

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:36 A.M. on February 22, 2006, in Room 123-S of the Capitol.

All members were present,

David Haley arrived, 9:38 a.m.

Les Donovan arrived, 9:40 a.m.

Derek Schmidt arrived, 9:43 a.m.

Committee staff present:

Mike Heim, Kansas Legislative Research Department

Helen Pedigo, Office of Revisor of Statutes

Karen Clowers, Committee Secretary

Others attending:

See attached list.

The Chairman called for final action on **SB 445--In any civil action, excluding personal injury actions, prevailing party recovers reasonable attorney fees.**

The Chairman referred to a proposed balloon amendment from Kevin Tubbesing and Hal Hudson representing the National Federation of Independent Business (Attachment 1). The Chairman indicated the proposed amendment would change the effect of this bill to make it applicable only to civil litigation between one business and another business as business is defined in the bill.

Following discussion Senator Schmidt moved, Senator Donovan seconded, to adopt the proposed amendment as reflected in the balloon. Motion carried.

Senator Allen moved, Senator Donovan seconded, to remove language on page 1, line 26-27 defining personal injury. Motion carried.

Senator Schmidt moved, Senator Donovan seconded, to recommend SB 445 as amended favorably for passage. Motion failed.

The Chairman called for final action on **SB 458--Criminal street gang prevention act.**

Senator Betts distributed a balloon amendment and explained the proposed changes (Attachment 2). The Chairman indicated concern that the amendment would significantly change the bill and that the sponsors, supporters and the committee had not seen the amendment, had a hearing on it, or had an opportunity to study it. The Chairman asked if Senator Betts would consider proposing these changes next year or possibly amend it on the House side. Senator Betts withdrew his proposed amendment.

Senator Donovan distributed a proposed amendment provided explanation of the proposed change (Attachment 3).

Senator Donovan moved, Senator Umbarger seconded, to adopt the balloon amendment. Motion carried.

Senator Haley distributed a balloon amendment and explained the proposed changes (Attachment 4).

Senator Haley moved, Senator Umbarger seconded, to adopt the balloon amendment. Motion carried.

Senator Bruce moved, Senator Umbarger seconded, to amend page 2, line 13, to read "a criminal gang member is a person who admits to criminal street gang membership or meets 3 of the following criteria". Motion carried.

Senator Haley moved to strike all of the "Whereas" language on page 1. There was no second.

Senator Bruce moved, Senator Betts seconded, to recommend SB 458 as amended favorably for passage. Motion carried.

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:36 A.M. on February 22, 2006, in Room 123-S of the Capitol.

The Chairman called for final action on **SB 479--Preliminary screening tests; grounds; notice.**

Senator moved, Senator Donovan seconded, to recommend **SB 479** favorably for passage. Motion carried.

The Chairman called for final action on **SB 487--Establishing a statewide automated victim notification system (SAVIN).**

Senator Allen moved, Senator Goodwin seconded, to request the Criminal Justice Coordinating Council to study and report back prior to the 2007 Legislative session. Motion carried.

The Chairman called for final action on **SB 506--Persons required to register pursuant to the Kansas offender registration act; annual driver's license or identification card; residency restrictions; juvenile offenders required to register; sexually violent predators.**

The Chairman reviewed the bill and distributed a proposed amendment from the Department of Corrections (Attachment 5).

Senator Journey moved, Senator Donovan seconded, to delete Section 2. Following discussion the motion was withdrawn in favor of the proposed amendment.

Senator Journey moved, Senator Donovan seconded, to adopt the balloon amendment proposed by the Department of Corrections. Motion carried.

Senator Goodwin moved, Senator Haley seconded, to remove Sections 8, 9, and 10. Following discussion the motion was withdrawn.

Senator Journey moved, Senator Schmidt seconded to recommend **SB 506** as amended favorably for passage. Motion carried.

The meeting adjourned at 10:33 a.m. The next scheduled meeting is February 28, 2006.