

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson John Vratil at 9:41 a.m. on March 15, 2001 in Room 123-S of the Capitol.

All members were present except: Senator Pugh (excused)  
Senator Goodwin (excused)  
Senator Adkins (excused)

Committee staff present:

Gordon Self, Revisor  
Mike Heim, Research  
Mary Blair, Secretary

Conferees appearing before the committee:

Representative Mike O'Neal  
Dan Hermes, Alcohol and Drug Service Provider Association  
Kevin Graham, Assistant Attorney General  
Terry Heidner, Kansas Department of Transportation (KDOT)  
Les Sperling, Central Kansas Foundation  
Sheila Walker, Department of Revenue  
R.E. "Tuck" Duncan, Kansas Wine & Spirits Wholesalers Association

Others attending: see attached list

Minutes of the March 14<sup>th</sup> meeting were approved on a motion by Senator Donovan, seconded by Senator Schmidt. Carried.

**HB 2230–re: driving; powers and duties of the division of vehicles; operation of vehicles; concerning suspension or restriction of drivers' licenses**

Conferee Representative O'Neal testified in support of **HB 2230**. He presented an historical overview of his efforts to make the use of the ignition interlock device (IID) a statutory law enforcement tool in DUI cases. (see **2000-SB 429**) He discussed federal transportation funding requirements whereby states must institute certain statutory drunk-driving initiatives, i.e., impoundment, immobilization, and/or interlock in order to avoid transfer of highway construction funds and stated that in circa 2000 the Kansas House soundly defeated the former two in favor of IID. He also discussed research data relating to IID costs versus alcohol costs. (attachment 1) He cited statistics from a University of Maryland study which indicated that being in an interlock program reduced the risk of an alcohol traffic violation within the first year by about 65 percent. (Traffic Safety, May/June 1998, pp. 16-17)

Conferee Hermes testified in support of **HB 2230**. He briefly discussed the need for an increase in DUI evaluation fees. (attachment 2)

Conferee Graham testified in support of **HB 2230**. He presented a brief historical review of the attorney general's task force on traffic and alcohol laws (FATAL) and mentioned three of it's recommended bills introduced this year. He discussed several of **HB 2230's** provisions: New Section 2, which creates a new administrative hearing procedure for DUI driver's license suspensions; remedies to problems discovered in the State v. Bowie case and other loopholes in the law; and several amendments which passed the House. He recommended that the Committee work **SB 215** along with **HB 2230** due to the similarities between both although he stated each has it's own important elements. (a detailed comparison is attached) (attachment 3)

Conferee Heidner testified in support of **HB 2230**, a bill which he stated enhances criminal sanctions for DUI offenders and meets the federal requirement to enact a "repeat offender" law. He discussed the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) and stated that Kansas law currently complies with three of the four criteria, the application of interlock ignition requirements to all repeat offenders being the last requirement. He further discussed the penalty transfer of federal-aid highway construction funds for FFY 2001 due to failure on the part of

the state to meet the statutory requirements of TEA-21 on October 1, 2000 and revealed significant future losses for non-compliance. ([attachment 4](#)) Discussion followed.

Conferee Sperling testified in support of **HB 2230**. He briefly discussed the services CKF offers and discussed several factors influencing the request for a DUI evaluation fee increase. ([attachment 5](#))

Conferee Walker testified in support of “some” segments of **HB 2230** which she stated were contained in **2000-SB 429**. She detailed what she called the “Bowie” solution and clean-up discrepancy for drivers under 21 and briefly discussed the bill’s fiscal impact. ([attachment 6](#))

Written testimony was submitted by Secretary of Transportation Dean Carlson proposing a balloon amendment with substitute language in **HB 2230**. ([attachment 7](#))

Conferee Duncan testified in opposition to several items in **HB 2230**. He addressed the issue of making refusal to take a breath alcohol test (BAC) a misdemeanor, stated that mandatory interlock should not apply until the third and subsequent offense and discussed the effectiveness of impoundment and/or immobilization which he stated is missing from this bill. ([attachment 8](#))

Written testimony in support of **SB 88** was submitted by Paul Davis and Terry Humphrey ([attachment 9](#)) and distributed to Committee as was written testimony in support of **HB 2207** from Jim Kaup, City of Garden City. ([attachment 10](#))

The meeting adjourned at 10: 32 a.m. The next meeting is March 19, 2001.