



*The Kansas District Judges' Association*



## **HOUSE TRANSPORTATION COMMITTEE**

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### WRITTEN TESTIMONY IN PARTIAL OPPOSITION TO HOUSE BILL 2193

Thank you for the opportunity to present testimony in partial opposition to HB 2193. I am Merlin G. Wheeler, Chief Judge of the Fifth Judicial District (Lyon and Chase Counties) and a member of the Executive Committee of the Kansas District Judges Association (KDJA). I also serve as one of three Legislative Co-Chairs of the association along with Chief Judge Thomas Kelly Ryan of the 10<sup>th</sup> Judicial District and Chief Judge Glenn R. Braun of the 23<sup>rd</sup> Judicial District.

HB 2193 amends existing law relating to fees associated with reinstatement of driver's licenses. The purpose of this legislation is to reduce the financial burden placed on suspended drivers. KDJA does not oppose either the intent or objective of the legislation as it views this as a policy decision left to the sound discretion of the Kansas Legislature.

We bring to your attention by this testimony what is likely an unintended consequence of the bill and continued reliance on fee funding for the operations of the Judicial Branch. Of the reinstatement fee, the first \$15, plus approximately 41% of the balance, of the revenue generated from the reinstatement fee transfers to the Non-Judicial Salary Adjustment Fund. This fund was created in order to provide a revenue source for sorely needed salary enhancements for non-judge employees of the Judicial Branch. The creation of this fund was also accompanied by a plan for Judicial Branch employees which reduced the number of automatic steps in the Branch's pay plan.

Our Office of Judicial Administration has estimated a reduction of approximately \$750,000 to Judicial Branch revenues if the bill is passed and implemented for FY 2022. As we have noted, there does not appear to be any replacement of this loss in any current budget proposal. Therefore, if effective July 1, 2021, there would

be an immediate negative impact upon the Judicial Branch budget. If this bill is passed, we suggest either delaying implementation for at least one year or making the appropriate adjustment to the SGF funding of the Judicial Branch to avoid the immediate shortfall. We do not believe that there will be any detrimental effect by delaying implementation because there currently exists a mechanism for persons seeking reinstatement to petition the court for waiver of all or part of any reinstatement fee imposed.

The potential retroactive application of the reduced fee also poses other issues. At a time when our staffs are actively involved in numerous and complicated activities related to implementation of a new case management system, this bill will likely task staff with a substantial increase in work to process changes to the court records regarding these fees. Current limitations of our record systems require that these be done individually for each case and are therefore very labor intensive. Simply put, we do not believe that we have the available staff time to accomplish these changes and deal with the changes in our management systems.

The current version of the bill also raises the specter that of claims being made for refunds of reinstatement fees already paid and does not address a funding source for such expenditure.

While KDJA does not oppose the intent or purpose of the bill, we request that the financial ramifications be addressed before passage. That may be accomplished by proviso of delaying implementation until substitute funding is provided and making sure that the effective date for implementation of the fee changes only apply to future cases. KDJA urges strong consideration to these changes prior to passage of this bill.

Respectfully submitted on behalf of KDJA,

Merlin G. Wheeler, Chief Judge, 5<sup>th</sup> Judicial District.

Thomas Kelly Ryan, Chief Judge, 10<sup>th</sup> Judicial District.

Glenn R. Braun, Chief Judge, 23<sup>rd</sup> Judicial District.