

Attorney General

Expenditure	Actual FY 2014	Approved FY 2015	Approved FY 2016	Approved FY 2017
All Funds:				
State Operations	\$ 15,852,526	\$ 13,927,248	\$ 14,982,962	\$ 14,912,706
Aid to Local Units	312,095	25,000	-	-
Other Assistance	5,289,156	6,383,091	6,093,000	6,093,000
<i>Subtotal - Operating</i>	<u>\$ 21,453,777</u>	<u>\$ 20,335,339</u>	<u>\$ 21,075,962</u>	<u>\$ 21,005,706</u>
Capital Improvements	-	-	-	-
TOTAL	<u><u>\$ 21,453,777</u></u>	<u><u>\$ 20,335,339</u></u>	<u><u>\$ 21,075,962</u></u>	<u><u>\$ 21,005,706</u></u>
State General Fund:				
State Operations	\$ 5,161,581	\$ 4,680,060	\$ 4,477,781	\$ 4,643,987
Aid to Local Units	-	-	-	-
Other Assistance	791,817	1,430,091	1,140,000	1,140,000
<i>Subtotal - Operating</i>	<u>\$ 5,953,398</u>	<u>\$ 6,110,151</u>	<u>\$ 5,617,781</u>	<u>\$ 5,783,987</u>
Capital Improvements	-	-	-	-
TOTAL	<u><u>\$ 5,953,398</u></u>	<u><u>\$ 6,110,151</u></u>	<u><u>\$ 5,617,781</u></u>	<u><u>\$ 5,783,987</u></u>
Percent Change:				
Operating Expenditures				
All Funds	- %	(5.2)%	3.6 %	(0.3)%
State General Fund	14.6	2.6	(8.1)	3.0
FTE Positions	118.0	118.0	120.0	120.0
Non-FTE Unclass. Perm. Pos.	15.0	17.0	18.0	18.0
TOTAL	<u><u>133.0</u></u>	<u><u>135.0</u></u>	<u><u>138.0</u></u>	<u><u>138.0</u></u>

The approved budget for the Office of the Attorney General in FY 2015 is \$20.3 million, including \$6.1 million from the State General Fund. This is an all funds decrease of \$1.1 million, or 5.2 percent, but a State General Fund increase of \$156,753, or 2.6 percent, from FY 2014 actual expenditures. The all funds decrease is primarily attributable to lower expenditures in the Criminal Litigation and Civil Litigation programs. More specifically, in the Criminal Litigation Program there were lower expenditures on aid to local units of government due to the agency awarding a one-time County Law Enforcement Equipment Grant in FY 2014 and not in FY 2015. In the Civil Litigation program there were reduced expenditures on outside counsel. The FY 2015 final approved budget includes 118.0 FTE and 17.0 non-FTE positions, an increase of

2.0 non-FTE positions, due to the 2014 Legislature adding 2.0 positions for an Assistant Attorney General and Investigator in the Criminal Litigation program.

The FY 2016 approved budget totals \$21.1 million, including \$5.6 million from the State General Fund. This is an all funds increase of \$740,623, or 3.6 percent, but a State General Fund decrease of \$492,370, or 8.1 percent, from the FY 2015 approved budget. The all funds increase is attributable to higher expenditures in the Consumer Protection and Civil Litigation programs. There were higher expenditures in the Consumer Protection program due to the elimination of salaries and

wages shrinkage and the approval of the agency's enhancement request for 2.0 non-FTE Cooperative Disabilities Investigators. Increased expenditures in the Civil Litigation program are largely attributable to the adjustment of salaries and wages shrinkage and the approval of the agency's enhancement request for 1.0 FTE Tobacco Compliance Investigator. The FY 2016 approved budget includes 120.0 FTE and 18.0 non-FTE positions, an increase of 2.0 FTE and 1.0 non-FTE positions above the amount included in the FY 2015 approved budget. The Governor recommended and the Legislature approved the agency's enhancement requests for a 1.0 non-FTE Child Crime Prosecutor to work at the Kansas Bureau of Investigation, a 1.0 FTE Tobacco Compliance Investigator to investigate issues relating to non-MSA participating tobacco manufacturers, and 1.0 non-FTE DUI Prosecutor.

The FY 2017 approved budget totals \$21.0 million, including \$5.8 million from the State General Fund. This is an all funds decrease of \$70,256, or 0.3 percent, but a State General Fund increase of \$166,206, or 3.0 percent, from the FY 2016 approved budget. Total FTE positions remain unchanged from the FY 2016 approved budget. The all funds decrease is largely attributable to lower expenditures in the Civil Litigation and Administration programs. In the Civil Litigation program, the agency allocated additional funds for labor litigation in FY 2015 and FY 2016. These funds are not allocated in FY 2017. The all funds decrease in the Administration program is largely attributable to the elimination of funding for the Internet Training and Education for Kansas Kids program.

The FY 2015, FY 2016, and FY 2017 approved budgets also include a newly created no-limit fund, the Social Security Administration Fraud Prevention Fund. The agency plans to use this fund to collect reimbursements from the Social Security Administration for services the agency provides regarding Social Security disability fraud prevention.

In addition to fiscal changes, several bills were signed into law that may affect agency operations:

- 2015 HB 2256 allows the Attorney General to determine that a public agency has violated the Kansas Open Records and Meetings Acts. The Attorney General has the authority to enter into a consent order with the public agency or issue a finding of violation to the public agency prior to filing an action in district court. A newly created fund, the Attorney General's Open Government Fund, was appropriated to the agency with no-limit expenditure authority. Revenues to the fund will include civil penalties, expenses, costs, and attorney fees awarded in an action brought by the Attorney General. Expenditures from the fund will be to carry out the provisions of the law;
- 2015 HB 2048 established the Scrap Metal Theft Reduction Act, which the agency will administer through the creation and management of a database tracking scrap metal sales. Additionally, the agency will collect fees, charges, and penalties charged under the act and use these to administer the provisions of the law;
- 2015 SB 45 amended laws concerning the concealed carry of firearms, adding language permitting the concealed carry of a firearm without a concealed carry license. The Office of the Attorney General noted that this law could impact the number of concealed carry license applications received and approved by the office, and may affect the revenue to and expenditures from the no-limit Concealed Weapon Licensure Fund used to administer the Personal and Family Protection Act; and
- 2015 SB 95 created the Kansas Unborn Child Protection from Dismemberment Abortion Act. The agency indicated that it could incur additional expenditures from the Tort Claims Fund in the event that there are legal challenges to the law. There may also be additional prosecution costs for the agency if a criminal action is required to be brought under the law.

Attorney General

Agency Estimate/Request	FY 2015			FY 2016			FY 2017		
	SGF	All Funds	FTE	SGF	All Funds	FTE	SGF	All Funds	FTE
Agency Estimate/Request	\$ 6,282,555	\$ 20,527,450	118.0	\$ 6,310,692	\$ 21,556,726	120.0	\$ 6,546,591	\$ 21,986,024	120.0
Governor's Changes:									
1. Office Security Enhancements	\$ -	\$ (125,000)	-	\$ -	\$ -	-	\$ -	\$ -	-
2. Water Litigation Transfer	-	-	-	-	-	-	-	-	-
3. Governor's December 9 th Allotment	(172,404)	(172,404)	-	-	-	-	-	-	-
4. KPERS Employer Contribution Rate Reduction	-	(44,707)	-	-	-	-	-	-	-
5. Transfer to State General Fund	-	-	-	-	-	-	-	-	-
6. Labor Litigation	-	150,000	-	-	250,000	-	-	-	-
7. Internet Training for Kids Grant	-	-	-	(290,091)	(290,091)	-	(290,091)	(290,091)	-
8. Anti-Racial Profiling Funding	-	-	-	(55,587)	(55,587)	-	(77,542)	(77,542)	-
9. Sexually Violent Predator Expense Funding	-	-	-	-	(50,000)	-	-	(50,000)	-
10. 4.0 Percent SGF Operating Reduction	-	-	-	(250,204)	(250,204)	-	(250,204)	(250,204)	-
11. Health Insurance Reduction	-	-	-	(37,250)	(83,917)	-	(37,980)	(85,575)	-
Total Governor's Recommendation	<u>\$ 6,110,151</u>	<u>\$ 20,335,339</u>	<u>118.0</u>	<u>\$ 5,677,560</u>	<u>\$ 21,076,927</u>	<u>120.0</u>	<u>\$ 5,890,774</u>	<u>\$ 21,232,612</u>	<u>120.0</u>
Change from Agency Est./Req.	\$ (172,404)	\$ (192,111)	-	\$ (633,132)	\$ (479,799)	-	\$ (655,817)	\$ (753,412)	-
Percent Change from Agency Est./Req.	(2.7)%	(0.9)%	-%	(10.0)%	(2.2)%	-%	(10.0)%	(3.4)%	-%
Legislative Action:									
12. Office Security Enhancements	\$ -	\$ -	-	\$ -	\$ 125,000	-	\$ -	\$ -	-
13. Water Litigation Settlement Funds	-	-	-	-	-	-	-	-	-
14. Transfer to Domestic Violence Grant Fund	-	-	-	-	-	-	-	-	-
15. Transfer to the Child Advocacy Center Grant Fund	-	-	-	-	-	-	-	-	-
16. Open Government Fund	-	-	-	-	-	-	-	-	-
17. KPERS Employer Contribution Rate Reduction	-	-	-	(47,754)	(102,590)	-	(93,679)	(201,321)	-
18. KPERS Death and Disability Reduction	-	-	-	(9,884)	(21,234)	-	(10,857)	(23,334)	-
19. Travel Expenditures Reduction	-	-	-	(2,141)	(2,141)	-	(2,251)	(2,251)	-
20. Newspapers and Magazines Prohibition	-	-	-	-	-	-	-	-	-
TOTAL APPROVED	<u>\$ 6,110,151</u>	<u>\$ 20,335,339</u>	<u>118.0</u>	<u>\$ 5,617,781</u>	<u>\$ 21,075,962</u>	<u>120.0</u>	<u>\$ 5,783,987</u>	<u>\$ 21,005,706</u>	<u>120.0</u>
Change from Gov. Rec.	\$ -	\$ -	-	\$ (59,779)	\$ (965)	-	\$ (106,787)	\$ (226,906)	-
Percent Change from Gov. Rec.	-%	-%	-%	(1.1)%	-%	-%	(1.8)%	(1.1)%	-%
Change from Agency Est./Req.	\$ (172,404)	\$ (192,111)	-	\$ (692,911)	\$ (480,764)	-	\$ (762,604)	\$ (980,318)	-
Percent Change from Agency Est./Req.	(2.7)%	(0.9)%	-%	(11.0)%	(2.2)%	-%	(11.6)%	(4.5)%	-%

1. The Governor deleted \$125,000, all from special revenue funds, for office security enhancements for Memorial Hall in FY 2015.
2. The Governor did not recommend the agency's supplemental request to transfer funds, all from the State General Fund, to the Interstate Water Litigation Fund, and a reduction of expenditures by the same amount from the Court Cost Fund. In FY 2015 the amount totaled \$555,920. For FY 2016 the amount totaled \$678,022. For FY 2017 the amount totaled \$682,444.
3. The Governor deleted \$172,404, all from the State General Fund, as part of the December 9th allotment in FY 2015. For this agency, the allotment included a reduction of \$47,302 to reduce the Kansas Public Employees Retirement System employer contribution rate (excluding KPERS Death and Disability) from 11.27 percent to 8.65 percent in FY 2015 and a reduction of \$125,102 for a 4.0 percent reduction in operating expenditures for the last six months of FY 2015.
4. The Governor deleted \$44,707, all from special revenue funds, to reduce the Kansas Public Employees Retirement System employer contribution rate (excluding KPERS Death and Disability) from 11.27 percent to 8.65 percent in FY 2015.
5. The Governor transferred \$1.0 million from the unencumbered balance of the Medicaid Fraud Prosecution Revolving Fund to the State General Fund for FY 2015, FY 2016, and FY 2017.
6. The Governor added, all from special revenue funds, \$150,000 in FY 2015 and \$250,000 for FY 2016 for labor litigation in the Civil Litigation program.
7. The Governor deleted \$290,091, all from the State General Fund, for the Internet Training for Kansas Kids program for FY 2016 and FY 2017.
8. The Governor deleted, all from the State General Fund, \$55,587 for FY 2016 and \$77,542 for FY 2017 to continue the agency's on-going anti-racial profiling work assigned to the agency by the 2011 Legislature.
9. The Governor deleted \$50,000, all from special revenue funds, for FY 2016 and FY 2017 to support the agency's enhancement request for the reimbursement of counties for costs related to the civil commitment of a sexually violent predator. (If the Office of the Attorney General is unable to reimburse counties, the counties are referred to the Joint Committee on Claims Against the State).
10. The Governor deleted, all from the State General Fund, \$250,204 for FY 2016 and FY 2017 for a 4.0 percent reduction in operating expenditures.
11. The Governor deleted \$83,917, including \$37,250 from the State General Fund, for FY 2016 and \$85,575, including \$37,980 from the State General Fund, for FY 2017 to reduce employer contributions for state employee health insurance.
12. The Legislature added \$125,000, all from special revenue funds, for office security enhancements for FY 2016.
13. The Legislature added proviso language to deposit the first \$2.0 million received from Nebraska under the case of *Kansas v. Nebraska*, No. 126, Original in the Supreme Court into the Interstate Water Litigation Fund, and to deposit the remaining amount into the Republican River Water Conservation Projects - Nebraska Moneys Fund of the Kansas Water Office, in FY 2015. Clarifying language was included in the proviso requiring the Director of Accounts to transfer any funds, above \$2.0 million, that have already been deposited in the Interstate Water Litigation Fund to the Republican River Water Conservation Projects - Nebraska Moneys Fund of the Kansas Water Office. This proviso language also included any funds deposited in FY 2016 and FY 2017.
14. The Legislature transferred \$150,343, all from the unencumbered balance of the Medicaid Fraud Prosecution Revolving Fund, to the Domestic Violence Grant Fund in the Office of the Governor for FY 2016 and FY 2017.
15. The Legislature transferred \$33,348, all from the unencumbered balance of the Medicaid Fraud Prosecution Revolving Fund, to the Child Advocacy Center Grant Fund in the Office of the Governor for FY 2016 and FY 2017.
16. The Legislature appropriated the Attorney General's Open Government Fund with a no-limit expenditure authority for FY 2016 and FY 2017. (2015 HB 2256 created the fund to allow the Office of the Attorney General to collect all civil penalties, expenses, costs, and attorney fees awarded in an action brought by the Attorney General regarding the Kansas Open Records and Meetings Acts. Expenditures from the fund will be used to enforce the Kansas Open Records and Meetings Acts).
17. The Legislature reduced the Kansas Public Employees Retirement System employer contribution rate (excluding KPERS Death and Disability) from 12.37 percent to 10.91 percent for FY 2016 and from 13.57 percent to 10.81 percent for FY 2017. **For this agency, the reductions totaled \$102,590, including \$47,754 from the State General Fund, for FY 2016 and \$201,321, including \$93,679 from the State General Fund, for FY 2017.**
18. The Legislature deleted \$21,234, including \$9,884 from the State General Fund, for FY 2016 and \$23,334, including 10,857 from the State General

Fund, for FY 2017 to suspend employer contributions to the Kansas Public Employees Retirement System Group Insurance Fund, or Death and Disability Fund, for the final seven pay periods for FY 2016 and FY 2017.

19. The Legislature deleted \$2,141 for FY 2016 and \$2,251 for FY 2017, all from the State General Fund, for a 50.0 percent reduction of advertising expenditures.

20. The Legislature prohibited agencies from making expenditures on newspapers and magazines, including electronic subscriptions, for FY 2016 and FY 2017.