

SENATE BILL No. 399

By Committee on Judiciary

2-13

1 AN ACT concerning reinstatement fees; relating to the judicial branch
2 nonjudicial salary adjustment fund; amending K.S.A. 2012 Supp. 8-
3 241, as amended by section 1 of 2013 House Bill No. 2303 and 20-
4 1a15, as amended by section 2 of 2013 House Bill No. 2303 and
5 repealing the existing sections.
6

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

8 Section 1. K.S.A. 2012 Supp. 8-241, as amended by section 1 of 2013
9 House Bill No. 2303, is hereby amended to read as follows: 8-241. (a)
10 Except as provided in K.S.A. 8-2,125 through 8-2,142, and amendments
11 thereto, any person licensed to operate a motor vehicle in this state shall
12 submit to an examination whenever: (1) The division of vehicles has good
13 cause to believe that such person is incompetent or otherwise not qualified
14 to be licensed; or (2) the division of vehicles has suspended such person's
15 license pursuant to K.S.A. 8-1014, and amendments thereto, as the result
16 of a test refusal, test failure or conviction for a violation of K.S.A. 8-1567,
17 and amendments thereto, or a violation of a city ordinance or county
18 resolution prohibiting the acts prohibited by K.S.A. 8-1567, and
19 amendments thereto, except that no person shall have to submit to and
20 successfully complete an examination more than once as the result of
21 separate suspensions arising out of the same occurrence.

22 (b) When a person is required to submit to an examination pursuant
23 to subsection (a)(1), the fee for such examination shall be in the amount
24 provided by K.S.A. 8-240, and amendments thereto. When a person is
25 required to submit to an examination pursuant to subsection (a)(2), the fee
26 for such examination shall be \$25. In addition, any person required to
27 submit to an examination pursuant to subsection (a)(2): (1) As the result of
28 a test failure, a conviction for a violation of K.S.A. 8-1567, and
29 amendments thereto, or a violation of a city ordinance or county resolution
30 prohibiting the acts prohibited by K.S.A. 8-1567, and amendments thereto,
31 shall be required, at the time of examination, to pay a reinstatement fee of
32 \$200 after the first occurrence, \$400 after the second occurrence, \$600
33 after the third occurrence and \$800 after the fourth or subsequent
34 occurrence; and (2) as a result of a test refusal, a conviction for a violation
35 of K.S.A. 2012 Supp. 8-1025, and amendments thereto, or a violation of a
36 city ordinance or county resolution prohibiting the acts prohibited by

1 K.S.A. 2012 Supp. 8-1025, and amendments thereto, shall be required, at
2 the time of examination, to pay a reinstatement fee of \$600 after the first
3 occurrence, \$900 after the second occurrence, \$1,200 after the third
4 occurrence and \$1,500 after the fourth or subsequent occurrence.

5 (1) All examination fees collected pursuant to this section shall be
6 remitted to the state treasurer, in accordance with the provisions of K.S.A.
7 75-4215, and amendments thereto, who shall deposit the entire amount in
8 the state treasury and credit 80% to the state highway fund and 20% shall
9 be disposed of as provided in K.S.A. 8-267, and amendments thereto.

10 (2) On and after July 1, ~~2013~~ 2014, through June 30, ~~2017~~ 2018, all
11 reinstatement fees collected pursuant to this section shall be remitted to the
12 state treasurer, in accordance with the provisions of K.S.A. 75-4215, and
13 amendments thereto, who shall deposit the entire amount in the state
14 treasury and credit 26% to the community alcoholism and intoxication
15 programs fund created pursuant to K.S.A. 41-1126, and amendments
16 thereto, 12% to the juvenile detention facilities fund created by K.S.A. 79-
17 4803, and amendments thereto, 12% to the forensic laboratory and
18 materials fee fund created by K.S.A. 28-176, and amendments thereto,
19 17% to the driving under the influence fund created by K.S.A. 75-5660,
20 and amendments thereto, and 33% to the judicial branch nonjudicial salary
21 adjustment fund created by K.S.A. 20-1a15, and amendments thereto.
22 Moneys credited to the forensic laboratory and materials fee fund as
23 provided herein shall be used to supplement existing appropriations and
24 shall not be used to supplant general fund appropriations to the Kansas
25 bureau of investigation.

26 (3) On and after July 1, ~~2017~~ 2018, all reinstatement fees collected
27 pursuant to this section shall be remitted to the state treasurer, in
28 accordance with the provisions of K.S.A. 75-4215, and amendments
29 thereto, who shall deposit the entire amount in the state treasury and credit
30 35% to the community alcoholism and intoxication programs fund created
31 pursuant to K.S.A. 41-1126, and amendments thereto, 20% to the juvenile
32 detention facilities fund created by K.S.A. 79-4803, and amendments
33 thereto, 20% to the forensic laboratory and materials fee fund created by
34 K.S.A. 28-176, and amendments thereto, and 25% to the driving under the
35 influence fund created by K.S.A. 75-5660, and amendments thereto.
36 Moneys credited to the forensic laboratory and materials fee fund as
37 provided herein shall be used to supplement existing appropriations and
38 shall not be used to supplant general fund appropriations to the Kansas
39 bureau of investigation.

40 (c) When an examination is required pursuant to subsection (a), at
41 least five days' written notice of the examination shall be given to the
42 licensee. The examination administered hereunder shall be at least
43 equivalent to the examination required by subsection (e) of K.S.A. 8-247,

1 and amendments thereto, with such additional tests as the division deems
2 necessary. Upon the conclusion of such examination, the division shall
3 take action as may be appropriate and may suspend or revoke the license
4 of such person or permit the licensee to retain such license, or may issue a
5 license subject to restrictions as permitted under K.S.A. 8-245, and
6 amendments thereto.

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

10 Sec. 2. K.S.A. 2012 Supp. 20-1a15, as amended by section 2 of 2013
11 House Bill No. 2303, is hereby amended to read as follows: 20-1a15. (a)
12 There is hereby established in the state treasury the judicial branch
13 nonjudicial salary adjustment fund.

14 (b) All moneys credited to the judicial branch nonjudicial salary
15 adjustment fund shall be used for compensation of nonjudicial officers and
16 employees of the district courts, court of appeals and the supreme court
17 and shall not be expended for compensation of judges or justices of the
18 judicial branch. Moneys in the fund shall be used only to pay for that
19 portion of the cost of salaries and wages of nonjudicial personnel of the
20 judicial branch, including associated employer contributions, which shall
21 not exceed the difference between the amount of expenditures that would
22 be required under the judicial branch pay plan for nonjudicial personnel in
23 effect prior to the effective date of this act and the amount of expenditures
24 required under the judicial branch pay plan for nonjudicial personnel after
25 the cost-of-living adjustments and the adjustments for upgrades in pay
26 rates for nonjudicial personnel approved by the chief justice of the Kansas
27 supreme court for fiscal year ~~2009~~ 2015. For fiscal years commencing on
28 and after June 30, ~~2010~~ 2016, moneys in such fund shall be used only for
29 the amount attributable to maintenance of the judicial branch pay plan for
30 nonjudicial personnel for such adjustments and upgrades approved by the
31 chief justice of the supreme court for fiscal year ~~2009~~ 2015.

32 (c) On or before the 10th day of each month, the director of accounts
33 and reports shall transfer from the state general fund to the judicial branch
34 nonjudicial salary adjustment fund interest earnings based on:

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

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

39 (d) All expenditures from the judicial branch nonjudicial salary
40 adjustment fund shall be made in accordance with appropriation acts and
41 upon warrants of the director of accounts and reports issued pursuant to
42 payrolls approved by the chief justice of the Kansas supreme court or by a
43 person or persons designated by the chief justice.

1 Sec. 3. K.S.A. 2012 Supp. 8-241, as amended by section 1 of 2013
2 House Bill No. 2303 and 20-1a15, as amended by section 2 of 2013 House
3 Bill No. 2303 are hereby repealed.

4 Sec. 4. This act shall take effect and be in force from and after its
5 publication in the statute book.