

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Lance Kinzer at 3:30 p.m. on March 19, 2009, in Room 143-N of the Capitol.

All members were present except:

Representative Bob Brookens- excused

Committee staff present:

Melissa Doeblin, Office of the Revisor of Statutes

Matt Sterling, Office of the Revisor of Statutes

Jill Wolters, Office of the Revisor of Statutes

Athena Andaya, Kansas Legislative Research Department

Jerry Donaldson, Kansas Legislative Research Department

Sue VonFeldt, Committee Assistant

Conferees appearing before the Committee:

None

SB 158 - Allowing offenders in violation of a traffic citation to be issued a restricted driver's license.

Representative Whitham made the motion to report SB 158 favorably for passage.

Representative Pauls seconded the motion.

Representative Whitham made the substitute motion to amend on page 2, in line 3, before "In" by inserting "(A); in line 4, after "request" by inserting "for restricted driving privileges"; in line 6, by striking "restrictive" and inserting :restricted:; in line 7, after the period, by inserting: "The division shall remit restricted driving privilege application fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury t the credit of the division of vehicles operation fund. (Attachment 1)

Representative Pauls seconded the motion. Motion carries.

Representative Goyle made the motion to change Page 2, line 4 to read "after "a" where it appears for the last time, by inserting "non-refundable"; This was a request originally made by the Division of Vehicles, Department of Revenue.

Representative Watkins seconded the motion. Motion carried.

Representative Whitham made the motion to report SB158 favorably for passage as amended.

SB 154 - Civil procedure, habeas corpus, infectious disease.

Representative Pauls made the motion to report SB 154 favorably for passage.

Representative Whitham seconded the motion.

Representative Pauls made the substitute motion to amend the bill to change page 1, after line 23, by inserting the following: "(b) infectious diseases. When any person is restrained because of an alleged infectious or communicable disease, the judge shall appoint at least one competent physician to make an examination of such person and report findings to the judge." And, renumbering the remaining subsections accordingly.

Representative Talia seconded the motion. Motion carried.

Representative Patton made a motion to change the word "shall" to "may" in the above amendment. Seconded by Representative Watkins. Motion carried.

CONTINUATION SHEET

Minutes of the House Judiciary Committee at 3:30 p.m. on March 19, 2009, in Room 143-N of the Capitol.

Representative Crow made the motion to report **SB 154** favorably for passage as amended. Representative Tietze seconded the motion. Motion carried.

HB 2315 - Restricting driving privileges for persons for refusal, failure or high BAC in test to driving with ignition interlock devices.

Representative Watkins made the motion to report **SB 95** favorably for passage. Representative Whitham seconded the motion.

Representative Watkins made the substitute motion to strike the contents of **SB 95**. Representative Whitham seconded the motion. Motion carries.

Representative Watkins made the substitute motion to move the contents of **HB 2315** into **SB 95**. This would amend **SB 95** by substituting a new bill to be designated as "**House Substitute for Senate Bill 95**." Representative Whitham seconded the motion. Motion carries.

Representative Jack made a motion and identified as "Balloon 6". (Attachment 2) Representative Goyle seconded the motion.

It was decided to divide the "Jack amendment into three separate components for voting purposes, Part A, B and C.

Part A of Balloon 6, as shown on Page 1 of the attachments to the Balloon and Page 3, Sec. 5, (3), (4) and (5), covers a new provision to identify alcohol concentration less than .04 along with the current .08, and a phrase "impairs the person's ability to safely operate a vehicle to the slightest degree".
Motion failed.

Part B of Balloon 6, as shown on page 1 of the Balloon, changes the period of time for suspension of the person's driving privileges from the 30 days to one year.
Motioned failed.

Part C of Balloon 6, as shown on page 2 of the attachments to the Balloon, (b), (c) and (d) which basically adds "refusal to submit to testing may be used against the person in court and a fine for refusal."
Motion carried.

Representative King made the motion to strike Sub-Section (b) and change Sub-Section (a) to .08, page 1 of the Balloon 6 attachments and still keep the intent of "to the slightest degree". Representative Jack seconded the motion. Motion failed.

Representative Watkins made the motion to report **H Sub SB 95** favorably for passage as amended. Representative Jack seconded the motion. Motion carried.

This is the last meeting scheduled for this session.

The meeting was adjourned at 5:30 p.m.