

House Concurrent Resolution No. 5012

By Representative Davis

2-13

1 A PROPOSITION to revise article 10 of the constitution of the state of
2 Kansas; relating to reapportionment of congressional districts,
3 legislative districts and state board of education member districts
4

5 *Be it resolved by the Legislature of the State of Kansas, two-thirds of*
6 *the members elected (or appointed) and qualified to the House of*
7 *Representatives and two-thirds of the members elected (or appointed)*
8 *and qualified to the Senate concurring therein:*

9 Section 1. The following proposition to amend the constitution of
10 the state of Kansas shall be submitted to the qualified electors of the state
11 for their approval or rejection: Article 10 of the constitution of the state of
12 Kansas is hereby amended to read as follows:

13 **"Article 10.—APPORTIONMENT OF THE—**
14 **LEGISLATURE CONGRESSIONAL, LEGISLATIVE AND**
15 **STATE BOARD OF EDUCATION MEMBER DISTRICTS**

16 **"§ 1. Reapportionment of ~~senatorial and representative~~**
17 **districts required.** (a) At its regular session in 1989, the legislature
18 shall by law reapportion the state representative districts, the state
19 senatorial districts or both the state representative and senatorial
20 districts upon the basis of the latest census of the inhabitants of the
21 state taken by authority of chapter 61 of the 1987 Session Laws of
22 Kansas. At its regular session in ~~1992~~ 2022, and at its regular
23 session every ~~tenth~~ 10th year thereafter, the legislature shall by law
24 reapportion the *United States congressional districts, the state*
25 *senatorial districts* ~~and, the state~~ representative districts *and the*
26 *state board of education member districts as provided by this*
27 *article. Reapportionment of such districts shall be on the basis of*
28 *the population of the state as established by the most recent census*
29 *of population taken and published by the United States bureau of*
30 *the census. Senatorial* ~~and, representative and state board of~~
31 *education member districts shall be reapportioned upon the basis of*
32 *the population of the state adjusted:—(1) (a) To exclude nonresident*
33 *military personnel stationed within the state and nonresident*
34 *students attending colleges and universities within the state; and*
35 *(2) (b) to include military personnel stationed within the state who*
36 *are residents of the state and students attending colleges and*

1 universities within the state who are residents of the state in the
2 district of their permanent residence. Bills reapportioning
3 legislative districts shall be published in the Kansas register
4 immediately upon final passage and shall be effective for the next
5 following election of legislators and thereafter until again
6 reapportioned.

7 ~~(b) Within 15 days after the publication of an act~~
8 ~~reapportioning the legislative districts within the time specified in~~
9 ~~(a), the attorney general shall petition the supreme court of the state~~
10 ~~to determine the validity thereof. The supreme court, within 30~~
11 ~~days from the filing of the petition, shall enter its judgment. Should~~
12 ~~the supreme court determine that the reapportionment statute is~~
13 ~~invalid, the legislature shall enact a statute of reapportionment~~
14 ~~conforming to the judgment of the supreme court within 15 days.~~

15 ~~(c) Upon enactment of a reapportionment to conform with a~~
16 ~~judgment under (b), the attorney general shall apply to the supreme~~
17 ~~court of the state to determine the validity thereof. The supreme~~
18 ~~court, within 10 days from the filing of such application, shall enter~~
19 ~~its judgment. Should the supreme court determine that the~~
20 ~~reapportionment statute is invalid, the legislature shall again enact~~
21 ~~a statute reapportioning the legislative districts in compliance with~~
22 ~~the direction of and conforming to the mandate of the supreme~~
23 ~~court within 15 days after entry thereof.~~

24 ~~(d) Whenever a petition or application is filed under this~~
25 ~~section, the supreme court, in accordance with its rules, shall~~
26 ~~permit interested persons to present their views.~~

27 ~~(e) A judgment of the supreme court of the state determining a~~
28 ~~reapportionment to be valid shall be final until the legislative~~
29 ~~districts are again reapportioned in accordance herewith.~~

30 *"§ 4. Establishment of redistricting commission. (a) Not later*
31 *than February 15 of each year ending in one, a redistricting*
32 *commission shall be established to recommend to the legislature*
33 *redistricting plans for United States congressional districts, state*
34 *representative districts, state senatorial districts and state board of*
35 *education member districts.*

36 *(b) The redistricting commission shall consist of the following*
37 *members:*

38 *(1) One shall be appointed by the majority leader of the*
39 *senate;*

40 *(2) one shall be appointed by the majority leader of the house*
41 *of representatives;*

42 *(3) one shall be appointed by the minority leader of the*
43 *senate;*

1 (4) *one shall be appointed by the minority leader of the house*
2 *of representatives; and*

3 (5) *within 30 days after the appointments described in*
4 *paragraphs (1) through (4) have been made, but not later than*
5 *March 15 of the year in which the commission is established, the*
6 *four commission members so appointed shall select, by a vote of at*
7 *least three members, the fifth commission member, who shall serve*
8 *as chairperson.*

9 (c) *Any vacancy in the membership of the redistricting*
10 *commission shall be filled in the same manner as the original*
11 *appointment or selection.*

12 (d) *No person, while a member of the commission, shall:*

13 (1) *Hold any federal, state or local office; or*

14 (2) *be an employee of the Kansas legislature, state board of*
15 *education or United States congress.*

16 (e) *No person who has been a member of the redistricting*
17 *commission shall be eligible, within two years after being a*
18 *member of the commission, to:*

19 (1) *Be a member or employee of the Kansas legislature or*
20 *state board of education; or*

21 (2) *hold any appointive office.*

22 (f) *The legislature shall provide by law for payment of*
23 *compensation and expenses of members of the redistricting*
24 *commission and for adequate staff, office space, equipment and*
25 *materials for the commission.*

26 (g) *The terms of members of the redistricting commission*
27 *shall expire on July 1 of each year ending in two, and the*
28 *commission shall be inactive until reestablishment of the*
29 *commission pursuant to this section.*

30 "§ 5. *Commission procedure and recommendations. (a) The*
31 *redistricting commission shall establish rules and procedures as*
32 *necessary to carry out the commission's functions. Such rules and*
33 *procedures shall include rules requiring formal submission to the*
34 *commission of all communications with commission members. Ex*
35 *parte communications with members of the commission in relation*
36 *to the merits of matters before the commission shall be prohibited.*
37 *Members of the commission shall report any violations of this*
38 *prohibition to the attorney general and the legislature shall*
39 *provide by law criminal penalties for such violations.*

40 (b) *The redistricting commission shall conduct public*
41 *hearings throughout the state, including at least one public*
42 *hearing in each state board of education member district.*

43 (c) *In recommending redistricting plans, the redistricting*

1 *commission shall consider only the requirements of the*
2 *constitution of the state of Kansas and federal laws, preservation*
3 *of political subdivisions and preservation of communities of*
4 *interest. The commission shall avoid placing more than one*
5 *incumbent in a district except when necessary due to changes in*
6 *the population of the state. Except as expressly provided in this*
7 *subsection, the commission shall not intentionally develop districts*
8 *that favor or discriminate against any individual, political party or*
9 *group.*

10 "§ 6. *Legislative action; court review and action. (a) On or*
11 *before the first day of the regular legislative session in each year*
12 *ending in two, the redistricting commission shall introduce in the*
13 *house of representatives a bill reapportioning the state*
14 *representative districts and a bill reapportioning the United States*
15 *congressional districts, and shall introduce in the senate a bill*
16 *reapportioning the state senatorial districts and a bill*
17 *reapportioning the state board of education member districts. Such*
18 *bills shall not be subject to amendment by either chamber of the*
19 *legislature and each such bill shall be acted upon by each chamber*
20 *within seven days after such bill is introduced in such chamber.*

21 *(b) If a bill introduced pursuant to subsection (a) is not*
22 *enacted, the redistricting commission, within 10 days after*
23 *rejection of the bill by either chamber of the legislature or veto of*
24 *the bill by the governor, shall introduce another bill*
25 *reapportioning such districts. If the Kansas supreme court enters a*
26 *judgment that a bill introduced pursuant to subsection (a) is*
27 *invalid, the redistricting commission, within 10 days after entry of*
28 *such judgment, shall introduce another bill reapportioning such*
29 *districts. Introduction of a bill pursuant to this section shall be in*
30 *the same chamber as introduction of the original bill pursuant to*
31 *subsection (a). Such bill shall not be subject to amendment by*
32 *either chamber and shall be acted upon by each chamber within*
33 *seven days after the bill is introduced in such chamber.*

34 *(c) If a bill introduced pursuant to subsection (b) is not*
35 *enacted, the redistricting commission, within 10 days after*
36 *rejection of the bill by either chamber of the legislature or veto of*
37 *the bill by the governor, shall introduce another bill*
38 *reapportioning such districts. If the Kansas supreme court enters a*
39 *judgment that a bill introduced pursuant to subsection (b) is*
40 *invalid, the redistricting commission, within 10 days after entry of*
41 *such judgment, shall introduce another bill reapportioning such*
42 *districts. Introduction of a bill pursuant to this section shall be in*
43 *the same chamber as introduction of the original bill pursuant to*

1 *subsection (a). Such bill shall be subject to amendment by either*
2 *chamber and shall be acted upon by each chamber within 14 days*
3 *after the bill is introduced in such chamber. When a bill is*
4 *introduced pursuant to this subsection, the commission shall make*
5 *the commission's staff and technical resources available to the*
6 *legislature for use in preparation and consideration of*
7 *amendments to such bill.*

8 *(d) If either chamber of the legislature rejects a bill*
9 *introduced pursuant to this section, or the governor vetoes such*
10 *bill, the chamber that rejects the bill, or the governor in the case of*
11 *a veto, shall transmit to the commission a letter stating the reasons*
12 *why the bill was not enacted, and the commission shall take such*
13 *reasons into consideration in introducing a bill pursuant to this*
14 *section, subject to the requirements of subsection (c) of section 6.*
15 *Any such letter shall be signed by both the speaker of the house of*
16 *representatives and the minority leader of the house of*
17 *representatives or both the president of the senate and the minority*
18 *leader of the senate.*

19 *(e) Reapportionment bills shall be published in the Kansas*
20 *register immediately upon final passage and approval by the*
21 *governor. The districts enacted shall be effective for the next*
22 *following regular election and thereafter until again such districts*
23 *are reapportioned, except that the senatorial districts shall be*
24 *effective for the next following regular election at which all*
25 *senators are elected.*

26 *(f) Within 15 days after publication of any reapportionment*
27 *bills enacted pursuant to this article, the attorney general shall*
28 *petition the Kansas supreme court to determine the validity of such*
29 *bill. The Kansas supreme court, in accordance with its rules, shall*
30 *permit interested persons to present their views. Within 30 days*
31 *after the filing of such petition, the Kansas supreme court shall*
32 *enter its judgment. A judgment of the Kansas supreme court*
33 *determining such bill to be valid shall be final until*
34 *reapportionment of the districts is again required by this article.*

35 *"§ 7. Implementing legislation. The legislature may enact*
36 *legislation, not in conflict with the provisions of this article, as*
37 *reasonably necessary to implement such provisions."*

38 *Sec. 2. The following statement shall be printed on the ballot with*
39 *the amendment as a whole:*

40 *"Explanatory statement. Current article 10 of the constitution of*
41 *the state of Kansas governs reapportionment of state*
42 *legislative districts. It provides for reapportionment by the*
43 *legislature and requires it be based on the most recent census*

1 taken by the United States bureau of the census, adjusted to
2 exclude certain military personnel and certain students
3 residing at colleges and universities. The revision of article
4 10 would govern reapportionment of the United States
5 congressional districts, state legislative districts and the state
6 board of education member districts. Under the revision a
7 redistricting commission would be established to
8 recommend redistricting plans to the legislature. The
9 legislature would enact a plan which would be subject to
10 review by the Kansas supreme court. There would be strict
11 deadlines for legislative action and if no plan is adopted by
12 the deadline, the Kansas supreme court would reapportion
13 the districts. Reapportionment of state legislative districts
14 would be based on the most recent census taken by the
15 United States bureau of the census, adjusted to exclude
16 certain military personnel and certain students residing at
17 colleges and universities.

18 "A vote for this proposition would change the procedure for
19 reapportionment of United States congressional, state
20 legislative and state board of education member districts.

21 "A vote against this proposition would continue the current
22 procedures and basis for reapportionment."

23 Sec. 3. This resolution, if approved by two-thirds of the members
24 elected (or appointed) and qualified to the House of Representatives, and
25 two-thirds of the members elected (or appointed) and qualified to the
26 Senate shall be entered on the journals, together with the yeas and nays.
27 The secretary of state shall cause this resolution to be published as
28 provided by law and shall cause the proposed amendment to be submitted
29 to the electors of the state at the general election in November in the year
30 2014 unless a special election is called at a sooner date by concurrent
31 resolution of the legislature, in which case it shall be submitted to the
32 electors of the state at the special election.