

Proposed

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

**Notice of Public Hearing on Proposed Administrative Regulations**

December 14, 2017

A public hearing will be conducted on February 13, 2018 at 1:00 p.m. to 2:00 p.m. in Memorial Hall Auditorium, 120 SW 10th Ave., 2nd Floor, Topeka, Kansas, to consider the adoption of a proposed rule and regulation 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 rule and regulation. All interested parties may submit written comments prior to the hearing to the Legal Opinions and Government Counsel Division of the Office of the Kansas Attorney General, 120 SW 10th Ave., 2nd Floor, Topeka, Kansas 66612 or by email to [Athena.Andaya@ag.ks.gov](mailto: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 regulation 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 regulation 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 E. 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.

A summary of the proposed regulation and its 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).

**Summary of Proposed Regulation, Including Its Purpose.**

**K.A.R. 16-17-1 -- Training course approval for providers.** This is a new regulation which implements the requirement in K.S.A. 2017 Supp. 8-2,157 (2017 House Sub. for SB 40, §4) that the Attorney General promulgate rules and regulations to establish requirements for training course approval for providers of a human trafficking identification and prevention training course. On or after July 1, 2018, successful completion of the training course approved by the Attorney General is required before an

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applicant for issuance or renewal of a commercial driver's license (CDL) may obtain such license.

According to the statute, the regulation must be in effect by January 1, 2018. However, the OAG is seeking to have the regulations implemented on July 1, 2018 to coincide with the effective date of the statutory requirement that an applicant for issuance or renewal of a CDL complete the approved training.

**Economic Impact.** The Attorney General does not anticipate ongoing economic impact upon the Office of Attorney General (OAG) other than the initial costs of implementation and then the continuing costs of monitoring the program compliance and approval. The OAG anticipates costs associated with administering the human trafficking identification and prevention training course to be borne solely by the approved providers. The OAG anticipates an economic impact on the Kansas Department of Revenue, Division of Motor Vehicles (KDOR DMV) but not other governmental agencies. The OAG anticipates an economic impact on private business or individuals who are affected by the requirement that a certificate of successful completion of a human trafficking identification and prevention training must be obtained before issuance or renewal of a CDL may obtain such license.

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**Article 17. Commercial Driver's License: Training  
in Human Trafficking Identification and Prevention**

**16-17-1. Training course approval for providers.** (a) For purposes of this regulation, "human trafficking" shall have the meaning specified in K.S.A. 2017 Supp. 21-5426, and amendments thereto, and shall include "commercial sexual exploitation of a child" as specified in K.S.A. 2017 Supp. 21-6422, and amendments thereto.

(b) No person or entity shall provide a training course on human trafficking identification and prevention pursuant to K.S.A. 2017 Supp. 8-2,157, and amendments thereto, unless the office of the attorney general has issued a letter of approval for that training course.

(c) Each person or entity seeking approval of a training course on human trafficking identification and prevention shall submit an application to the office of the attorney general, human trafficking identification and prevention training approval, in Topeka, Kansas. The application shall include at least the following information:

- (1) (A) The name and address of the person or entity;
- (B) the name and title of the person submitting the application on behalf of the person or entity, with the person's signature and a statement certifying that the information and materials submitted will be used in the training course for which approval is being sought; and
- (C) the name, title, and telephone number of the contact person for course approval matters; and
- (2) a copy of all training materials. The training materials shall include at least the following:
  - (A) Written materials or video materials, or both;
  - (B) a definition of "human trafficking" consistent with subsection (a);
  - (C) strategies on what to look for and how to identify potential victims of human trafficking; and
  - (D) information on how and to whom to report suspected human trafficking.
- (d) After a training course on human trafficking identification and prevention has been approved,



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16-17-1  
Page 2

new or revised written or video training materials shall not be used until an application for approval of the new or revised training materials has been submitted to and approved by the office of the attorney general pursuant to this regulation.

This regulation shall become effective on July 1, 2018. (Authorized by and implementing K.S.A. 2017 Supp. 8-2,157; effective P-\_\_\_\_\_.)



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**ECONOMIC IMPACT STATEMENT**

**K.A.R. 16-17-1**

**I. Summary of Proposed Regulation, Including Its Purpose.**

K.A.R. 16-17-1 is a new regulation which implements the requirement in K.S.A. 2017 Supp. 8-2,157 (2017 House Sub. for SB 40, §4) that the Attorney General promulgate rules and regulations to establish requirements for training course approval for providers of a human trafficking identification and prevention training course. On or after July 1, 2018, successful completion of the training course is required before an applicant for issuance or renewal of a commercial driver's license (CDL) may obtain such license.

According to the statute, the regulation must be in effect by January 1, 2018. However, the OAG is seeking to have the regulations implemented on July 1, 2018 to coincide with the effective date of the statutory requirement that an applicant for issuance or renewal of a CDL complete the approved training.

**II. Reason the Proposed Regulation Is Required, Including Whether or Not the Regulation Is Mandated by Federal Law.**

The proposed regulation is required to implement the provisions of K.S.A. 2017 Supp. 8-2,157. The regulation is not mandated by federal law at this time.

**III. Anticipated Economic Impact upon the Office of the Kansas Attorney General.**

There is no anticipated ongoing economic impact upon the OAG other than the initial costs of implementation and then the continuing costs of monitoring the program compliance and approval. The OAG has incurred staff time and the costs associated with promulgating these regulations.

**IV. Anticipated Economic Impact upon Other Governmental Agencies and upon Private Business or Individuals.**

The OAG anticipates costs associated with administering the human trafficking identification and prevention training course to be borne solely by the approved providers.

The OAG anticipates an economic impact on the Kansas Department of Revenue, Division of Motor Vehicles (KDOR DMV) but not other governmental agencies. The OAG anticipates an economic impact on private business or individuals who are affected by the requirement that a certificate of successful completion of a human trafficking identification and prevention training must be obtained before issuance or renewal of a CDL may obtain such license.

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We are consulting with the League of Kansas Municipalities, the Kansas Association of Counties and the Kansas Association of School Boards to assess anticipated economic impact on their constituencies.

**V. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.**

The OAG is unaware of any less costly or intrusive methods.

Respectfully submitted,

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Athena E. Andaya, Deputy Attorney General

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