

NEWSLETTERS



KANSAS LEGISLATIVE INSIGHTS NEWSLETTER | SEPTEMBER 2, 2021

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REDISTRICTING PRIMER

The Kansas Legislative Research Department (KLRD) has prepared an excellent overview of the redistricting/reapportionment process. We are sharing the introduction by the KLRD below as a refresher.

“Redistricting, or reapportionment, is the process by which state legislatures redraw political boundaries every 10 years following the decennial U.S. Census. The *United States Constitution* and federal statutes require a federal census to be conducted every 10 years, and also require that Congressional districts be reapportioned based on that census data. The *United States Constitution*, the *Kansas Constitution*, and federal and state law require that the federal congressional districts be reapportioned every decade based on the data from the federal census. Kansas constitution and state law also requires the reapportionment of the state senate districts, the state house of representative districts, and the school board districts in the state based on the census information.”

According to the state constitution, redistricting is to be completed in the second year after the federal census.

INSIDE THE REAPPORTIONMENT DATA

Often, legislative sessions come down to the numbers to balance the state budget and have an ending balance along with counting the necessary votes for passage. The politics of the 2022 session will focus on three additional numbers: 734,470 (ideal population size of a Congressional seat), 73,447 (ideal population of a state Senate seat), and 23,503 (ideal size of a Kansas House seat).

On Aug. 20, the first detailed 2020 U.S. Census numbers by legislative district were released. At first glance, 22 Kansas Senate districts have fewer than the ideal 73,477 population and 78 House districts are under the ideal district population of 23,503. In fairness, many districts are only 1-2% below the ideal population. Historically, the Kansas Supreme Court has ruled that a 2-3% variance below the ideal population is reasonable to keep communities together. If you want to review your legislative district numbers from the Kansas Legislative Research

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Department data, the link is <http://www.kslegresearch.org/KLRD-web/Redistricting.html>.

Three of the four Kansas Congressional districts show population declines from the 737,470 ideal size. Only Congressional District 3, comprised of Johnson, Miami, and Wyandotte counties, showed a population increase of 57,816 (7.87%). District 4 around Wichita showed only a slight decline of 2,656 (0.36%). The big 1st Congressional District covering all or part of 49 counties showed a decrease of 33,697 (4.59%). Congressional District 2 in eastern Kansas showed a decline of 21,463 (2.92%).

AUGUST INTERIM COMMITTEES

In addition to the Aug. 9-13 Joint House/Senate Redistricting Committee tour across Kansas, interim committees started meeting in earnest with discussions on a wide range of topics. The House Water Committee traveled to Garden City to discuss the Lakin Water Treatment Plant, Amazon Plume Ditch, water quality/water quantity, western Kansas aquifer issues, and funding issues.

The Alvin Sykes Cold Case DNA Task force created a subcommittee to start drafting a bill that increases the responsibility of prosecutors to examine state-held DNA of suspects in crimes to determine whether a suspect has been validly charged with a crime. The subcommittee has until Oct. 1 to draft a bill making the search of DNA evidence a requirement for filing or dismissing a case. The task force is named after the late Alvin Sykes, who used cold-case evidence that would be helpful in the defense of persons charged with a crime. The Task Force includes prosecutors, law enforcement, and four legislators. They have until Dec. 1, 2021 to complete their final recommendations for timely transfer of DNA hits related to solved and unsolved cases. Those eligible to receive DNA information include prosecutors, defense lawyers, crime victims, surviving relations, and organizations working for release of wrongfully convicted people.

The Joint Committee on Information Technology heard updates from all three branches of government on technology projects and upgrades. The Judicial branch confirmed withholding at least \$1.2 million from a Texas contractor developing an eCourt system to handle civil, criminal, traffic, juvenile, and family cases until ongoing problems are resolved. The standardized online system would bring law enforcement officers under an IT umbrella with court clerks, judges, and court service officers. The systems would also expand the public's online access to court information. There have been ongoing issues with access to the system by law enforcement.

On Aug. 30, the Legislative Post Audit Committee discussed audit reports on the \$1.1 billion STAR Bonds (Sales Tax and Revenue Bonds) program and unemployment insurance fraud. STAR Bonds are designed to promote economic development by boosting tourism and business activity in Kansas. STAR Bonds have been used to finance major commercial, entertainment, and tourism developments through sales tax revenue generated by the projects. Legislators are concerned that a majority of the 16 attractions financed are not meeting the Department of Commerce's goal of generating a significant percentage of their visitors from out of state. Only the Topeka Heartland Motorsports Park, Kansas Speedway, and the Hutchinson Underground Salt Museum met tourism goals. The audit concluded that local communities benefited from the projects but they were not generating the projected revenue from out-of-state tourists.

The Legislative Post Audit Committee continued its work on the audit of fraud in the Kansas Unemployment Insurance system. The first part of the audit was released in February and an estimated \$600 million in fraudulent claims were paid. On Monday, the Post Audit reported another \$100 million in fraudulent payments. The Kansas Department of Labor and the Division of Legislative Post Audit agree that roughly half of the \$700 million in fraudulent claims were paid with federal funds and the other by state funds. There is debate that some of the claims in question were legitimate.

Last month, the State Finance Council approved an \$11 million transfer of federal COVID-19 funds to the Department of Labor to meet its additional costs incurred during the pandemic in dealing with the record number of

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applications for unemployment insurance compensation, improving call-response time and preparing for updating unemployment record system.

The Liquor Law Modernization Committee started its deliberations with an overview of the state's three-tier liquor sales system.

ECONOMIC ACTIVITY

On Aug. 20, the Kansas Department of Labor released the seasonally adjusted unemployment rate of 3.8% in July. This was a slight increase from 3.7% in June. The KDOL says total nonfarm jobs increased by 6,000 from June. Most of the increase was in the manufacturing industry. Since July 2020, the Kansas seasonally adjusted total nonfarm jobs have increased by 36,300.

On Sept. 1, Edward Penner, senior economist at the Kansas Legislative Research Department, gave the Legislative Budget Committee an update on quarterly economic indicators. The Gross Domestic Product (GDP) declined by 32.4% in the United States and 32.2% in Kansas in the second quarter of 2020 as the pandemic and lockdowns led to recession, but the third quarter had a sharp bounce-back of 38.7% in the U.S. and 39.5% in Kansas. Penner reported that Kansas GDP showed steady growth at 6.7% in the final quarter of 2020 and 13.7% in the first quarter of 2021. The second-quarter Kansas data is not yet available but Kansas GDP growth over the past two years has consistently outperformed the national number.

This morning, the Kansas Department of Revenue released the Kansas August revenue numbers, which were \$629 million. This is \$113 million or 22% above the consensus estimate. These numbers provide positive signs that the Kansas economy continues to recover.

LEGISLATIVE TRANSITIONS

The Kansas Legislature is always in transition, with legislators resigning for job opportunities, health reasons, or death. Sadly, two legislators have passed this year. Sen. Bud Estes died in February and was replaced by former state representative Ron Ryckman, Sr., R-Meade. Rep. Ron Howard, R-Wichita, passed away in July. Republican Cyndi Howerton, Wichita, has been selected to replace Rep. Howard.

Rep. Elizabeth Bishop, D-Wichita, announced her retirement in May. Her successor is Chuck Schmidt, D-Wichita. Rep. Jennifer Day, D-Overland Park, resigned after moving out of her district and was replaced by Daniel Osman, D-Overland Park. Last November, Rep. Day narrowly defeated Republican Terry Frederick, R-Overland Park, by 62 votes. Frederick has already filed to run again in 2022.

Rep. Brett Parker, D-Overland Park, resigned in late August to pursue a job opportunity. Johnson County Democratic precinct committee men and women selected Heather Meyer, D-Overland Park, as his replacement. Several other legislators have legal entanglements which could spark additional resignations this fall.

Kansas Legislative Insights is a publication developed by the Governmental Relations & Public Policy Law practice group of Foulston Siefkin LLP. It is designed to inform business executives, human resources and governmental relations professionals, and general counsel about current developments occurring in current Kansas legislation. Published regularly during the Kansas legislative session, it focuses on issues involving healthcare, insurance, public finance, taxation, financial institutions, business & economic development, energy, real estate & construction, environmental, agribusiness, employment, and workers compensation. Bill summaries are by necessity brief, however, for additional information on any issue before the Kansas Legislature, contact Foulston Siefkin's Governmental Relations & Public Policy Law practice group leader, James P. Rankin at 785.233.3600 or jrankin@foulston.com. Learn more about the authors below:

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PRACTICE AREAS

- Government Affairs & Public Policy Law