

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:34 A.M. on March 5, 2008, in Room 123-S of the Capitol.

All members were present except:

Donald Betts arrived, 9:37 A.M.

David Haley arrived, 9:42 A.M.

Julia Lynn arrived, 9:40 A.M.

Committee staff present:

Bruce Kinzie, Office of Revisor of Statutes

Athena Andaya, Kansas Legislative Research Department

Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Denise Bixby

Dennis Bixby

Ed Klumpp, Kansas Chiefs of Police & Kansas Peace Officers Association

Karen Whitman, Kansas District Attorney's Association

Others attending:

See attached list.

The Chairman opened the hearing on **HB 2617– Mandatory implied consent testing for serious injury and fatality accidents**.

Representative Kenny Wilk stated his support of the bill relating details of a car accident that occurred in his district and the need for changes to the Kansas vehicular homicide statutes. He introduced Denise & Dennis Bixby, who had lost their daughter Amanda in the accident.

Dennis & Denise Bixby, testified in support, relating their personal experience following the accident in which their daughter died (Attachment 1 & 2). They related the details of the accident and the possibility that the driver of the other car had drugs in his system but was not tested.

Ed Klumpp appeared in support (Attachment 3 & 4). Mr. Klumpp distributed flowcharts depicting current and proposed processes for testing individuals and described the differences between the two (Attachments 5 & 6). He also suggested changing the language on page 2, lines 35-36 striking "in such a manner" and inserting "involved in a collision which" and striking the word "another" on line 36. The Chairman requested Mr. Klumpp work with the revisor to develop a balloon amendment.

Karen Whitman spoke in favor, stating **HB 2617** will keep Kansas' roads safer. Time is of the essence when determining if drugs or alcohol are present in a person's system (Attachment 7). Ms. Whitman provided a balloon amendment with several suggested changes aimed at satisfying any constitutional challenges (Attachment 8).

Written testimony in on **HB 2617** was submitted by:

Steve Opat, Geary County Attorney, Support (Attachment 9)

Peter Boydek, Kansas Department of Transportation, Support (Attachment 10)

Chad Austin, Kansas Hospital Association, Neutral (Attachment 11)

There being no further conferees, the hearing on **HB 2617** was closed.

Chairman Vratil appointed Senator Terry Bruce, Senator Greta Goodwin, and Senator Phil Journey to a subcommittee on **HB 2617**.

The meeting adjourned at 10:30 A.M. The next scheduled meeting is March 6, 2008.