

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson Michael O'Neal at 3:30 p.m. On February 14, 2001 in Room 526-S of the Capitol.

All members were present except:

Representative Geraldine Flaharty - Excused  
Representative Andrew Howell - Excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department  
Jennifer Strait, Intern for Legislative Research Department  
Jill Wolters, Revisor of Statutes Office  
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Representative Michael O'Neal  
Terry Heidner, Director of Planning & Development, Kansas Department of Transportation  
Harry Tiffany, Manager Driver Control, Division of Vehicle  
Kevin Graham, Assistant Attorney General, Criminal Justice Division  
Sgt. Charles Tippie, Overland Park Police Department  
Dan Hermes, Kansas Coordinators of Alcohol Safety Action Projects & Alcohol & Drug Service  
Providers Associations  
Steve Hageman, East Central Mental Health Center

Hearings on **HB 2230 - suspension or revocation of driving privileges**, were opened.

Representative Michael O'Neal reported that the proposed bill is identical to SB 429 from 2000 Legislative Session that failed on a tie vote in the Senate. He explained that the Federal Government enacted the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) which contains requirements that the state must meet or lose highway construction funding. (Attachment 1)

He requested an amendment which would require the manufacturer to provide a credit of at least 2% of the gross program revenues to help those people who qualify for food stamps and are required to have an ignition interlock on their vehicle pay for them. (Attachment 2)

Terry Heidner, Director of Planning & Development, Kansas Department of Transportation, informed the legislators that the state lost \$3.4 million in highway construction funding for non-compliance. It was actually diverted to the State's Section 402 Highway Safety Program or the Section 152 Hazard Elimination Program. He estimated that the State would lose \$3.2 million in FFY2002 and in FFY 2003 could lose \$6.6 million. (Attachment 3)

Harry Tiffany, Manager Driver Control, Division of Vehicle, appeared in support of the proposed bill because it cleans-up discrepancy for drivers under the age of 21. (Attachment 4)

Kevin Graham, Assistant Attorney General, Criminal Justice Division, requested the following amendments:

- , significantly increasing the fine provisions for DUI violations
- , substantially increasing the fees for driver's license reinstatement
- , creation of a class misdemeanor for refusing to submit to a breath, blood or urine test
- , and creation of a provision granting law enforcement officers to request a blood alcohol test if there is probable cause. (Attachment 5)

Sgt. Charles Tippie, Overland Park Police Department, supported the position on the mandatory use of interlock but opposed the administrative hearing section of the bill which would be problematic. (Attachment 6)

The hearings on **HB 2230** were closed.

Hearings on **HB 2135 - increasing evaluation fee for DUI's from \$125 to \$150**, were opened.

Dan Hermes, Kansas Coordinators of Alcohol Safety Action Projects & Alcohol & Drug Service Providers Associations, appeared as the sponsor of the proposed bill which would increase the fees paid by those convicted of DUI's to cover the evaluation costs. 1994 was the last time the evaluation fee was raised. (Attachment 7)

Steve Hageman, East Central Mental Health Center, informed the committee that the courts keep 10% of the fee for administrative costs. (Attachment 8)

Hearings on **HB 2135** were closed.

Chairman O'Neal appointed Representatives Loyd, Patterson, & Pauls to serve on a subcommittee to work the following bills and report back to the committee as a whole on Tuesday, February 20<sup>th</sup>.

└ **HB 2078 - if a minor shoplifts, the parents are liable for a civil penalty up to \$500**

└ **HB 2079 - theft of property from three businesses as part of the same criminal transaction is a severity level 9, non person felony**

└ **HB 2080 - unlawful use of possession of sale receipt or universal product code label**

└ **HB 2296 - mandatory sentencing and fines for forgery**

**HB 2297 - increasing the Court of Appeals to 14 judges; increasing by one each year to 2004**

Representative Loyd made the motion to report **HB 2297** favorably for passage. Representative DiVita seconded the motion. The motion carried.

The committee meeting adjourned at 5:00 p.m. The next meeting is scheduled on February 15, 2001.