

Testimony on House Bill 2303
presented to
Committee to Transportation and Public Safety Budget

by

Leo G. Henning, Director
Kansas Health and Environmental Laboratories

February 25, 2013

KDHE appreciates this opportunity to provide testimony in support of House Bill 2303 related to revisions to the funding for the KDHE Breath Alcohol Program.

The Breath Alcohol Program is important for KDHE and the Kansas Health and Environmental Laboratories (KHEL). It is also an important program for state and local law enforcement agencies. Driving under the influence of alcohol remains a top concern for law enforcement agencies and the citizens we serve. Currently, there are 232 law enforcement agencies in the state using the equipment provided by KDHE. There are a total of 251 breath alcohol instruments and 4,373 certified breath alcohol equipment operators in the state.

The Breath Alcohol Program, which is authorized in KSA 65-1,107, is responsible for purchasing and maintaining the breath alcohol equipment for law enforcement agencies. The purpose of having KHEL being responsible for this equipment is to standardize the equipment across the state. Standardizing the equipment saves money because KDHE can negotiate a high volume equipment purchase plus; supplies, replacement parts and equipment repairs are standardized and more cost effective. KHEL program staff is responsible for training of law enforcement personnel and certifying the operators of the breath alcohol equipment. KHEL staff is also requested to provide affidavits and expert testimony at court cases regarding the certification of law enforcement personnel, testing equipment and testing methods.

In this bill, KDHE proposes revising KSA 8-240 by adding a \$1.00 fee on driver's license renewals to pay for breath alcohol testing equipment, supplies and program support. KDHE also proposes to revise KSA 8-241 by increasing the fees for reinstatement of driver licenses for individuals that have lost their licenses because of driving under the influence. KDHE proposes a revision to KSA 8-267 that authorizes payment of fees to the driving under the influence fund. KDHE is requesting KSA 75-5660 be modified to allow funding in the driving under the influence fund be used to support the Breath Alcohol Program which includes, but not limited to; salaries, breath alcohol equipment, laboratory supplies, office support equipment, contractual services and administrative costs.

The objective for these revisions is to provide a stable and reliable funding source for the Breath Alcohol Program including future equipment purchases. KDHE is requesting a fee increase for reinstatement of driver's licenses. The requested increase for driver's license reinstatement will generate approximately \$220,000 per year of additional fees for total annual revenue of approximately \$425,000. KDHE is requesting these funds to continue being deposited to the driving under the influence fund.

KDHE is proposing a \$1.00 fee increase on driver's license renewals to help generate the funding needed to purchase breath alcohol testing equipment for law enforcement agencies. The \$1.00 fee increase on driver's license renewals will generate approximately \$400,000-\$450,000 per year. KDHE has estimated the cost of purchasing new breath alcohol equipment for the state to be approximately \$2,250,000. The \$1.00 fee increase will allow the state to replace the breath analyzers about every 5-6 years which is the expected life of this equipment. The current breath alcohol equipment is at the end of its life expectancy and the replacement process needs to begin this year. KDHE is requesting these funds be deposited to the driving under the influence fund. However, we recognize that this may be challenging to accomplish, and we are certainly open to alternatives.

The Kansas Department of Transportation (KDOT) has previously provided funds from a federal grant for the equipment purchased in 2007-2008. KDOT has informed KDHE that federal source of funding for future equipment replacements will not be available and KDHE should seek a more stable source of revenue for equipment replacement. The proposed revisions will make the Breath Alcohol Program self-funded with the ability replace equipment and the program will not require state general funds in future.

In summary, with the proposed revisions, approximately \$825,000 to \$850,000 will be generated per year. Currently, it costs approximately \$250,000 per year of state general funds for program administration and \$75,000 per year for equipment maintenance, supplies and travel for a total program cost of \$325,000. The proposed bill would provide the Breath Alcohol Program \$500,000 to \$550,000 per year to purchase new equipment and the equipment could be replacement every 5-6 years.

Thank you for allowing me to testify on this very important issue. I would be happy to answer any questions by the committee.