

Journal of the Senate

SIXTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, May 2, 2002—10:00 a.m.

The Senate was called to order by President Dave Kerr.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Sometimes I have wondered where you might be. I have felt You must be secluded in some stained glass cathedral, far away from our struggles and debates; caring nothing for redistricting or shortfalls.

But when I start thinking like that You seem to reveal to me that you are not confined to cathedrals or churches or Sunday Schools or prayer meetings.

I sense that you are present in all our proceedings.

I believe You are the 126th Representative and the 41st Senator.

I believe You are the 12th member of standing committees and the 7th member of conference committees.

I believe the world is Your district and You know each constituent by name.

I feel You are here for General Orders and You are here for Final Action.

I think You are the unseen sponsor of every bill that blesses our people.

And the unseen observer in every caucus.

No, you are not found only in sanctuaries.

You are present in state houses and city halls, town houses and trailer courts, farms and shops, stores and streets.

You are where the action is. You are where the people are.

You are truly omnipresent.

So you are near when we pray for wisdom. You are listening when we ask for courage.

You smile when we do what's right. You mourn when we foul things up.

Thank You for always being accessible. Please help us today. You know we need it.

I pray in the Name of Christ.

AMEN

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Committee of the Whole: **SB 664**.

REFERRAL OF APPOINTMENTS

The following appointments made by the Governor and submitted to the senate for confirmation, were referred to Committees as indicated:

Member, Board of Indigents' Defense Services, Mary L. Rubeck, effective upon the date of confirmation by the Senate, to serve a three-year-term ending January 15, 2004.

(Confirmation Oversight)

Member, State Banking Board, Michael D. Stevens, effective upon the date of confirmation by the Senate, to serve a three-year term ending January 15, 2005.

(Confirmation Oversight)

Member, University of Kansas Hospital Authority, Edward J. Chapman, effective upon the date of confirmation by the Senate and on the effective date of SB 642, to serve a three-year term ending March 15, 2005.

(Public Health and Welfare)

Member, University of Kansas Hospital Authority, Clay D. Edmands, effective upon the date of confirmation by the Senate and on the effective date of SB 642, to serve a two-year term ending March 15, 2004.

(Public Health and Welfare)

Member, University of Kansas Hospital Authority, George J. Farha, effective upon the date of confirmation by the Senate and on the effective date of SB 642, to serve a four-year term ending March 15, 2006.

(Public Health and Welfare)

Member, University of Kansas Hospital Authority, Robert W. Honse, effective upon the date of confirmation by the Senate and on the effective date of SB 642, to serve a four-year term ending March 15, 2006.

(Public Health and Welfare)

Member, University of Kansas Hospital Authority, Betty T. Keim, effective upon the date of confirmation by the Senate and on the effective date of SB 642, to serve a two-year term ending March 15, 2004.

(Public Health and Welfare)

Member, University of Kansas Hospital Authority, Edward J. Nazar, effective upon the date of confirmation by the Senate and on the effective date of SB 642, to serve a four-year term ending March 15, 2006.

(Public Health and Welfare)

Member, University of Kansas Hospital Authority, Mark V. Parkinson, effective upon the date of confirmation by the Senate and on the effective date of SB 642, to serve a four-year term ending March 15, 2006.

(Public Health and Welfare)

Member, University of Kansas Hospital Authority, William D. Zollars, effective upon the date of confirmation by the Senate and on the effective date of SB 642, to serve a one-year term ending March 15, 2003.

(Public Health and Welfare)

ORIGINAL MOTION

Senator Oleen moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 403**, **SB 458**; **SCR 1614**; **HB 2020**, **HB 2575**.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Umbarger moved the Senate concur in house amendments to **SB 403**.

SB 403, An act concerning the postsecondary education savings program; amending K.S.A. 2001 Supp. 60-2308 and 75-646 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Senate concurred.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 458**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 8, in line 36, by striking "to any person"; by striking all in lines 37 through 39; in line 40, by striking all before the period;

On page 9, in line 4, after "26,000" by inserting "pounds";

On page 10, in line 2, by striking "Each" and inserting "Any"; also in line 2, after "shall" by inserting "be licensed in this or another state as a vehicle dealer under the laws of this or another jurisdiction and shall"

And your committee on conference recommends the adoption of this report.

GARY K HAYZLETT
JENE VICKREY
MARGARET E. LONG
Conferees on part of House

LESLIE D. DONOVAN
LARRY D. SALMANS
U. L. GOOCH
Conferees on part of Senate

Senator Donovan moved the Senate adopt the Conference Committee Report on **SB 458**.

On roll call, the vote was: Yeas 38, Nays 2, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Huelskamp, O'Connor.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SCR 1614**, submits the following report:

The Senate accedes to all House amendments to the concurrent resolution, and your committee on conference further agrees to amend the concurrent resolution, as printed with House Committee amendments, as follows:

On page 2, in line 18, by striking all after the colon; by striking all of lines 19 through 28; in line 29, by striking all before the semicolon and inserting the following:

"That in order to decrease dependence on public moneys to finance long-term care and, in order to help assure the security, dignity and independence of Kansas senior citizens, the secretary of the Kansas department on aging and the Kansas department of social and rehabilitation services are urged to begin an education and awareness campaign that makes Kansans aware of the potential cost of long-term care and encourages them to invest in long-term care insurance at an age when it is affordable and to encourage the Kansas department of social and rehabilitation services to aggressively pursue a waiver to allow a five-year look back period for all transfers of assets considered in determining Medicaid eligibility on and after the effective date of such waiver being adopted and to report back to the 2003 Kansas legislature regarding potential legislative action";

And your committee on conference recommends the adoption of this report.

KENNY A. WILK
MELVIN J. NEUFELD
BARBARA W. BALLARD
Conferees on part of House

STEPHEN R. MORRIS
 DAVID ADKINS
 PAUL FELECIANO, JR.
Conferees on part of Senate

Senator Morris moved the Senate adopt the Conference Committee Report on **SCR 1614**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

HB 2020, An act establishing accessibility standards for certain dwellings, was considered on final action.

On roll call, the vote was: Yeas 35, Nays 5, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Nays: Brownlee, Huelskamp, Pugh, Tyson, Wagle.

The bill passed, as amended.

HB 2575, An act relating to developmental disabilities; establishing the state council on developmental disabilities; membership; powers and duties; relating to federal financial participation for community developmental disability services; amending K.S.A. 74-5501, 74-5503 and 74-5504 and K.S.A. 2001 Supp. 39-1811, 74-5502 and 74-5505 and repealing the existing sections; also repealing K.S.A. 74-5506, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Barnett, Brownlee, Corbin, Oleen, Teichman, Tyson and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1849—

A RESOLUTION congratulating and commending the 2002 Kansas Master Teachers.

WHEREAS, Seven of the state's best teachers have been selected as Kansas Master Teachers for 2002. The seven were honored on April 3 at a banquet held at the Memorial Union at Emporia State University, the sponsor of the program; and

WHEREAS, The 2002 Kansas Master Teachers are Bev Bertolone, Leawood; Barbara Fowler, Emporia; Sue Givens, Pratt; Christine Herald, Manhattan; Dee A. Moxley, Andover; Jan Prather, El Dorado; and Alexander M. Specht, Osawatomie; and

WHEREAS, Since Emporia State University established the Kansas Master Teacher Awards in 1954, more than 400 educators have been honored. The awards are presented annually to teachers described as having "served the profession long and well and who also typify the good qualities of earnest and conscientious teachers"; and

WHEREAS, Local teacher associations, educational organizations and school faculties nominate candidates for the awards. In February, a committee representing educational organizations from across Kansas selected the 2002 winners: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Senate congratulates and commends the seven 2002 Kansas Master Teachers for their excellence in their profession and devotion to the children of Kansas; and

Be it further resolved: That the Secretary of the Senate be directed to send an enrolled copy of this resolution to Bev Bertolone, 2948 West 123rd Terrace, Leawood, Kansas 66209; Barbara Fowler, 14 South Barbie, Emporia, Kansas 66801; Sue Givens, 10111 Country Club Road, Pratt, Kansas 67124; Christine Herald, 1937 Bluestem Terrace, Manhattan, Kansas 66502; Dee A. Moxley, 253 Greenvally Drive, Andover, Kansas 67002; Jan Prather, 1833 Ridge Road, El Dorado, Kansas 67042; and Alexander M. Specht, 1638 Brown Avenue, Osawatomie, Kansas 66064.

On emergency motion of Senator Barnett **SR 1849** was adopted unanimously.

Tribute was paid to three of the seven Master Teachers, Barbara Fowler, Emporia, Sue Givens, Pratt and Dee Moxley, Andover. Senators honored the guests with a standing ovation.

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

SENATE RESOLUTION No. 1850—

A RESOLUTION congratulating and commending the Lawrence Quail Run Elementary School chess team.

WHEREAS, The Lawrence Quail Run Elementary School chess team placed second at the national chess tournament this year after taking first place in the state tournament. The team was the national co-champion in 2001 and is recognized as a national powerhouse in the sport; and

WHEREAS, The Quail Run Elementary School chess team has been in existence for over 10 years. Coach Steve Robinson, a United States Chess Federation chess expert, serves as a volunteer coach. Quail Run currently has over 90 chess team members; the members of the master class met at least two times per week before competing in this year's tournaments with 13 members competing at the national tournament; and

WHEREAS, Top individual awards went to: Jed Borovik (4th grade) for first place in the nation in the under 1,200 division; Danny Wolff (6th grade) for first place in the nation in the under 1,000 division; Sean Stenseng (6th grade) for third place in the nation in under 1,000 division; and Jesse Madrigal (6th grade) for first place in the nation in under 800 division. Anjali Datta (4th grade) also contributed points for the national win. Other Quail Run team members attending the national tournament included: Harrison Helmick (3rd grade), Keely Stenseng (4th grade), William Sotir (4th grade), Peter Lesslie (4th grade), Stephanie Brown (5th grade), Steven Hamblen (6th grade), Dustin Brown (6th grade), John McGrew (6th grade); and

WHEREAS, An all-school assembly is scheduled to recognize and honor the chess team: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Lawrence Quail Run Elementary School chess team and Coach Robinson upon its success in state and national competition; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Senator Praeger for presentation to the school.

On emergency motion of Senator Praeger **SR 1849** was adopted unanimously.

Senator Praeger and members of the Senate congratulated team members with a standing ovation. Team members honored were Jed Borovik, Danny Wolff, Sean Stenseng, Jesse Madrigal, Anjali Datta, Harrison Helmick, Keely Stenseng, William Sotir, Peter Lesslie, Stephanie Brown, Steven Hamblen, Dustin Brown and John McGrew. Accompanying the students was their coach Steve Robinson.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Governor:

State Civil Service Board: K.S.A. 75-2929a

William A. Dean, term expires March 15, 2006

Glen W. Fisher, term expires March 15, 2006

Public Employee Relations Board: K.S.A. 75-4323

Sally S. O'Grady, term expires March 15, 2006

Also **HB 2545**, as amended by House Committee of the Whole, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2545," as follows:

"SENATE Substitute for HOUSE BILL No. 2545

By Committee on Ways and Means

AN ACT making and concerning appropriations for the fiscal years ending June 30, 2002, June 30, 2003, June 30, 2004, June 30, 2005, June 30, 2006, and June 30, 2007; authorizing certain transfers and fees, imposing certain restrictions and limitations and directing or authorizing certain receipts, disbursements, capital improvements and acts incidental to the foregoing; amending K.S.A. 2001 Supp. 79-34.147 and repealing the existing section.;"

and the substitute bill be passed.

HB 2991 be amended on page 4, after line 24, by inserting the following:

"New Sec. 7. On July 1, 2002, and July 1, 2003, or as soon after each such date as moneys are available, notwithstanding any other provision of law to the contrary, the director of accounts and reports shall transfer \$750,000 from the fire marshal fee fund of the state fire marshal to the fire service training program fund.;"

And by renumbering the remaining sections accordingly;

In the title, on page 1, in line 10, after the semicolon where it appears for the second time, by inserting "authorizing certain transfers to such fund.;" and the bill be passed as amended.

MESSAGE FROM THE HOUSE

Announcing the House adopts the Conference Committee Report to agree to disagree on **SB 517** and has appointed Representatives Wilk, Neufeld and Nichols as second conferees on the part of the House.

CONFERENCE COMMITTEE

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 517**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

KENNY WILK
MELVIN J. NEUFELD
ROCKY NICHOLS
Conferees on part of House

STEPHEN R. MORRIS
NICK JORDAN
JIM BARONE
Conferees on part of Senate

On motion of Senator Morris, the Senate adopted the conference committee report on **SB 517**, and requested a new conference committee be appointed.

The President appointed Senators Morris, Jordan and Barone as a second Conference Committee on the part of the Senate on **SB 517**.

CHANGE OF CONFERENCE

The President announced the appointment of Senators Vratil, Schmidt and Goodwin as members of the Conference Committee on **SB 35**, **SB 69** to replace Senators Corbin, Jenkins and Lee.

The President announced the appointment of Senators Vratil, Schmidt and Goodwin as members of the Conference Committee on **SB 396** to replace Senators Morris, Adkins and Feleciano.

The President announced the appointment of Senators Vratil, Schmidt and Goodwin as members of the Conference Committee on **HB 2817** to replace Senators Schmidt, Huelkamp and Downey.

On motion of Senator Oleen, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with President Kerr in the chair.

MESSAGE FROM THE HOUSE

Announcing passage of **Substitute SB 513**, as amended.

The House concurs in Senate amendments to **Substitute HB 2057** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2933** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2949** and requests the Senate to return the bill.

The House adopts the conference committee report on **HB 2676**.

COMMITTEE OF THE WHOLE

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

On motion of Senator Barnett the following report was adopted:

Recommended **HB 3003** be passed.

SB 656 be amended by motion of Senator Kerr on page 2, in line 21 by striking all after "older"; in line 22, by striking all before the semicolon;

On page 3, in line 9, following "aging", by inserting "shall not establish a waiting list, but, in lieu thereof, the secretary of aging", and **SB 656** be passed as amended.

HB 2828 be amended by motion of Senator Corbin as amended by House Committee, on page 2, in line 13, before "Atchison" by inserting "Anderson,";

On page 7, in line 10, before "Barton" by inserting "Anderson,";

In the title, in line 10, by striking "county" and inserting "and Anderson counties", and **HB 2828** be passed as amended.

Sub HB 2285 be amended by adoption of the committee amendments, be further amended by motion of Senator Wagle as amended by Senate Committee, on page 1, in line 14, by striking "to 5" and inserting "and 3 to 5"; in line 18, by striking all after "1504b."; by striking all in lines 19 through 30; in line 31, by striking "(b)"; by striking all in lines 37 through 43; after line 43, by inserting the following:

"New Sec. 3. (a) Each patient shall be entitled to receive a copy of such patient's contact lens prescription once the same prescription has been determined and the adaptation period has been completed. Any prescription for a specific brand of contact lenses available only from the licensed optometrist or person licensed to practice medicine and surgery, but which are generally marketed under an alternate brand, must disclose the name of the manufac-

turer and the trade name of the alternate brand. No contact lens prescription may be limited by an expiration date or otherwise to a period of less than 12 months from either the date the prescription is first determined or the last date of the contact lens evaluation by a licensed optometrist or a person licensed to practice medicine and surgery, whichever date is later, unless a health related reason for the limitation is noted in the patient's medical record.

(b) It shall be unlawful for any person to dispense contact lenses within 60 days prior to the prescription expiration date for such contact lenses in a greater quantity than necessary to complete the prescription, however, nothing in this act shall be interpreted to prohibit a contact lens prescription from being rewritten by a licensed optometrist or person licensed to practice medicine and surgery prior to its expiration. The rewritten prescription shall then become the patient's current contact lens prescription.”;

And by renumbering sections accordingly;

On page 2, in line 1, before “For” by inserting “(a)”; also in line 1, by striking all after “section” where it appears for the first time; in line 2, by striking all before “a” where it appears for the first time; by striking all in line 7; in line 8, by striking all before “may” and inserting the following:

“(b) No person dispensing contact lenses as defined under subsection (a)”;

Also on page 2, in line 9, by striking all after “residents”; in line 10, by striking “of a” and inserting: “unless such person meets the criteria of this section, is registered under this section and pays the annual”; in line 13, after the period, by inserting the following:

“(c)”;

Also on page 2, in line 17, by striking “(a)” and inserting “(1)”; in line 18, after “required” by inserting “to be licensed or registered in such state”; in line 19, by striking “(b)” and inserting “(2)”; in line 20, by striking “person” and inserting “individual”; in line 22, by striking “(c)” and inserting “(3)”; in line 23, by striking “licensee” and inserting “person”; in line 25, by striking all before “will” and inserting “(4)”; in line 29, by striking “(e)” and inserting “(5)”; in line 31, by striking “(f)” and inserting “(6)”; in line 35, by striking “(g)” and inserting “(7)”; in line 36, by striking “the licensee’s” and inserting “such person’s”; in line 42, by striking “(h)” and inserting “(8)”;

On page 3, in line 6, by striking “(i)” and inserting “(9)”; in line 7, by striking “licensee” and inserting “person licensed to practice optometry”; in line 9, by striking “(j)” and inserting “(10)”; in line 10, after “courts” by inserting “of this state”; in line 12, by striking “(k)” and inserting “(d)”; in line 22, by striking all after “in”; by striking all of line 23; in line 24, by striking all before the period and inserting “the patient’s contact lens prescription release act”; in line 28, by striking “sections 2”; in line 29, by striking all before the period and inserting “the patient’s contact lens prescription release act”; in line 30, by striking “this” and inserting “the patient’s contact lens prescription release”; in line 33, after “persons” by inserting “subject to the provisions of section 4, and amendments thereto,”;

On page 4, in line 20, by striking “K.S.A. 65-1504b, and”; in line 21, by striking all before the last comma and inserting “the patient’s contact lens prescription release act”; in line 22, by striking “or both,”; in line 26, after “is” by inserting “subject to the provisions of section 4, and amendments thereto, is”; in line 27, after “or” by inserting “is”; in line 28, after “arts” by inserting a comma; also in line 28, by striking all after “of”; in line 29, by striking all before the last comma and inserting “the patient’s contact lens prescription release act”; in line 31, after “action” by inserting “in the name of the state of Kansas”; in line 34, by striking “K.S.A. 65-1504b,”; in line 35, by striking all before “for” and inserting “the patient’s contact lens prescription release act”; in line 37, by striking all after “of”; in line 38, by striking all before “for” and inserting “the patient’s contact lens prescription release act”; also in line 38, after “persons” by inserting “subject to the provisions of section 4, and amendments thereto,”; in line 39, after “arts” by inserting a comma;

On page 1, in the title, in line 10, by striking “concerning optometry,”; also in line 10, by striking “lens” and inserting “and ophthalmic lenses; granting certain powers to and imposing certain duties and functions upon the state board of healing arts and the board of examiners in optometry; providing for registration of certain persons dispensing contact lenses through the mail”

Senator Wagle further amended **Sub HB 2285** as amended by Senate Committee and as amended by Senate Committee of the Whole, in new section 3, by striking subsection (b) and striking the designation "(a)";

On page 4, after line 43, by inserting the following:

"New Sec. 6. (a) There is hereby established a contact lens advisory council to advise the state board of healing arts in carrying out the provisions of the patient's contact lens prescription release act. The council shall consist of three members, all residents of the state of Kansas appointed by the state board of healing arts as follows: One member shall be a person licensed to practice medicine and surgery who specializes in ophthalmology, one member shall be a licensed optometrist and one member shall be a person dispensing contact lenses as defined in the patient's contact lens prescription release act.

(b) If a vacancy occurs on the council, the state board of healing arts shall appoint a person of like qualifications to fill the vacant position for the unexpired term, if any. The members appointed shall serve at the pleasure of the state board of healing arts.

(c) Members of the council attending meetings of the council, or attending a subcommittee meeting thereof authorized by the council, shall be paid amounts provided in subsection (e) of K.S.A. 75-3223 and amendments thereto from the healing arts fee fund.;"

And by renumbering sections accordingly;

On page 5, in line 2, after "after" by inserting "January 1, 2003, and";

On page 1, in the title, in line 10, before "amending" by inserting "establishing a contact lens advisory council;"; and **Sub HB 2285** be passed as further amended.

MESSAGE FROM THE HOUSE

The House adopts the conference committee report on **SB 517**.

The House announces the appointment of Representative Tanner to replace Representative Lloyd and Representative Lloyd to replace Representative Mason as conferees on **SB 531**.

Also, the House announces the appointment of Representative Tanner to replace Representative Lloyd and Representative Lloyd to replace Representative Mason as conferees on **SB 551**.

On motion of Senator Oleen, the Senate recessed until 4:15 p.m.

The Senate met pursuant to recess with Vice-President Praeger in the chair.

MESSAGE FROM THE HOUSE

Announcing, the House nonconcurrs in Senate amendments to **HB 2575** and requests a conference and has appointed Representatives Wilk, Neufeld and Nichols as conferees on the part of the house.

ORIGINAL MOTION

Senator Oleen moved that joint rule 3(f) be suspended and the Senate dispense with distribution of copies of the Conference Committee Report on **SB 517**.

Senator Oleen moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **SB 517**.

CONFERENCE COMMITTEE REPORT

The Senate discussed the Conference Committee Report on **SB 517**.

SB 517, An act making and concerning appropriations for the fiscal years ending June 30, 2002, June 30, 2003, June 30, 2004, June 30, 2005, and June 30, 2006 for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 75-2319 and K.S.A. 2001 Supp. 55-193, 79-2959, 79-2964, 79- 3425i, 79-34,147, 79-4804 and 82a-953a and repealing the existing sections; also repealing section 100 of chapter 144 and section 59 of chapter 216 of the 2001 Session Laws of Kansas.

ORIGINAL MOTION

On motion of Senator Morris, the Senate acceded to the request of the House for a conference on **HB 2575**.

The Vice-President appointed Senators Morris, Jordan and Feleciano as conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Public Health and Welfare** begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Governor:

University of Kansas Hospital Authority: K.S.A. 2001 Supp. 76-3304

Edward J. Chapman, term expires March 15, 2005

Clay D. Edmands, term expires March 15, 2004

George J. Farha, term expires March 15, 2006

Robert W. Honse, term expires March 15, 2006

Edward J. Nazar, term expires March 15, 2006

Betty T. Keim, term expires March 15, 2004

Mark V. Parkinson, term expires March 15, 2006

William D. Zollars, term expires March 15, 2003

REPORT ON ENGROSSED BILLS

SB 403, SB 458; SCR 1614 correctly re-engrossed May 2, 2002.

On motion of Senator Oleen the Senate adjourned until 10:00 a.m., Friday, May 3, 2002.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

