

KANSAS SENTENCING COMMISSION

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	\$ 7,013,928	\$ 13,553,992	\$ 9,781,761	\$ 10,635,877	\$ 9,871,584
Federal Funds	50,914	-	-	-	-
All Other Funds	70,639	20,595	20,595	16,300	16,300
<i>Subtotal</i>	<u>\$ 7,135,481</u>	<u>\$ 13,574,587</u>	<u>\$ 9,802,356</u>	<u>\$ 10,652,177</u>	<u>\$ 9,887,884</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>\$ 7,135,481</u>	<u>\$ 13,574,587</u>	<u>\$ 9,802,356</u>	<u>\$ 10,652,177</u>	<u>\$ 9,887,884</u>
Percentage Change:					
State General Fund	(11.8) %	93.2 %	39.5 %	(21.5) %	0.9 %
All Funds	(11.9) %	90.2 %	37.4 %	(21.5) %	0.9 %
FTE Positions	11.8	14.0	14.0	14.0	14.0

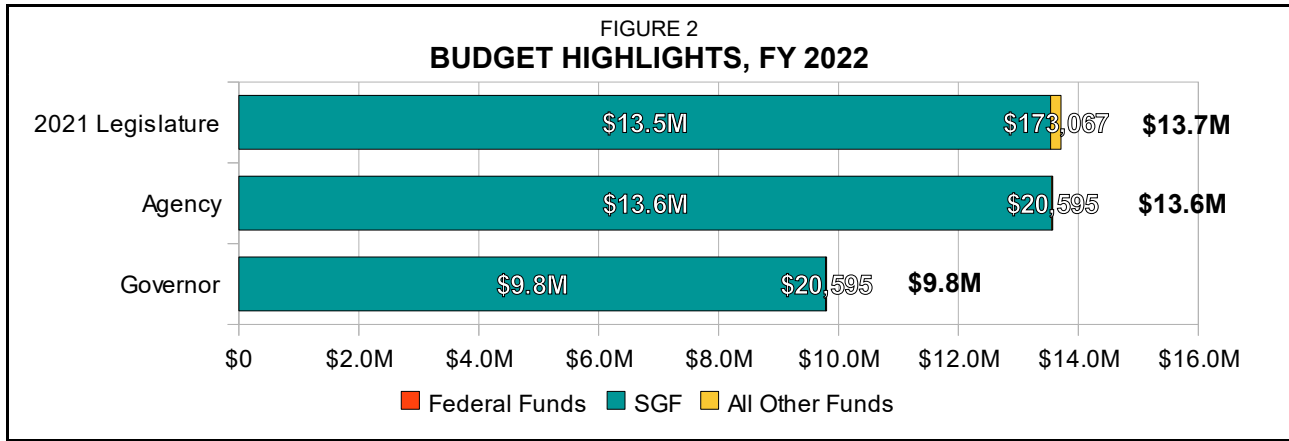
For purposes of this analysis, full-time equivalent (FTE) positions include non-FTE permanent unclassified positions but continue to exclude temporary employees. FTE positions reflect permanent state positions equating to a 40-hour work week.

The Kansas Sentencing Commission was created by the 1989 Legislature to develop a sentencing guideline model, or grid, based upon fairness and equity, and to provide a mechanism for linking justice and corrections policies. The Commission tracks and assesses sentencing impositions using statistical methodologies to develop prison population projections and legislative impacts to interested parties, including the Kansas Department of Corrections (KDOC), the Governor, and the Legislature. The Commission also administers the Substance Abuse Treatment Program created by the 2003 Legislature in SB 123, principally codified in KSA 21-6824.

EXECUTIVE SUMMARY

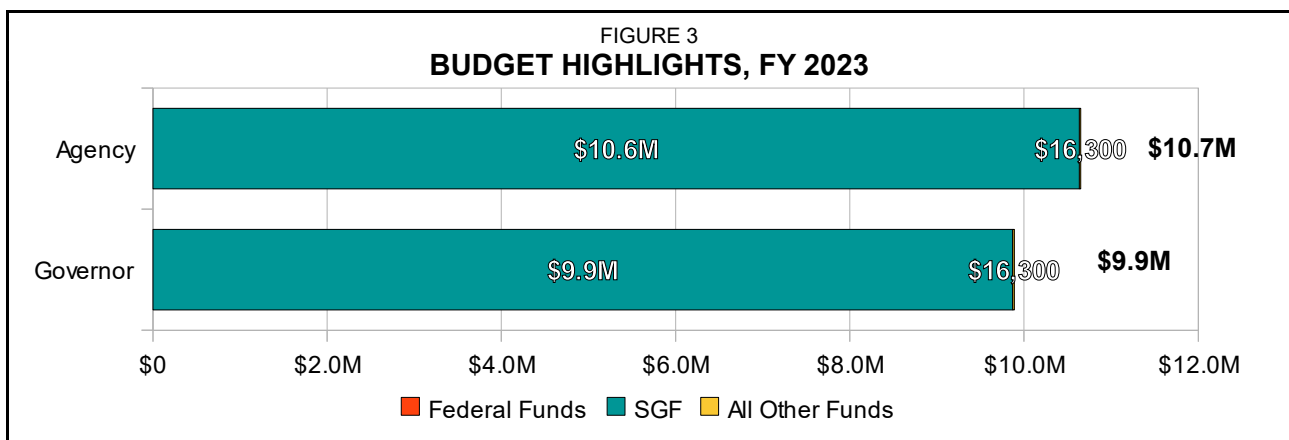
The 2021 Legislature approved a budget of \$10.0 million, including \$9.8 million from the State General Fund (SGF), for the Kansas Sentencing Commission for FY 2022. One adjustment has been made subsequently to that amount, which changes the current year approved amount without any legislative action required. Adjustments for this agency include the following:

- **SGF REAPPROPRIATION.** The agency received an increase of \$3.8 million SGF based on the reappropriation of FY 2021 funding that was not spent in FY 2021 and has shifted to FY 2022.



The **agency** estimates revised expenditures of \$13.6 million, including \$13.6 million SGF, in FY 2022. This is an all funds decrease of \$137,488, and an SGF increase of \$14,984, from the FY 2022 approved amount. The decrease is attributed to decreased expenditures for the 2003 SB 123 substance abuse treatment program (SB 123 Program), which experienced lower admissions due to court delays resulting from the COVID-19 pandemic. The decrease is partially offset by the agency's supplemental request of \$17,605 for the initial phase of a two-year salary adjustment plan. The decrease is also partially offset by increased expenditures for implementation of 2021 HB 2026, which allows substance abuse treatment for drug offenders on diversion. The agency's revised estimate includes 14.0 FTE positions, which is an increase of 0.25 FTE positions above the FY 2022 approved amount. The FTE increase is due to the SB 123 Program Director transitioning from part-time to full-time.

The **Governor** recommends expenditures of \$9.8 million, including \$9.8 million SGF, in FY 2022. This is an SGF decrease of \$3.8 million below the agency's FY 2022 revised estimate. The recommendation includes a lapse of \$3.8 million from the SB 123 Program, which is the amount reappropriated from FY 2021. The recommendation does not include funding for the initial phase of the agency's salary adjustment plan. However, funding for the final phase in FY 2023 is recommended, with modifications. The recommendation includes 14.0 FTE positions, which is unchanged from the agency's FY 2022 revised estimate.



The **agency** requests \$10.7 million, including \$10.6 million SGF, for FY 2023. This is an all funds decrease of \$2.9 million, and an SGF decrease of \$2.9 million, below the FY 2022 revised estimate. The decrease is attributable to decreased expenditures for the SB 123 Program, which is primarily due to SGF reappropriations available in FY 2022 that are not available for FY 2023. The decrease is partially offset by the agency's two enhancement requests, which include the final

phase of two-year salary adjustment plan (\$91,801) and expenditures to sustain implementation of 2021 HB 2026 (\$764,293). The agency's request includes 14.0 FTE positions, which is unchanged from the FY 2022 revised number.

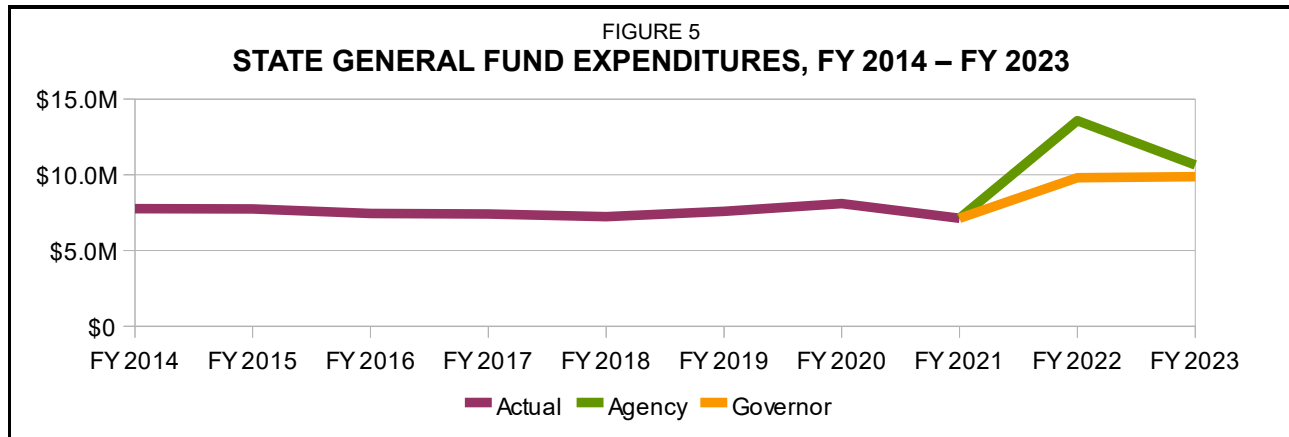
The **Governor** recommends expenditures of \$9.9 million, including \$9.9 million SGF, for FY 2023. This is an SGF decrease of \$764,293, or 7.7 percent, below the agency's FY 2023 request. The recommendation does not include additional funds to sustain implementation of 2021 HB 2026. The recommendation does include funding for the agency's salary adjustment plan, but implements the plan in one year rather than two and excludes the Executive Director from the plan for FY 2023. The recommendation includes 14.0 FTE positions, which is unchanged from the agency's FY 2022 requested number.

EXPENDITURES AND FINANCING

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

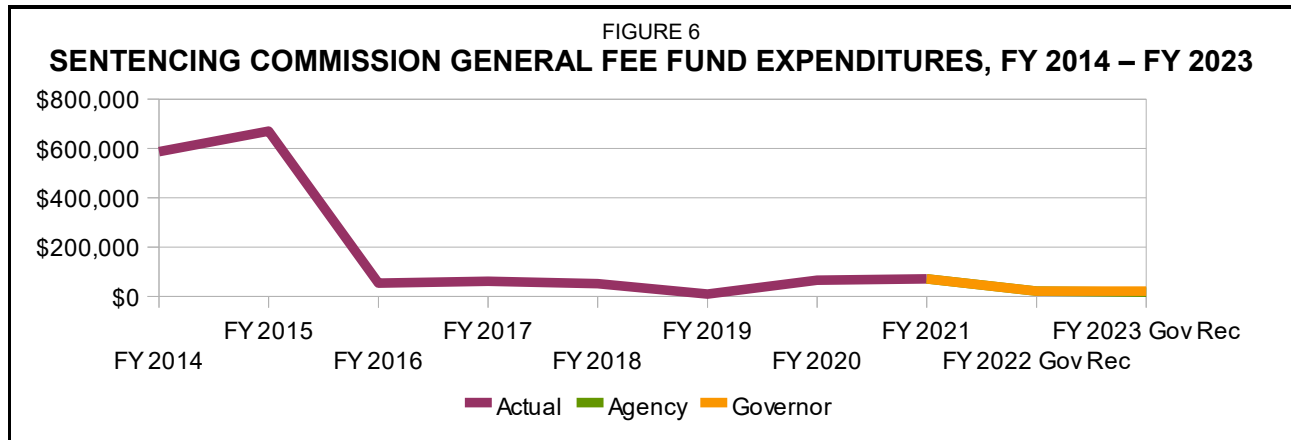
Category of Expenditure:	Actual FY 2021	Agency FY 2022	Governor FY 2022	Agency FY 2023	Governor FY 2023
Salaries and Wages	\$ 839,840	\$ 955,211	\$ 937,606	\$ 1,097,256	\$ 1,097,256
Contractual Services	368,883	512,876	512,876	487,731	342,016
Commodities	10,687	12,250	12,250	13,305	13,305
Capital Outlay	11,118	22,506	22,506	1,000	1,000
Debt Service Interest	-	-	-	-	-
<i>Subtotal</i>	<u>\$ 1,230,528</u>	<u>\$ 1,502,843</u>	<u>\$ 1,485,238</u>	<u>\$ 1,599,292</u>	<u>\$ 1,453,577</u>
Aid to Local Units	-	-	-	-	-
Other Assistance	5,904,953	12,071,744	8,317,118	9,052,885	8,434,307
<i>Subtotal—Operating</i>	<u>\$ 7,135,481</u>	<u>\$ 13,574,587</u>	<u>\$ 9,802,356</u>	<u>\$ 10,652,177</u>	<u>\$ 9,887,884</u>
Capital Improvements	-	-	-	-	-
Debt Service	-	-	-	-	-
Principal	-	-	-	-	-
TOTAL	<u>\$ 7,135,481</u>	<u>\$ 13,574,587</u>	<u>\$ 9,802,356</u>	<u>\$ 10,652,177</u>	<u>\$ 9,887,884</u>
Financing:					
State General Fund	\$ 7,013,928	\$ 13,553,992	\$ 9,781,761	\$ 10,635,877	\$ 9,871,584
COVID-19 Federal Relief Funds	11,365	-	-	-	-
Other Federal Funds	39,549	-	-	-	-
All Other Funds	70,639	20,595	20,595	16,300	16,300
TOTAL	<u>\$ 7,135,481</u>	<u>\$ 13,574,587</u>	<u>\$ 9,802,356</u>	<u>\$ 10,652,177</u>	<u>\$ 9,887,884</u>
FTE Positions	11.8	14.0	14.0	14.0	14.0

STATE GENERAL FUND

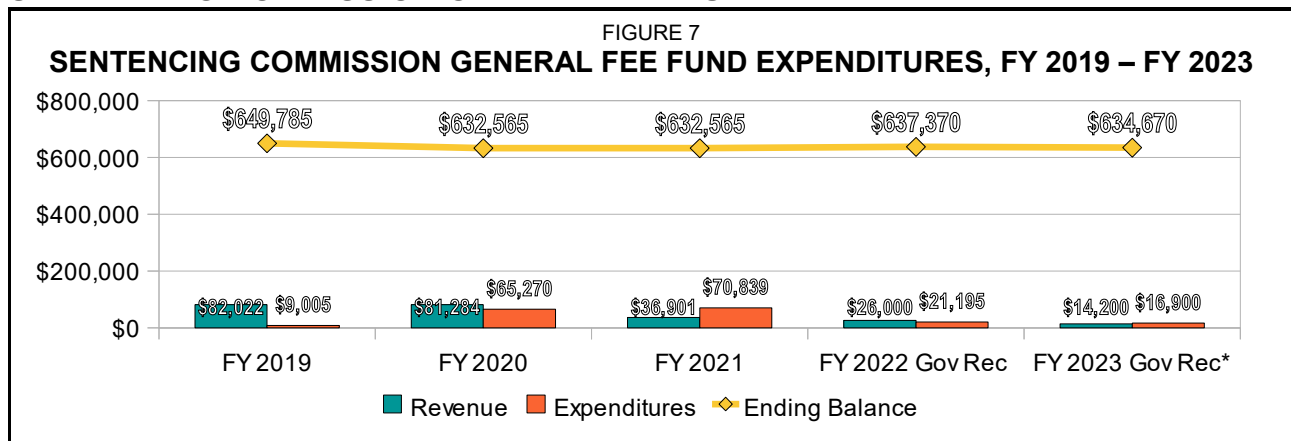


For the Kansas Sentencing Commission, SGF expenditures have averaged \$7.3 million annually since FY 2014. These expenditures are primarily utilized for the SB 123 Program, which average \$6.4 million annually, and operating expenditures in the Administration program, which average \$952,167 annually. Salaries and wages typically comprise 65.0 percent of the SGF expenditures in the Administration program.

SENTENCING COMMISSION GENERAL FEE FUND



SENTENCING COMMISSION GENERAL FEE FUND



* For FY 2023, the lowest month ending balance for the Sentencing Commission General Fee Fund will occur in May, with a balance of \$601,896.

The Sentencing Commission General Fee Fund receives funds from the sale of publications and fees associated with data request. The Fund previously received funds from offender reimbursement for the SB 123 Program substance abuse treatment, but those funds are now treated as a reimbursement of expenditures from the SGF. Therefore, this fund is no longer a viable funding source to offset SB 123 Program expenditures. Additionally, the Fund previously received an annual inter-fund transfer of approximately \$54,000 from KDOC to offset costs associated with administering substance abuse treatment to offenders in KDOC's Community Corrections program. The 2020 Legislature eliminated this inter-fund transfer and replaced it with a direct SGF appropriation beginning in FY 2021.

The **agency's** revised estimate includes expenditures of \$20,595 from the General Fee Fund in FY 2022. This is a decrease of \$152,472 below the FY 2022 approved amount. Expenditures are for technology needs, office equipment, and travel.

The **agency's** request includes expenditures of \$16,300 from the General Fee Fund for FY 2023. This is a decrease of \$4,295 below the FY 2022 revised estimate. Expenditures are for technology needs and travel.

The **Governor** concurs with the agency's revised estimate in FY 2022 and request for FY 2023.

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	\$ 9,782,243	\$ 173,067	\$ 9,955,310	13.8
1. SGF Reappropriation	3,756,765	-	3,756,765	--
<i>Subtotal—Legislative Approved</i>	<i>\$ 13,539,008</i>	<i>\$ 173,067</i>	<i>\$ 13,712,075</i>	<i>13.8</i>
Agency Revised Estimate:				
2. Supplemental—Salary Adjustment Plan Initial Phase	\$ 17,605	\$ -	\$ 17,605	--
3. 2021 HB 2026 Implementation	166,471	-	166,471	--
4. General Fee Fund Adjustment	152,472	(152,472)	-	--
5. 2003 SB 123 Substance Abuse Treatment Program Adjustment	(341,772)	-	(341,772)	--
6. All Other Adjustments	20,208	-	20,208	0.3
<i>Subtotal—Agency Revised Estimate</i>	<i>\$ 13,553,992</i>	<i>\$ 20,595</i>	<i>\$ 13,574,587</i>	<i>14.0</i>
Governor's Recommendation:				
7. SGF Reappropriations Lapse	\$ (3,754,626)	\$ -	\$ (3,754,626)	--
8. Supplemental—Salary Adjustment Initial Phase	(17,605)	-	(17,605)	--
TOTAL	\$ 9,781,761	\$ 20,595	\$ 9,802,356	14.0

LEGISLATIVE APPROVED

The 2021 Legislature approved a budget of \$10.0 million, including \$9.8 million SGF for the Kansas Sentencing Commission for FY 2022. One adjustment has been made subsequently to that amount, which changes the current year approved amount without any legislative action required. Adjustments for this agency include the following:

1. **SGF REAPPROPRIATION.** The agency received an increase of \$3.8 million SGF based on the reappropriation of FY 2021 funding that was not spent in FY 2021 and has shifted to FY 2022.

AGENCY ESTIMATE

The **agency** requests a revised estimate of \$13.6 million, including \$13.6 million SGF, in FY 2022. This is an all funds decrease of \$137,488, and an SGF increase of \$14,984, from the FY 2022 approved amount.

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

2. **SUPPLEMENTAL—SALARY ADJUSTMENT PLAN INITIAL PHASE.** The agency requests \$17,605 SGF for the initial phase of a two-year salary adjustment plan, as recommended by a third-party salary study, in FY 2022. The study concluded that the majority of agency positions were near or below the market rate, which has resulted in turnover in skilled positions that are in demand among other justice-related entities.
3. **2021 HB 2026 IMPLEMENTATION.** The agency's revised estimate includes an increase of \$166,471 SGF for expansion of the online treatment provider payment system to accommodate provisions of 2021 HB 2026, which allows for community-based substance abuse treatment for certain drug offenders who have entered into diversion agreements after July 1, 2021.

4. **GENERAL FEE FUND ADJUSTMENT.** The agency's revised estimate includes an increase of \$152,472 SGF to offset decreased expenditures from the agency's general fee fund, primarily for contractual services.
5. **2003 SB 123 SUBSTANCE ABUSE TREATMENT PROGRAM ADJUSTMENT.** The agency's revised estimate includes a decrease of \$341,772 SGF for the 2003 SB 123 Substance Abuse Treatment Program (SB 123 Program) in FY 2022, which is attributable to decreased admissions due to court delays resulting from the COVID-19 pandemic. These expenditures are payments to providers for community-based substance abuse treatment of persons convicted of certain drug offenses. The budgeted amount of \$12.1 million includes \$618,578 for additional payments to treatment providers, which the agency notes is necessitated by 2021 HB 2026. The revised estimate includes a reappropriation of \$3.8 million from FY 2021.
6. **ALL OTHER ADJUSTMENTS.** The agency's revised estimate includes an increase of \$20,208 SGF, primarily for technology upgrades to support virtual meetings and training and increased travel expenditures.

The **agency** estimate includes 14.0 FTE positions, which is an increase of 0.25 FTE positions above the FY 2022 approved amount. The increase is due to the SB 123 Program Director transitioning from part-time to full-time.

GOVERNOR'S RECOMMENDATION

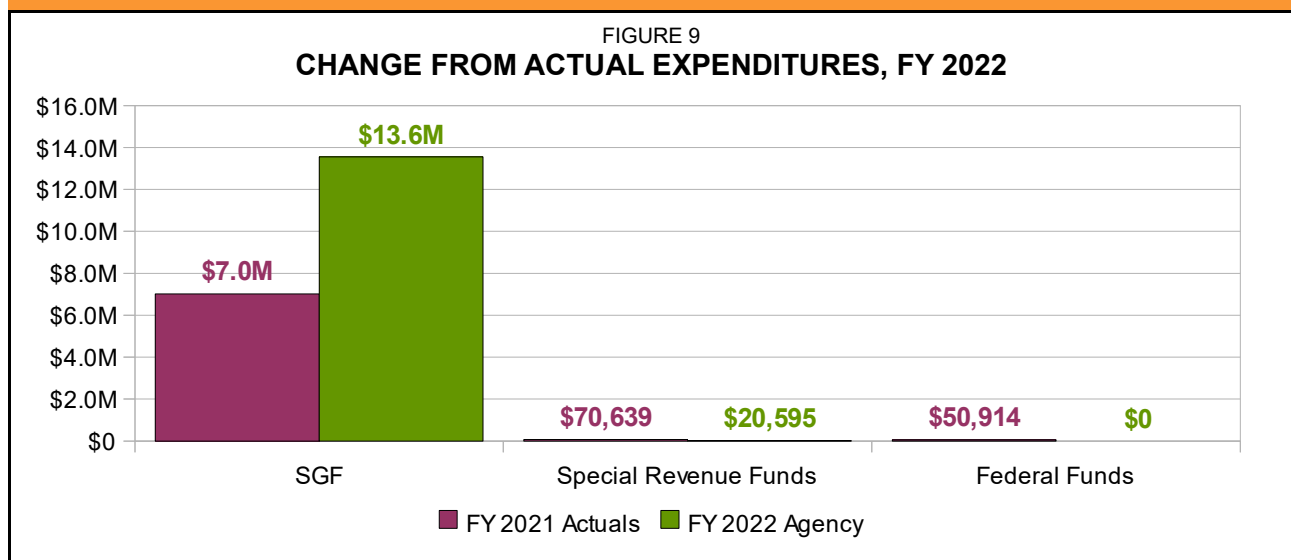
The **Governor** recommends expenditures of \$9.8 million, including \$9.8 million SGF, in FY 2022. This is an SGF decrease of \$3.8 million below the agency's FY 2022 revised estimate.

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

7. **SGF REAPPROPRIATION LAPSE.** The recommendation would lapse \$3.8 million from the SB 123 Program, which is the amount reappropriated from FY 2021. The remaining amount of \$8.3 million for the program in FY 2022 would include \$618,578 for payments to treatment provider resulting from implementation of 2021 HB 2026.
8. **SUPPLEMENTAL—SALARY ADJUSTMENT INITIAL PHASE.** The Governor does not recommend \$17,605 SGF for the initial phase of the agency's salary enhancement plan. However, the recommendation does include funding for the final phase of the salary adjustment plan for FY 2023, with modifications.

The **Governor's** recommendation includes 14.0 FTE positions, which is unchanged from the agency's FY 2022 revised estimate.

FY 2022 CHANGE FROM ACTUAL EXPENDITURES



The **agency** estimates revised expenditures of \$13.6 million SGF, which is an increase of \$6.4 million above the FY 2022 actual amount. The increase is primarily attributed to increased expenditures on the SB 123 Program. Increased expenditures related to this program include the reappropriation of \$3.8 million in FY 2022, which was unspent in FY 2021 due to decreased admissions resulting from court delays associated with the COVID-19 pandemic. The agency also anticipates increased expenditures for this program as courts resume normal operations and 2019 SB 18, which expands the types of offenders eligible for treatment, is fully implemented. Further, increased expenditures for this program are requested to implement 2021 HB 2026, which allows treatment for drug offenders who have entered into diversion agreements.

The agency also requests increased salaries and wages expenditures (\$115,371) to fill two vacant positions and to provide funds for the initial phase of a two-year salary adjustment plan. Additionally, the agency requests increased contractual services expenditures (\$143,993) to expand the online treatment provider payment system to accommodate implementation of 2021 HB 2026.

FY 2023 ANALYSIS

FIGURE 10
SUMMARY OF BUDGET REQUEST, FY 2023

	SGF	Special Revenue Funds	All Funds	FTE
Agency Revised Estimate, FY 2022	\$ 13,553,992	\$ 20,595	\$ 13,574,587	14.0
Agency Request:				
1. Enhancement—Salary Adjustment Plan Final Phase	\$ 91,082	\$ -	\$ 91,082	--
2. Enhancement—2021 HB 2026 Implementation	764,293	-	764,293	--
3. 2003 SB 123 Substance Abuse Treatment Program Adjustment	(3,637,437)	-	(3,637,437)	--
4. Technology	(166,270)	-	(166,270)	--
5. All Other Adjustments	30,217	(4,295)	25,922	--
<i>Subtotal—Agency Estimate</i>	<u>\$ 10,635,877</u>	<u>\$ 16,300</u>	<u>\$ 10,652,177</u>	<u>14.0</u>
Governor’s Recommendation:				
6. Enhancement Modification—Salary Adjustment Plan	\$ -	\$ -	\$ -	--
7. Enhancement—2021 HB 2026 Implementation	(764,293)	-	(764,293)	--
TOTAL	<u>\$ 9,871,584</u>	<u>\$ 16,300</u>	<u>\$ 9,887,884</u>	<u>14.0</u>

AGENCY REQUEST

The **agency** requests \$10.7 million, including \$10.6 million SGF, for FY 2023. This is an all funds decrease of \$2.9 million, and an SGF decrease of \$2.9 million, below the FY 2022 revised estimate.

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

- 1. ENHANCMENT—SALARY ADJUSTMENT PLAN.** The agency requests \$91,082, all SGF, for the final phase of a two-year salary adjustment plan, as recommended by a third-party salary study, for FY 2023. This phase includes a 5.0-percent pay increase for certain employees based on the duration of their employment
- 2. ENHANCMENT—2021 HB 2026 IMPLEMENTATION.** The agency requests \$764,293 SGF to sustain implementation 2021 HB 2026, which allows for community-based substance abuse treatment for certain drug offenders who have entered into diversion agreements. These expenditures include \$618,578 for payments to treatment providers and \$145,715 to maintain expansion of the online treatment provider payment system.
- 3. 2003 SB 123 SUBSTANCE ABUSE TREATMENT PROGRAM ADJUSTMENT.** The agency's request includes a decrease of \$3.6 million SGF from the SB 123 Program for FY 2023. The decrease is primarily attributable to SGF reappropriations occurring in FY 2022 that do not reoccur in FY 2023.
- 4. TECHNOLOGY.** The agency's request includes a decrease of \$166,270 SGF due to technology expenditures occurring in FY 2022 that do not reoccur in FY 2023.

5. **ALL OTHER ADJUSTMENTS.** The agency's request includes an all funds increase of \$25,922, including \$30,217 SGF, primarily for increased employer contributions for group health insurance, consulting fees, and Office of Information Technology fees.

The **agency** request includes 14.0 FTE positions, which is unchanged from the FY 2022 revised number.

GOVERNOR'S RECOMMENDATION

The **Governor** recommends expenditures of \$9.9 million, including \$9.9 million SGF, for FY 2023. This is an SGF decrease of \$764,293 below the agency's FY 2023 request.

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

6. **ENHANCEMENT MODIFICATION—SALARY ADJUSTMENT PLAN.** The Governor concurs with the agency's enhancement request to add \$91,082 SGF for a salary adjustment plan, but recommends the plan be implemented in one year rather than two, and excludes the Executive Director from this plan for FY 2023. The recommendation would include the Executive Director, with agency staff, as part of a statewide 5.0-percent cost of living increase.
7. **ENHANCEMENT—2021 HB 2026 IMPLEMENTATION.** The Governor does not recommend adding \$764,293 SGF to sustain implementation of 2021 HB 2026.

The **Governor's** recommendation includes 14.0 FTE positions, which is unchanged from the agency's FY 2022 requested number.

SUPPLEMENTAL AND ENHANCEMENT REQUESTS

FY 2022 SUPPLEMENTAL						
Item	Agency Recommendation			Governor's Recommendation		
	SGF	All Funds	FTE	SGF	All Funds	FTE
Salary Adjustment Plan - Initial Phase	\$ 17,605	\$ 17,605	-	\$ -	-	-

REQUEST 1

SALARY ADJUSTMENT PLAN - INITIAL PHASE

The **agency** submits a supplemental request of \$17,605, all SGF, for the initial phase of a two-year salary adjustment plan, as recommended by a third-party salary study, in FY 2022. The study, conducted in FY 2020 at the request of the agency, compared the work performed by agency staff with comparable entities and positions, both locally and nationally. The study concluded that 7 of the agency's 14 positions were paid significantly below market rate and 3 positions could potentially fall below market rate. The study further noted that the agency experienced recent turnover in positions requiring specialized knowledge of criminology and data analytics, which are skills sought by other state and federal justice-related entities.

This request of \$17,605 in FY 2022 would move eligible employees to the minimum rate of their range in the new pay plan, effective April 3, 2022.

The **Governor** does not recommend adoption of this request. However, the Governor does recommend \$91,802 for the final phase of the agency's salary adjustment plan in FY 2023, with modifications.

FY 2023 ENHANCEMENTS						
Item	Agency Recommendation			Governor's Recommendation		
	SGF	All Funds	FTE	SGF	All Funds	FTE
Salary Adjustment Plan - Final Phase	\$ 91,082	\$ 91,082	-	\$ 91,082	\$ 91,802	-
2021 HB 2026 Implementation	764,293	764,293	-	-	-	-
TOTAL	\$ 855,375	\$ 855,375	-	\$ 91,082	\$ 91,802	-

REQUEST 2

SALARY ADJUSTMENT PLAN - FINAL PHASE

The **agency** submits an enhancement request of \$91,082, all SGF, for the final phase of a two-year salary adjustment plan, as recommended by a third-party salary study, for FY 2023. A study conducted in FY 2020 compared the work performed by agency staff with comparable positions at local and national entities and concluded the majority of agency positions were near or below the market rate, which has resulted in turnover among positions with in-demand skills such as criminology and data analytics.

This request of \$91,082 would move employees to the market rate of their range in the new pay plan and provide a 5.0-percent pay increase to certain employees based on the duration of their employment.

The **Governor** recommends adoption of this request, with modifications. The Governor recommends \$91,082 SGF to implement the agency's salary adjustment plan in one year rather than two, and excludes the Executive Director from this plan, for FY 2023. The recommendation would include the Executive Director, with agency staff, as part of statewide 5.0-percent cost of living increase.

REQUEST 3

2021 HB 2026 IMPLEMENTATION

The **agency** submits an enhancement request of \$764,293, all SGF, to sustain implementation of 2021 HB 2026, which allows substance abuse treatment for persons charged with felony drug possession who have entered into diversion agreements in lieu of further criminal proceedings after July 1, 2021. The agency notes the program was established pursuant to 2021 HB 2026, but no additional funds were appropriated for this purpose. The request includes the following:

- \$618,578 for payments to community-based treatment providers. The agency initially estimated the program would serve 75 individuals, but subsequent interest from the Sedgwick County District Attorney's Office resulted in a revised estimate of 175. The average annual cost for treatment in the program is estimated at \$3,535 per offender.
- \$145,715 for expansion of the online treatment provider payment system to accommodate issuance of payments to providers as part of 2021 HB 2026. This payment system is hosted by Beacon Health Options, and funds would support information technology design and maintenance costs.

The **Governor** does not recommend adoption of this request.

PROGRAM AND PERFORMANCE MEASURES OVERVIEW

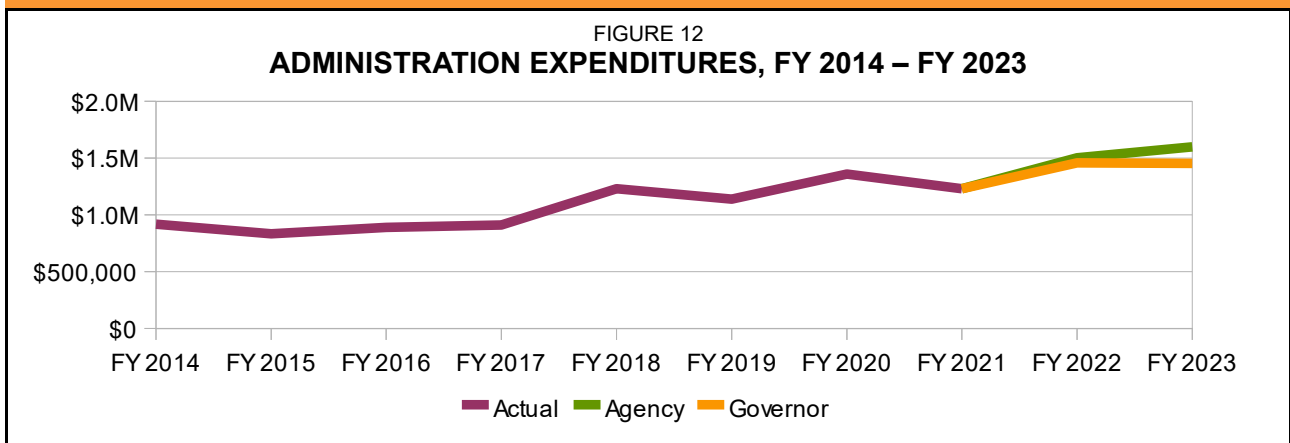
FIGURE 11
EXPENDITURES AND FTE POSITIONS BY PROGRAM, FY 2021 – FY 2023

Programs	Actual FY 2021	Agency FY 2022	Governor FY 2022	Agency FY 2023	Governor FY 2023
Expenditures:					
Administration	\$ 1,230,528	\$ 1,502,843	\$ 1,485,238	\$ 1,599,292	\$ 1,453,577
Substance Abuse Treatment	5,904,953	12,071,744	8,317,118	9,052,885	8,434,307
TOTAL	\$ 7,135,481	\$ 13,574,587	\$ 9,802,356	\$ 10,652,177	\$ 9,887,884
FTE Positions:					
Administration	11.8	14.0	14.0	14.0	14.0
Substance Abuse Treatment	-	-	-	-	-
TOTAL	11.8	14.0	14.0	14.0	14.0

PERFORMANCE MEASURES

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

ADMINISTRATION



- STATUTORY BASIS:** • KSA 74-9101 through 74-9106, KSA 21-6801 through 21-6825
- PROGRAM GOALS:**
- Develop sentencing guidelines to promote public safety by incarcerating violent offenders.
 - Reduce sentence disparity to ensure the elimination of racial, geographic, or other bias that may exist.
 - Establish sentences that are proportional to the seriousness of the offense and the degree of injury to the victim
 - Establish a range of easy-to-understand presumptive sentences that will promote "truth in sentencing."
 - Provide state and local correctional authorities with information to assist with population management options.
 - Provide policy makers with information that will enhance decisions regarding resource allocations.

The Administration program develops prison population projections and maintains a statewide sentencing database. The Commission annually publishes the Desk Reference Manual, which contains sentencing grids and the required sentencing forms for felony offenders. Training and assistance is provided to judges, court services staff, and

other criminal justice professionals regarding the implementation of legislative changes to sentencing policy. The agency is the State's federal-designated Statistical Analysis Center for criminal justice matters and provides data analysis to the Governor, Legislature, and the State's criminal justice agencies.

FIGURE 13
ADMINISTRATION, PERFORMANCE MEASURES

	Actual FY 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
Outcome Measure:					
1. Prison Population Projection Error Rate of +/- 5.0 Percent or Less	10.7 %	3.8 %	5.3 %	1.5 %	1.5 %
2. Number of Felony Journal Entries Entered	14,424	12,998	15,190	13,130	13,130
3. Cost to Process Each Journal Entry*	\$ 19	\$ 19	\$ 18	N/A	N/A
Output Measure:					
4. Number of Bed Space Impact Assessments Prepared for the Legislature and Other Stakeholders*	142	190	170	N/A	N/A
Financing	Actual FY 2020	Actual FY 2021		Governor FY 2022	Governor FY 2023
SGF	\$ 1,210,145	\$ 1,108,975		\$ 1,464,643	\$ 1,437,277
Federal Funds	83,771	50,914		-	-
All Other Funds	64,806	70,639		20,595	16,300
TOTAL	\$ 1,358,722	\$ 1,230,528		\$ 1,485,238	\$ 1,453,577
Percentage Change:					
SGF	8.1 %	(8.4) %		32.1 %	(1.9) %
All Funds	19.4 %	(9.4) %		20.7 %	(2.1) %
FTE Positions	13.8	14.0		14.0	14.0
*The Governor's Office does not utilize this measure for evaluation purpose.					

BUDGET ANALYSIS

The **agency** requests a revised estimate of \$1.5 million, including \$1.5 million SGF, for the Administration program in FY 2022. This is an all funds increase of \$204,284, and an SGF increase of \$356,756, above the FY 2022 approved amount. The increase is primarily attributed to increased information technology services expenditures (\$166,471) for expansion of the online treatment provider payment system to accommodate the provisions 2021 HB 2026, which allows for treatment of certain drug offenders who have entered into diversion agreements. The agency submits a supplemental request of \$17,605 SGF to implement the initial phase of a two-year salary adjustment plan, as recommended in the third-party salary study. The revised estimate also includes 14.0 FTE positions, which is an increase of 0.25 FTE positions above the FY 2022 approved amount. The increase is due to the SB 123 Program Director transitioning to full-time status.

The **Governor** recommends expenditures of \$1.5 million, including \$1.5 million SGF, for the Administration program in FY 2022. This is an all funds decrease of \$17,605, and an SGF decrease of \$17,605, below the agency's FY 2022 revised estimate. The recommendation does not include the agency's supplemental request of \$17,605 SGF for the initial phase of a two-year salary adjustment plan.

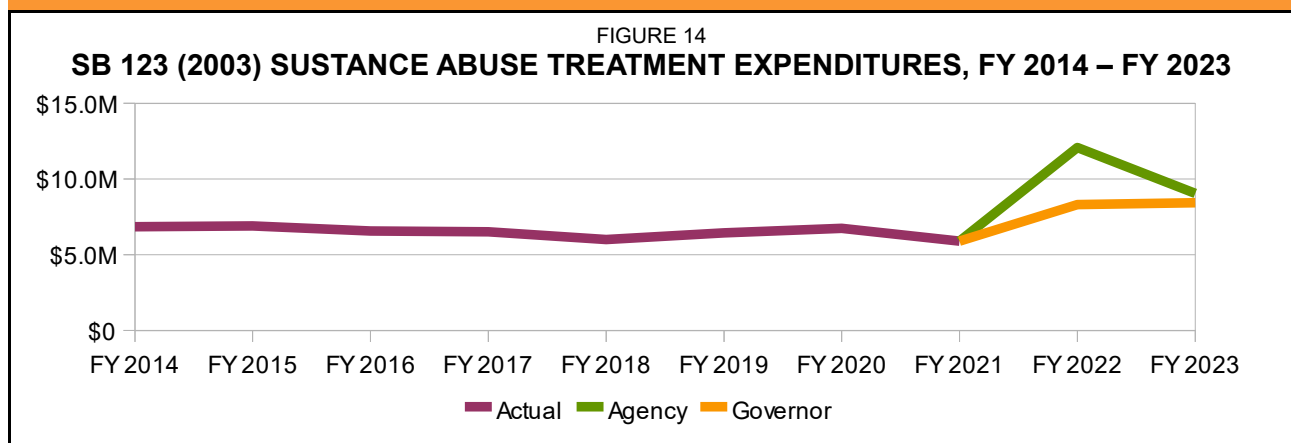
The **agency** requests \$1.6 million, including \$1.6 million SGF, for the Administration program for FY 2023. This is an all funds increase of \$96,449, and an SGF increase of \$100,744, above the FY 2022 revised estimate. The increase is attributed to the agency's two enhancement requests totaling \$236,797 SGF. The first request is for \$145,715 to maintain expansion of the online treatment provider payment system to accommodate provisions of 2021 HB 2026, which allows for substance abuse treatment of drug offenders on diversion. The second request is for \$91,082 for the final phase of a two-year salary adjustment plan,

which includes a 5.0 percent pay increase based on the duration of employment. The increase is primarily offset by decreased technology expenditures for software maintenance services (\$166,270). The request also includes 14.0 FTE positions, which is unchanged from the FY 2022 revised estimate.

The **Governor** recommends expenditures of \$1.5 million, including \$1.4 million SGF, for the Administration program for FY 2023. This is an all funds decrease of \$145,715, and an SGF decrease of \$145,715, below the agency's FY

2023 request. The recommendation does not include the agency's enhancement request of \$145,715 to maintain expansion of the treatment provider payment system to accommodate provisions of 2021 HB 2026. Further, the recommendation modifies the agency's enhancement request of \$91,082 for a salary adjustment plan by implementing the plan in one year rather than two, and excludes the Executive Director from such salary adjustments. A salary adjustment for the Executive Director would be addressed with a statewide cost of living adjustment.

SB 123 (2003) SUSTANCE ABUSE TREATMENT



STATUTORY BASIS: • KSA 21-6824 (2003 SB 123), and KSA 21-5705 through 21-5706

- PROGRAM GOALS:**
- Provide substance abuse treatment and supervision within Kansas communities for offenders with substance abuse addictions and improve local communities by reducing recidivism.
 - Provide a response and centralized system that brings cohesion to the management of the program and efficient payment policies.
 - Track financial records of payments through the system and provide analysis and estimates of funding needs.

The agency administers the SB 123 Substance Abuse Treatment program, which was established by 2003 SB 123. The program is a non-prison sanction providing mandatory state-funded substance abuse treatment for certain offenders convicted of drug possession. The program is designed to divert low-level drug offenders out of the prison system. Subsequently, 2018 HB 258 and 2019 SB 18 expanded the types of offenders eligible for treatment to include those convicted of cultivating and distributing a controlled substance. Offenders are placed under

community supervision, and treatment is rendered by providers certified by KDOC. Treatment methods include residential, group outpatient, reintegration, and peer mentoring.

The agency is responsible for program administration and the payment of treatment providers. Payments are issued through an online treatment provider payment system, which allows the agency to collect data on of the offender group to assess the program's effectiveness as an alternative to incarceration.

FIGURE 15
SB 123 (2003) SUSTANCE ABUSE TREATMENT, PERFORMANCE MEASURES

	Actual FY 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
Outcome Measure:					
1. Number of Offenders Treated in the 2003 SB 123 Program	2,680	2,124	2,124	2,672	2,947
Output Measure:					
2. Invoices for Substance Abuse Treatment Processed*	36,055	37,408	32,233	N/A	N/A
Financing	Actual FY 2020	Actual FY 2021		Governor FY 2022	Governor FY 2023
SGF	\$ 6,743,362	\$ 5,904,953		\$ 8,317,118	\$ 8,434,307
Federal Funds	-	-		-	-
All Other Funds	-	-		-	-
TOTAL	\$ 6,743,362	\$ 5,904,953		\$ 8,317,118	\$ 8,434,307
Percentage Change:					
SGF	4.4 %	(12.4) %		40.8 %	1.4 %
All Funds	4.4 %	(12.4) %		40.8 %	1.4 %
FTE Positions	--	--		--	--
*The Governor's Office does not utilize this measure for evaluation purpose.					

BUDGET ANALYSIS

The **agency** requests a revised estimate of \$12.1 million, all SGF, for the SB 123 (2003) Substance Abuse Treatment program in FY 2022. This is a decrease of \$341,772 below the FY 2022 approved amount. The revised estimate includes an SGF reappropriation of \$3.8 million. Expenditures in this program are payments to 140 certified providers for substance abuse treatment of an estimated 2,124 offenders, which is a decrease from the 2,680 offenders treated in FY 2021. The agency indicates the decrease is due to the COVID-19 pandemic, which resulted in decreased admissions to the program due to court delays and limited offender access to treatment providers. The agency anticipates increased expenditures as courts resume normal operations and as 2019 SB 18, which expands the types of offenders eligible for treatment, is fully implemented. The increase includes \$618,578 for implementation of 2021 HB 2026, which requires payments to providers for the provision of substance abuse treatment among certain drug offenders on diversion.

The **Governor** recommends expenditures of \$8.3 million, all SGF, for the SB 123 (2003) Substance Abuse Treatment program in FY

2022. This is a decrease of \$3.8 million below the agency's FY 2022 revised estimate. The recommendation would decrease payments to substance abuse treatment providers by \$3.8 million, which is the amount of SGF reappropriated from FY 2021.

The **agency** requests \$9.1 million, all SGF, for the SB 123 (2003) Substance Abuse Treatment program for FY 2023. This is a decrease of \$3.0 million below the FY 2022 revised estimate. The decrease is primarily attributable to an SGF reappropriation (\$3.8 million) in FY 2022 that does not reoccur in FY 2023. The decrease is partially offset by the agency's enhancement request of \$618,578 to sustain payments to providers for substance abuse treatment among certain drug offenders on diversion pursuant to 2021 HB 2026.

The **Governor** recommends expenditures of \$8.4 million, all SGF, for the SB 123 (2003) Substance Abuse Treatment program for FY 2023. This is a decrease of \$618,578 below the agency's FY 2023 requested amount. The recommendation does not include the agency's enhancement request of \$618,578 for payments to treatment providers for offenders made eligible pursuant to HB 2026.