

**State of Kansas**  
**Office of the Attorney General**

**Notice of Public Hearing on Proposed Administrative Regulations**  
**K.A.R. 16-19-1, K.A.R. 16-19-2, and K.A.R. 16-19-3**

December 5, 2019

A public hearing will be conducted on February 7, 2020 at 10:00 a.m. to 10:30 am in the Fourth Floor Conference Room of the Attorney General's Office, 120 SW 10th Avenue, Topeka, Kansas to consider the adoption of proposed rules and regulations, K.A.R. 16-19-1, K.A.R. 16-19-2, and K.A.R. 16-19-3, of the Office of the Attorney General on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Legal Opinions and Government Counsel Division, Office of the Kansas Attorney General, Memorial Hall, 120 SW 10th Ave., 2nd Floor, Topeka, Kansas 66612 or by email to Athena.Andaya@ag.ks.gov. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Athena Andaya at (785) 368-8401 (or TYY 1-800-766-3777). The public entrance to Memorial Hall is accessible. Handicapped parking is located in front of Memorial Hall.

Summaries of the proposed regulations and their economic impact follow. (Note: Statements indicating that a regulation is "not anticipated to have any economic impact" are intended to indicate that no economic impact on the Office of the Attorney General, other state agencies, state employees, or the general public has been identified.)

Copies of the proposed regulations and the Economic Impact Statement for the proposed regulations can be viewed at the following website: [www.ag.ks.gov/regulation-hearings](http://www.ag.ks.gov/regulation-hearings).

K.A.R. 16-19-1 provides definitions of terms used in the new Article 19 regulations.

K.A.R. 16-19-2 establishes the VINE Advisory Board and provides for the selection of the members of the board by the attorney general. Further, the regulation requires the board to meet at the call of the VINE coordinator and to maintain minutes of its meetings.

K.A.R. 16-19-3 requires the VINE Advisory Board to advise and make recommendations to the attorney general for the implementation and operation of the VINE program. The board and

members of established subcommittees or working groups would be required to comply with the Kansas Open Meetings Act and the Kansas Open Records Act. Further, the board may be assigned legal counsel or other support staff as determined by the attorney general.

## **Article 19. Victim Information and Notification Everyday Advisory Board**

**16-19-1. Definitions.** Each of the following terms, as used in this article of the attorney general's regulations, shall have the meaning specified in this regulation:

- (a) “Board” means the advisory board appointed by the attorney general.
  - (b) “Chairperson” means the VINE coordinator.
  - (c) “VINE coordinator” means the person appointed by the attorney general to oversee the implementation and operation of the VINE system throughout the state.
  - (d) “VINE system” means the Kansas victim information and notification everyday system, which allows victims of crime and the general public to use the telephone, a mobile application, or the internet to search for information regarding the custody status of an offender housed in a Kansas county jail and to register to receive notification by telephone, text message, or electronic mail, or any combination of these, whenever the offender's custody status changes.
- (Authorized by and implementing K.S.A. 75-771; effective P-\_\_\_\_\_.)

**16-19-2. Membership; meetings.** (a) The board is hereby established by this regulation. The board shall consist of the following members appointed by the attorney general:

(1) The VINE coordinator, who shall serve as the chairperson;

(2) a representative of the Kansas sheriffs' association, who shall be appointed in consultation with and agreement of the Kansas sheriffs' association;

(3) a representative from a victim advocacy organization; and

(4) up to two other individuals as deemed necessary by the attorney general.

(b) The board shall meet upon the call of the chairperson and shall maintain minutes of each meeting. (Authorized by and implementing K.S.A. 75-771; effective P-\_\_\_\_\_.)

**16-19-3. Duties.** (a) The board shall make recommendations for the implementation and operation of the VINE system to the attorney general.

(b) To fulfill its duties, the board shall have the authority to perform the following:

(1) Take testimony or gather and receive information;

(2) establish subcommittees or working groups on particular topics, which may be composed exclusively of members of the board or may, at the discretion of the chairperson, include persons who are not members of the board;

(3) coordinate and engage in activities for education, outreach, and awareness of the services provided through the VINE system; and

(4) undertake any other tasks as may be requested by the attorney general.

(c) The board and members of established subcommittees or working groups shall comply with the Kansas open meetings act and the Kansas open records act.

(d) The board shall have the authority to request legal counsel and any other staff for its support from the office of the attorney general. (Authorized by and implementing K.S.A. 75-771; effective P-\_\_\_\_\_.)

**Kansas Administrative Regulations  
Economic Impact Statement  
For the Kansas Division of the Budget**

Office of the Attorney General  
Agency

Athena Andaya, Deputy Attorney General 368-8401  
Agency Contact Contact Phone Number

16-19-1, 16-19-2, and 16-19-3  
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to:

Division of the Budget  
900 SW Jackson, Room 504-N  
Topeka, KS 66612

**I. Brief description of the proposed rule(s) and regulation(s).**

The passage of 2019 HB 2090 created the position of Kansas Victim Information and Notification Everyday (VINE) Coordinator within the attorney general’s office. It also specifies the duties of the position and allows the attorney general to create a five-member advisory board to make recommendations for the implementation and operation of the VINE program. The Office of the Attorney General is authorized to adopt regulations to implement the advisory board. These regulations are new regulations.

K.A.R. 16-18-1 provides definitions of terms used in the new Article 19 regulations.

K.A.R. 16-18-2 establishes the VINE Advisory Board and provides for the selection of the members of the board by the attorney general. Further, the regulation requires the board to meet at the call of the VINE coordinator and to maintain minutes of its meetings.

K.A.R. 16-19-3 requires the board to advise and make recommendations to the attorney general for the implementation and operation of the VINE program. The board would be subject to the Kansas Open Meetings Act and the Kansas Open Records Act. Further, board may be assigned legal counsel or other support staff as determined by the attorney general.

**II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)**

The regulations are not mandated by the federal government. Colorado, Missouri, Nebraska, and Oklahoma all provide victims of crime and the public access to Victim Information and Notification Everyday. The OAG was not able to determine whether these contiguous states used an advisory board to assist with their implementation and operational phases. The federal government, where possible, provides all victim information and notification on criminal cases that have been accepted for prosecution for federal investigative agencies through the Department of Justice’s Victim Notification System.

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**III. Agency analysis specifically addressing following:**

**A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;**

The OAG is not aware of a basis to conclude that these regulations will meaningfully enhance or restrict business activities or growth.

**B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;**

The proposed regulations provide for the creation of an advisory board whose duty it is to provide advice and recommendations to the attorney general for the implementation and operation of the VINE program. None of the members are paid compensation, expenses, or other costs for their voluntary participation on the advisory board. Therefore, the economic effect is limited to the effect on the individual member.

**C. Businesses that would be directly affected by the proposed rule and regulation;**

The OAG is not aware of a basis to conclude that these regulations will directly affect businesses

**D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;**

The benefits of creating an advisory board from a diversified group of victim advocates will ensure collaborative and comprehensive discussions and solutions to any issues that might arise in the implementation and operation of the VINE program. The costs of creating this board is borne by the members.

**E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;**

The OAG contends that this regulation does not have costs or impact on business or economic development within the State of Kansas. The OAG is not authorized by law to pay compensation, expenses or other costs of the members of this advisory board. As a way to minimize such costs to the members, the OAG is seeking alternative methods of meeting, such as videoconferencing.

**F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.**

\$0

**Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?**

YES  NO

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**Give a detailed statement of the data and methodology used in estimating the above cost estimate.**

The cost was estimated by a layperson as the OAG does not employ an economist.

**Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.**

YES  NO

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.**

The OAG does not have a basis to believe this new regulation will impact the revenue of cities, counties, or school districts.

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).**

Because the OAG does not believe the regulation affects anyone but the members of the advisory board, the agency did not consult or solicit information from businesses, associations, local governments, state agencies, or institutions and members of the public.

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).**

This is not an environmental regulation.

