

SESSION OF 2013

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2303**

As Amended by Senate Committee on Judiciary

**Brief\***

HB 2303 would rename the Kansas Department of Health and Environment's (KDHE) Driving Under the Influence Equipment Fund the Driving Under the Influence Fund and would require KDHE to establish and maintain breath alcohol programs, using the money in the fund for this purpose.

Additionally, the bill would increase reinstatement fees for the first and subsequent occurrences of driving under the influence (DUI) violations. The fees for test failure convictions would be increased:

- From \$100 to \$200 after the first occurrence;
- From \$200 to \$400 after the second occurrence;
- From \$300 to \$600 after the third occurrence; and
- From \$400 to \$800 after the fourth or subsequent occurrence.

Reinstatement fees for test refusal convictions would be increased:

- From \$400 to \$600 after the first occurrence;
- From \$600 to \$900 after the second occurrence;

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- From \$800 to \$1,200 after the third occurrence; and
- From \$1,000 to \$1,500 after the fourth or subsequent occurrence.

Further, the bill would amend how the total revenue generated from these fees is distributed, as follows:

- Decrease from 50.0 percent to 16.2 percent the amount going to the Department for Aging and Disability Services' (KDADS) Community Alcohol and Intoxication Program Fund;
- Decrease from 20.0 percent to 6.5 percent the amount going to the Juvenile Justice Authority's (JJA) Juvenile Detention Facilities Fund;
- Decrease from 20.0 percent to 6.5 percent the amount going to the Kansas Bureau of Investigation's (KBI) Forensic Laboratory and Materials Fee Fund;
- Increase from 10.0 percent to 20.2 percent the amount going to KDHE's Driving Under the Influence Fund; and
- Designate 50.8 percent of the total amount to go to the Judicial Branch's Nonjudicial Salary Adjustment Fund, which currently receives no portion of the total revenue generated from reinstatement fees.

Finally, the bill would require each of these funds to earn interest based on each fund's average daily balance for the preceding month and the net earnings rate of the Pooled Money Investment Portfolio for the preceding month.

## **Background**

The bill was introduced by the House Committee on Health and Human Services. In the House Transportation and Public Safety Budget Committee, a KDHE representative provided testimony in support of the bill, noting the importance of the program and having proper and standardized breath alcohol testing equipment. The agency proposed the \$1 fee in the legislation as a stable source of funding to support the program. There was no opponent or neutral testimony.

The House Committee deleted the provision creating a driving under the influence fee of \$1 for an original or renewal license for all commercial driver's licenses; class A, B, C, or M driver's licenses; and farm permits. The House Committee also amended the reinstatement fees for convictions resulting from test failure and from test refusal. Additionally, the House Committee decreased from 50.0 percent to 35.0 percent the amount of fees going to the Community Alcoholism and Intoxication Programs fund and increased from 10.0 percent to 25.0 percent the amount going to the Driving Under the Influence Fund.

In the Senate Committee on Judiciary, a KDHE representative appeared in support of the bill. There was no other testimony.

The Senate Committee revised how the total amount generated from the fees would be distributed by amending the percentages for the funds currently receiving a portion of the total and giving a share to the Judicial Branch's Nonjudicial Salary Adjustment Fund. The Senate Committee also agreed to require each of the funds receiving a portion of the total amount generated by reinstatement fees to earn interest.

The revised fiscal note prepared by the Division of the Budget for the bill, as amended by the House Committee, indicates passage would increase revenues by approximately

\$2.2 million in FY 2014 and subsequent years. The adjustments in the percentages by which the funds are credited to various funds would result in the following distributions:

- \$783,300 to KDADS;
- \$447,600 to JJA;
- 447,600 to KBI; and
- \$559,500 to KDHE.