

February 15, 2017

The Honorable Troy Waymaster, Chairperson  
House Committee on Appropriations  
Statehouse, Room 111-N  
Topeka, Kansas 66612

Dear Representative Waymaster:

**SUBJECT:** Fiscal Note for HB 2279 by House Committee on Appropriations

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2279 is respectfully submitted to your committee.

The 2014 Legislature diverted 33.0 percent of drivers' license reinstatement fees paid by persons whose driving privileges have been suspended due to alcohol and drug-related violations to the Judicial Branch Nonjudicial Salary Adjustment Fund. The remaining revenue from driver's license reinstatement fees is distributed as follows:

- 26.0 percent to the Community Alcohol and Intoxication Programs Fund in the Kansas Department for Aging and Disability Services (KDADS);
- 12.0 percent to the Juvenile Detention Facilities Fund in the Department of Corrections (DOC);
- 12.0 percent to the Forensic Laboratory and Materials Fee Fund in the Kansas Bureau of Investigation (KBI); and,
- 17.0 percent to the Driving Under the Influence Fund in the Kansas Department of Health and Environment (KDHE).

This distribution is currently scheduled to sunset on June 30, 2018, at which time revenue from driver's license reinstatement fees would be distributed as follows:

- 35.0 percent to the Community Alcohol and Intoxication Programs Fund in KDADS;
- 20.0 percent to the Juvenile Detention Facilities Fund in the DOC;
- 20.0 percent to the Forensic Laboratory and Materials Fee Fund in the KBI; and,
- 25.0 percent to the Driving Under the Influence Fund in KDHE.

HB 2279 would extend the sunset date to June 30, 2019, in order to continue the current distribution which directs 33.0 percent of revenues from drivers' license reinstatement fees to the Judicial Branch for one more year.

The Department of Revenue estimates HB 2279 would increase revenues to the Judicial Branch Nonjudicial Salary Adjustment Fund by \$953,000 in FY 2019 and reduce revenues to the Community Alcohol and Intoxication Programs Fund in KDADS by \$260,000; the Juvenile Detention Facilities Fund in DOC by \$231,000; the Forensic Laboratory and Materials Fee Fund in the KBI by \$231,000; and the Driving Under the Influence Fund in KDHE by \$231,000.

The Office of Judicial Administration indicates that by extending the sunset date, HB 2279 would ensure the remittance of revenues from drivers' license reinstatement fees that are currently tied to expenditures reflected in *The FY 2018 Governor's Budget Report*. If HB 2279 is not enacted, the Office estimates the loss of funding in the amount of \$953,000 could result in cuts to personnel and possibly furlough days or layoffs.

The Kansas Bureau of Investigation indicates the loss of \$231,000 in FY 2019 that is currently reflected in *The FY 2018 Governor's Budget Report*, would affect its ability to replenish old instrumentation; establish additional services for Trace Evidence, Digital Evidence, and Bloodstain Pattern Analysis; and continue offering timely laboratory services to the Kansas criminal justice community.

The Department for Aging and Disability Services and the Department of Corrections indicate the loss in revenue in FY 2019 would have no fiscal effect on agency operations because there are no expenditures tied to the additional funding currently reflected in *The FY 2018 Governor's Budget Report*.

The Kansas Department of Health and Environment also indicates there are no expenditures associated with this revenue currently reflected in *The FY 2018 Governor's Budget Report*. However, the loss of funding in FY 2019 would reduce the availability of funds needed to replace evidentiary breath alcohol testing instruments, which it expects to purchase again in five or six years when the most recent supply has reached the effective lifetime for use.

Sincerely,



Shawn Sullivan,  
Director of the Budget

cc: Ashley Michaelis, Judiciary  
Jack Smith, Department of Revenue  
Cody Gwaltney, Aging & Disability Services  
Dan Thimmesch, Health & Environment  
Linda Kelly, Corrections  
Shelia Sawyer-Tyler, KBI