

Journal of the Senate

THIRTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 5, 2002—2:30 p.m.

The Senate was called to order by President Dave Kerr.

The roll was called with thirty-nine senators present.

Senator Corbin was excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

I am not God, but I am somebody.

I cannot do things God can do, but I can do something.

I cannot make law, but I can introduce a bill.

I cannot use my voice to create, but I can use it to persuade.

I cannot heal the sick, but I can pray for them.

I cannot feed 5000 like Jesus did, but I can share my lunch like the little boy did.

I cannot walk on water, but I can make a big splash.

I cannot raise the dead, but I can sure raise cane!

I cannot make wicked people good, but I can introduce them to the God who can.

I cannot do all that God can do, but I can do something.

Help me, O God, to do it!

I pray in the Name of Jesus.

AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 640. An act making and concerning appropriations for the fiscal years ending June 30, 2002, and June 30, 2003, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 75-2319 and K.S.A. 2001 Supp. 55-193, 79-2959, 79-2964, 79-3425i, 79-34,147 and 82a-953a and repealing the existing sections; also repealing section 100 of chapter 144 of the 2001 Session Laws of Kansas, by Committee on Ways and Means.

SB 641. An act making and concerning appropriations for the fiscal years ending June 30, 2002, and June 30, 2003, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Ways and Means.

CHANGE OF REFERENCE

The President withdrew **SB 411** from the Committee on Ways and Means, and returned the bill to the Calendar under the heading of General Orders.

MESSAGE FROM THE GOVERNOR

March 5, 2002

Message to the Senate of the State of Kansas:

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby veto Substitute for Senate Bill No. 379 for the following reasons:

Few of the basic tenets of our country are more precious than the right to vote. It is a right established in the United States Constitution, and further protected by the equal protection clause, which mandates the realignment of voting districts to ensure the constitutional right of one vote per person. In an effort to afford these rights due deference, the Kansas Senate established a procedure and rules to govern their decisions about redistricting. This process, which included almost one year of public hearings and input, was designed to provide an open discussion of the options available for protecting the interests of all Kansas citizens.

Substitute for Senate Bill 379 was not presented to any committee or afforded the opportunity for general public discussion and input. Many of the Senators impacted by the changes in this map, including some who voted for it, were not even provided a chance to look at the map, let alone study and comment on the maps implications to the voters of their respective Senate districts.

Lack of review has led to many concerns regarding the legality and fairness of this bill. For instance, a primary objective of redistricting is to maintain the core of existing districts. This is especially important since Senators do not run for reelection for two more years and will continue to serve current constituents during this time period. Every effort should be made to avoid splitting cities and current Senate districts. Even though consensus population figures establish that 13 of the State's existing Senate districts are within the legally allowed population deviation, the map passed by the Senate maintains only three of these districts. Further, the Senate bill splits at least 22 cities into different Senate districts. Clearly, this does not protect the core of existing districts. But more importantly, it negatively impacts the people of these districts and their ability to have a voice in the Senate.

Due to the lack of timely presentation of the bill in question, no effort was made to evaluate the impact of these actions. It is essential to the protection of Kansas' voters that communities have the opportunity to promote their common interest through the election process. Without hearings on the bill, individual citizens, and Senators representing their interests, were unable to raise concerns about the potential impact on their communities. Just as significantly, the committee wasn't afforded the opportunity to adequately analyze the bill in light of any special social, economic, cultural, racial and ethnic communities of interest or to evaluate the population deviations affecting issues facing these communities. The presentation of redistricting proposals to the designated committee, with an opportunity for public comment, was an essential part of ensuring the integrity of this process for the citizens of the State of Kansas.

I believe the courts would share my concerns regarding the vast changes made to the Johnson County districts. This is an exceptionally fast growing area of the State where communities of interest have been ignored. In one district, a significant number of constituents were separated from their current Senator for no apparent reason. Following the public hearings, Johnson County Senators jointly recommended a redistricting map designed to best accommodate consistent service to their constituents. The bill passed by the Senate ignored this recommendation and dramatically altered the Johnson County Senate districts.

Even though the southwest Shawnee County Senate district did not need a single modification to meet the constitutionally mandated population deviation figures, residential areas linked by common business, social and economic interest to the southwest part of the county were separated from their existing district and moved to a district largely controlled by those voters in northern Shawnee County. The northern Shawnee County district, especially North Topeka, will readily acknowledge its social and economic interest differs from that of the southwest part of the county. This Senate Bill alienates citizens from their traditional community of interest. The ripple effect of this modification caused yet another Shawnee County Senate district to change boundary lines when little or no change in the Senate district was necessary.

Some contend the Substitute Bill was necessary because the Senate Redistricting Committee did not attempt to address the concerns of rural communities. This is a puzzling observation since the bill passed out of committee and the bill passed by the Senate maintain the same number of districts in rural western Kansas. The only differences in the two proposals are which two incumbent Senators would reside in the same district and the percentage of their original district they retain.

Finally, I would discourage anyone from thinking this issue should be tied to the many other issues we face this session. I have repeatedly stated and will reiterate now . . . I will not negotiate or “trade” votes on this issue for any other issue this session. Unlike other bills crafted on the floor of a legislative house, the redistricting bill can not be “fixed” next session when unintended consequences are discovered. Due to its importance to the citizens of the State of Kansas for the next ten years, redistricting must be dealt with in a manner designed to serve the people of Kansas.

I appreciate the fact that the actions of the Senate may have been the result of the intense partisan nature of the procedure to-date. I would encourage both Republican and Democrats to reopen discussions with an eye toward avoiding polarizing any particular region or district. I am committed to working with Republicans and Democrats to create a redistricting bill that will address their concerns and mine.

Those who argue that the majority has spoken should remember that as Governor, I have a strong constitutional responsibility to protect all Kansas citizens, especially minority interests, and to ensure protection to those whose votes may be one or two short but whose principles do not fall short. Protection of the minority voice is a fundamental tenet of our system of government as is the principle of an open process. Reapportionment is too serious an issue to be resolved behind closed doors in the dark of the night.

Given the agreement between the House of Representatives and the Senate to pass the other chamber’s redistricting bill without alteration, there was no opportunity for public comment or review of this bill. Thus, my analysis of the bill provides the only independent review of the actions taken by the Senate. As Governor, my primary concern in redistricting is fairness to the citizens of Kansas. Substitute for Senate Bill 379, in both process and result, ignores this concern. Because, like all other Kansans, I was not provided the opportunity to review the map prior to passage, my only option to provide input in the process is through a veto.

BILL GRAVES
Governor

COMMUNICATIONS FROM STATE OFFICERS

KANSAS DEPARTMENT ON AGING

March 1, 2002

Connie Hubbell, Secretary of Aging, submitted the 2001 CARE annual report.

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

REPORT ON ENGROSSED BILLS

SB 409, SB 418, SB 430, SB 431, SB 433, SB 440, SB 447, SB 469, SB 481, SB 482, SB 504, SB 509, SB 548, SB 553, SB 564, SB 618, SB 619 reported correctly engrossed March 1, 2002.

SB 401, SB 419, SB 474, SB 475, SB 477, SB 487, SB 490, SB 501, SB 524, SB 546, SB 551, SB 565, SB 583, SB 586, SB 610, SB 624 reported correctly engrossed March 5, 2002.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Wednesday, March 6, 2002.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

