

MINUTES OF THE HOUSE APPROPRIATIONS COMMITTEE

The meeting was called to order by Chairman Melvin Neufeld at 9:00 A.M. on March 17, 2005 in Room 514-S of the Capitol.

All members were present except:

Representative Flower- excused
Representative Light- excused

Committee staff present:

Alan Conroy, Legislative Research Department
J. G. Scott, Legislative Research Department
Amy VanHouse, Legislative Research Department
Reagan Cussimano, Legislative Research Department
Debra Hollon, Legislative Research Department
Susan Kannarr, Legislative Research Department
Matt Spurgin, Legislative Research Department
Robert Waller, Legislative Research Department
Jim Wilson, Revisor of Statutes
Mike Corrigan, Revisor of Statutes
Nikki Feuerborn, Administrative Analyst
Shirley Jepson, Committee Secretary

Conferees appearing before the committee:

Representative Dennis McKinney
Representative Ray Merrick
George Chandler, World War II Veteran from Pratt
Jim Bertoglio, World War II Veteran from Medicine Lodge
Jennie Chin, Executive Director of Kansas State Historical Society
Robert R. Ulin, Colonel, US Army-Retired
Tom Farr, District Commander of NE Kansas Dist #1, VFW

Others attending:

See attached list.

- Attachment 1 Fiscal Note on **HB 2338**
- Attachment 2 Testimony on **HB 2338** by Representative McKinney
- Attachment 3 Testimony on **HB 2338** by Jim Bertoglio
- Attachment 4 Testimony on **HB 2338** by Jennie Chinn
- Attachment 5 Testimony on **HB 2338** by Robert R. Ulin
- Attachment 6 Written testimony on **HB 2338** by Charles M. Yunker, Office of the Adjutant, The American Legion
- Attachment 7 Written testimony on **HB 2338** by Carl Fyler, Commander, American Ex-POW, Kansas Chapter
- Attachment 8 Written testimony on **HB 2338** by Vince Milum, Chairman of the Cold War Veterans Association
- Attachment 9 Budget Committee Report on **HB 2301**
- Attachment 10 Budget Committee Report on **SB 8**
- Attachment 11 Background Information on proposed legislation

Hearing on HB 2518 - Kansas national guard, members on state active duty, political subdivision employers paying member health insurance expenses, reimbursement.

Robert Waller, Legislative Research Department, explained that **HB 2518** would expand health insurance coverage for those members of the Kansas National Guard who are called to active duty for periods in excess of thirty days by providing reimbursement for the cost of privately purchased health insurance. The bill is a technical clean-up to legislation passed two years ago to address the problem that the adjutant general did not have the power to transfer funds from the agency to a political subdivision. **HB 2518** would allow the state

CONTINUATION SHEET

MINUTES OF THE House Appropriations Committee at 9:00 A.M. on March 17, 2005 in Room 514-S of the Capitol.

finance council to appropriate funds from the state emergency fund to the Adjutant General for these reimbursements.

With no proponents or opponents to come before the Committee, Chair Neufeld closed the hearing on **HB 2518**.

Representative Feuerborn moved to recommend **HB 2518** favorable for passage. The motion was seconded by Representative Sharp. Motion carried.

Hearing on HB 2338 - Kansas veterans' experience history project grant awards authorized, appropriations for such project.

Matt Spurgin, Legislative Research Department, explained that **HB 2338** would provide funding to the Kansas Historical Society to establish a competitive grant program to record the experiences of World War II veterans from Kansas. The legislation would be effective for FY 2006 and FY 2007. The bill would provide grants to non-profit organizations, state educational institutions, private colleges, and other local, municipal, or state historical agencies for development and implementation of the program. A fiscal note on **HB 2338** was distributed to the Committee (Attachment 1).

Representative Dennis McKinney, co-sponsor of the legislation, presented testimony in support of **HB 2338** (Attachment 2). Representative McKinney indicated with passage of the legislation, the guidelines for the program will be established.

Representative Ray Merrick, co-sponsor of the legislation, testified in support of **HB 2338**.

Testimony in support of **HB 2338** was given by:

- George Chandler, World War II veteran from Pratt
- Jim Bertoglio, World War II veteran from Medicine Lodge (Attachment 3)
- Jennie Chinn, Executive Director, Kansas State Historical Society (Attachment 4)
- Robert R. Ulin, Colonel, US Army-Retired (Attachment 5)

Tom Farr, District Commander of NE Kansas District No. 1, Veterans of Foreign Wars, spoke in support of **HB 2338**, presenting the Committee with details of his experiences during World War II.

Written testimony in support of **HB 2338** was distributed to the Committee from:

- Charles M. Yunker, Office of the Adjutant, The American Legion (Attachment 6)
- Carl Fyler, Commander, American Ex-POW, Kansas Chapter (Attachment 7)
- Vince Milum, Chairman of the Cold War Veterans Association (Attachment 8)

Chair Neufeld closed the hearing on **HB 2338**.

Discussion and Action on HB 2301 - Creating the Senator Stan Clark pregnancy maintenance initiative program.

Representative Landwehr, Chair of the Social Services Budget Committee, presented the Budget Committee recommendation on **HB 2301** and moved for the adoption of the Budget Committee report to recommend **HB 2301** favorable for passage as amended (Attachment 9). The motion was seconded by Representative Bethell. Motion carried.

Representative Sharp moved for a substitute motion to amend the Budget Committee report by striking Section 2 from **HB 2301**. The motion was seconded by Representative Feuerborn. Motion failed.

Discussion and Action on SB 8 - Research foundation capital improvement projects; limitation on amount.

Representative Hutchins, Chair of the Education Budget Committee, presented the Budget Committee recommendation on **SB 8** and moved for the adoption of the Budget Committee report to recommend **SB 8**

CONTINUATION SHEET

MINUTES OF THE House Appropriations Committee at 9:00 A.M. on March 17, 2005 in Room 514-S of the Capitol.

favorable for passage on the consent calendar (Attachment 10). The motion was seconded by Representative Feuerborn. Motion carried.

Representative Weber moved to introduce legislation concerning signatures on petitions (Attachment 11). The motion was seconded by Representative Gatewood. Motion carried.

The meeting was adjourned at 10:30 a.m. The next meeting of the Committee will be held at 9:00 a.m. on March 18, 2005.



Melvin Neufeld, Chair

HOUSE APPROPRIATIONS COMMITTEE

March 17, 2005

9:00 A.M.

| NAME | REPRESENTING |
|---------------|----------------|
| SUE PETERSON | K-state |
| Jon JOSSERAND | KU |
| Terry Marnet | Ks St Hist Soc |
| Jenbie Ghwin | Ks St Hist Soc |
| Kof May | New Law Firm |
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March 11, 2005

The Honorable Melvin Neufeld, Chairperson
House Committee on Appropriations
Statehouse, Room 517-S
Topeka, Kansas 66612

Dear Representative Neufeld:

SUBJECT: Fiscal Note for HB 2338 by Representative McKinney

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2338 is respectfully submitted to your committee.

HB 2338 would authorize the Kansas State Historical Society to provide grants to non-profit organizations, state educational institutions, private colleges, and other local, municipal, or state historical agencies for development and implementation of programs to record the experiences of veterans of World War II residing in Kansas. The grants would be awarded on a competitive basis for FY 2006 and FY 2007, based on guidelines and criteria included in HB 2338, as well as criteria developed by the Executive Director of the Kansas State Historical Society.

HB 2338 would appropriate \$10,000 from the State General Fund to the Kansas State Historical Society for administrative expenses associated with the Kansas Veterans' Experience History Project and would appropriate \$150,000 from the State General Fund to the Kansas State Historical Society for project grant awards in FY 2006.

| Estimated State Fiscal Effect | | | | |
|-------------------------------|----------------|----------------------|----------------|----------------------|
| | FY 2005 SGF | FY 2005 All Funds | FY 2006 SGF | FY 2006 All Funds |
| Revenue | -- | -- | -- | -- |
| Expenditure | -- | -- | \$160,000 | \$160,000 |
| FTE Pos. | -- | -- | -- | -- |

HOUSE APPROPRIATIONS

DATE 3-17-2004
ATTACHMENT 1

The Honorable Melvin Neufeld, Chairperson
March 11, 2005
Page 2—2338

HB 2338 appropriates \$160,000 from the State General Fund for FY 2006. Of this amount, \$10,000 would fund administrative expenses associated with the project, including a temporary, part-time project coordinator and \$150,000 would fund the competitive program grants. The agency estimates that this amount of grant funding would allow for up to 400 oral interviews to be conducted. To continue the project in FY 2007 and FY 2008, the agency estimates expenditures of \$10,000 would be necessary for salary and wage expenses for the temporary, part-time project coordinator in order to arrange, catalogue, and complete the project. Continued funding in FY 2008 would allow the agency to make the collection available to the public. Any fiscal effect resulting from this bill would be in addition to amounts included in *The FY 2006 Governor's Budget Report*.

Sincerely,



Duane A. Goossen
Director of the Budget

cc: Barbara Maple, Historical Society

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

DENNIS MCKINNEY
REPRESENTATIVE 116TH DISTRICT
1220 SOUTH MAIN
GREENSBURG, KS 67054
(620) 723-2129

STATE CAPITOL, ROOM 327-S
TOPEKA, KS 66612-1504
(785) 296-7658



TOPEKA

MINORITY LEADER'S OFFICE

Testimony on House Bill 2338

House Appropriations Committee

March 17, 2005

Thank you Mr. Chairman for the opportunity to discuss The World War II Veterans History Project.

Periodically we here stories of leaders using the lessons of history to guide their decisions. Nearly always they report the lessons were of tremendous benefit in making correct decisions in difficult circumstances. Likewise, we understand that properly recording and understanding our history helps us pass traditions and values on to our children and grandchildren.

House Bill 2338 presents an effort to record the experiences and systematically archive the stories of WWII veterans. The bill uses competition to help surface the best proposals to get this accomplished. In my view the best proposals will bring the most private resources to leverage our own. Perhaps most importantly, the best proposals will be the most innovative at getting local groups, such as boy scout troops, to actively seek out veterans and record their experiences.

We must do more than just record the experiences. We must archive the information to allow historians to access the records for future research. Memorabilia, photographs, and other records should also be documented to allow researchers to easily find the items in the future.

I believe that House Bill 2338 presents a solid approach to recording important experiences of some of the people Tom Brokaw referred to as "The Greatest Generation." Most importantly, it creates a mechanism to involve leaders and volunteers at the community level.

Thank you.

HOUSE APPROPRIATIONS

DATE 3-17-2005
ATTACHMENT 2

Testimony to House Appropriations Committee
House Bill 2338
Presented by Jim Bertoglio

2 March 2005

Honorable members of the House Appropriation committee my name is Jim Bertoglio and I am a resident of Medicine Lodge, Kansas I am glad to be here in fact at my age I am glad to be anywhere.

I am honored to speak on the behalf of House Bill 2338 which will provide some much needed funds to record an event which has shaped the World we live in today.

During World War II, I was Sergeant Bertoglio and was documentary photographer in the 94th Fighter Squadron stationed in Italy 1944-45. The 94th Fighter Squadron was know as the "Hat in the Ring" gang. This is the fighter squadron made famous in World War I by Captain Eddie Rickenbacker.

With me today is a small portfolio of photographs to illustrate a day in the life of a squadron. I could have used hundreds of photographs but chose these photos which have been displayed by Wichita State University and Litwin Galleries..

However, my collection is just a small glimpse of all the activities that went into the effort to defeat Nazism and fascism. At the height of the war, there were over 5,000,000 soldiers on any one day doing his or her job to make the effort successful. Each one has a story to tell. Most also have photographs, souvenirs, and news clippings to help explain the story.

But there is a big problem now. We are losing the World War II participants at the rate of 30,000 a month. With nearly all leaving their stories either untold or in a box that will be discarded.

World War II lead to the establishment of many efforts that impact the way we do things in the world today – the creation of the U.N.; the establishment of the G.I. Bill that finally helps G.I.'s with their career, incorporating numerous treaties like NATO; and the implementation of the regional development programs like the Marshall Plan.

Therefore, I believe it is important to establish an archive to record the thoughts and feelings of those who sacrificed much to give us the freedom and security we enjoy today. Only by listening to their stories will we learn what it was really like.

Perhaps this will educate future generations on the consequences of war and which may indeed reduce chances for a repeat war.

In closing, I would like to quote a line from William Shakespeare's Henry V – "we few, we happy few, we band of brothers".

I urge the Kansas Legislature to pass House bill 2238 before we few are gone.

HOUSE APPROPRIATIONS

DATE

3-17-2005

ATTACHMENT

3

The 94th Fighter Squadron
In World War II

Photographs by
Jim Bertoglio

A Fifty-Year Commemorative Portfolio
1944-1994

JIM BERTOGLIO'S WORLD WAR II PHOTOGRAPHS CELEBRATE THE 94TH FIGHTER SQUADRON, the oldest active squadron in the United States Air Force. The portfolio of 10 photographs presented here was created from expertly restored vintage negatives under the supervision of the photographer himself, who was stationed with the 94th Fighter Squadron in Italy in 1944 and 1945.

These photographs record the men and machines that helped forge the world we live in today. They document the grace and speed of the Lockheed P-38 Lightning, a remarkable aircraft that fought for democracy in France, Italy, Austria, Germany, Romania, and in the Pacific theater. Bertoglio's images capture the fatigue of a bone-weary fighter pilot, the quiet reverie of a midnight poker game, and the solemnity of a mission briefing. The photographs also salute the unsung ground crews, individuals who played an integral part in freedom's ultimate victory. Finally, as a poignant reminder of the sacrifices demanded by war, one image takes us to the smoldering wreckage of a massive B-17 bomber, where an entire crew of seventeen men died in the fire of an attempted runway crash landing.

Jim Bertoglio experienced first-hand the tumultuous events of the war years, recording the everyday life-and-death struggles of the 94th Squadron with a sensitive eye that captured the essence of World War II aviation. His images convey a sense of quiet drama as air and ground crews steel themselves for the impending firestorms of close aerial combat. In Bertoglio's photographs these now-antique aircraft retain a distinct sense of timelessness. Icons of a force that changed human history, the tools of war captured in Bertoglio's lens still fly in the collective memory of our culture.

—Lance Speer
Photographic Historian

IT HAS BEEN SAID that a picture is worth a thousand words. I think that is certainly true in this case. This portfolio of photographs is a great tribute to the American fighter pilots of World War II. Although most of the photographs are of the men of the 94th Fighter Squadron, they are representative of all the brave young Americans who so courageously fought in the skies over Europe and the Pacific.

The 94th Fighter Squadron, the famous "Hat-in-the-Ring" squadron, is a unit with a long and proud history. First organized in 1917, the 94th was to go on to fight with distinction and honor in World War II. These photographs capture the preparation for missions, the longing for home, the horror and danger of battle, and the sacrifices made by Americans. I hope you will take a moment to reflect on the dedication of all of those Americans who gave so much to protect our way of life and restore liberty and freedom. We must never forget the sacrifices of these Americans, many of whom paid the ultimate price in service to our country.

—The Honorable Bob Dole
United States Senator from Kansas

Perhaps a most fitting tribute to these images comes from those whose lives they record: the heroes who maintained and flew these aircraft into history—

ENLISTED MEN ARE THE BACKBONE of every service, and the old 94th had plenty of backbone. We were tough, proud and second-to-none when it came to putting P-38s into the air. While our planes supported the Normandy invasion from airfields on Corsica, our pup tents—pitched at runway's end—vibrated 24 hours a day. Three years with the 94th made us blood brothers. Jim Bertoglio captured our life on film. We loved those old P-38s. They had a look and a sound that stirred your blood, and we were proud to be the GIs that kept them flying.

—Tech. Sergeant George R. Scanlon
Ground Crew Chief, 94th Fighter Squadron, 1st Fighter Group

THE WAKE-UP CALL CAME AT 0500 on a warm summer morning. The tent occupants stirred, grumbled and slowly rolled out of their sleeping bags and into their flight suits. The background noise was the low rumble of powerful Allison engines. After the mission briefing each pilot was dropped off at his aircraft, which had been readied for the mission by the ground crew. No matter the pilot's rank, the crew chief was in charge here.

One by one the P-38s wheeled onto the taxiway and moved out for takeoff. We had one job: keep enemy fighters away from our bombers, protecting them through their bomb run and back to friendly territory. Landing at home base we reviewed the aircraft's performance with the crew chief, then it was off to a debriefing with the intelligence section.

The work for the day was complete; the next day would bring another mission to a different target. We may have lost a friend today, perhaps more than one. It may happen again tomorrow—but we'll go just the same.

—*Captain John D. Mullins, Ph.D.*
94th Fighter Squadron, 1st Fighter Group, 1944

THESE PHOTOGRAPHS DEPICT, IN VIVID DETAIL, some of the many aspects of a fighter unit operating in wartime. They point out that readying, launching and flying effective fighter sorties is a complicated mission, requiring the skills, dedication, coordination and teamwork of every person in the squadron.

To me, as a P-38 combat pilot for over four years flying almost every conceivable type of mission in two theaters of war, the real beauty of this series is the sleek, streamlined and chillingly beautiful display of raw power in the twin-engined, twin-boomed P-38 fighter! Truly a magnificent flying machine, it flew in all theaters in World War II. It was the most-feared and most-loved fighter—making a truly unusual contribution to the art and science of aerial warfare. It is properly considered a "classic" among World-War-II-era aircraft.

—*Lt. General Earl C. Hedlund*
Commander, 428th Fighter Squadron and 474th Fighter Group
(170 missions flying the P-38)

THE INTENT OF THESE PHOTOGRAPHS IS TO SHOW A DAY IN THE LIFE of a fighter squadron and the ground crews that kept 16 aircraft airborne and in combat during the crucial later stages of World War II. It was my good fortune to have been associated with, and photograph, these courageous men. "We Few, We Happy Few, We Band of Brothers."

—*Sergeant Jim Bertoglio*
Photographer, 94th Fighter Squadron,
1st Fighter Group, 15th Air Force
Italy, 1944-45

Photographs

1 The "Little Friend," a P-38 fighter escort from a B-17 waist-gunner's window.

2 Mission wake-up call, 0500 hours.

3 Mission Briefing: Escort B-17 bombers over Munich rail yards.

4 Refueling the Lightning: 90-octane aviation fuel for thirsty Allison engines.

5 Arming the Lightning's 50-caliber machine guns.

6 Fighter pilot pre-flights a Lockheed P-38 Lightning.

7 Fighter taxiing for a morning mission, Foggia, Italy.

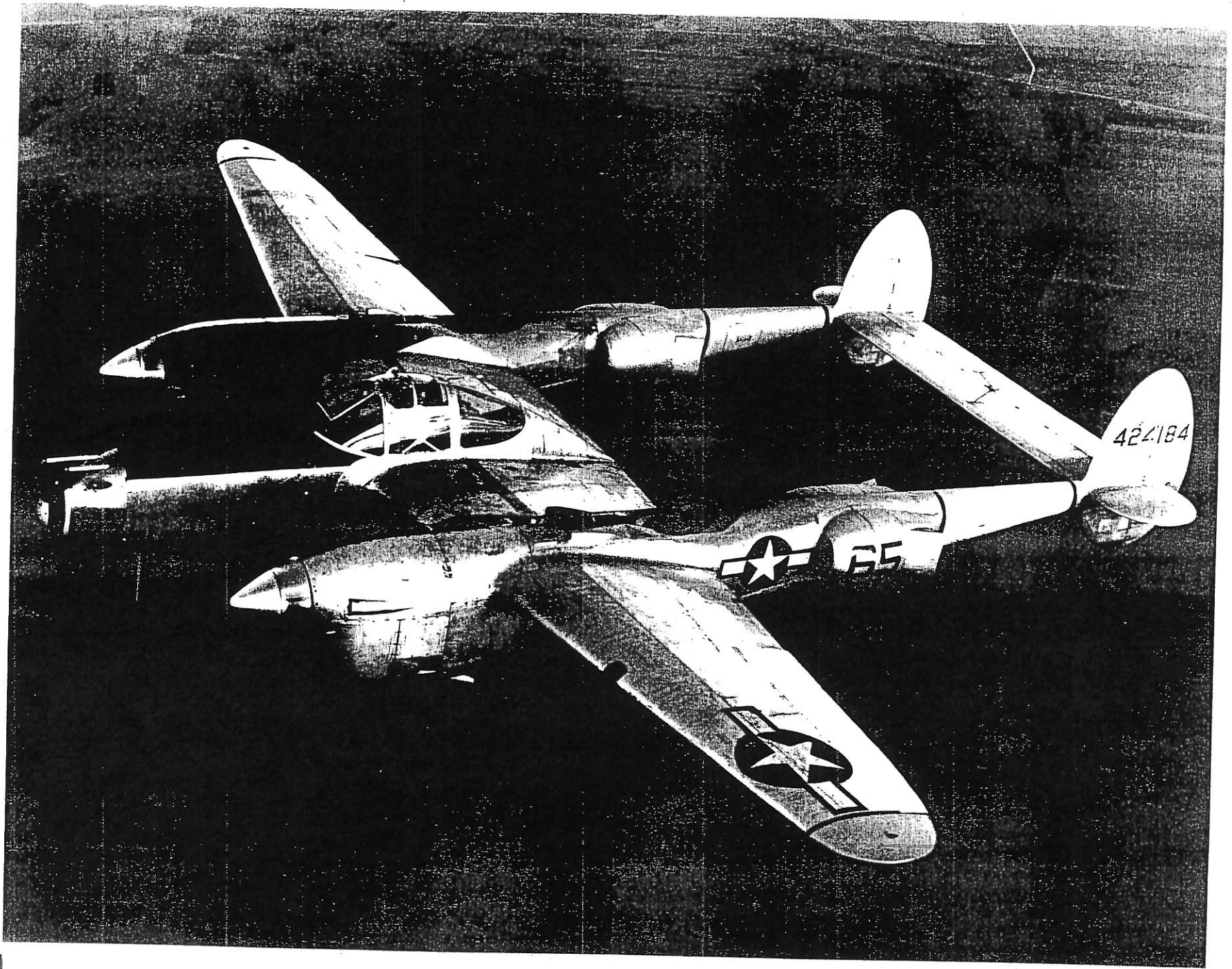
8 Mission returning, all present and accounted for.

9 A relaxing game of seven-card stud.

10 B-17 crash site, no survivors out of seventeen young men.

The photographer and portfolio publisher would like to acknowledge the contributions of the following individuals without whom this portfolio would not have been possible:

Sergeant Jim Bertoglio, The Honorable Bob Dole, Lt. General Earl C. Hedlund, publisher Harry Litwin of the Litwin Gallery, photographers Shirley McCollum of Wichita State University and Tom Armstrong, Captain John D. Mullins, Tech. Sergeant George R. Scanlon, and Lance Speer of Light Impressions Corporation.



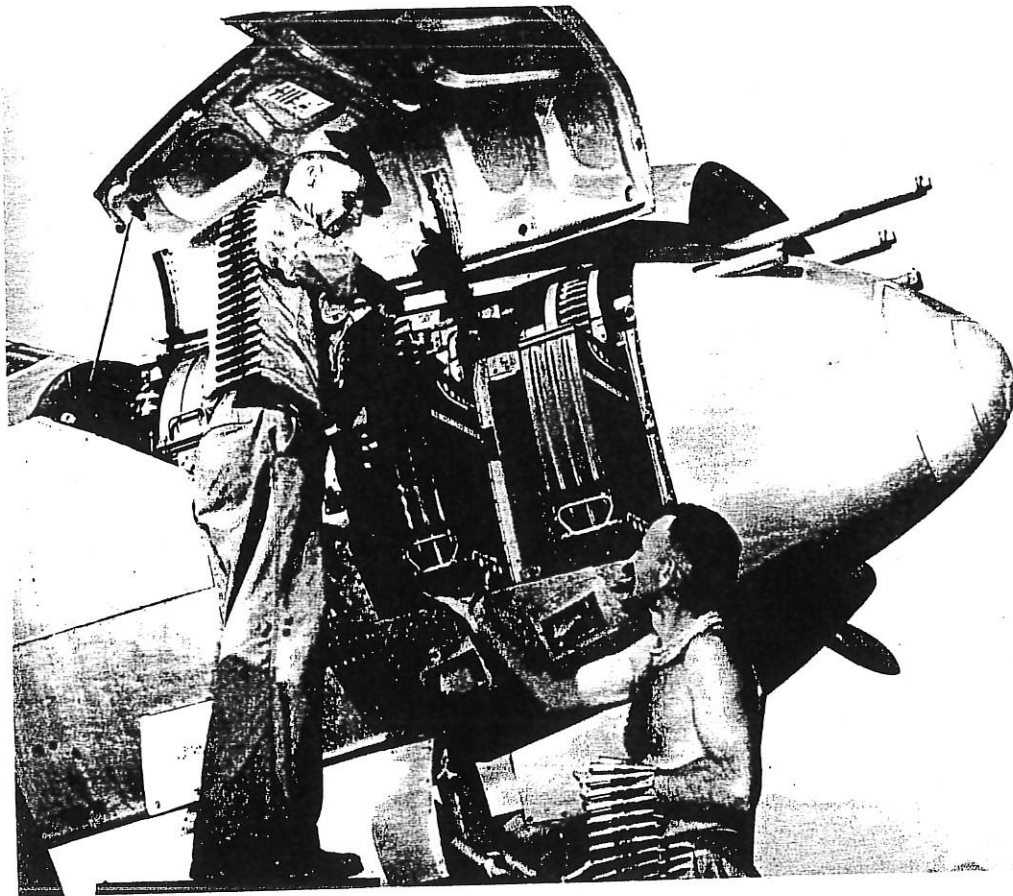
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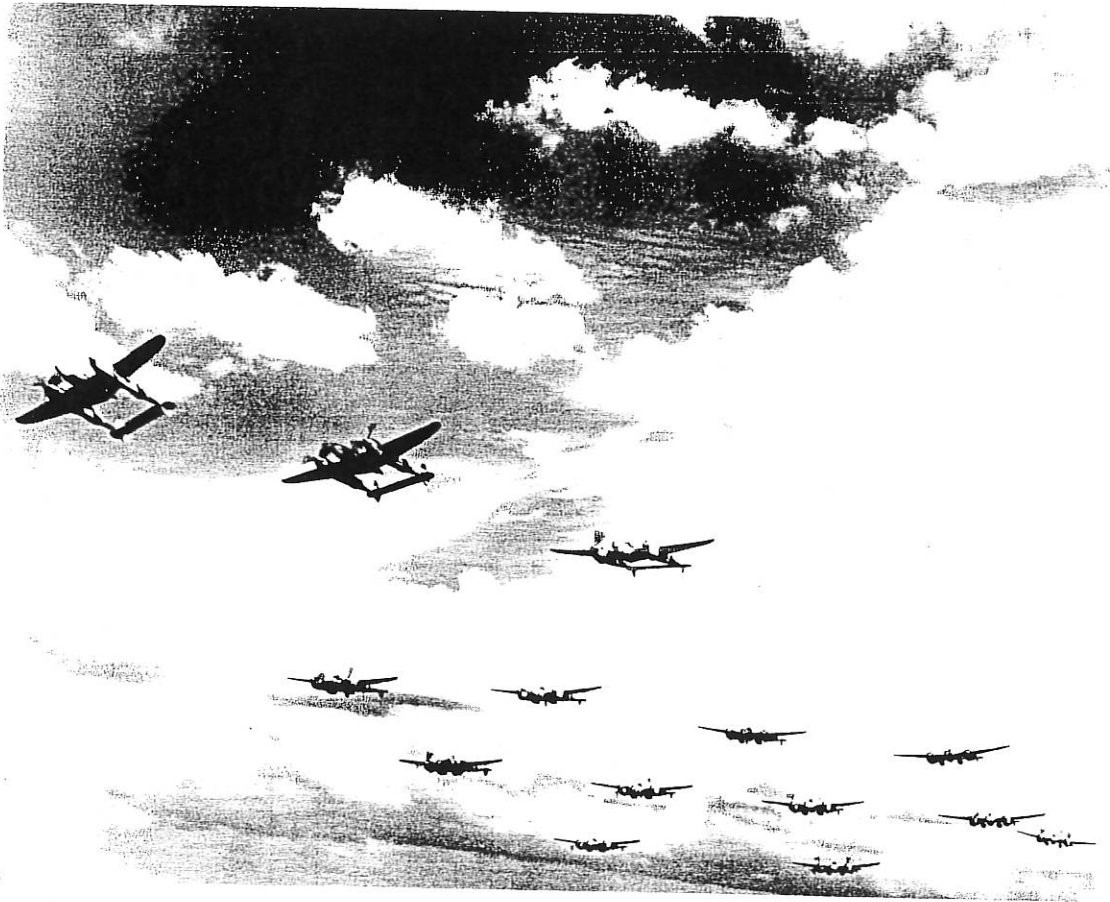
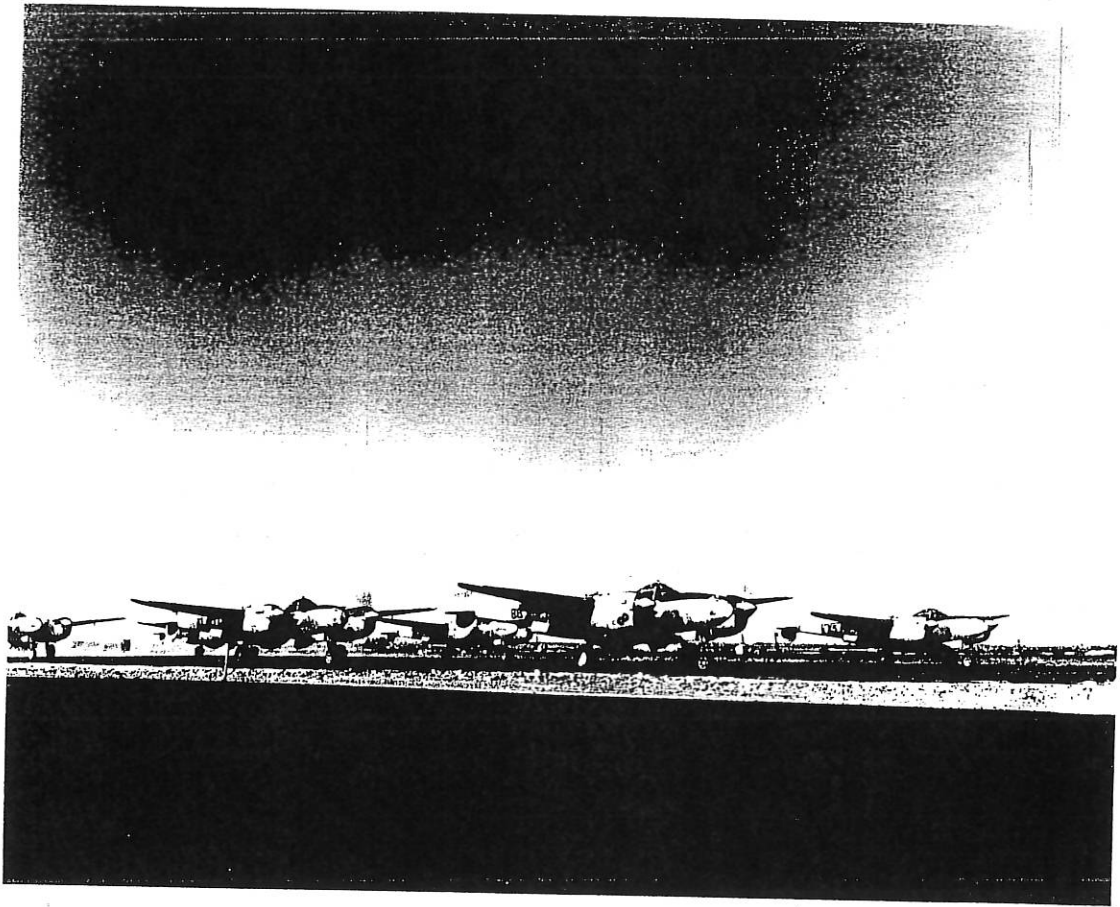
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**Testimony Before the House Appropriations Committee
Regarding HB 2338, An Act concerning the state historical
society; authorizing a competitive grant program for recording
experiences of state veterans of World War II**

**Jennie Chinn, Executive Director, Kansas State Historical
Society**

March 17, 2005

Thank you for the opportunity to speak about HB 2338. This bill will establish a program to record, collect, and preserve the experiences of Kansas' World War II veterans. World War II was a transformative event in the history of our country and state. The United States emerged from the war a world leader. Kansas' economy was forever altered by the war with new industries providing balance to its agricultural base. The war itself had a deep personal impact on Kansans - for those who served in the armed forces and those who supported the war effort on the homefront.

While the Kansas State Historical Society maintains a collection of documentary materials related to WWII, thousands of Kansas' WWII veterans are not represented in our holdings. This bill will foster the collection of a wide range of materials related to the WWII experience - letters, diaries, photographs - as well as capture the personal stories of Kansas' veterans through oral history interviews. Oral history is especially important for gathering the stories of soldiers who did not record their experiences in writing. Without oral interviews, these often poignant and insightful stories will be lost forever to future generations. Approximately 1,000 World War II veterans are passing away each day across the country; thus, it is critical to document the experiences of these veterans as soon as possible.

All of the materials collected through this project will be preserved and made available to researchers visiting the Kansas State Historical Society. Many of their stories will also be made available to a worldwide audience on the Internet.

The Kansas State Historical Society supports this bill as long as the appropriations come with the program. We would be unable to carry out the project within existing agency funds.

In conclusion, Kansas' World War II veterans deserve to have their stories recorded, preserved, and made available to provide evidence of their sacrifices for our country.

HOUSE APPROPRIATIONS

DATE 3-17-2005
ATTACHMENT 4

Testimony before the
Kansas House of Representatives
Appropriation Committee
on House Bill No. 2338

March 17, 2005

Mr. Chairman and distinguished members of the Appropriations Committee. My name is Robert R. Ulin, I am a retired Colonel of Field Artillery having completed 30 years of service of which 2 ½ years were in combat during the Vietnam War. I have served in the Regular Army, Army National Guard, and the Army Reserves. I come before you today as the State President for Kansas, Association of the United States Army.

My purpose is to support House Bill number 2338 for the collection and archiving of experiences of our World War II veterans. I was moved to appear before you today because, as an historian and member of the Sons of the American Revolution, I am keenly aware of the need to preserve our collective past.

You all know the figures only too well, 16 to 18 hundred World War II veterans pass away each day and with them goes the experiences of the war that preserved the American way of life as we know it today. The 16 million men and women who served in the armed forces during WWII and the untold millions who supported the war effort at home transformed our world. When they came home, they went to college on the GI Bill, tended the farms, and built the factories, roads, bridges, automobiles and household goods that lead to the greatest peace time expansion in the history of the world. For the most part they did not question their service, did not gripe about the hardships they endured, they just rolled up their sleeves and went to work.

HOUSE APPROPRIATIONS

DATE 3-17-2005
ATTACHMENT 5

Today, in 2005, 60 years after the end of that war, less than a third of our WWII veterans are still alive but many are fading fast. They carry with them the experiences of a war long past, a piece of our collective history. I know this because my dad passed away 10 years ago. Although he showed me the photographs, clippings, and relayed some stories, much of what he did during his 3 years in the Pacific Theater of war is lost to history. I deeply regret that I did not take the time to document his service.

George Santayana, a philosopher, poet, critic and best-selling author in his work The Life of Reason (1905) wrote, "Those who cannot remember the past are condemned to repeat it." Those of us in the military realize the implications of that quote only too well. As such, we pay close attention to the gathering of facts and circumstances for the benefit of future generations of warriors as lessons learned. In the veteran's service clubs that dot the American landscape, veterans of past wars swap war stories about their military service. For many of them their service in combat has defined them, molded them, and helped to make them the men they are today. What we need to remember is that those proud old Soldiers and their supporting cast of riveters and other blue-collar workers on the home front were the victors over tyranny that threatened our way of life, and some would argue, our survival. Their story needs to be told, analyzed, written about, and archived for the benefit of our future generations. If perhaps sometime in the distant future war becomes obsolete, something we all strive for, our successors will look back with pride at the enormous, noble sacrifices of their ancestors.

From the start of the American Revolution in 1775 to the present, over 42 million Americans have seen military service during war. Of those, about 900,000 were killed or lost their life in service; another 1,500,000 were wounded.

I applaud your initiative to set aside the funds to support the Kansas veteran's experience history project grants that serve to record the experiences of veterans of World War II who reside in Kansas. This is a wonderful start, but please let's not stop here. Some of you sitting here today may be veterans of other wars: Korea, Vietnam, or The Gulf War. Others among you have sons and daughters serving in harm's way today in Afghanistan and Iraq. And it doesn't stop there. Today over 368,900 Soldiers, Sailors, Airmen, Marines and Coast Guardsmen are deployed in 120 countries—the largest number of overseas deployments since the end of World War II. Let's not forget them either. They are leaning forward on the ramparts of freedom against the forces of evil in this Global War on Terrorism. What we need is a deliberate, methodical, and measured project that is designed to preserve the history of those who serve in our nation's wars on our behalf.

Mr. Chairman, and members of the Appropriations Committee, I thank you for the opportunity to come before you today in support of House Bill Number 2338.

And, I thank you for your continued service to our great State.



HOUSE BILL No. 2338 TESTIMONY
 Presented to the
HOUSE COMMITTEE ON APPORATIONS
 By Charles M. Yunker, Adjutant
THE KANSAS AMERICAN LEGION
 March 17, 2005

On behalf of The American Legion Department of Kansas I wish to thank you for the opportunity to present written testimony in support of House Bill 2338. I would also like to thank the sponsors of HB 2338 for stepping forward to preserve a vital and valuable part of Kansas history.

Kansas' roll during World War II was unique in many aspects and vital to our nation's victory. Our citizens contributed to the war effort by the thousands and in hundreds of ways but perhaps most importantly, are the stories of those who volunteered for or were drafted into military service. Their experiences in and out of combat directly impacted the rest of their lives and in a very large sense shaped who and what we are today.

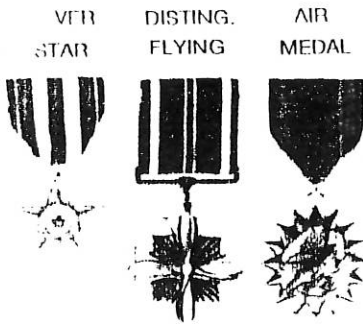
That is; veterans of the Second World War were themselves unique compared to their counterparts of other wars before or since. Having lived through the depression of the 1930's they were suddenly thus into the forefront of a life and death struggle against tyranny. They became "the Greatest Generation" as Tom Brokaw labeled them because they seized the opportunity to preserve freedom and democracy. After the war, thanks to the G.I. Bill of Rights written by fellow Kansan Harry Colmery, most seized the opportunity to enroll in college, buy homes, start businesses, and raise families, all of which raised the American standard of living to heights never before imagined.

During the past decade several school Districts in Kansas have conducted studies of World War II including requiring students to interview area veterans. Those studies have proven to be invaluable lessons for students who often learned previously unknown details about their grandparents and other family members. Unfortunately those studies have been confined to relatively small groups and the information gained, if preserved at all, has been kept locally. HB 2338 presents the opportunity for the State Historical Society to gather a statewide cross section of Kansas' World War II veterans' experiences that will be preserved in the manner it deserves.

The Preamble to the National Constitution of the *Sons of The American Legion* begins with the phrase, "Proud possessors of a priceless heritage." World War II veterans *are* our priceless heritage and we must preserve their stories and experiences before it is too late. Therefore I urge your support of HB 2338.

HOUSE APPROPRIATIONS

 DATE 3-17-2005
 ATTACHMENT 6

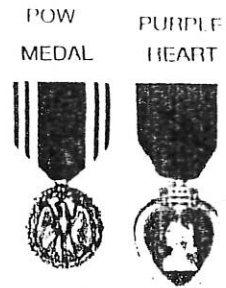


MAJOR, USAF

CARL FYLER, DDS

COMMANDER

American Ex-POW, Kansas Chapter
300 SW Yorkshire Road, Topeka, KS 66606



Feb, 26 - 2005

Dear Cr. Rep.
Dennis McKamey

I have ~~your~~ letter of Feb. 25th & the H.R. 2338. Yes we Ex-prisoners of war will cooperate with you & this bill.

We POWs have sent the Library of Congress our video tapes on our WWII experiences & Jimmy boots - Staying Alive. Also at the Combat Air Museum at Fort Belvoir AB. we have 3 exhibits - "Krejs's Room". I sent 25 cases of WWII memorabilia to the #12 M. Museum, 8th AF Heritage museum at Savannah, Ga.

But we can "scrounge up" a bit more. I have WWII aircraft pictures. Also

a German HQ flag, SS Trooper "Arms band" and a map of German POWs, etc.

(over)

HOUSE APPROPRIATIONS

DATE 3-17-2005

ATTACHMENT 7

also the German hospitals that some
of the POWs get medical care for wounds,
I flew B17s - 25 missions - was wounded
shot down - got 9 of 11 crew men out
of falling bird!

In Stalag Luft 1, I was under 17
28 officers in Block III in original compound.

* 1974 I pored up 4 chapters of
Ks. American EX - prisoners of war w.
the Topka v. c. would not admit
some local POWs for treatment!

* 1982 I helped passage of 1st POW
law. P.L. 97-37.

I continue to support fellow POW
claims & their widows.

Respectfully

DR. Carl Epler

"Staying Alive"

The July 1987 newsletter: An article by S/Sgt. Lance, "November 29, 1943 was our day." This is the rest of the story by Dr. Carl Flyer, B-17F 1st pilot on the same mission to Brémen. He calls it "Staying Alive."

At 2:00 a.m., the Officer of the Day awoke me and said "you are flying today!" I replied "No, I am convalescing from being 'run down' at night by the SQ jeep." The O.D. insisted — so I dressed and went to H.Q. in the dark. Sure enough, there was my name to lead the high SQ. So being a conscientious person, I went to breakfast, gathered my combat gear and headed out to the B-17G they had assigned for me to fly. No. 42-29498-D.

This was to be my 25th mission. Just a few days earlier on the same target, a plane below me "blew up." I had to leave formation to dodge the debris. My nerves were almost shot from so much combat like this. I was unable to join the formation, so I flew back to England parallel to the group.

Today as I approached the target, there were only two of us in the top SQ. As we dropped our bombs, the flak hit us both. My ship lurched and I ended up putting both feet on the control col-

umn to hold the nose of the ship down. I did not know that the right horizontal stabilizer, part of the right wing and two engines were gone. Later, the third engine caught on fire. I was flying only on 1 engine on the left wing. The ship nosed up turning to the right. I knew we were in trouble since I could not steer to the west.

Then the German fighters - FW-190s, hit us. The co-pilot, B. Ward got wounded in the face. The engineer was slammed out of the top turret, a 20mm shell tore his leg and he lay on the floor alongside me bleeding. Other shells passed through the cockpit and the navigator and I were hit. I motioned to the two wounded men in the cockpit to get out. They went out the open bombay. I continued to try to fly west — "no luck". I could hear one gun in the nose still firing. At last, I felt it was time for me to go! I broke the wires and oxygen hoses, snapped on the small chest chute and crawled under the floor to the nose to see if the men there got out. They were gone, so I dropped out the hatch and slid back along the plane and behind the tail I popped the chute. My heels hit my shoulder blades. As I hung there in my chute, a German fighter, a FW190 made passes at me. I tried

to swing — he split my chute and I fell. When I awoke I found I had taken all the limbs off a 60ft. pine tree with my back in the same spot where the Jeep had injured me.

Soon the armed Jerries captured me. There was no place to run — all of Europe was Germany in 1943. The FW 190 pilot and his wing man photographed me. He told me he had 300 aircraft to his credit and he had lived in the USA and worked for Pepsi Cola Co. As I was marched to the RR station, I had to carry an American officer who broke two ankles when he parachuted. The mob in the RR station wanted to "hang us," calling us "Chicago gangsters."

I was interrogated at Dulag Luft at Frankfurt. The prison had electric fences, solitary cells and there was screaming - hollering and singing in the other cells. Then came a 5 day ride in a box car to Berlin. After a few days in the RR yards there, I was hauled to Barth on the Baltic Sea to Stalag Luft #1. Here I teamed up with 303rd Lt. Don Marsh, co-pilot of my left wing ship (Red Ass). We shared the boiled barley, grass soups and Rutabagas diet.

Meantime, S/Sgt. B. Addison from my crew arrived. His wounds did not allow him to make the long march across Germany that his camp made. (There were two long 600 Kilometer marches by American POWs across Germany in the snow ahead of the Russians.) I met him while we sat on the floor waiting for treatment by the camp's only doctor. We compared notes on what happened to the crew for the first time.

The Russians arrived May, 1945 and wanted us POWs to go to Russia with them. After I got away from the Russians and got to France, I found S/Sgt. Marty Stachowiak. He was in the tent hospital at Camp Lucky Strike, France. He made one of the long marches across Germany in the winter of 1945. He was bayoneted in his good arm and the German guard dogs were turned loose on him. He

had lost a great deal of weight. He looked terrible — I did not recognize him. He told me he was pushed out of the plane by the tail gunner, S/Sgt. Jo Sawackii who had lost an arm. When he could not fire the guns with one hand, he crawled out, put chutes on both waist gunners, who had face wounds and a broken arm apiece. He pushed them out hoping with their one good hand they could pull the chute. Out of a crew of 11, 10 were wounded, 4 died immediately, 3 more later of POW residuals.

People ask me what I think of going down on my final mission of my tour. It is absolutely impossible to comprehend the emotional jolt and the trauma of being shot down and the POW experience!

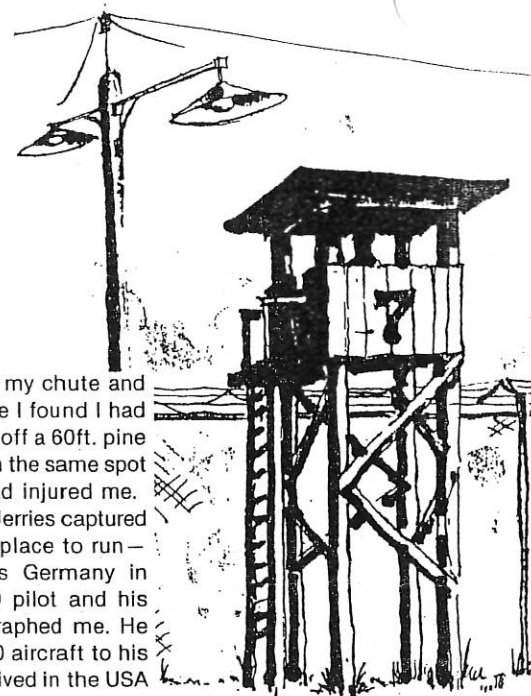
I still think of my combat. The Hamburg raid, the first Schweinfurt raid in August 17, 1943 where planes, junk, gun barrels, belts of ammo were falling through the sky when 60 planes were lost. The long trip to Heroya, Norway, the heavy water plant (Hitlers Atomic Bomb), Stuttgart, Frankfurt and others, even flying combat as tail-end Charlie in a YB-40, B-17.

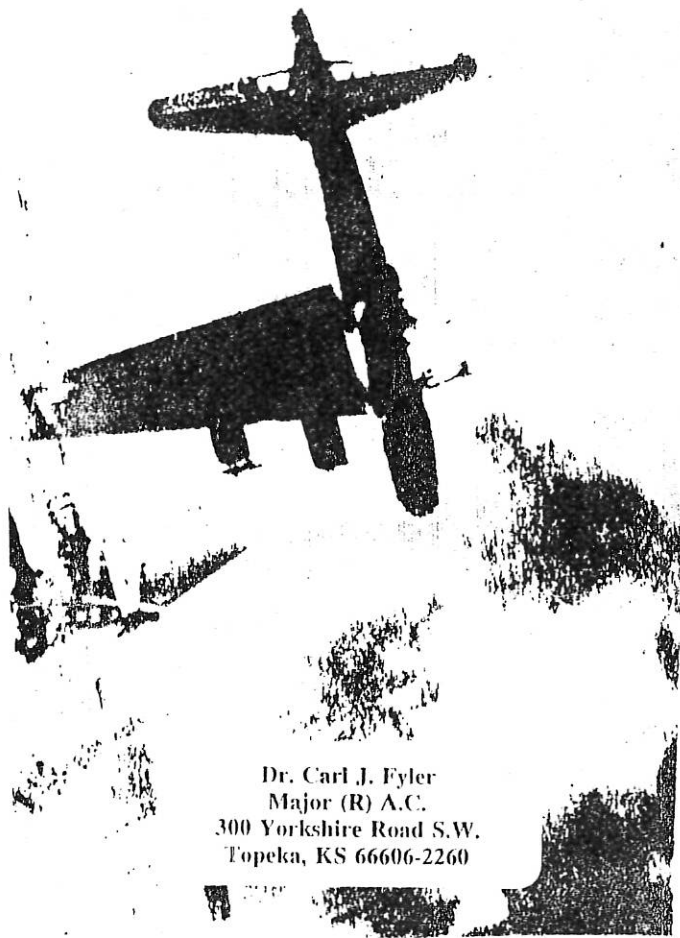
It all was just like yesterday.

Ed. Note: On the Nov. 29th mission Sgts. Ford, Egge and O'Connell were killed. Flyer lost 8 inches around the waist in the PW camp. When his uniform fell off he traded it for an RAF blue one. He was also promoted to Captain the day he was shot down but he didn't find out until 39 years later.



Flyer's crew, July 1943 — (Top row, l to r) B. Ward, CP; G. Molnar, N; R. Wary, P; S. Gipson, B and C. Flyer, P. Lower Row: S/Sgts. Addison, Crowder, Jillson, Kelly, Stachowiack and Ford. But on the mission on Nov. 29, 1943 there were some changes and the following were on board: Lts. Flyer, Ward, Molnar and Petrolino as Bomb. Rest of crew were Sgts. Addison, O'Connell, Ford, Stachowiack, Fisher, Sawicki and N.P.S. Egge as photographer.





Dr. Carl J. Fyler
Major (R) A.C.
300 Yorkshire Road S.W.
Topeka, KS 66606-2260



CONGRATULATIONS!

Carl Fyler was recognized for service to his country at the Kansas Day Reception given by Rep. Jim Ryun in Topeka on Friday, January 24, 2003. Carl received one of the highest military medals, the *Silver Star*. Major General Lew Lyle recommended him for the honor and Rep. Ryun helped to get the recommendation approved. The *Silver Star* is awarded for gallantry in action to all members of the armed forces. Carl has been honored with several other medals for his service in World War II.



Herman MELLO
on my R-wing



7-4

March 15, 2005

Subject: **House Bill No. 2338**

To Whom It May Concern:

My name is Vince Milum and I am the Chairman of the Cold War Veterans Association — a Kansas-based 501(c)(19) Veterans Service Organization.

On behalf of the CWVA (and the millions of brave men and women who fought and won our nation's longest war), I wish to extend my/our wholehearted support for **House Bill No. 2338** which calls for the establishment of a public-private partnership for the purpose of seeking out and recording the personal histories of World War II veterans. In so doing, we will ensure the preservation and maintenance of an important part of our collective narrative.

As an **official partner of the Library of Congress' Veterans History Project**, we are in a position to offer first-hand testimony and guidance on this matter. We are currently implementing a system to record and archive compressed audio in the MP3 format which can be both stored and played on any MP3 player — be it a personal computer, iPod, or other MP3-enabled device. This will enable us to record, store, transmit, and share the audio histories of America's veterans.

Please let me/us know how we may assist the State of Kansas in both enacting and implementing this important legislation.

Sincerely,
Vince Milum, *Chairman*
Cold War Veterans Association
www.coldwarveterans.com

For all the latest news concerning the Cold War Veterans community, please routinely visit our web site (www.coldwarveterans.com) and also check our CWVA Message Forum as well as our bi-monthly magazine Cold War Times both of which can be accessed from our home page.

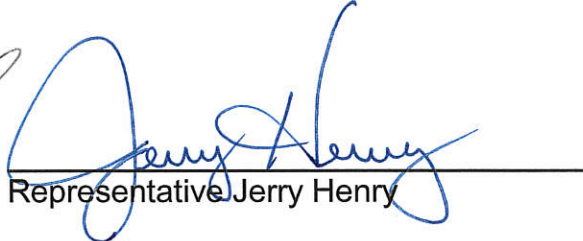
HOUSE APPROPRIATIONS

DATE 3-17-2005
ATTACHMENT 8

House Social Services Budget Committee

Recommendation on H.B. 2301


Representative Brenda Landwehr, Chair


Representative Jerry Henry


Representative Barbara Ballard


Representative Peggy Mast


Representative Bob Bethell


Representative Louis Ruiz


Representative Willa DeCastro


Representative Arlan Seigfried


Representative John Edmonds

HOUSE APPROPRIATIONS

DATE 3-17-2005
ATTACHMENT 9

House Social Services Budget Committee

Recommendations on House Bill 2301

Brief

HB 2301 would establish the Senator Stan Clark Pregnancy Maintenance Initiative Program at the Kansas Department of Health and Environment. The bill would appropriate \$300,000 to the pregnancy maintenance initiative account from the State General Fund to support the program.

The Secretary would be required, subject to appropriation, to establish a program to award grants to not-for-profit organizations to provide services for women which enable them to carry their pregnancies to term. Grants would be awarded annually on a competitive basis and would require a \$1 for \$1 match from the not-for-profits receiving the grants.

Grantees could provide an array of social services relating to pregnancy maintenance. Grantees would be prohibited from denying services to anyone based on their ability to pay and would be required to provide adoption services. The bill would prohibit grants to any group performing, promoting, referring for, or educating in favor of abortion. No part of the grant could be used for any political purposes.

The bill would be required to submit an annual report to the Legislature at the start of the session, beginning with the 2006 Session, on the results and outcomes of the program.

Background

HB 2301 was referred to the House Appropriations Committee and heard by the Social Services Budget Committee. The Budget Committee amended the bill to reduce the appropriation amount from \$600,000 to \$300,000. Proponents appearing on the bill included the Kansas Catholic Conference, Family Life Services, and Representative Kasha Kelley. Opponents appearing on the bill included ProCan Do, Planned Parenthood, and the National Organization for Women.

41584~(3/16/5{10:04AM})

9-3

HOUSE BILL No. 2301

By Representatives Landwehr, Beamer, Brown, Brunk, Burgess, Carter, Dahl, DeCastro, Decker, Dillmore, Edmonds, Flower, Freeborn, George, Goico, Grange, Hayzlett, Henry, Hill, M. Holmes, Horst, Huebert, Humerickhouse, Hutchins, Huy, Jack, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Larkin, Mast, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Pauls, Peck, Phelps, Pilcher-Cook, Powell, Powers, Ruff, Sawyer, Schwab, Schwartz, Shultz, Siegfried, Vickrey, Watkins, Weber, Wilk and Yoder

2-4

17 AN ACT creating the Senator Stan Clark pregnancy maintenance initia-
18 tive program; making appropriations for the department of health and
19 environment—division of health for the fiscal year ending June 30,
20 2006.

21 *Be it enacted by the Legislature of the State of Kansas:*

22 Section 1. (a) Subject to appropriations therefor, the secretary of health
23 and environment shall create, develop and administer the Senator Stan
24 Clark pregnancy maintenance initiative program the purpose for which
25 is to award grants to not-for-profit organizations for programs that provide
26 services for women which enable them to carry their pregnancies to term.

27 (b) The grants shall be awarded annually on a competitive basis in
28 accordance with guidelines and criteria prescribed by rules and regula-
29 tions adopted by the secretary of health and environment. Each grant
30 shall be matched by the not-for-profit organization receiving the grant on
31 the basis of \$1 provided by the not-for-profit organization for each \$1
32 provided under the grant for the program.

33 (c) Such grant services may include an array of social services relating
34 to pregnancy maintenance. Such grant services shall provide: (1) That no
35 individuals who are unable to pay may be denied the delivery or provision
36 of pregnancy maintenance services; and (2) adoption services as a part of
37 the program being provided to the individuals. No grant under the pro-
38 gram shall be entered into with any group performing, promoting, refer-
39 ring for or educating in favor of abortion. No part of the grant moneys
40 shall be used for any political purposes.

41 (d) The secretary of health and environment shall annually submit a
42 report to the legislature at the beginning of the regular session of the
43 legislature beginning in 2006 on the results and outcomes of such preg-

7-4

1 nancy maintenance programs.

2 Sec. 2

3 DEPARTMENT OF HEALTH AND ENVIRONMENT—
4 DIVISION OF HEALTH

5 (a) There is appropriated for the above agency from the state general
6 fund for the fiscal year ending June 30, 2006, the following:

7 Pregnancy maintenance initiative..... \$600,000 ————— \$300,000

8 *Provided*, That all expenditures from the pregnancy maintenance initia-
9 tive account of the department of health and environment—division of
10 health shall be made pursuant to contracts entered into by the secretary
11 of health and environment under this act for programs that provide serv-
12 ices for women which enable them to carry their pregnancies to term,
13 subject to the provisions of this act.

14 Sec. 3. This act shall take effect and be in force from and after its
15 publication in the statute book.

Education Budget Committee

Senate Bill 8

The Education Budget Committee recommends that Senate Bill 8 be passed and that it be recommended for the Consent Calendar.

Becky Hutchins

Representative Becky Hutchins

Bill Feuerborn

Representative Bill Feuerborn

Lana Gordon

Representative Lana Gordon

Bob Grant

Representative Bob Grant

Steve Heubert

Representative Steve Heubert

Carl C. Krehbiel

Representative Carl Krehbiel

Joe McLeland

Representative Joe McLeland

Dean Newton

Representative Dean Newton

Tom Sawyer

Representative Tom Sawyer

HOUSE APPROPRIATIONS

DATE 3-17-2004

ATTACHMENT 10

Education Budget Committee

Recommendations on Senate Bill 8

Brief

Senate Bill 8 would amend statutes governing capital improvements funded by the research foundations at the state universities. Current statute limits those capital improvement projects to \$1,000,000. SB 8 would remove the funding limitation.

Background

Senate Bill 8 was introduced by the Legislative Educational Planning Committee as a part of the legislative package requested by the Board of Regents. Representatives of the Board of Regents and the University of Kansas testified in favor of the bill. There were no conferees in opposition to the bill.

Although it appears as though the bill would have no fiscal impact to state finances, the fiscal note from the Division of the Budget does not specifically make this statement.

Recommendation

The Education Budget Committee recommends the bill favorable for passage and suggests that it be recommended for the Consent Calendar.

41564~(3/10/5(3:37PM))

Judge says grand jury petition, indictment invalid

By LAURA STRODA
News Editor

Nearly a year after a 29-count indictment was filed by a grand jury against the Abilene Lion's Den Adult Superstore, a judge has dismissed the charges, which were all misdemeanors.

This morning, Kansas Senior Judge Ronald Innes filed his decision with the Clerk of the Dickinson County District Court.

The grand jury was summoned pursuant to a petition filed by a group of citizens who oppose the store. Judges from the Eighth Judicial District reviewed the petition and called for the grand jury.

Innes ruled that because the 248 petition signers had not personally written their voting ward and precinct information on the petition, that it was invalid—thus invalidating the indictment of the grand jury. Attorneys for the Lion's Den, J. Michael Murray and Robert Littrell, had filed a motion

requesting the dismissal of the case based on that argument.

Innes based his judgment on Kansas state statute 22-3001(2), which states, in part: Each signer shall add to such signer's signature such signer's place of residence, giving the street and number or rural route number, if any, and shall show the precinct and ward or township of which such signer is an elector.

"K.S.A. 22-3001(2) clearly requires in part that each signor shall show (presumably by writing it on the petition) the precinct and ward of which the signer is an elector. The signors did not do so, but left that task to others as noted," Innes' decision read. "The provision requiring the signers to show their precinct and ward is mandatory in the judgment of the court; and, accordingly, the indictment of the defendant by the grand jury was invalid."

Abilene resident Phil Cosby, who spearheaded the petition drive, said this morning he was in "disbelief."

"I didn't think he would grant (the motion) based on 'it shall show,' which is a little ambiguous," Cosby said. "On the bottom of the petition, it says I swear the signature is that of who it's purported to be and that they understand the complaint. But evidently, the judge determined the ward and precinct has to be in their handwriting."

Cosby said because of the dismissal, Dickinson County will no longer be at the forefront of the fight against pornography. A similar petition was thrown out in Saline County because of the same arguments. Since then, another petition seeking a grand jury has been filed and validated. Cosby helped in organizing that petition drive as well.

"Timing-wise, it puts everything back. Saline County is now at the forefront, followed by, it looks like, Wichita," he said. "So it's not the end. It's just a continuation of more to come."

Cosby said he visited with Wichita mayor Carlos Mayans last week. Cosby also said has been working with Wichitans for the past few months in a similar fight against adult businesses.

The dismissal of the indictment now leaves two options for those seeking to indict the store on obscenity charges—wait for county attorney Keith Hoffman to take up the case, or start all over with another petition to collect 248 valid signatures.

Saline County attorney Ellen Mitchell declined to file charges against two Salina businesses and was chastised by Cosby for not doing so.

"Keith Hoffman said in his campaign he will prosecute obscenity," said Cosby. "I have no reason to doubt that he wouldn't keep his word."

Hoffman said he had no comment this morning.

Topeka attorney Thomas Lemon has been handling the case since the grand jury convened last January.

(Continued from page 1)

Since then, the county has paid him a total of \$30,772.48 for prosecuting services and mileage.

Of that amount, about \$11,000 has come out of the diversion fund. The remainder of Lemon's fees have come out of the county's general fund—which is funded by tax dollars. Lemon was not available for comment this morning.

"If you look at the big picture with what's happening in Kansas in general, the event in Dickinson County is a spark that has gone off across Kansas," said Cosby. "Nothing is in vain."

HOUSE APPROPRIATIONS

DATE 3-17-2005

ATTACHMENT 11

The Abilene Reflector -
Chronicle
March 1, 2005

Cross References to Related Sections:
Testing in juvenile cases, see 38-1692.

Article 30.—GRAND JURIES

Cross References to Related Sections:

Trials in criminal proceedings, see ch. 22, art. 34.
Jury service and selection of jurors, see 43-155 et seq.
Trial of civil actions in district court, see 60-238, 60-239, 60-247 and 60-253.
Trial of civil actions in courts of limited jurisdiction, 61-1716.
Right to trial by jury, see Bill of Rights, Kan. Const., §§ 5, 10.
Drawing of grand and petit jurors, see 43-107 et seq.
Instructions in restraint of trade cases, see 50-120.
Communications to grand juries, see 60-435.

Law Review and Bar Journal References:

"Notes on the Code of Criminal Procedure," Richard H. Seaton and Paul E. Wilson, 39 J.B.A.K. 97, 164 (1970).

22-3001. Grand juries; summoning; membership; quorum. (1) A majority of the district judges in any judicial district may order a grand jury to be summoned in any county in the district when it is determined to be in the public interest.

(2) A grand jury shall be summoned in any county within 60 days after a petition praying therefor is presented to the district court, bearing the signatures of a number of electors equal to 100 plus 2% of the total number of votes cast for governor in the county in the last preceding election. The petition shall be in substantially the following form:

The undersigned qualified electors of the county of _____ and state of Kansas hereby request that the district court of _____ county, Kansas, within 60 days after the filing of this petition, cause a grand jury to be summoned in the county to investigate alleged violations of law and to perform such other duties as may be authorized by law.

The signatures to the petition need not all be affixed to one paper, but each paper to which signatures are affixed shall have substantially the foregoing form written or printed at the top thereof. Each signer shall add to such signer's signature such signer's place of residence, giving the street and number or rural route number, if any, and shall show the precinct and ward or township of which such signer is an elector. One of the signers of each paper shall verify upon oath that each signature appearing on the paper is the genuine signature of the person whose name it purports to be and that such signer believes that the state-

ments in the petition are true. The petition shall be filed in the office of the clerk of the district court who shall forthwith transmit it to the county election officer, who shall determine whether the persons whose signatures are affixed to the petition are qualified electors of the county. Thereupon, the county election officer shall return the petition to the clerk of the district court, together with such election officer's certificate stating the number of qualified electors of the county whose signatures appear on the petition and the aggregate number of votes cast for all candidates for governor in the county in the last preceding election. The judge or judges of the district court of the county shall then consider the petition and, if it is found that the petition is in proper form and bears the signatures of the required number of electors, a grand jury shall be ordered to be summoned.

(3) The grand jury shall consist of 15 members and shall be drawn and summoned in the same manner as petit jurors for the district court. Twelve members thereof shall constitute a quorum. The judge or judges ordering the grand jury shall direct that a sufficient number of legally qualified persons be summoned for service as grand jurors.

History: L. 1970, ch. 129, § 22-3001; L. 1976, ch. 163, § 12; L. 1986, ch. 115, § 61; Jan. 12, 1987.

Source or prior law:

62-901, 62-901a, 62-902, 62-904.

Cross References to Related Sections:

Twelve-juror requirement, see 22-3002, 22-3011.
Selection of petit jurors, see 43-107, 43-155 et seq.

Attorney General's Opinions:

Grand jury; secrecy of proceedings and disclosure; state board of technical professions; discipline of licensee. 95-20.

CASE ANNOTATIONS

1. Whether prosecution's failure to appeal indictments from improperly convened grand jury foreclosed appeal on grand jury's later indictments examined. *State v. Finical*, 254 K. 529, 530, 867 P.2d 322 (1994).

22-3002. Objections. (1) The prosecuting attorney may challenge the array of jurors on the ground that the grand jury was not selected, drawn or summoned in accordance with law, and may challenge an individual juror on the ground that the juror is not legally qualified. Challenges by the state shall be made before the administration of the oath to the jurors and shall be tried by the court.

(2) A motion to dismiss the indictment made by the defendant may be based on objections to

Mail Message

Novell.


Close Previous Next Forward Reply to Sender Reply All Move Delete Read Later Properties

From: "Phillip Cosby" <cosby1@sbcglobal.net>

To: Kathe Decker

Date: Friday - March 11, 2005 7:51 AM

Subject: Grand Jury Dickinson County

 Mime.822 (9528 bytes) [View](#) [Save As](#)

Kansas State Representative Kathy Decker,

This is Phillip Cosby. As you may have heard, one year later, the judge did throw out the Grand Juries 29 indictments of promotion of obscenity in the Dickinson County's case against the Lions Den. He did so, on the motion that the ward and precinct codes were not written in the same hand as the signatures.

The wards and precincts required on a Grand Jury petition (Reference KS Statute 22-3001) reads **"and shall show the precinct and ward or township of which such signer is an elector."**

I believe originally the wards and precincts and even the township was used to assist the County Clerk in finding the registered voters name. In this age of data bases this is not needed. The Dickinson County Clerk only used the signature to verify that they were registered voters even going so far as correcting wrong ward and precinct codes and counting the signature as good when she worked the petitions.

The meat of the petition is at the conclusion , per the statute **"One of the signers of each paper shall verify upon oath that each signature appearing on the paper is the genuine signature of the person whose name it purports to be and that each signer believes that the statements in the petition are true"**

Sedgwick County is now beginning to collect their needed signatures. This one tedious piece of data and step that most people do not know and greatly impedes the process. Salina had to do their petition twice because of this "it shall show".

Please have this requirement dropped from the Statute as it serves only to impede the people's ability to have their day in court.

Thank you for your help, Phillip Cosby 785-263-3667 cosby1@sbcglobal.net

11-3