

## Senate Substitute for HOUSE BILL No. 2446

By Committee on Judiciary

2-25

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1 AN ACT concerning courts; relating to reinstatement fees; judicial branch  
2 nonjudicial salary adjustment fund; court trustee operations fund;  
3 amending K.S.A. 2012 Supp. 8-241, as amended by section 1 of 2013  
4 House Bill No. 2303 and 20-1a15, as amended by section 2 of 2013  
5 House Bill No. 2303 and K.S.A. 2013 Supp. 20-380 and repealing the  
6 existing sections.  
7

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

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

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

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

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

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

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

41 (c) When an examination is required pursuant to subsection (a), at  
42 least five days' written notice of the examination shall be given to the  
43 licensee. The examination administered hereunder shall be at least

1 equivalent to the examination required by subsection (e) of K.S.A. 8-247,  
2 and amendments thereto, with such additional tests as the division deems  
3 necessary. Upon the conclusion of such examination, the division shall  
4 take action as may be appropriate and may suspend or revoke the license  
5 of such person or permit the licensee to retain such license, or may issue a  
6 license subject to restrictions as permitted under K.S.A. 8-245, and  
7 amendments thereto.

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

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

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

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

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

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

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

1 person or persons designated by the chief justice.

2 Sec. 3. K.S.A. 2013 Supp. 20-380 is hereby amended to read as  
3 follows: 20-380. (a) Except as provided further, to defray the expenses of  
4 operation of the court trustee's office, the court trustee is authorized to  
5 charge an amount: (1) Whether fixed or sliding scale, based upon the  
6 scope of services provided or upon economic criteria, not to exceed 5% of  
7 the support collected from obligors through such office, as determined  
8 necessary by the chief judge as provided by this section; (2) based upon  
9 the hourly cost of office operations for the provision of services on an  
10 hourly or per service basis, with the written agreement of the obligee; or  
11 (3) from restitution collected, not to exceed the fee authorized by the  
12 attorney general under any contract entered into pursuant to K.S.A. 75-  
13 719, and amendments thereto.

14 (b) All such amounts shall be paid to the court trustee operations fund  
15 of the county where collected. There shall be created a court trustee  
16 operations fund in the county treasury of each county or district court of  
17 each county, in each judicial district that establishes the office of court  
18 trustee for the judicial district. The moneys budgeted to fund the operation  
19 of existing court trustee offices and to fund the start-up costs of new court  
20 trustee offices established on or after January 1, 1992, whether as a result  
21 of a rule adopted pursuant to K.S.A. 2013 Supp. 20-377, and amendments  
22 thereto, or because this act has created a court trustee operations fund,  
23 shall be transferred from the county general fund to the court trustee  
24 operations fund. The county commissioners of the county or group of  
25 counties, if the judicial district consists of more than one county, by a  
26 majority vote, shall decide whether the county or counties will have a  
27 court trustee operations fund in the county treasury or the district court of  
28 each county. *Except as provided by subsection (d)*, all expenditures from  
29 the court trustee operations fund shall be made in accordance with the  
30 provisions of K.S.A. 2013 Supp. 20-375 et seq., and amendments thereto,  
31 to enforce duties of support. Authorized expenditures from the court  
32 trustee operations fund may include repayment of start-up costs,  
33 expansions and operations of the court trustee's office to the county  
34 general fund. The court trustee shall be paid compensation as determined  
35 by the chief judge. The board of county commissioners of each county to  
36 which this act may apply shall provide suitable quarters for the office of  
37 court trustee, furnish stationery and supplies, and such furniture and  
38 equipment as shall, in the discretion of the chief judge, be necessary for  
39 the use of the court trustee. The chief judge shall fix and determine the  
40 annual budget of the office of the court trustee and shall review and  
41 determine on an annual basis the amount necessary to be charged to defray  
42 the expense of start-up costs, expansions and operations of the office of  
43 court trustee. All payments made by the secretary ~~of social and~~

1 ~~rehabilitation services~~ *for children and families* pursuant to K.S.A. 2013  
2 Supp. 23-3113, and amendments thereto, or any grants or other monies  
3 received which are intended to further child support enforcement goals or  
4 restitution goals shall be deposited in the court trustee operations fund.

5 (c) The court trustee shall not charge or collect a fee for any support  
6 payment that is not paid through the central unit for collection and  
7 disbursements of support payments pursuant to K.S.A. 2013 Supp. 39-  
8 7,135, and amendments thereto.

9 (d) *In a judicial district where the office of court trustee has ceased*  
10 *to exist, the chief judge may authorize expenditures from the court trustee*  
11 *operations fund for district court operations.*

12 Sec. 4. K.S.A. 2012 Supp. 8-241, as amended by section 1 of 2013  
13 House Bill No. 2303 and 20-1a15, as amended by section 2 of 2013 House  
14 Bill No. 2303 and K.S.A. 2013 Supp. 20-380 are hereby repealed.

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