

Journal of the Senate

NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, January 19, 2001—9:30 a.m.

The Senate was called to order by Vice-President Sandy Praeger.

The roll was called with thirty-five senators present.

Senators Feleciano, Harrington, Jordan, Kerr and Wagle were excused.

Vice-President Praeger introduced as guest Chaplain, Rev. Dr. Jack Singer, Chaplain, Larned State Hospital, Larned, Kansas, who delivered the invocation:

The fear of the Lord is clear, enduring forever. The judgments of the Lord are true and righteous altogether. More to be desired are they than gold, yea, than much fine gold, (Psalm 19:9-10) sweeter than honey, and in keeping them is great reward.

All-wise God, you made us all and put your spirit into us that we might seek after you.

We began this day acknowledging your truth and mighty power. As the sun courses the sky and nothing is hid from it, so you take note of our days and labors. We pray your grace to guard and guide us.

Be wisdom for these men and women as they deliberate and fashion justice and righteousness from conflicting demands and limited resources.

For how can they do this work we have sent them here to do unless you guide and enlighten them. Walk with them as they go in and out before you.

On this morning we hold up before you all men and women who bring good news to those in crisis and need irrespective of their station or creed or strength. Bless chaplains and other servants whose calling is to promote healing and hope by drawing attention to you, the source of all wisdom, all hope and all help.

Amen

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

SB 68. An act relating to property taxation; concerning the exemption of residential property from school levies; amending K.S.A. 2000 Supp. 79-201x and repealing the existing section, by Committee on Assessment and Taxation.

SB 69. An act reauthorizing the school district property tax levy; amending K.S.A. 2000 Supp. 72-6431 and repealing the existing section, by Committee on Assessment and Taxation.

SB 70. An act concerning mortgages on real property; relating to the entry of satisfaction thereof; amending K.S.A. 2000 Supp. 58-2309a and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 71. An act concerning the state capitol area; relating to memorials; prescribing certain powers, duties, functions, guidelines and procedures; memorial for Kansas firefighters and advisory committee, by Senator Adkins.

SB 72. An act relating to motor vehicles; concerning farm trucks or truck tractors; defining farm custom operations; amending K.S.A. 2000 Supp. 8-126, 8-142 and 8-143 and repealing the existing sections, by Committee on Transportation.

SB 73. An act relating to vehicle registration; concerning certain farm trailers; amending K.S.A. 2000 Supp. 8-128 and 8-143 and repealing the existing sections, by Committee on Transportation.

SB 74. An act concerning certain law enforcement officers of the state and certain political subdivisions thereof; concerning Native American Indian tribal law enforcement officers, by Joint Committee on State-Tribal Relations.

SB 75. An act concerning the joint committee on state-tribal relations; amending K.S.A. 46-2303 and repealing the existing section, by Joint Committee on State-Tribal Relations.

SB 76. An act concerning state and tribal relations; relating to agreements between the state and native American Indian tribes; amending K.S.A. 46-2302 and 46-2303 and repealing the existing sections, by Joint Committee on State-Tribal Relations.

SB 77. An act concerning school district finance; revising and effecting definitions; affecting determination of program weighting; amending K.S.A. 72-6413 and K.S.A. 2000 Supp. 72-6407 and repealing the existing sections; also repealing K.S.A. 2000 Supp. 72-978, 72-979 and 72-983, by Committee on Education.

SB 78. An act concerning school district finance; relating to the contingency reserve fund; amending K.S.A. 2000 Supp. 72-6426 and repealing the existing section, by Committee on Education.

SB 79. An act concerning school district finance; revising the definition of at-risk pupils; amending K.S.A. 2000 Supp. 72-6407 and repealing the existing section, by Committee on Education.

SB 80. An act concerning school district finance; increasing base state aid per pupil; amending K.S.A. 2000 Supp. 72-6410 and repealing the existing section, by Committee on Education.

SB 81. An act concerning school districts; providing for capital outlay state aid, by Committee on Education.

SB 82. An act concerning school district finance; increasing at-risk pupil weighting; amending K.S.A. 2000 Supp. 72-6414 and repealing the existing section, by Committee on Education.

SENATE CONCURRENT RESOLUTION No. 1604—

By Committee on Judiciary

A PROPOSITION to amend sections 6 and 7 of article 3 of the constitution of the state of Kansas, relating to nonpartisan selection of district judges and the creation of commission for evaluating judicial performance.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Sections 6 and 7 of article 3 of the constitution of the state of Kansas are hereby amended to read as follows:

§ 6. District courts. (a) The state shall be divided into judicial districts as provided by law. Each judicial district shall have at least one district judge. The term of office of each judge of the district court shall be four years. District court shall be held at such times and places as may be provided by law. ~~The district judges shall be elected by the electors of the respective judicial districts unless the electors of a judicial district have adopted and not subsequently rejected a method of nonpartisan selection. The legislature shall provide a method of for the nonpartisan selection appointment of district judges and for the manner of submission and resubmission thereof to the electors of a judicial district. A nonpartisan method of selection of district judges may be adopted, and once adopted may be rejected, only by a majority of electors of a judicial district voting on the question at an election in which the proposition is submitted. in which retention elections are held for such district judges.~~ Whenever a vacancy occurs in the office of district judge, it shall be filled by ~~ap-
pointment by the governor until the next general election that occurs more than~~

~~thirty days after such vacancy, or as may be provided by such nonpartisan method of selection appointment.~~

- (b) The district courts shall have such jurisdiction in their respective districts as may be provided by law.
- (c) The legislature shall provide for clerks of the district courts.
- (d) Provision may be made by law for judges pro tem of the district court.
- (e) The supreme court or any justice thereof shall have the power to assign judges of district courts temporarily to other districts.
- (f) The supreme court may assign a district judge to serve temporarily on the supreme court.

“§ 7. Qualifications of justices and judges; uniform statewide evaluation of appellate and district court judges. Justices of the supreme court and judges of the district courts shall be at least thirty years of age and shall be duly authorized by the supreme court of Kansas to practice law in the courts of this state and shall possess such other qualifications as may be prescribed by law. *A commission for evaluating judicial performance shall be established, with lawyer and nonlawyer members appointed in equal numbers by the governor and the supreme court, with such terms as shall be prescribed by the legislature. The governor shall appoint one of the members to serve as chairman. The commission shall establish a written uniform statewide plan for evaluating the performance of all appellate and district court judges. It shall adopt rules providing for the dissemination of information to the public on the performance of an appellate or district judge prior to such judge’s retention election. The public shall be afforded a full and fair opportunity for participation in the evaluation process and the commission by its rules shall establish such procedures as it deems advisable for surveying the opinions of persons who have knowledge of the judge’s performance, and for establishing local judicial evaluation committees to assist it.*”

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

“Explanatory statement. The purpose of this amendment is to provide for the nonpartisan appointment of all district judges. It removes the existing provision relating to election of district judges and authorizes the legislature to provide for the manner in which retention elections are held for those judges. The proposition establishes a commission for evaluating judicial performance and requires the commission to adopt rules for evaluating the performance of judges and assuring that the public is afforded an opportunity to participate in the evaluation process.

“A vote for this proposition would eliminate the election of district judges and provide for the nonpartisan appointment of all district judges and retention elections for those judges. A commission for evaluating judicial performance would be established and it would adopt a uniform statewide plan to evaluate the performance of all appellate and district court judges and rules assuring participation by the public in the evaluation process.

“A vote against this proposition would continue in effect the current law which provides for the election of district judges, except where a nonpartisan selection of district judges has been adopted, and which does not provide for a commission for evaluating judicial performance.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2002 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 59, SB 60, SB 61.**

Assessment and Taxation: **SB 51 (separately).**

Elections and Local Government: **SB 62, SB 63.**

Financial Institutions & Insurance: **SB 58.**

Judiciary: **SB 66, SB 67.**

Public Health and Welfare: **SB 64.**

Transportation: **SB 53, SB 54, SB 55, SB 56.**

Utilities: **SB 51 (separately).**

Ways and Means: **SB 52, SB 57, SB 65.**

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Salmans introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1805—

A RESOLUTION congratulating and commending Chaplain Singer.

WHEREAS, The Kansas Association of Chaplains exists to uplift, support and advocate the ministry of pastoral care in specialized settings; and

WHEREAS, Chaplains are essential to the mission of hospitals, prisons, care homes and other facilities of the state of Kansas; and

WHEREAS, The function of chaplains is recognized and supported by private and for-profit institutions; and

WHEREAS, Excellence in chaplaincy is recognized by the Kansas Association of Chaplains by the yearly designation of one of its members as Chaplain of the Year; and

WHEREAS, The Rev. Dr. Jack Singer, Chaplain at the Larned State Hospital, has been designated the Chaplain of the Year for the year 2000: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Chaplain Singer upon being selected as the Kansas Association of Chaplains' Chaplain of the Year and recognize and commend the Kansas Association of Chaplains for their efforts to promote educated and competent chaplaincies in the public and private sectors of the state of Kansas; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to the Rev. Dr. Jack Singer, Chaplain, Larned State Hospital, RR3, Box 89, Larned, KS 67550-9365.

On emergency motion of Senator Salmans **SR 1805** was adopted unanimously.

Rev. Dr. Singer, guest chaplain, was introduced by Senator Salmans and welcomed.

REPORTS OF STANDING COMMITTEES

Committee on Organization, Calendar and Rules begs leave to submit the following report concerning committee membership of the 2001 regular session:

Agriculture: Schmidt, Chairperson; Huelskamp, Vice Chairperson; Corbin, Morris, Taddiken, Tyson, Umbarger, Downey, Ranking Minority; Lee.

Assessment and Taxation: Corbin, Chairperson; Jenkins, Vice Chairperson; Allen, Clark, Donovan, Praeger, Pugh, Taddiken, Lee, Ranking Minority; Goodwin, Haley.

Commerce: Brownlee, Chairperson; Jordan, Vice Chairperson; Brungardt, Emler, Jenkins, Kerr, Wagle, Barone, Ranking Minority; Steineger.

Confirmation Oversight: Oleen, Chairperson; Hensley, Vice Chairperson; Donovan, Goodwin, Jordan, Praeger.

Education: Umbarger, Chairperson; Vratil, Vice Chairperson; Corbin, Emler, Jenkins, Oleen, Schodorf, Teichman, Downey, Ranking Minority; Hensley, Lee.

Elections and Local Government: Allen, Chairperson; O'Connor, Vice Chairperson; Brownlee, Clark, Huelskamp, Jackson, Schmidt, Gilstrap, Ranking Minority; Gooch.

Federal and State Affairs: Harrington, Chairperson; Brungardt, Vice Chairperson; Barnett, Lyon, O'Connor, Teichman, Vratil, Gooch, Ranking Minority; Gilstrap.

Financial Institutions and Insurance: Praeger, Chairperson; Teichman, Vice Chairperson; Allen, Barnett, Brungardt, Corbin, Salmans. Feleciano, Ranking Minority; Steineger.

Interstate Cooperation: Kerr, Chairperson; Donovan, Feleciano, Hensley, Oleen, Praeger, Umbarger.

Judiciary: Vratil, Chairperson; Pugh, Vice Chairperson; Adkins, Donovan, O'Connor, Oleen, Schmidt, Umbarger. Goodwin, Ranking Minority; Gilstrap, Haley.

Natural Resources: Tyson, Chairperson; Taddiken, Vice Chairperson; Corbin, Huelskamp, Oleen, Schmidt, Umbarger. Lee, Ranking Minority; Downey.

Organization, Calendar and Rules: Kerr, Chairperson; Oleen, Vice Chairperson; Clark, Corbin, Jordan, Morris, Praeger, Umbarger, Vratil.

Public Health and Welfare: Wagle, Chairperson; Barnett, Vice Chairperson; Brungardt, Harrington, Jordan, Praeger, Salmans. Haley, Ranking Minority; Steineger.

Reapportionment: Adkins, Chairperson; Pugh, Vice Chairperson; Allen, Corbin, Huelskamp, Jenkins, Schmidt, Teichman. Hensley, Ranking Minority; Haley, Lee.

Transportation: Donovan, Chairperson; Salmans, Vice Chairperson; Harrington, Jackson, Lyon, Pugh, Schodorf. Gooch, Ranking Minority; Goodwin.

Utilities: Clark, Chairperson; Emler, Vice Chairperson; Brownlee, Lyon, Taddiken, Tyson, Wagle. Barone, Ranking Minority; Lee.

Ways and Means: Morris, Chairperson; Adkins, Vice Chairperson; Huelskamp, Jackson, Jordan, Kerr, Salmans, Schodorf. Feleciano, Ranking Minority; Barone, Downey.

JOINT COMMITTEES OF THE SENATE AND HOUSE

Administrative Rules and Regulations: Umbarger, Vice Chairperson; Brownlee, Clark, Gooch, Steineger.

Arts and Cultural Resources: Schodorf, Vice Chairperson; Donovan, Feleciano, Praeger, Steineger.

Special Claims Against the State: Pugh, Chairperson; Emler, Gilstrap, Jackson, Tyson.

ADDITIONAL COMMITTEE ASSIGNMENTS

Other committee assignments made by the Senate President, Senate Minority Leader or Ways and Means Chairperson:

Corrections & Juvenile Justice: Adkins, Brungardt, Goodwin, Haley, Harrington, O'Connor, Oleen.

Economic Development: Jordan, Vice Chairperson; Barone, Brownlee, Gooch, Jenkins.

Health Care Reform Legislative Oversight: Lee, Vice Chairperson; Barnett, Haley, Praeger, Salmans, Steineger.

Information Technology: Emler, Feleciano, Huelskamp, Salmans, Steineger.

Legislative Post Audit: Hensley, Jenkins, Kerr, Schmidt, Steineger.

Pensions, Investments and Benefits: Kerr, Vice Chairperson; Barone, Hensley, Morris, Teichman.

SRS Transition Oversight: Morris, Chairperson; Feleciano, Praeger, Salmans, Steineger, Wagle.

State Building Construction: Barone, Goodwin, Jordan, Lyon, Morris.

State-Tribal Relations: Gilstrap, Haley, Harrington, Oleen, Vratil.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Monday, January 22, 2001.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

