

February 22, 2023

The Honorable Fred Patton, Chairperson  
House Committee on Judiciary  
300 SW 10th Avenue, Room 582-N  
Topeka, Kansas 66612

Dear Representative Patton:

**SUBJECT:** Fiscal Note for HB 2251 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2251 is respectfully submitted to your committee.

HB 2251 would require the Department of Education to create policies and procedures to contract with a private vendor for the installation, operation, and maintenance of stop signal arm video recording devices on school buses. The bill would allow the Department to assess a civil penalty of \$250 for associated violations of stop signal arms on school buses by motor vehicle operators.

All civil penalties resulting from associated school bus stop sign arm violations from a video recording would be remitted by the Department of Education to the State Treasurer and credited to the newly created School Bus Safety and Education Fund. Expenditures from this fund would be used for the installation, operation and maintenance of the video recording devices, the verification of violations captured by the video recording devices, educating the public on the dangers of the associated violations, and to alert the public of the consequences for the violations. The bill would outline the procedures for issuing a notice of violation.

If a violation is detected by the private vendor from recorded images, the alleged violation would be forwarded to the Kansas Highway Patrol (KHP) and reviewed and verified by a designated official working under the supervision of the agency. Any recorded images showing a vehicle operating in violation of the law would be considered prima facie evidence that a violation occurred. The bill would outline procedures for notifying the registered owner of the vehicle that a violation occurred, as well as an appeal procedure to contest the violation. Any images would

not be subject to the Kansas Open Records Act; however, this provision would expire on July 1, 2028, unless the Legislature would extend or eliminate this sunset date.

If a registered owner of a vehicle fails to pay the civil penalty, the Department of Education would inform the Division of Vehicles of the Department of Revenue and require the Division of Vehicles to require the payment of any civil penalties owed to the Department of Education at the time of vehicle registration or renewal; otherwise, the Division would be required to refuse to register or renew the vehicle registration until the civil penalties are paid to the satisfaction of the Department of Education. The bill would outline procedures for a violator to contest the civil violation in accordance with the provisions of the Kansas Administrative Procedure Act. The bill would outline the retention time for the recorded images.

The Department of Education would be required to make an annual report to the Legislature detailing the number of violations captured, the total number of notices issued, and the total number of civil penalties collected. The agency would be required to publish the report on its website.

The Department of Education states that the enactment of HB 2154 would increase revenues from civil penalties assessed and would increase expenditures associated with the vendor contracting to administer the program. The number of school districts that would adopt a resolution to participate in this program is unknown. Over time, revenues from civil penalties would likely cover the contract costs to administer the program. The Department of Education indicates that an additional position may be required to coordinate the program with the KHP, depending on the number of school districts and buses that would participate. The Department did not provide a cost estimate for this potential expenditure but indicates any additional expenditures would be funded from the new School Bus Safety and Education Fund.

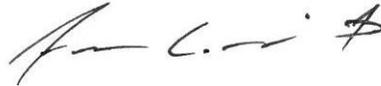
The KHP reports that the agency does not have sufficient staffing for the administrative requirements of the bill. The agency estimates the bill would require additional annual expenditures totaling \$184,956 and 2.25 FTE positions to review recorded images and report its findings to the Department of Education. This estimate would include 2.00 Program Consultant II FTE positions at a cost of \$78,048 for each position, and 0.25 Attorney FTE position at a cost of \$28,860. These expenditures would require an additional appropriation from the State Highway Fund.

The Department of Revenues indicates the enactment of the bill would have no fiscal effect outside of its normal operations.

The Division of the Budget notes that in order to begin the program, an initial funding mechanism would be needed, either through an appropriation from the State General Fund or through the vendor contract with the Department of Education for retroactive vendor payments from the eventual civil penalty revenue. However, the bill does not specify how these initial costs would be covered. In addition, the Division believes that an interagency agreement could reimburse administrative expenses to the KHP, depending on the amount of revenues received

from civil fines to the Department of Education in excess of costs for the Department to administer its responsibilities. Any fiscal effect associated with HB 2251 is not reflected in *The FY 2024 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt  
Director of the Budget

cc: Craig Neuenswander, Department of Education  
Sherry Macke, Highway Patrol