

SESSION OF 2019

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2290

As Amended by Senate Committee on Judiciary

Brief*

HB 2290, as amended, would create and amend law concerning the Office of the Attorney General (OAG), as follows.

Crime Victims Compensation Division

The bill would create in the OAG a Crime Victims Compensation Division (Division) to administer and support the operations of the Crime Victims Compensation Board (CVCB). The Division would receive compensation applications and supporting papers and would, if requested by the CVCB, investigate the claim, appear in related proceedings, and present evidence opposing or in support of an award.

The bill would direct the Attorney General to establish and maintain a principal office for the Division and other necessary offices, appoint employees and agents, and prescribe the duties and compensation for such employees and agents, subject to appropriations. The Division would be headed by a director appointed by the Attorney General in consultation with the CVCB.

The bill would direct the Division to prescribe application forms for compensation, request investigations and data from various sources to enable the CVCB to determine qualification for compensation, make available specified documents of the CVCB pursuant to the Kansas Open

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Records Act (KORA), publicize the availability of compensation and information regarding the filing of claims, and perform any other duties assigned by the Attorney General to carry out the above provisions.

The bill would amend the statute setting forth powers and duties of the CVCB to remove duties related to offices, employees, forms, KORA, and publicity, and the power to request investigations and data. [Note: These duties and power are essentially transferred to the Division, as outlined above.] A confidentiality provision regarding a claimant's or victim's juvenile court records would be moved to the new section. "Duties" of the CVCB regarding rules and regulations would be changed to "powers."

The statute governing applications for compensation would be amended to change references to the CVCB in provisions regarding form and filing of applications to refer to the Division instead.

A provision regarding confidentiality of records and information given to the CVCB would be amended to include records and information given to the Division.

The statute establishing the Crime Victims Compensation Fund (Fund) would be amended to add operations of the Division to the acceptable uses of moneys from the Fund.

Kansas VINE Coordinator

The bill would require the Attorney General to appoint a Kansas Victim and Notification Everyday (VINE) coordinator and additional support staff (as appropriations allow), to work with interested parties, including, but not limited to, sheriffs throughout the state to oversee the statewide implementation of the VINE system. The Attorney General would be authorized to appoint an advisory board, consisting of up to five members, one of which who must be a victim advocate

and one who must be a representative of the Kansas Sheriffs Association, to make recommendations for the implementation and operation of the VINE program. The bill would prohibit any member from receiving any compensation, subsistence, mileage, or other allowance for serving on the advisory board, and the Attorney General would be required to promulgate rules and regulations as necessary to implement the provisions of the bill.

Attorney General Representation in KORA and KOMA Actions

The bill also would authorize the Attorney General to refuse to provide legal representation or indemnification to a state agency, state employee, or agent in an action, proceeding, or investigation involving an alleged violation of KORA or the Kansas Open Meetings Act (KOMA).

The bill also would make technical amendments to update statutory references and fix a typographical error in the bill title.

The bill would be in effect upon publication in the *Kansas Register*.

Background

HB 2290, as amended by the Senate Committee on Judiciary, includes provisions of HB 2290, as amended by the House Committee on Judiciary and passed by the House, regarding the establishment of the Division within the OAG; SB 212, as introduced, regarding the establishment of a VINE coordinator within the OAG; and SB 213, as introduced, regarding Attorney General representation in alleged KORA and KOMA violations.

HB 2290 (Crime Victims Compensation Division)

HB 2290 was introduced by the House Committee on Judiciary at the request of the OAG. In the House Committee hearing, the Attorney General testified in support of the bill, stating the bill would place in statute a structure based upon a 2012 memorandum of understanding under which the OAG has been providing support to the CVCB. Overall, the program has been managed as part of the Office since 1989. The chairperson of the CVCB submitted written-only testimony supporting the bill. No other testimony was provided.

The House Committee made a technical amendment to the bill title.

In the Senate Committee on Judiciary hearing, the Attorney General testified in support of the bill. The Chairperson of the Crime Victims Compensation Board provided written-only proponent testimony. No other testimony was provided.

The Senate Committee amended the bill by inserting the contents of SB 212, regarding the establishment of a VINE coordinator within the OAG, and the contents of SB 213, regarding Attorney General representation in KORA and KOMA violations.

According to the fiscal note prepared by the Division of the Budget on HB 2290, as introduced, the OAG, Office of Judicial Administration (OJA), Kansas Association of Counties (KAC), and the League of Kansas Municipalities (LKM) indicate enactment of the bill would have no fiscal effect.

SB 212 (VINE Coordinator)

SB 212 was introduced by the Senate Committee on Federal and State Affairs at the request of the OAG. In the Senate Committee on Judiciary hearing, a representative of

the Kansas Sheriffs Association testified in support of the bill. Written-only proponent testimony was provided by the OAG. No other testimony was provided.

According to the fiscal note prepared by the Division of the Budget on SB 212, the OAG indicates enactment of the bill could result in additional expenditures of \$96,854 to hire 1.0 VINE Coordinator full-time equivalent position. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2020 Governor's Budget Report*.

SB 213 (Attorney General Representation in KORA and KOMA Actions)

SB 213 was introduced by the Senate Committee on Federal and State Affairs at the request of the OAG. In the Senate Committee on Judiciary hearing, the Attorney General testified in support of the bill. Written-only proponent testimony was provided by a representative of the Kansas Press Association. Representatives of the Kansas District Judges Association and the OJA testified as opponents to the bill.

According to the fiscal note prepared by the Division of the Budget on SB 213, the OAG indicates enactment of the bill would result in reduced expenditures beginning in FY 2020, but the fiscal effect cannot be estimated because the total number of cases that the OAG would no longer be required to defend is unknown.

OJA indicates enactment of the bill would require additional expenditures of \$40,000 beginning in FY 2020, to hire outside counsel for approximately four employees each fiscal year who would need legal representation due to alleged violations.

LKM and KAC indicate enactment of the bill could require local units of government to provide legal representation for alleged violations of KORA and KOMA, but

the fiscal effect cannot be estimated because the number of cases local units of government would be required to defend is unknown.

The Division of the Budget notes that enactment of bill could require a state agency to either use its own legal counsel or seek outside counsel instead of requesting legal representation from the OAG, which could increase expenditures for agencies' legal costs, but the fiscal effect cannot be estimated because the number of state agencies that would need legal representation is unknown. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2020 Governor's Budget Report*.