

House Concurrent Resolution No. 5029

By Committee on Veterans, Military and Homeland Security

2-2

9 A PROPOSITION to amend section 1 of article 10 of the constitution
10 of the state of Kansas, relating to the reapportionment of senatorial
11 and representative districts.
12

13 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*
14 *members elected (or appointed) and qualified to the House of Repre-*
15 *sentatives and two-thirds of the members elected (or appointed) and*
16 *qualified to the Senate concurring therein:*

17 Section 1. The following proposition to amend the constitution of the
18 state of Kansas shall be submitted to the qualified electors of the state
19 for their approval or rejection: Section 1 of article 10 of the constitution
20 of the state of Kansas is hereby amended to read as follows:

21 **“§ 1. Reapportionment of senatorial and representative**
22 **districts.** (a) ~~At its regular session in 1980, the legislature shall by~~
23 ~~law reapportion the state representative districts, the state senato-~~
24 ~~rial districts or both the state representative and senatorial districts~~
25 ~~upon the basis of the latest census of the inhabitants of the state~~
26 ~~taken by authority of chapter 61 of the 1987 Session Laws of Kansas.~~
27 At its regular session in ~~1992~~ 2012, and at its regular session every
28 tenth year thereafter, the legislature shall, by law, *shall* reapportion
29 the state senatorial districts and representative districts on the basis
30 of the population of the state as established by the most recent
31 census of population taken and published by the United States bu-
32 reau of the census. Senatorial and representative districts shall be
33 reapportioned upon the basis of the population of the state adjusted:
34 (1) To exclude ~~nonresident military personnel stationed within the~~
35 ~~state and~~ nonresident students attending colleges and universities
36 within the state; and (2) to include ~~military personnel stationed~~
37 ~~within the state who are residents of the state and~~ students attend-
38 ing colleges and universities within the state who are residents of
39 the state in the district of their permanent residence. Bills reap-
40 portioning legislative districts shall be published in the Kansas reg-
41 ister immediately upon final passage and shall be effective for the
42 next following election of legislators and thereafter until again
43 reapportioned.

1 (b) Within 15 days after the publication of an act reapportioning
2 the legislative districts within the time specified in (a), the attorney
3 general shall petition the supreme court of the state to determine
4 the validity thereof. The supreme court, within 30 days from the
5 filing of the petition, shall enter its judgment. Should the supreme
6 court determine that the reapportionment statute is invalid, the
7 legislature shall enact a statute of reapportionment conforming to
8 the judgment of the supreme court within 15 days.

9 (c) Upon enactment of a reapportionment to conform with a
10 judgment under (b), the attorney general shall apply to the supreme
11 court of the state to determine the validity thereof. The supreme
12 court, within 10 days from the filing of such application, shall enter
13 its judgment. Should the supreme court determine that the reap-
14 portionment statute is invalid, the legislature shall again enact a
15 statute reapportioning the legislative districts in compliance with
16 the direction of and conforming to the mandate of the supreme
17 court within 15 days after entry thereof.

18 (d) Whenever a petition or application is filed under this sec-
19 tion, the supreme court, in accordance with its rules, shall permit
20 interested persons to present their views.

21 (e) A judgment of the supreme court of the state determining
22 a reapportionment to be valid shall be final until the legislative dis-
23 tricts are again reapportioned in accordance herewith.”

24 Sec. 2. The following statement shall be printed on the ballot with
25 the amendment as a whole:

26 “*Explanatory statement.* The purpose of this amendment is to elim-
27 inate the adjustment of the census taken by the United States
28 bureau of the census regarding the exclusion of nonresident mil-
29 itary personnel when reapportioning the Kansas senate and
30 house of representatives.

31 “A vote for this amendment would eliminate the adjustment of the
32 census taken by the United States bureau of the census regarding
33 the exclusion of nonresident military personnel when reappor-
34 tioning the Kansas senate and house of representatives.

35 “A vote against this amendment would continue in effect the re-
36 quirement for the adjustment of the census taken by the United
37 States bureau of the census regarding the exclusion of nonresi-
38 dent military personnel when reapportioning the Kansas senate
39 and house of representatives.”

40 Sec. 3. This resolution, if approved by two-thirds of the members
41 elected (or appointed) and qualified to the House of Representatives, and
42 two-thirds of the members elected (or appointed) and qualified to the
43 Senate shall be entered on the journals, together with the yeas and nays.

1 The secretary of state shall cause this resolution to be published as pro-
2 vided by law and shall cause the proposed amendment to be submitted
3 to the electors of the state at the general election in November in the
4 year 2010 unless a special election is called at a sooner date by concurrent
5 resolution of the legislature, in which case it shall be submitted to the
6 electors of the state at the special election.