

Approved: June 22, 2012  
(Date)

## MINUTES OF THE SENATE JUDICIARY COMMITTEE

The Chairman called the meeting to order at 9:35 a.m. on March 9, 2012, in Room 548-S of the Capitol.

All members were present.

### Committee staff present:

Jason Thompson, Office of the Revisor of Statutes  
Katherine McBride, Office of the Revisor of Statutes  
Lauren Douglass, Kansas Legislative Research Department  
Bob Allison-Gallimore, Kansas Legislative Research Department  
Theresa Kiernan, Committee Assistant

### Conferees Appearing before the Committee:

Steve Howe, Johnson County District Attorney  
Gene Johnson, Sunflower Alcohol Safety Action Project, Inc.  
Stuart J. Little, Ph.D., Kansas Community Corrections Assn. (KCCA)  
Chris Mechler, Court Services Specialist, Office of Judicial Administration  
Melissa Wangamann, Kansas Assn. of Counties

### Others in Attendance:

See Attached List

The Chairman opened the hearings on **SB 453–Driving under the influence**.

Mr. Thompson reviewed the bill. He stated the bill contains several technical and substantive updates to laws related to driving under the influence. Mr. Thompson distributed copies of a memo containing a section-by-section explanation of the bill. (Attachment 1).

Steve Howe testified in support of **SB 453**. He suggested an amendment, which would criminalize the refusal to take a breath, blood or urine test. He stated the amendment addresses a public safety issue and would be a cost-savings measure. He stated significant resources are expended in order to prosecute a case if the defendant has refused to take a test. (Attachment 2).

Gene Johnson testified in support of **SB 453**. He suggested an amendment, which would reinsert an exception in K.S.A. 8-1008 for the Third Judicial District that was in the law prior to the enactment of **2011 SB 6**. (Attachment 3).

Written testimony in support of **SB 453** was submitted by Ed Klumpp. (Attachment 4).

Stuart Little testified in opposition to **SB 453**. He stated the KCCA supported efforts to ensure DUI offenders

## CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 9:35 a.m. on March 9, 2012, in Room 548-S of the Capitol.

are punished and appropriate sanctions, treatment funding and supervision funding are available to the public. He noted funding is eliminated in sections 2 and 7. In addition, the FY 2013 budget of the Department of Corrections does not include expenditures from the community corrections supervision fund. (Attachment 5).

Chris Mechler offered neutral testimony on **SB 453**. She expressed concern with subsections (d) and (e) of Section 3, which provided the court shall pay the cost of any alcohol and drug evaluation and . She noted that the costs would fall on the counties, which are responsible for all non-salary expenses incurred by the courts. (Attachment 6).

Melissa Wangamann stood to echo the comments made by Chris Mechler. She stated the bill imposes an unfunded mandate on counties.

Copies of an amendment submitted by the city of Lenexa was distributed to the Committee. (Attachment 7).

The Chairman closed the hearings on **SB 453**.

The Chairman turned the Committee's attention to **SB 443–Addiction counselors**.

The Chairman stated he believes before social workers are authorized to practice addiction counseling they should have training and education in the specific field; otherwise it places clients seeking addiction counseling from the social worker (without the proper training and education) in a bad situation. He stated he would not supplant the decision of the Behavioral Sciences Regulatory Board relating to social workers and addiction counseling.

The Chairman announced he would not work **SB 443**, nor would he work **SB 308** or **SB 453** if there is an attempt to amend **SB 443** into either of those two bills.

The next meeting is scheduled for Noon today, March 9, 2012.

The meeting was adjourned at 10:30 a.m.