

Proposed

STATE OF KANSAS
DEPARTMENT OF CORRECTIONS
NOTICE OF HEARING ON PROPOSED
ADMINISTRATIVE REGULATIONS

A public hearing will be conducted at 9:00 a.m., January 10, 2012, in the Department of Corrections Main Conference Room, 4th Floor, Landon State Office Building, 900 S.W. Jackson, Topeka, Kansas, to consider the amendment of various regulations found in Article 11, Community Corrections, in Chapter 44 of the Kansas Administrative Regulations.

At that hearing, proposed amendments to the following Kansas Department of Corrections administrative regulations will be considered, to wit:

K.A.R. 44-11-111, 44-11-113, 44-11-119, 44-11-121, 44-11-123, 44-11-127, 44-11-129, and 44-11-132.

This 60-day notice constitutes a public comment period for the purpose of receiving written public comments on the proposed amendments ~~and revocations~~ of existing regulations.

All interested parties may submit written comments prior to the hearing to Linden G. Appel, Deputy Chief Legal Counsel, Kansas Department of Corrections, 4th Floor, Landon State Office Building, 900 S.W. Jackson, Topeka, Kansas, 66612-1284. All interested parties will be given a reasonable opportunity at the hearing to present their views orally on the adoption of the proposed amendments ~~and revocations~~. In order to



give all parties an opportunity to express their views, it may be necessary to request each participant to limit oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed amendments, ~~revocations,~~ 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 Linden Appel at (785) 296-4508 or [TDD (785) 296-8443], or (785) 296-0014, FAX. Handicapped parking is located on the south end of Landon State Office Building, and the north entrance to the building, which is the public access entrance, is accessible to individuals with disabilities.

The amendments to existing regulations are proposed on a permanent basis. A summary of the proposed amendments and their economic impact follows:

K.A.R. 44-11-111. Definitions. This regulation is amended by striking an obsolete use of the adjective “planning” in subsection (c), and by striking entirely the definition of “out year report,” used in conjunction with the former practice of requiring individual community corrections programs to submit comprehensive plans every two years. A comprehensive plan is instead now required every year^s. The definition of “grant years” is therefore also accordingly altered to “grant year,” making it singular.

No quantifiable economic impact upon offenders, local community corrections programs, other state agencies, local units of government, private businesses or citizens is now anticipated as a result of this regulation amendment.

K.A.R. 44-11-113. Comprehensive plan; comprehensive plan review. This regulation is amended by making certain stylistic changes, and by providing that the



budget to be submitted by local community corrections agencies as part of the annual comprehensive plan is to be a summary budget, accompanied by a detailed narrative in support, in order to conform to evidence-based correctional practice. It is further amended to delete a provision referring to an out year report, for the same reason set forth above in regard to deletion of that term from K.A.R. 44-11-111.

No quantifiable economic impact upon offenders, local community corrections programs, other state agencies, local units of government, private businesses or citizens is now anticipated as a result of this regulation amendment.

K.A.R. 44-11-119. Local programs. This regulation is amended in subsection (b) by clarifying that the annual audit of all programs identified in the comprehensive plan is to be conducted as the Secretary of Corrections directs, with discretion placed in the Secretary to determine which one or a combination of four types of audits will be performed, or if another sort of review is called for under the circumstances of that particular comprehensive plan.

No quantifiable economic impact upon offenders, local community corrections programs, other state agencies, local units of government, private businesses or citizens is now anticipated as a result of this regulation amendment.

K.A.R. 44-11-121. Fiscal management; required reporting. This regulation is amended in a number of regards. Specifically, it is amended in subsection (a) by deleting a fixed time frame for reporting of fiscal information concerning management of grant funds to the program's corrections advisory board and to the Secretary, in favor of permitting the Secretary to designate a time frame as the Secretary determines in the circumstances of a particular program's case. It is further amended by deleting in their

entirety current subsections (b),(c), and (d), dealing with monthly, quarterly, and annual financial status reports, in favor of directives on submission of financial information and reports as set forth in the Reporting Instructions issued each year to community corrections agencies. It is further amended in what is now subsection (b) to permit electronic submission of individual agencies' annual financial audits. In what is now subsection (c), a reference to the monthly financial status report is deleted in favor of a reference to the fiscal workbook and quarterly reconciliation budget reports and certification documents, which are the accounting instruments now prescribed by the Secretary in the Reporting Instructions. Finally, in new subsection (d), the regulation is amended to permit electronic submission of the agencies' annual plans for use of reimbursements.

No quantifiable economic impact upon offenders, local community corrections programs, other state agencies, local units of government, private businesses or citizens is now anticipated as a result of this regulation amendment.

K.A.R. 44-11-123. Changes in the comprehensive plan, budget, and agency outcomes. This regulation is amended extensively. The title is amended by deletion of the term "out year report." In subsection (a), the regulation is amended in these particulars: (1) by deletion of a reference to the out year report, consistent with the amendments to K.A.R 44-11-111 and 44-11-113 noted above; 2) by deletion of a reference to the individual community corrections programs' budgets as a separate document that can be changed, in light of the text of K.A.R. 44-11-113, making the summary budget and detailed narrative a part of the annual comprehensive plan; and 3) by deletion of a requirement for signatory approval of changes in the comprehensive plan

and agency outcomes in favor of submitting documentation of approval reflected in the board meeting minutes. In subsection (b), all of the current language dealing with funds transfers is deleted, and new text providing for signatory approval of the individual programs' advisory boards and governing authorities for quarterly or carryover reimbursement budget adjustments over the amount of \$5,000 or 1% of the current grant year award, whichever is higher, is substituted. It is further required that such adjustments must be submitted, either electronically or by original copy, to the Secretary along with documentation of the signatory approval and a description of and justification for the proposed transfer.

No quantifiable economic impact upon offenders, local community corrections programs, other state agencies, local units of government, private businesses or citizens is now anticipated as a result of this regulation amendment.

K.A.R. 44-11-127. Prohibition of use of community corrections grant funds; maintenance and documentation of funds. This regulation is amended by making stylistic changes, and in subsection (d) requiring that grant funds for adult services are to be maintained in a separate county general ledger account, rather than merely a separate fund. In subsection (f), in regard to the matter of documenting community corrections funds expenditures, the current specific language of a "receipt or invoice" is stricken and replaced with a more general term, i.e., "supporting documentation."

No quantifiable economic impact upon offenders, local community corrections programs, other state agencies, local units of government, private businesses or citizens is now anticipated as a result of this regulation amendment.



K.A.R. 44-11-129. Unexpended funds. This regulation is amended by changing its current language in two particulars, and adding a new subsection (b). In the current verbiage, now designated as subsection (a), it is amended, in accord with the amendment of K.A.R. 44-11-113 noted above, to provide that a budget summary, rather than a budget per se, is to be submitted with accompanying narrative describing the proposed services to be paid for with unexpended funds, and to provide that the Secretary's deadline for a decision on the application for unexpended funds is due within 60 days of the application due date, rather than date of receipt of the request. In new subsection (b), the three general purposes for which unexpended funds may be used are set forth. All amendments to this regulation are intended to conform it to current practice.

No quantifiable economic impact upon offenders, local community corrections programs, other state agencies, local units of government, private businesses or citizens is now anticipated as a result of this regulation amendment.

K.A.R. 44-11-132. Use of grant funds to contract for services. This regulation is amended by deletion of current subsections (b) and (c), dealing with prohibition of supervision of non-contract employees by a contractor, and the competitive bidding process, now instead included in the Department's Community Corrections Standards of Operation.

No quantifiable economic impact upon offenders, local community corrections programs, other state agencies, local units of government, private businesses or citizens is now anticipated as a result of this regulation amendment.

A complete copy of the proposed permanent amendments of existing regulations, and the complete economic impact statement, may be obtained by writing to:

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Linden G. Appel, Department of Corrections, 900 S.W. Jackson, 4th Floor, Topeka, Kansas, 66612-1284, or by calling (785) 296-4508, [TDD (785) 296-8443], 8:00 A.M. to 5:00 P.M., Monday through Friday.

Ray Roberts
Secretary of Corrections



44-11-111. Definitions. (a) "Active cases" means those cases that have been supervised in a manner that is consistent with contact standards adopted by the secretary.

(b) "Community corrections agency" means the structure that exists or is proposed to exist within a planning unit and that delivers the community corrections services outlined in a comprehensive plan.

(c) "Community corrections grant funds" means funds made available to a ~~planning~~ governing authority by the department of corrections, pursuant to the Kansas community corrections act, K.S.A. 75-5290 et seq. and amendments thereto.

(d) "Comprehensive plan" means the working document developed by a ~~local~~ corrections advisory board at a frequency prescribed by the secretary, setting forth the objectives and services planned for a ~~local~~ community corrections agency.

(e) "Corrections advisory board" means a board appointed by a governing authority to develop and oversee a comprehensive plan.

(f) "Governing authority" means any county or group of cooperating counties that has established a ~~local~~ corrections advisory board for the purpose of establishing a community corrections agency.

(g) "Grant ~~years~~ year" means the ~~years~~ year covered in an a community corrections agency's comprehensive plan. ~~The first of these grant years~~ and shall be deemed to begin at the start of a state fiscal year.




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(h) "Line items" means specific components comprising a major budget category.

(i) "Offender fees" means charges for drug and alcohol testing, electronic monitoring services, supervision services, housing in a residential center, and other services and assistance provided by community corrections agencies.

~~(j) "Out-year report" means the report that details amendments to the comprehensive plan. The report is submitted each year in which a comprehensive plan is not required to be submitted.~~

~~(k)~~ "Program" means an adult intensive supervision program (AISP) or adult residential program (ARES) operated by a community corrections agency.

~~(l)~~(k) "Reimbursements" means income generated by community corrections agencies and fees assessed and collected by community corrections agencies in prior fiscal years or in the current fiscal year, for expenses incurred.

~~(m)~~(l) "Secretary" means the secretary of corrections.

~~(n)~~(m) "Service" means a community corrections activity directed by a public or private agency to deliver interventions to offenders and assistance to victims, offenders, or the community.

~~(o)~~(n) "Standards" means the minimum requirements of the secretary for the operation and management of community corrections agencies.

~~(p)~~(o) "Unexpended funds" means state funds remaining in a program's accounts at the close of a fiscal year that are not obligated for expenses incurred

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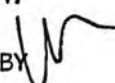
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during that fiscal year or that have not been approved for expenditure by the secretary beyond the fiscal year. (Authorized by K.S.A. 75-5294, 75-5296; implementing K.S.A. ~~2005~~ 2010 Supp. 75-5291, as amended by L. 2011, Ch. 30, Sec. 280, K.S.A. ~~2005~~ 2010 Supp. 75-5292, K.S.A. 75-5295, K.S.A. 75-5296, K.S.A. ~~2005~~ 2010 Supp. 75-5297, K.S.A. 75-52,102, K.S.A. 75-52,103, K.S.A. ~~2005~~ 2010 Supp. 75-52,105, K.S.A. ~~2005~~ 2010 Supp. 75-52,110; effective May 1, 1981; amended May 1, 1984; amended Feb. 6, 1989; amended March 5, 1990; amended July 23, 1990; amended March 29, 2002; amended June 1, 2007; amended P-_____.)



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44-11-113. Comprehensive plan; comprehensive plan review. (a) The comprehensive plan shall be developed by the community corrections agency in collaboration with the corrections advisory board. The comprehensive plan shall minimally include the following:

- (1) An agency profile;
- (2) signatory approval of the community corrections agency's director, the chairperson of the corrections advisory board, and the governing authority;
- (3) a list of the members of the advisory board, with descriptors that demonstrate compliance with K.S.A. 75-5297, and amendments thereto;
- (4) the name, mailing address, and phone number of the chairperson of the governing authority and, if any, the chairperson's fax number and e-mail address;
- (5) an agency summary of programmatic changes and significant events;
- (6) an organization chart;
- (7) personnel data;
- (8) new position data;
- (9) a description of collaboration that occurred or will occur to identify and address the community's correctional needs;
- (10) a program description, including goals and objectives to be achieved, data elements to be collected, and services to be provided;
- (11) a new service description;
- (12) an explanation of the relationship among the governing authority,



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the corrections advisory board, the director of the community corrections director agency, and the program or programs described in the comprehensive plan;

(13) a process for the advisory board to monitor the progress of the program or programs described in the plan;

(14) a timeline for implementation of the plan; and

(15) any other relevant information requested by the secretary in the comprehensive plan form.

(b) A detailed summary budget, addressing awarded community corrections grant funds ~~and reimbursements maintained and anticipated to be collected or expended or both,~~ and a detailed narrative describing each line item shall also be submitted annually as prescribed by the secretary.

(c) Agency outcomes shall be submitted on or before May 1 of each year in a format prescribed by the secretary.

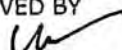
~~(d) An out year report shall be submitted on or before May 1 of each year in which a comprehensive plan is not required, in a format prescribed by the secretary.~~

~~(e)~~ Each county desiring to establish a community corrections agency shall issue a resolution indicating this intent and include a copy of the resolution in its initial comprehensive plan. A county desiring to enter into an interlocal agreement with another county for the provision of community corrections services, as prescribed in K.S.A. 12-2901 through K.S.A. 12-2907 and

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amendments thereto, shall include an interlocal agreement, approved by the attorney general, in its initial comprehensive plan.

(f) (e) A program review committee shall be appointed by the secretary to review each comprehensive plan. The committee shall make a recommendation to the secretary. The comprehensive plan shall be accepted, rejected, or accepted subject to specified modifications by the secretary. (Authorized by K.S.A. 75-5294, K.S.A. 75-5296, K.S.A. 75-52,102; implementing K.S.A. 2005 2010 Supp. 75-5292, K.S.A. 75-5296, K.S.A. 75-5299, K.S.A. 75-52,102; effective May 1, 1981; amended Feb. 6, 1989; amended May 15, 1989; amended March 5, 1990; amended March 29, 2002; amended June 1, 2007; amended P- _____.)



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44-11-119. Local programs. (a) A comprehensive plan may provide for community corrections programs to be administered by public or private agencies. A governing authority may enter into a contractual or other written agreement with a private agency to operate programs identified in the comprehensive plan or to provide specialized services to program participants.

(b) An annual audit of all programs identified in the comprehensive plan shall be conducted as prescribed by the secretary. The audit may consist of a fiscal audit, standard compliance audit, performance audit, data accuracy audit, or any other type of review prescribed by the secretary.

(c) Each community corrections agency shall submit notice of the date, time, and location of each advisory board meeting to the deputy secretary of community and field services at least one working day before the scheduled meeting. Each community corrections agency shall submit a copy of the minutes of each advisory board meeting to the secretary within 30 working days after each meeting. (Authorized by K.S.A. 75-5294, 75-5296; implementing K.S.A. 75-5295, 75-5296, 75-52,103; effective May 1, 1981; amended Feb. 6, 1989; amended March 29, 2002; amended P-_____.)



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44-11-121. Fiscal management; required reporting. (a) Each governing authority shall designate one person to be responsible for all fiscal matters related to the community corrections grant funds received. This person shall comply with generally accepted accounting principles governing the management of county funds and shall provide information to the corrections advisory board and the secretary on a ~~monthly and quarterly~~ basis ~~as prescribed by~~ unless the secretary determines that circumstances that warrant a change in frequency of reporting exist.

~~(b) A monthly financial status report shall be submitted to the secretary within 20 calendar days after the end of each month as prescribed by the secretary. All reimbursements collected or maintained by the agency or governing authority for the agency shall be reported in the monthly financial status report.~~

~~(1) The monthly report shall note any purchases in the amount of \$5,000 or more that occurred in the prior month and shall include documentation of approval of the same by the corrections advisory board and governing authority. Like items whose aggregate purchase price equals or exceeds \$5,000 shall also be subject to disclosure.~~

~~(2) The monthly report shall note any bulk payments made for expenses that are incurred in or will be incurred in multiple months.~~


~~(c) Each county receiving grant funds shall submit to the secretary a quarterly financial report within 20 calendar days after the end of each calendar quarter as prescribed by the secretary. The governing authority shall certify in the~~

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~~quarterly report that all accounts containing community corrections grant funds have been balanced and reconciled with invoices and receipts.~~

~~(d) Each county shall be required to submit a final financial status report to the secretary within 60 calendar days after the end of each state fiscal year. The total amount of unexpended funds for each county receiving grant funds shall be determined by the secretary.~~

(e) Each county receiving grant funds shall submit, by either original or electronic copy to the secretary, all portions of its annual financial audit pertaining to community corrections grant funds, including the report's cover letter and any exceptions applicable to community corrections grant funds, in the manner provided by K.S.A. 75-1124, and amendments thereto, within 60 calendar days after receipt by the county.

(f) ~~(c)~~ All reimbursements maintained from current and prior fiscal years, collected, and expended by a community corrections agency shall be included ~~on~~ in the monthly financial status report as prescribed by the secretary fiscal workbook and the quarterly reconciliation budget report and certification documents.

~~(g) (d)~~ Within 60 calendar days after the end of each state fiscal year, each community corrections agency shall ~~annually~~ submit, by either original or electronic copy to the secretary, a plan, approved by the corrections advisory board and governing authority for the use of the reimbursements, ~~within 60 calendar days after the end of each state fiscal year. Each change in the plan~~

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~~shall require the prior approval of the corrections advisory board and governing authority, and the community corrections agency shall send a copy of the approved change to the secretary at least 10 working days before implementation of the approved change.~~

~~(h)~~ (e) (1) If a community corrections agency complies with the requirements in subsections ~~(f)~~ (c) and ~~(g)~~ (d) of this regulation, the agency shall retain its reimbursements and use them in accordance with the its approved plan.


(2) If a community corrections agency chooses not to comply with the requirements in subsections ~~(f)~~ (c) and ~~(g)~~ (d) of this regulation, all current reimbursements and those carried over from previous years may be deducted by the secretary from the agency's current or future allocations. These deductions shall be placed by the secretary in a special fund designated for community corrections.

(3) Agencies, except those that chose not to comply with the requirements in subsections ~~(f)~~ (c) and ~~(g)~~ (d) during the state fiscal year in question, may apply for these special funds to maintain or enhance current funded services or add new services, or support or enhance agency operations, or any combination of these uses. (Authorized by K.S.A. 75-5294, K.S.A. 75-5296, ~~75-52,105~~; implementing K.S.A. ~~2001 Supp. 75-5294~~, K.S.A. 75-5296, K.S.A. 75-52,103, K.S.A. 2010 Supp. 75-52,105, and 75-52,111; effective May 1, 1981; amended Feb. 6, 1989; amended May 15, 1989; amended March 5, 1990; amended March 29, 2002; amended P- _____.)

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44-11-123. Changes in the comprehensive plan, budget, and agency outcomes, ~~and out-year report.~~ (a) If a community corrections agency wishes to change or deviate from the comprehensive plan, ~~budget,~~ or agency outcomes, ~~or out-year report during any fiscal year,~~ the agency may do so if signatory approval of the corrections advisory board ~~and the~~ or governing authority is first obtained. Documentation of signatory approval shall be submitted ~~to the secretary before making the change or deviation~~ reflected in the board meeting minutes.

(b) ~~Each transfer of funds from the budget of one program to the budget of another program shall require the prior approval of the secretary. The signatory approval of the corrections advisory board and governing authority shall be submitted to the secretary along with a description of and justification for the proposed transfer.~~ Quarterly grant or carryover reimbursement budget adjustments totaling \$5,000 or one percent of the current grant year award, whichever is higher, shall require signatory approval of the corrections advisory board and the governing authority. The community corrections agency shall submit, by either original or electronic copy to the secretary, documentation of signatory approval along with a description of and justification for the proposed transfer. (Authorized by K.S.A. 75-5294, 75-5296; implementing K.S.A. 2005 2010 Supp. 75-5292, K.S.A. 75-5296, K.S.A. 75-52,102; effective May 1, 1981; amended Feb. 6, 1989; amended May 15, 1989; amended March 5, 1990; amended July 23, 1990; amended March 29, 2002; amended June 1, 2007; amended P-_____.)

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44-11-127. Prohibition of use of ~~state~~ community corrections grant funds; maintenance and documentation of funds. (a) A governing authority shall not use community corrections grant funds to replace available public or private funding of existing programs.

(b) A governing authority may request community corrections grant funds to continue an existing program that would otherwise cease due to the exhaustion of public or private funds that had been specifically allocated to the program as start-up monies with a predetermined termination date.

(c) A governing authority may request community corrections grant funds to supplement existing public or private funding of an existing program if these community corrections grant funds would enhance services.

(d) ~~State~~ Community corrections ~~grants~~ grant funds for adult services shall be maintained in a separate ~~fund~~ county general ledger account.

(e) ~~State~~ Community corrections grant funds shall not be expended for services, supplies, equipment, or the payment of rent beyond the grant year in which the services, supplies, equipment, or payments are received or due. Only expenditures incurred within the grant year shall be charged to the community corrections grant.

(f) All community corrections expenditures shall ~~be supported by a receipt or invoice~~ have supporting documentation.

(g) ~~State~~ Community corrections grant funds shall not be used to fund depreciation.

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(h) ~~State~~ Community corrections grant funds shall be expended and obligated for operation and management of programs for adult offenders only. Nothing in this regulation shall prohibit the use of state community corrections grant funds to purchase equipment, supplies, and services shared by programs for adult and juvenile offenders if the use by the adult program is proportionate to the monetary contribution of that program.

(i) ~~State~~ Community corrections grant funds shall not be expended and obligated for association memberships for individuals. State Community corrections grant funds may be expended and obligated by community corrections agencies for staff uniforms or clothing and for association memberships for the agency if specifically authorized by the agency's policies and procedures. Nothing in this regulation shall prohibit housing, transportation, clothing, and billing assistance to indigent offenders, or the acquisition of necessary safety equipment for staff, including bulletproof vests and latex gloves. (Authorized by K.S.A. 75-5294; implementing K.S.A. 2000 2010 Supp. 75-5291, K.S.A. 75-5296, K.S.A. 75-52,103, K.S.A. 2010 Supp. 75-52,105; effective, E-82-25, Dec. 16, 1981; effective May 1, 1982; amended March 29, 2002; amended P-_____.)



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44-11-129. Unexpended funds. (a) Unexpended funds may be transferred by the secretary to another county or counties. Any county may make application to the secretary for the unexpended funds. The county shall provide the secretary with a statement of why the funds are necessary, documentation of need, a budget summary and narrative describing the proposed services, and, if the funds are for a new program, a listing of measurable goals and objectives. The county shall be notified by the secretary of approval or disapproval of the application within 60 calendar days after receipt of the request the application due date.

(b) Any community corrections agency may use approved unexpended funds to maintain or enhance current funded services, add new services, or support or enhance agency operations, or any combination of these uses as specified in the application. (Authorized by K.S.A. 75-5294; implementing K.S.A. 75-52,103; effective Feb. 6, 1989; amended March 5, 1990; amended March 29, 2002; amended P-_____.)



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44-11-132. Use of grant funds to contract for services. (a) Grant funds may be used to contract for services or to provide services directly.

~~(b) All non-contract employees other than the program director shall be supervised by community corrections personnel.~~

~~(c) Each agency shall use a competitive bid process and shall obtain three written bids for the purchase and lease of, or contracting for, any of the following in the aggregate amount of \$1,000 or more:~~

- ~~(1) Goods;~~
- ~~(2) equipment; or~~
- ~~(3) services.~~

~~(d) The Each community corrections agency shall make all contracts between the agency and other entities and individuals available to the secretary for review. (Authorized by K.S.A. 75-5294, 75-5296; implementing K.S.A. 75-5295, 75-5296; effective March 5, 1990; amended March 29, 2002; amended P-_____.)~~

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**KANSAS DEPARTMENT OF CORRECTIONS
ECONOMIC IMPACT STATEMENT
K.A.R. 44-11-111, 44-11-113, 44-11-119, 44-11-121,
44-11-123, 44-11-127, 44-11-129, and 44-11-132**

I. Summary of Proposed Amendments, Including Their Purpose

K.A.R. 44-11-111 is amended by striking an obsolete use of the adjective “planning” in subsection (c), and by striking entirely the definition of “out year report,” used in conjunction with the former practice of requiring individual community corrections programs to submit comprehensive plans every two years. A comprehensive plan is instead now required every year. The definition of “grant years” is therefore also accordingly altered to “grant year,” making it singular.

The purposes of these amendments are to update the definitions employed in this Article by eliminating obsolete terms, as well as by adding new terms that conform to current Department practice, and to increase ease of reading and comprehension by the intended audience.

K.A.R. 44-11-113, dealing with formulation of comprehensive plans by the community corrections agency in collaboration with the corrections advisory board, is amended by making certain stylistic changes, and by providing that the budget to be submitted by local community corrections agencies as part of the annual comprehensive plan is to be a summary budget, accompanied by a detailed narrative in support, in order to conform to evidence-based correctional practice. It is further amended to delete a provision referring to an out year report, for the same reason set forth above in regard to deletion of that term from K.A.R. 44-11-111.

The purposes of these amendments are to update this regulation by elimination of obsolete references to long-format budgets, rather than summary budgets supported by detailed narratives, by elimination of a reference to an out year report, as well as to improve ease of reading and comprehension by the intended audience.

K.A.R. 44-11-119, dealing with implementation and administration of comprehensive plans by local programs, is amended in subsection (b) by clarifying that the annual audit of all programs identified in the comprehensive plan is to be conducted as the Secretary of Corrections directs, with discretion placed in the Secretary to determine which one or a combination of four types of audits will be performed, or if another sort of review is called for under the circumstances of that particular comprehensive plan.

The purposes of these amendments are to clarify the matter of the degree of discretion held by the Secretary in deciding how to conduct annual audits of individual programs, and to enhance ease of reading and comprehension by the intended audience.

K.A.R. 44-11-121, dealing with fiscal management and reporting outside comprehensive plans and budgets, is amended in a number of regards. Specifically, it is amended in subsection (a) by deleting a fixed time frame for reporting of fiscal information concerning management of grant funds to the program's corrections advisory board and to the Secretary, in favor of permitting the Secretary to designate a time frame as the Secretary determines in the circumstances of a particular program's case. It is further amended by deleting in their entirety current subsections (b),(c), and (d), dealing with monthly, quarterly, and annual financial status reports, in favor of directives on submission of financial information and reports as set forth in the Reporting Instructions

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issued each year to community corrections agencies. It is further amended in what is now subsection (b) to permit electronic submission of individual agencies' annual financial audits. In what is now subsection (c), a reference to the monthly financial status report is deleted in favor of a reference to the fiscal workbook and quarterly reconciliation budget reports and certification documents, which are the accounting instruments now prescribed by the Secretary in the Reporting Instructions. Finally, in new subsection (d), the regulation is amended to permit electronic submission of the agencies' annual plans for use of reimbursements.

The purposes of these amendments are to update the regulation to conform to current practices, to permit the Secretary greater discretion in seeking financial information from individual programs when that is desirable, and to permit electronic submission of such reports.

K.A.R. 44-11-123, dealing with the matter of changing comprehensive plans, budgets and agency outcomes during a fiscal year, is amended extensively. The title is amended by deletion of the term "out year report." In subsection (a), the regulation is amended in these particulars: (1) by deletion of a reference to the out year report, consistent with the amendments to K.A.R 44-11-111 and 44-11-113 noted above; 2) by deletion of a reference to the individual community corrections programs' budgets as a separate document that can be changed, in light of the text of K.A.R. 44-11-113, making the summary budget and detailed narrative a part of the annual comprehensive plan; and 3) by deletion of a requirement for signatory approval of changes in the comprehensive plan and agency outcomes in favor of submitting documentation of approval reflected in the board meeting minutes.



In subsection (b), all of the current language dealing with funds transfers is deleted, and new text providing for signatory approval of the individual programs' advisory boards and governing authorities for quarterly or carryover reimbursement budget adjustments over the amount of \$5,000 or 1% of the current grant year award, whichever is higher, is substituted. It is further required that such adjustments must be submitted, either electronically or by original copy, to the Secretary along with documentation of the signatory approval and a description of and justification for the proposed transfer.

The purposes of these amendments are to update this regulation by elimination of the obsolete term "out year report," and in general, to streamline the procedure for proposing and approving mid-year changes to the fundamental documents governing an individual agency's direction and mission

K.A.R. 44-11-127, dealing with prohibition of use of community corrections grant funds and maintenance and documentation for such funds, is amended by making stylistic changes, and in subsection (d) requiring that grant funds for adult services are to be maintained in a separate county general ledger account, rather than merely a separate fund. In subsection (f), in regard to the matter of documenting community corrections funds expenditures, the current specific language of a "receipt or invoice" is stricken and replaced with a more general term, i.e., "supporting documentation."

The purposes of these amendments are to establish an important requirement designed to assure sounder accounting for use of funds, namely, establishment of a separate county general ledger account, and to enhance ease of reading and comprehension by the intended audience.



K.A.R. 44-11-129, dealing with unexpended grant funds, is amended by changing its current language in two particulars, and adding a new subsection (b). In the current verbiage, now designated as subsection (a), it is amended, in accord with the amendment of K.A.R. 44-11-113 noted above, to provide that a budget summary, rather than a budget per se, is to be submitted with accompanying narrative describing the proposed services to be paid for with unexpended funds, and to provide that the Secretary's deadline for a decision on the application for unexpended funds is due within 60 days of the application due date, rather than date of receipt of the request. In new subsection (b), the three general purposes for which unexpended funds may be used are set forth. All amendments to this regulation are intended to conform it to current practice.

The purposes of these amendments are to increase administrative efficiency and accountability for expenditure of public funds, and to clarify the matter of appropriate uses of unexpended funds transfers.

K.A.R. 44-11-132, dealing with use of grant funds to contract for services, is amended by deletion of current subsections (b) and (c), dealing with prohibition of supervision of non-contract employees by a contractor, and the competitive bidding process, which are both now instead included in the Department's Community Corrections Standards of Operation.

The purposes of these amendments are to streamline administrative procedure and to increase efficiency in operation of the community corrections program.

II. Reason or Reasons the Proposed Amendments Are Required, Including Whether or Not the Amendment or Revocation is Mandated by Federal Law.

Enhancement of administrative oversight and control by the Department of Corrections, increases in accountability at the local level for the use and expenditure of community corrections grant funds, and modernization and streamlining of Article 11 regulations are all reasons underlying the above-described amendments. These amendments are not mandated by federal law, nor do they violate federal law, or exceed requirements of federal law.

III. Anticipated Economic Impact upon the Kansas Department of Corrections

The Department does not anticipate any economic impact upon its operations as a result of these amendments.

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

The Department does not anticipate economic impact upon offenders, other governmental agencies, specifically including counties and community corrections programs, private businesses, or other private individuals as a result of these amendments.

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

Due to the fact that absolutely no economic impact is now foreseen as a result of these amendments, the Department of Corrections has had no occasion to consider less costly or intrusive methods in accomplishing its goals.

