

February 22, 2019

The Honorable John Barker, Chairperson
House Committee on Federal and State Affairs
Statehouse, Room 285-N
Topeka, Kansas 66612

Dear Representative Barker:

SUBJECT: Fiscal Note for HB 2003 by Representative Victors

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2003 is respectfully submitted to your committee.

HB 2003 would allow the Division of Vehicles at the Department of Revenue to issue a limited driver's license, limited instructional permit, and limited restricted driver's license. The limited driver's license would be allowed to be issued to an applicant that satisfies the requirements of that driver's license that is a resident of Kansas, but has not been issued a Social Security Number or does not have documentary evidence of citizenship or lawful presence. The applicant would be required to present a valid passport from the applicant's country of citizenship, valid consular identification document, or other proof of identity approved by the Department of Revenue. The driver's license would be required to indicate that it is not Real ID compliant and would not be valid for voting, purchasing a firearm, or used to establish eligibility for public benefits. A limited driver's license would be subject to all provisions of the Motor Vehicle Driver's License Act, the Uniform Act Regulating Traffic on Highways, and rules and regulations issued by the Division of Vehicles, including mandatory auto insurance.

The limited driver's license cannot be used to consider an individual's citizenship or immigration status, could not be used as a basis for any investigation, criminal or otherwise, and could not be used as the basis for an arrest, citation, or detention. Information provided in an application would not be a public record and could not be disclosed by the Division of Vehicles, unless required by court order. This exception to the Kansas Open Records Act would expire on June 30, 2024, unless reviewed and extended by the Legislature.

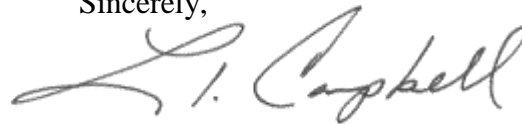
The Department indicates HB 2003 would increase the number of licenses issued across the state by allowing for a new type of driver's license that could be issued to certain individuals. The bill would increase the amount of fee revenue collected from issuing additional driver's licenses; however, the Department does not have data to estimate the number of new driver's licenses that would be issued under the provisions of the bill to provide a precise estimate of the amount of additional fee revenue that would be collected. The Department of Revenue indicates that it would require a total \$1,422,847 from the State General Fund in FY 2020 to implement the

bill and to modify the vehicle licensing system. The bill would require the Department to hire 24.00 new FTE positions to open four new driver's license offices across the state to handle estimated demand from individuals that would want this new driver's license type. The required programming for this bill by itself would be performed by existing staff of the Department of Revenue and outside contract programmer services. In addition, if the combined effect of implementing this bill and other enacted legislation exceeds the Department's programming resources, or if the time for implementing the changes is too short, additional expenditures for outside contract programmer services beyond the Department's current budget may be required.

The Attorney General's Office indicates the bill has the potential to increase litigation costs starting in FY 2020. If the bill is challenged by groups or individuals who could consider this bill as making Kansas a sanctuary state as the information submitted by the person seeking the limited driver's license will remain sealed unless a court order compels disclosure and the possession of a license cannot be used to investigate, arrest, hold, detain or charge its holder with a crime or for any immigration status purpose. However, the Office did not provide an estimate of the additional litigation costs or how long the estimated litigation costs would continue from enactment from the bill, or if the bill would require the hiring of outside counsel. Enactment of the bill could also have an impact on the number of criminal prosecutions related to individuals violating the unlawful use of a driver's license, which are sometimes handled by the Office.

The Secretary of State indicates that the bill would have a negligible fiscal effect on its operations. The Secretary of State would be required to update some education materials reminding voters this type of limited license would not be acceptable for use in voting. However, the costs to update education materials would be negligible and could be absorbed within existing resources. The League of Kansas Municipalities and Kansas Association of Counties indicates the bill would have no fiscal effect on local governments. Any fiscal effect associated with HB 2003 is not reflected in *The FY 2020 Governor's Budget Report*.

Sincerely,



Larry L. Campbell
Division of the Budget

cc: Lynn Robinson, Department of Revenue
Willie Prescott, Office of the Attorney General
Chardae Caine, League of Municipalities
Jay Hall, Association of Counties
Bryan Caskey, Office of the Secretary of State
Ben Cleaves, Transportation
Glenda Haverkamp, Insurance