



## Testimony on House Bill 2303

presented to

### Senate Judiciary Committee

by

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KDHE appreciates this opportunity to provide testimony in support of House Bill 2303 as amended related to revisions to the funding for the KDHE Breath Alcohol Program.

The Breath Alcohol Program is an important program for KDHE and the Kansas Health and Environmental Laboratories (KHEL). It is also an important program for state and local law enforcement agencies. Driving under the influence of alcohol remains a top concern for law enforcement agencies and the citizens we serve.

KDHE has received these impaired driving statistics from the Kansas Department of Transportation.

	All Traffic-Related Fatalities	Alcohol-Related Fatalities	Percent of All
2007	416	109	26%
2008	384	138	35%
2009	386	123	31%
2010	431	134	31%
2011	387	108	27%

On average, 30 percent of roadway fatalities in Kansas are alcohol-related. Breath alcohol testing is a tool for our law enforcement and judicial system to tackle the problem of impaired driving and its impact on public safety. Currently, there are 232 law enforcement agencies in the state using the equipment provided by KDHE. There are a total of 251 breath alcohol instruments and 4,373 certified breath alcohol equipment operators in the state.

The Breath Alcohol Program, which is authorized in KSA 65-1,107, is responsible for purchasing and maintaining the breath alcohol equipment for law enforcement agencies. The purpose of having KHEL being responsible for this equipment is to standardize the equipment across the state. Standardizing the equipment saves money because KDHE can negotiate a high volume equipment purchase plus; supplies, replacement parts

and equipment repairs are standardized and more cost effective. KHEL program staff is responsible for training of law enforcement personnel and certifying the operators of the breath alcohol equipment. KHEL staff is also requested to provide affidavits and expert testimony at court cases regarding the certification of law enforcement personnel, testing equipment and testing methods.

In this bill, KDHE proposes revising KSA 8-241 by increasing the fees for reinstatement of driver licenses for individuals that have lost their licenses because of driving under the influence and changing the distribution percentages of the collected fees. KDHE is also requesting KSA 75-5660 be modified to allow funding in the driving under the influence fund be used to support the Breath Alcohol Program which includes, but not limited to; salaries, breath alcohol equipment, supplies and contractual services.

The objective for these revisions is to provide a stable and reliable funding source for the Breath Alcohol Program including future equipment purchases. The requested increase for driver's license reinstatement and changes to the distribution of collected fees will generate approximately \$550,000 additional fees per year for the driving under the influence fund for total annual revenue of approximately \$750,000. KDHE is requesting these funds to continue being deposited to the driving under the influence fund.

KDHE has estimated the cost of purchasing new breath alcohol equipment for the state to be approximately \$2,250,000. The increased fees will allow the state to replace the breath analyzers about every 6 years which is the expected life of this equipment. The current breath alcohol equipment is at the end of its life expectancy and the replacement process needs to begin this year.

The Kansas Department of Transportation (KDOT) has previously provided funds from a federal grant for the equipment purchased in 2007-2008. KDOT has informed KDHE that federal source of funding for future equipment replacements will not be available and KDHE should seek a more stable source of revenue for equipment replacement. The proposed revisions will make the Breath Alcohol Program self-funded with the ability replace equipment and the program will not require State General Funds in future.

In summary, the proposed revisions generate approximately \$750,000 per year for the Breath Alcohol Program. Currently, the program costs approximately \$250,000 per year of State General Funds for program administration and \$75,000 per year for equipment maintenance, supplies, training and travel for a total annual program cost of \$325,000. The proposed bill would provide the Breath Alcohol Program the additional funding needed to purchase new equipment and a reliable source of funding to purchase new equipment every 6 years.

Thank you for allowing me to testify on this very important issue. I would be happy to answer any questions.