

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT:

The Committee on **Judiciary** recommends **SB 49** be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 32-1130 is hereby amended to read as follows: 32-1130. As used in K.S.A. 32-1131 through 32-1136, and amendments thereto:

(a) "Alcohol concentration" means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath.

(b) "Other competent evidence" includes: (1) Alcohol concentration tests obtained from samples taken ~~two~~ three hours or more after the operation or attempted operation of a vessel; and (2) readings obtained from a partial alcohol concentration test on a breath testing machine.

(c) "Samples" includes breath supplied directly for testing, which breath is not preserved.

(d) "Vessel" and "operate" have the meanings provided by K.S.A. 32-1102, and amendments thereto.";

Also on page 1, in line 6, by striking "Section 1." and inserting "Sec. 2."; following line 8, by inserting:

"(1) The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence, as defined in paragraph (1) of subsection (b) of K.S.A. 32-1130, and amendments thereto, is .08 or more;"

Also on page 1, in line 13, by striking "two" and inserting "three"; in line 15, after "alcohol" by inserting "to a degree that renders the person incapable of safely operating a

vessel"; by striking all in lines 21 through 23; in line 31, by striking "(f)" and inserting "(e)";

And by renumbering subsections accordingly;

On page 2, in line 2, by striking "(e)" and inserting "(d)";

And by redesignating sections accordingly;

Also on page 2, in line 14, after "K.S.A." by inserting "32-1130 and"; also in line 14, by striking "is" and inserting "are";

On page 1, in the title, in line 2, after "K.S.A." by inserting "32-1130 and"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

_____Chairperson