

OFFICE OF THE ATTORNEY GENERAL

FY 2021 – FY 2023 BUDGET ANALYSIS

FIGURE 1
BUDGET OVERVIEW, FY 2021 – FY 2023

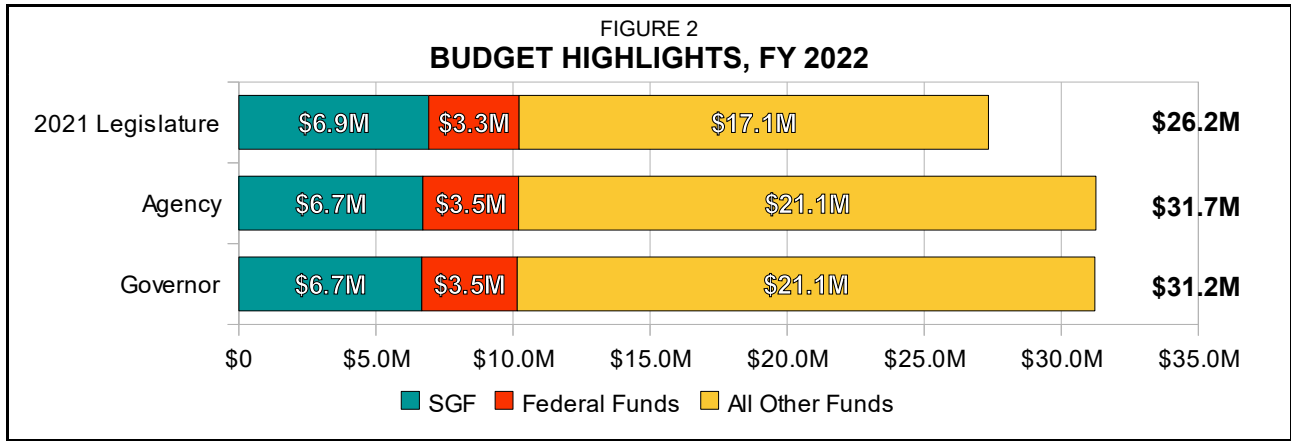
	Actual FY 2021	Agency FY 2022	Governor FY 2022	Agency FY 2023	Governor FY 2023
Operating Expenditures:					
State General Fund	\$ 6,102,281	\$ 6,712,584	\$ 6,669,265	\$ 6,316,730	\$ 6,316,730
Federal Funds	3,255,776	3,487,365	3,487,365	3,246,135	3,246,135
All Other Funds	16,451,754	21,072,455	21,072,455	17,345,981	17,345,981
<i>Subtotal</i>	<u>\$ 25,809,811</u>	<u>\$ 31,272,404</u>	<u>\$ 31,229,085</u>	<u>\$ 26,908,846</u>	<u>\$ 26,908,846</u>
Capital Improvements:					
State General Fund	\$ -	\$ -	\$ -	\$ -	\$ -
Federal Funds	-	-	-	-	-
All Other Funds	-	-	-	-	-
<i>Subtotal</i>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
TOTAL	<u>\$ 25,809,811</u>	<u>\$ 31,272,404</u>	<u>\$ 31,229,085</u>	<u>\$ 26,908,846</u>	<u>\$ 26,908,846</u>
Percentage Change:					
State General Fund	2.7 %	10.0 %	9.3 %	(5.9) %	(5.3) %
All Funds	(3.3) %	21.2 %	21.0 %	(14.0) %	(13.8) %
FTE Positions	174.4	177.4	175.4	177.4	177.4

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 2021 Legislature approved a budget of \$26.6 million, including \$6.2 million from the State General Fund (SGF), for the Office of the Attorney General for FY 2022. One adjustment as been made subsequently to that amount, which changes the current year approved amount without any legislative action required. The agency received an increase of \$747,036, all SGF, based on the reappropriation of FY 2021 funding that was not spent in FY 2021 and has shifted to FY 2022. This results in an approved budget of \$27.4 million, including \$6.9 million SGF, in FY 2022.

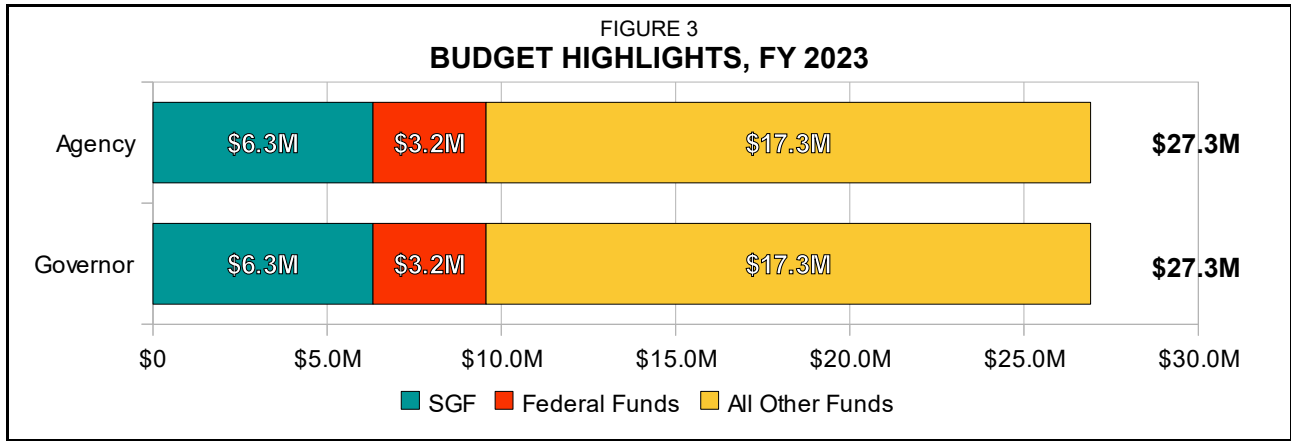


The **agency** requests \$31.3 million, including \$6.7 million SGF, in FY 2022. This is an all funds increase of \$3.9 million, including an SGF decrease of \$211,385, from the FY 2022 approved amount. The all funds increase is primarily attributable to the receipt of opioid litigation settlement funds through the **Kansas Fights Addiction (KFA) Fund** and **Municipalities Fight Addiction (MFA) Fund**.

Both funds were established pursuant to 2021 HB 2079 for the receipt of opioid litigation settlement moneys. The bill requires that 75.0 percent of all moneys received by the State pursuant to opioid litigation in which the Attorney General is involved for the abatement or remediation of substance abuse or addiction be deposited into the KFA Fund and 25.0 percent of all moneys received be deposited into the MFA Fund. The KFA Fund moneys will be used as grants to qualified applicants for projects and activities that reduce, treat, or mitigate the effects of substance abuse and addiction and provide support to the prescription drug monitoring program administered by the State Board of Pharmacy. The agency's revised estimate includes \$2.6 million in expenditures, all from the KFA Fund, for this purpose in FY 2022. The agency's revised estimate also includes \$995,834 in expenditures, all from the MFA Fund, in FY 2022. Moneys in the MFA Fund are to be expended subject to an agreement among the Attorney General, the Kansas Association of Counties, and the League of Kansas Municipalities, 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 agency request also includes 177.4 FTE positions, which is an increase of 2.1 FTE positions above the FY 2022 approved number. In FY 2022, 2.0 FTE positions are requested for additional auditors in the Office of the Medicaid Inspector General and 0.1 FTE is requested for the Consumer Protection Division.

The **Governor** recommends expenditures of \$31.2 million, including \$6.7 million SGF, in FY 2022. This is an all funds decrease of \$43,319, or 0.1 percent, below the agency's revised estimate, and is due to the Governor's recommendation not to adopt the agency's supplemental request of \$43,319 SGF and 2.0 FTE positions for additional personnel in the Office of the Medicaid Inspector General in FY 2022.



The **agency** requests \$26.9 million, including \$6.3 million SGF, for FY 2023. This is an all funds decrease of \$4.4 million, and an SGF decrease of \$395,854, below the FY 2022 revised estimate. The agency's request includes a decrease of \$2.5 million, all from the KFA Fund, and a decrease of \$944,431, all from the MFA Fund, for FY 2023. This decrease is due to the receipt of federal opioid litigation settlement moneys in FY 2022, the majority of which will be awarded as grants throughout the state, or transferred to Kansas municipalities, in FY 2022 and will not reoccur for FY 2023. The decrease in SGF expenditures is primarily attributable to a decrease in litigation costs (\$102,076), a decrease in operating expenses for the Solicitors Division (\$168,294), and a decrease in state match expenditures (\$135,126) for the Medicaid Fraud and Abuse Division for FY 2023.

The agency request also includes 177.4 FTE positions, which is unchanged from the FY 2022 revised estimate number.

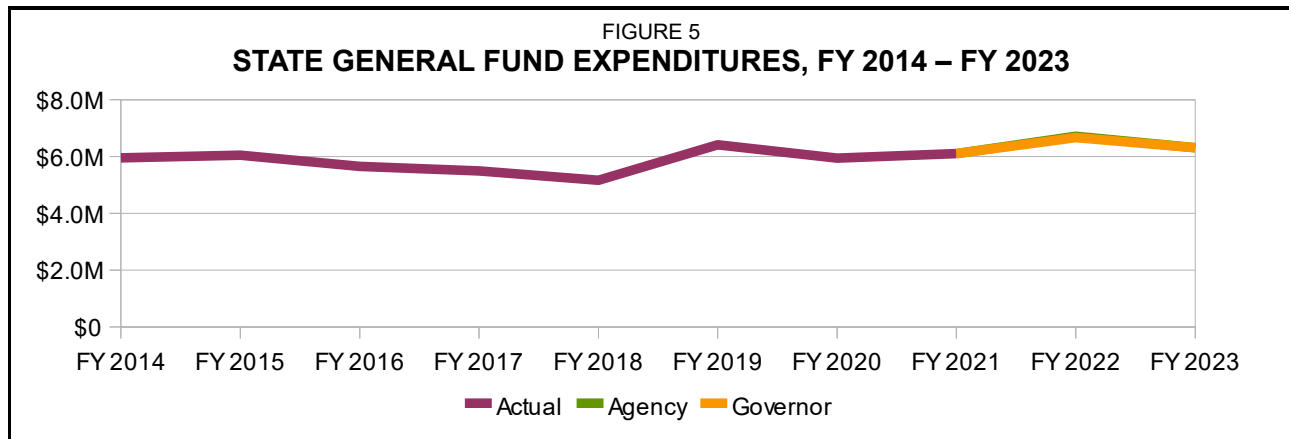
The **Governor** concurs with the agency request for FY 2023.

EXPENDITURES AND FINANCING

FIGURE 4
BUDGET SUMMARY BY CATEGORY OF EXPENDITURE, FY 2021 – FY 2023

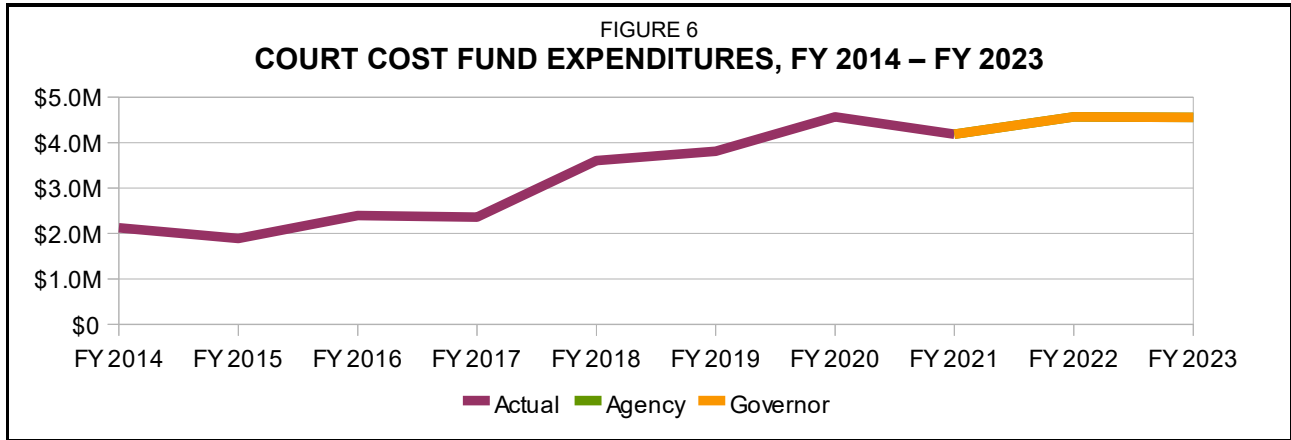
	Actual FY 2021	Agency FY 2022	Governor FY 2022	Agency FY 2023	Governor FY 2023
Category of Expenditure:					
Salaries and Wages	\$ 13,642,559	\$ 14,582,750	\$ 14,545,031	\$ 14,774,887	\$ 14,774,887
Contractual Services	4,182,938	5,483,433	5,483,833	4,933,694	4,933,694
Commodities	65,205	127,745	127,745	127,745	127,745
Capital Outlay	568,954	751,214	746,214	497,981	497,981
Debt Service Interest	-	-	-	-	-
<i>Subtotal</i>	<i>\$ 18,459,656</i>	<i>\$ 20,945,142</i>	<i>\$ 20,902,823</i>	<i>\$ 20,334,307</i>	<i>\$ 20,334,307</i>
Aid to Local Units	22,000	1,120,834	1,120,834	126,403	126,403
Other Assistance	7,328,155	9,206,428	9,206,428	6,448,136	6,448,136
<i>Subtotal—Operating</i>	<i>\$ 25,809,811</i>	<i>\$ 31,272,404</i>	<i>\$ 31,230,085</i>	<i>\$ 26,908,846</i>	<i>\$ 26,908,846</i>
Capital Improvements	-	-	-	-	-
Debt Service Principal	-	-	-	-	-
TOTAL	\$ 25,809,811	\$ 31,272,404	\$ 31,230,085	\$ 26,908,846	\$ 26,908,846
Financing:					
State General Fund	\$ 6,102,281	\$ 6,712,584	\$ 6,669,265	\$ 6,316,730	\$ 6,316,730
Court Cost Fee Fund	4,185,585	4,565,075	4,565,075	4,553,829	4,553,829
Federal Funds	3,255,776	3,487,365	3,487,365	3,246,135	3,246,135
All Other Funds	12,266,169	16,507,380	16,507,380	12,792,152	12,792,152
TOTAL	\$ 25,809,811	\$ 31,272,404	\$ 31,229,085	\$ 26,908,846	\$ 26,908,846
FTE Positions	174.4	177.4	175.4	177.4	177.4

STATE GENERAL FUND



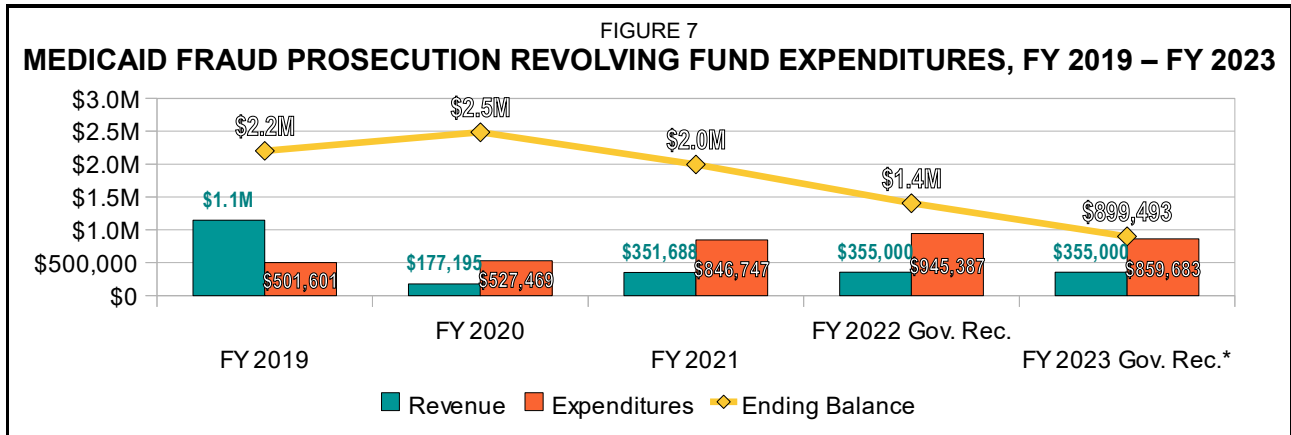
The Office of the Attorney General (OAG) requests \$6.3 million SGF for FY 2023. This is a decrease of \$395,854 below the FY 2022 revised estimate. SGF expenditures in the OAG are primarily for salaries and wages expenditures. The agency's FY 2023 request includes \$154,638, all SGF, for salaries and wages expenditures for 2.0 additional FTE positions for the Office of the Medicaid Inspector General included in the agency's FY 2022 revised estimate. These positions will allow the agency to increase the number of audits and reviews completed each year and would allow for continuity of ongoing audits if an auditor position becomes vacant.

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 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 2023, the lowest month ending balance for the Medicaid Fraud Prosecution Revolving Fund will occur in June with a balance of \$899,493.

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. However, awards from such judgments have ceased, and the OAG requested and received a transfer of \$600,000 from the SGF to the Medicaid Fraud Prosecution Revolving Fund in FY 2019 and FY 2020. The agency did not receive a transfer in FY 2021 and did not ask for funds to be transferred in either FY 2022 or FY 2023 and anticipates the balance in the fund will support expenditures for both years.

FY 2022 ANALYSIS

FIGURE 8
SUMMARY OF BUDGET REQUEST, FY 2022

	SGF	Special Revenue Funds	All Funds	FTE
Legislative Approved:				
Amount Approved by 2021 Legislature	\$ 6,176,933	\$ 20,420,490	\$ 26,597,423	175.3
1. SGF Reappropriation	747,036	-	747,036	--
<i>Subtotal—Legislative Approved</i>	<i>\$ 6,923,969</i>	<i>\$ 20,420,490</i>	<i>\$ 27,344,459</i>	<i>175.3</i>
Agency Revised Estimate:				
2. SGF Lapse—Inspector General	\$ (242,172)	\$ -	\$ (242,172)	--
3. SGF Lapse—Fringe Benefit Adjustment	(12,531)	-	(12,531)	--
4. Supplemental—New Auditor Positions	43,319	-	43,319	2.0
5. Opioid Settlement Distributions	-	3,643,337	3,643,337	--
6. Medicaid Fraud Control Funds	-	223,785	223,785	--
7. Concealed Carry Licensure	-	274,280	274,280	--
8. All Other Adjustments	-	(2,072)	(2,072)	0.1
<i>Subtotal—Agency Revised Estimate</i>	<i>\$ 6,712,585</i>	<i>\$ 24,559,820</i>	<i>\$ 31,272,405</i>	<i>177.4</i>
Governor’s Recommendation:				
9. Supplemental—Office of the Medicaid Inspector General FTE Positions	\$ (43,319)	\$ -	\$ (43,319)	(2.0)
TOTAL	\$ 6,669,266	\$ 24,559,820	\$ 31,229,086	175.4

LEGISLATIVE APPROVED

Subsequent to the 2021 Session, one adjustment was made to the \$26.6 million appropriated to the Office of the Attorney General for FY 2022. 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 \$747,036, all SGF, based on the reappropriation of FY 2021 funding that was not spent in FY 2021 and has shifted into FY 2022.

AGENCY ESTIMATE

The **agency** requests a revised estimate of \$31.3 million, including \$6.7 million SGF, in FY 2022. This is an all funds increase of \$3.9 million, and an SGF decrease of \$211,385, from the FY 2022 revised estimate. The estimate includes the following adjustments:

2. **SGF LAPSE—OFFICE OF THE INSPECTOR GENERAL.** The revised estimate includes a lapse of \$242,172 SGF in expenditures from the Office of the Inspector General. The agency does not plan to expend those funds in FY 2022.
3. **SGF LAPSE—FRINGE BENEFIT ADJUSTMENT.** The revised estimate includes a lapse of \$12,531 SGF for fringe benefit expenditures. This adjustment includes a reduction of \$26,131 SGF to reflect revised KPERS employer contribution rates for FY 2022. 2021 SB 159 included language to adjust employer contribution rates based on the issuance of the \$500.0 million in pension obligation bonds authorized by 2021 HB 2405. Accordingly, KPERS employer contribution rates decreased from 15.09 percent to 14.33 percent in FY 2022. The reductions in employer contribution rates are offset by a \$13,600 increase in the unemployment insurance rate, from 0.08 to 0.46 percent.

4. **SUPPLEMENTAL–NEW AUDITOR POSITIONS.** The revised estimate includes an additional \$43,319 SGF and 2.0 FTE positions in the Office of the Medicaid Inspector General in FY 2022 to increase the number of audits and reviews the OAG is able to complete each year and to allow for continuity of ongoing audits if an auditor position becomes vacant.
5. **OPIOID SETTLEMENT DISTRIBUTIONS.** The revised estimate includes \$3.6 million in distributions from opioid litigation settlement moneys. 2021 HB 2079 established the Kansas Fights Addiction Act, which created the **Kansas Fights Addiction Fund** to receive 75.0 percent of all moneys received by the State pursuant to opioid litigation in which the Attorney General is involved for the abatement or remediation of substance abuse or addiction. This fund will be used to grant funds to qualified applicants for projects and activities that reduce, treat, or mitigate the effects of substance abuse and addiction and provide support to the prescription drug monitoring program administered by the State Board of Pharmacy. The agency's revised estimate includes expenditures of \$2.6 million, all from the Kansas Fights Addiction Fund, for this purpose in FY 2022.

The Act also created the **Municipalities Fight Addiction Fund** for receipt of opioid litigation settlement moneys on behalf of the municipalities participating in the litigation. Moneys in the Municipalities Fight Addiction (MFA) Fund are to be expended subject to an agreement among the Attorney General, the Kansas Association of Counties, and the League of Kansas Municipalities, 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. Moneys in the MFA Fund could also be used to reimburse municipalities for payment of litigation costs, expenses, or attorney fees related to opioid litigation, after the municipality has first sought payment from applicable outside settlement sources or settlement fee funds. The agency's revised estimate includes expenditures of \$995,834, all from the MFA Fund, for these purposes in FY 2022.

6. **MEDICAID FRAUD CONTROL FUNDS.** The revised estimate includes an increase of \$223,785, all from federal grants received by the Medicaid Fraud and Abuse Division, in FY 2022. This increase is due to an increase in the federal grant award amount. These funds are used to support the federal portion of the Medicaid Fraud and Abuse Division.
7. **CONCEALED CARRY LICENSURE.** The revised estimate includes an increase of \$274,280, all from the Concealed Weapon Licensure Fund, for operating costs related to the Concealed Carry Licensing Unit in the Criminal Litigation Division in FY 2022. This increase is primarily attributable to an increase in contractual services for costs related to litigation including expert witness fees, certified court reporters fees, attorney and other expert services, as well as membership dues for the National Association of Attorneys General.
8. **ALL OTHER ADJUSTMENTS.** The revised estimate also includes a decrease of \$2,072 for a variety of expenditures, including for state agency representation in matters of litigation.

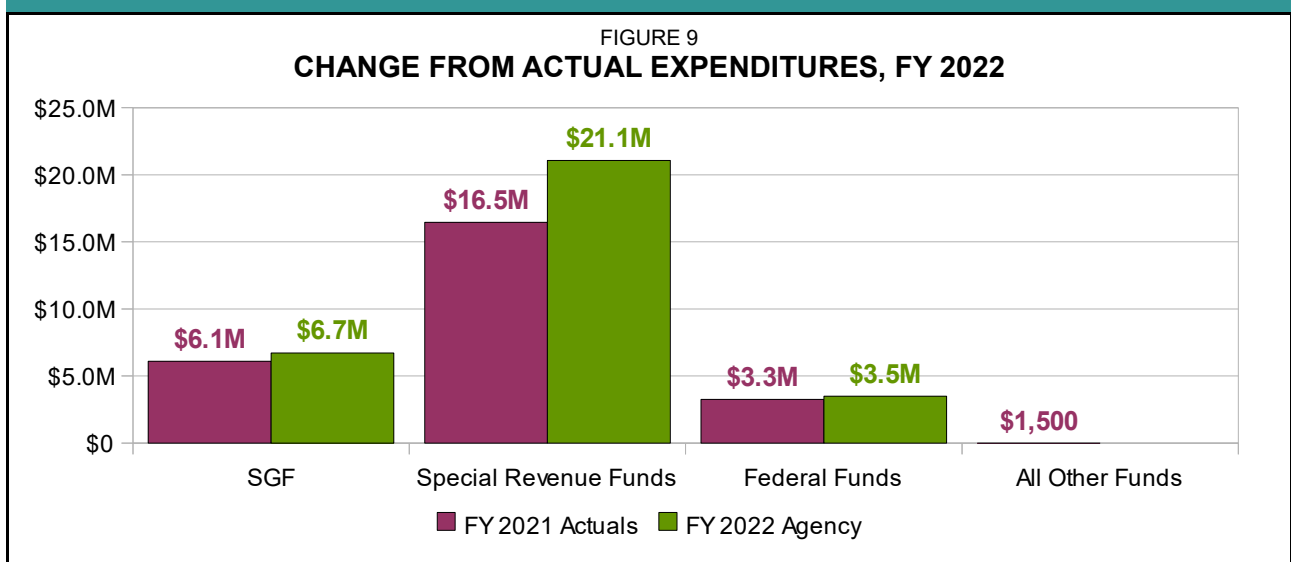
The **agency** estimate also includes 177.4 FTE positions, which is an increase of 2.1 FTE positions above the FY 2022 approved number.

GOVERNOR'S RECOMMENDATION

The **Governor** recommends expenditures of \$31.2 million, including \$6.7 million SGF, in FY 2022. This is an all funds decrease of \$43,319, or 0.1 percent, below the agency's revised estimate and includes the following adjustment:

9. **SUPPLEMENTAL-NEW AUDITOR POSITIONS.** The Governor does not recommend adopting the agency's supplemental request of \$43,319 SGF and 2.0 FTE positions for additional personnel in the Office of the Medicaid Inspector General in FY 2022.

FY 2022 CHANGE FROM ACTUAL EXPENDITURES



The **agency** requests a revised estimate of \$31.3 million, including \$6.7 million SGF, in FY 2022. This is an all funds increase of \$5.5 million, including an SGF increase of \$610,303, above FY 2021 actual expenditures. This increase is primarily attributable to the receipt of opioid litigation settlement moneys in FY 2022, the majority of which will be awarded as grants throughout the state, or transferred to Kansas municipalities, in FY 2022. The increase in SGF expenditures is primarily attributable to an increase in salaries and wages expenditures for 2.0 additional FTE positions in the Office of the Medicaid Inspector General in FY 2022.

FY 2023 ANALYSIS

FIGURE 10
SUMMARY OF BUDGET REQUEST, FY 2023

	SGF	Special Revenue Funds	All Funds	FTE
Agency Revised Estimate, FY 2022	\$ 6,712,585	\$ 24,559,820	\$ 31,272,405	177.4
Agency Request:				
1. Enhancement–New Auditor Positions	\$ 154,638	\$ -	\$ 154,638	--
2. Opioid Settlement Distributions	-	(3,437,723)	(3,437,723)	--
3. Scrap Metal Theft Reduction Fund	-	(230,000)	(230,000)	--
4. Solicitors Division Expenditures	(168,294)	-	(168,294)	--
5. Medicaid Fraud Control Funds	(135,126)	(257,019)	(392,145)	--
6. Litigation Costs	(102,076)	-	(102,076)	--
7. All Other Adjustments	(144,996)	(42,962)	(187,958)	--
<i>Subtotal–Agency Request</i>	<u>\$ 6,316,731</u>	<u>\$ 20,592,116</u>	<u>\$ 26,908,847</u>	<u>177.4</u>
Governor’s Recommendation:				
8. No Changes	\$ -	\$ -	\$ -	--
TOTAL	<u><u>\$ 6,316,731</u></u>	<u><u>\$ 20,592,116</u></u>	<u><u>\$ 26,908,847</u></u>	<u><u>177.4</u></u>

AGENCY REQUEST

The **agency** requests \$26.9 million, including \$6.3 million SGF, for FY 2023. This is an all funds decrease of \$4.4 million, and an SGF decrease of \$395,854, below the FY 2022 revised estimate.

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

- 1. ENHANCEMENT–NEW AUDITOR POSITIONS.** The agency's request includes \$154,638, all SGF, for continued salaries and wages expenditures of two additional FTE positions for the Office of the Medicaid Inspector General included in the agency's FY 2022 revised estimate. These positions will allow the agency to increase the number of audits and reviews completed each year and would allow for continuity of ongoing audits if an auditor position becomes vacant.
- 2. OPIOID SETTLEMENT DISTRIBUTIONS.** The agency's request includes a decrease of \$3.4 million, including \$2.5 million from the Kansas Fights Addiction Fund and \$944,431 from the Municipalities Fight Addiction Fund, for FY 2023. This decrease is due to the receipt of federal opioid litigation settlement moneys in FY 2022, the majority of which will be awarded as grants throughout the state in FY 2022 and will not reoccur for FY 2023.
- 3. SCRAP METAL THEFT REDUCTION FUND.** The agency's request includes a decrease of \$230,000, all from the Scrap Metal Theft Reduction Fund, for FY 2023. Pursuant to 2021 SB 159, the agency reimbursed scrap metal dealers for each year scrap metal dealers paid registration fees under the Scrap Metal Theft Reduction Act while the act was not operative. Additionally, dealers were reimbursed for fingerprinting costs prior to July 1, 2020. These reimbursements will be fully paid in FY 2022 and will not reoccur for FY 2023.
- 4. SOLICITORS DIVISION EXPENDITURES.** The agency's request includes a decrease of \$168,294, all SGF, for the Solicitors Division for FY 2023. The agency decreased SGF expenditures for operating costs and litigation costs and has chosen to increase special revenue fund expenditures for this purpose.

5. **MEDICAID FRAUD CONTROL FUNDS.** The agency's request includes a decrease of \$257,019 in federal Medicaid Fraud Control funds and \$135,126 SGF, due to a decrease in state match requirements, for FY 2023. These funds are used to support the federal portion of the Medicaid Fraud and Abuse Division, and the budgeted amount is based upon the anticipated federal award amount.
6. **LITIGATION COSTS.** The agency's request includes a decrease of \$102,076, all SGF, for a decrease in anticipated litigation costs, for FY 2023. The agency anticipates an increase in one-time litigation costs in FY 2022 for the Medicaid Fraud and Abuse Division and Criminal Litigation Division that do not reoccur for FY 2023. Litigation costs include witness fees, certified court reporter services, attorney, and other expert fees.
7. **ALL OTHER ADJUSTMENTS.** The agency's request includes a decrease of \$187,958, including \$144,996 SGF, for other various adjustments for FY 2023.

The **agency** request also includes 177.4 FTE positions, which is unchanged from the FY 2022 revised estimate number.

GOVERNOR'S RECOMMENDATION

The **Governor** recommends expenditures of \$26.9 million, including \$6.3 million SGF, for FY 2023.

8. **NO CHANGES.** The Governor concurs with the agency request for FY 2023.

PROGRAM AND PERFORMANCE MEASURES OVERVIEW

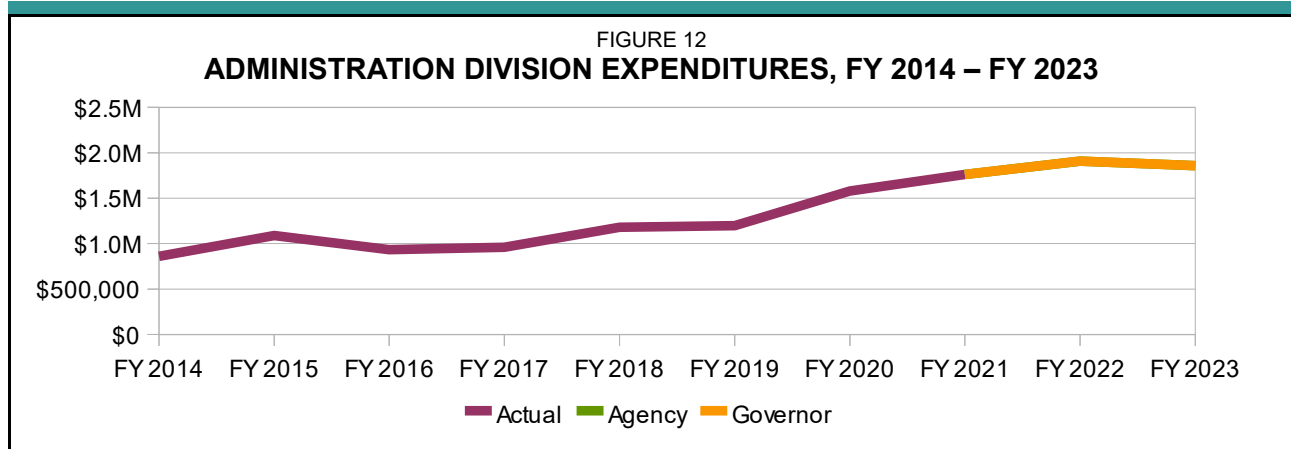
FIGURE 11
EXPENDITURES AND FTE POSITIONS BY PROGRAM, FY 2021 – FY 2023

Programs	Actual FY 2021	Agency FY 2022	Governor FY 2022	Agency FY 2023	Governor FY 2023
Expenditures:					
Administration	\$ 1,761,513	\$ 1,908,943	\$ 1,908,943	\$ 1,858,622	\$ 1,858,622
Civil Litigation	5,882,377	5,081,164	5,081,164	5,012,803	5,012,803
Consumer Protection	2,460,238	6,343,453	6,343,453	2,619,279	2,619,279
Crime Victims Comp.	3,054,615	3,453,692	3,453,692	3,454,233	3,454,233
Criminal Litigation	3,850,863	3,896,074	3,896,074	3,889,212	3,889,212
Fraud and Abuse Litigation	1,317,280	1,377,916	1,377,916	1,382,657	1,382,657
Legal Opinions and Gov. Counsel	610,563	736,552	736,552	736,167	736,167
Medicaid Fraud and Abuse Unit	1,943,238	2,571,880	2,571,880	2,229,189	2,229,189
Office of the Medicaid Inspector General	259,731	754,046	710,727	618,920	618,920
Solicitor Division	1,207,703	1,514,936	1,514,936	1,514,040	1,514,040
Victim Services	3,461,690	3,633,748	3,633,748	3,593,724	3,593,724
TOTAL	\$ 25,809,811	\$ 31,272,404	\$ 31,229,085	\$ 26,908,846	\$ 26,908,846
FTE Positions:					
Administration	17.0	17.0	17.0	17.0	17.0
Civil Litigation	22.5	22.5	22.5	22.5	22.5
Consumer Protection	23.8	24.8	24.8	24.8	24.8
Crime Victims Comp.	6.0	6.0	6.0	6.0	6.0
Criminal Litigation	32.3	32.3	32.3	32.3	32.3
Fraud and Abuse Litigation	12.3	12.3	12.3	12.3	12.3
Legal Opinions and Gov. Counsel	6.5	5.5	5.5	5.5	5.5
Medicaid Fraud and Abuse	24.0	24.0	24.0	24.0	24.0
Office of the Medicaid Inspector General	4.0	6.0	4.0	6.0	6.0
Solicitor Division	12.7	12.7	12.7	12.7	12.7
Victim Services	10.6	10.6	10.6	10.6	10.6
Off Budget	2.8	3.8	3.8	3.8	3.8
TOTAL	174.4	177.4	175.4	177.4	177.4

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. Measures to evaluate agency-wide performance are presented below.

ADMINISTRATION DIVISION



- 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, PERFORMANCE MEASURES

	Actual FY 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
Output Measure:					
1. Number of Formal Releases of Opinions, News, Information, and the Attorney General's Consumer Protection Advice*	298	252	280	275	275
2. Percentage of Fiscal Note Inquiries Responded to in a Timely Manner*	98.0 %	99.0 %	98.0 %	100.0 %	100.0 %
3. Number of Fiscal Note Inquiries Responded to in a Timely Manner*	63	99	80	65	75

FIGURE 13
ADMINISTRATION, PERFORMANCE MEASURES

	Actual FY 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
4. Number of Brochures, Documents, Reports, Media Releases, Videos, and Other Informational Materials Created or Made Available on Agency Website*	7,618	8,512	7,620	9,400	10,250
5. Number of Programs and Subprograms Addressed in The Strategic Plan Through Goals, Objectives, Strategies, Outcome, and Output Measures*	47	48	47	49	49
6. Number of Transactions*	10,948	10,089	11,009	10,250	10,500
7. Number of Openings for which Applications for Employment are Processed*	41	37	41	45	65
Financing	Actual FY 2020	Actual FY 2021		Governor FY 2022	Governor FY 2023
SGF	\$ (2,984)	\$ 4,913		\$ 3,000	\$ 3,000
Federal Funds	-	65,686		-	-
All Other Funds	1,581,507	1,690,914		1,905,943	1,855,622
TOTAL	\$ 1,578,523	\$ 1,761,513		\$ 1,908,943	\$ 1,858,622
Percentage Change:					
SGF	(102.1) %	(264.6) %		(38.9) %	-- %
All Funds	31.7 %	11.6 %		8.4 %	(2.6) %
FTE Positions	12.7	17.0		17.0	17.0

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

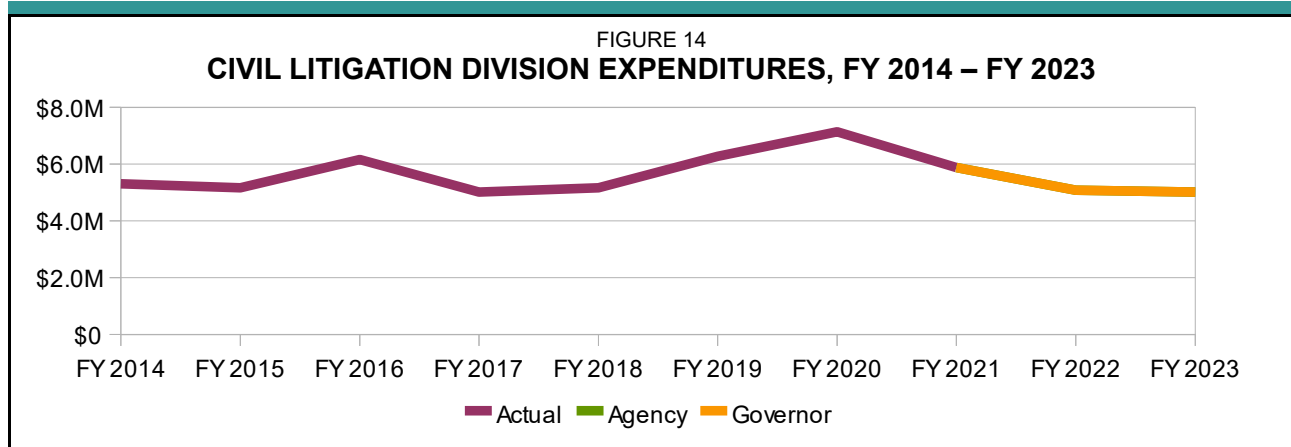
BUDGET ANALYSIS

The **agency** requests \$1.9 million, including \$3,000 SGF, for the Administration Division for FY 2023. This is an all funds decrease of \$50,321 below the FY 2022 revised estimate. This decrease is due to a decrease in contractual services expenditures for recruitment and staffing services as well as a

decrease in expenditures for building services and repairs. The SGF amount is unchanged from the FY 2022 revised estimate.

The **Governor** concurs with the agency request for FY 2023.

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 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
Outcome Measure:					
1. Case files handled by the Civil Litigation Division*	2,506	2,066	2,176	2,100	2,200
2. Cases Using Outside Contract Counsel*	18	21	19	21	21
3. New Appellate Cases Opened Involving Appeals of Civil Litigation Division Cases*	11	12	12	12	12

FIGURE 15
CIVIL LITIGATION DIVISION, PERFORMANCE MEASURES

	Actual FY 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
4. Administrative Prosecution Cases*	1,083	852	795	900	950
5. Bankruptcy Cases Monitored to Protect the State's Interest*	45	70	44	50	40
Output Measure:					
6. Number of Kansas Open Meetings Act and Kansas Open Records Act Investigations Conducted by the OAG*	158	182	151	175	175
7. Number of Kansas Open Meetings Act and Kansas Open Records Act Complaints Referred to County or District Attorney*	5	17	10	10	10
8. Number of Potential Sexually Violent Predatory Cases Referred to the Prosecutor's Review Committee for Assessment*	295	368	348	300	300
Financing	Actual FY 2020	Actual FY 2021		Governor FY 2022	Governor FY 2023
SGF	\$ 1,448,115	\$ 790,086		\$ 633,394	\$ 634,209
Federal Funds	-	-		-	-
All Other Funds	5,691,087	5,092,291		4,447,770	4,378,594
TOTAL	\$ 7,139,202	\$ 5,882,377		\$ 5,081,164	\$ 5,012,803
Percentage Change:					
SGF	(6.2) %	(45.4) %		(19.8) %	0.1 %
All Funds	20.3 %	(17.6) %		(13.6) %	(1.3) %
FTE Positions	25.1	22.5		22.5	22.5

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

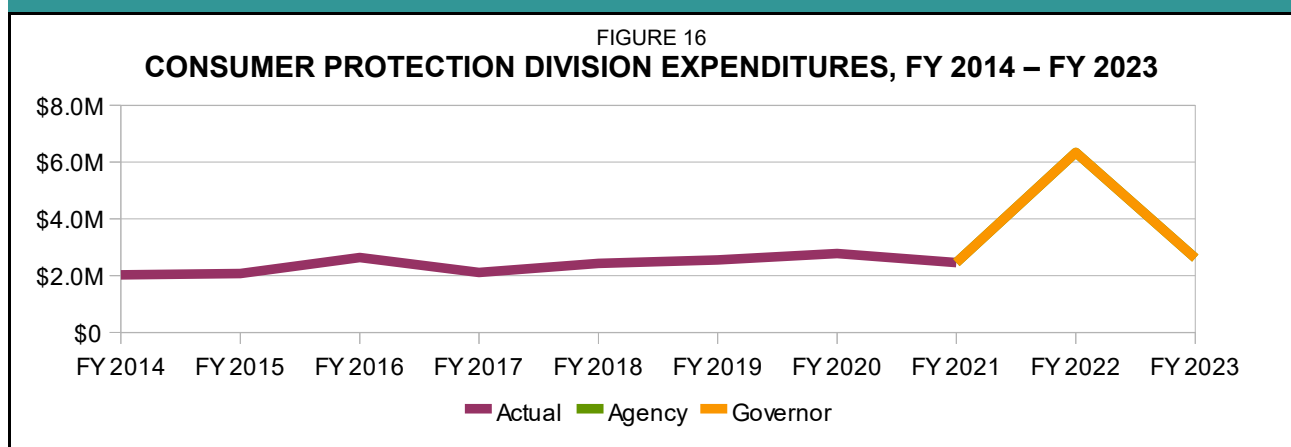
BUDGET ANALYSIS

The **agency** requests \$5.0 million, including \$634,209 SGF, for the Civil Litigation Division for FY 2023. This is an all funds decrease of \$68,361 below the FY 2022 revised estimate and an SGF increase of \$815 above the FY 2022 revised estimate. The decrease is primarily attributable to a decrease in transfers to local units of government for county and

district attorneys in Kansas prosecuting those charged with violating the Kansas Criminal Code.

The **Governor** concurs with the agency request for FY 2023.

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 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
Outcome Measure:					
1. Percent of Filed Kansas Consumer Protection Act Complaints Processed in a Timely Manner*	95.0 %	98.0 %	97.0 %	99.0 %	99.0 %
2. Percent of Requests for Consumer Educational Outreach Presentations Granted*	100.0 %	91.0 %	96.0 %	97.0 %	97.0 %
3. Percent of Kansas No Call Act Complaint Files in which Timely Responses are Filed, Served, or Conveyed*	95.0 %	100.0 %	98.0 %	99.0 %	99.0 %

FIGURE 17
CONSUMER PROTECTION DIVISION, PERFORMANCE MEASURES

	Actual FY 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
4. Percent of Submitted Roofing Registrations which were Reviewed and Responded to within 60 days*	100.0 %	99.0 %	100.0 %	99.0 %	99.0 %
5. Percent of Submitted Scrap Metal Registrations which were Reviewed and Responded to within 30 days*	N/A	100.0 %	100.0 %	99.0 %	99.0 %
Output Measure:					
6. Complaint Files Opened*	2,817	3,856	3,024	3,500	3,500
7. Complaints Resolved or Closed*	2,626	4,032	3,039	3,500	3,500
8. Amount of Consumer Savings Returned Directly to Consumers, as a Result of Investigations (Dollars in Millions)*	\$ 2.3	\$ 2.1	\$ 2.4	\$ 2.0	\$ 2.0
9. Amount of Penalties and Fees Recovered in Enforcement Actions Deposited into the SGF as Consistent with Related Court Order*	\$ 11,559	\$ 77,432	\$ 55,579	\$ 50,000	\$ 50,000
Financing	Actual FY 2020	Actual FY 2021		Governor FY 2022	Governor FY 2023
SGF	\$ 135,437	\$ 136,645		\$ 131,594	\$ 131,730
Federal Funds	-	-		-	-
All Other Funds	2,649,380	2,323,658		6,211,859	2,487,549
TOTAL	\$ 2,784,817	\$ 2,460,303		\$ 6,343,453	\$ 2,619,279
Percentage Change:					
SGF	5.2 %	0.9 %		(3.7) %	0.1 %
All Funds	3.6 %	(11.7) %		157.8 %	(58.7) %
FTE Positions	27.7	23.8		24.8	24.8

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

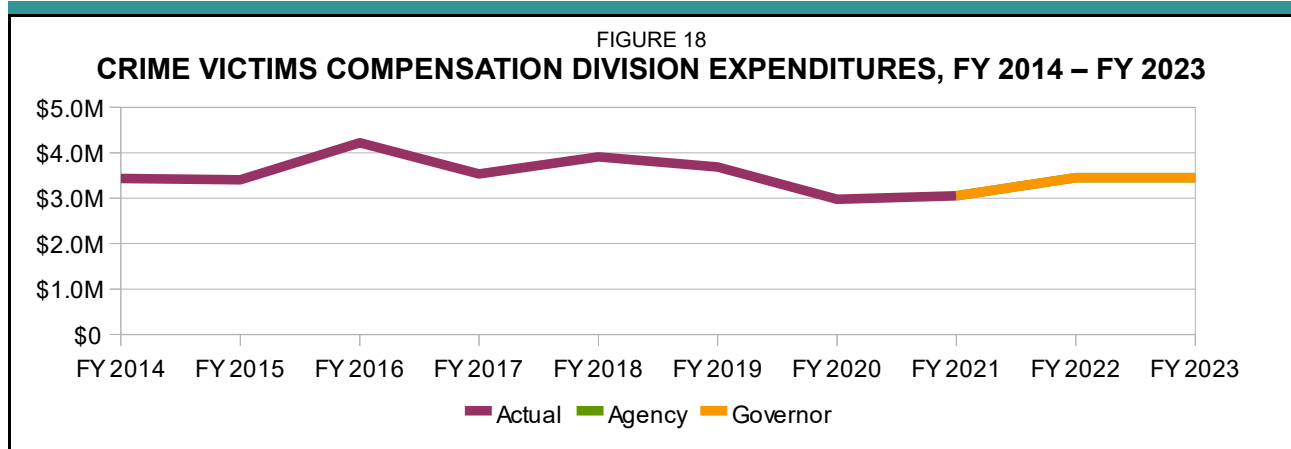
BUDGET ANALYSIS

The **agency** requests \$2.6 million, including \$131,730 SGF, for the Consumer Protection Division for FY 2023. This is an all funds decrease of \$3.7 million, including an SGF increase of \$136, from the FY 2022 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 2022 that do not reoccur for FY 2023. 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 **Governor** concurs with the agency request for FY 2023.

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 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
Outcome Measure:					
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 %	23.0 %	22.0 %	20.0 %	20.0 %
3. Percent of Referrals Made by Providers*	30.0 %	31.0 %	29.0 %	30.0 %	30.0 %
4. Percent of Referrals Made by Victim Advocates*	38.0 %	38.0 %	40.0 %	30.0 %	30.0 %
5. Percent of Referrals Made by Prosecutors*	9.0 %	8.0 %	9.0 %	20.0 %	20.0 %
Output Measure:					
6. Claims Processing Data: New Claims*	1,298	1,598	1,448	1,650	1,700
7. Claims Processing Data: Claims Approved*	704	813	759	850	900
8. Claims Processing Data: Claims Denied*	114	91	103	85	90

FIGURE 19
CRIME VICTIMS COMPENSATION DIVISION, PERFORMANCE MEASURES

	Actual FY 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
9.Amount Paid in Claims* Compensation (Dollars in Millions)*	\$ 2.6	\$ 2.6	\$ 2.8	\$ 3.5	\$ 3.8
Financing	Actual FY 2020	Actual FY 2021		Governor FY 2022	Governor FY 2023
SGF	\$ -	\$ -		\$ -	\$ -
Federal Funds	508,838	1,460,859		1,243,900	1,243,900
All Other Funds	2,466,622	1,593,756		2,209,792	2,210,333
TOTAL	\$ 2,975,460	\$ 3,054,615		\$ 3,453,692	\$ 3,454,233
Percentage Change:					
SGF	-- %	-- %		-- %	-- %
All Funds	(19.3) %	2.7 %		13.1 %	0.0 %
FTE Positions	5.9	6.0		6.0	6.0

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

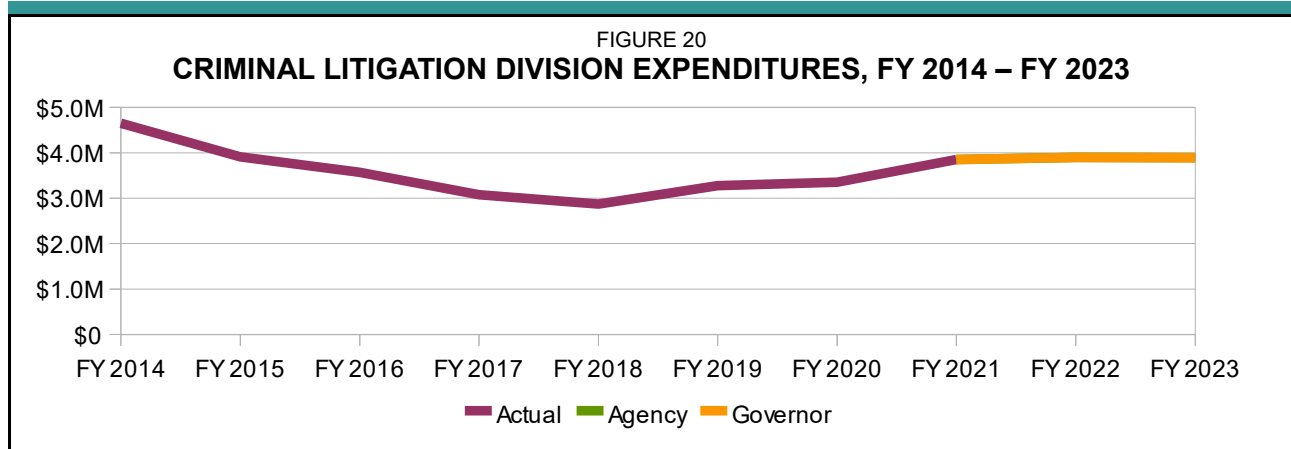
BUDGET ANALYSIS

The **agency** requests \$3.5 million, all from special revenue funds, for the Crime Victims Compensation Division for FY 2023. This is an increase of \$541 above the FY 2022 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 2023.

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 ethnically 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 cyber-warfare.

FIGURE 21
CRIMINAL LITIGATION DIVISION, PERFORMANCE MEASURES

	Actual FY 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
Outcome Measure:					
1. Number of New Concealed Carry Licenses Issued*	4,645	6,893	5,273	6,000	5,000
2. Number of Concealed Carry Renewals Issued*	12,630	14,532	13,264	25,000	22,000
Output Measure:					
3. Criminal Cases Accepted from County and District Attorney Offices	22	41	36	40	40
4. Jury Trials Conducted*	2	2	3	10	10

FIGURE 21
CRIMINAL LITIGATION DIVISION, PERFORMANCE MEASURES

	Actual FY 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
5. Training Events Provided to Outside Entities*	16	4	19	10	20
6. Criminal Cases Accepted for Prosecution*	3	-	2	2	3
Financing	Actual FY 2020	Actual FY 2021		Governor FY 2022	Governor FY 2023
SGF	\$ 1,568,638	\$ 1,938,352		\$ 2,186,103	\$ 2,143,441
Federal Funds	283,157	216,017		241,853	263,287
All Other Funds	1,499,695	1,696,494		1,468,118	1,482,484
TOTAL	\$ 3,351,490	\$ 3,850,863		\$ 3,896,074	\$ 3,889,212
Percentage Change:					
SGF	(1.7) %	23.6 %		12.8 %	(2.0) %
All Funds	2.2 %	14.9 %		1.2 %	(0.2) %
FTE Positions	29.7	32.3		32.3	32.3

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

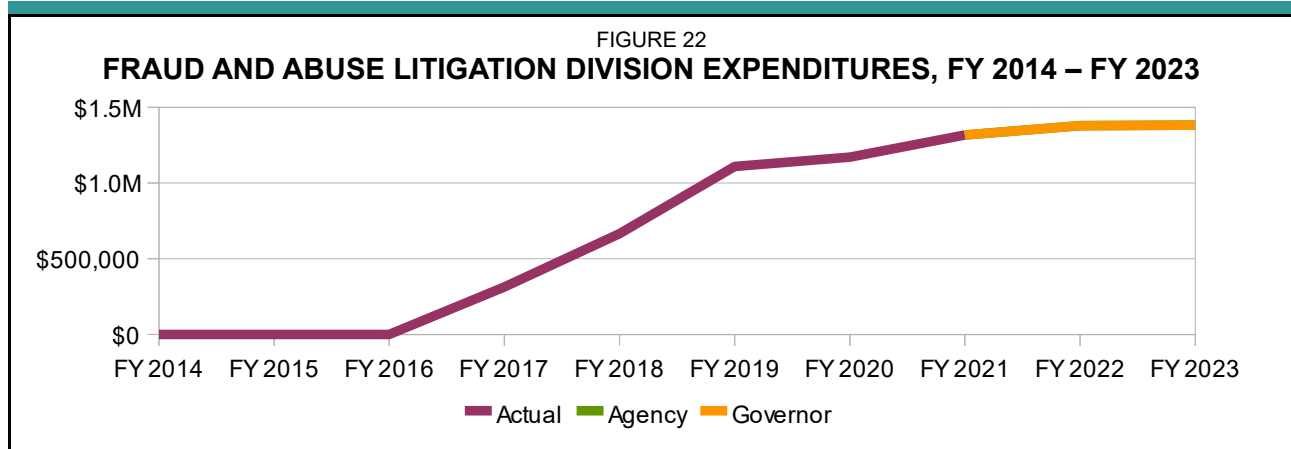
BUDGET ANALYSIS

The **agency** requests \$3.9 million, including \$2.1 million SGF, for the Criminal Litigation Division for FY 2023. This is an all funds decrease of \$6,862, including an SGF decrease of \$42,662, below the FY 2022 revised estimate. This decrease is due to a decrease in contractual services expenditures for the state buildings capital charge and for staffing and

recruiting expenditures. This decrease in contractual services is partially offset by an increase in salaries and wages expenditures for employee fringe benefits.

The **Governor** concurs with the agency request for FY 2023.

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.

FIGURE 23
FRAUD AND ABUSE LITIGATION DIVISION, PERFORMANCE MEASURES

	Actual FY 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
Output Measure:					
1. General White Collar Cases being Criminally Litigated*	41	40	37	44	44
2. Kansas Department of Revenue Cases being Litigated*	38	35	34	38	38
3. Law Enforcement Referrals by State Agencies Regarding Abuse, Neglect, and Exploitation of Adults Requiring Review and Potential Follow Up*	5,201	4,694	4,986	5,000	5,000

FIGURE 23

FRAUD AND ABUSE LITIGATION DIVISION, PERFORMANCE MEASURES

	Actual FY 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
4. Substantiated Cases of Abuse, Neglect, and Exploitation of Adults Forwarded by State Agencies Requiring Review and Potential Follow Up*	672	498	612	650	650
5. Cases Being Criminally Litigated*	19	15	16	12	12
6. Silver Alerts*	34	32	29	35	35
7. Educational Presentations Made to Law Enforcement, Prosecutors, or the General Public*	14	16	15	12	12
8. Number of Officers Trained Through the Drug Abuse Resistance Education (DARE) and School Resource Officer Training Programs*	173	38	128	100	160
9. Number of Educational Programs Participated in and Outreach Conducted*	13	17	20	15	25
Financing	Actual FY 2020	Actual FY 2021		Governor FY 2022	Governor FY 2023
SGF	\$ 330,775	\$ 377,741		\$ 414,631	\$ 363,149
Federal Funds	45,674	55,041		69,701	64,056
All Other Funds	794,537	884,498		893,584	955,452
TOTAL	\$ 1,170,986	\$ 1,317,280		\$ 1,377,916	\$ 1,382,657
Percentage Change:					
SGF	2.3 %	14.2 %		9.8 %	(12.4) %
All Funds	5.6 %	12.5 %		4.6 %	0.3 %
FTE Positions	12.0	12.3		12.3	12.3

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

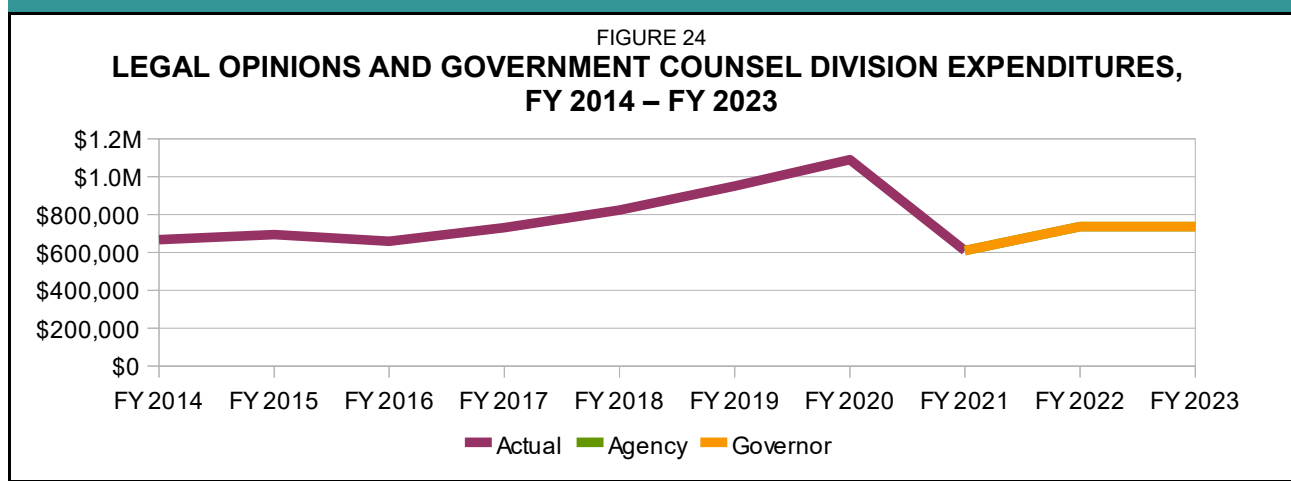
BUDGET ANALYSIS

The agency requests \$1.4 million, including \$363,149 SGF, for the Fraud and Abuse Litigation Division for FY 2023. This is an all funds increase of \$4,741, including an SGF decrease of \$51,482, from the FY 2022 revised estimate. The decrease in SGF is attributable to a corresponding increase in expenditures from special revenue funds for FY 2023. The all funds increase is primarily attributable to an increase in salaries and wages expenditures for

employee fringe benefits including group health insurance. Other increases include expenditures for contractual services for the state buildings capital charge and state buildings operating charge for FY 2023.

The **Governor** concurs with the agency request for FY 2023.

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 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
Outcome Measure:					
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 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
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*	94.0 %	99.0 %	97.0 %	99.0 %	99.0 %
Output Measure:					
6. Number of Legal Opinions Issued*	12	6	11	15	15
7. Number of Bond or Temporary Note Transcripts Reviewed*	319	336	294	340	340
8. Number of Kansas Open Meetings Act and Kansas Open Records Act Presentations*	35	43	35	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*	3,173	3,254	2,951	3,300	3,300
Financing	Actual FY 2020	Actual FY 2021		Governor FY 2022	Governor FY 2023
SGF	\$ 455,394	\$ 340,750		\$ 279,979	\$ 279,862
Federal Funds	-	-		-	-
All Other Funds	634,448	269,813		456,573	456,305
TOTAL	\$ 1,089,842	\$ 610,563		\$ 736,552	\$ 736,167
Percentage Change:					
SGF	(29.8) %	(25.2) %		(17.8) %	(0.0) %
All Funds	14.7 %	(44.0) %		20.6 %	(0.1) %
FTE Positions	9.3	6.5		5.5	5.5

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

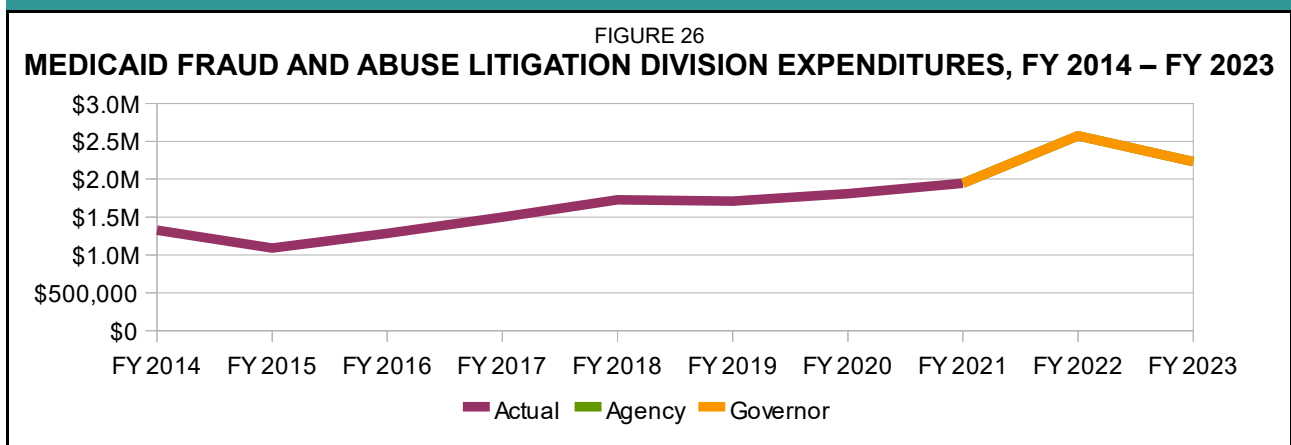
BUDGET ANALYSIS

The agency requests \$736,167, including \$279,862 SGF, for the Legal Opinions and Government Counsel Division for FY 2023. This is an all funds decrease of \$385, including an SGF decrease of \$117, below the FY 2022 revised estimate. This decrease is primarily attributable to a decrease in salaries and wages expenditures due to a decrease in employer contributions to employee fringe benefits

including unemployment compensation. The remaining decrease is attributable to a decrease in contractual services for communications services for FY 2023.

The Governor concurs with the agency request for FY 2023.

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 provider.
- 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 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
Outcome Measure:					
1. Number of Medicaid Open Investigations being Handled by the Division*	293	261	268	275	300
2. Number of Sentences and Judgments Received*	2	2	8	30	40
3. Number of Medicaid Provider Fraud Open Criminal Investigations being handled by the Division	152	145	145	160	170

FIGURE 27

MEDICAID FRAUD AND ABUSE LITIGATION DIVISION, PERFORMANCE MEASURES

	Actual FY 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
4. Number of Medicaid Provider Fraud Cases Filed*	1	1	3	25	25
Financing	Actual FY 2020	Actual FY 2021		Governor FY 2022	Governor FY 2023
SGF	\$ -	\$ -		\$ -	\$ -
Federal Funds	1,338,218	1,455,278		1,928,911	1,671,892
All Other Funds	470,773	487,960		642,969	557,297
TOTAL	\$ 1,808,991	\$ 1,943,238		\$ 2,571,880	\$ 2,229,189
Percentage Change:					
SGF	-- %	-- %		-- %	-- %
All Funds	5.8 %	7.4 %		32.4 %	(13.3) %
FTE Positions	24.0	24.0		24.0	24.0

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

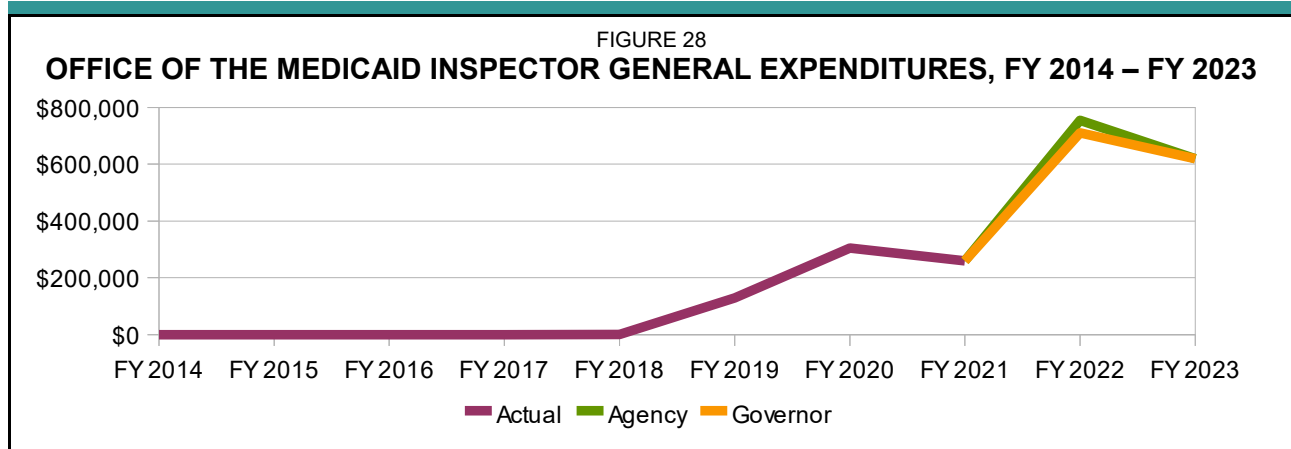
BUDGET ANALYSIS

The **agency** requests \$2.2 million, all from special revenue funds, for the Medicaid Fraud and Abuse Litigation Division for FY 2023. This is a decrease of \$342,691 below the FY 2022 revised estimate. This decrease is primarily attributable to a decrease in contractual service expenditures due to building repair and service

expenditures in FY 2022 that do not reoccur for FY 2023.

The **Governor** concurs with the agency request for FY 2023.

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 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
Outcome Measure:					
1.Number of Audits, Reviews, and Investigations Completed*	5	2	4	10	15
2.Number of Audits, Reviews, and Investigation-related trainings attended by IG Staff*	36	11	17	18	24
3.Number of Program Integrity Related Meetings and Conferences Attended by IG Staff*	30	22	20	26	26

FIGURE 29

OFFICE OF THE MEDICAID INSPECTOR GENERAL, PERFORMANCE MEASURES

	Actual FY 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
4. Number of Recommendations for Improving Outcomes and Processes Provided to the Attorney General*	10	-	3	9	12
5. Number of Referrals Received and Evaluated by IG Staff*	351	1,033	692	1,200	1,250
6. Number of Allegations Referred for Further Civil or Criminal Investigation*	6	32	19	35	35
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*	\$ -	\$ -	\$ -	\$ 1,500,000	\$ 2,250,000
Financing	Actual FY 2020	Actual FY 2021		Governor FY 2022	Governor FY 2023
SGF	\$ 302,770	\$ 258,190		\$ 710,727	\$ 618,920
Federal Funds	-	-		-	-
All Other Funds	2,276	1,541		-	-
TOTAL	\$ 305,046	\$ 259,731		\$ 710,727	\$ 618,920
Percentage Change:					
SGF	138.5 %	(14.7) %		175.3 %	(12.9) %
All Funds	135.8 %	(14.9) %		173.6 %	(12.9) %
FTE Positions	4.0	4.0		4.0	6.0

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

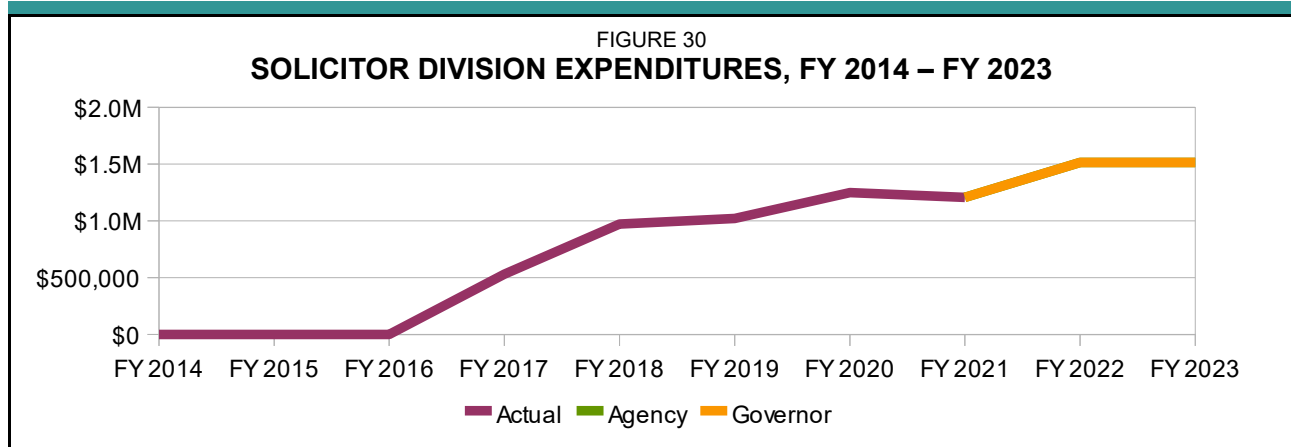
BUDGET ANALYSIS

The **agency** requests \$618,920, all SGF, for the Office of the Medicaid Inspector General for FY 2023. This is a decrease of \$135,126 below the FY 2022 revised estimate. This decrease is primarily attributable to capital outlay expenditures for the purchase of computer and

office equipment in FY 2022 that do not reoccur for FY 2023.

The **Governor** concurs with the agency request for FY 2023.

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 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
Output Measure:					
1. Number of Civil Amicus Briefs Reviewed and Acted on by the Agency*	120	116	116	120	120
2. Number of New Appellate Cases Filed*	21	27	23	30	30
3. State Appellate Briefs Completed and Filed*	26	28	23	30	30
4. Number of Counties Under Contract for Appellate Services*	37	41	37	40	40
Financing	Actual FY 2020	Actual FY 2021		Governor FY 2022	Governor FY 2023
SGF	\$ 721,893	\$ 848,264		\$ 786,982	\$ 618,688
Federal Funds	2,398	2,960		3,000	3,000
All Other Funds	524,378	356,479		724,954	892,352
TOTAL	\$ 1,248,669	\$ 1,207,703		\$ 1,514,936	\$ 1,514,040
Percentage Change:					
SGF	17.1 %	17.5 %		(7.2) %	(21.4) %
All Funds	22.2 %	(3.3) %		25.4 %	(0.1) %
FTE Positions	10.8	12.7		12.7	12.7

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

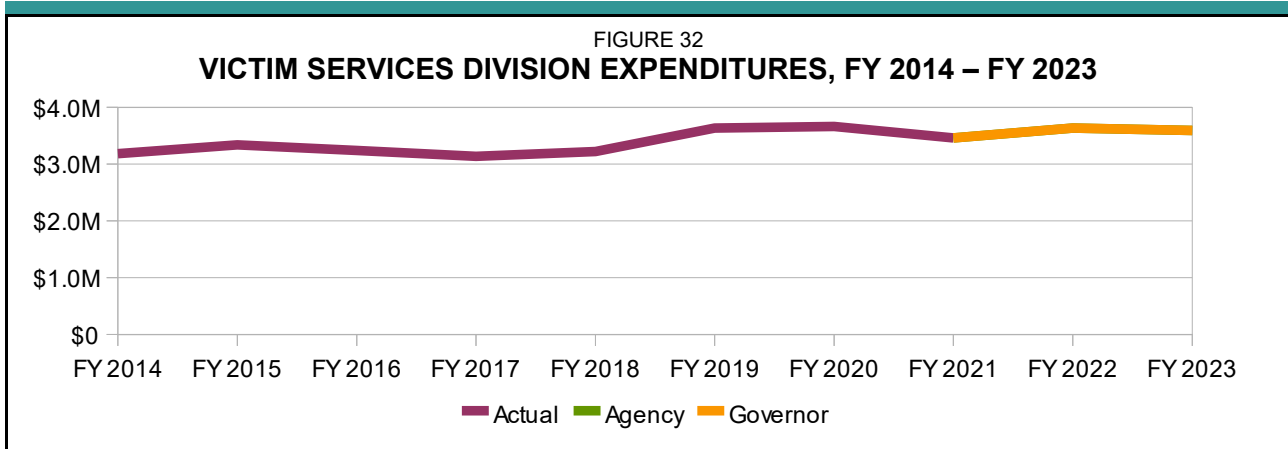
BUDGET ANALYSIS

The **agency** requests \$1.5 million, including \$618,688 SGF, for the Solicitor Division for FY 2023. This is an all funds decrease of \$896, including an SGF decrease of \$168,294, below the FY 2022 revised estimate. The all funds decrease is attributable to a decrease 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 Tort Claims funds utilized in place of SGF for operating expenditures.

The **Governor** concurs with the agency request for FY 2023.

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
VICTIMS SERVICES DIVISION, PERFORMANCE MEASURES

	Actual FY 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
Outcome Measure:					
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
VICTIMS SERVICES DIVISION, PERFORMANCE MEASURES

	Actual FY 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
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
Output Measure:					
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
Financing	Actual FY 2020	Actual FY 2021		Governor FY 2022	Governor FY 2023
SGF	\$ 1,314,287	\$ 1,407,340		\$ 1,522,855	\$ 1,523,731
Federal Funds	-	-		-	-
All Other Funds	2,349,768	2,054,350		2,110,893	2,069,993
TOTAL	\$ 3,664,055	\$ 3,461,690		\$ 3,633,748	\$ 3,593,724
Percentage Change:					
SGF	(18.5) %	7.1 %		8.2 %	0.1 %
All Funds	0.8 %	(5.5) %		5.0 %	(1.1) %
FTE Positions	12.0	10.6		10.6	10.6

* 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 \$1.5 million SGF, for the Victim Services Division for FY 2023. This is an all funds decrease of \$40,024 below the FY 2022 revised estimate, including an SGF increase of \$876 above the FY 2022 revised estimate. This all funds decrease is primarily attributable to a

decrease in contractual services for computer software maintenance services for FY 2023.

The **Governor** concurs with the agency request for FY 2023.