

March 3, 2020

REVISED

The Honorable Fred Patton, Chairperson
House Committee on Judiciary
Statehouse, Room 519C-N
Topeka, Kansas 66612

Dear Representative Patton:

SUBJECT: Revised Fiscal Note for HB 2532 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following revised fiscal note concerning HB 2532 is respectfully submitted to your committee.

HB 2532 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, operating 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.

Before allowing a vendor to install stop signal arm video recording devices on school buses in a school district, the local board of education would be required to adopt a resolution affirming this policy.

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. Images would not be subject to the Kansas Open Records Act (KORA). The provision regarding KORA would expire on July 1, 2025, unless the Legislature would extend this date prior to July 1, 2025.

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 2532 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. In addition, the Department of Education indicates that an additional position may be required to coordinate the program with the vendor, 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 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.

The Department of Revenue indicates it would require \$14,000 from the State General Fund in FY 2021 to implement the bill and to modify its information technology systems. The required programming for this bill by itself would be performed by existing staff of the Department of Revenue. 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. In its original fiscal note response, the Department indicated the bill would have no fiscal effect. Any fiscal effect associated with HB 2532 is not reflected in *The FY 2021 Governor's Budget Report*.

Sincerely,



Larry L. Campbell
Director of the Budget

cc: Dale Dennis, Education
Lynn Robinson, Department of Revenue