

*{As Amended by Senate Committee of the Whole}*

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*As Amended by Senate Committee*

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**As Amended by House Committee**

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*Session of 2013*

## **HOUSE BILL No. 2303**

By Committee on Health and Human Services

2-12

1 AN ACT concerning driving ~~under the influence~~; relating to driver's  
2 license ~~examination reinstatement~~ fees; driving under the influence  
3 equipment fund; *judicial branch nonjudicial salary adjustment fund*;  
4 *forensic laboratory and materials fee fund*; *community alcoholism*  
5 *and intoxication programs fund*; *juvenile detention facilities fund*;  
6 amending K.S.A. *41-1126 and K.S.A. 2012 Supp. 8-240, 8-241, 8-*  
7 ~~*267 and, 20-1a15, 28-176, 75-5660 and 79-4803*~~ and repealing the  
8 existing ~~section sections~~.  
9

10 *Be it enacted by the Legislature of the State of Kansas:*

11 Section 1. K.S.A. 2012 Supp. 8-240 is hereby amended to read as  
12 follows: 8-240. (a) (1) Every application for an instruction permit shall be  
13 made upon a form furnished by the division of vehicles and accompanied  
14 by a fee of \$2 for class A, B, C or M and \$5 for all commercial classes.  
15 Every other application shall be made upon a form furnished by the  
16 division and accompanied by an examination fee of \$3, unless a different  
17 fee is required by K.S.A. 8-241, and amendments thereto, and by the  
18 proper fee for the license for which the application is made. If the  
19 applicant is not required to take an examination the examination fee shall  
20 not be required. The examination shall consist of three tests, as follows:  
21 (A) Vision; (B) written; and (C) driving. If the applicant fails the vision  
22 test, the applicant may have correction of vision made and take the vision  
23 test again without any additional fee. If an applicant fails the written test,  
24 the applicant may take such test again upon the payment of an additional  
25 examination fee of \$1.50. If an applicant fails the driving test, the  
26 applicant may take such test again upon the payment of an additional  
27 examination fee of \$1.50. If an applicant fails to pass all three of the tests  
28 within a period of six months from the date of original application and  
29 desires to take additional tests, the applicant shall file an application for  
30 reexamination upon a form furnished by the division, which shall be  
31 accompanied by a reexamination fee of \$3, except that any applicant who  
32 fails to pass the written or driving portion of an examination four times

1 within a six-month period, shall be required to wait a period of six months  
2 from the date of the last failed examination before additional examinations  
3 may be given. Upon the filing of such application and the payment of such  
4 reexamination fee, the applicant shall be entitled to reexamination in like  
5 manner and subject to the additional fees and time limitation as provided  
6 for examination on an original application. If the applicant passes the  
7 reexamination, the applicant shall be issued the classified driver's license  
8 for which the applicant originally applied, which license shall be issued to  
9 expire as if the applicant had passed the original examination.

10 (2) Applicants for class M licenses who have completed prior  
11 motorcycle safety training in accordance with department of defense  
12 instruction 6055.04 (DoDI 6055.04) are not required to complete further  
13 written and driving testing pursuant to paragraph (1) of this subsection.

14 (b) (1) For the purposes of obtaining any driver's license or  
15 instruction permit, an applicant shall submit, with the application, proof of  
16 age and proof of identity as the division may require. The applicant also  
17 shall provide a photo identity document, except that a non-photo identity  
18 document is acceptable if it includes both the applicant's full legal name  
19 and date of birth, and documentation showing the applicant's name, the  
20 applicant's address of principal residence and the applicant's social security  
21 number. The applicant's social security number shall remain confidential  
22 and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012,  
23 and amendments thereto. If the applicant does not have a social security  
24 number the applicant shall provide proof of lawful presence and Kansas  
25 residency. The division shall assign a distinguishing number to the license  
26 or permit.

27 (2) The division shall not issue any driver's license or instruction  
28 permit to any person who fails to provide proof that the person is lawfully  
29 present in the United States. Before issuing a driver's license or instruction  
30 permit to a person, the division shall require valid documentary evidence  
31 that the applicant: (A) Is a citizen or national of the United States; (B) is an  
32 alien lawfully admitted for permanent or temporary residence in the  
33 United States; (C) has conditional permanent resident status in the United  
34 States; (D) has an approved application for asylum in the United States or  
35 has entered into the United States in refugee status; (E) has a valid,  
36 unexpired nonimmigrant visa or nonimmigrant visa status for entry into  
37 the United States; (F) has a pending application for asylum in the United  
38 States; (G) has a pending or approved application for temporary protected  
39 status in the United States; (H) has approved deferred action status; or (I)  
40 has a pending application for adjustment of status to that of an alien  
41 lawfully admitted for permanent residence in the United States or  
42 conditional permanent resident status in the United States.

43 (3) If an applicant provides evidence of lawful presence set out in

1 subsections (b)(2)(E) through (2)(I), or is an alien lawfully admitted for  
2 temporary residence under subsection (b)(2)(B), the division may only  
3 issue a driver's license to the person under the following conditions: (A) A  
4 driver's license issued pursuant to this subparagraph shall be valid only  
5 during the period of time of the applicant's authorized stay in the United  
6 States or, if there is no definite end to the period of authorized stay, a  
7 period of one year; (B) a driver's license issued pursuant to this  
8 subparagraph shall clearly indicate that it is temporary and shall state the  
9 date on which it expires; (C) no driver's license issued pursuant to this  
10 subparagraph shall be for a longer period of time than the time period  
11 permitted by subsection (a) of K.S.A. 8-247, and amendments thereto; and  
12 (D) a driver's license issued pursuant to this subparagraph may be  
13 renewed, subject at the time of renewal, to the same requirements and  
14 conditions as set out in this subsection (b) for the issuance of the original  
15 driver's license.

16 (4) ~~The division shall not issue any driver's license or instruction~~  
17 ~~permit to any person who is not a resident of the state of Kansas, except as~~  
18 ~~provided in K.S.A. 8-2,148, and amendments thereto.~~

19 (5) ~~The division shall not issue a driver's license to a person holding a~~  
20 ~~driver's license issued by another state without making reasonable efforts~~  
21 ~~to confirm that the person is terminating or has terminated the driver's~~  
22 ~~license in the other state.~~

23 (6) ~~The parent or guardian of an applicant under 16 years of age shall~~  
24 ~~sign the application for any driver's license submitted by such applicant.~~

25 (e) ~~Every application shall state the full legal name, date of birth,~~  
26 ~~gender and address of principal residence of the applicant, and briefly~~  
27 ~~describe the applicant, and shall state whether the applicant has been~~  
28 ~~licensed as a driver prior to such application, and, if so, when and by what~~  
29 ~~state or country. Such application shall state whether any such license has~~  
30 ~~ever been suspended or revoked, or whether an application has ever been~~  
31 ~~refused, and, if so, the date of and reason for such suspension, revocation~~  
32 ~~or refusal. In addition, applications for commercial drivers' licenses and~~  
33 ~~instruction permits for commercial licenses must include the following:~~  
34 ~~The applicant's social security number; the person's signature; the person's~~  
35 ~~colored digital photograph; certifications, including those required by 49~~  
36 ~~C.F.R. § 383.71(a), effective January 1, 1991; a consent to release driving~~  
37 ~~record information; and, any other information required by the division.~~

38 (d) ~~When an application is received from a person previously licensed~~  
39 ~~in another jurisdiction, the division shall request a copy of the driver's~~  
40 ~~record from the other jurisdiction. When received, the driver's record shall~~  
41 ~~become a part of the driver's record in this state with the same force and~~  
42 ~~effect as though entered on the driver's record in this state in the original~~  
43 ~~instance.~~

1       ~~(e) When the division receives a request for a driver's record from~~  
2 ~~another licensing jurisdiction the record shall be forwarded without charge.~~

3       ~~(f) A fee shall be charged as follows:~~

4       ~~(1) For a class C driver's license issued to a person at least 21 years of~~  
5 ~~age, but less than 65 years of age, \$18;~~

6       ~~(2) for a class C driver's license issued to a person 65 years of age or~~  
7 ~~older, \$12;~~

8       ~~(3) for a class M driver's license issued to a person at least 21 years of~~  
9 ~~age, but less than 65 years of age, \$12.50;~~

10       ~~(4) for a class M driver's license issued to a person 65 years of age or~~  
11 ~~older, \$9;~~

12       ~~(5) for a class A or B driver's license issued to a person who is at least~~  
13 ~~21 years of age, but less than 65 years of age, \$24;~~

14       ~~(6) for a class A or B driver's license issued to a person 65 years of~~  
15 ~~age or older, \$16;~~

16       ~~(7) for any class of commercial driver's license issued to a person 21~~  
17 ~~years of age or older, \$18; or~~

18       ~~(8) for class A, B, C or M, or a farm permit, or any commercial~~  
19 ~~driver's license issued to a person less than 21 years of age, \$20.~~

20       ~~A fee of \$10 shall be charged for each commercial driver's license~~  
21 ~~endorsement, except air brake endorsements which shall have no charge.~~

22       ~~A fee of \$3 per year shall be charged for any renewal of a license issued~~  
23 ~~prior to the effective date of this act to a person less than 21 years of age.~~

24       ~~*A driving under the influence equipment fee of \$1 shall be charged for*~~  
25 ~~*any original license or renewal of a license issued for each commercial*~~  
26 ~~*driver's license or class A, B, C or M driver's license. A driving under the*~~  
27 ~~*influence equipment fee of \$1 shall be charged for the issuance of any*~~  
28 ~~*farm permit.*~~

29       ~~If one fails to make an original application or renewal application for a~~  
30 ~~driver's license within the time required by law, or fails to make~~  
31 ~~application within 60 days after becoming a resident of Kansas, a penalty~~  
32 ~~of \$1 shall be added to the fee charged for the driver's license.~~

33       ~~(g) Any person who possesses an identification card as provided in~~  
34 ~~K.S.A. 8-1324, and amendments thereto, shall surrender such~~  
35 ~~identification card to the division upon being issued a valid Kansas driver's~~  
36 ~~license or upon reinstatement and return of a valid Kansas driver's license.~~

37       ~~(h) The division shall require that any person applying for a driver's~~  
38 ~~license submit to a mandatory facial image capture.~~

39       ~~(i) The director of vehicles may issue a temporary driver's license to~~  
40 ~~an applicant who cannot provide valid documentary evidence as defined~~  
41 ~~by subsection (b)(2), if the applicant provides compelling evidence~~  
42 ~~proving current lawful presence. Any temporary license issued pursuant to~~  
43 ~~this subsection shall be valid for one year.~~

1        ~~See-2:~~ **Section 1.** K.S.A. 2012 Supp. 8-241 is hereby amended to  
2 read as follows: 8-241. (a) Except as provided in K.S.A. 8-2,125 through  
3 8-2,142, and amendments thereto, any person licensed to operate a motor  
4 vehicle in this state shall submit to an examination whenever: (1) The  
5 division of vehicles has good cause to believe that such person is  
6 incompetent or otherwise not qualified to be licensed; or (2) the division of  
7 vehicles has suspended such person's license pursuant to K.S.A. 8-1014,  
8 and amendments thereto, as the result of a test refusal, test failure or  
9 conviction for a violation of K.S.A. 8-1567, and amendments thereto, or a  
10 violation of a city ordinance or county resolution prohibiting the acts  
11 prohibited by K.S.A. 8-1567, and amendments thereto, except that no  
12 person shall have to submit to and successfully complete an examination  
13 more than once as the result of separate suspensions arising out of the  
14 same occurrence.

15        (b) When a person is required to submit to an examination pursuant  
16 to subsection (a)(1), the fee for such examination shall be in the amount  
17 provided by K.S.A. 8-240, and amendments thereto. When a person is  
18 required to submit to an examination pursuant to subsection (a)(2), the fee  
19 for such examination shall be \$25. In addition, any person required to  
20 submit to an examination pursuant to subsection (a)(2): (1) As the result of  
21 a test failure, a conviction for a violation of K.S.A. 8-1567, and  
22 amendments thereto, or a violation of a city ordinance or county resolution  
23 prohibiting the acts prohibited by K.S.A. 8-1567, and amendments thereto,  
24 shall be required, at the time of examination, to pay a reinstatement fee of  
25 ~~\$100-\$250~~ **\$200** after the first occurrence, ~~\$200-\$500~~ **\$400** after the  
26 second occurrence, ~~\$300-\$750~~ **\$600** after the third occurrence and ~~\$400-~~  
27 ~~\$1,000~~ **\$800** after the fourth or subsequent occurrence; and (2) as a result  
28 of a test refusal, a conviction for a violation of K.S.A. 2012 Supp. 8-1025,  
29 and amendments thereto, or a violation of a city ordinance or county  
30 resolution prohibiting the acts prohibited by K.S.A. 2012 Supp. 8-1025,  
31 and amendments thereto, shall be required, at the time of examination, to  
32 pay a reinstatement fee of ~~\$400-\$800~~ **\$600** after the first occurrence, ~~\$600-~~  
33 ~~\$1,200~~ **\$900** after the second occurrence, ~~\$800-\$1,500~~ **\$1,200** after the  
34 third occurrence and ~~\$1,000-\$2,000~~ **\$1,500** after the fourth or subsequent  
35 occurrence. All examination fees collected pursuant to this section shall be  
36 remitted to the state treasurer, in accordance with the provisions of K.S.A.  
37 75-4215, and amendments thereto, who shall deposit the entire amount in  
38 the state treasury and credit 80% to the state highway fund and 20% shall  
39 be disposed of as provided in K.S.A. 8-267, and amendments thereto. All  
40 reinstatement fees collected pursuant to this section shall be remitted to the  
41 state treasurer, in accordance with the provisions of K.S.A. 75-4215, and  
42 amendments thereto, who shall deposit the entire amount in the state  
43 treasury and credit ~~50%~~ **35%** ~~16.2%~~ **{25.5%}** to the community alcoholism

1 and intoxication programs fund created pursuant to K.S.A. 41-1126, and  
2 amendments thereto, ~~20% 6.5% {10.2%}~~ to the juvenile detention facilities  
3 fund created by K.S.A. 79-4803, and amendments thereto, ~~20% 6.5%~~  
4 ~~{10.2%}~~ to the forensic laboratory and materials fee fund ~~cited in~~ **created**  
5 **by** K.S.A. 28-176, and amendments thereto, ~~and 10% 25% 20.2% {17.3%}~~  
6 to the driving under the influence ~~equipment~~ fund created by K.S.A. 75-  
7 5660, and amendments thereto, ~~and 50.8% {36.7%}~~ **to the judicial branch**  
8 **nonjudicial salary adjustment fund created by K.S.A. 20-1a15, and**  
9 **amendments thereto.** Moneys credited to the forensic laboratory and  
10 materials fee fund as provided herein shall be used to supplement existing  
11 appropriations and shall not be used to supplant general fund  
12 appropriations to the Kansas bureau of investigation.

13 (c) When an examination is required pursuant to subsection (a), at  
14 least five days' written notice of the examination shall be given to the  
15 licensee. The examination administered hereunder shall be at least  
16 equivalent to the examination required by subsection (e) of K.S.A. 8-247,  
17 and amendments thereto, with such additional tests as the division deems  
18 necessary. Upon the conclusion of such examination, the division shall  
19 take action as may be appropriate and may suspend or revoke the license  
20 of such person or permit the licensee to retain such license, or may issue a  
21 license subject to restrictions as permitted under K.S.A. 8-245, and  
22 amendments thereto.

23 (d) Refusal or neglect of the licensee to submit to an examination as  
24 required by this section shall be grounds for suspension or revocation of  
25 the license.

26 ~~Sec. 3. K.S.A. 2012 Supp. 8-267 is hereby amended to read as~~  
27 ~~follows: 8-267. All moneys received under this act shall be remitted by the~~  
28 ~~secretary of revenue to the state treasurer in accordance with the~~  
29 ~~provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of~~  
30 ~~each such remittance, the state treasurer shall deposit the entire amount in~~  
31 ~~the state treasury and shall:~~

32 (a) ~~Credit 37.5% of all moneys so received from class C driver's~~  
33 ~~licenses and 20% of all moneys so received from class M driver's licenses~~  
34 ~~and 20% of all moneys so received from class A or B driver's licenses and~~  
35 ~~20% of all moneys so received from all commercial driver licensee classes~~  
36 ~~remaining after the \$2 credit provided in subsection (e) to a special fund,~~  
37 ~~which is hereby created and shall be known as the state safety fund;~~

38 (b) ~~credit 20% of all moneys so received from class M driver's~~  
39 ~~licenses to a special fund which is hereby created and shall be known as~~  
40 ~~the motorcycle safety fund;~~

41 (c) ~~credit \$2 from each commercial driver's license fee to a special~~  
42 ~~fund which is hereby created and shall be known as the truck driver~~  
43 ~~training fund;~~

1 ~~(d) credit all photo fees collected under K.S.A. 8-243, and~~  
2 ~~amendments thereto, to the photo fee fund;~~

3 ~~(e) credit all hazardous materials endorsement fees collected under~~  
4 ~~K.S.A. 2012 Supp. 8-2,151, and amendments thereto, to the hazmat fee~~  
5 ~~fund; and~~

6 ~~(f) credit the driver improvement clinic fees collected under K.S.A. 8-~~  
7 ~~255, and amendments thereto, as follows:~~

8 ~~(1) Credit 50% of each such fee to the division of vehicles operating~~  
9 ~~fund; and~~

10 ~~(2) credit 50% of each such fee to the correctional services special~~  
11 ~~revenue fund.; and~~

12 ~~(g) credit all driving under the influence equipment fees collected~~  
13 ~~under K.S.A. 8-240, and amendments thereto, to the driving under the~~  
14 ~~influence fund.~~

15 Moneys in the state safety fund and in the motorcycle safety fund shall  
16 be distributed to provide funds for driver training courses in the schools in  
17 Kansas and for the administration of this act, as the legislature shall  
18 provide. In addition, moneys in the motorcycle safety fund shall be  
19 distributed to provide funds for courses in motorcycle safety in community  
20 colleges in Kansas. Moneys in the truck driver training fund shall be  
21 distributed to provide funds for courses in truck driver training in  
22 community colleges, area vocational schools and area vocational-technical  
23 schools in Kansas. Except as otherwise provided by K.S.A. 8-241, and  
24 amendments thereto, the state treasurer shall credit the balance of all  
25 moneys received under this act, including all moneys received from  
26 commercial driver's license endorsements to the state highway fund.

27 ***Sec. 2. K.S.A. 2012 Supp. 20-1a15 is hereby amended to read as***  
28 ***follows: 20-1a15. (a) There is hereby established in the state treasury the***  
29 ***judicial branch nonjudicial salary adjustment fund.***

30 ***(b) All moneys credited to the judicial branch nonjudicial salary***  
31 ***adjustment fund shall be used for compensation of nonjudicial officers***  
32 ***and employees of the district courts, court of appeals and the supreme***  
33 ***court and shall not be expended for compensation of judges or justices***  
34 ***of the judicial branch. Moneys in the fund shall be used only to pay for***  
35 ***that portion of the cost of salaries and wages of nonjudicial personnel of***  
36 ***the judicial branch, including associated employer contributions, which***  
37 ***shall not exceed the difference between the amount of expenditures that***  
38 ***would be required under the judicial branch pay plan for nonjudicial***  
39 ***personnel in effect prior to the effective date of this act and the amount***  
40 ***of expenditures required under the judicial branch pay plan for***  
41 ***nonjudicial personnel after the cost-of-living adjustments and the***  
42 ***adjustments for upgrades in pay rates for nonjudicial personnel***  
43 ***approved by the chief justice of the Kansas supreme court for fiscal year***

1 ***2009. For fiscal years commencing on and after June 30, 2010, moneys***  
2 ***in such fund shall be used only for the amount attributable to***  
3 ***maintenance of the judicial branch pay plan for nonjudicial personnel***  
4 ***for such adjustments and upgrades approved by the chief justice of the***  
5 ***supreme court for fiscal year 2009.***

6 *(c) On or before the 10<sup>th</sup> day of each month, the director of accounts*  
7 *and reports shall transfer from the state general fund to the judicial*  
8 *branch nonjudicial salary adjustment fund interest earnings based on:*

9 *(1) The average daily balance of moneys in the judicial branch*  
10 *nonjudicial salary adjustment fund for the preceding month; and*

11 *(2) the net earnings rate of the pooled money investment portfolio for*  
12 *the preceding month.*

13 *(e) (d) All expenditures from the judicial branch nonjudicial salary*  
14 *adjustment fund shall be made in accordance with appropriation acts*  
15 *and upon warrants of the director of accounts and reports issued*  
16 *pursuant to payrolls approved by the chief justice of the Kansas supreme*  
17 *court or by a person or persons designated by the chief justice.*

18 ***Sec. 3. K.S.A. 2012 Supp. 28-176 is hereby amended to read as***  
19 ***follows: 28-176. (a) The court shall order any person convicted or***  
20 ***diverted, or adjudicated or diverted under a preadjudication program***  
21 ***pursuant to K.S.A. 22-2906 et seq., K.S.A. 2012 Supp. 38-2346 et seq., or***  
22 ***12-4414, and amendments thereto, of a misdemeanor or felony***  
23 ***contained in chapters 21, 41 or 65 of the Kansas Statutes Annotated, and***  
24 ***amendments thereto, or a violation of K.S.A. 8-2,144 or 8-1567, and***  
25 ***amendments thereto, or a violation of a municipal ordinance or county***  
26 ***resolution prohibiting the acts prohibited by such statutes, unless the***  
27 ***municipality or county has an agreement with the laboratory providing***  
28 ***services that sets a restitution amount to be paid by the person that is***  
29 ***directly related to the cost of laboratory services, to pay a separate court***  
30 ***cost of \$400 for every individual offense if forensic science or laboratory***  
31 ***services or forensic computer examination services are provided, in***  
32 ***connection with the investigation, by:***

33 *(1) The Kansas bureau of investigation;*

34 *(2) the Sedgwick county regional forensic science center;*

35 *(3) the Johnson county sheriff's laboratory;*

36 *(4) the heart of America regional computer forensics laboratory; or*

37 *(5) the Wichita-Sedgwick county computer forensics crimes unit.*

38 *(b) Such fees shall be in addition to and not in substitution for any*  
39 *and all fines and penalties otherwise provided for by law for such*  
40 *offense.*

41 *(c) The court shall not lessen or waive such fees unless the court*  
42 *has determined such person is indigent and the basis for the court's*  
43 *determination is reflected in the court's order.*



1        *(d) Such fees shall be deposited into the designated fund of the*  
2 *laboratory or forensic science or computer center that provided such*  
3 *services. Fees for services provided by:*

4        *(1) The Kansas bureau of investigation shall be deposited in the*  
5 *Kansas bureau of investigation forensic laboratory and materials fee*  
6 *fund which is hereby created;*

7        *(2) the Sedgwick county regional forensic science center shall be*  
8 *deposited in the Sedgwick county general fund;*

9        *(3) the Johnson county sheriff's laboratory shall be deposited in the*  
10 *Johnson county sheriff's laboratory analysis fee fund;*

11        *(4) the heart of America regional computer forensics laboratory*  
12 *shall be deposited in the general treasury account maintained by such*  
13 *laboratory; and*

14        *(5) the Wichita-Sedgwick county computer forensic crimes unit*  
15 *shall be retained by the Sedgwick county sheriff. All funds retained by*  
16 *the sheriff pursuant to the provisions of this section shall be credited to a*  
17 *special fund of the sheriff's office.*

18        *(e) Disbursements from the funds and accounts described in*  
19 *subsection (d) shall be made for the following:*

20        *(1) Forensic science or laboratory services;*

21        *(2) forensic computer examination services;*

22        *(3) purchase and maintenance of laboratory equipment and*  
23 *supplies;*

24        *(4) education, training and scientific development of personnel;*  
25 *and*

26        *(5) from the Kansas bureau of investigation forensic laboratory and*  
27 *materials fee fund, the destruction of seized property and chemicals as*  
28 *described in K.S.A. 22-2512 and 60-4117, and amendments thereto.*

29        *(f) On or before the 10<sup>th</sup> day of each month, the director of accounts*  
30 *and reports shall transfer from the state general fund to the Kansas bureau*  
31 *of investigation forensic laboratory and materials fee fund interest*  
32 *earnings based on:*

33        *(1) The average daily balance of moneys in the Kansas bureau of*  
34 *investigation forensic laboratory and materials fee fund for the preceding*  
35 *month; and*

36        *(2) the net earnings rate of the pooled money investment portfolio for*  
37 *the preceding month.*

38        *(g) All expenditures from the Kansas bureau of investigation forensic*  
39 *laboratory and materials fee fund shall be made in accordance with*  
40 *appropriations acts upon warrants of the director of accounts and reports*  
41 *issued pursuant to vouchers approved by the attorney general or by a*  
42 *person or persons designated by the attorney general.*

43        **Sec. 4. K.S.A. 41-1126 is hereby amended to read as follows: 41-**

1 *1126. (a) In addition to other purposes for which expenditures may be*  
2 *made from the other state fees fund of the department of social and*  
3 *rehabilitation services, moneys in the other state fees fund of the*  
4 *department of social and rehabilitation services shall be used by the*  
5 *secretary of social and rehabilitation services to provide financial*  
6 *assistance to community-based alcoholism and intoxication treatment*  
7 *programs for the following purposes: (1) Matching money under title*  
8 *XX of the federal social security act to purchase treatment services from*  
9 *approved treatment facilities; (2) providing start-up or expansion grants*  
10 *for halfway houses or rehabilitation centers for alcoholics; (3)*  
11 *purchasing services from approved treatment facilities for persons who*  
12 *are needy but who are not eligible for assistance under either title XIX*  
13 *or title XX of the federal social security act, and administrative costs of*  
14 *the alcohol and drug abuse section which shall not exceed 10% of the*  
15 *total moneys in the community alcoholism and intoxication programs*  
16 *fund; and (4) assisting to develop programs for prevention, education,*  
17 *early identification and facility assistance and review team.*

18 *(b) No state alcohol treatment program at Topeka state hospital,*  
19 *Osawatomie state hospital, Rainbow mental health facility or Larned*  
20 *state hospital shall receive any moneys under the provisions of*  
21 *subsection (a) of this section.*

22 *(c) There is hereby established in the state treasury the community*  
23 *alcoholism and intoxication programs fund.*

24 *(d) On or before the 10<sup>th</sup> day of each month, the director of accounts*  
25 *and reports shall transfer from the state general fund to the community*  
26 *alcoholism and intoxication programs fund interest earnings based on:*

27 *(1) The average daily balance of moneys in the community*  
28 *alcoholism and intoxication programs fund for the preceding month; and*

29 *(2) the net earnings rate of the pooled money investment portfolio for*  
30 *the preceding month.*

31 *(e) All expenditures from the community alcoholism and intoxication*  
32 *programs fund shall be made in accordance with appropriations acts upon*  
33 *warrants of the director of accounts and reports issued pursuant to*  
34 *vouchers approved by the secretary of social and rehabilitation services or*  
35 *the secretary's designee.*

36 ~~Sec. 4-2~~ **5.** K.S.A. 2012 Supp. 75-5660 is hereby amended to read as  
37 follows: 75-5660. (a) There is hereby established in the state treasury the  
38 driving under the influence ~~equipment~~ fund.

39 (b) Moneys in the driving under the influence ~~equipment~~ fund shall  
40 be used by the department of health and environment only for the purposes  
41 of: (1) Purchasing breath alcohol concentration testing equipment,  
42 including, but not limited to, laboratory enhancement ~~and~~; (2) for purposes  
43 relating to presentation of evidence in prosecution in cases involving

1 driving under the influence, ~~or~~; and (3) establishing and maintaining  
2 drivers' safety and breath alcohol programs.

3 (c) *On or before the 10<sup>th</sup> day of each month, the director of accounts  
4 and reports shall transfer from the state general fund to the driving under  
5 the influence fund interest earnings based on:*

6 (1) *The average daily balance of moneys in the driving under the  
7 influence fund, for the preceding month; and*

8 (2) *the net earnings rate of the pooled money investment portfolio for  
9 the preceding month.*

10 (d) *All expenditures from the driving under the influence equipment  
11 fund shall be made in accordance with appropriations acts upon warrants  
12 of the director of accounts and reports issued pursuant to vouchers  
13 approved by the secretary of health and environment or the secretary's  
14 designee.*

15 (e) *On the effective date of this act:*

16 (1) *The director of accounts and reports shall transfer all moneys  
17 in the driving under the influence equipment fund to the driving under  
18 the influence fund;*

19 (2) *all liabilities of the driving under the influence equipment fund  
20 existing prior to that date are hereby imposed on the driving under the  
21 influence fund; and*

22 (3) *the driving under the influence equipment fund is hereby  
23 abolished.*

24 *Sec. 6. K.S.A. 2012 Supp. 79-4803 is hereby amended to read as  
25 follows: 79-4803.(a) After the transfer of moneys pursuant to K.S.A.  
26 2012 Supp. 79-4806, and amendments thereto:*

27 (1) *An amount equal to 10% of the balance of all moneys credited  
28 to the state gaming revenues fund shall be transferred and credited to  
29 the correctional institutions building fund created pursuant to K.S.A. 76-  
30 6b09, and amendments thereto, to be appropriated by the legislature for  
31 the use and benefit of state correctional institutions as provided in  
32 K.S.A. 76-6b09, and amendments thereto; and*

33 (2) *an amount equal to 5% of the balance of all moneys credited to  
34 the state gaming revenues fund shall be transferred and credited to the  
35 juvenile detention facilities fund.*

36 (b) *There is hereby created in the state treasury the juvenile  
37 detention facilities fund which shall be administered by the  
38 commissioner of juvenile justice. The Kansas advisory group on juvenile  
39 justice and delinquency prevention shall review and make  
40 recommendations concerning the administration of the fund. All  
41 expenditures from the juvenile detention facilities fund shall be for the  
42 retirement of debt of facilities for the detention of juveniles; or for the  
43 construction, renovation, remodeling or operational costs of facilities for*

1 *the detention of juveniles in accordance with a grant program which*  
2 *shall be established with grant criteria designed to facilitate the*  
3 *expeditious award and payment of grants for the purposes for which the*  
4 *moneys are intended. "Operational costs" shall not be limited to any per*  
5 *capita reimbursement by the commissioner of juvenile justice for*  
6 *juveniles under the supervision and custody of the commissioner but*  
7 *shall include payments to counties as and for their costs of operating the*  
8 *facility. The commissioner of juvenile justice shall make grants of the*  
9 *moneys credited to the juvenile detention facilities fund for such*  
10 *purposes to counties in accordance with such grant program. All*  
11 *expenditures from the juvenile detention facilities fund shall be made in*  
12 *accordance with appropriation acts upon warrants of the director of*  
13 *accounts and reports issued pursuant to vouchers approved by the*  
14 *commissioner of juvenile justice or the commissioner's designee.*

15 (c) *On or before the 10<sup>th</sup> day of each month, the director of accounts*  
16 *and reports shall transfer from the state general fund to the juvenile*  
17 *detention facilities fund interest earnings based on:*

18 (1) *The average daily balance of moneys in the juvenile detention*  
19 *facilities fund for the preceding month; and*

20 (2) *the net earnings rate of the pooled money investment portfolio for*  
21 *the preceding month.*

22 ~~Sec. 5-3 7.~~ *K.S.A. 41-1126 and K.S.A. 2012 Supp. 8-240, 8-241, 8-*  
23 ~~267 and, 20-1a15, 28-176, 75-5660 and 79-4803~~ *are hereby repealed.*

24 ~~Sec. 6-4 8.~~ *This act shall take effect and be in force from and after its*  
25 *publication in the statute book.*