palmer
Representative Jeff Peterson
Representative Tony Powell
Representative Bill Reardon
Representative Bob Tomlinson
Representative Jene Vickrey
Representative R. J. Wilson

Members Absent

Senator David Adkins, Co-Chairperson
Representative Bill Mason
Representative Melvin Neufeld
Representative Janice Pauls

Staff Present

Mary Galligan, Kansas Legislative Research Department
Kathie Sparks, Kansas Legislative Research Department
Mary Torrence, Revisor of Statutes Office
Mary Shaw, Committee Secretary

Tuesday, October 2 Morning Session

Representative Michael O'Neal, Co-Chairperson, called the meeting to order at 10:10 a.m., Tuesday, October 2, in Room 313-S of the Statehouse. Chairman O'Neal reviewed the revised agenda. The Chairman noted that following the presentation by the Republican caucus staff of nine new plans, the Democrat and Republican members of the Committee would meet separately. Room 313-S had been reserved for the Republican Caucus and Room 423-S for the Democrat Caucus. Chairman O'Neal reminded the Committee of the November 9 deadline for filing House and Senate plans for the November meeting and that the members should make appointments with the caucus staff or Kansas Legislative Research Department staff prior to the deadline. In addition, if a member cannot keep an appointment, please show courtesy to staff and let them know that you cannot be there and reschedule the appointment. Committee calendars for the remainder of the interim were distributed. The Chairman mentioned that additional written testimony was filed in the Committee notebooks as follows:

- Letter from S. Philip Stover, Quinter, Kansas ([Attachment 1](#));
- Testimony of Mike Brassel, Project Manager for the Kansas Secretary of State on the Census Adjustment Project, given at the September 6, 2001, meeting ([Attachment 2](#)); and
- Summary of testimony of Dr. Lisa Handley, Frontier International Electoral Consulting, LLC, from the September 6, 2001, meeting ([Attachment 3](#)).

Chairman O'Neal recognized Duane Simpson, House Redistricting Caucus Staff and Chief of Staff for Representative Clay Aurand, Speaker Pro Tem, who reviewed nine new plans. Mr. Simpson explained that the plans were designed to meet the caucus' priorities outlined as follows:

- Keep Wyandotte and Johnson counties in the 3rd District;
- Keep Ft. Riley and Ft. Leavenworth in the 2nd District;
- Keep Reno County in the 1st District;
- Keep Montgomery and Harvey counties in the 4th District;
- Keep Geary, Riley, and Pottawatomie counties in the same district; and
- Keep the changes to each district to a minimum.

Mr. Simpson explained that it is not possible to accomplish all of the priorities in one plan. Therefore, the nine plans are the caucus' attempt to provide the Committee with options that fulfill as many Republican priorities as possible in each plan (Attachments 4 through 12).

Committee questions and discussion followed. Senator Hensley asked about the population deviation for each of the nine maps and made the point that population deviation or the principle of one person one vote is the most important aspect of redistricting. Mr. Simpson noted that each of the plans has a very small deviation except for Caucus B with a 3rd District deviation of 262 people. The large deviation in Caucus B could be easily trimmed by splitting the city of Lawrence. Mr. Simpson noted that the deviations are very close and they are noted on each plan. Senator Hensley commented that Caucus D would appear to provide the best plan in terms of deviation, as its deviation is 33 people. Senator Hensley also noted that ten years ago the Courts were very particular about the deviation and admonished the Legislature for having a high overall deviation. According to the Senator, it appears that only two out of the nine plans would qualify according to the Court standard with respect to deviation.

Senator Teichman asked for an explanation of why Harvey County, which has a community of interest with Wichita, is grouped with Pratt and Barber counties, an agricultural area. Mr. Simpson explained that there was not a community of interest reason for the placement of Harvey County. The question is whether or not the plan is drawn to satisfy one person/one vote without stretching the 1st District all the way to the Missouri border.

Chairman O'Neal recessed the Committee at 10:30 a.m. The Democrat and Republican caucuses met.

Afternoon Session

Chairman O'Neal reconvened the Committee at 2:50 p.m. The Chairman noted that the plan was to take action on a congressional plan this afternoon and asked the members

to review the minutes from the September 6, 2001, meeting so they can be approved later in the meeting.

The Chairman introduced Duane Simpson, who explained the Caucus Plan J (Attachment 13) from the Republican caucus. Mr. Simpson made the following points about Caucus J:

- The plan makes few changes to most of the districts.
- In the 1st District, most of Nemaha County and all of Geary County, except for Fort Riley, are added.
- In the 2nd District, most of the city of Lawrence and rural Douglas County are added.
- In the 3rd District, most of the city of Lawrence and rural Douglas County are taken out.
- In the 4th District, North Newton and a township on the southeast corner of Kingman County are added.
- The overall plan deviation is 132 people, with a positive 65 people in the 1st District and a negative 67 people in the 3rd District.
- Highway 10 in Douglas County is the dividing line between the 3rd and 2nd Districts with everything north to the county line in the 3rd District and everything south of Highway 10 in the 2nd District. The 3rd District area in the city of Lawrence is bounded by 23rd Street/Clinton Parkway, 15th Street including the University of Kansas West Campus, Iowa, and 6th Street to the Kansas River.

Questions and discussion followed regarding the Caucus J plan. In response to a question from Senator Hensley, Mr. Simpson stated that the rationale for splitting Geary County from Riley and Pottawatomie counties was one person-one vote in the 1st District and the desire to keep core districts together rather than make the 1st District extend to the Missouri border. Also, the caucus placed higher priority on keeping Fort Riley and Fort Leavenworth in the 2nd District than maintaining Junction City in the 2nd District.

In response to a question from Representative Findley, Mr. Simpson responded that the rationale for splitting the city of Lawrence was the fact that Lawrence had made several requests. First, the city wanted to remain in the 3rd District. The University of Kansas wanted to be in the 3rd District with the University of Kansas Medical Center. The city would prefer to be kept whole. They would like to be in the 2nd District. If Lawrence is split, they would like to keep the population approximately equal. Mr. Simpson stated that Caucus J created a 3rd District that was easily identifiable. Representative Findley noted that a plan

that splits VTDs in Lawrence does not necessarily lend itself to making the map easily identifiable for people when voting for Congress.

Senator Hensley noted that at the appropriate time he would like to make a motion to pre-file Congressional Plan Number One for introduction to the 2002 Legislature. Furthermore, the Senator stated that he understands that the votes are here for Caucus J to be prefiled, but the Democrat members of the Committee believe it is very important that the next Legislature consider other proposals.

Chairman O'Neal recognized Representative Findley, who presented the Democratic Caucus proposal. Representative Findley emphasized that the Democrat caucus stands firmly behind these principles:

- The concept of one person/one vote is the hallmark and guiding principle of the redistricting process.
- The recognition, retention, and reuniting communities of interest in preventing the needless and intentional split of the following should be in the back of the Committee members' minds: VTDs, cities, unified government of Wyandotte County, southeast Kansas, the tri-county area of Riley, Geary, and Pottawatomie counties, Native American Indian reservations, and other racial and ethnic minorities.
- The traditional principles of redistricting that the Committee adopted should be apparent in the final redistricting plan presented to the Legislature.
- The final plan should avoid partisan gerrymandering.

Committee questions and discussion followed. Chairman O'Neal, in response to a question from Representative Klein, said that identical bills could be introduced to both the House and Senate, so that the bodies can work on them simultaneously. Of course, the bills would require reconciliation; however, that process could expedite the time table, but no final decision has been made on the process by the leadership as of this date.

Senator Hensley moved, with a second by Representative Findley, to pre-file in the 2002 Legislative Session, Congressional Plan 1. Committee questions and discussion followed.

Representative Tomlinson stated that he would vote "no" and could not encourage a motion that would divide his county in half. Senator Schmidt stated that to the extent that Congressional Plan 1 reunites southeast Kansas, it has tremendous appeal. This plan is one of a few plans that the Committee has considered that would restore the southeast Kansas community of interest. If that was the only consideration, he would vote for it today, but that is not the only consideration. Senator Schmidt objected to the division of Johnson County and to moving Reno County into the 4th District. For those reasons, despite the unification of southeast Kansas, he would vote "no."

Representative Findley spoke in support of Senator Hensley's motion by reiterating the Democrat caucus principles.

Chairman O'Neal stated that it is important to respect the sincerity with which these plans have been offered and his vote against Congressional Plan 1 is not saying anything more than that he feels there is a better plan out there. He respects all the hard work that has gone into this particular plan.

Senator Hensley closed by mentioning that Congressional Plan 1 has a deviation of seven people out of 2.6 million population in the State of Kansas. He believes that the K-10 corridor and the University of Kansas communities of interest are a very important core of the 3rd District. The K-10 corridor is the heaviest traveled non-interstate highway in the State of Kansas. He mentioned that he is sorry to have lost Senator Schmidt's vote because he has consistently said that one of the wrongs committed ten years ago that needs to be corrected in this process is to reunite southeast Kansas. He feels that was a serious mistake made by the Legislature. Congressional Plan 1 reunites southeast Kansas into one Congressional District. Senator Hensley heard the people in Manhattan say their first priority is to keep the tri-county area of Geary, Riley, and Pottawatomie counties together. That is what Congressional Plan 1 does. In addition, Reno County has more in common with the city of Wichita and Harvey County than it does western Kansas and the 1st District. It is for these reasons that they offer this motion. Senator Hensley thanked the Committee for its indulgence in letting himself and Representative Findley make their slide presentation in the ten hearings. Senator Hensley moved his motion.

Co-Chairman O'Neal called for the vote on Congressional Plan 1 by a show of hands. The motion failed. The tally was 10 voting in favor of the motion and 19 against the motion. Senators Haley, Hensley, and Lee; and Representatives Crow, Findley, Henderson, Klein, Nichols, Reardon, and Wilson asked to be recorded as voting in favor of the motion.

The Chairman noted that Caucus J has not been through the Kansas Legislative Research Department's technical review process and that final approval of the plan will be conditioned upon successful completion of that process.

Representative Nichols expressed concern that the Chair of the Senate Committee on Reapportionment (Senator Adkins) was not present. Representative Nichols asked whether anyone on the Committee had checked with Senator Adkins about his views regarding Caucus J plan and splitting the city of Lawrence. The Chairman responded that he had not had an opportunity to visit with Senator Adkins about Caucus J. The Chairman noted that he and Senator Adkins had visited about this Committee day being set aside to make a decision on a congressional plan.

Representative Nichols stated that he had talked with Senator Adkins in Wichita during the break today and had described Caucus Plan J to the Senator. According to Representative Nichols, Senator Adkins made it clear to him that the Caucus J and specifically the plan for Douglas County and the city of Lawrence would not get out of Senate Committee.

Representative Ballou made and Senator Huelskamp seconded, a motion to adopt Caucus J. Committee questions and discussion followed.

Representative Findley stated that he could not support Caucus J because it splits his hometown of Lawrence. He noted the following from the Town Hall Meeting on May 16, 2001, in Lawrence:

- The University of Kansas Student Senate resolution stated “It is in the best interest of the University of Kansas student body for the entirety of Lawrence to remain part of the Third U.S. Congressional district.”
- The Bert Nash Community Mental Health Center conferee said that they prefer that Lawrence and the Bert Nash Center remain in the 3rd Congressional District.
- Lawrence Chamber of Commerce strongly supports the retention of Lawrence and Douglas county in the 3rd Congressional District.

Representative Findley noted that the desire to keep the community whole and particularly in the 3rd District was articulated time and time again in that public meeting. The Representative strongly believes that the Committee should not be dividing any city. Plans have been presented that achieve the one person-one vote standard without splitting cities. Furthermore, he believes that this is a needless split and he will vote “no” on this plan.

Representative Wilson asked whether Caucus J split any VTDs and was informed that four VTDs are split in the plan. Representative Wilson noted that he will vote “no” on the Caucus J plan for the reasons given by Representative Findley and because he feels that it is unacceptable for Montgomery County to be left in the 4th Congressional District separate from the rest of southeast Kansas.

Chairman O’Neal stated that his bias in favor of the city of Lawrence and the University of Kansas is no secret. Recognition of the K-10 Corridor would have been at the expense of southern Johnson County. The Republican caucus wanted to keep the core of the district together and the future of the 3rd District suggests that core will become geographically smaller. The caucus heard that the University of Kansas wanted the community of interest with the University of Kansas Medical Center preserved and that was done. Finally, the cores of the Congressional Districts have been preserved to a great extent.

Chairman O’Neal thanked the Caucus for putting this plan together in a short length of time. Representative Ballou moved his motion. *The vote was taken on Caucus J by a show of hands and the motion passed.* The tally was 17 in favor of the motion and 12 against the motion. Senators Hensley, Lee, Schmidt, and Corbin and Representatives Crow, Findley, Henderson, Klein, Nichols, Reardon, and Wilson requested to be recorded as voting no on the motion.

Senator Lee asked whether there will be an opportunity for public response or comment on the Caucus J since it had no public hearing. Chairman O'Neal stated that is typically left up to the leadership of the Houses as to whether a bill from an interim committee is sent directly to the floor or whether it will go through the committee process. Furthermore, the plan will be posted and available for public comment on the website of the Kansas Legislative Research Department.

Chairman O'Neal called the Committee's attention to the minutes of the September 6, 2001, meeting. Senator Hensley noted that on page 5 of the minutes, where the paragraph begins "Representative Hensley ...," should read "Senator Hensley." *Senator Teichman made, and Representative Benlon seconded, a motion to adopt the minutes of September 6, 2001, as amended. Motion carried.*

A discussion followed about the Committee breaking into caucuses in the future.

The meeting was adjourned at 4:08 p.m.

Approved by Committee on:

November 27, 2001