

# Journal of the Senate

THIRTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, February 25, 2009—2:30 p.m.

The Senate was called to order by President Stephen Morris.  
The roll was called with thirty-nine senators present.  
Senator Wysong was excused.  
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Last Sunday was the 277th anniversary of the first president of our nation,  
George Washington.

I was so impressed with what President Calvin Coolidge said to the 69th  
Congress on February 22, 1927:

“Washington was the directing spirit without which there would have been  
no independence, no Union, no Constitution, and no Republic. His ways  
were the ways of truth. His influence grows. In wisdom of action, in purity  
of character he stands alone. We cannot yet estimate him. We can only  
indicate our reverence for him and thank the Divine Providence which sent  
him to serve and inspire his fellow men.”

Lord, all I can do is to add my gratitude and I'm sure the gratitude of this  
Senate for the way You guided and inspired the man who came to be known  
as the Father of our Country.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

**SB 286**, An act concerning wildlife; relating to destruction of prairie dogs by authorization of townships; repealing K.S.A. 80-1201, 80-1202, 80-1203, 80-1204, 80-1205, 80-1206, 80-1207 and 80-1208, by Committee on Federal and State Affairs.

**SB 287**, An act concerning wildlife; relating to prairie dog management, control and conservation; also repealing K.S.A. 80-1201, 80-1202, 80-1203, 80-1204, 80-1205, 80-1206, 80-1207 and 80-1208, by Committee on Federal and State Affairs.

**SB 288**, An act concerning insurance; providing coverage for colorectal cancer screening; amending K.S.A. 2008 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Ways and Means.

**SB 289**, An act concerning crimes and punishments; relating to leaving the scene of a vehicle accident; amending K.S.A. 2008 Supp. 8-1602 and repealing the existing section, by Committee on Ways and Means.

**SB 290**, An act concerning school districts; relating to teachers and teachers' contracts; amending K.S.A. 2008 Supp. 72-5413 and repealing the existing section, by Committee on Ways and Means.

## SENATE CONCURRENT RESOLUTION No. 1610—

By Senators Taddiken, Abrams, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, D. Schmidt, V. Schmidt, Schodorf, Steineger, Teichman, Umbarger, Vratil and Wysong

A CONCURRENT RESOLUTION urging the Environmental Protection Agency to authorize the use of higher blends of ethanol in non-flex fuel vehicles.

WHEREAS, Kansas has supported the production and use of ethanol blends for over twenty years, but is approaching an ethanol blend “wall” which will curtail ethanol production in the state; and

WHEREAS, The United States Environmental Protection Agency has not yet approved the use of ethanol blends in excess of ten percent in non-flex fuel vehicles, although the EPA has the ability to approve the use of higher ethanol blends in such vehicles and non-flex fuel vehicles can run safely using blends in excess of E10; and

WHEREAS, The 2007 Federal Energy Bill requires the increased use of ethanol, a requirement that could be addressed through the use of higher ethanol blends, such as blends up to E20 in non-flex fuel vehicles; and

WHEREAS, Numerous studies have shown favorable emissions data through the use of blends up to E20 in comparison with unleaded gasoline; and

WHEREAS, Authorizing the use of higher blends of ethanol in non-flex fuel vehicles will double or triple the use of American-grown ethanol; and

WHEREAS, Kansas will benefit significantly through the increased production of ethanol and related job creation, in addition to the benefit enjoyed by Kansas drivers and fuel consumers through the use of additional ethanol blends at lower cost and through greater fuel efficiency in some vehicles using ethanol blends; and

WHEREAS, Kansas, as well as the entire country, continues to strive for energy independence and increasing the use of ethanol and other biofuels is one more approach toward self-sufficiency: Now, therefore,

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That we strongly support and urge the prompt authorization and implementation by the United States Environmental Protection Agency, and other appropriate federal agencies, of the use of higher levels of ethanol blends in non-flex fuel vehicles; and

*Be it further resolved:* That the Secretary of State is directed to provide an enrolled copy of this resolution to the Administrator of the Environmental Protection Agency, each member of the Kansas Congressional Delegation and the secretary of the United States Department of Agriculture.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2321**.

Commerce: **HB 2142, HB 2270**.

Education: **HB 2197**.

Federal and State Affairs: **HB 2171, HB 2267, HB 2308; Sub HB 2339**.

Financial Institutions & Insurance: **HB 2054, HB 2214, HB 2292**.

Judiciary: **HB 2098, HB 2164, HB 2165, HB 2201**.

Local Government: **HB 2125, HB 2155, HB 2157, HB 2158**.

Public Health and Welfare: **HB 2010, HB 2162, HB 2297**.

Transportation: **HB 2130, HB 2131, HB 2134; Sub HB 2143; HB 2152, HB 2188, HB 2258**

Utilities: **SB 284; HB 2126**.

Ways and Means: **SB 285; HB 2195, HB 2219, HB 2222, HB 2265**.

**CHANGE OF REFERENCE**

The President withdrew **HB 2158** from the Committee on **Local Government**, and referred the bill to the Committee on **Ethics and Elections**.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

SENATE RESOLUTION No. 1831—

A RESOLUTION congratulating and commending Emily Deaver  
for being Miss Kansas 2008.

WHEREAS, On June 7, 2008, Emily Deaver was crowned Miss Kansas 2008 and represented Kansas in the 2009 Miss America pageant on January 24, 2009; and

WHEREAS, Emily Deaver is the daughter of two supportive and dedicated parents, Pastor Terry and Mrs. Karen Deaver; and

WHEREAS, Emily Deaver's talent for the competition was jazz vocal and piano; and

WHEREAS, As Miss Kansas, Emily Deaver's platform issue has been to develop age appropriate and honest approaches to create awareness about the urgency of drug and alcohol abuse and to work to change the attitudes and behaviors that put young people at risk for drug and alcohol abuse and addiction; and

WHEREAS, Miss Deaver has graciously traveled throughout Kansas as Miss Kansas and has visited schools all over the state, challenging many to refocus on the problems of alcohol and drug addiction; and

WHEREAS, Emily Deaver graduated from Augusta High School and currently attends Wichita State University where she is pursuing a degree in Jazz studies; and

WHEREAS, Some of Emily Deaver's scholastic achievements include Wichita State University Dean's List, National Honor Society and Augusta High School Diploma of Distinction and Honor Roll; and

WHEREAS, Emily Deaver has also taken on many leadership roles in her community, including conducting the Wichita State University jazz band, coaching little league soccer, being an FCA worship leader and teaching piano; and

WHEREAS, Governor Sebelius has appointed Emily Deaver to the Kansas Advisory Group on Juvenile Justice and Delinquency Prevention; and

WHEREAS, The Augusta community, Butler county and all other Kansans take pride in the talents and accomplishments of Emily Deaver and wish her well as the reigning Miss Kansas: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate Emily Deaver for winning Miss Kansas 2008 and that we thank her for the work she continues to do across Kansas; and

*Be it further resolved:* That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Senator Masterson for presentation to Emily Deaver.

On emergency motion of Senator Masterson **SR 1831** was adopted unanimously.

Senator Masterson introduced Emily Deaver and Senators joined him in honoring her with a standing ovation.

**REPORTS OF STANDING COMMITTEES**

Committee on **Financial Institutions and Insurance** recommends **SB 275** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

**COMMITTEE OF THE WHOLE**

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator V. Schmidt in the chair.

On motion of Senator V. Schmidt the following report was adopted:

Recommended: **SB 74**, **SB 115**, **SB 215** be passed.

**SB 107**, **SB 225** be amended by adoption of the committee amendments, and the bills be passed as amended.

**SB 178** be amended by adoption of the committee amendments, be further amended by motion of Senator Ostmeyer on page 1, in line 21, after the period by inserting "Such rules and regulations shall be adopted on or before July 1, 2010.", and **SB 178** be passed as further amended.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Thursday, February 26, 2009.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks*.  
PAT SAVILLE, *Secretary of the Senate*.

