

# Journal of the Senate

FORTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS  
Friday, March 12, 2004—10:00 a.m.

The Senate was called to order by President Dave Kerr.  
The roll was called with thirty-five senators present.  
Senators Adkins, Barnett, Brungardt, Corbin and Wagle were excused.  
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Not everyone realizes that when we have a need You can meet it better than anyone.

When we are sad, You can cheer us up.

When we are tired, You can revive us.

When we are angry, You can calm us.

When we are discouraged, You can encourage us.

When we are disillusioned, You can reassure us.

When we are afraid, You come alongside us.

When we are nervous, You can give us peace.

When we are frustrated, You can help us understand.

When we are in pain, You can ease the pain.

When we have been hurt, You can soothe us.

When we've been betrayed, You have been there.

When we begin to doubt, You can increase our faith.

When we grieve, You can comfort us.

There is a hymn that says, "Take your burden to the Lord, and leave it there."

Dear Lord, don't let us forget to whom to go when we have a need,

I pray in the Name of Christ,

AMEN

## PRESENTATION OF PETITIONS

The following petition was presented, read and filed:

**SP 13**, by Senator Dave Kerr: A petition requesting support of SB 499, which authorizes video lottery in organizations, such as, Veterans of Foreign Wars, American Legion and Fraternal Organizations, signed by Bernard Halloran and 125 others of Topeka, Kansas.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **Sub HB 2420**.

Judiciary: **HB 2568**.

Ways and Means: **SB 560; HB 2569, HB 2673, HB 2706, HB 2886**.

**CHANGE OF REFERENCE**

The President withdrew **HB 2781** from the Calendar under the heading of General Orders and rereferred the bill to the Committee on Financial Institutions and Insurance.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Buhler and Lyon introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1827—

A RESOLUTION congratulating and commending the Lawrence Free State High School boys swimming and diving team.

WHEREAS, The Lawrence Free State High School won its first state title in any sport since opening in 1997 by winning the boys swimming and diving championship February 21 at the Kansas State University natatorium; and

WHEREAS, The team won the meet with a total of 251 points which included two individual firsts and two relay wins. Alex Brunfeldt won the 500 freestyle with a record time of 4:35.02; Anthony Portela won the 100 butterfly in 52.67; the team won the 200 medley relay in 1:40.46 and the 400 freestyle relay in 3:16.83, a new school record. The members of the 200 medley relay were Chris Wolff, Anthony Portela, Chris Sellon and Chase Torgerson. The members of the 400 freestyle relay were Chris Wolff, Chris Sellon, Anthony Portela and Alex Brunfeldt; and

WHEREAS, The members of the team were Alex Brunfeldt, Senior Captain; Chris Wolff, Senior Captain; Will Hecht, Senior Captain; Andy Frye, Senior; Bret Robinson, Senior; Derek Nye, Senior; Anthony Portela, Junior; Nathan Schriener, Junior; Chris Sellon, Junior; Spencer Flannigan, Sophomore; and Chase Torgerson, Freshman; and the Coach was Annette McDonald; and

WHEREAS, The team was given a police escort from the city limits to the school, was recognized at the school's basketball game February 21 and honored at a pep assembly at school February 25: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the Lawrence Free State High School boys swimming and diving team for winning the 2004 state championship and giving this new school recognition for championship achievement; and

*Be it further resolved:* That the Secretary of the Senate provide five enrolled copies of this resolution to Dr. Joe Snyder, Principal, Lawrence Free State High School, 4700 Overland Drive, Lawrence, KS 66049-4130.

On emergency motion of Senator Buhler **SR 1827** was adopted unanimously.

Senators Buhler and Lyon, along with members of the Senate, congratulated the team members with a standing ovation on their winning the state title. Team members introduced were Alex Brunfeldt, Senior Captain; Chris Wolff, Senior Captain; Will Hecht, Senior Captain; Andy Frye, Senior; Bret Robinson, Senior; Derek Nye, Senior; Anthony Portela, Junior; Nathan Schriener, Junior; Chris Sellon, Junior; Spencer Flannigan, Sophomore; and Chase Torgerson, Freshman.

Accompanying the team members were Annette McDonald, Coach; Kent McDonald, Assistant Coach; Steve Grant, Athletic Director and Dr. Joe Snyder, Principal.

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

SENATE RESOLUTION No. 1828—

A RESOLUTION honoring Harry Whistler.

WHEREAS, Harry Whistler, 97, of Independence has been honored by the Cherryvale Elks Lodge and VFW Post 1186 of Independence as Kansas' oldest known living veteran of World War II; and

WHEREAS, Mr. Whistler, a native of Elk City, was working at the Sinclair Pipe Line Company in Independence when he enlisted in the United States Navy at age 36. He served on active duty from October 22, 1942, until honorably discharged just before his 39th birthday on September 7, 1945; and

WHEREAS, For an unknown reason, Mr. Whistler had been in the navy a year before being sent to boot camp. After completing boot camp he was shipped to Eniwetok, a small island in the Marshall Islands, only 10 days after it was captured from the Japanese. There he spent a year as a communication specialist handling messages for the fleet. Subsequently, he returned to the United States where he was assigned to a new ship, the USS Carpellotti, and was on the ship in Guantanamo Bay, Cuba, when the war ended; and

WHEREAS, After the war he returned to his job at the pipeline, which later became the Arco Pipe Line, at the time of his retirement in 1971. He was married to his wife, Mae, for 68 years before her death two years ago. Mr. Whistler remains active in veterans and Elk affairs; he helps gather items for the Veterans Hospital in Wichita and rarely misses a meeting at the local lodge: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we honor Harry Whistler as the oldest known Kansas Elks Lodge and VFW veteran of World War II and wish him a continued life of activity and service; and

*Be it further resolved:* That the Secretary of the Senate provide an enrolled copy of this resolution to Harry Whistler, 1400 N. 10th Street, Independence, KS 67301.

On emergency motion of Senator Schmidt **SR 1828** was adopted unanimously.

Senator Schmidt and members of the Senate congratulated Harry Whistler as Kansas' oldest known living veteran of World War II, with a standing ovation.

Accompanying Harry were son, Alan Whistler; sister, Gladys and her husband John Fieman; niece, Nancy Bynum; nephew, Randy Whistler, his wife Sherry and daughter Megan; friends Bob and Jeanette Bennett, Lee Cain and Veteran Service Officer, Dan Dollison.

#### REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 395** be amended on page 1, in line 40, before the semicolon by inserting “, except that, with respect to a redevelopment district established prior to January 1, 2003, for which, prior to January 1, 2003, the secretary of commerce made a finding as provided in this subsection that a redevelopment project would create a major tourism area for the state, such special obligation bonds shall be payable both as to principal and interest, from a pledge of a portion or all of the revenue from transient guest, sales and use taxes collected pursuant to K.S.A. 12-1696 et seq., 79-3601 et seq., 79-3701 et seq. and 12-187 et seq., and amendments thereto, from taxpayers as provided in this subsection whether or not revenues from such taxes are received by the city”; and the bill be passed as amended.

Committee on **Natural Resources** recommends **HB 2621** be passed.

#### REPORT ON ENROLLED BILLS

**SB 323**, **SB 352** reported correctly enrolled, properly signed and presented to the governor on March 12, 2004.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Monday, March 15, 2004.

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

PAT SAVILLE, *Secretary of the Senate.*

