

Approved: August 25, 2011
(Date)

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The Chairman called the meeting to order at 9:38 A.M. on March 15, 2011, in Room 548-S of the Capitol.

All members were present, except Senator Donovan, who was excused

Committee staff present:

Lauren Douglass, Kansas Legislative Research Department
Robert Allison-Gallimore, Kansas Legislative Research Department
Jason Thompson, Office of Revisor of Statutes
Tamera Lawrence, Office of Revisor of Statutes
Theresa Kiernan, Committee Assistant

Others attending:

See attached list.

Committee Action:

The Chairman called the committee's attention to **SB 7 -- Driving under the influence.**

The Chairman explained that **SB 7** was the product of five years of study, hearings and hard work by many people. He stated that it probably would be costly to implement, but it is an issue that needs to be addressed. He added that the bill is necessary to protect public safety and that we need to have the courage to talk about tax increases or tax changes in order to pay for its implementation. The original fiscal note estimated a cost that exceeded \$10 million.

The Chairman announced that a Substitute Bill that pares down the original **SB 7** to the essential elements has been drafted.

Jason Thompson, Staff Revisor, reviewed the proposed Substitute Bill (Attachment 5).

The Chairman told the members of the committee that he would answer any questions they have concerning the proposed Substitute Bill.

Senator King asked, "How are prior test refusals treated?"

The Chairman responded, "Only actual convictions are counted for criminal penalties, but any prior test refusal is counted for administrative penalties."

Senator Pilcher-Cook asked, "What is the fiscal note?"

The Chairman responded, "A fiscal note will not be prepared until the Substitute Bill is introduced."

Senator Kelly asked, "What effect would there be if no provision, other than the central repository provision, is enacted?"

The Chairman responded, "Enactment of the central repository provision would be significant; it is critical to have that information. However, we need compliance capability in the field; the interlock provisions are important; and we need the regional alcohol and drug assessment center (RADAC) to provide a sound analytical tool to evaluate the offender."

Senator Lynn asked, "What would happen if the central repository provision, is not enacted?"

The Chairman responded, "We would have wasted a lot of our time."

Senator Kelly asked, "Are juvenile and adult offenders treated differently?"

Senator Bruce responded, "DUI offenses are traffic offenses. For the purpose of a traffic offense, anyone age 12 and above is treated as an adult. Anyone under age 12 is treated as a juvenile."

CONTINUATION SHEET

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Senator Kelly expressed concern with the language in subsection (b) of K.S.A. 8-1008 (section 11). She asked, "Who is a provider authorized by SRS to provide evaluation? What criteria are used by SRS?"

Deb Stidem, SRS, responded, "The language is new, but SRS currently licenses individuals, entities and facilities."

Senator Kelly asked, "What criteria are used for licensure?"

Ms. Stidem responded, "There are criteria under the counselor licensure act that are under consideration for use as criteria for licensure of addiction counselors."

The Chairman called the committee's attention to the following written information and testimony submitted after the hearings on **SB 7**: DUI Portal/Repository information provided by KBI (Attachment 1); Gallonage Tax information provided by Senator Tim Owens (Attachment 2); Testimony in support of **SB 7** provided by Travis Elliot, Kansas Association of Court Services Officers (Attachment 3); Proposed amendment submitted by Helen Pedigo, Special Counsel to the Chief Justice of the Kansas Supreme Court (Attachment 4).

The Chairman also called the committee's attention to the original fiscal note and prison bed impact statement that had been prepared for **SB 7**. He also called the committee's attention to the revised prison bed impact statement.

The Chairman announced that the committee would continue work on **SB 7** on March 16, 2011.

Meeting adjourned at 10:29 A.M. The next meeting is scheduled for March 16, 2011.