

Journal of the Senate

NINETEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 7, 2022, 2:30 p.m.

The Senate was called to order by Vice President Rick Wilborn.
The roll was called with 39 senators present.
Senator Holscher was excused.
Invocation by Reverend Cecil T. Washington:

Heavenly Father, as sturdy and strong as we like to think we are, and as determined as we are to reach our goals, we find ourselves troubled with deficiencies.

Our journey seems similar to the voyage of Paul and the 276 travelers with him in Acts 27. The ship that was carrying them had been broken to pieces by a storm; but You led them, that they were to hold on to the pieces. And You would use the broken pieces in helping them to complete their journey. In like manner Lord, You make up for the broken pieces in our lives. Personal and professional relationships have been broken. We're traveling on broken pieces.

As we get older, we can't do some of the things we used to. Why did I come in the kitchen? Was I going upstairs or did I just come down? We're traveling on broken pieces.

But just like Paul and those traveling with him, Lord, we can rely on You to help us through.

I'm praying this in the precious name of Jesus, Amen!

The Pledge of Allegiance was led by Vice President Wilborn.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **SB 438, SB 439.**

MESSAGES FROM THE GOVERNOR

The following message on **Sub SB 355**, AN ACT concerning reapportionment; relating to congressional districts; providing for the reapportionment thereof; repealing K.S.A. 2021 Supp. 4-137 and 4-143, was received and read.

MESSAGE FROM THE GOVERNOR REGARDING VETO OF SENATE BILL 355

The process of drawing districts each decade is the core to ensuring that all Kansans have the opportunity to participate in their government and have their voices heard. The

courts and the Legislature have established case law and criteria on how to draw Kansas districts fairly and constitutionally.

Those guidelines call for ensuring that districts are nearly equal to 734,470 in population as practicable while ensuring that plans have neither the purpose nor effect of diluting minority communities' voting strength. The guidelines call for protecting communities of interest, preserving the core of existing congressional districts, and ensuring that whole counties are in the same congressional district if possible. The Legislature's guidelines further state that "to a considerable degree most counties in Kansas are economic, social, and cultural units, or parts of a larger socioeconomic unit. These communities of interest should be considered during the creation of congressional districts."

SB 355, known as Ad Astra 2, does not follow these guidelines and provides no justification for deviation from those guidelines. Wyandotte County is carved into two separate congressional districts. Without explanation, this map shifts 46% of the Black population and 33% of the Hispanic population out of the third congressional district by dividing the Hispanic neighborhoods of Quindaro Bluffs, Bethel-Welborn, Strawberry Hill, Armourdale and others from Argentine, Turner and the rest of Kansas City, Kansas south of I-70. To replace lost population in the third district, this map adds in counties that are more rural to the south and west of the core of the Kansas City metropolitan area.

Ad Astra 2 also separates the city of Lawrence from Douglas County and inserts urban precincts of Lawrence into the largely rural Big First Congressional District, reducing the strength of communities of interest in Western Kansas and unnecessarily dividing communities of interest in Eastern Kansas.

Several alternatives would allow for the same deviation as Ad Astra 2 while protecting the core of the existing congressional districts and without diluting minority communities' voting strength. I am ready to work with the Legislature in a bipartisan fashion to pass a new congressional map that addresses the constitutional issues in **Senate Bill 355**. Together, we can come to a consensus and pass a compromise that empowers all people of Kansas.

For those reasons, under Article 2, Section 14(a) of the Constitution, I hereby veto **Senate Bill 355**.

Dated: February 3, 2022

By the Governor:

LAURA KELLY

ACTION ON VETO MESSAGE

President Masterson moved **Sub SB 355** be passed notwithstanding the Governor's veto.

Sub SB 355, AN ACT concerning reapportionment; relating to congressional districts; providing for the reapportionment thereof; repealing K.S.A. 2021 Supp. 4-137 and 4-143.

Upon the showing of five hands, a Call of the Senate was requested. On roll call, the vote was: Yeas 24; Nays 15; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Erickson, Fagg,

Gossage, Hilderbrand, Kerschen, Kloos, Longbine, McGinn, O'Shea, Olson, Peck, Petersen, Ryckman, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Masterson, Pettey, Pittman, Pyle, Steffen, Straub, Sykes, Ware.

Absent or Not Voting: Holscher.

Failing to achieve the necessary two-thirds constitutional majority, the Governor's veto was sustained.

The Call was lifted.

Senator Alley moved the Senate adjourn.

Upon the showing of five hands, a roll call vote was requested.

On roll call, the vote was: Yeas 26; Nays 13; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Billinger, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Gossage, Hilderbrand, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Ryckman, Suellentrop, Thompson, Tyson, Warren, Wilborn.

Nays: Corson, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Pettey, Pittman, Pyle, Steffen, Straub, Sykes, Ware.

Absent or Not Voting: Holscher.

EXPLANATION OF VOTE

Mr. Vice President: There were two senators standing and wishing to be recognized on the veto override. Instead, there was a motion to adjourn. A casual Senate spectator knows that traditionally, standing senators are given the opportunity to speak, except, of course, when the majority party is playing games. Legislative leadership has failed Kansans today by stopping the conversation on this, and I am appalled.—DINAH SYKES

The Senate adjourned until 2:30 p.m., Tuesday, February 8, 2022.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

