

# Journal of the Senate

TWENTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, February 8, 2006—2:30 p.m.

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

Heavenly Father,

The apostle Paul in his letter to the Romans explains the relationship of citizens to their government. Among other things he says, "Give everyone what you owe him: if you owe taxes, pay taxes; if revenue, then revenue, if respect, then respect, if honor, then honor." He then proceeds to say that all the commandments are summed up in one rule: "Love your neighbor as yourself. Love does no harm to its neighbor. Therefore love is the fulfillment of the law."

If everyone obeyed this rule,  
There'd be no need for law.  
We'd have the best society  
Anyone ever saw.

There would be no murder,  
No lying nor deceit.  
No one committing adultery,  
No one would steal or cheat.

If people loved their neighbors,  
We would not need police.  
No one would harm another.  
We'd have that long-sought peace.

But there are lots of people  
Who do not trust Your rule.  
In fact, those who practice it  
Are looked upon as fools.

So help us to enact the laws  
To control the ones who doubt;  
And provide some protection  
For the obedient and devout.

I pray this in the name of Jesus Christ,

AMEN

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

**SB 522**, An act concerning health insurance; providing the insured certain appeal rights regarding adverse health care decisions, by Committee on Financial Institutions and Insurance.

**SB 523**, An act concerning criminal history records; authorizing fingerprints and criminal history of applicants and current holders of any license, registration, permit or certificate issued by the state board of healing arts, by Committee on Judiciary.

**SB 524**, An act concerning water and watercourses; relating to dams; amending K.S.A. 82a-303c and K.S.A. 2005 Supp. 82a-303b and repealing the existing sections, by Committee on Natural Resources.

**SB 525**, An act concerning school districts; relating to consolidation; relating to certain state aid payments; amending K.S.A. 2005 Supp. 72-6415b and 75-2319 and repealing the existing sections, by Committee on Ways and Means.

**SB 526**, An act concerning hunting; relating to sales of over-the-counter deer tags; amending K.S.A. 2005 Supp. 32-937 and repealing the existing section, by Committee on Agriculture.

**SB 527**, An act concerning human cloning, by Committee on Public Health and Welfare.

**SB 528**, An act concerning public health; relating to the reporting of statistical data regarding termination of pregnancies; amending K.S.A. 65-445 and repealing the existing section, by Committee on Public Health and Welfare.

**SB 529**, An act concerning abortion; written report thereon; amending K.S.A. 65-445 and repealing the existing section, by Committee on Public Health and Welfare.

**SB 530**, An act concerning death certificates; amending K.S.A. 65-2412 and repealing the existing section, by Committee on Public Health and Welfare.

**SB 531**, An act concerning employment; relating to the misclassification of employees; amending K.S.A. 2005 Supp. 79-3234 and repealing the existing section, by Committee on Ways and Means.

SENATE CONCURRENT RESOLUTION No. 1620—

By Committee on Agriculture

A CONCURRENT RESOLUTION urging support of “25 by 25”.

WHEREAS, Having an affordable, reliable and plentiful energy supply is critical to our economy, as well as our national and international food supply; and

WHEREAS, Current and future risks to the United States energy security are mounting while domestic and global energy demands are growing exponentially; and

WHEREAS, Kansas and the midwest have tremendous renewable energy resources; and

WHEREAS, The development of a broad spectrum of renewable energy sources, including wind power, biodiesel, biomass, methane digesters, ethanol and solar, benefits the environment and will have a direct economic benefit to agricultural landowners and rural communities; and

WHEREAS, Rural communities and agriculture sectors will experience multiple benefits, including establishing additional markets for agricultural commodities, increasing farm income, creating added-value uses for crops, livestock and their byproducts, more productive use of marginal lands, the resolution of air, water and soil quality problems that may arise from agricultural operations, improving wildlife habitat and creating many new job opportunities; and

WHEREAS, Solar and wind energy can be captured on the vast land areas managed by the United States agriculture and technology and production capabilities allow America’s farmers and ranchers to play a major role in ensuring a fully sustainable United States energy system; and

WHEREAS, American agriculture is well positioned to play an expanded role in the development and implementation of new energy solutions and with appropriate technological innovation, incentives and investments, America’s farms and ranches can become the factories that produce a new generation of fuels to help meet the nation’s energy needs; and

WHEREAS, “25 by 25” is an agriculturally led initiative that envisions America’s farms and ranches producing 25% of America’s energy demand by the year 2025 while continuing to produce abundant, safe and affordable food and fiber; and

WHEREAS, Agriculture's role as an energy producer will have a positive effect on national security and trade imbalances, and will serve as a catalyst for rural development in Kansas: Now, therefore,

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That the legislature of the state of Kansas supports the vision of "25 by 25" whereby agriculture will provide 25% of the total energy consumed in the United States by the year 2025, while continuing to produce abundant, safe and affordable food and fiber.

*Be it further resolved:* That the Secretary of State be directed to send enrolled copies of this resolution to the President of the United States; Majority Leader and Minority Leader of the United States Senate; the Speaker, Majority Leader and Minority Leader of the United States House of Representatives, and to each member of the Kansas Congressional Delegation.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Commerce: **SB 515, SB 516, SB 518.**

Federal and State Affairs: **SB 519.**

Financial Institutions & Insurance: **SCR 1619.**

Judiciary: **SB 517, SB 520, SB 521.**

#### CHANGE OF REFERENCE

The Vice President withdrew **SB 512** from the Committee on Judiciary, and referred the bill to the Committee on Financial Institutions and Insurance.

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2394, HB 2574, HB 2593, HB 2595, HB 2599, HB 2673, HB 2691.**

Also, passage of **SB 349.**

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2394, HB 2574, HB 2593, HB 2595, HB 2599, HB 2673, HB 2691** were thereupon introduced and read by title.

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Committee on Agriculture introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1809—

A RESOLUTION congratulating and commending the Kansas Pork Association on its 50th anniversary.

WHEREAS, In 1956 a small group of pork producers held the first meeting of the Kansas Swine Improvement Association. Their purpose was to work together to make their businesses more profitable while keeping the swine industry healthy and flourishing statewide. Fifty years later the Kansas Pork Association works everyday to achieve the same goals; and

WHEREAS, There are 1,500 hog farms in Kansas. Of these producers, 310 provide 95% of the state's pork production. Kansas is the number 9 state in hog and pig inventory and produces about 2.7% of the nation's total. In 2005 Kansas producers sold 3,047,022 market hogs, feeder pigs and seedstock with a gross market value of \$402,596,058. These hogs produced over 450 million pounds of pork which helped feed nearly 10 million people; and

WHEREAS, The pork industry is important to the Kansas economy. In addition to the sale of pork products, the industry consumes over 34 million bushels of grain. Primarily this involves Kansas grown milo but with significant amounts of corn and soybean costing about \$145 million for feed grains: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the Kansas Pork Association for 50 years of leadership in the production of "Pork The Other White Meat" for American consumers; and

*Be it further resolved:* That the Secretary of the Senate provide an enrolled copy of this resolution to Tim Stroda, President, Kansas Pork Association, 2601 Farm Bureau Road, Manhattan, KS 66502.

#### REPORT ON ENROLLED BILLS

**SR 1808** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 8, 2006.

#### REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 388** be amended on page 1, in line 20, before "On" by inserting "On April 1, 2007, the director of accounts and reports shall transfer \$437,500 from the state highway fund to the Kansas qualified biodiesel fuel producer incentive fund."; also in line 20, by striking "state trea-"; in line 21, by striking "surer shall credit" and inserting "director of accounts and reports shall transfer"; also in line 21, by striking all after "from"; by striking all in line 22; in line 23, by striking all before "to" and inserting "the state highway fund";

On page 2, in line 10, by striking "2015" and inserting "2016"; by striking all in lines 11 through 36;

And by renumbering the remaining section accordingly;

In the title, in line 11, by striking all after "fund"; in line 12, by striking all before the period; and the bill be passed as amended.

Committee on **Assessment and Taxation** recommends **HB 2698** be passed.

Also, **SB 358** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 358," as follows:

"Substitute for SENATE BILL No. 358

By Committee on Assessment and Taxation

"AN ACT concerning income taxation; relating to withholding requirements; filing certain statements by electronic means by certain employers; amending K.S.A. 2005 Supp. 79-3299 and repealing the existing section."; and the substitute bill be passed

**SB 384** be amended on page 1, in line 25, by striking "solely"; in line 27, after "duty" by inserting "or for other services associated with support of Kansas military personnel and military families"; after line 33, by inserting the following:

"Sec. 2. (a) For all tax years commencing after December 31, 2005, each Kansas individual income tax return form shall contain a designation as follows:

Kansas Breast Cancer Research Fund. Check if you wish to donate, in addition to your tax liability, or designate from your refund, \_\_\_\_\$1, \_\_\_\_\$5, \_\_\_\_\$10 or \$\_\_\_\_.

(b) The director of taxation of the department of revenue shall determine annually the total amount designated for contribution to the Kansas breast cancer research fund pursuant to subsection (a) and shall report such amount to the state treasurer who shall credit the entire amount thereof to the Kansas breast cancer research fund. Such fund is hereby established in the state treasury and shall be administered by the university of Kansas cancer center. In the case where donations are made pursuant to subsection (a), the director shall remit the entire amount thereof to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance the state treasurer shall deposit the entire amount in the state treasury to the credit of such fund. All expenditures from such fund shall be for the university of Kansas cancer center.

(c) The instructions accompanying the individual income tax return shall include a description of the Kansas breast cancer research fund, the purpose for which the fund was created and a statement specifying that such moneys shall be used to conduct research relating to the prevention, treatment and cure of breast cancer. Such description and statement shall be approved by the university of Kansas cancer center.

(d) All moneys deposited in such fund shall be used by the university of Kansas cancer center to conduct research relating to the prevention, treatment and cure of breast cancer. Moneys in such fund shall not be used for the funding of administrative personnel or positions. Contributions to the Kansas breast cancer research fund shall be deemed in

addition and supplemental to any funding that would otherwise be appropriated to the university of Kansas cancer center for the purposes specified in this act.

(e) On or before February 1 of each year, the university of Kansas cancer center shall submit a report to the committee on assessment and taxation and committee on ways and means of the senate of the state of Kansas and the committee on taxation and committee on appropriations of the house of representatives of the state of Kansas reviewing and evaluating all expended moneys expended from the Kansas breast cancer research fund to conduct research relating to the purposes specified in this act. Representatives of the cancer center shall appear before the committees specified in this section if so requested.”;

And by renumbering the remaining sections accordingly;

Also on page 1, in the title, in line 10, after “relief” by inserting “; providing a checkoff for breast cancer research”; and the bill be passed as amended.

Committee on **Education** recommends **SB 332** be amended on page 2, in line 27, after the period by inserting “Such insurance shall be purchased from an insurance company authorized to transact business in the state of Kansas.”; and the bill be passed as amended.

Committee on **Elections and Local Government** recommends **SB 397, SB 409, SB 448** be passed.

Also, **SB 392** be amended on page 1, in line 15, by striking “All” and inserting “(a) Except as provided in subsection (b), all”; in line 17, by striking “or tenants on land”; after line 24, by inserting the following:

“(b) Notwithstanding the provisions of subsection (a), a director shall be either an owner of or a tenant on land located within the drainage district whenever:

(1) The drainage district is located within one county and the population of the county does not exceed 10,000; or

(2) the drainage district is located in more than one county and the population of the drainage district does not exceed 10,000.”; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 379** be amended on page 3, in line 20, by striking all after “election”; in line 21, by striking “governor is elected”; in line 22, before the period, by inserting “held in November of an even-numbered year. If the statutorily mandated duties of an elective office are to be eliminated or if the office is to be eliminated and the duties transferred to a nonelective office, the question of elimination of the elective office shall be submitted to the voters as a separate ballot question”;

On page 4, in line 20, after “submit”, by inserting “, in accordance with K.S.A. 12-3903, and amendments thereto.”; in line 21, by striking all after “election”; in line 22, by striking all before the period and inserting “held in November of an even-numbered year”; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 495** be passed.

Also, **SCR 1619** be adopted.

**SB 405** be amended on page 2, in line 29, after “(f)” by inserting “(1) Except as provided in paragraph (2), the commissioner of insurance may, upon renewal of a certificate of authority waive any of the above requirements except those relating to assets, capital and surplus.

(2)”; and the bill be passed as amended.

Committee on **Health Care Strategies** recommends **HB 2608** 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 **SB 338** be amended by substituting a new bill to be designated as “Substitute for SENATE BILL No. 338,” as follows:

“Substitute for SENATE BILL No. 338

By Committee on Judiciary

“AN ACT concerning construction contracts; relating to indemnification provisions and additional insured parties; amending K.S.A. 2005 Supp. 16-121 and repealing the existing section.”;

and the substitute bill be passed.

Also, **SB 221** be amended on page 1, in line 15, by striking “2005” and inserting “2006”; in line 18, by striking “2004 Supp.”; in line 19, by striking “2004 Supp.”; in line 23, by striking “2005” and inserting “2006”; in line 28, by striking all after “(e)”; by striking all in

lines 29 through 32 and inserting “Upon a finding that the mentally ill person is a danger to self or others, the court shall notify the mentally ill person subject to involuntary commitment for care and treatment that it is a violation of the law to possess a firearm. Upon release, the state hospital shall notify the patient that it is a violation of the law for the patient to possess a firearm and provide information to the patient regarding the restoration procedure.”; in line 33, after the second period, by inserting “On and after July 1, 2007,”; in line 34, by striking “2004 Supp.”; in line 35, by striking “2004 Supp.”; in line 39, by striking “2004 Supp.”;

On page 2, in line 7, after “Sec. 3.” by inserting “On and after January 1, 2007,”; also in line 7, by striking “2004” and inserting “2005”; in line 32, by striking “2004 Supp.”; in line 38, by striking “2004” and inserting “2005”; in line 42, after “Sec. 4.” by inserting “On and after January 1, 2007,”; also in line 42, by striking “2004” and inserting “2005”;

On page 3, in line 25, by striking “2004” and inserting “2005”;

On page 4, in line 12, by striking “2004 Supp.”; in line 32, before “K.S.A.” by inserting “On and after July 1, 2007,”; also in line 32, by striking “2004 Supp.”;

On page 5, in line 3, by striking “2004 Supp.”; in line 8, after the second period, by inserting “On and after July 1, 2007,”; also in line 8, by striking “2004 Supp.”; in line 38, by striking “2004 Supp.”;

On page 6, in line 1, after the second period, by inserting “On and after July 1, 2007,”; also in line 1, by striking “2004 Supp.”; in line 6, by striking “2004 Supp.”; by striking all in lines 18 and 19 and inserting:

“Sec. 8. On and after July 1, 2007, K.S.A. 59-104 is hereby amended to read as follows: 59-104. (a) *Docket fee.* Except as otherwise provided by law, no case shall be filed or docketed in the district court under the provisions of chapter 59 of the Kansas Statutes Annotated or of articles 40 and 52 of chapter 65 of the Kansas Statutes Annotated without payment of an appropriate docket fee as follows:

Treatment of mentally ill .....	<del>\$25.50</del> 50.00
Treatment of alcoholism or drug abuse .....	25.50
Determination of descent of property .....	40.50
Termination of life estate .....	39.50
Termination of joint tenancy .....	39.50
Refusal to grant letters of administration .....	39.50
Adoption .....	39.50
Filing a will and affidavit under K.S.A. 59-618a .....	39.50
Guardianship .....	60.50
Conservatorship .....	60.50
Trusteeship .....	60.50
Combined guardianship and conservatorship .....	60.50
Certified probate proceedings under K.S.A. 59-213, and amendments thereto .....	14.50
Decrees in probate from another state .....	99.50
Probate of an estate or of a will .....	100.50
Civil commitment under K.S.A. 59-29a01 et seq. ....	24.50

(b) *Poverty affidavit in lieu of docket fee and exemptions.* The provisions of subsection (b) of K.S.A. 60-2001 and K.S.A. 60-2005, and amendments thereto, shall apply to probate docket fees prescribed by this section.

(c) *Disposition of docket fee.* Statutory charges for the law library and for the prosecuting attorneys’ training fund shall be paid from the docket fee. The remainder of the docket fee shall be paid to the state treasurer in accordance with K.S.A. 20-362, and amendments thereto.

(d) *Additional court costs.* Other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Other fees shall include, but not be limited to, witness fees, appraiser fees, fees for service of process outside the state, fees for depositions, transcripts and publication of legal notice, executor or administrator fees, attorney fees, court costs from other courts and any other fees and expenses required by statute. All additional court costs shall be taxed and billed against the

parties or estate as directed by the court. No sheriff in this state shall charge any district court in this state a fee or mileage for serving any paper or process.

Sec. 9. On and after January 1, 2007, K.S.A. 2005 Supp. 21-4203 and 21-4204 are hereby repealed.

Sec. 10. On and after July 1, 2007, K.S.A. 59-104, 59-2948, 59-2966 and 59-2974 are hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 11, after the semicolon, by inserting “docket fee;”; also in line 11, by striking “2004” and inserting “59-104, 59-2948, 59-2966 and 59-2974 and K.S.A. 2005”; also in line 11, by striking the first comma and inserting “and”; also in line 11, by striking all after “21-4204”; in line 12, by striking “2966 and 59-2974”; and the bill be passed as amended.

**SB 407** be amended on page 1, in line 19, by striking “not to exceed \$50 per day” and inserting “, not less than \$10 nor more than \$50, as determined by the county commission”; and the bill be passed as amended.

Committee on **Utilities** recommends **SB 464** be amended on page 1, after line 18, by inserting the following:

“Sec. 2. K.S.A. 66-1802 is hereby amended to read as follows: 66-1802. As used in this act:

(a) “Damage” means any impact or contact with an underground facility, its appurtenances or its protective coating, or any weakening of the support for the facility or protective housing which requires repair.

(b) “Emergency” means any condition constituting a clear and present danger to life, health or property, or a customer service outage.

(c) “Excavation” means any operation in which earth, rock or other material below the surface is moved or otherwise displaced by any means, except tilling the soil for normal agricultural purposes, or railroad or road and ditch maintenance that does not change the existing railroad grade, road grade and/or ditch flowline, or operations related to exploration and production of crude oil or natural gas, or both.

(d) “Excavator” means any person who engages directly in excavation activities within the state of Kansas, but shall not include any occupant of a dwelling who: (1) Uses such dwelling as a primary residence; and (2) excavates on the premises of such dwelling.

(e) “Facility” means any underground line, system or structure used for gathering, storing, conveying, transmitting or distributing *water*, gas, electricity, communication, crude oil, refined or processed petroleum, petroleum products or hazardous liquids; facility shall not include, any production petroleum lead lines, salt water disposal lines or injection lines, which are not located on platted land or inside the corporate limits of any city.

(f) “Locatable facility” means facilities for which the tolerance zone can be determined by the operator using generally accepted practices such as as-built construction drawings, system maps, probes, locator devices or any other type of proven technology for locating.

(g) “Marking” means the use of stakes, paint, flags or other clearly identifiable materials to show the field location of underground facilities, in accordance with the rules and regulations promulgated by the state corporation commission in the administration and enforcement of this act.

(h) “Municipality” means any city, county, municipal corporation, public district or public authority located in whole or in part within this state which provides firefighting, law enforcement, ambulance, emergency medical or other emergency services.

(i) “Notification center” means the statewide communication system operated by an organization which has as one of its purposes to receive and record notification of planned excavation in the state from excavators and to disseminate such notification of planned excavation to operators who are members and participants.

(j) “Operator” means any person who owns or operates an underground facility, except for any person who is the owner of real property wherein is located underground facilities for the purpose of furnishing services or materials only to such person or occupants of such property.

(k) “Preengineered project” means a public project or a project which is approved by a public agency wherein the public agency responsible for the project, as part of its

engineering and contract procedures, holds a meeting prior to the commencement of any construction work on such project in which all persons, determined by the public agency to have underground facilities located within the construction area of the project, are invited to attend and given an opportunity to verify or inform the public agency of the location of their underground facilities, if any, within the construction area and where the location of all known and underground facilities are duly located or noted on the engineering drawing as specifications for the project.

(l) "Permitted project" means a project where a permit for the work to be performed must be issued by a city, county, state or federal agency and, as a prerequisite to receiving such permit, the applicant must locate all underground facilities in the area of the work and in the vicinity of the excavation and notify each owner of such underground facilities.

(m) "Person" means any individual, partnership, corporation, association, franchise holder, state, city, county or any governmental subdivision or instrumentality of a state and its employees, agents or legal representatives.

(n) "Production petroleum lead line" means an underground facility used for production, gathering or processing on the lease or unit, or for delivery of hydrocarbon gas and/or liquids to an associated tank battery, separator or sales facility. Production petroleum lead lines shall include underground lines associated with lease fuel and saltwater disposal and injection.

(o) "Platted land" means a tract or parcel of land which has been subdivided into lots of less than five acres for the purpose of building developments, including housing developments, and for which a surveyor's plat has been filed of record in the office of the register of deeds in the county where the land is located.

(p) "Tolerance zone" means the area within 24 inches of the outside dimensions in all horizontal directions of an underground facility.

(q) "Update" means an additional request from the excavator to extend the time period of the request for intent to excavate beyond the 15 calendar day duration of the request.

(r) "Whitelineing" means the act of marking by the excavator the route or boundary of the proposed excavation site with white paint, white stakes or white flags.

(s) "Working day" means every day Monday through Friday beginning at 12:01 a.m., except for the following officially recognized holidays: New Year's day, Memorial day, Independence day, Labor day, Thanksgiving day, the day after Thanksgiving and Christmas.

Sec. 3. K.S.A. 66-1802 is hereby repealed.;

And by renumbering the remaining section accordingly;

In the title, in line 10, after "regulations" by inserting "; amending K.S.A. 66-1802 and repealing the existing section"; and the bill be passed as amended.

#### COMMITTEE OF THE WHOLE

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

On motion of Senator Brownlee the following report was adopted:

Recommended **SB 346**, **SB 347**, **SB 357**, **SB 396** be passed.

**SB 324**, **SB 344**, **SB 413** be amended by adoption of the committee amendments, and the bills be passed as amended.

**SB 261** be amended by adoption of the committee amendments, be further amended by motion of Senator Vratil, as amended by Senate Committee, on page 70, in line 11, by striking "15%" and inserting "20%", and **SB 261** be passed as further amended.

**SB 412** be amended by adoption of the committee amendments, be further amended by motion of Senator Lee, as amended by Senate Committee, on page 1, in line 20, following "highway" by inserting "or any sidewalk or sidewalk area, under K.S.A. 8-1575, and amendments thereto," and **SB 412** be passed as further amended.

**HB 2352** be amended by adoption of the committee amendments, be further amended by motion of Senator Palmer, as amended by Senate Committee, on page 9, in line 12, after the period, by inserting: "At the first hearing in connection with proceedings under this code, the court shall distribute a pamphlet, designed by the court, to the parents of a child

alleged or adjudged to be a child in need of care, to advise the parents of their rights in connection with all proceedings under this code.”; in line 35, before “It” by inserting: “At the first hearing in connection with proceedings under this code, the court shall distribute a pamphlet, designed by the court, to interested parties in a proceeding involving a child alleged or adjudged to be a child in need of care, to advise interested parties of their rights in connection with all proceedings under this code.”

Senator Huelskamp further amended **HB 2352**, as amended by Senate Committee, on page 13, in line 35, after the period by inserting “Unless the child is alleged or suspected to have been abused by the parent or guardian, the parent or guardian shall be notified and shall be present, if the parent or guardian chooses, at the medical examination.”

Senator Vratil further amended **HB 2352**, as amended by Senate Committee, on page 70, in line 8, by striking “2004” and inserting “2005”;

On page 88, in line 7, by striking “2004” and inserting “2005”, and **HB 2352** be passed as further amended.

**Sub SB 149** be passed over and retain a place on the calendar.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Thursday, February 9, 2006.

HELEN MORELAND, CAROL PARRETT, BRENDA KLING, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

