

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on January 22, 2008 in Room 313-S of the Capitol.

All members were present except:

Kevin Yoder- excused  
Kay Wolf - excused

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research  
Athena Andaya, Kansas Legislative Research  
Jill Wolters, Office of Revisor of Statutes  
Jason Thompson, Office of Revisor of Statutes  
Cindy O'Neal, Committee Assistant

Conferees appearing before the committee:

Representative Annie Tietze  
Dale Goter, City of Wichita  
Representative Jason Watkins  
Representative Kenny Wilk  
Kenneth & Denise Bixbey, Citizens  
Matthew Shelton, Legal Assistance Office, Ft. Riley  
Ed Klumpp, Kansas Association of Chiefs of Police & Kansas Peace Officers Association

Representative Annie Tietze appeared before the committee with a request for a bill introduction regarding the approval of cemeteries to sell excess land. Representative Patton made the motion to have the request introduced as a committee bill. Representative Watkins seconded the motion. The motion carried.

The hearing on **HB 2617 - mandatory implied consent for serious & fatality accidents**, was opened.

Jerry Donaldson, Legislative Research Department, provided the committee with a brief overview of the recommendations from the Special Committee on Judiciary. They proposed a bill be introduced regarding the implied consent law to allow for the collection of samples in cases where there has been a fatality or an injury. **HB 2617** is the result of that interim study.

Representative Kenny Wilk spoke about a tragic car accident that happened in his district in February of 2007 and the need for changes in the vehicular homicide statutes.

Dennis & Denise Bixbey, parents of the deceased Amanda Bixby, told about their experience with the current vehicular homicide law. They spoke about how their daughter was killed in an automobile accident and that the driver of the other car, probably had drugs in his system, but was not tested. In today society, when drugs and alcohol usage are so prevalent, testing should always be done when there is an accident. (Attachments 1 & 2)

Ed Klumpp, Kansas Association of Chiefs of Police & Kansas Peace Officers Association, appeared in support of the bill but expressed concerns and proposed amendments. (Attachments 3 & 4)

Written testimony, with a proposed amendment, was provided by the Kansas Department of Transportation. The amendment would strike "to another person" on page 1, line 41 so testing could be done in a one-vehicle accident. (Attachment 5)

The hearing on **HB 2617** was closed.

The hearing on **SB 366 - traffic citations; methods of giving notice of failure to comply**, was opened.

Dale Goter, City of Wichita, explained that the bill would simply allow the City of Wichita to charge an additional \$5.00 fee to cover the mailing of the driver's license suspension notice. (Attachment 6)

Representative Jason Watkins also expressed his support of the compromise bill. (Attachment 7)

CONTINUATION SHEET

MINUTES OF THE House Judiciary Committee at 3:30 P.M. on January 22, 2008 in Room 313-S of the Capitol.

The hearing on **SB 366** was closed.

The committee meeting adjourned at 4:50 p.m. The next meeting is scheduled for January 23, 2008.