

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Chairman Michael R. O'Neal at 3:30 p.m. on February 18, 2003 in Room 313-S of the Capitol.

All members were present except:

Representative Peggy Long - Excused
Representative Dan Williams - Excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department
Jill Wolters, Revisor of Statutes
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Gordon Smith, Hutchinson Police Department
Ron Hein, Kansas Restaurant & Hospitality Association
Rebecca Rice, Kansas Clubs & Associates
Ron Pope, Kansas Trial Lawyers Association
Philip Bradley, Kansas License Beverage Association
Representative Doug Patterson
Jerry Gentry, Kansas Ignition Interlock
Sheila Walker, Director of Vehicles, Department of Revenue
Dan Russ, Milan, Kansas
Bary Tevington, Wellington, Kansas
Bob Krehbiel, Kansas Independent Oil & Gas Association

The hearings on **HB 2292- providing immunity from liability for licensee participating in the program that provides alcohol level indicators**, were opened

Gordon Smith, Hutchinson Police Department he played a video of several news casts showing that the Last Call Alcohol Level Indicator sticks work. The pilot program started in Hutchinson in 2001-2002. It was designed to educate the public about the amount of alcohol consumption which would put them over the legal limit and to reduce drinking and driving. The proposed bill is not suggesting that the driver receive immunity but that the bars that participate in the program receive it (Attachment 1).

Ron Hein, Kansas Restaurant & Hospitality Association, appreciated the intent of the bill but was concerned because he believes that there isn't any liability on restaurants that serve alcohol now and therefore the proposed bill is not needed. He suggested that the bill be amended to state to the court that there is no liability since liability never existed in the first place (Attachment 2)

Rebecca Rice, Kansas Clubs & Associates, was concerned that the bill infers that there is dram shop liability, holding a liquor licensee responsible for the liquor consumption of its customer (Attachment 3).

Ron Pope, Kansas Trial Lawyers Association, opposed the proposed legislation suggesting that bars would

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not care how much liquor they served because they would have immunity (Attachment 4).

Philip Bradley, Kansas License Beverage Association, commented that he would be happy to work with Mr. Smith to promote the program, but was concerned with the implied liability to the server (Attachment 5).

The hearings on **HB 2292** were closed.

The hearings on **HB 2217 - ignition interlock devices, certificate requirements**, were opened.

Representative Doug Patterson appeared before the committee as the sponsor of the proposed bill. He reminded the committee that legislation was passed several years ago which mandated interlock on a second & subsequent conviction. Due to the low number of interlocks on vehicles, he believes that the law is not being followed. The bill would provide that the licensee must provide a certificate showing that they had an interlock installed on their vehicle for a period of one years and have successfully completed the program.

Jerry Gentry, Kansas Ignition Interlock, had found that most of those convicted plea for another year of suspension instead of installing an interlock (Attachment 6).

Sheila Walker, Director of Vehicles, informed the committee that they only have six months worth of data to work with and that 1,500 should have interlocks on their automobiles. About 25% are complying with the law and installing them, the rest are either not driving or driving illegally (Attachment 7)

The hearings on **HB 2217** were closed.

The hearings on **HB 2081 - prohibiting operation of oil & gas wells in violation of certain standards**, were opened.

Dan Russ, Milan, Kansas and Bary Tevington, Wellington, Kansas appeared as proponents to the bill. They requested the bill because of the noise coming from pumping jacks in and around their communities. They have tried to work with the oil companies suggesting that they install mufflers on the pumps but few have. The proposed bill would state that no person shall operate a oil or gas well which makes noise that is plainly audible beyond the property line of where the well is located. (Attachments 8 & 9)

Bob Krehbiel, Kansas Independent Oil & Gas Association, has worked with companies to place mufflers on pumps that have been rather noisy but believes that communication and cooperation between the neighbors is working well in most instances (Attachment 10)

Upon committee discussion, Chairman O'Neal suggested that Mr. Russ contact Kansas Department of Health & Environment because they have the authority to set rules & regulations for instances such as this.

Hearings on **HB 2081** were closed.

The committee meeting adjourned at 5:30 p.m. The next meeting was scheduled for February 20,2003 at 3:30 p.m. in room 313-S.

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