

# Journal of the House

TWENTY-FIRST DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, February 9, 2010, 11:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.  
The roll was called with 120 members present.  
Reps. Donohoe and Johnson were excused on verified illness.  
Reps. Kelley, Palmer and Slattery were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Jim Bond, pastor, Church of the Nazarene, Junction City, and guest of Reps. Craft and Neufeld:

Almighty God, Maker of heaven and earth,  
We draw near the throne of grace today recognizing that You are the author and sustainer of life. Every good gift we enjoy today including the very breath we breathe is because of You. We say thank you.

As we reflect today on the many needs around us, we ask for your help. In Haiti and around the world, may you provide the resources through us to meet the needs of the impoverished and less fortunate. In our own country, may you provide a spirit of unity and cooperation to solve the great problems that challenge us. Continue to protect and provide for our military and their families as they work to provide peace in Iraq and Afghanistan. We do our part to preserve peace recognizing the lessons of history that evil will advance in our world if we stand by and do nothing. And yet, Lord, only You can provide a lasting peace. Bring your kingdom in its fullness so that we may rejoice when the lion lays down with the lamb.

Finally, Lord, I ask that you give these great representatives of this state of Kansas wisdom to govern and lead; strength for the demands of the job; a strong moral compass and perseverance to say the course of what is right even when it might be contrary to popular opinion. At the end of day, Lord, when we lay our heads on our pillows, give us Your peace, knowing we have all done our part.

In Your name we pray, Amen.

The Pledge of Allegiance was led by Rep. Neighbor.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Commerce and Labor: **HB 2669**.  
Corrections and Juvenile Justice: **HB 2670**.  
Health and Human Services: **HCR 5032**.  
Insurance: **HB 2671**.

## CONSENT CALENDAR

No objection was made to **HB 2553** appearing on the Consent Calendar for the second day.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Landwehr in the chair.

#### COMMITTEE OF THE WHOLE

On motion of Rep. Landwehr, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2437, HB 2486, HB 2535, HB 2455** be passed.

Committee report to **HB 2436** be adopted; and the bill be passed as amended.

Committee report to **HB 2456** be adopted; and the bill be passed as amended.

Committee report to **HB 2433** be adopted; also, on motion of Rep. Brookens be amended on page 3, in line 38, after "(b)" by inserting "(1)"; in line 40, by striking ", other individuals who are res-"; by striking all in line 41; in line 42, by striking "Kansas" and inserting "for their personal use"; after line 43 by inserting the following:

"(2) In addition to the persons and entities specified in paragraph (1), the secretary is hereby authorized to sell all such articles, products and services to any individual who is a resident of the state of Kansas and to any business located within the state of Kansas.

The provisions of this paragraph (2) shall expire on June 30, 2013."

Also, on motion of Rep. M. Holmes to amend **HB 2433**, the motion was withdrawn.

Also, on motion of Rep. Gordon to amend **HB 2433**, Rep. Colloton offered a motion to refer the bill to Committee on Education. The motion was withdrawn.

Also, on further motion of Rep. Colloton to refer the bill to Committee on Corrections and Juvenile Justice, the motion did not prevail.

The question then reverted back to the motion of Rep. Gordon to amend **HB 2433**, which did not prevail; and the bill be passed as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2506** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2508** be amended on page 7, in line 40, by striking "five" and inserting "10"; in line 42, by striking "five" and inserting "10";

On page 8, in line 2, by striking "under the existing law,;" and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2509** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2509," as follows:

"Substitute for HOUSE BILL No. 2509

By Committee on Corrections and Juvenile Justice

"AN ACT concerning work release; relating to the release of sexually violent predators; amending K.S.A. 75-5267 and repealing the existing section.;" and the substitute bill be passed.

(**Sub. HB 2509** was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **HB 2518** be amended on page 7, in line 21, by striking "2007" and inserting "2009";

On page 18, in line 40, by striking "person" and inserting "nonperson"; in line 41, by striking "person" and inserting "nonperson";

On page 21, by striking all in lines 38 through 43;

On page 22, by striking all in lines 1 and 2; in line 3, by striking "(f)" and inserting "(e)"; in line 10, by striking "(g)" and inserting "(f)";

On page 37, in line 30, by striking "2007" and inserting "2009";

On page 69, after line 3, by inserting the following:

"(B) Any party requesting the nonprison sentence be served by attending and successfully completing a treatment or behavioral modification program shall notify the court and opposing counsel prior to sentencing of the proposed program. The presentence investigation report by the court services officer shall verify the availability of the program and the adequacy of the provider of such program and the treatment or behavioral modification plan.;"

Also on page 69, in line 4, by striking "(B)" and inserting "(C)";

On page 73, after line 23, by inserting the following:

“(t) The sentencing court shall not distinguish between the controlled substances cocaine base (9041L000) and cocaine hydrochloride (9041L005) when sentencing within the sentencing range of the grid block.”;

On page 74, after line 36, by inserting the following:

“(d) No plea bargaining agreement may be entered into whereby the prosecutor agrees to decline to use a prior drug conviction of the defendant to elevate or enhance the severity level of a drug crime as provided in K.S.A. 2009 Supp. 21-36a03, 21-36a05 or 21-36a06, and amendments thereto, or agrees to exclude any prior conviction from the defendant’s criminal history.”;

On page 86, in line 27, by striking “or” and inserting a comma; in line 28, after the second comma by inserting “or a felony violation of K.S.A. 2009 Supp. 21-36a06, and amendments thereto.”; and the bill be passed as amended.

Committee on **Insurance** recommends **HB 2490** 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 on **Judiciary** recommends **HB 2530** be passed.

Committee on **Judiciary** recommends **HB 2364** be amended on page 1, in line 32, after “holidays” by inserting a comma; in line 33, after “the” where it appears the first time, by inserting “office of the clerk of the”;

On page 2, in line 40, after “days” where it appears the first time, by inserting a comma; also in line 40, after “the” by inserting “office of the clerk of the”;

On page 3, in line 2, after “days” where it appears the first time, by inserting a comma; also in line 2, after “the” by inserting “office of the clerk of the”; in line 11, by striking “2008” and inserting “2009”; in line 13, by striking “2008” and inserting “2009”; in line 25, after “holidays” by inserting a comma; also in line 25, after “the” by inserting “office of the clerk of the”;

On page 4, in line 4, after “holidays” by inserting a comma; in line 5, after “the” where it appears the first time, by inserting “office of the clerk of the”; by striking all in lines 8 through 43;

By striking all on pages 5 through 8;

On page 9, by striking all in lines 1 through 30 and inserting the following:

“Sec. 4. K.S.A. 2009 Supp. 38-2232 is hereby amended to read as follows: 38-2232. (a) To the extent possible, when any law enforcement officer takes into custody a child under the age of 18 years without a court order, the child shall forthwith be delivered to the custody of the child’s parent or other custodian unless there are reasonable grounds to believe that such action would not be in the best interests of the child. Except as provided in subsection (b), if the child is not delivered to the custody of the child’s parent or other custodian, the child shall forthwith be delivered to a shelter facility designated by the court, court services officer, juvenile intake and assessment worker, licensed attendant care center or other person or, if the child is 15 years of age or younger, or 16 or 17 years of age if the child has no identifiable parental or family resources or shows signs of physical, mental, emotional or sexual abuse, to a facility or person designated by the secretary. If, after delivery of the child to a shelter facility, the person in charge of the shelter facility at that time and the law enforcement officer determine that the child will not remain in the shelter facility and if the child is presently alleged, but not yet adjudicated, to be a child in need of care solely pursuant to subsection (d)(9) or (d)(10) of K.S.A. 2009 Supp. 38-2202, and amendments thereto, the law enforcement officer shall deliver the child to a juvenile detention facility or other secure facility, designated by the court, where the child shall be detained for not more than 24 hours, excluding Saturdays, Sundays ~~and~~, legal holidays, *and days on which the office of the clerk of the court is not accessible*. No child taken into custody pursuant to this code shall be placed in a juvenile detention facility or other secure facility, except as authorized by this section and by K.S.A. 2009 Supp. 38-2242, 38-2243 and 38-2260, and amendments thereto. It shall be the duty of the law enforcement officer to furnish to the county or district attorney, without unnecessary delay, all the information in the possession of the officer pertaining to the child, the child’s parents or other persons interested in or likely to be interested in the child and all other facts and circumstances which caused the child to be taken into custody.

(b) When any law enforcement officer takes into custody any child as provided in subsection (b)(2) of K.S.A. 2009 Supp. 38-2231, and amendments thereto, proceedings shall be initiated in accordance with the provisions of the interstate compact on juveniles, K.S.A. 38-1001 et seq., and amendments thereto, or K.S.A. 2009 Supp. 38-1008, and amendments thereto, when effective. Any child taken into custody pursuant to the interstate compact on juveniles may be detained in a juvenile detention facility or other secure facility.

(c) Whenever a child under the age of 18 years is taken into custody by a law enforcement officer without a court order and is thereafter placed as authorized by subsection (a), the facility or person shall, upon written application of the law enforcement officer, have physical custody and provide care and supervision for the child. The application shall state:

- (1) The name and address of the child, if known;
- (2) the names and addresses of the child's parents or nearest relatives and persons with whom the child has been residing, if known; and
- (3) the officer's belief that the child is a child in need of care and that there are reasonable grounds to believe that the circumstances or condition of the child is such that the child would be harmed unless placed in the immediate custody of the shelter facility or other person.

(d) A copy of the application shall be furnished by the facility or person receiving the child to the county or district attorney without unnecessary delay.

(e) The shelter facility or other person designated by the court who has custody of the child pursuant to this section shall discharge the child not later than 72 hours following admission, excluding Saturdays, Sundays ~~and~~, legal holidays, *and days on which the office of the clerk of the court is not accessible*, unless a court has entered an order pertaining to temporary custody or release.

(f) In absence of a court order to the contrary, the county or district attorney or the placing law enforcement agency shall have the authority to direct the release of the child at any time.

(g) When any law enforcement officer takes into custody any child as provided in subsection (d) of K.S.A. 2009 Supp. 38-2231, and amendments thereto, the child shall forthwith be delivered to the school in which the child is enrolled, any location designated by the school in which the child is enrolled or the child's parent or other custodian.

Sec. 5. K.S.A. 2009 Supp. 38-2242 is hereby amended to read as follows: 38-2242. (a) The court, upon verified application, may issue ex parte an order directing that a child be held in protective custody and, if the child has not been taken into custody, an order directing that the child be taken into custody. The application shall state for each child:

- (1) The applicant's belief that the child is a child in need of care;
- (2) that the child is likely to sustain harm if not immediately removed from the home;
- (3) that allowing the child to remain in the home is contrary to the welfare of the child; and
- (4) the facts relied upon to support the application, including efforts known to the applicant to maintain the family unit and prevent the unnecessary removal of the child from the child's home, or the specific facts supporting that an emergency exists which threatens the safety of the child.

(b) (1) The order of protective custody may be issued only after the court has determined there is probable cause to believe the allegations in the application are true. The order shall remain in effect until the temporary custody hearing provided for in K.S.A. 2009 Supp. 38-2243, and amendments thereto, unless earlier rescinded by the court.

(2) No child shall be held in protective custody for more than 72 hours, excluding Saturdays, Sundays ~~and~~, legal holidays, *and days on which the office of the clerk of the court is not accessible*, unless within the 72-hour period a determination is made as to the necessity for temporary custody in a temporary custody hearing. The time spent in custody pursuant to K.S.A. 2009 Supp. 38-2232, and amendments thereto, shall be included in calculating the 72-hour period. Nothing in this subsection shall be construed to mean that the child must remain in protective custody for 72 hours. If a child is in the protective custody of the secretary, the secretary shall allow at least one supervised visit between the child and the parent or parents within such time period as the child is in protective custody. The court

may prohibit such supervised visit if the court determines it is not in the best interest of the child.

(c) (1) Whenever the court determines the necessity for an order of protective custody, the court may place the child in the protective custody of:

(A) A parent or other person having custody of the child and may enter a restraining order pursuant to subsection (e);

(B) a person, other than the parent or other person having custody, who shall not be required to be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(C) a youth residential facility;

(D) a shelter facility; or

(E) the secretary, if the child is 15 years of age or younger, or 16 or 17 years of age if the child has no identifiable parental or family resources or shows signs of physical, mental, emotional or sexual abuse.

(2) If the secretary presents the court with a plan to provide services to a child or family which the court finds will assure the safety of the child, the court may only place the child in the protective custody of the secretary until the court finds the services are in place. The court shall have the authority to require any person or entity agreeing to participate in the plan to perform as set out in the plan. When the child is placed in the protective custody of the secretary, the secretary shall have the discretionary authority to place the child with a parent or to make other suitable placement for the child. When the child is presently alleged, but not yet adjudicated, to be a child in need of care solely pursuant to subsection (d)(9) or (d)(10) of K.S.A. 2009 Supp. 38-2202, and amendments thereto, the child may be placed in a juvenile detention facility or other secure facility pursuant to an order of protective custody for a period of not to exceed 24 hours, excluding Saturdays, Sundays ~~and~~ legal holidays, *and days on which the office of the clerk of the court is not accessible*.

(d) The order of protective custody shall be served pursuant to subsection (a) of K.S.A. 2009 Supp. 38-2237, and amendments thereto, on the child's parents and any other person having legal custody of the child. The order shall prohibit the removal of the child from the court's jurisdiction without the court's permission.

(e) If the court issues an order of protective custody, the court may also enter an order restraining any alleged perpetrator of physical, sexual, mental or emotional abuse of the child from residing in the child's home; visiting, contacting, harassing or intimidating the child, other family member or witness; or attempting to visit, contact, harass or intimidate the child, other family member or witness. Such restraining order shall be served by personal service pursuant to subsection (a) of K.S.A. 2009 Supp. 38-2237, and amendments thereto, on any alleged perpetrator to whom the order is directed.

(f) (1) The court shall not enter an order removing a child from the custody of a parent pursuant to this section unless the court first finds probable cause that: (A)(i) the child is likely to sustain harm if not immediately removed from the home;

(ii) allowing the child to remain in home is contrary to the welfare of the child; or

(iii) immediate placement of the child is in the best interest of the child; and

(B) reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the child from the child's home or that an emergency exists which threatens the safety to the child.

(2) Such findings shall be included in any order entered by the court. If the child is placed in the custody of the secretary, the court shall provide the secretary with a written copy of any orders entered upon making the order.

Sec. 6. K.S.A. 2009 Supp. 38-2243 is hereby amended to read as follows: 38-2243. (a) Upon notice and hearing, the court may issue an order directing who shall have temporary custody and may modify the order during the pendency of the proceedings as will best serve the child's welfare.

(b) A hearing pursuant to this section shall be held within 72 hours, excluding Saturdays, Sundays ~~and~~ legal holidays, *and days on which the office of the clerk of the court is not accessible*, following a child having been taken into protective custody.

(c) Whenever it is determined that a temporary custody hearing is required, the court shall immediately set the time and place for the hearing. Notice of a temporary custody hearing shall be given to all parties and interested parties.

(d) Notice of the temporary custody hearing shall be given at least 24 hours prior to the hearing. The court may continue the hearing to afford the 24 hours prior notice or, with the consent of the party or interested party, proceed with the hearing at the designated time. If an order of temporary custody is entered and the parent or other person having custody of the child has not been notified of the hearing, did not appear or waive appearance and requests a rehearing, the court shall rehear the matter without unnecessary delay.

(e) Oral notice may be used for giving notice of a temporary custody hearing where there is insufficient time to give written notice. Oral notice is completed upon filing a certificate of oral notice.

(f) The court may enter an order of temporary custody after determining there is probable cause to believe that the: (1) Child is dangerous to self or to others; (2) child is not likely to be available within the jurisdiction of the court for future proceedings; or (3) health or welfare of the child may be endangered without further care.

(g) (1) Whenever the court determines the necessity for an order of temporary custody the court may place the child in the temporary custody of:

(A) A parent or other person having custody of the child and may enter a restraining order pursuant to subsection (h);

(B) a person, other than the parent or other person having custody, who shall not be required to be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(C) a youth residential facility;

(D) a shelter facility; or

(E) the secretary, if the child is 15 years of age or younger, or 16 or 17 years of age if the child has no identifiable parental or family resources or shows signs of physical, mental, emotional or sexual abuse.

(2) If the secretary presents the court with a plan to provide services to a child or family which the court finds will assure the safety of the child, the court may only place the child in the temporary custody of the secretary until the court finds the services are in place. The court shall have the authority to require any person or entity agreeing to participate in the plan to perform as set out in the plan. When the child is placed in the temporary custody of the secretary, the secretary shall have the discretionary authority to place the child with a parent or to make other suitable placement for the child. When the child is presently alleged, but not yet adjudicated to be a child in need of care solely pursuant to subsection (d)(9) or (d)(10) of K.S.A. 2009 Supp. 38-2202, and amendments thereto, the child may be placed in a juvenile detention facility or other secure facility, but the total amount of time that the child may be held in such facility under this section and K.S.A. 2009 Supp. 38-2242, and amendments thereto, shall not exceed 24 hours, excluding Saturdays, Sundays and legal holidays, *and days on which the office of the clerk of the court is not accessible*. The order of temporary custody shall remain in effect until modified or rescinded by the court or an adjudication order is entered but not exceeding 60 days, unless good cause is shown and stated on the record.

(h) If the court issues an order of temporary custody, the court may also enter an order restraining any alleged perpetrator of physical, sexual, mental or emotional abuse of the child from residing in the child's home; visiting, contacting, harassing or intimidating the child; or attempting to visit, contact, harass or intimidate the child, other family members or witnesses. Such restraining order shall be served by personal service pursuant to subsection (a) of K.S.A. 2009 Supp. 38-2237, and amendments thereto, on any alleged perpetrator to whom the order is directed.

(i) (1) The court shall not enter an order removing a child from the custody of a parent pursuant to this section unless the court first finds probable cause that: (A)(i) the child is likely to sustain harm if not immediately removed from the home;

(ii) allowing the child to remain in home is contrary to the welfare of the child; or

(iii) immediate placement of the child is in the best interest of the child; and

(B) reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the child from the child's home or that an emergency exists which threatens the safety to the child.

(2) Such findings shall be included in any order entered by the court. If the child is placed in the custody of the secretary, upon making the order the court shall provide the secretary with a written copy.

(j) If the court enters an order of temporary custody that provides for placement of the child with a person other than the parent, the court shall make a child support determination pursuant to K.S.A. 2009 Supp. 38-2277, and amendments thereto.;

Also on page 9, in line 31, by striking "2008" and inserting "2009"; in line 39, by striking "2008" and inserting "2009";

On page 10, in line 13, by striking "2008" and inserting "2009";

On page 11, in line 40, by striking "2008" and inserting "2009";

On page 12, in line 6, after "holidays" by inserting a comma; in line 7, after "the" by inserting "office of the clerk of the"; in line 9, by striking "2008" and inserting "2009"; in line 12, after "holidays" by inserting a comma; in line 13, after "the" where it appears the first time, by inserting "office of the clerk of the"; in line 24, by striking "2008" and inserting "2009";

On page 13, in line 3, by striking "2008" and inserting "2009"; in line 15, by striking "2008" and inserting "2009"; in line 25, by striking "2008" and inserting "2009"; in line 27, by striking "2008" and inserting "2009"; in line 28, by striking "2008" and inserting "2009"; in line 29, by striking "2008" and inserting "2009"; in line 31, by striking "2008" and inserting "2009"; in line 37, by striking "2008" and inserting "2009";

On page 14, in line 26, by striking "2008" and inserting "2009"; in line 36, by striking "2008" and inserting "2009"; in line 37, by striking "2008" and inserting "2009";

On page 18, in line 8, after "holidays" by inserting a comma; also in line 8, after "the" by inserting "office of the clerk of the"; in line 17, by striking "2008" and inserting "2009"; in line 26, by striking "2008" and inserting "2009";

On page 19, in line 6, by striking "2008" and inserting "2009"; in line 7, by striking "2008" and inserting "2009"; in line 19, after "holidays" by inserting a comma; also in line 19, after "the" by inserting "office of the clerk of the"; in line 40, after "holiday" by inserting a comma; also in line 40, after "the" by inserting "office of the clerk of the"; in line 41, after "holiday" by inserting a comma; in line 42, after "the" where it appears the first time, by inserting "office of the clerk of the";

On page 20, in line 6, after "holiday" by inserting a comma; also in line 6, after "the" where it appears the first time, by inserting "office of the clerk of the"; in line 7, after "holiday" by inserting a comma; in line 8, after "the" where it appears the first time, by inserting "office of the clerk of the";

On page 22, in line 10, after "holiday" by inserting a comma; in line 11, before "court" by inserting "office of the clerk of the"; in line 19, after "holiday" by inserting a comma; also in line 19, after "the" by inserting "office of the clerk of the";

On page 24, in line 12, by striking "2008" and inserting "2009"; in line 20, after "holiday" by inserting a comma; in line 21, after "the" where it appears the first time, by inserting "office of the clerk of the"; in line 22, after "holiday" by inserting a comma; in line 23, after "the" where it appears the first time, by inserting "office of the clerk of the"; in line 25, after "holidays" by inserting a comma; also in line 25, after "the" by inserting "office of the clerk of the";

On page 25, in line 29, after "holiday" by inserting a comma; also in line 29, after "the" where it appears the first time, by inserting "office of the clerk of the"; in line 43, after "holiday" by inserting a comma; also in line 43, after "the" by inserting "office of the clerk of the";

On page 26, in line 22, by striking "and" where it appears the first time, and inserting a comma; also in line 22, after "holidays" by inserting "and accessibility"; in line 23, after "holidays" by inserting a comma; also in line 23, after "the" by inserting "office of the clerk of the"; in line 41, after "holidays" by inserting a comma; also in line 41, after "the" by inserting "office of the clerk of the";

On page 27, in line 3, by striking “2008” and inserting “2009”; in line 7, by striking “statute book” and inserting “Kansas register”;

In the title, in line 11, by striking “2008” and inserting “2009”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2528** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2528,” as follows:

“Substitute for HOUSE BILL No. 2528

By Committee on Judiciary

“AN ACT concerning crimes, criminal procedure and punishment; relating to appearance bonds; amending K.S.A. 22-2807 and repealing the existing section.”; and the substitute bill be passed.

(**Sub. HB 2528** was thereupon introduced and read by title.)

Committee on **Taxation** recommends **HB 2463** be passed.

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

**HB 2672**, An act concerning the Kansas taxpayer transparency act; amending K.S.A. 2009 Supp. 74-72,123 and repealing the existing section, by Committee on Federal and State Affairs.

**HB 2673**, An act providing for assessments on certain nursing facilities; prescribing powers, duties and functions for the Kansas health policy authority; creating the quality care assessment fund; providing for implementation and administration, by Committee on Federal and State Affairs.

**HB 2674**, An act concerning the personal and family protection act; amending K.S.A. 2009 Supp. 75-7c10 and repealing the existing section, by Committee on Federal and State Affairs.

**HB 2675**, An act concerning certain city annexation of fire district territory, by Committee on Federal and State Affairs.

**HB 2676**, An act concerning employment security law; relating to contribution rates and penalties and interest; amending K.S.A. 2009 Supp. 44-710 and 44-717 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2677**, An act concerning school districts; relating to child care facilities; amending K.S.A. 72-8236 and repealing the existing section, by Committee on Appropriations.

**HB 2678**, An act designating part of United States highway 59 as the Vern Chesbro memorial highway, by Committee on Appropriations.

**HB 2679**, An act concerning cemeteries; amending K.S.A. 2009 Supp. 17-1367 and repealing the existing section, by Committee on Appropriations.

**HB 2680**, An act regulating traffic; concerning driving in the right lane; impeding traffic; amending K.S.A. 8-1561 and K.S.A. 2009 Supp. 8-1522 and repealing the existing sections, by Committee on Appropriations.

**HB 2681**, An act establishing the passenger rail service program; providing for powers and duties of the secretary of transportation; establishing the passenger rail service revolving fund, by Committee on Appropriations.

**HB 2682**, An act concerning insurance; relating to health insurance and taxation; amending K.S.A. 2009 Supp. 40-2240 and 79-32,117 and repealing the existing sections, by Committee on Taxation.

HOUSE CONCURRENT RESOLUTION No. 5033—

By Committee on Aging and Long Term Care

A CONCURRENT RESOLUTION remembering Bryce Miller and recommending that a future state mental health program be named the Bryce Miller Mental Health Program.

WHEREAS, Bryce Miller, who passed away in March of 2009, was dedicated to the advancement of mental health care for all Kansans, and was instrumental in introducing



legislation that would begin to address the mental health treatment of seniors with depression and other diseases; and

WHEREAS, Mr. Miller served as a board member of Valeo Behavioral Health Care in Topeka for many years, and worked to promote mental health screenings and treatment for individuals in Topeka and the surrounding communities; and

WHEREAS, Mr. Miller was the driving force behind the completion of two monuments listing the names of 1,157 people who, largely because of the stigma associated with mental illness, were forgotten and buried in unmarked graves at the Topeka State Hospital cemetery; and

WHEREAS, Mr. Miller was instrumental in arranging the first ever Mental Health and Seniors presentation at the National Alliance on Mental Illness; and

WHEREAS, Mr. Miller was the primary force in bringing two major Mental Health and Aging Summits to the state of Kansas, and arranged for Kansas to be one of only three nationwide focus group sites for the Older Adult Consumer Alliance; and

WHEREAS, Mr. Miller's strength in living with his own mental illness and its manifestations in the public eye helped give normalcy to the condition, and challenged Kansans to understand that those struggling with mental health issues need the same access to treatment, medication, support and recovery as those dealing with physical illness: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That we honor the memory of Bryce Miller, and commend his efforts and accomplishments in the advancement of mental health care for Kansans.

*Be it further resolved:* That if a statewide mental health program shall ever be established, it should be entitled the Bryce Miller Mental Health Program, in honor of his dedication and passionate advocacy.

*Be it further resolved:* That the Chief Clerk of the House of Representatives provide an enrolled copy of this concurrent resolution to Frances Miller, 2548 SW Belle, Topeka, Kansas, 66614.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Wednesday, February 10, 2010.

SUSAN W. KANNARR, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

