

Journal of the Senate

TWENTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 21, 2003—12:00 Noon

The Senate was called to order by President Dave Kerr.

The roll was called with thirty-one senators present.

Senators Allen, Brungardt, Buhler, Corbin, Downey, O'Connor, Pugh, Steineger and Umbarger were excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Tomorrow is the birthday anniversary of George Washington. His most significant accomplishments were overseeing the formation of the United States constitution (which may be the most enduring federal constitution of all time) and serving as the first president of our country. But there were other accomplishments which should not be forgotten.

No man we know is perfect,
Including Washington;
But we need to thank You, Lord
For the good things he has done.

He gave his soldiers Chaplains,
And attendance was required
At every worship service
Which he specified.

Soldiers could not gamble
Nor get drunk or curse;
And if they disobeyed, O God,
Things would get much worse!

He encouraged fasting,
Thanksgiving and also prayers;
And the soldiers who refused
No doubt were very rare.

He added, "So help me, God!"
To the inaugural oath,
No doubt hoping it would help
Each president's spiritual growth.

Tomorrow being his birthday, Lord,
Once more we pay respect
To the Father of our Country,
Whom we should not neglect.

I pray this in the Name of Christ,

AMEN

PRESENTATION OF PETITIONS

The following petition was presented, read and filed:

SP 3, by Senator Lana Oleen: A petition opposing any reinstatement of any taxes on Bingo and to ask representatives of our state government to take care of the veterans who fought for our country's freedom, signed by Dennis D. Scott and 53 other veterans of the Armed Forces of the United States.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **HB 2179**.

Judiciary: **SB 243; HB 2017**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2032, HB 2034, HB 2068; Substitute HB 2073; HB 2100, HB 2113, HB 2207**.

Adoption of **HCR 5008**.

Also, passage of **SB 16, as amended**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2032, HB 2034, HB 2068; Substitute HB 2073; HB 2100, HB 2113, HB 2207; HCR 5008 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1818—

A RESOLUTION congratulating and commending Oneda Grimes.

WHEREAS, Oneda Grimes, of Garnett, has constructed a beautiful, unique quilt which she has named "Old Glory". This large quilt, which measures 95 by 80 inches, displays the state flags of the 50 states in order of admission to the union. She obtained descriptive information from each of the states to verify the colors and authenticity of her work, which took her three years and three months to complete; and

WHEREAS, Oneda Grimes' quilt, "Old Glory", will be on display in the state capitol rotunda area from February 17 to 28; everyone is encouraged to view this work of art celebrating our national heritage. Previously the quilt was on display at the Coffey County Historical Museum in Burlington and at the Watkins Museum in Lawrence, and she was invited to display the quilt at the American Cancer Society's Relay for Life event in Washington, D.C.; and

WHEREAS, Oneda Grimes has been diagnosed with breast cancer and advised to cease quilting but she intends to continue quilting by using a quilting machine: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Oneda Grimes for her dedication and perseverance in completing her masterpiece quilt, "Old Glory", and in sharing it with us in the state capitol; we also wish her good health as she continues with her quilting; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Mrs. Oneda Grimes, 215 W. 12th Avenue, Garnett, KS 66032.

On emergency motion of Senator Barnett **SR 1818** was adopted unanimously

President Kerr introduced and complimented Oneda on her three year tireless effort to complete the quilt. Accompanying Oneda were Ronnie Grimes and Brandy Vernon.

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

SENATE RESOLUTION No. 1819—

A RESOLUTION congratulating and commending Edward E. Hirschler.

WHEREAS, Ed Hirschler, of Hanston, will be 103 years old on March 11, 2003. Born in

the Cherokee Outlet, he moved to Hanston in 1915 where he has lived ever since, excepting an absence of eight years, six of which he lived in Dodge City and two of which he lived in Kinsley; and

WHEREAS, During his life Ed Hirschler has been a farmer, school teacher and faithful husband and has gained "living legend" status among Hanston residents, most of whom affectionately refer to him as "Uncle Ed". He has been a faithful member of the Hanston Mennonite Church, where his father was one of the first pastors; and

WHEREAS, Ed Hirschler was married to Elsie Miller for almost 65 years; she died in 1995. Together they raised two foster sons and one foster daughter. He has been blessed with literally hundreds of nieces and nephews, great nieces and nephews and great-great nieces and nephews; and

WHEREAS, Ed Hirschler graduated from Jetmore High School in 1924, after which he attended Fort Hays State University, majoring in English with a minor in History. He later returned to Fort Hays State University where he earned a master's degree in English in 1936; and

WHEREAS, Ed Hirschler taught school for 35 years before retiring to farm. He farmed for several years before a weak heart made him give it up. In retirement Elsie taught him how to crochet; subsequently he crocheted an afghan for nearly every member of the family and sold many to help support relief work: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Edward E. Hirschler upon completion of 103 years on this earth and wish him many happy more; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Mr. Edward E. Hirschler, Hanston, KS 67849.

On emergency motion of Senator Salmans **SR 1819** was adopted unanimously.

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

SENATE RESOLUTION No. 1820—

A RESOLUTION congratulating and commending the Olathe North High School football team and Coach Gene Wier for winning the 2002 Class 6A State Football Championship.

WHEREAS, The Olathe North High School football team won the 2002 Kansas State High School Activities Association Class 6A State Football Championship with a thrilling 41 - 12 victory over Derby High School in the state championship game at Memorial Stadium in Lawrence on November 30, 2002; and

WHEREAS, The Olathe North High School "Eagles" football team finished the season with a record of 13 wins and 0 losses. This was the third consecutive year and the sixth time in the past seven years that the team has been Class 6A Champions. The Olathe North High School football team has a record of 38 consecutive wins which is the longest in Class 6A. Since the creation of Olathe North High School in 1981 the team has never had a losing season; they have won 191 games and lost 36 games, won 14 league titles and 12 district titles and had undefeated seasons in 1996, 1997, 2000, 2001 and 2002; and

WHEREAS, Olathe North High School head football coach, Gene Wier, was named the 2002 Student Sports National Coach of the Year. Coach Wier has been the head football coach for Olathe North High School since the creation of the school in 1981--a record of longevity and success which any coach of athletics would love to possess; and

WHEREAS, The members of this outstanding football team have received statewide recognition for their fine sportsmanship and athletic abilities; and

WHEREAS, Jim Bouknight, with his outstanding skills as a running back, won the Simone Award, which was the third year in a row for an Olathe North football player to receive this award; and

WHEREAS, The success of this team was due to its excellent teamwork, strong competitive spirit and determination to win. The team also had the enthusiastic support of the school's administrators, the faculty, the students, the players' parents and many area citizens: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Olathe North High School football team and Coach Gene Wier be congratulated and commended for winning the 2002

Kansas State High School Activities Association Class 6A State Football Championship and that Coach Gene Wier be congratulated and commended for being named the 2002 Student Sports National Coach of the Year; and

Be it further resolved: That the Secretary of the Senate be directed to send five enrolled copies of this resolution to Dr. Larry Andersen, Principal, Olathe North High School, 600 E. Prairie, Olathe, KS 66061-3397.

On emergency motion of Senator Brownlee **SR 1820** was adopted unanimously.

President Kerr and members of the senate welcomed Dr. Larry Andersen, Principal, Olathe North High School; Coach Gene Wier and team players Aaron Hicks and C.J. Hoge.

REPORTS OF STANDING COMMITTEES

Committee on **Utilities** recommends **SB 104** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 104," as follows:

"Substitute for SENATE BILL NO. 104

By Committee on Utilities

"AN ACT relating to public utilities; concerning prior determination of rate-making principles and treatment by the corporation commission."; and the substitute bill be passed.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Monday, February 24, 2003.

HELEN MORELAND, CAROL PARRETT, BRENDA KLING, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

