

Journal of the Senate

TWENTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 14, 2002—2:30 p.m.

The Senate was called to order by President Dave Kerr.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,
Today's the day when cards and flowers
Come to loved ones everywhere,
And lots of chocolates are sent
By those who show they care.
But there are other ways to tell
Our love for one another;
"Buckle up" and "Don't drive fast"
Shows we care for others.
"Get some rest" and "Take your time"
Are ways which show our love;
And other words that we can say
Are "Watch your step" and "Wear your gloves".
But the love of God is stronger
Than any other way.
He can reconcile opponents
And make them stay that way!
God's love can cause the Jayhawks
To learn to love the Wildcats.
He can even make Republicans
Love the Democrats!
God's love can make the terrorists
Love Americans.
Help us, Lord, apply Your love
And stand amazed at what You've done!
I pray in the Name of Christ,
AMEN

GUESTS

Senator Lee rose on a point of personal privilege to introduce exchange student, Ilir Dauti, Prishtine, Kosvo.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were introduced and read by title:

SB 598, An act concerning civil procedure; relating to evidence; identity of informers; subpoenas; amending K.S.A. 22-3214 and 60-436 and K.S.A. 2001 Supp. 22-3212 and repealing the existing sections, by Committee on Judiciary.

SB 599, An act concerning crimes, criminal procedure and punishment; relating to conditions of release; sureties; amending K.S.A. 22-2806 and repealing the existing section, by Committee on Judiciary.

SB 600, An act concerning school finance; relating to the definition of pupil; amending K.S.A. 2001 Supp. 72-6407 and repealing the existing section, by Committee on Ways and Means.

SB 601, An act repealing K.S.A. 20-613a and 20-713; relating to courtrooms and supplies, by Committee on Ways and Means.

SB 602, An act concerning schools; relating to the special education for exceptional children act; amending K.S.A. 2001 Supp. 72-961, 72-962, 72-963, 72-966, 72-973, 72-983, 72-986, 72-987, 72-988, 72-990, 72-991 and 72-993 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 603, An act concerning prescription drug discounts and rebates, by Committee on Public Health and Welfare.

SB 604, An act making and concerning appropriations for the fiscal year ending June 30, 2003, for the department of health and environment; authorizing certain transfers and imposing certain restrictions and limitations, by Committee on Agriculture.

SENATE CONCURRENT RESOLUTION No. 1622—

By Committee on Agriculture

A CONCURRENT RESOLUTION urging the University of Kansas School of Law to establish an agriculture law teaching professorship and agriculture law clinic.

WHEREAS, The State of Kansas is one of the greatest agricultural producers in the entire world; and

WHEREAS, The agriculture industry and markets have become increasingly competitive, sophisticated and complicated in recent years; and

WHEREAS, The State of Kansas must be aggressive in meeting the demands of a rapidly developing competitive agriculture industry to maintain this state's premier status in agriculture; and

WHEREAS, Agriculture producers must have qualified professional legal advice on contract terms, obligations and responsibilities to meet the demands of the agriculture industry; and

WHEREAS, Agriculture producers must have qualified professional legal advice to develop innovative ways to add value to their products, secure premiums for increased performance and quality and develop unique production or marketing alliances; and

WHEREAS, The number of qualified legal professionals with the knowledge and expertise needed to meet these demands for agriculture must be developed by this state: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That we urge the University of Kansas School of Law to establish an agriculture law teaching professorship to attract and teach law students in this critically important area of law to this state; and

Be it further resolved: That we urge the University of Kansas School of Law to establish and maintain an agriculture law clinic to further develop and foster expertise and experience in agriculture law which would provide qualified law students and legal professionals to meet the legal needs of agriculture producers in this state; and

Be it further resolved: That the Secretary of State be directed to send an enrolled copy of this resolution to the Chancellor of the University of Kansas and the Dean of the University of Kansas School of Law.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to Committees as indicated:

Assessment and Taxation: **SB 581, SB 592.**

Commerce: **SB 593.**

Education: **SB 590, SB 591.**

Financial Institutions & Insurance: **SB 586, SB 587; HB 2694, HB 2695.**

Judiciary: **SB 580, SB 585, SB 594, SB 595, SB 596, SB 597.**
 Natural Resources: **HB 2680.**
 Public Health and Welfare: **SB 583, SB 584.**
 Transportation: **HB 2656, HB 2663.**
 Ways and Means: **SB 588, SB 589; SCR 1621.**

COMMUNICATIONS FROM STATE OFFICERS

STATE CHILD DEATH REVIEW BOARD

February 12, 2002

On behalf of the State Child Death Review Board (SCDRB), Carolyn Ward, Executive Director, submitted the Board's latest annual report.

DEPARTMENT OF ADMINISTRATION

Division of Accounts and Reports

February 13, 2002

Dale Brunton, Director, Division of Accounts and Reports, submitted a copy of the State of Kansas *Monthly Financial Perspective* for the month of January, 2002.

Enhanced monthly financial information is available on the internet under *Monthly Financial Perspective*. There is also a web-site available.

The President announced the above reports are on file in the office of the Secretary of the Senate and are available for review at any time.

MESSAGE FROM THE HOUSE

Announcing passage of **Substitute HB 2625.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Substitute HB 2625 was thereupon introduced and read by title.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

Sub SB 379, An act concerning state senate districts; providing for the reapportionment thereof; repealing K.S.A. 4-4,201 through 4-4,243, was considered on final action.

On roll call, the vote was: Yeas 21, Nays 19, Present and Passing 0, Absent or Not Voting 0.

Yeas: Barone, Brownlee, Clark, Downey, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jordan, Lee, Lyon, O'Connor, Pugh, Steineger, Taddiken, Tyson, Wagle.

Nays: Adkins, Allen, Barnett, Brungardt, Corbin, Donovan, Emler, Jackson, Jenkins, Kerr, Morris, Oleen, Praeger, Salmans, Schmidt, Schodorf, Teichman, Umbarger, Vratil.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote yes on **Sub SB 379.**

This map provides seven senate seats for Johnson County, which correctly reflects the population shifts which have occurred in Kansas over the past decade.—KARIN BROWNLEE

MR. PRESIDENT: As a member of the Reapportionment Committee, I know there was never an opportunity to meet as a group to draft a bi-partisan Senate redistricting map.

Even worse, every map the committee considered was presented the same day it was voted on, typically moments before. No reasonable person could say the original **Sub SB 379** was drafted through the "committee process". No reasonable person could say the bill was not drafted in secrecy.

Sub SB 379, in its current form, represents the opposite. Two dozen Senators from each party had input into both their districts and the map as a whole. Far from being drafted in secrecy, it was available to anyone who wanted a fair, bi-partisan map. The final product is the best map, maintaining the core of 39 districts in a better fashion than any other map while creating a new district in Johnson County.

This map is a shining example of bi-partisan cooperation. Rather than being derided, it should be applauded and accepted as a model for future bi-partisan cooperation. The Pres-

ident is correct-many difficult decisions lie before us. I hope they are solved in the same fair, bi-partisan manner in which this bill was passed.—ANTHONY HENSLEY

Senator Barone requests the record to show he concurs with the “Explanation of Vote” offered by Senator Hensley on **Sub SB 379**.

I vote NO on **Sub SB 379**. The amendment that was adopted on the floor of the Senate yesterday represented a poor example of legislating.

The map that was adopted is a map that was devised in secret outside the committee process. Over the past several months, the Joint Reapportionment Committee has held numerous hearings across Kansas seeking the input of our fellow citizens.

Yesterday’s action did nothing to represent the views of those citizens who played by the rules and sought to affect the map by participating in the committee process.

Unfortunately, damage has been done. The institution of the Senate was the stage of disappointing theatrics. The amendment was presented with a total disregard for the time and hard work of those who toiled in the trenches at the committee level.

I am appreciative of those who spent countless hours during the summer as they made serious and sincere efforts to craft a map that accurately reflects the shift of population from the rural areas of Kansas to the more urban areas.

It is my sincere hope that the process of blindsiding our colleagues with complex floor amendments does not continue into the future. Our colleagues deserve more respect as we deal with even more pressing issues.—DAVE KERR

Senators Salmans, Umbarger and Vratil request the record to show they concur with the “Explanation of Vote” offered by Senator Kerr on **Sub SB 379**.

MR. PRESIDENT: Upon closer scrutiny of this map, I find it to be an exploitation of the fairness issue I value. Districts, including my own, underwent wholesale changes known by only a few. Therefore, I vote NO on this measure as it has been built on principles broken.—LANA OLEEN

Senator Vratil requests the record to show he concurs with the “Explanation of Vote” offered by Senator Oleen on **Sub SB 379**.

SB 388, An act concerning insurance; relating to risk-based capital requirements; amending K.S.A. 2001 Supp. 40-2c01 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O’Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

SB 458, An act amending the vehicle dealers and manufacturers licensing act; relating to fees; disposition thereof; amending K.S.A. 8-2404 and 8-2418 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 30, Nays 10, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Brownlee, Brungardt, Clark, Corbin, Donovan, Emler, Gooch, Goodwin, Harrington, Jackson, Jenkins, Jordan, Kerr, Lyon, Morris, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Barone, Downey, Feleciano, Gilstrap, Haley, Hensley, Huelskamp, Lee, O’Connor, Steineger.

The bill passed, as amended.

SB 473, An act concerning state parks; changing the name of Toronto state park to Cross Timbers state park at Toronto Lake; amending K.S.A. 32-837 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelkamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

ORIGINAL MOTION

Having voted on the prevailing side, Senator Clark moved the Senate reconsider its action on **Sub SB 379** on Final Action. The motion failed.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 481** be passed.

Committee on **Judiciary** begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Governor:

Kansas Parole Board, Chairperson: K.S.A. 22-3707

Marilyn Scafe, term expires 01/15/2006

Board of Indigents' Defense Services: K.S.A. 22-4519

Ruth E. Graham, term expires 01/15/2005

David L. Herndon, term expires 01/15/2005

By the Attorney General:

Crime Victims Compensation Board: K.S.A. 74-7303

Louis J. Johnson, term expires 03/15/2006

Also, **SB 445** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Transportation** recommends **SB 507** be passed.

Also, **SB 505** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

SB 506 be amended on page 2, in line 15, following "K.S.A." by inserting "8-161, 8-161b,"; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

Sub SB 379, SB 458, SB 473 reported correctly engrossed February 14, 2002.

On motion of Senator Oleen the Senate adjourned until 9:00 a.m., Friday, February 15, 2002.

HELEN A. MORELAND, *Journal Clerk.*

PAT SAVILLE, *Secretary of Senate.*

