

Journal of the Senate

FORTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 13, 2009—8:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty senators present.
Senators Abrams, Barnett, Brownlee, Brungardt, Colyer, Faust-Goudeau, Haley, Kelsey,
Masterson and Pyle were excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,
Praying for the Senators
Is what I like to do
They have responsibilities
And plenty of problems, too.
Some of them live in Topeka,
And can go home every night.
Some who live not far away
Commute before daylight.
Some who live quite far away
Rent here a place to sleep.
Others with several children
Commute home every week.
Farmers, Physicians, and Attorneys
Are almost half those in it.
All of them have other jobs
Besides being in the Senate.
This is just the beginning
Of what I need to pray.
I'll save the rest of my prayer
For another day.
I pray in the Name of Jesus,
AMEN

The Pledge of Allegiance was led by President Stephen Morris.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to Committees as indicated:

Commerce: **SB 314**.

Local Government: **Sub HB 2029**.

Public Health and Welfare: **HB 2359**.

Ways and Means: **SB 313; SCR 1614; Sub HB 2320**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Committee on **Public Health and Welfare** introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1851—

A RESOLUTION urging review, modification and reorganization of laws pertaining to the maintenance and availability of health information.

WHEREAS, Kansans have an interest in the confidentiality, security, integrity and availability of their health information; and

WHEREAS, The availability, quality and efficiency in the delivery of health care, including establishment of medical homes, depend upon the efficient and secure collection, use, maintenance and exchange of health information; and

WHEREAS, The use of current and emerging technology facilitates the efficient and secure collection, use, maintenance and exchange of health information; and

WHEREAS, Kansas' out-dated and decentralized statutory and regulatory scheme, as well as its interaction with federal mandates, creates confusion and is a significant barrier to the efficient and secure collection, use, maintenance and exchange of health information: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the laws of Kansas should be reviewed, modified as necessary and construed so as to protect the interests of individuals in the confidentiality, security, integrity and availability of their health information; promote the use of modern technology in the collection, use, maintenance and exchange of health information; promote uniformity in policy and codify all standards in a cohesive and comprehensive statutory structure; and

Be it further resolved: That the Secretary of the Senate is directed to provide an enrolled copy of this resolution to the E-Health Advisory Committee, Kansas Health Policy Authority.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 247** be passed.

Also, **SB 75** be amended on page 1, in line 27, preceding the period by inserting “, or the consolidation of offices, functions, services and operations”; and the bill be passed as amended.

SB 179 be amended on page 1, in line 40, by striking “unlawfully”; in line 42, after “activity” by inserting “, in whole or in part,”; in line 43, by striking “when” and inserting “except when the officer has reason to believe”; also in line 43, by striking all after “The”;

On page 2, in line 1, by striking “reason to believe the”; in line 2, by striking all after “(B)”;

in line 3, by striking “information leading a reasonable law enforcement officer to believe”; in line 5, by striking “the”; by striking all in line 6; in line 7, by striking “reasonable law enforcement officer to believe”; in line 9, by striking “not”; in line 10, after the comma where it appears the second time, by inserting “or”; also in line 10, by striking “or religious dress”; in line 41, after “design” by inserting “, develop and implement”; also in line 41, by striking “, analysis”; in line 42, by striking all after “stops”; by striking all in line 43;

On page 3, in line 1, by striking “this subsection shall be designed no later than January 1, 2010” and inserting “of motorists and passengers”; after line 23, by inserting the following:

“(h) The provisions of this section shall expire on July 1, 2011.”;

Also on page 3, in line 25, following the stricken material by inserting “(a)”;

in line 26, following the stricken material by inserting “a factor”; in line 30, after “vehicle” by inserting “or pedestrian”; after line 30, by inserting the following:

“(b) No law enforcement officer shall use violations of the traffic laws as a pretext for racial profiling.”;

On page 4, in line 18, by striking “and” the second time it appears, and inserting a comma; also in line 18, after “ordinances” by inserting “and labor contracts”; in line 43, by striking “specific”;

On page 5, after line 18, by inserting the following:

“(b) Upon finding that an investigation is necessary, the commission shall be responsible for timely notification of the law enforcement officer or officers and their respective law enforcement agency that an investigation has been initiated and shall provide: (1) A copy

of the signed complaint; (2) a copy of any and all documentation and evidence provided in support of the claim of racial profiling; and (3) the factors considered by the commission specific to the incident which support the necessity to investigate the claim of racial profiling.”;

Also on page 5, in line 20, after “cause” by inserting “and supporting investigative reports”; in line 23, after “writing” by inserting “to the head of the law enforcement agency. Such writing shall include a summary of the rationale for the finding and shall be made in accordance with K.S.A. 45-221, and amendments thereto”; also in line 23, by striking “Nothing”; by striking all in line 24; in line 25, by striking all before “Kansas” and inserting the following:

“(d) The”;

Also on page 5, in line 28, after the comma by inserting “the”; in line 31, by striking “a motorist” and inserting “an individual”; in line 32, by striking “to file” and inserting “from filing”; in line 37, after the period by inserting the following:

“(f) Upon the disposition of a complaint as provided for in subsection (a), the respondent may appeal a finding of probable cause by the Kansas human rights commission to the district court and shall have a civil cause of action against the complainant and shall be entitled to recover damages if it is determined by the court that the complainant knowingly made a false complaint.

(g)”;

And by relettering the subsections accordingly;

Also on page 5, by striking all in lines 39 through 43;

By striking all on pages 6 through 8;

On page 9, by striking all in lines 1 through 11;

And by renumbering the remaining sections accordingly;

Also on page 9, in line 12, by striking “and” where it appears the second time; in line 13, by striking “K.S.A. 2008 Supp. 74-9501”;

In the title, in line 11, by striking “and” where it appears the second time; in line 12, by striking “K.S.A. 2008 Supp. 74-9501”; and the bill be passed as amended.

SB 218 be amended on page 1, in line 21, after “wine” by inserting “in the original unopened container”; and the bill be passed as amended.

HB 2171 be amended on page 3, preceding line 11, by inserting the following:

“Sec. 7. K.S.A. 73-1208a is hereby amended to read as follows: 73-1208a. (a) There is hereby created the Kansas commission on veterans affairs, which shall consist of five members appointed by the governor. The members of the commission shall be persons who have served in the armed forces of the United States *and have received an honorable discharge, as evidenced by their military discharge papers (DD Form 214)*. The governor shall designate the chairperson of the commission. Members of the commission serving on the effective date of this act shall continue to serve for the term for which appointed. ~~On July 1, 1986, the governor shall appoint one member for a term expiring on June 30, 1987, and one member for a term expiring on June 30, 1988.~~

(b) Subject to the provisions of K.S.A. ~~1992 Supp. 75-4315c, and amendments thereto,~~ the governor shall appoint one member from each congressional district and the remainder from the state at large. Not more than three members shall be members of the same political party; and not more than two members shall represent the same veterans’ organization.

(c) Persons appointed as successors to all members of the commission shall be appointed for terms of four years. The governor may remove a member of the commission for good cause. Any vacancy occurring in the membership of the commission for any cause shall be filled by appointment for the unexpired term in the same manner ~~that original appointments are made~~ *as provided in subsection (a)*. Members of the commission attending meetings of the commission, or attending a subcommittee meeting thereof authorized by the commission, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

Sec. 8. K.S.A. 2008 Supp. 73-1234 is hereby amended to read as follows: 73-1234. (a) The Kansas commission on veterans affairs shall establish and administer a veterans claims assistance program in accordance with this section to improve the coordination of veterans benefits counseling in Kansas to maximize the effective and efficient use of taxpayer dollars

and to ensure that every veteran is served and receives claims counseling and assistance. The Kansas commission on veterans affairs shall establish and commence operations under the veterans claims assistance program in accordance with this section on or before August 1, 2006. The Kansas commission on veterans affairs shall appoint the director of the veterans claims assistance program, who shall be in the classified service under the Kansas civil service act. No employee of the Kansas commission on veterans affairs shall act as an agent with power of attorney for any claimant.

(b) The veterans claims assistance program shall ~~be implemented~~ *implement* and ~~administered through~~ *administer* annual service grants to eligible veterans service organizations pursuant to grant agreements entered into with the Kansas commission on veterans affairs in accordance with this section. All service grants and grant agreements shall be subject to the provisions of appropriation acts.

(c) The Kansas commission on veterans affairs shall adopt rules and regulations to implement and administer the veterans claims assistance program and the service grant program. The rules and regulations shall include: (1) The detailed requirements of the veterans claims assistance program and grant agreements; (2) the responsibilities of all parties to the grant agreements; (3) the duration of the grants; (4) any insurance or bonding requirements; (5) the format and frequency of progress and final reports; (6) the initial and continuing training requirements for veterans claims assistance representatives; (7) the provisions of a quality assurance program for the veterans claims assistance program and the services performed by veterans service organizations receiving grants under this section; and (8) any other information or requirements deemed necessary or appropriate by the commission.

(d) All moneys provided to veterans service organizations through service grants shall be used only for salaries, wages, related employer contributions and personnel costs, and operating and capital outlay expenditures for training and equipment for veterans claims assistance representatives and necessary support and managerial staff.

(e) Training activities for veterans claims assistance representatives shall be the responsibility of the veterans service organization employing the veterans claims assistance representatives and shall be conducted by qualified veterans claims assistance representatives.

(f) To receive a service grant under this section to perform services under the veterans claims assistance program, a veterans service organization shall satisfy the following eligibility requirements: (1) The veterans service organization shall be congressionally chartered by the United States Congress; (2) the veterans service organization shall agree to cross-accredit the officers and employees of the Kansas commission on veterans affairs ~~and who are veterans and who work in the veteran services program, as well as~~ veterans claims assistance representatives of other veterans service organizations who are performing services under the veterans claims assistance program, subject to the following: (A) The person to be cross-accredited shall provide proof to the ~~veterans service organization~~ *director* that the person has successfully completed the national association of county veterans service officers training *or equivalent, as determined by the director* and that such person shall *participate in a minimum of one annual training session as approved by the director as well as* maintain the continuing education requirements of the cross-accrediting veterans service organization; and (B) the cross-accrediting veterans service organization ~~is~~ *has* reserved the right to terminate the ~~cross-accrediting accreditation~~ if the person fails to meet the continuing education requirement of the veterans service organization *or participate in a minimum of one annual training session as approved by the director*; (3) agree to participate in one-stop veterans service centers at *the federal veterans administration regional office and* each federal veterans administration medical center in Kansas; (4) demonstrate the receipt of monetary or service support from its own organization for the veterans claims assistance program; (5) demonstrate the ability to comply with the requirements prescribed by this section or adopted by the Kansas commission on veterans affairs under this statute for accounting, service work activity and other satisfactory performance requirements and measures; (6) have established state headquarters in Kansas; (7) have staff present in the ~~three federal veterans administration regional office and the~~ United States department of veterans affairs medical centers located in Topeka; ~~and Leavenworth and Wichita~~; (8) have membership residency in at least 50% of the Kansas counties; (9) have had an established office presence in the United States department of veterans affairs regional office in Kansas for

at least the three most recent state fiscal years; (10) have assisted in filing a minimum of 300 claims for veterans for which the veterans service organization has power of attorney in the past 12-month period; (11) agree to make no reference to membership eligibility on claims documentation and not solicit membership due to information received on claim forms; (12) agree to cross-accredit service officers participating in the service grant program to include service officers of partnered veterans service organizations and Kansas commission on veterans affairs staff located in the *federal veterans administration regional office and the United States department of veterans affairs medical centers in Leavenworth; and Topeka and Wichita*; (13) agree that grant funding will not replace the monetary support currently provided by the veterans service organization to offices in the *federal veterans administration regional office and the United States department of veterans affairs medical centers in Leavenworth; and Topeka and Wichita* for veterans claims assistance but will supplement the veterans service organization's monetary support currently in place; and (14) agree that the veterans service organization's monetary support currently provided for veterans claims assistance in the *federal veterans administration regional office and the United States department of veterans affairs medical centers in Leavenworth; and Topeka and Wichita* will be equal to or greater than the monetary support that the veterans service organization provided in the previous year. *For the purposes of this subsection, "director" means the veterans claims assistance program director.*

(g) Each veterans service organization receiving a service grant under this section shall file with the Kansas commission on veterans affairs, within 90 days after the end of the veterans service organization's fiscal year, a detailed statement prepared by a certified public accountant which sets forth an accounting of all expenditures of moneys received under the service grant. Each veterans service organization receiving a service grant under this section shall apply for the grant funding on an annual basis, shall demonstrate satisfactory performance based on completion of minimum requirements during the preceding annual period and shall certify that all veterans service representatives funded with service grant moneys meet minimum training requirements to provide for core competencies.

(h) The Kansas commission on veterans affairs shall develop and maintain a central database registry regarding claims outcome data received from veterans claims assistance representatives under the veterans claims assistance program.

Sec. 9. K.S.A. 2008 Supp. 73-1235 is hereby amended to read as follows: 73-1235. (a) There is hereby established with the Kansas commission on veterans affairs an advisory board which shall be known as the veterans claims assistance advisory board. The advisory board shall advise the Kansas commission on veterans affairs in the implementation and administration of the veterans claims assistance program.

(b) The advisory board shall consist of ~~six members as follows~~ *the following members*:

(1) The director of the veterans claims assistance program, who shall be a permanent member of the advisory board and shall serve as the chairperson of the advisory board.

(2) ~~Three members of the advisory board shall be veterans representing veterans service organizations~~ *Each veterans service organization participating in the grant program shall appoint one member of the advisory board who shall be a veteran.* The director shall notify the state level unit of each national veterans service organization which has an office in the federal department of veteran affairs regional office in Wichita, Kansas, and request written confirmation of the intent of the veterans service organization to participate in the veterans claims assistance program and to request an annual service grant. Each such veterans service organization submitting such confirmation *that also meets the eligibility requirements in K.S.A. 73-1234, and amendments thereto*, shall prepare and submit a list of three nominations of veterans from such veterans service organization. The governor shall appoint one veteran as a member of the advisory board from each list.

(3) Two legislators, one from each house, shall be appointed to the advisory board with the speaker of the house of representatives and president of the senate each appointing a member. One legislator shall be a member of the democratic party and one legislator shall be a member of the republican party.

(c) Within 90 days of the effective date of this act, the governor, the speaker of the house of representatives and the president of the senate shall appoint the initial members of the advisory board. Of the initial appointments to the advisory board by the governor, one shall

be for a term of one year, one shall be for a term of two years and one shall be for a term ending three years after the date of the initial appointment. After the initial appointments, terms of office of the members appointed by the governor shall be for three years. The term of office of each member appointed by the speaker of the house of representatives or the president of the senate shall end on the first day of the regular session of the legislature which commences in the first odd-numbered year occurring after the year such member was appointed.

(d) Each member of the advisory board, other than the director of the veterans claims assistance program, shall serve until a successor is appointed and qualified. Whenever a vacancy occurs in the membership of the advisory board for any reason other than the expiration of a member's term of office, the governor, the speaker of the house of representatives or president of the senate shall appoint a successor of like qualifications to fill the unexpired term in accordance with this section. In the case of any vacancy occurring in the position of an advisory board member who was appointed from a list of nominations submitted by a veterans service organization, the governor shall notify that veterans service organization of the vacant position and request a list of three nominations of veterans from which the governor shall appoint a successor to the advisory board.

(e) Annually, the advisory board shall elect a vice-chairperson and secretary from among its members and shall meet at least four times each year at the call of the chairperson.

(f) The members of the advisory board attending meetings of the advisory board or attending a subcommittee meeting thereof authorized by the advisory board shall receive no compensation for their services but shall be paid subsistence allowances, mileage and other expenses as provided in subsections (b), (c) and (d) of K.S.A. 75-3223 and amendments thereto.

Sec. 10. K.S.A. 73-1208a and K.S.A. 2008 Supp. 73-1234 and 73-1235 are hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, by striking all in lines 10 through 12 and inserting the following:

“AN ACT concerning the Kansas commission on veterans affairs; relating to the membership thereof; relating to the veterans claims assistance program and the veterans claims assistance advisory board; creating the Vietnam war era medallion program; amending K.S.A. 73-1208a and K.S.A. 2008 Supp. 73-1234 and 73-1235 and repealing the existing sections.”;

And the bill be passed as amended.

HB 2308 be amended on page 1, in line 19, by striking “, at the option of the licensee: (1) Shall” and inserting “shall”; in line 25, by striking all after “thereto”; by striking all in line 26; in line 27, by striking all before the period; in line 29, by striking all after “weapons”; by striking all in line 30; in line 31, by striking all before “which”; in line 34, by striking all after “identification”; by striking all in line 35; in line 36, by striking all before the period;

On page 2, after line 10, by inserting:

“Sec. 2. K.S.A. 2008 Supp. 75-7c04 is hereby amended to read as follows: 75-7c04. (a) The attorney general shall issue a license pursuant to this act if the applicant:

(1) Is a resident of the county where application for licensure is made and has been a resident of the state for six months or more immediately preceding the filing of the application, residency to be determined in accordance with K.S.A. 77-201, and amendments thereto;

(2) is 21 years or more of age;

(3) does not suffer from a physical infirmity which prevents the safe handling of a weapon;

(4) (A) has been convicted or placed on diversion for an act that constitutes a felony under the laws of this state or any other jurisdiction and: (i) Such felony is expungeable pursuant to K.S.A. 21-4619, and amendments thereto, or similar provision from another jurisdiction; (ii) such felony has been expunged; and (iii) the requirements of subsection (d) are otherwise met;

(B) has not been convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a felony under the laws of this state and such felony is not subject to expungement pursuant to K.S.A. 21-4619, and amendments thereto, or adjudicated, in this

or any other jurisdiction, of committing as a juvenile an act that would be a felony under the laws of this state if committed by an adult;

(5) has never been convicted, in this or any other jurisdiction, for an act that constitutes a misdemeanor crime of domestic violence, as defined by 18 U.S.C. 921(a)(33)(A) or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a misdemeanor crime of domestic violence under 18 U.S.C. 921(a)(33)(A) if committed by an adult;

(6) has not been, during the five years immediately preceding the date the application is submitted: (A) Convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a misdemeanor under the provisions of the uniform controlled substances act or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a misdemeanor under such act if committed by an adult; (B) convicted or placed on diversion, in this or any other jurisdiction, two or more times for an act that constitutes a violation of K.S.A. 8-1567, and amendments thereto; (C) convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a domestic violence misdemeanor under any municipal ordinance or article 34 or 35 of chapter 21 of the Kansas Statutes Annotated or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a domestic violence misdemeanor under article 34 or 35 of chapter 21 of the Kansas Statutes Annotated if committed by an adult; or (D) convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a violation of K.S.A. 2008 Supp. 75-7c12, and amendments thereto, or a violation of subsection (a)(4) of K.S.A. 21-4201, and amendments thereto, or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a violation of K.S.A. 2008 Supp. 75-7c12, and amendments thereto, or a violation of subsection (a)(4) of K.S.A. 21-4201, and amendments thereto, if committed by an adult;

(7) has not been charged with a crime which would render the applicant, if convicted, ineligible for a license or, if so charged, final disposition of the charge has occurred and no other charges are pending which would cause the applicant to be ineligible for a license;

(8) has not been ordered by a court to receive treatment for mental illness pursuant to K.S.A. 59-2966, and amendments thereto, or for an alcohol or substance abuse problem pursuant to K.S.A. 59-29b66, and amendments thereto, or, if a court has ordered such treatment, has not been issued a certificate of restoration pursuant to K.S.A. 2008 Supp. 75-7c26, and amendments thereto, not less than five years before the date of the application;

(9) desires a legal means to carry a concealed weapon for lawful self-defense;

(10) except as provided by subsection (g) of K.S.A. 2008 Supp. 75-7c05, and amendments thereto, presents evidence satisfactory to the attorney general that the applicant has satisfactorily completed a weapons safety and training course approved by the attorney general pursuant to subsection (b);

(11) has not been adjudged a disabled person under the act for obtaining a guardian or conservator, or both, or under a similar law of another state or the District of Columbia, unless the applicant was ordered restored to capacity three or more years before the date on which the application is submitted;

(12) has not been dishonorably discharged from military service;

(13) is a citizen of the United States;

(14) is not subject to a restraining order issued under the protection from abuse act, under the protection from stalking act or pursuant to K.S.A. 60-1607, K.S.A. 2008 Supp. 38-2242, 38-2243 or 38-2255, and amendments thereto, or any equivalent order entered in another state or jurisdiction which is entitled to full faith and credit in Kansas; ~~and~~

(15) is not in contempt of court in a child support proceeding;

(16) *has not attempted to commit suicide in the five years immediately preceding application; and*

(17) *has not been adjudicated as a mental defective or committed to a mental institution.*

(b) (1) The attorney general shall adopt rules and regulations establishing procedures and standards as authorized by this act for an eight-hour weapons safety and training course required by this section. Such standards shall include: (A) A requirement that trainees receive training in the safe storage of weapons, actual firing of weapons and instruction in the laws of this state governing the carrying of a concealed weapon and the use of deadly

force; (B) general guidelines for courses which are compatible with the industry standard for basic firearms training for civilians; (C) qualifications of instructors; and (D) a requirement that the course be: (i) A weapons course certified or sponsored by the attorney general; or (ii) a weapons course certified or sponsored by the national rifle association or by a law enforcement agency, college, private or public institution or organization or weapons training school, if the attorney general determines that such course meets or exceeds the standards required by rules and regulations adopted by the attorney general and is taught by instructors certified by the attorney general or by the national rifle association, if the attorney general determines that the requirements for certification of instructors by such association meet or exceed the standards required by rules and regulations adopted by the attorney general. Any person wanting to be certified by the attorney general as an instructor shall submit to the attorney general an application in the form required by the attorney general and a fee not to exceed \$150.

(2) The cost of the weapons safety and training course required by this section shall be paid by the applicant. The following shall constitute satisfactory evidence of satisfactory completion of an approved weapons safety and training course: (A) Evidence of completion of the course, in the form provided by rules and regulations adopted by the attorney general; or (B) an affidavit from the instructor, school, club, organization or group that conducted or taught such course attesting to the completion of the course by the applicant.

(c) In addition to the requirements of subsection (a), a person holding a license pursuant to this act, prior to renewal of the license provided herein, shall submit evidence satisfactory to the attorney general that the licensee has requalified by completion of an approved course given by an instructor of an approved weapons safety and training course under subsection (b).

(d) If an applicant has had a conviction or diversion described in subsection (a)(4)(A) or (a)(6) expunged pursuant to K.S.A. 12-4516 or 21-4619, and amendments thereto, or similar provision from another jurisdiction, and the applicant has been eligible for expungement for five years or more immediately preceding the date the application for licensure is submitted, the applicant shall not be disqualified from being issued a license if the applicant is otherwise qualified for licensure pursuant to this section *and eligible to possess a firearm under state and federal law*.

(e) *For purposes of this section: (1) "Adjudicated as a mental defective" means a determination by a court, board, commission or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition or disease: (A) Is a danger to the person's self or to others; or (B) lacks the mental capacity to contract or manage the person's own affairs. "Adjudicated as a mental defective" shall include a finding of insanity by a court in a criminal case, and those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility pursuant to articles 50a and 72b of the United States uniform code of military justice.*

(2) (A) *"Committed to a mental institution" means a formal commitment of a person to a mental institution by a court, board, commission or other lawful authority. "Committed to a mental institution" includes a commitment to a mental institution involuntarily, commitment for mental defectiveness or mental illness and commitments for other reasons, such as for drug use.*

(B) *"Committed to a mental institution" shall not include a person in a mental institution for observation or a voluntary admission to a mental institution."*

And by renumbering sections accordingly;

Also on page 2, in line 27, by striking "(a)(7)" and inserting "(a)(8)";

On page 4, in line 29, after "75-7c03" by inserting ", 75-7c04";

In the title, in line 10, after "75-7c03" by inserting ", 75-7c04"; and the bill be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Monday, March 16, 2009.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

