

# Journal of the House

TWENTY-SIXTH DAY

---

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, February 15, 2005, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.  
The roll was called with 122 members present.  
Reps. Faber, Flora and Showalter were excused on verified illness.

Prayer by Major Nathan Zimmerman, Milford:

O Sovereign Lord, in whose presence the angels cry out day and night, "Holy, Holy, Holy, is the Lord of hosts!" Through Your Son You have made all that is seen and unseen. You stretched Your hand and by the Word of Your power the stars and the heavens came to be. By Your command the earth was formed, and by Your breath man was brought forth from the dust of the ground and made a living soul.

Give ear, Lord, to this prayer today, and remember us in our daily needs. You have been gracious to us, and have given light to our eyes when we have cried out to You in darkness. You have shown us kindness when we have deserved none. And though we have so often strayed far from You, You have yet built a wall of protection about us, that the arrows of evil would not destroy us.

O Lord, You alone are God over all the kingdoms of the earth. It is by Your sovereign will that men are made kings and presidents, and that nations should rise ...or fall. No man sets the destiny of this world, but all are in Your hands, that Your purposes should be fulfilled.

Because of this, we can lift our country, our nation, our people and its leaders, to You. In the past You have granted unparalleled wisdom to men and women to lead Your people. We ask that You once again raise men and women of Your choosing to lead us, who will turn to You in faith and, on bended knee with falling tears, beg to know the unsearchable depths of Your wisdom and knowledge. May this assembly, who meet here to chart the course of this state, be filled with that same wisdom which has so effectively guided rulers throughout the ages.

Show that same gift of wisdom and protection upon all who serve our country in other lands...other lands that You love and cherish as much as this, our own. Guard our ways as we seek to bring Your peace to people who have, for so long, known nothing but hatred and death. May we be but a tool in Your hand that the Prince of Peace might work His miracle of love in the hearts of the people of this earth.

Stretch out Your arm of kindness and protection to our families and loved ones. Take them under your wing, draw them near to You and shelter them with Your love. Fill us with peace...a peace which passes beyond understanding...that we might know Your joy, and feel the warm embrace of those we love.

May we who fill this place be turned to You. May our lives, through the power of Your Spirit, be made to reflect Your likeness, Your righteousness,

Your holiness, Your love. In all that we put our hands to may You bless our work, that we will bring honor and glory to Your name.

With a humble heart I offer this prayer, O Lord, in the name of Jesus. Amen.

The Pledge of Allegiance was led by Rep. Hill.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2468**.

Taxation: **HB 2467**.

Wildlife, Parks and Tourism: **HB 2466**.

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Craft, **HR 6017**, by Reps. Mays and McKinney, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6017—

A RESOLUTION observing February 15 as Armed Forces Appreciation Day.

WHEREAS, The State of Kansas has a proud tradition of military service to the nation, both in times of war and peace, having proudly given its sons and daughters into the service of the nation; and

WHEREAS, Guardsmen, reservists and active duty personnel from across Kansas are currently supporting operations in Iraq, Kuwait, Afghanistan, Kosovo, Bosnia-Herzegovina and other places around the world, while their families unselfishly endure on the homefront; and

WHEREAS, Members of the armed forces fought for and provided the independence under which our country was conceived, and have continued for over 228 years to protect the freedom we enjoy; and

WHEREAS, The State of Kansas recognizes the significant impact the armed forces has on the State's history and the continued economic and social contributions the armed forces provide for Kansas; and

WHEREAS, It is important to maintain close and effective cooperation among the various military installations, state and local governments and the private sector to facilitate the enhancement and continued strengthening of these facilities: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we express our appreciation for those currently serving in all branches of the service, the National Guard and Reserve Forces plus military retirees and veterans, and recognize their dedicated service to this state and nation by observing February 15 as Armed Forces Appreciation Day.

#### INTRODUCTION OF GUESTS

Rep. Craft introduced Col. Arthur Connor, Assistant Division Commander for Maneuvers at Ft. Riley. Col. Connor addressed a few remarks to the members of the House.

#### CHANGE OF REFERENCE

Speaker Mays announced the withdrawal of **HB 2332** from Committee on Education and referral to Select Committee on School Finance.

#### CONSENT CALENDAR

Objection was made to **HB 2118**, **HB 2242** appearing on the Consent Calendar; the bills were placed on the calendar under the heading of General Orders.

No objection was made to **HB 2140**, **HB 2347** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2187** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2187**, An act relating to the taxation of motor vehicles; concerning exemptions for certain military individuals; amending K.S.A. 2004 Supp. 79-5107 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Flower, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Faber, Flora, Showalter.

The bill passed.

**HB 2042**, An act concerning telecommunications; amending K.S.A. 66-2005 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 1; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Flower, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: Krehbiel.

Absent or not voting: Faber, Flora, Showalter.

The bill passed.

**HB 2045**, An act concerning certain electric transmission facilities; providing for recovery of certain costs of construction and upgrading, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 5; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Edmonds, Faust-Goudeau, Flaharty, Flower, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton,

Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: Brown, Dillmore, Feuerborn, Kelley, Lane.

Present but not voting: None.

Absent or not voting: Faber, Flora, Showalter.

The bill passed, as amended.

**HB 2047**, An act concerning municipal energy agencies; amending K.S.A. 12-891, 12-896 and 12-8,104 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Flower, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: Ward.

Present but not voting: None.

Absent or not voting: Faber, Flora, Showalter.

The bill passed, as amended.

**HB 2130**, An act concerning confidential communications and information; relating to treatment facility patients; amending K.S.A. 2004 Supp. 65-5603 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 8; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Dahl, Davis, DeCastro, Decker, Edmonds, Faust-Goudeau, Flaharty, Flower, Freeborn, Garcia, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, Long, Loyd, Mah, Mast, Mays, McCreary, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: Crow, Dillmore, Feuerborn, Gatewood, Lane, McKinney, Vickrey, Ward.

Present but not voting: None.

Absent or not voting: Faber, Flora, Showalter.

The bill passed.

**HB 2171**, An act concerning insurance; relating to risk-based capital requirements; amending K.S.A. 2004 Supp. 40-2c01 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 1; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Ed-

monds, Faust-Goudeau, Feuerborn, Flaharty, Flower, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: Landwehr.

Absent or not voting: Faber, Flora, Showalter.

The bill passed.

**HB 2172**, An act concerning insurance agents; pertaining to the revocation of licenses; amending K.S.A. 40-246d and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 1; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Flower, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: Landwehr.

Absent or not voting: Faber, Flora, Showalter.

The bill passed.

On motion of Rep. Aurand, the House resolved into Committee of the Whole, with Rep. Bethell in the chair.

#### COMMITTEE OF THE WHOLE

On motion of Rep. Bethell, Committee of the Whole report, as follows, was adopted:

Recommended that **HB 2034**, **HB 2217** be passed.

On motion of Rep. Hutchins, **HB 2122** be amended on page 12, in line 3, by striking "\$1,000" and inserting "\$500"; in line 4, by striking "\$1,000" and inserting "\$400"; in line 5, by striking "\$1,500" and inserting "\$600"; in line 6, by striking "except bobcats,"; in line 7, by striking all after "(5)"; in line 8, by striking "(6)"; also in line 8, by striking "\$200" and inserting "\$75"; in line 9, by striking "(7)" and inserting "(6)"; also in line 9, by striking "\$500" and inserting "\$200"; in line 10, by striking "(8)" and inserting "(7)"; in line 11, by striking "\$50" and inserting "\$20"; in line 13, by striking "(9)" and inserting "(8)"; in line 17, by striking "(10)" and inserting "(9)"; also in line 17, by striking "\$25" and inserting "\$10"; also in line 17, by striking "\$16" and inserting "\$8"; in line 19, by striking "(11)" and inserting "(10)"; also in line 19, by striking "\$4" and inserting "\$2"; in line 20, by striking "(12)" and inserting "(11)"; in line 21, by striking "\$500" and inserting "\$200"; in line 22, by striking "(13)" and inserting "(12)"; also in line 22, by striking "\$25" and inserting "\$10"; and the bill be passed as amended.

**HB 2113** be passed over and retain a place on the calendar.

Committee report to **HB 2153** be adopted; and the bill be passed as amended.  
 Committee report to **HB 2215** be adopted; and the bill be passed as amended.  
 Committee report to **HB 2072** be adopted; and the bill be passed as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Commerce and Labor** recommends **HB 2157** be amended on page 12, in line 24, by striking all after “hired”; by striking all in line 25; in line 26, by striking all before “then” and inserting “and”; in line 27, by striking “such felony” and inserting “a disqualifying felony under K.S.A. 39-970 and amendments thereto or K.S.A. 65-5117 and amendments thereto”; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2327** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2206** 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 **Corrections and Juvenile Justice** recommends **HB 2314** be amended on page 1, in line 26, after “requirement” by inserting a semicolon; also in line 26, before “upon” by inserting “(2)”; and the bill be passed as amended.

Committee on **Financial Institutions** recommends **HB 2205** be passed.

Committee on **Financial Institutions** recommends **HB 2276** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2276,” as follows:

“Substitute for HOUSE BILL No. 2276

By Committee on Financial Institutions

“AN ACT concerning transmission of money; relating to certain charges.”; and the substitute bill be passed.

(**Sub. HB 2276** was thereupon introduced and read by title.)

Committee on **Health and Human Services** recommends **HB 2204** be passed.

(Having been referred separately, **HB 2204** is now in Committee on Taxation).

Committee on **Health and Human Services** recommends **HB 2156** 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 **Health and Human Services** recommends **HB 2336** be amended on page 5, after line 29, by inserting the following:

“Sec. 3. K.S.A. 65-1501a is hereby amended to read as follows: 65-1501a. For the purposes of this act the following terms shall have the meanings respectively ascribed to them unless the context requires otherwise:

(a) “Board” means the board of examiners in optometry established under K.S.A. 74-1501 and amendments thereto.

(b) “License” means a license to practice optometry granted under the optometry law.

(c) “Licensee” means a person licensed under the optometry law to practice optometry.

(d) “Adapt” means the determination, selection, fitting or use of lenses, prisms, orthoptic exercises or visual training therapy for the aid of any insufficiencies or abnormal conditions of the eyes after or by examination or testing.

(e) “Lenses” means any type of ophthalmic lenses, which are lenses prescribed or used for the aid of any insufficiencies or abnormal conditions of the eyes.

(f) “Prescription” means a verbal or written order directly from a licensee giving or containing the name and address of the prescriber, the license registration number of the licensee, the name and address of the patient, the specifications and directions for lenses, prisms, orthoptic exercises, low vision rehabilitation services or visual training therapy to be used for the aid of any insufficiencies or abnormal conditions of the eyes, including instructions necessary for the fabrication or use thereof and the date of issue.

(g) “Prescription for topical pharmaceutical drugs or oral drugs” means a verbal or written order directly from a licensee expressly certified to prescribe drugs under the optometry law and giving or containing the name and address of the prescriber, the license registration number of the licensee, the name and address of the patient, the name and quantity of the drug prescribed, directions for use, the number of refills permitted, the date of issue and expiration date.

(h) "Topical pharmaceutical drugs" means drugs administered topically and not by other means for the examination, diagnosis and treatment of the human eye and its adnexae.

(i) "Dispense" means to deliver prescription-only medication or ophthalmic lenses to the ultimate user pursuant to the lawful prescription of a licensee and dispensing of prescription-only medication by a licensee shall be limited to a twenty-four-hour supply or minimal quantity necessary until a prescription can be filled by a licensed pharmacist.

(j) "Diagnostic licensee" means a person licensed under the optometry law and certified by the board to administer or dispense topical pharmaceutical drugs for diagnostic purposes.

(k) "Therapeutic licensee" means a person licensed under the optometry law and certified by the board to prescribe, administer or dispense topical pharmaceutical drugs for therapeutic purposes and oral drugs, following completion of a fifteen-hour course approved by the board pertaining to the use of oral drugs in ocular therapeutics, except that a person applying for therapeutic licensure who has graduated after January 1, 1999, from a school or college of optometry approved by the board shall not be required to take such course. Therapeutic licensees on the effective date of this act shall complete the fifteen-hour course described in this subsection before May 31, 2000.

(l) "Glaucoma licensee" means a person described in subsections (j) and (k) of this section who is also licensed under the optometry law to manage and treat adult open-angle glaucoma by nonsurgical means, including the prescribing, administering and dispensing of topical pharmaceutical drugs and oral drugs.

(m) "False advertisement" means any advertisement which is false, misleading or deceptive in a material respect. In determining whether any advertisement is misleading, there shall be taken into account not only representations made or suggested by statement, word, design, device, sound or any combination thereof, but also the extent to which the advertisement fails to reveal facts material in the light of such representations made.

(n) "Advertisement" means all representations disseminated in any manner or by any means, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of professional services or ophthalmic goods.

(o) "Health care provider" shall have the meaning ascribed to that term in subsection (f) of K.S.A. 40-3401 and amendments thereto.

(p) "Medical facility" shall have the meaning ascribed to that term in subsection (c) of K.S.A. 65-411 and amendments thereto.

(q) "Medical care facility" shall have the meaning ascribed to that term in K.S.A. 65-425 and amendments thereto.

(r) "Co-management" means confirmation by an ophthalmologist of a licensee's diagnosis of adult open-angle glaucoma together with a written treatment plan which includes (1) all tests and examinations supporting the diagnosis, (2) a schedule of tests and examinations necessary to treat the patient's condition, (3) a medication plan, (4) a target intraocular pressure, (5) periodic review of the patient's progress and (6) criteria for referral of the patient to an ophthalmologist for additional treatment or surgical intervention, except that any co-management plan may be modified only with the consent of both the ophthalmologist and the optometrist and the modification noted in writing on the patient's record.

(s) "Co-management period" means that period of time during which an optometrist co-manages patients either suspected of having or diagnosed as having adult open-angle glaucoma with an ophthalmologist.

(t) "Ophthalmologist" means a person licensed to practice medicine and surgery by the state board of healing arts who specializes in the diagnosis and medical and surgical treatment of diseases and defects of the human eye and related structures.

(u) "Low vision rehabilitation services" means the evaluation, diagnosis, management and care of the low vision patient including low vision rehabilitation therapy, education and interdisciplinary consultation under the direction and supervision of an ophthalmologist or optometrist.

(v) "Oral drugs" means oral antibacterial drugs, oral antiviral drugs, oral antihistamines, oral analgesic drugs, oral steroids ~~and~~, oral antiglaucoma drugs *and other oral drugs with clinically accepted ocular uses.*

Sec. 4. K.S.A. 74-1505 is hereby amended to read as follows: 74-1505. (a) No later than 30 days following the effective date of this act, the board shall appoint a seven-member

committee to be known as the interprofessional advisory committee which, subject to approval of the board, shall have general responsibility for the establishment, review and monitoring of the procedures for co-management by optometrists and ophthalmologists of adult open-angle glaucoma.

(b) The interprofessional advisory committee shall consist of one member of the board appointed by the board who shall serve as a nonvoting chair, together with three optometrists licensed to practice optometry in this state chosen by the board from those nominated by the Kansas optometric association and three ophthalmologists licensed to practice in this state chosen by the board from those nominated by the Kansas medical society and the Kansas association of osteopathic medicine. The Kansas optometric association and Kansas medical society shall submit six nominees to the board. The Kansas association of osteopathic medicine shall submit two nominees to the board. Persons appointed to the committee shall serve terms of three years and without compensation. All expenses of the committee shall be paid by the board.

(c) The committee shall submit recommendations to the board on the following:

(1) An ongoing quality assessment program including the monitoring and review of co-management of patients pursuant to subsection (d) of K.S.A. 65-1505 and amendments thereto;

(2) requirements for the education and clinical training necessary for glaucoma licensure, which shall be submitted to the board within 90 days following appointment;

(3) criteria for evaluating the training or experience acquired in other states by applicants for glaucoma licensure;

(4) requirements for annual reporting during a glaucoma licensee's co-management period to the committee and the board which shall be submitted to the board within 90 days following appointment;

(5) the classes and mix of patients either suspected of having or diagnosed as having adult open-angle glaucoma who may be included in the number of co-management cases required by subsection (d) of K.S.A. 65-1505 and amendments thereto, which shall be submitted to the board within 90 days following appointment; and

(6) requirements for annual continuing education by glaucoma licensees.

(d) After considering the recommendations of the committee pursuant to subparagraph (c), the board shall proceed to adopt procedures to confirm that each applicant has completed the requirements for glaucoma licensure.

(e) The interprofessional advisory committee shall also review the educational and clinical prerequisites of optometrists to use oral pharmaceutical drugs and identify those classes of oral pharmaceutical drugs which are effective treatments for ocular diseases and conditions. The interprofessional advisory committee and the board shall prepare a report of the results of co-management pursuant to subsection (r) of K.S.A. 65-1501a and amendments thereto and findings on the subject of the advisability of expanding the scope of practice of optometrists to prescribe, administer and dispense oral pharmaceutical drugs, which report shall be submitted to the legislature not later than January 1, 1999.

(f) The interprofessional advisory committee shall review the advisability of expanding the scope of practice of optometrists to prescribe certain oral drugs for ocular conditions for children under six years of age. The committee and the board shall prepare a report on the findings of the committee on the advisability of such a scope of practice expansion. Such report shall be submitted to the legislature not later than January 1, 2002.

(g) *The interprofessional advisory committee shall review new classes of drugs with ocular uses and advise the Kansas state board of examiners in optometry.*

(h) This section shall be part of and supplemental to the optometry law.”;

And by renumbering the remaining sections accordingly;

Also on page 5, in line 30, after “K.S.A.” by inserting “65-1501a and 74-1505 and K.S.A.”;

In the title, in line 10, before “2004” by inserting “65-1501a and 74-1505 and K.S.A.”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2168** be passed.

Committee on **Judiciary** recommends **HB 2016** be amended on page 1, in line 17, after “(c)” by inserting “and (d)”; in line 21, before “contracts” by inserting “: (1)”; in line 25,



before the period by inserting “; or (2) any provision of a contract providing for arbitration of a claim in tort”; after line 25, by inserting the following:

“(d) In contracts between an employer and employee, or their respective representatives, which provide by written agreement that any existing controversy be submitted to arbitration, the employer shall pay any initial filing fee required to submit a controversy to arbitration. If the employer refuses or fails to timely pay such fee, that portion of the agreement requiring the controversy to be submitted to arbitration shall be unenforceable.”; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2288**, **HB 2308** be passed.

Committee on **Transportation** recommends **HB 2297** 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 were thereupon introduced and read by title:

**HB 2469**, An act concerning hospital districts; relating to Plainville rural hospital district no. 1; authority to mortgage property, by Committee on Taxation.

**HB 2470**, An act concerning public water supply systems; relating to a clean drinking water fee; collection from consumers; amending K.S.A. 2004 Supp. 82a-2101 and repealing the existing section, by Committee on Taxation.

**HB 2471**, An act concerning property taxation; relating to restriction on authority of county to levy in certain circumstances; amending K.S.A. 2004 Supp. 19-101a and repealing the existing section; also repealing K.S.A. 2004 Supp. 19-101k, by Committee on Taxation.

**HB 2472**, An act concerning law libraries; relating to fee increase authority; sales tax exemption; amending K.S.A. 2004 Supp. 20-3129 and 79-3606 and repealing the existing sections, by Committee on Taxation.

**HB 2473**, An act designating English as the official language of the state of Kansas and concerning its use by state agencies and political or taxing subdivisions, by Committee on Federal and State Affairs.

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6018—

By Representatives Pilcher-Cook, Beamer, Brown, Brunk, Carter, Dahl, Faber, Freeborn, George, Goico, Grange, M. Holmes, Huebert, Hutchins, Huy, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Landwehr, Mast, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Myers, Novascone, Oharah, Olson, Otto, Pauls, Peck, Powers, Siegfried, Vickrey and Watkins

A RESOLUTION to promote objectivity in science education.

WHEREAS, Objectivity is needed in science education, because scientific explanations can significantly impact the quality of science and world views, including those about religion, government and ethics: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That in order to promote good science education, academic freedom and religious neutrality, this legislative body urges the State Board of Education and public schools within the state to (a) prepare students to distinguish the data and testable theories of science from religious or philosophical claims that are made in the name of science and (b), where topics are taught that may generate controversy (such as biological evolution), provide curriculum that will help students understand the full range of scientific views that exist, why such topics may generate controversy and how scientific discoveries can profoundly affect society; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to each member of the Kansas State Board of Education.

**CHANGE OF REFERENCE**

Speaker pro tem Merrick announced the withdrawal of **HB 2403** from Committee on Education and referral to Select Committee on School Finance.

**REPORT ON ENGROSSED BILLS**

**HB 2045, HB 2047** reported correctly engrossed February 14, 2005.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Wednesday, February 16, 2005.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

