

Reinstatement Fees Designated for the Judicial Branch's Nonjudicial Salary Adjustment Fund; HB 2303

HB 2303 renames the Kansas Department of Health and Environment's (KDHE) Driving Under the Influence Equipment Fund the Driving Under the Influence Fund and requires KDHE to establish and maintain breath alcohol programs, using the money in the Fund for this purpose. Additionally, the bill increases reinstatement fees for the first and subsequent occurrences of driving under the influence (DUI) violations. The reinstatement fees for test failure convictions are increased:

- From \$100 to \$200 after the first occurrence;
- From \$200 to \$400 after the second occurrence;
- From \$300 to \$600 after the third occurrence; and
- From \$400 to \$800 after the fourth or subsequent occurrence.

Reinstatement fees for test refusal convictions are increased:

- From \$400 to \$600 after the first occurrence;
- From \$600 to \$900 after the second occurrence;
- From \$800 to \$1,200 after the third occurrence; and
- From \$1,000 to \$1,500 after the fourth or subsequent occurrence.

Further, the bill amends how the total revenue generated from these fees is distributed. On and after July 1, 2013, through June 30, 2017, the bill:

- Decreases from 50.0 percent to 26.0 percent the amount going to the Department for Aging and Disability Services' (KDADS) Community Alcoholism and Intoxication Program Fund;
- Decreases from 20.0 percent to 12.0 percent the amount going to the Juvenile Justice Authority's (JJA) Juvenile Detention Facilities Fund;
- Decreases from 20.0 percent to 12.0 percent the amount going to the Kansas Bureau of Investigation's (KBI) Forensic Laboratory and Materials Fee Fund;
- Increases from 10.0 percent to 17.0 percent the amount going to KDHE's Driving Under the Influence Fund; and

- Designates 33.0 percent of the total amount to go to the Judicial Branch's Nonjudicial Salary Adjustment Fund, which currently receives no portion of the total revenue generated from reinstatement fees.

After July 1, 2017, the fees will be distributed as follows:

- 35.0 percent to the KDADS' Community Alcoholism and Intoxication Program Fund;
- 20.0 percent to JJA's Juvenile Detention Facilities Fund;
- 20.0 percent to the KBI's Forensic Laboratory and Materials Fee Fund; and
- 25.0 percent to KDHE's Driving Under the Influence Fund.

Finally, the bill requires each of these funds to earn interest based on each fund's average daily balance for the preceding month and the net earnings rate of the Pooled Money Investment Portfolio for the preceding month.