

# OFFICE OF THE ATTORNEY GENERAL

## FY 2022 – FY 2024 BUDGET ANALYSIS

FIGURE 1  
**BUDGET OVERVIEW, FY 2022 – FY 2024**

	Actual FY 2022	Agency FY 2023	Governor FY 2023	Agency FY 2024	Governor FY 2024
<b>Operating Expenditures:</b>					
State General Fund	\$ 6,421,288	\$ 6,819,117	\$ 6,819,117	\$ 7,220,516	\$ 6,570,220
Federal Funds	2,638	-	-	-	-
All Other Funds	23,436,638	55,684,773	55,684,773	29,650,299	29,925,595
<i>Subtotal</i>	<u>\$ 29,860,564</u>	<u>\$ 62,503,890</u>	<u>\$ 62,503,890</u>	<u>\$ 36,870,815</u>	<u>\$ 36,495,815</u>
<b>Capital Improvements:</b>					
State General Fund	\$ -	\$ -	\$ -	\$ -	\$ -
Federal Funds	-	-	-	-	-
All Other Funds	-	-	-	-	-
<i>Subtotal</i>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
<b>TOTAL</b>	<b><u>\$ 29,860,564</u></b>	<b><u>\$ 62,503,890</u></b>	<b><u>\$ 62,503,890</u></b>	<b><u>\$ 36,870,815</u></b>	<b><u>\$ 36,495,815</u></b>
<b>Percentage Change:</b>					
State General Fund	5.2 %	6.2 %	6.2 %	5.9 %	(3.6) %
All Funds	15.7 %	109.3 %	109.3 %	(41.0) %	(41.6) %
FTE Positions*	178.5	178.6	178.6	182.6	178.6

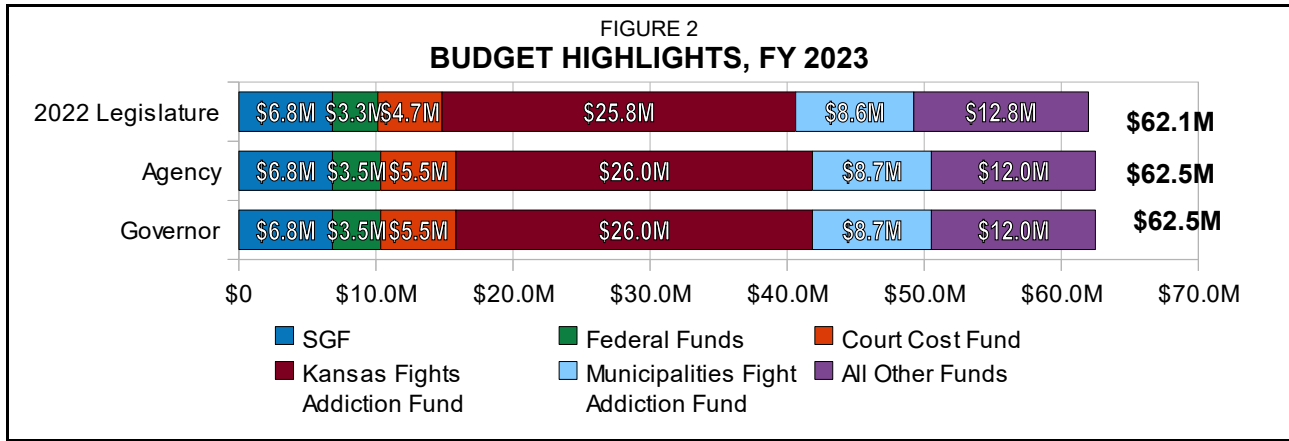
\* Staff Note: This number represents both on- and off-budget FTE positions.

For purposes of this analysis, full-time equivalent (FTE) positions include non-FTE permanent unclassified positions but continue to exclude temporary employees. FTE positions reflect permanent state positions equating to a 40-hour work week.

The Attorney General is a constitutional statewide elected official who is the chief legal officer of and advocate for the State and serves as its chief law enforcement officer. The Office of the Attorney General (OAG) is organized into 11 programs: Administration Division, Solicitor Division, Fraud and Abuse Litigation Division, Criminal Litigation Division, Legal Opinions and Government Counsel Division, Consumer Protection Division, Civil Litigation Division, Crime Victims Compensation Division, Victim Services Division, Medicaid Fraud and Abuse Division, and Office of the Medicaid Inspector General. All programs are detailed in this budget analysis.

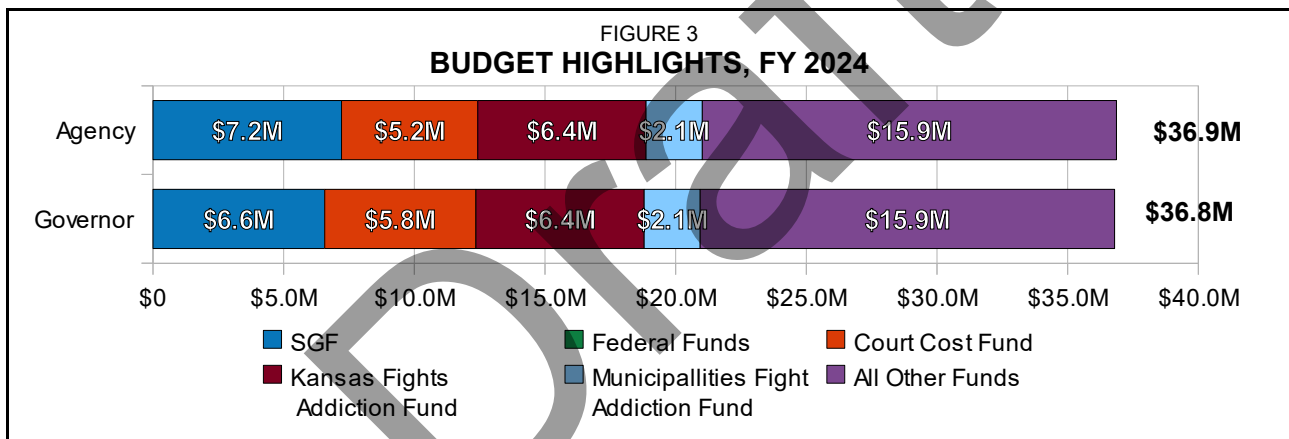
### EXECUTIVE SUMMARY

The 2022 Legislature approved a budget of \$61.8 million, including \$6.5 million from the State General Fund (SGF), for the Office of the Attorney General for FY 2023. One adjustment has been made subsequently to that amount, which changes the current year approved amount without any legislative action required. The agency received an increase of \$291,296 SGF based on the reappropriation of FY 2022 funding that was not spent in FY 2022 and has shifted to FY 2023. This results in an approved budget of \$62.1 million, including \$6.8 million SGF, in FY 2023.



The **agency** submits a revised estimate of \$62.5 million, including \$6.8 million SGF, in expenditures and 178.6 FTE positions in FY 2023. This is an all funds increase of \$445,695, or 0.7 percent, above the FY 2023 approved amount. The increase is primarily due to increased expenditures from special revenue and federal funds to fill vacant positions and salary adjustments.

The **Governor** concurs with the agency's FY 2023 revised estimate.



The **agency** requests \$36.9 million, including \$7.2 million SGF, in expenditures and 182.6 FTE positions for FY 2024. This is an all funds decrease of \$25.6 million, including an SGF increase of \$401,399, from the FY 2023 revised estimate. The agency request includes \$375,000 from the Fraud and Abuse Criminal Prosecution Fund, and 4.0 FTE positions, to increase staffing in the Fraud and Abuse Litigation Division. Of this amount, \$366,259 would be for salaries and wages and \$8,741 would be for capital outlay to purchase computer equipment and software. The division would add two Assistant Attorneys General, one fiscal analyst, and one support staff position. Furthermore, the agency requests to reinstate the reduced resource budget from FY 2022 that resulted in a 10.0 reduction to SGF funding and the reduction of the SGF portion of certain grant awards in the Victim Services Division. The increase in SGF would be entirely offset by the decrease in the special revenue funds currently being used for expenditures.

The **Governor** recommends expenditures of \$36.5 million, including \$6.6 million SGF, for FY 2024. This is an all funds decrease of \$375,000, or 1.0 percent, below the agency's FY 2024 request. The recommendation includes 178.6 FTE positions, which is 4.0 FTE positions below the agency's FY 2024 request. The expenditure and FTE decreases are attributable to the Governor not recommending the agency's enhancement requests for the Fraud and Abuse Litigation Division staffing increase or the reinstatement of SGF moneys for FY 2024.

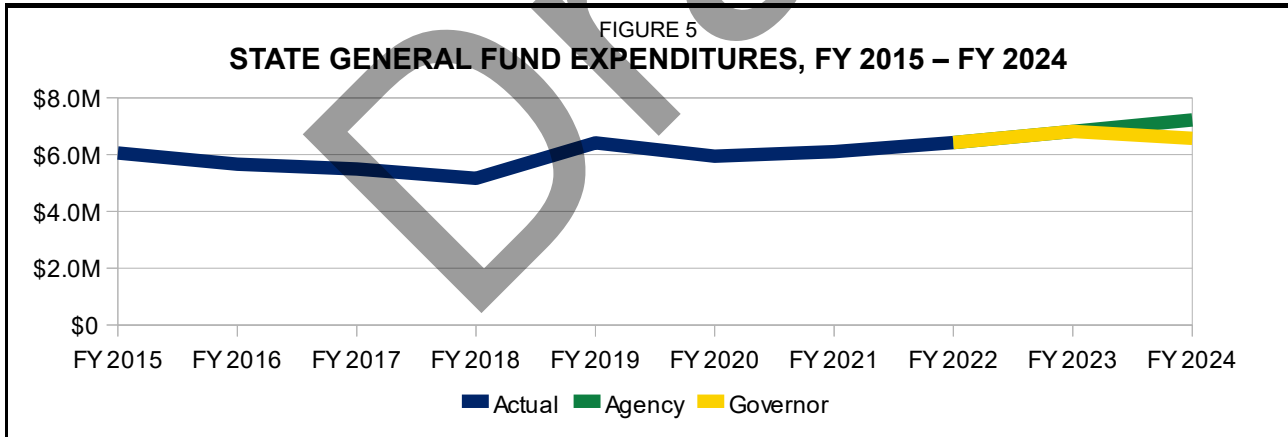
## EXPENDITURES AND FINANCING

FIGURE 4  
**BUDGET SUMMARY BY CATEGORY OF EXPENDITURE, FY 2022 – FY 2024**

Category of Expenditure:	Actual FY 2022	Agency FY 2023	Governor FY 2023	Agency FY 2024	Governor FY 2024
Salaries and Wages	\$ 13,851,882	\$ 15,904,229	\$ 15,904,229	\$ 16,417,020	\$ 16,050,761
Contractual Services	6,643,491	4,823,828	4,823,828	4,786,858	4,786,858
Commodities	160,608	154,935	154,935	155,315	155,315
Capital Outlay	881,876	607,643	607,643	608,385	599,644
Debt Service Interest	-	-	-	-	-
<i>Subtotal</i>	<u>\$ 21,537,857</u>	<u>\$ 21,490,635</u>	<u>\$ 21,490,635</u>	<u>\$ 21,967,578</u>	<u>\$ 21,592,578</u>
Aid to Local Units	56,828	8,749,181	8,749,181	2,221,677	2,221,677
Other Assistance	8,265,879	32,264,074	32,264,074	12,681,560	12,681,560
<i>Subtotal—Operating</i>	<u>\$ 29,860,564</u>	<u>\$ 62,503,890</u>	<u>\$ 62,503,890</u>	<u>\$ 36,870,815</u>	<u>\$ 36,495,815</u>
Capital Improvements	-	-	-	-	-
Debt Service Principal	-	-	-	-	-
<b>TOTAL</b>	<b><u>\$ 29,860,564</u></b>	<b><u>\$ 62,503,890</u></b>	<b><u>\$ 62,503,890</u></b>	<b><u>\$ 36,870,815</u></b>	<b><u>\$ 36,495,815</u></b>
<b>Financing:</b>					
State General Fund	\$ 6,421,288	\$ 6,819,117	\$ 6,819,117	\$ 7,220,516	\$ 6,570,220
Court Cost Fee Fund	4,905,970	5,495,308	5,495,308	5,212,498	5,790,594
Federal Funds	2,638	-	-	-	-
All Other Funds	18,530,668	50,189,465	50,189,465	24,437,801	24,135,001
<b>TOTAL</b>	<b><u>\$ 29,860,564</u></b>	<b><u>\$ 62,503,890</u></b>	<b><u>\$ 62,503,890</u></b>	<b><u>\$ 36,870,815</u></b>	<b><u>\$ 36,495,815</u></b>
FTE Positions*	178.5	178.6	178.6	182.6	178.6

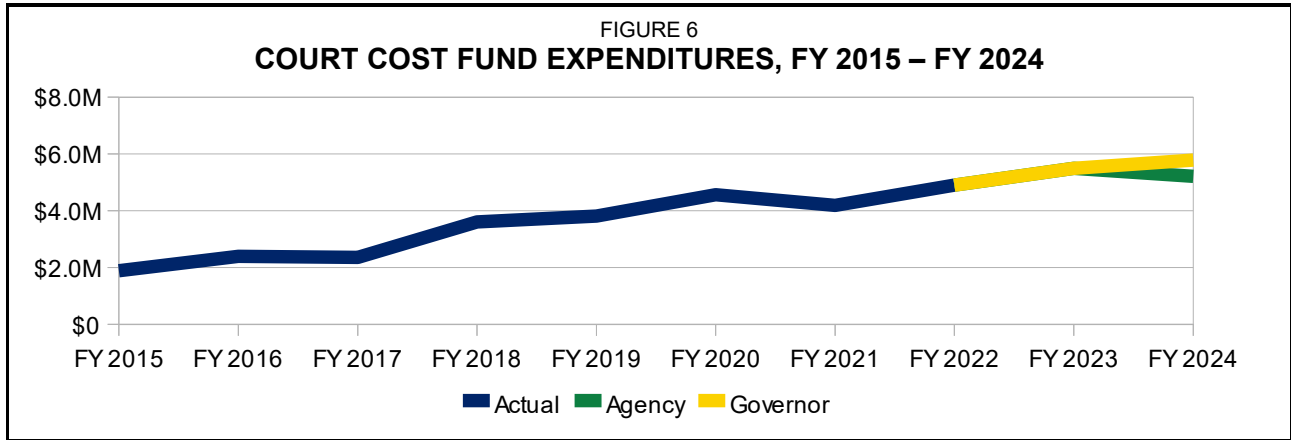
\* *Staff Note:* This number represents both on- and off-budget FTE positions.

### STATE GENERAL FUND



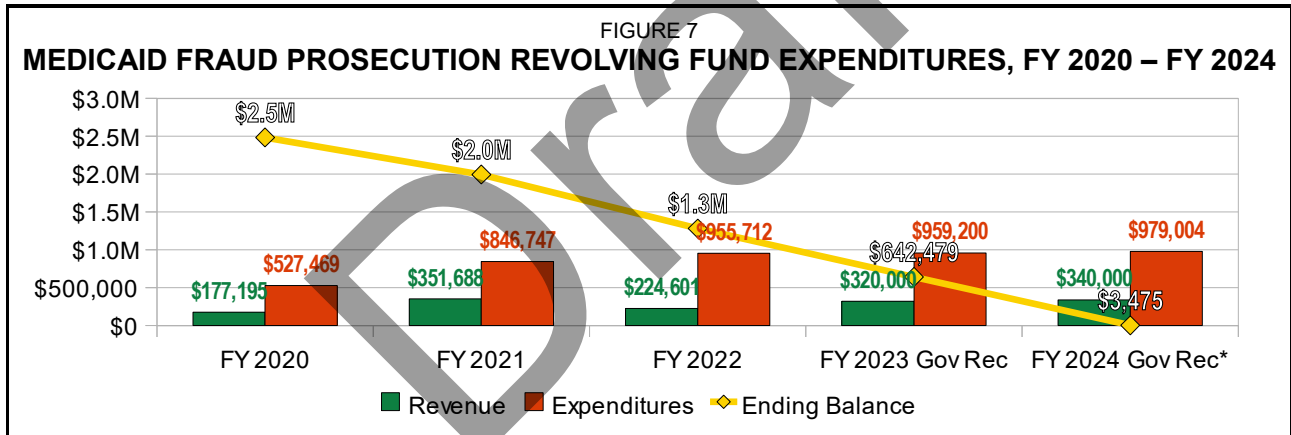
The Office of the Attorney General (OAG) requests \$7.2 million SGF for FY 2024. This is an increase of \$401,399, or 5.9 percent, above the FY 2023 revised estimate. SGF expenditures in the OAG are primarily for salaries and wages expenditures. The agency's FY 2024 request includes \$650,296 SGF for capital outlay expenditures that will be offset by corresponding decreases in special revenue funds, including the Protection From Abuse Fund (\$51,900), Crime Victims Assistance Fund (\$20,300), and Court Cost Fund (\$578,096).

## COURT COST FUND



The Court Cost Fund recovers fees and expenses of investigators and attorneys in the Consumer Protection Division. The main source of revenue is from large, multi-state legal actions. The agency indicates that as a smaller state, Kansas has little control over these cases and must generally depend on other states to take the lead. The agency deposits these receipts consistent with the related court order for use in consumer protection matters. Receipts can vary widely from year to year. The agency uses this fund to support the Consumer Protection Division and for salaries and wages that had previously been paid through SGF moneys.

## MEDICAID FRAUD PROSECUTION REVOLVING FUND



\* For FY 2024, the lowest month ending balance for the Medicaid Fraud Prosecution Revolving Fund will occur in June, with a balance of \$1,514.

The Medicaid Fraud Prosecution Revolving Fund collects awarded fees and prosecution expenses following successful prosecution in Medicaid fraud cases. Expenditures from this account are to meet the required 25.0 percent state match requirement for federal Medicaid Fraud program grants. In the past, the Medicaid Fraud Prosecution Revolving Fund met the 25.0 percent state match requirement through awards from consumer protection judgments regarding prescription drug labels.

## FY 2023 ANALYSIS

FIGURE 8  
**SUMMARY OF BUDGET REQUEST, FY 2023**

	SGF	Special Revenue Funds	All Funds	FTE*
<b>Legislative Approved:</b>				
Amount Approved by 2022 Legislature	\$ 6,527,821	\$ 55,239,078	\$ 61,766,899	177.4
1. SGF Reappropriation	291,296	-	291,296	--
<i>Subtotal—Legislative Approved</i>	<i>\$ 6,819,117</i>	<i>\$ 55,239,078</i>	<i>\$ 62,058,195</i>	<i>177.4</i>
<b>Agency Revised Estimate:</b>				
2. Expenditure Adjustments	-	445,695	445,695	1.2
<i>Subtotal—Agency Revised Estimate</i>	<i>\$ 6,819,117</i>	<i>\$ 55,684,773</i>	<i>\$ 62,503,890</i>	<i>178.6</i>
<b>Governor's Recommendation:</b>				
3. No Changes	-	-	-	--
<b>TOTAL</b>	<b>\$ 6,819,117</b>	<b>\$ 55,684,773</b>	<b>\$ 62,503,890</b>	<b>178.6</b>

\* *Staff Note:* This number represents both on- and off-budget FTE positions.

### **LEGISLATIVE APPROVED**

Subsequent to the 2022 Session, one adjustment was made to the \$61.8 million appropriated to the Office of the Attorney General for FY 2023. This adjustment changes the current year approved amount without any legislative action required and includes the following:

1. **SGF REAPPROPRIATION.** The agency received an increase of \$291,296 SGF based on the reappropriation of FY 2022 funding that was not spent in FY 2022 and has shifted to FY 2023. Of that amount, \$157,550 is from the Office of Inspector General, \$2,139 from operating expenditures, \$126,141 from litigation costs, and \$5,466 from Abuse, Neglect, and Exploitation expenditures. This results in a total approved budget of \$62.1 million, including \$6.8 million SGF, in FY 2023.

### **AGENCY ESTIMATE**

The **agency** submits a revised estimate of \$62.5 million, including \$6.8 million SGF, in FY 2023. This is an all funds increase of \$445,695 above the FY 2023 approved amount.

The **agency** estimate includes the following adjustments:

2. **EXPENDITURE ADJUSTMENTS.** The revised estimate includes an increase of \$445,695 for various adjustments in FY 2023.

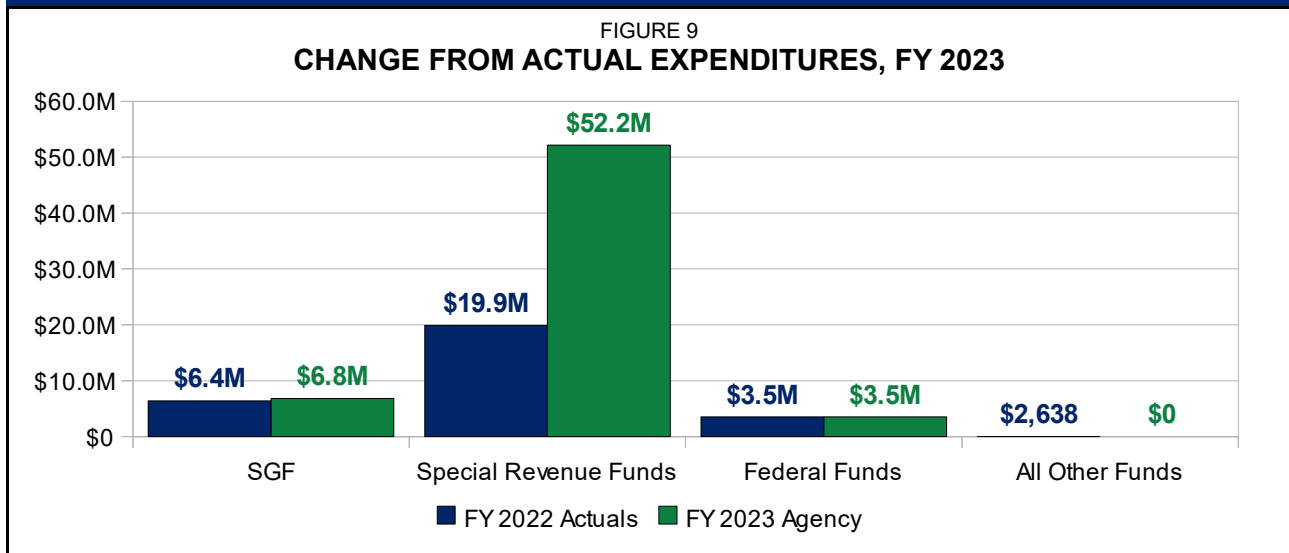
The **agency** estimate also includes 178.6 FTE positions, which is an increase of 1.2 FTE positions above the FY 2023 approved number.

### **GOVERNOR'S RECOMMENDATION**

The **Governor** recommends expenditures of \$62.5 million, including \$6.8 million SGF, and 178.6 FTE positions in FY 2023.

3. **NO CHANGES.** The Governor concurs with the agency's FY 2023 revised estimate.

## FY 2023 CHANGE FROM ACTUAL EXPENDITURES



The **agency** estimates revised expenditures of \$62.5 million, including \$6.8 million SGF, in FY 2023. This is an all funds increase of \$32.6 million, including \$397,829 SGF, above the FY 2022 actual expenditures. The 2022 Legislature added \$34.2 million, all from special revenue funds, to adjust receipts of opioid litigation settlement moneys based on larger than anticipated recoveries.

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## FY 2024 ANALYSIS

FIGURE 10  
**SUMMARY OF BUDGET REQUEST, FY 2024**

	SGF	Special Revenue Funds	All Funds	FTE*
<b>Agency Revised Estimate, FY 2023</b>	\$ 6,819,117	\$ 55,684,773	\$ 62,503,890	178.6
<b>Agency Request:</b>				
1. Enhancement–Fraud and Abuse Litigation Division Staffing Increase	\$ -	\$ 375,000	\$ 375,000	4.0
2. Enhancement–Reinstatement of SGF	650,296	(650,296)	-	--
3. Opioid Settlement Distributions	-	(26,111,075)	(26,111,075)	--
4. All Other Adjustments	(248,897)	351,897	103,000	--
<i>Subtotal–Agency Estimate</i>	\$ 7,220,516	\$ 29,650,299	\$ 36,870,815	182.6
<b>Governor’s Recommendation:</b>				
5. Enhancement–Fraud and Abuse Litigation Division Staffing Increase	\$ -	\$ (375,000)	\$ (375,000)	(4.0)
6. Enhancement–Reinstatement of SGF	(650,296)	650,296	-	--
<b>TOTAL</b>	\$ 6,570,220	\$ 29,650,299	\$ 36,495,815	178.6

\* Staff Note: This number represents both on- and off-budget FTE positions.

### AGENCY REQUEST

The **agency** requests \$36.9 million, including \$7.2 million SGF, and 182.6 FTE positions for FY 2024. This is an all funds decrease of \$25.6 million, and an SGF increase of \$401,399, from the FY 2023 revised estimate. The 4.0 FTE increase is due to the agency's enhancement request for a staffing increase in the Fraud and Abuse Litigation Division.

The **agency** request includes the following adjustments:

1. **ENHANCEMENT–FRAUD AND ABUSE LITIGATION DIVISION STAFFING INCREASE.** This request adds \$375,000, all from the Fraud and Abuse Criminal Prosecution Fund, and 4.0 FTE positions, to increase staffing in the Fraud and Abuse Litigation Division to support investigations and criminal prosecution of sports wagering and financial and economic crimes involving unauthorized gambling. Of this amount, \$366,259 would be for salaries and wages and \$8,741 would be for capital outlay to purchase computer equipment and software.
2. **ENHANCEMENT–REINSTATEMENT OF SGF MONEYS.** The agency requests to reinstate the reduced resource budget from FY 2022 that resulted in a 10.0 percent reduction to SGF funding. This would increase SGF expenditures by \$650,296 and reduce expenditures from the Protection from Abuse Fund (\$51,900), Crime Victims Assistance Fund (\$20,300), and Court Cost Fund (\$578,096).
3. **OPIOID SETTLEMENT DISTRIBUTIONS.** The agency's request includes a decrease of \$26.1 million, including \$19.6 million from the Kansas Fights Addiction Fund and \$6.5 million from the Municipalities Fight Addiction Fund, for FY 2024. This decrease is due to the receipt of federal opioid litigation settlement moneys in FY 2023, the majority of which will be awarded as grants throughout the state in FY 2023 and will not reoccur for FY 2024.
4. **ALL OTHER ADJUSTMENTS.** The agency's request includes an increase of \$103,000, including a \$248,897 SGF decrease, for various adjustments across all programs and expenditure categories for FY 2024.

## **GOVERNOR'S RECOMMENDATION**

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The **Governor** recommends expenditures of \$36.5 million, including \$6.6 million SGF, and 178.6 FTE positions for FY 2024. This is a decrease of \$375,000, or 1.0 percent, and 4.0 FTE positions below the agency's FY 2024 request.

The **Governor's** recommendation includes the following adjustments:

5. **ENHANCEMENT-FRAUD AND ABUSE LITIGATION DIVISION STAFFING INCREASE – NOT RECOMMENDED** . The recommendation deletes \$375,000, all from the Fraud and Abuse Criminal Prosecution Fund, and 4.0 FTE positions, to not recommend the Fraud and Abuse Litigation Division Staffing Increase enhancement (Item 1).
  
6. **ENHANCEMENT-REINSTATEMENT OF SGF – NOT RECOMMENDED**. The recommendation adds \$650,296, all from special revenue funds, and deletes \$650,296 SGF to not recommend the reinstatement of the reduced resources budget from FY 2022 (Item 2).

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## PROGRAM AND PERFORMANCE MEASURES OVERVIEW

FIGURE 11  
**EXPENDITURES AND FTE POSITIONS BY PROGRAM, FY 2022 – FY 2024**

Programs	Actual FY 2022	Agency FY 2023	Governor FY 2023	Agency FY 2024	Governor FY 2024
<b>Expenditures:</b>					
Administration	\$ 1,945,438	\$ 2,022,261	\$ 2,022,261	\$ 2,033,195	\$ 2,033,195
Civil Litigation	7,766,573	5,073,162	5,073,162	5,083,255	5,083,255
Consumer Protection	3,688,122	37,201,566	37,201,566	11,116,691	11,116,691
Crime Victims Comp.	2,795,746	3,449,047	3,449,047	3,452,400	3,452,400
Criminal Litigation	4,043,263	3,794,058	3,794,058	3,812,680	3,812,680
Fraud and Abuse Litigation	1,387,332	1,532,641	1,532,641	1,926,770	1,551,770
Legal Opinions and Gov. Counsel	725,412	981,458	981,458	985,741	985,741
Medicaid Fraud and Abuse Unit	2,435,523	2,512,357	2,512,357	2,582,646	2,582,646
Office of the Medicaid Inspector General	596,496	800,016	800,016	785,980	785,980
Solicitor Division	1,059,037	1,471,262	1,471,262	1,476,197	1,476,197
Victim Services	3,417,622	3,666,062	3,666,062	3,615,260	3,615,260
<b>TOTAL</b>	<b>\$ 29,860,564</b>	<b>\$ 62,503,890</b>	<b>\$ 62,503,890</b>	<b>\$ 36,870,815</b>	<b>\$ 36,495,815</b>
<b>FTE Positions:</b>					
Administration	17.4	17.4	17.4	17.4	17.4
Civil Litigation	22.5	22.5	22.5	22.5	22.5
Consumer Protection	26.1	26.1	26.1	26.1	26.1
Crime Victims Comp.	6.0	6.0	6.0	6.0	6.0
Criminal Litigation	31.1	31.2	31.2	31.2	31.2
Fraud and Abuse Litigation	14.4	14.4	14.4	18.4	14.4
Legal Opinions and Gov. Counsel	10.5	7.7	7.7	7.7	7.7
Medicaid Fraud and Abuse	24.0	24.0	24.0	24.0	24.0
Office of the Medicaid Inspector General	5.6	5.6	5.6	5.6	5.6
Solicitor Division	10.5	10.5	10.5	10.5	10.5
Victim Services	10.4	10.4	10.4	10.4	10.4
Off Budget	-	2.8	2.8	2.8	2.8
<b>TOTAL</b>	<b>178.5</b>	<b>178.6</b>	<b>178.6</b>	<b>182.6</b>	<b>178.6</b>

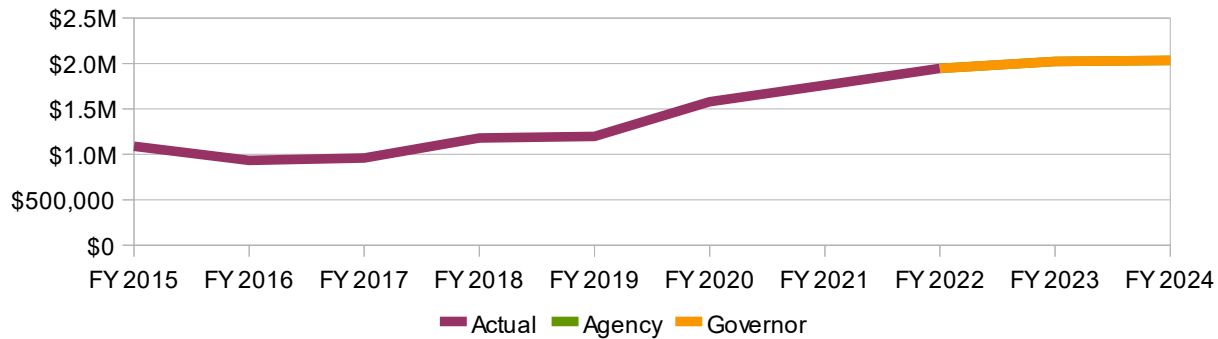
### PERFORMANCE MEASURES

The 2016 Legislature passed HB 2739, which outlined a three-year process for state agencies to develop and implement a system of performance budgeting using outcome measures to evaluate program effectiveness.

## ADMINISTRATION DIVISION

FIGURE 12

### ADMINISTRATION DIVISION EXPENDITURES, FY 2015 – FY 2024



**STATUTORY BASIS:** • *Kansas Constitution*, Article 1, Section 1, KSA 75-709, 75-710, 75-3111, 75-3717, 75-3729, 75-3736, 75-4701, and 75-5501

- PROGRAM GOALS:**
- Provide timely and accurate information to the Legislature and the public on legal matters affecting the state, and provide for the effective servicing of citizen advisory groups.
  - Provide skilled and comprehensive administrative support to the Office of the Attorney General.
  - Inform and educate the electronic and print news media about the Office of the Attorney General, the actions and activities of the Attorney General as they relate to matters of public interest, and laws of the State of Kansas.
  - Discuss and prepare, in a timely manner, accurate information for testimony to, or for, meetings with the Kansas Legislature.
  - Prepare and present the annual budget and support it before the Division of the Budget, Governor, and Legislature.

The Administration Division is responsible for the accounting, budgeting, purchasing, information technology, and human resources functions for the agency. This program is also responsible for providing timely and accurate information to the Legislature and the public on legal matters affecting the state, and providing for the effective servicing of citizen advisory groups.

FIGURE 13

### ADMINISTRATION DIVISION, PERFORMANCE MEASURES

	Actual FY 2021	Actual FY 2022	Actual 3-Year Avg.	Target FY 2023	Target FY 2024
<b>Output Measure:</b>					
1. Number of Formal Releases of Opinions, News, Information, and the Attorney General's Consumer Protection Advice*	252	241	264	250	250
2. Percentage of Fiscal Note Inquiries Responded to in a Timely Manner*	99.0 %	100.0 %	99.0 %	100.0 %	100.0 %
3. Number of Fiscal Note Inquiries Responded to in a Timely Manner*	99	53	72	75	60

FIGURE 13

**ADMINISTRATION DIVISION, PERFORMANCE MEASURES**

	Actual FY 2021	Actual FY 2022	Actual 3-Year Avg.	Target FY 2023	Target FY 2024
4. Number of Brochures, Documents, Reports, Media Releases, Videos, and Other Informational Materials Created or Made Available on Agency Website*	8,512	9,366	8,499	10,250	11,100
5. Number of Programs and Subprograms Addressed in The Strategic Plan Through Goals, Objectives, Strategies, Outcome, and Output Measures*	48	50	48	51	52
6. Number of Transactions*	10,089	10,929	10,655	11,000	11,250
7. Number of Openings for which Applications for Employment are Processed*	37	43	40	55	45
<b>Financing</b>	<b>Actual FY 2021</b>	<b>Actual FY 2022</b>		<b>Governor FY 2023</b>	<b>Governor FY 2024</b>
SGF	\$ 4,913	\$ 496		\$ -	\$ -
Federal Funds	65,686	143,397		75,000	75,000
All Other Funds	1,690,914	1,801,545		1,947,261	1,958,195
<b>TOTAL</b>	<b>\$ 1,761,513</b>	<b>\$ 1,945,438</b>		<b>\$ 2,022,261</b>	<b>\$ 2,033,195</b>
<b>Percentage Change:</b>					
SGF	(264.6) %	(89.9) %		(100.0) %	-- %
All Funds	11.6 %	10.4 %		3.9 %	0.5 %
FTE Positions	17.0	17.4		17.4	17.4

\* The Office of the Governor does not utilize this measure for evaluation purposes

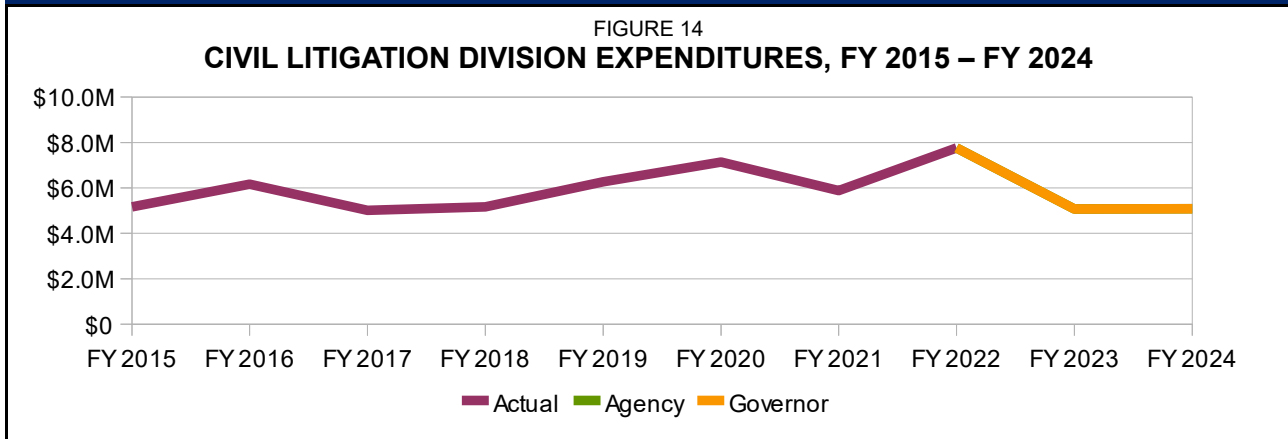
**BUDGET ANALYSIS**

The **agency** requests \$2.0 million, all from special revenue funds, for the Administration Division for FY 2024. This is an increase of \$10,934 above the FY 2023 revised estimate. This increase is attributable to an increase in

salaries and wages, including expenditures for employee fringe benefits.

The **Governor** concurs with the agency request for FY 2024.

## CIVIL LITIGATION DIVISION



**STATUTORY BASIS:** • KSA 60-4109 *et seq.*, 59-29a01 *et seq.*, 75-702, 75-6108, 75-6117, 50-6A01 *et seq.*, 45-215 *et seq.* 45-222, 45-251, 75-4320 *et seq.*

**PROGRAM GOALS:**

- Through sharing agreements, receive revenues derived from federal forfeiture cases with a state nexus to improve Assistant Attorney General and Appellate Attorney competency, and build the capability to effectively and efficiently present cases to juries through acquisition and use of quality equipment.
- Provide efficient, effective, and ethical legal representation on behalf of the State of Kansas in civil commitment proceeding for the extremely dangerous class of individuals determined to be sexually violent predators.
- In the defense of the State and/or its agencies and employees, ensure that every action or threatened action is responded to in a timely manner.

The Civil Litigation Division is responsible for providing for the defense of the State of Kansas and its agencies and employees in civil matters contested before Kansas or federal courts and before administrative agencies. This division is also responsible for carrying out the Attorney General's administration of the Kansas Tort Claims Fund and for providing or arranging for the defense of civil actions or proceedings against covered persons and entities. This division also acts as counsel for numerous smaller state agencies in disciplinary and licensure matters under the Kansas

Administrative Procedures Act or the Kansas Judicial Review Act. Among other duties assigned to this division are enforcement of the 1999 Tobacco Master Settlement Agreement, providing review and approval of trustee accounting for charitable trusts, providing assistance to state agencies involved in bankruptcy matters to protect against the discharge of debts owed to state government, and reviewing applications for the placement of tribal-owned land into trust with the federal government.

FIGURE 15  
CIVIL LITIGATION DIVISION, PERFORMANCE MEASURES

	Actual FY 2021	Actual FY 2022	Actual 3-Year Avg.	Target FY 2023	Target FY 2024
<b>Outcome Measure:</b>					
1. Civil Cases in Defense of the State	2,066	2,067	2,213	2,100	2,100
2. Cases Using Outside Contract Counsel*	21	31	23	30	25
3. New Appellate Cases Opened Involving Appeals of Civil Litigation Division Cases*	12	12	12	12	12
4. Administrative Prosecution Cases*	852	684	873	750	800

FIGURE 15  
**CIVIL LITIGATION DIVISION, PERFORMANCE MEASURES**

	Actual FY 2021	Actual FY 2022	Actual 3-Year Avg.	Target FY 2023	Target FY 2024
5. Number of new petitions for approval of Trustee motions and actions filed and reviewed*	15	15	15	15	15
6. Bankruptcy Cases Monitored to Protect the State's Interest*	70	25	47	40	40
7. Number of applications for taking land into trust received and reviewed*	-	2	1	2	2
8. Number of Requests for Involvement in Cemetery Cases received and handled*	1	2	1	1	2
<b>Output Measure:</b>					
6. Number of Kansas Open Meetings Act and Kansas Open Records Act Investigations Conducted by the OAG*	182	253	198	250	250
7. Number of Kansas Open Meetings Act and Kansas Open Records Act Complaints Referred to County or District Attorney*	17	18	13	20	20
8. Number of Potential Sexually Violent Predatory Cases Referred to the Prosecutor's Review Committee for Assessment*	368	427	363	375	375
<b>Financing</b>	Actual FY 2021	Actual FY 2022		Governor FY 2023	Governor FY 2024
SGF	\$ 790,086	\$ 717,353		\$ 799,116	\$ 792,198
Federal Funds	-	-		-	-
All Other Funds	5,092,291	7,049,220		4,274,046	4,291,057
<b>TOTAL</b>	<b>\$ 5,882,377</b>	<b>\$ 7,766,573</b>		<b>\$ 5,073,162</b>	<b>\$ 5,083,255</b>
<b>Percentage Change:</b>					
SGF	(45.4) %	(9.2) %		11.4 %	(0.9) %
All Funds	(17.6) %	32.0 %		(34.7) %	0.2 %
FTE Positions	22.5	22.5		22.5	22.5

\* The Office of the Governor does not utilize this measure for evaluation purposes.

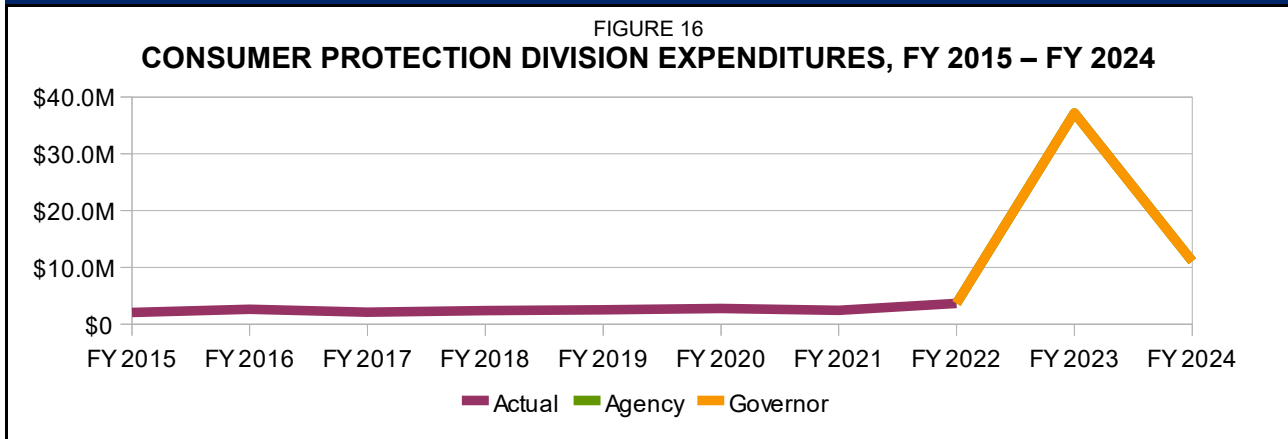
## BUDGET ANALYSIS

The **agency** requests \$5.1 million, including \$845,543 SGF, for the Civil Litigation Division for FY 2024. This is an all funds increase of \$10,093, and an SGF increase of \$46,427, above the FY 2023 revised estimate. The all funds increase is attributable to an increase in salaries and wages, including expenditures for employee fringe benefits. The SGF increase is due to the agency's enhancement request to reinstate the reduced resources budget from FY 2022 that resulted in a 10.0 percent reduction to SGF funding for FY 2024. The SGF increase is

partially offset by decreased expenditures from the Court Cost Fund.

The **Governor** recommends \$5.1 million, including \$792,198 SGF, for the Civil Litigation Division for FY 2024. This an SGF decrease of \$53,345, and a special revenue fund increase of \$53,345, from the agency's FY 2024 request. This is due to the Governor not recommending the agency's enhancement to reinstate the reduced resources budget from FY 2022.

# CONSUMER PROTECTION DIVISION



**STATUTORY BASIS:** • KSA 50-623 through 50-643, 50-6,121 *et seq.*, 50-6,109 *et seq.*

**PROGRAM GOALS:**

- Provide efficient, effective, and ethical enforcement of the Kansas Consumer Protection Act and other state and federal consumer protection laws.
- Provide efficient and effective education of the public, law enforcement officials, legal profession, and providers of goods and services on issues related to consumer protection laws.
- Investigate and recommend for prosecution any violation of the Roofing Registration Act.
- Enforce the Scrap Metal Theft Reduction Act through suspension and revocation of registration certificates.
- Provide efficient, effective, and ethical enforcement of state and federal antitrust laws on antitrust matters referred to the OAG, and ensure each allegation is examined by an Assistant Attorney General and that appropriate action is taken.

The Consumer Protection Division is responsible for safeguarding the citizens of Kansas by educating consumers and businesses and providing efficient, effective, and ethical enforcement of the Kansas Consumer Protection Act, the Kansas Charitable Organizations and Solicitations Act, state and federal antitrust laws, racial or other bias-based policing laws, the Kansas False Claims Act, the Kansas Roofing Registration Act, the Kansas No Call Act, and criminal statutes that are tied to consumer complaints, including identity theft and financial elder abuse.

FIGURE 17  
**CONSUMER PROTECTION DIVISION, PERFORMANCE MEASURES**

	Actual FY 2021	Actual FY 2022	Actual 3-Year Avg.	Target FY 2023	Target FY 2024
<b>Outcome Measure:</b>					
1. Percent of Filed Kansas Consumer Protection Act Complaints Processed in a Timely Manner*	98.0 %	99.0 %	97.0 %	99.0 %	99.0 %
2. Percent of Requests for Consumer Educational Outreach Presentations Granted*	91.0 %	100.0 %	97.0 %	97.0 %	97.0 %
3. Percent of Kansas No Call Act Complaint Files in which Timely Responses are Filed, Served, or Conveyed*	93.0 %	98.0 %	95.0 %	99.0 %	99.0 %

FIGURE 17  
**CONSUMER PROTECTION DIVISION, PERFORMANCE MEASURES**

	Actual FY 2021	Actual FY 2022	Actual 3-Year Avg.	Target FY 2023	Target FY 2024
4. Percent of Submitted Roofing Registrations which were Reviewed and Responded to within 60 days*	99.0 %	100.0 %	99.7 %	99.0 %	99.0 %
5. Percent of Submitted Scrap Metal Registrations which were Reviewed and Responded to within 30 days* (No data prior to FY 2021)	100.0 %	99.0 %	66.3 %	99.0 %	99.0 %
<b>Output Measure:</b>					
6. Complaint Files Opened*	3,856	3,099	3,257	3,500	3,500
7. Complaints Resolved or Closed*	4,032	3,138	3,265	3,500	3,500
8. Amount of Consumer Savings Returned Directly to Consumers, as a Result of Investigations (Dollars in Millions)*	\$ 2.1	\$ 2.4	\$ 2.3	\$ 2.0	\$ 2.0
9. Amount of Penalties and Fees Recovered in Enforcement Actions Deposited into the SGF as Consistent with Related Court Order*	\$ 77,432	\$ 674,450	\$ 254,480	\$ 50,000	\$ 50,000
<b>Financing</b>	Actual FY 2021	Actual FY 2022		Governor FY 2023	Governor FY 2024
SGF	\$ 136,645	\$ 74,384		\$ 75,572	\$ 76,017
Federal Funds	-	-		-	-
All Other Funds	2,323,658	3,613,738		37,125,994	11,040,674
<b>TOTAL</b>	<b>\$ 2,460,303</b>	<b>\$ 3,688,122</b>		<b>\$37,201,566</b>	<b>\$11,116,691</b>
<b>Percentage Change:</b>					
SGF	0.9 %	(45.6) %		1.6 %	0.6 %
All Funds	(11.7) %	49.9 %		908.7 %	(70.1) %
FTE Positions	23.8	26.1		26.1	26.1

\* The Office of the Governor does not utilize this measure for evaluation purposes.

**BUDGET ANALYSIS**

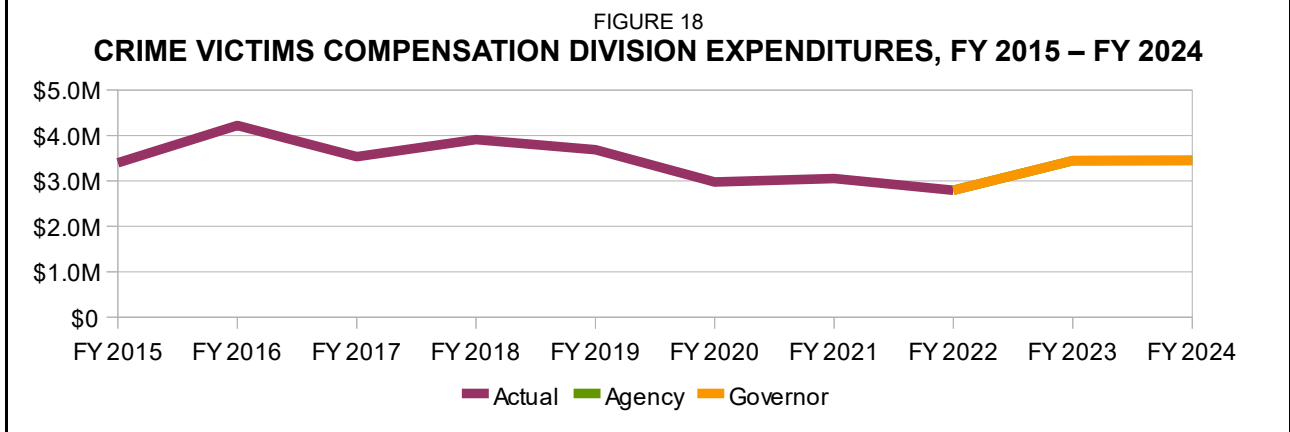
The **agency** requests \$11.1 million, including \$224,302 SGF, for the Consumer Protection Division for FY 2024. This is an all funds decrease of \$26.1 million, including an SGF increase of \$148,730, from the FY 2023 revised estimate. This all funds decrease is primarily attributable to expenditures from the Kansas Fights Addiction and Municipalities Fight Addiction Grant Fund for assistance to local entities in FY 2023 that do not reoccur for FY 2024. These funds are a result of the opioid litigation settlement and are intended for projects and activities that prevent, reduce, treat, or mitigate the effects of substance abuse and addiction, or to reimburse a municipality for expenses related to previous substance abuse

mitigation. The SGF increase is due to the agency's enhancement request to reinstate the reduced resources budget from FY 2022 that resulted in a 10.0 reduction to SGF funding for FY 2024. The SGF increase is partially offset by decreased expenditures from the Court Cost Fund.

The **Governor** recommends \$11.1 million, including \$76,017 SGF, for the Consumer Protection Division for FY 2024. This an SGF decrease of \$148,285, and a special revenue fund increase of \$148,285, from the agency's FY 2024 request. This is due to the Governor not recommending the agency's enhancement to reinstate the reduced resources budget from FY 2022.



## CRIME VICTIMS COMPENSATION DIVISION



**STATUTORY BASIS:** • KSA 74-7302, 74-7304, 74-7305, 74-7312, 74-3217, 74-3333, and 75-773

**PROGRAM GOALS:**

- Award just compensation to the victims of crime for economic loss arising from criminally injurious conduct.
- Obtain additional funds to satisfy victim's claims through the pursuit of subrogation rights, restitution, and fees from offenders.
- Assist crime victims in connecting with resources beyond crime victims compensation.

The Crime Victims Compensation Division is responsible for supporting the Crime Victims Compensation Board to ensure that monetary compensation is awarded to victims of crime for economic loss resulting from criminal conduct and in obtaining funds to satisfy victims' claims through the pursuit of subrogation rights,

restitution, and fees from offenders. As part of this responsibility, this division seeks to educate public officers and employees, health care providers, judges, attorneys, law enforcement officers, victims' advocates, and others about the Board and the division.

FIGURE 19  
**CRIME VICTIMS COMPENSATION DIVISION, PERFORMANCE MEASURES**

	Actual FY 2021	Actual FY 2022	Actual 3-Year Avg.	Target FY 2023	Target FY 2024
<b>Outcome Measure:</b>					
1. Percentage of Claims Processed in 75 Days or Less*	95.0 %	95.0%	95.0 %	\$ 95.0 %	95.0 %
2. Percentage of Referrals Made by Law Enforcement*	23.0 %	17.0 %	21.0 %	20.0 %	20.0 %
3. Percent of Referrals Made by Providers*	31.0 %	24.0 %	28.0 %	30.0 %	30.0 %
4. Percent of Referrals Made by Victim Advocates*	38.0 %	38.0 %	38.0 %	30.0 %	30.0 %
5. Percent of Referrals Made by Prosecutors*	8.0 %	21.0 %	13.0 %	20.0 %	20.0 %
<b>Output Measure:</b>					
6. Claims Processing Data: New Claims*	1,598	1,425	1,440	1,650	1,700
7. Claims Processing Data: Claims Approved*	813	703	740	850	900
8. Claims Processing Data: Claims Denied*	91	80	95	85	90



FIGURE 19  
**CRIME VICTIMS COMPENSATION DIVISION, PERFORMANCE MEASURES**

	Actual FY 2021	Actual FY 2022	Actual 3-Year Avg.	Target FY 2023	Target FY 2024
9.Amount Paid in Claims* Compensation (Dollars in Millions)*	\$ 2.6	\$ 2.6	\$ 2.6	\$ 3.5	\$ 3.8
<b>Financing</b>	Actual FY 2021	Actual FY 2022		Governor FY 2023	Governor FY 2024
SGF	\$ -	\$ -		\$ -	\$ -
Federal Funds	1,460,859	1,243,900		2,205,147	2,208,500
All Other Funds	1,593,756	2,205,147		1,243,900	1,243,900
<b>TOTAL</b>	<b>\$ 3,054,615</b>	<b>\$ 3,449,047</b>		<b>\$ 3,449,047</b>	<b>\$ 3,452,400</b>
<b>Percentage Change:</b>					
SGF	-- %	-- %		-- %	-- %
All Funds	2.7 %	(8.6) %		-- %	0.1 %
FTE Positions	6.0	6.0		6.0	6.0

\* The Office of the Governor does not utilize this measure for evaluation purposes.

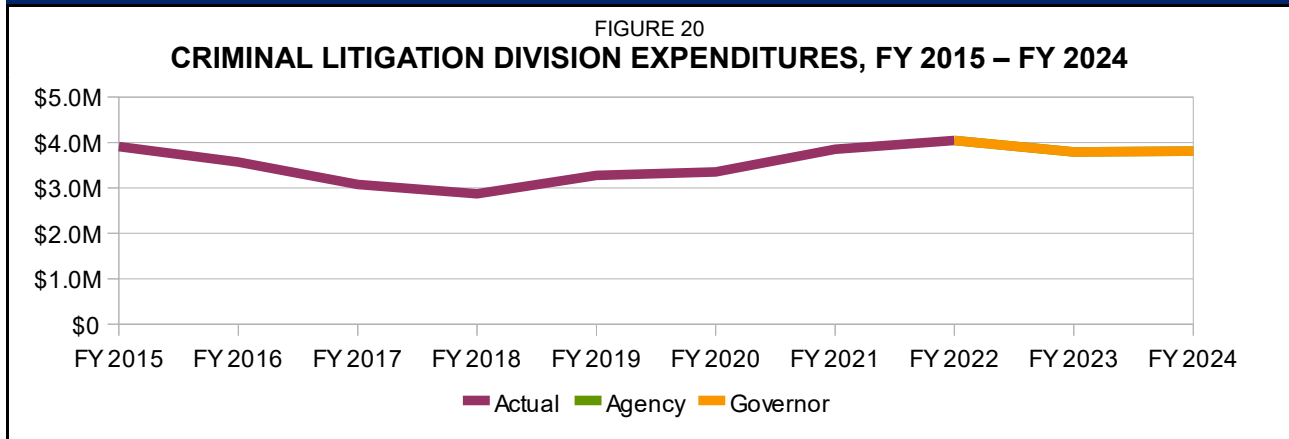
**BUDGET ANALYSIS**

The **agency** requests \$3.5 million, all from special revenue funds, for the Crime Victims Compensation Division for FY 2024. This is an increase of \$3,353 above the FY 2023 revised estimate. This increase is attributable to an increase in salaries and wages expenditures for

employee fringe benefits including group health insurance.

The **Governor** concurs with the agency request for FY 2024.

# CRIMINAL LITIGATION DIVISION



**STATUTORY BASIS:** • *Kansas Constitution*, Article 1, Section 1, KSA 22-2202(r), 75-702, 75-704, 75-708

**PROGRAM GOALS:** • Build and sustain a group of highly skilled prosecutors who can efficiently, effectively, and ethically prosecute persons charged with violations of Kansas criminal law.

• Support law enforcement-related investigations in accordance with the Kansas Attorney General's statutory and constitutional duties.

The Criminal Litigation Division is responsible for providing legal advice, support, and aid to Kansas counties and district attorneys prosecuting those charged with violating the Kansas Criminal Code. This division also sustains appellate attorneys representing the State in criminal direct appeals and collateral appeals before state and federal appellate courts. Additionally, this division provides representation for the State in civil commitment proceedings for those deemed to be sexually violent predators. This division investigates complaints of abuse of children processed in the Kansas Department for Aging and Disability

Services and the Kansas Department of Corrections. Other duties of this division include establishing sharing agreements to receive revenues from federal forfeiture cases; investigating and licensing applicants for concealed carry weapons; providing licensing services and maintaining information on persons and agencies such as private detectives and agencies; and maximizing the use of the Kansas Intelligence Fusion Center, which produces intelligence analysis of terrorism threats, biological threats, and cyberwarfare.

FIGURE 21  
**CRIMINAL LITIGATION DIVISION, PERFORMANCE MEASURES**

	Actual FY 2021	Actual FY 2022	Actual 3-Year Avg.	Target FY 2023	Target FY 2024
<b>Outcome Measure:</b>					
1. Number of New Concealed Carry Licenses Issued*	6,893	4,952	5,497	5,000	5,000
2. Number of Concealed Carry Renewals Issued*	14,532	18,361	15,174	20,000	20,000
<b>Output Measure:</b>					
3. Criminal Cases Accepted from County and District Attorney Offices	41	36	33	25	30
4. Jury Trials Conducted*	2	5	3	8	12
5. Training Events Provided to Outside Entities*	4	7	9	9	12
6. Criminal Cases Accepted for Prosecution*	-	2	2	2	2

FIGURE 21  
**CRIMINAL LITIGATION DIVISION, PERFORMANCE MEASURES**

	Actual FY 2021	Actual FY 2022	Actual 3-Year Avg.	Target FY 2023	Target FY 2024
Financing	Actual FY 2021	Actual FY 2022		Governor FY 2023	Governor FY 2024
SGF	\$ 1,938,352	\$ 2,126,527		\$ 2,026,356	\$ 1,941,044
Federal Funds	216,017	278,752		265,788	266,760
All Other Funds	1,696,494	1,637,984		1,501,914	1,604,876
<b>TOTAL</b>	<b>\$ 3,850,863</b>	<b>\$ 4,043,263</b>		<b>\$ 3,794,058</b>	<b>\$ 3,812,680</b>
<b>Percentage Change:</b>					
SGF	23.6 %	9.7 %		(4.7) %	(4.2) %
All Funds	14.9 %	5.0 %		(6.2) %	0.5 %
FTE Positions	32.3	31.1		31.2	31.2

\* The Office of the Governor does not utilize this measure for evaluation purposes.

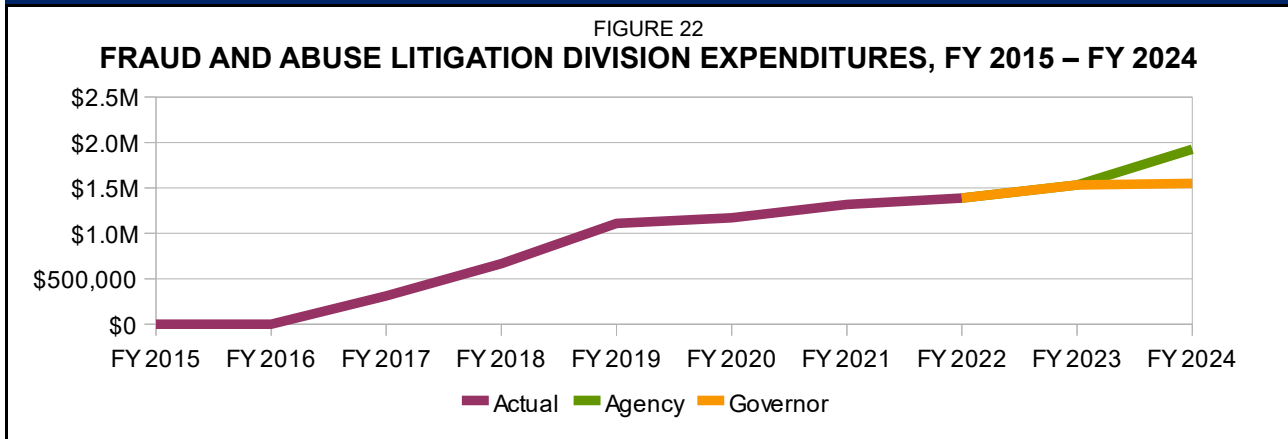
### BUDGET ANALYSIS

The **agency** requests \$3.8 million, including \$2.1 million SGF, for the Criminal Litigation Division for FY 2024. This is an all funds increase of \$18,622, including an SGF increase of \$96,412, above the FY 2023 revised estimate. The all funds increase is attributable to salaries and wages expenditures for employee fringe benefits. The SGF increase is due to the agency's enhancement request to reinstate the reduced resources budget from FY 2022 that resulted in a 10.0 percent reduction to SGF funding for FY 2024. The SGF increase is

partially offset by decreased expenditures from the Court Cost Fund.

The **Governor** recommends \$3.8 million, including \$1.9 million SGF, for the Criminal Litigation Division for FY 2024. This an SGF decrease of \$181,724, and a special revenue fund increase of \$181,724, from the agency's FY 2024 request. This is due to the Governor not recommending the agency's enhancement to reinstate the reduced resources budget from FY 2022.

# FRAUD AND ABUSE LITIGATION DIVISION



*Staff Note:* The Fraud and Abuse Litigation Division was established in FY 2016, but no expenditures were made for this purpose until FY 2017.

**STATUTORY BASIS:** • KSA 22-2202(q), 75-702, 75-704, 75-708, 75-721, 75-723

**PROGRAM GOALS:**

- Provide efficient, effective, and ethical enforcement of the applicable criminal statutes pertaining to general white-collar crimes, insurance fraud, securities fraud, and cases generated by the Kansas Department of Revenue.
- Participate in the review, referral, investigation, prevention, and prosecution of abuse, neglect, and exploitation cases involving adults.
- Develop and maintain a coordinated response to prevent serious harm and deaths of vulnerable adults.
- Provide training and resources for Kansas school-based police to reduce victimization of youth and help ensure a safer environment for the youth of Kansas.

The Fraud and Abuse Litigation Division is responsible for the requirements of KSA 75-723, which allow for the Attorney General to assist in the investigation and prosecution of cases involving abuse, neglect, or exploitation of adults, as well as cases involving a financial component. This division serves as a statewide resource for local authorities in investigating and prosecuting such cases. This division also provides for education for lawyers, law enforcement, and the general public.

The 2017 Legislature relocated existing prosecution resources from the Office of the Securities Commissioner and the Kansas Insurance Department to the Office of the Attorney General. These resources are now located within the Fraud and Abuse Litigation Division.

The 2022 Legislature passed 2022 SB 84, amending the Kansas Expanded Lottery Act concerning sports wagering. The bill created the White Collar Crime Fund, to be administered by

the Governor and to be expended only for the purpose of investigating and prosecuting:

- Criminal offenses involving or facilitated by:
  - The use of funds derived from illegal activity to make wagers;
  - Placing wagers to conceal money derived from illegal activity;
  - The use of other individuals to place wagers as part of any wagering scheme to circumvent any provision of federal or state law;
  - The use of false identification to facilitate the placement of any wager or the collection of any prize in violation of federal or state law;

- Any other unlawful activity involving or facilitated by the placing of wagers; or
- Any other violation of the Kansas Expanded Lottery Act; or

- Any financial or economic crime involving any unauthorized gambling.

The Attorney General is required to submit requests to the Governor for the necessary funding to carry out these purposes.

FIGURE 23  
**FRAUD AND ABUSE LITIGATION DIVISION, PERFORMANCE MEASURES**

	Actual FY 2021	Actual FY 2022	Actual 3-Year Avg.	Target FY 2023	Target FY 2024
<b>Output Measure:</b>					
1. General White Collar Cases being Criminally Litigated*	75	86	80	70-93	70-93
2. Law Enforcement Referrals by State Agencies Regarding Abuse, Neglect, and Exploitation of Adults Requiring Review and Potential Follow Up*	4,694	5,815	5,237	5,500	5,500
3. Substantiated Cases of Abuse, Neglect, and Exploitation of Adults Forwarded by State Agencies Requiring Review and Potential Follow Up*	498	374	515	450	450
4. Cases Being Criminally Litigated*	15	16	17	12-18	12-18
5. Silver Alerts*	32	34	33	32-36	32-36
6. Educational Presentations Made to Law Enforcement, Prosecutors, or the General Public*	16	18	16	14-20	14-20
7. Number of Officers Trained Through the Drug Abuse Resistance Education (DARE) and School Resource Officer Training Programs*	38	89	100	90-110	90-110
8. Number of Educational Programs Participated in and Outreach Conducted*	17	8	13	15	25
<b>Financing</b>	Actual FY 2021	Actual FY 2022		Governor FY 2023	Governor FY 2024
SGF	\$ 377,741	\$ 361,690		\$ 415,876	\$ 376,410
Federal Funds	55,041	84,488		47,656	50,681
All Other Funds	884,498	941,154		1,069,109	1,124,679
<b>TOTAL</b>	<b>\$ 1,317,280</b>	<b>\$ 1,387,332</b>		<b>\$ 1,532,641</b>	<b>\$ 1,551,770</b>
<b>Percentage Change:</b>					
SGF	14.2 %	(4.2) %		15.0 %	(9.5) %
All Funds	12.5 %	5.3 %		10.5 %	1.2 %
FTE Positions	12.3	14.4		14.4	14.4

\* The Office of the Governor does not utilize this measure for evaluation purposes.

## BUDGET ANALYSIS

The agency requests \$1.9 million, including \$376,410 SGF, for the Fraud and Abuse Litigation Division for FY 2024. This is an all funds increase of \$394,129, including an SGF decrease of \$39,466, from the FY 2023 revised

estimate. The all funds increase is attributable to the agency's enhancement request to increase staffing in the division. The SGF decrease is attributable to increased expenditures from the Court Cost Fund.

The agency request includes 18.4 FTE positions for FY 2024. This is an increase of 4.0 FTE positions above the FY 2023 revised estimate. The increase is due to the agency's enhancement request to increase staffing in the division.

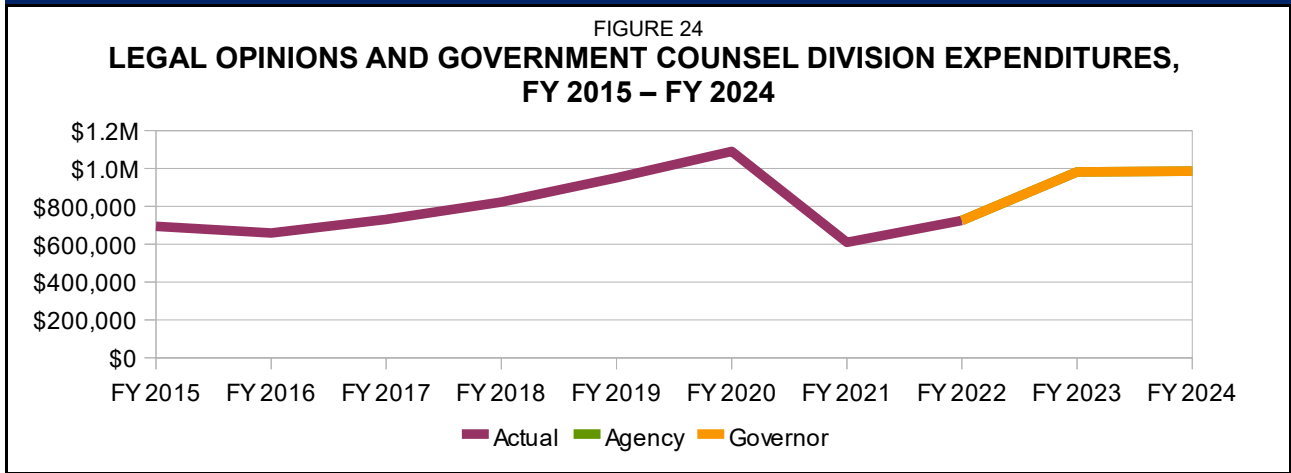
The **Governor** recommends \$1.6 million, including \$376,410 SGF, for the Fraud and Abuse Litigation Division for FY 2024. This is a decrease of \$375,000, all from the Fraud and Abuse Criminal Prosecution fund, below the

agency's FY 2024 request. The decrease is attributable to the Governor not recommending the agency's enhancement request to increase staffing in the division.

The recommendation includes 14.4 FTE positions for FY 2024. This is a decrease of 4.0 FTE positions below the agency's FY 2024 request. The decrease is due to the Governor not recommending agency's enhancement request to increase staffing in the division.

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## LEGAL OPINIONS AND GOVERNMENT COUNSEL DIVISION



- STATUTORY BASIS:** • KSA 10-108, 22-4606 *et seq.*, 41-201, 45-216, 45-218, 75-4317, 75-704, 75-750, 75-761, 75-769, 77-701 *et seq.*
- PROGRAM GOALS:**
- Provide formal written opinions to the Legislature, Governor, Secretary of State, State Board of Education, Commissioner of Insurance, and other public officials that may settle a question of law or provide a certain and uniform method of analyzing a legal question in an unbiased manner.
  - Provide County and District Attorneys with consultation and advice in all matters pertaining to their official duties.
  - Research and issue written legal opinions requested by legislators, public agencies, and officials.
  - Annually update guidelines to assist state agencies in evaluating proposed governmental actions and in determining whether such actions may constitute a taking.
  - Respond to inquiries of the public, as directed by Administration, by providing information and directing individuals to appropriate public agencies or private entities for assistance as needed.

The Legal Opinions and Government Counsel Division is responsible for researching and issuing written legal opinions requested by legislators, public agencies, and other officials; reviewing new and amended proposed agency rules and regulations; and reviewing bond issue and temporary note transcripts and easements, special assessments, deeds, and leases on state property. This division also serves as general counsel to 30 state agencies, boards,

and commissions that have no in-house counsel. This division is also responsible for providing public education and training on the Kansas Open Meetings Act and the Kansas Open Records Act. In addition, this division is responsible for investigating potential violations of the Kansas Architectural Accessibility Act. This division recently assumed responsibility for the Racial or Other Bias-Based Policing duties of the Attorney General.

FIGURE 25  
**LEGAL OPINIONS AND GOVERNMENT COUNSEL DIVISION, PERFORMANCE MEASURES**

	Actual FY 2021	Actual FY 2022	Actual 3-Year Avg.	Target FY 2023	Target FY 2024
<b>Outcome Measure:</b>					
1. Percent of Written Legal Opinions Requested that are Considered in a Timely Manner*	99.0 %	99.0 %	99.0 %	99.0 %	99.0 %

FIGURE 25

**LEGAL OPINIONS AND GOVERNMENT COUNSEL DIVISION, PERFORMANCE MEASURES**

	Actual FY 2021	Actual FY 2022	Actual 3-Year Avg.	Target FY 2023	Target FY 2024
2. Percent of Communication Responded to in a Timely Manner*	99.0 %	99.0 %	99.0 %	99.0 %	99.0 %
3. Percentage of Proposed State Agency Regulations Reviewed in a Timely Manner*	99.0 %	99.0 %	99.0 %	99.0 %	99.0 %
4. Percent of Racial Profiling Complaints which were Acknowledged within 10 Days*	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %
5. Percent of Non-Exempt Agencies Filing Biased-Based Policing Annual Reports*	99.0 %	99.0 %	97.0 %	99.0 %	99.0 %
<b>Output Measure:</b>					
6. Number of Legal Opinions Issued*	6	9	9	15	15
7. Number of Bond or Temporary Note Transcripts Reviewed*	336	246	300	320	320
8. Number of Kansas Open Meetings Act and Kansas Open Records Act Presentations*	43	46	41	50	50
9. Number of Inquiries (e.g. Emails Letters, and Telephone Calls) Regarding Kansas Open Meetings Act and Kansas Open Records Act, Including Reports*	3,254	3,571	3,333	3,600	3,600
<b>Financing</b>	<b>Actual FY 2021</b>	<b>Actual FY 2022</b>		<b>Governor FY 2023</b>	<b>Governor FY 2024</b>
SGF	\$ 340,750	\$ 277,727		\$ 351,043	\$ 395,676
Federal Funds	-	-		-	-
All Other Funds	269,813	447,685		630,415	590,065
<b>TOTAL</b>	<b>\$ 610,563</b>	<b>\$ 725,412</b>		<b>\$ 981,458</b>	<b>\$ 985,741</b>
<b>Percentage Change:</b>					
SGF	(25.2) %	(18.5) %		26.4 %	12.7 %
All Funds	(44.0) %	18.8 %		35.3 %	0.4 %
FTE Positions	6.5	10.5		7.7	7.7

\* The Office of the Governor does not utilize this measure for evaluation purposes.

**BUDGET ANALYSIS**

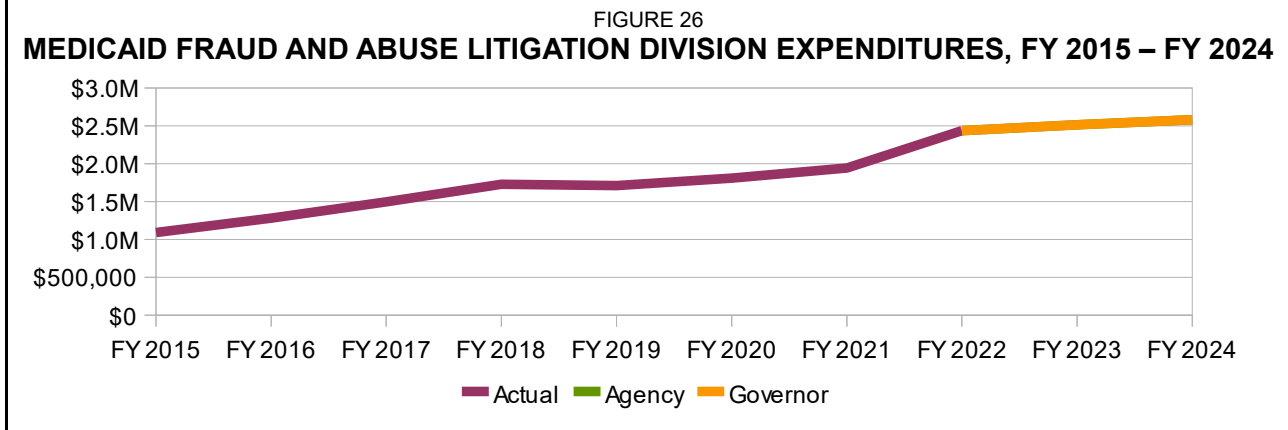
The **agency** requests \$985,741, including \$590,418 SGF, for the Legal Opinions and Government Counsel Division for FY 2024. This is an all funds increase of \$4,283, including an SGF increase of \$239,375, above the FY 2023 revised estimate. The all funds increase is primarily attributable to salaries and wages expenditures, including employer contributions to employee fringe benefits. The SGF increase is due to the agency's enhancement request to reinstate the reduced resources budget from FY 2022 that resulted in a 10.0 percent reduction to

SGF funding for FY 2024. The SGF increase is partially offset by decreased expenditures from the Court Cost Fund of \$235,829.

The **Governor** recommends \$985,741, including \$395,676 SGF, for the Legal Opinions and Government Counsel Division for FY 2024. This an SGF decrease of \$194,742 and a special revenue fund increase of \$194,742, from the agency's FY 2024 request. This is due to the Governor not recommending the agency's enhancement to reinstate the reduced resources budget from FY 2022.



# MEDICAID FRAUD AND ABUSE LITIGATION DIVISION



**STATUTORY BASIS:** • KSA 21-5925 *et seq.*, 75-725, and 75-726

**PROGRAM GOALS:**

- Efficiently, effectively, and ethically investigate and litigate against providers found to be committing fraud in or against the Kansas Medicaid program, recover state and federal moneys fraudulently obtained by Medicaid providers, and reimburse the appropriate state and federal agencies.
- Staff a Division, independent of the State Medicaid Agency (Kansas Department of Health and Environment, Division of Health Care Finance) that will develop and implement specific procedures to effectively investigate and litigate civil instances of fraud and Medicaid providers.
- Review allegations of patient abuse, neglect, or the exploitation or misappropriation of patients' private funds committed by health care providers in residential care facilities that receive Medicaid funds.
- Create procedures to ensure that Medicaid providers and the general public are provided with relevant information concerning Medicaid provider fraud and vulnerable adult abuse, neglect, and exploitation.

The Medicaid Fraud and Abuse Litigation Division is responsible for receiving, investigating, and prosecuting, either civilly or criminally, all cases of suspected fraud by Medicaid providers committed against the Kansas Medicaid program. This division is tasked with recovering state and federal tax moneys fraudulently obtained by Medicaid providers and for returning said moneys to the appropriate state and federal agencies. In addition, this division receives, investigates, and prosecutes allegations of patient abuse, neglect, or exploitation or misappropriation of patients' private funds committed by health care providers in residential care facilities receiving Medicaid funds.

FIGURE 27  
**MEDICAID FRAUD AND ABUSE LITIGATION DIVISION, PERFORMANCE MEASURES**

	Actual FY 2021	Actual FY 2022	Actual 3-Year Avg.	Target FY 2023	Target FY 2024
<b>Outcome Measure:</b>					
1.Number of Medicaid Open Investigations being Handled by the Division*	261	297	284	310	325
2.Number of Sentences and Judgments Received*	15	13	15	35	40
3.Number of Medicaid Provider Fraud Open Criminal Investigations being handled by the Division	145	183	190	195	160

FIGURE 27

**MEDICAID FRAUD AND ABUSE LITIGATION DIVISION, PERFORMANCE MEASURES**

	Actual FY 2021	Actual FY 2022	Actual 3-Year Avg.	Target FY 2023	Target FY 2024
4. Number of Medicaid Provider Fraud Cases Filed*	1	17	6	20	25
<b>Financing</b>	Actual FY 2021	Actual FY 2022		Governor FY 2023	Governor FY 2024
SGF	\$ -	\$ -		\$ -	\$ -
Federal Funds	1,455,278	1,826,471		1,884,268	1,936,985
All Other Funds	487,960	609,052		628,089	645,661
<b>TOTAL</b>	<b>\$ 1,943,238</b>	<b>\$ 2,435,523</b>		<b>\$ 2,512,357</b>	<b>\$ 2,582,646</b>
<b>Percentage Change:</b>					
SGF	-- %	-- %		-- %	-- %
All Funds	7.4 %	25.3 %		3.2 %	2.8 %
FTE Positions	24.0	24.0		24.0	24.0

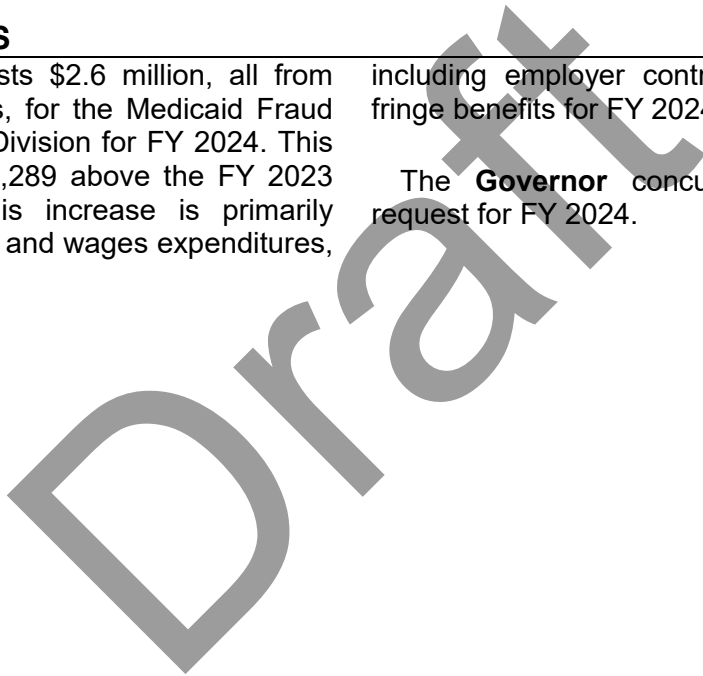
\* The Office of the Governor does not utilize this measure for evaluation purposes.

**BUDGET ANALYSIS**

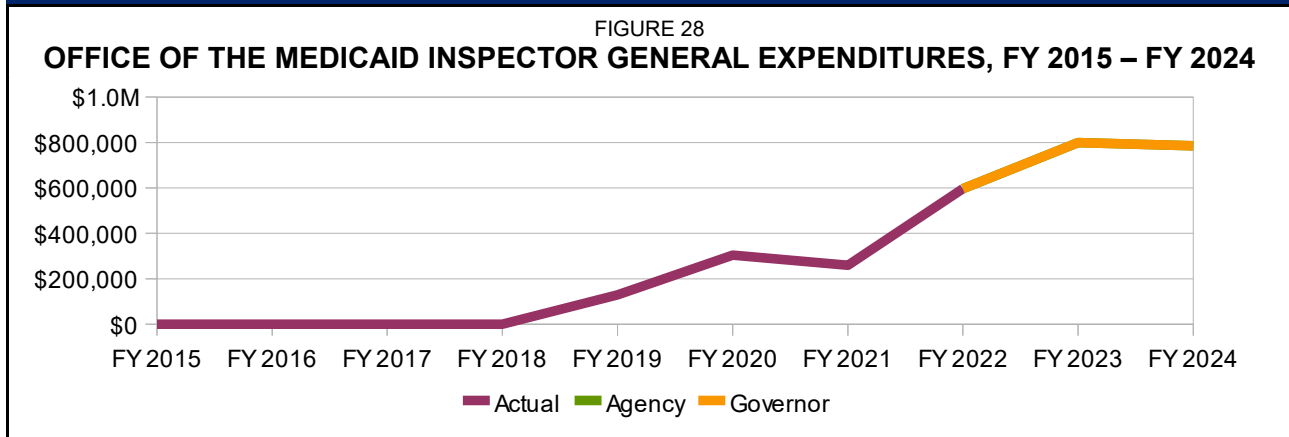
The **agency** requests \$2.6 million, all from special revenue funds, for the Medicaid Fraud and Abuse Litigation Division for FY 2024. This is an increase of \$70,289 above the FY 2023 revised estimate. This increase is primarily attributable to salaries and wages expenditures,

including employer contributions to employee fringe benefits for FY 2024.

The **Governor** concurs with the agency request for FY 2024.



# OFFICE OF THE MEDICAID INSPECTOR GENERAL



*Staff Note:* The Office of the Medicaid Inspector General was established in FY 2017, but no expenditures were made for this purpose until FY 2018.

**STATUTORY BASIS:** • KSA 75-7427

**PROGRAM GOALS:**

- Establish a full-time program of audit, investigation, and performance review to provide increased accountability, integrity, and oversight to the state Medicaid program, the state MediKan program, and the state Children's Health Insurance Program and to assist in improving agency and program operations.
- Staff an office, independent of the State Medicaid Agency (Kansas Department of Health and Environment, Division of Health Care Finance), that will develop and implement specific procedures to effectively and efficiently audit, investigate, and provide performance reviews to increase accountability, integrity, and oversight of the State Medicaid Agency programs.

The Office of the Medicaid Inspector General is responsible for meeting the duties given to the Medicaid Inspector General, pursuant to KSA 75-7427. Those responsibilities include establishing a full-time program of audit, investigation, and performance review to provide increased accountability, integrity, and oversight of the state Medicaid program, the state MediKan program, and the state Children's Health Insurance Program. The

Office also assists in improving agency and program operations and in deterring and identifying fraud, waste, abuse, and illegal acts.

The 2017 Legislature transferred the Office of the Medicaid Inspector General from the Kansas Department of Health and Environment to the Office of the Attorney General, pursuant to 2017 SB 149.

FIGURE 29  
OFFICE OF THE MEDICAID INSPECTOR GENERAL, PERFORMANCE MEASURES

	Actual FY 2021	Actual FY 2022	Actual 3-Year Avg.	Target FY 2023	Target FY 2024
<b>Outcome Measure:</b>					
1.Number of Audits, Reviews, and Investigations Completed*	2	13	6.7	20	24
2.Number of Audits, Reviews, and Investigation-related trainings attended by IG Staff*	11	19	22	23	26
3.Number of Program Integrity Related Meetings and Conferences Attended by IG Staff*	22	40	30.7	45	45

FIGURE 29

**OFFICE OF THE MEDICAID INSPECTOR GENERAL, PERFORMANCE MEASURES**

	Actual FY 2021	Actual FY 2022	Actual 3-Year Avg.	Target FY 2023	Target FY 2024
4. Number of Recommendations for Improving Outcomes and Processes Provided to the Attorney General*	-	26	12	30	35
5. Number of Referrals Received and Evaluated by IG Staff*	1,033	1,351	911.7	1,450	1,550
6. Number of Allegations Referred for Further Civil or Criminal Investigation*	32	38	25.3	40	45
7. Amount of Money Identified for Repayment or Recovery*	\$ 6,044	\$ 1,362,470	\$ 684,257	\$ 3,200,000	\$ 3,800,000
8. Amount of Monetary Savings or Wasteful Spending Identified*	\$ -	\$ 12,548,904	\$ 4,182,968	\$ 8,000,000	\$ 10,000,000
<b>Financing</b>	<b>Actual FY 2021</b>	<b>Actual FY 2022</b>		<b>Governor FY 2023</b>	<b>Governor FY 2024</b>
SGF	\$ 258,190	\$ 596,496		\$ 800,016	\$ 642,466
Federal Funds	-	-		-	-
All Other Funds	1,541	-		-	143,514
<b>TOTAL</b>	<b>\$ 259,731</b>	<b>\$ 596,496</b>		<b>\$ 800,016</b>	<b>\$ 785,980</b>
<b>Percentage Change:</b>					
SGF	(14.7) %	131.0 %		34.1 %	(19.7) %
All Funds	(14.9) %	129.7 %		34.1 %	(1.8) %
FTE Positions	4.0	5.6		5.6	5.6

\* The Office of the Governor does not utilize this measure for evaluation purposes.

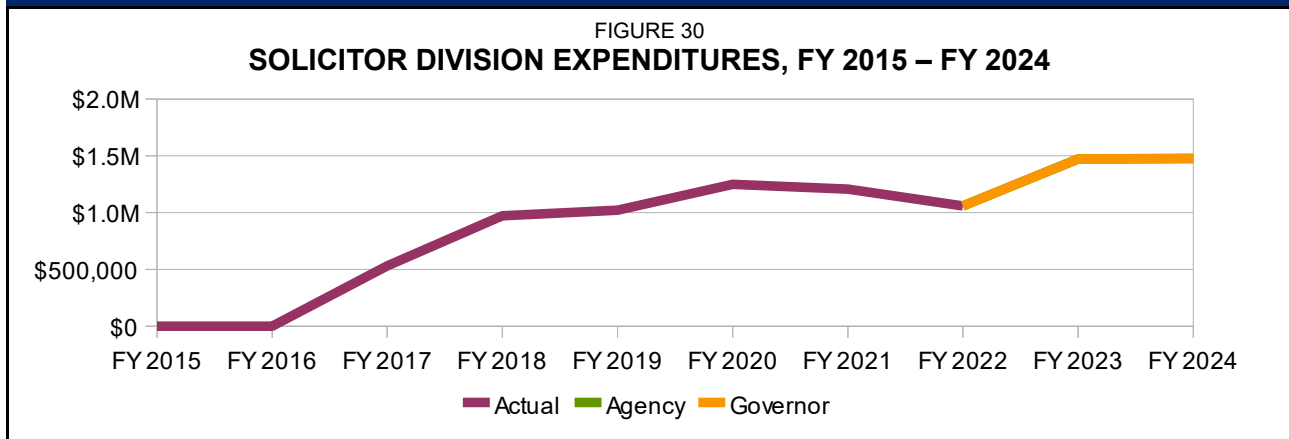
**BUDGET ANALYSIS**

The **agency** requests \$785,980, including \$642,466 SGF, for the Office of the Medicaid Inspector General for FY 2024. This is an all fund decrease of \$14,036, and an SGF decrease of \$157,550, below the FY 2023 revised estimate. This decrease is primarily attributable to expenditures related to computer

hardware and software. The SGF decrease is due to the increase of funding from the Court Cost Fund for expenditures.

The **Governor** concurs with the agency request for FY 2024.

## SOLICITOR DIVISION



\* The Solicitor Division was established in FY 2016, but no expenditures were made for this purpose until FY 2017.

**STATUTORY BASIS:** • KSA 22-3612, 60-1501, 60-1507, 75-105, 75-702, 75-704, 75-710, 75-6108, 75-6116

**PROGRAM GOALS:**

- Build and sustain a team of appellate attorneys who can efficiently, effectively, and ethically represent the State of Kansas in criminal direct appeals and collateral appeals before state and federal appellate courts.
- Contract with County and District Attorneys across the state to handle criminal appeals on behalf of the county for the entire fiscal year for a pre-set fee with a goal toward achieving efficiency, economies of scale, and greater uniformity in the handling of the State's criminal appellate work.

The Solicitor Division is responsible for representing the State of Kansas in appeals before state and federal appellate courts. This division was created as a free-standing division within the Office of the Attorney General in FY 2017, consolidating components that were housed in the Administration, Civil Litigation, and Criminal Litigation divisions of the agency. Four programs are housed within the Solicitor Division, detailed below:

### CIVIL APPEALS

The Civil Appeals program represents the State of Kansas in civil appeals before state and federal courts.

### CRIMINAL APPEALS

The Criminal Appeals program represents the State of Kansas in criminal direct appeals before state and federal appellate courts.

### CONTRACTED COUNTY CRIMINAL APPEALS

The Contracted County Criminal Appeals program represents the State of Kansas in criminal direct appeals and collateral appeals before state and federal appellate courts by contracting with county and district attorneys throughout the state.

### REVIEW OF NOTICES OF CONSTITUTIONAL CHALLENGES

The Review of Notices of Constitutional Challenges program receives and reviews notices when the validity of a Kansas law is challenged on grounds that the law violates the state constitution, federal constitution, or federal law, pursuant to KSA 75-764.

FIGURE 31  
**SOLICITOR DIVISION, PERFORMANCE MEASURES**

	Actual FY 2021	Actual FY 2022	Actual 3-Year Avg.	Target FY 2023	Target FY 2024
<b>Output Measure:</b>					
1. Number of Civil Amicus Briefs Reviewed and Acted on by the Agency*	116	149	128	120	120
2. Number of New Appellate Cases Filed*	27	33	27	30	30
3. State Appellate Briefs Completed and Filed*	28	22	25	30	30
4. Number of Counties Under Contract for Appellate Services*	41	44	41	40	40
<b>Financing</b>	Actual FY 2021	Actual FY 2022		Governor FY 2023	Governor FY 2024
SGF	\$ 848,264	\$ 688,046		\$ 614,059	\$ 608,708
Federal Funds	2,960	3,176		3,145	3,145
All Other Funds	356,479	367,815		854,058	864,344
<b>TOTAL</b>	<b>\$ 1,207,703</b>	<b>\$ 1,059,037</b>		<b>\$ 1,471,262</b>	<b>\$ 1,476,197</b>
<b>Percentage Change:</b>					
SGF	17.5 %	(18.9) %		(10.8) %	(0.9) %
All Funds	(3.3) %	(12.3) %		38.9 %	0.3 %
FTE Positions	12.7	10.5		10.5	10.5

\* The Office of the Governor does not utilize this measure for evaluation purposes.

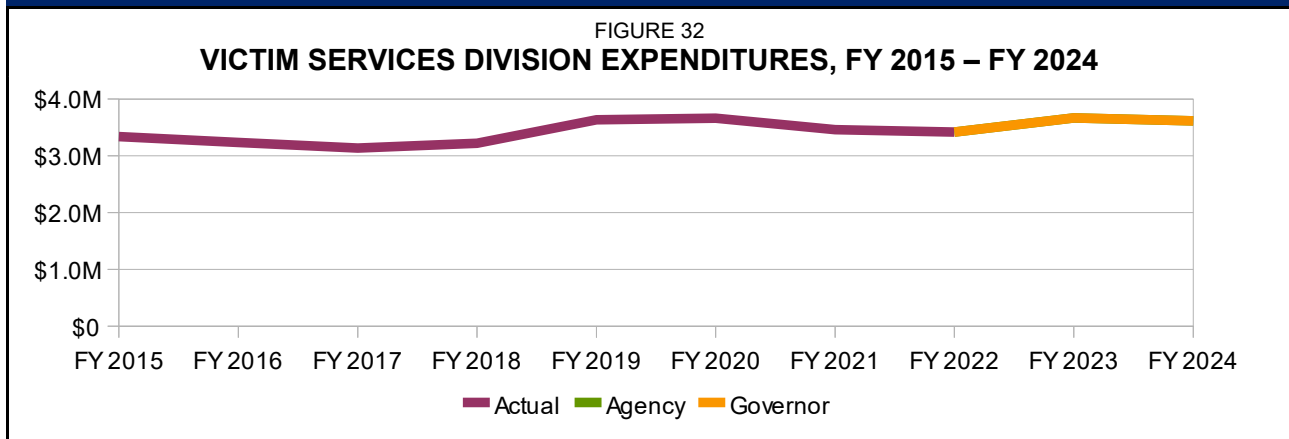
**BUDGET ANALYSIS**

The **agency** requests \$1.5 million, including \$608,708 SGF, for the Solicitor Division for FY 2024. This is an all funds increase of \$4,935, including an SGF decrease of \$5,351, from the FY 2023 revised estimate. The all funds increase is attributable to an increase in salaries and wages expenditures for employer contributions to employee fringe benefits

including unemployment compensation. The SGF decrease is primarily attributable to an increase in special revenue funds being utilized in place of SGF moneys for operating expenditures.

The **Governor** concurs with the agency request for FY 2024.

## VICTIM SERVICES DIVISION



- STATUTORY BASIS:** • KSA 22a-241 through 22a-244, 74-7333, 74-7337, 75-772, and 75-756 through 75-759
- PROGRAM GOALS:**
- Strengthen and enhance the quality of services to victims and witnesses of crime in all 105 counties of the state.
  - Improve local response to victims by providing technical assistance and resource material to local crime victim services and witness assistance programs in all counties of Kansas.
  - Conduct a review of all child deaths in Kansas and provide guidance and information to advocacy groups, law enforcement agencies, and other related agencies in all 105 Kansas counties regarding trends, risk factors, and patterns surrounding child death.
  - Coordinate and enhance the efforts to stop the commercial exploitation of children and other forms of human trafficking in Kansas.
  - Work towards having zero deaths by suicide of Kansas youth through the identification, creation, coordination, and support of youth suicide awareness and prevention efforts throughout the state.

The Victim Services Division is responsible for meeting the duties given to the statewide Victims Rights Coordinator, pursuant to KSA 74-7337, and assuring that victims are afforded their rights per the Kansas Crime Victims Bill of Rights, pursuant to KSA 74-7333. The statutory responsibilities assigned to the Victims Rights

Coordinator include creating, coordinating, and assisting in the operation of local victim-witness programs throughout the state; responding to a statewide victims rights telephone hotline; and administering the Kansas Crime Victims Assistance Fund.

FIGURE 33  
**VICTIM SERVICES DIVISION, PERFORMANCE MEASURES**

	Actual FY 2021	Actual FY 2022	Actual 3-Year Avg.	Target FY 2023	Target FY 2024
<b>Outcome Measure:</b>					
1. Number of Domestic Violence Offenders Served by a Certified Program*	3,654	3,666	4,129	4,000	4,000
2. Number of Collaborative Meetings and Contacts with Intervention Services Providers or Community Partners*	1,222	1,518	1,615	1,700	1,700

FIGURE 33  
**VICTIM SERVICES DIVISION, PERFORMANCE MEASURES**

	Actual FY 2021	Actual FY 2022	Actual 3-Year Avg.	Target FY 2023	Target FY 2024
3. Number of Child Death Cases the Child Death Review Board Referred to the County Attorney for Further Investigation or Review*	9	2	6	4	4
4. Number of Anti-Human Trafficking Presentations Provided*	88	19	69	40	40
5. Number of Youth Suicide Public Policy and Prevention Strategies Recommended*	10	22	16	10	10
<b>Output Measure:</b>					
6. Number of Directories, Brochures, and Other Printed Materials Disseminated*	56,483	32,980	55,980	50,000	50,000
7. Number of Searches for Offenders in Custody Conducted through the Kansas VINE** Program*	293,974	301,597	348,886	325,000	325,000
8. Number of Child Deaths Reviewed by the Child Death Review Board*	414	362	391	375	375
9. Number Victims Services Grants Awarded and Monitored*	90	90	91	96	96
<b>Financing</b>	Actual FY 2021	Actual FY 2022		Governor FY 2023	Governor FY 2024
SGF	\$ 1,407,340	\$ 1,578,569		\$ 1,737,079	\$ 1,737,701
Federal Funds	-	-		-	-
All Other Funds	2,054,350	1,839,053		1,928,983	1,877,559
<b>TOTAL</b>	<b>\$ 3,461,690</b>	<b>\$ 3,417,622</b>		<b>\$ 3,666,062</b>	<b>\$ 3,615,260</b>
<b>Percentage Change:</b>					
SGF	7.1 %	12.2 %		10.0 %	0.0 %
All Funds	(5.5) %	(1.3) %		7.3 %	(1.4) %
FTE Positions	10.6	10.4		10.4	10.4

\* The Office of the Governor does not utilize this measure for evaluation purposes.

\*\* Victim Information and Notification Everyday

**BUDGET ANALYSIS**

The **agency** requests \$3.6 million, including \$1.8 million SGF, for the Victim Services Division for FY 2024. This is an all funds decrease of \$50,802 below the FY 2023 revised estimate, including an SGF increase of \$72,822 above the FY 2023 revised estimate. This all funds decrease is primarily attributable to a decrease in contractual services for professional service fees for FY 2024.

The **Governor** recommends \$3.6 million, including \$1.7 million SGF, for FY 2024. The recommendation is an SGF decrease of \$72,200 due to the Governor not recommending the agency enhancement request to shift the funding source from special revenue funds to the SGF.