

State of Kansas
Kansas Bureau of Investigation

Notice of Public Hearing on Proposed Administrative Regulations

March 20, 2019

A public hearing will be conducted on Tuesday, May 28, 2019, at 9:00 a.m. in the Headquarters Main Conference Room at the Kansas Bureau of Investigation (KBI), 1620 SW Tyler, Topeka, Kansas, to consider the adoption of proposed rules and regulations of the Kansas Bureau of Investigation (KBI), 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 Kansas Bureau of Investigation, 1620 SW Tyler, Topeka, Kansas 66612, or by email to Kelly.McPherron@kbi.state.ks.us. 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.

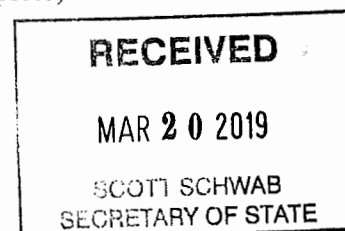
Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Kelly McPherron at 785-296-8200, (or TYY 1-800-766-3777). Handicapped parking is located on the south end of the KBI building, off of Tyler Street.

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 KBI, 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 requested from: Kelly.McPherron@kbi.state.ks.us, or by writing to Kansas Bureau of Investigation, 1620 SW Tyler, Topeka, KS 66612 (attn: Kelly McPherron).

K.A.R. 10-23-1 – Definitions. This is a new regulation that defines the following terms: “Director”; “KBI”; “Law enforcement agency”; “Repository”; and “Seizing agency.” These definitions serve to assist in understanding the terms as they are used in K.A.R. 10-23-2 through 10-23-6. This regulation will have no economic impact.

K.A.R. 10-23-2 – Accuracy and completeness; duplicate reporting prohibited. This is a new regulation that requires law enforcement agencies to submit accurate, complete, and non-



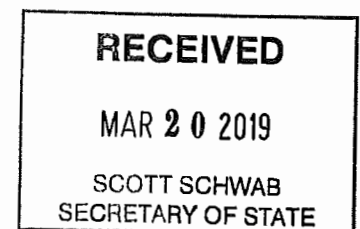
duplicative information to the asset seizure and forfeiture repository maintained at the KBI. This regulation will have no economic impact.

K.A.R. 10-23-3 – Means of reporting. This is a new regulation that identifies how information can be submitted to the asset seizure and forfeiture repository maintained at the KBI. The means of reporting include electronically or by paper on a form approved by the KBI director. This regulation will have no economic impact, as its purpose is merely to describe how information is submitted.

K.A.R. 10-23-4 – Seizure for forfeiture report. This is a new regulation describing what actions the KBI will take upon receiving a seizure for forfeiture report from a seizing agency. The regulation specifies that if the report requires any changes, an amended report shall be submitted to the KBI within 30 calendar days of the date on which repository staff requested an amended report. This regulation is not anticipated to have any economic impact.

K.A.R. 10-23-5 – Forfeiture fund report. This is a new regulation describing what actions the KBI will take upon receiving a forfeiture fund report. The regulation specifies that if the report requires any changes, an amended report shall be submitted to the KBI within 30 calendar days of repository staff's request for an amended report. The regulation also requires law enforcement agencies to report to the KBI even if the agencies had zero seizures for forfeiture during the preceding calendar year. Lastly, the regulation describes a request to complete a forfeiture fund report which will be sent to law enforcement agencies that have not met the deadline for submitting forfeiture fund reports or for verifying zero seizures. This regulation is not anticipated to have any economic impact.

K.A.R. 10-23-6 – Point of contact. This is a new regulation requiring law enforcement agencies submitting forfeiture fund reports to provide updated contact information to the KBI asset seizure and forfeiture repository. This regulation will have no economic impact.



Article 23. Kansas Asset Seizure and Forfeiture Repository

10-23-1. Definitions. As used in this article of the KBI's regulations, each of the following terms shall have the meaning specified in this regulation:

(a) "Director" means director of the KBI.

(b) "KBI" means Kansas bureau of investigation.

(c) "Law enforcement agency" means any Kansas entity vested by law with a duty to maintain public order or to make arrests for violations of the laws of Kansas or ordinances of any Kansas municipality. A law enforcement agency is deemed a seizing agency when the law enforcement agency makes a seizure for forfeiture.

(d) "Repository" means the Kansas asset seizure and forfeiture repository.

(e) "Seizing agency" has the meaning specified in K.S.A. 60-4102, and amendments thereto.

(Authorized by and implementing K.S.A. 2018 Supp. 60-4127; effective P-_____.)

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10-23-2. Accuracy and completeness; duplicate reporting prohibited. Each law enforcement agency shall ensure the accuracy and completeness of all information that the law enforcement agency submits to the repository. No law enforcement agency shall knowingly provide a duplicate of any report required by the repository. (Authorized by and implementing K.S.A. 2018 Supp. 60-4127; effective P-
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10-23-3. Means of reporting. The information reported to the repository shall be submitted electronically or on a paper form that has been approved by the director. (Authorized by and implementing K.S.A. 2018 Supp. 60-4127; effective P-_____.)

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10-23-4. Seizure for forfeiture report. Once a seizing agency submits a seizure for forfeiture report to the repository, the repository staff shall review the report. Repository staff shall contact the seizing agency if the staff has any questions about the report. If the seizure for forfeiture report needs to be changed, the seizing agency shall submit an amended report to the repository within 30 calendar days of the date on which the repository staff requests an amended report. (Authorized by and implementing K.S.A. 2018 Supp. 60-4127; effective P-_____.)

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10-23-5. Forfeiture fund report. (a)(1) Once a law enforcement agency submits a forfeiture fund report for the preceding calendar year, the repository staff shall review the report.

(2) Repository staff shall contact the law enforcement agency if the staff has any questions about the forfeiture fund report. If the report needs to be changed, the law enforcement agency shall submit an amended report to the repository within 30 calendar days of the repository staff's request for an amended report.

(b) If a law enforcement agency had zero seizures for forfeiture during the preceding calendar year, the law enforcement agency shall provide verification to the repository of no activity on the forfeiture fund report on or before the following February 1.

(c) Repository staff shall electronically send a request to complete a forfeiture fund report to all law enforcement agencies that have not met the requirements of paragraph (a)(1) or subsection (b). Each law enforcement agency that receives the request to complete a forfeiture fund report shall provide the repository with a forfeiture fund report or an electronic signature confirming zero seizures for forfeiture during the preceding calendar year. Each law enforcement agency that receives the request to complete a forfeiture fund report shall respond to the repository within 30 calendar days of the date on which the request was sent by the repository. (Authorized by and implementing K.S.A. 2018 Supp. 60-4127; effective P-_____.)

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10-23-6. Point of contact. With each annual submission of the forfeiture fund report, each law enforcement agency shall provide the repository with a point of contact for the law enforcement agency, including name, phone number, electronic-mail address, and mailing address. Each law enforcement agency shall notify the repository within 30 calendar days of any change in the point of contact's information. (Authorized by and implementing K.S.A. 2018 Supp. 60-4127; effective P-_____.)

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

Kansas Bureau of Investigation
Agency

Kelly McPherron
Agency Contact

296-3150
Contact Phone Number

10-23-1 through 10-23-6
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).

Pursuant to 2018 House Bill 2459, New Section 1, the Legislature tasked the KBI with establishing the Kansas asset seizure and forfeiture repository. House Bill 2459 further mandated that the KBI promulgate rules and regulations to implement New Section 1. The proposed rules and regulations set forth submission requirements for seizing agencies and law enforcement agencies when the agencies submit information to the repository.

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)

These rules and regulations are not mandated by the federal government.

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;

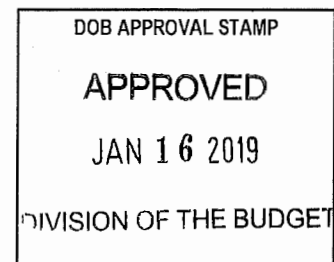
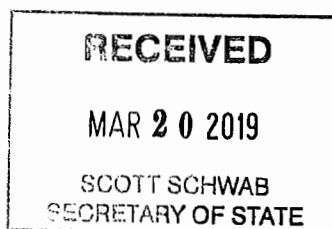
The rules and regulations will not enhance or restrict business activities and growth.

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;

No costs will be incurred by or passed along to businesses, local governments, or members of the public.

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

No businesses will be directly affected by the proposed rules and regulations.



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

No costs will be incurred by or passed along to businesses, local governments, or members of the public. The KBI bears the costs for creating and implementing the asset seizure and forfeiture repository. Benefits of the proposed rules and regulations compared to the costs of establishing and maintaining the repository include structured reporting requirements that will aid the KBI in gathering timely and accurate information.

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;

No costs will be incurred by or passed along to businesses, local governments, or members of the public; therefore, it has been unnecessary for the KBI to take measures to minimize cost and impact to such entities or individuals.

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

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

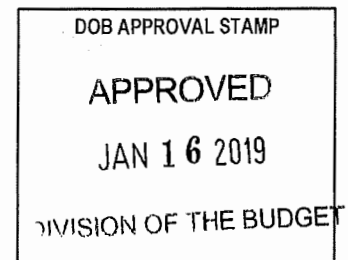
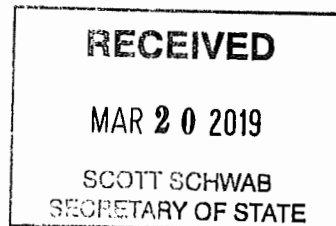
Not applicable.

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.

Not applicable.



- 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).**

The proposed rules and regulations have been developed based on internal needs and business processes necessary for establishing and maintaining a repository of information; therefore, the agency has not consulted with or solicited information from external entities.

- 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).**

Not applicable.

