

**HOUSE BILL No. 2133**

By Joint Committee on Special Claims Against the State

1-31

1 AN ACT concerning certain claims against the state, making  
2 appropriations, authorizing certain transfers, imposing certain  
3 restrictions and limitations, and directing or authorizing certain  
4 disbursements, procedures and acts incidental to the foregoing.

5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. For the fiscal year ending June 30, 2011, appropriations  
8 are hereby made, restrictions and limitations are hereby imposed, and  
9 transfers, disbursements, procedures and acts incidental to the foregoing  
10 are hereby directed or authorized as provided in this act.

11 Sec. 2. The department of revenue is hereby authorized and directed  
12 to pay the following amounts from the motor-vehicle fuel tax refund  
13 fund, for claims not filed within the statutory filing period prescribed in  
14 K.S.A. 79-3458, and amendments thereto, to the following claimants:

|                                 |            |
|---------------------------------|------------|
| 15 AGCO Corporation             |            |
| 16 PO Box 4000                  |            |
| 17 Hesston, KS 67062.....       | \$7,801.70 |
| 18 America Jet                  |            |
| 19 2010 Rogers Ct               |            |
| 20 Salina, KS 67401.....        | \$218.16   |
| 21 Armstrong, Harold            |            |
| 22 8920 Parallel Rd             |            |
| 23 Frankfort, KS 66427.....     | \$81.00    |
| 24 Bailey, Leland E             |            |
| 25 4747 NW 86th St              |            |
| 26 Topeka, KS 66618.....        | \$125.16   |
| 27 Barton County Highway Dept   |            |
| 28 PO Box 518                   |            |
| 29 Great Bend, KS 67530.....    | \$360.58   |
| 30 Boden, Ignatz                |            |
| 31 958 Hwy 128                  |            |
| 32 Mankato, KS 66956.....       | \$530.93   |
| 33 Bretton, Darrell             |            |
| 34 2037 E 1300 Rd               |            |
| 35 Kensington, KS 66951.....    | \$78.36    |
| 36 Buller, Elizabeth            |            |
| 37 328 Rd 370                   |            |
| 38 Council Grove, KS 66846..... | \$182.52   |
| 39 Carter, Calvin               |            |
| 40 1072 Road 26                 |            |
| 41 Sedan, KS 67361.....         | \$57.00    |
| 42 City of Concordia            |            |

|    |                                |             |
|----|--------------------------------|-------------|
| 1  | 701 Washington                 |             |
| 2  | Concordia, KS 66901.....       | \$3,030.79  |
| 3  | City of Eldorado               |             |
| 4  | PO Box 792                     |             |
| 5  | El Dorado, KS 67042.....       | \$957.29    |
| 6  | Decatur County Feed Yard LLC   |             |
| 7  | 2361 Hwy 83                    |             |
| 8  | Oberlin, KS 67749.....         | \$218.59    |
| 9  | Dreier, Robert A               |             |
| 10 | 3328 W Dutch Ave               |             |
| 11 | Hesston, KS 67062.....         | \$42.60     |
| 12 | Elliott, Blake                 |             |
| 13 | 787 Paint Rd                   |             |
| 14 | Hope, KS 67451.....            | \$613.22    |
| 15 | Ford County Feed Yard Inc      |             |
| 16 | 12466 US Hwy 400               |             |
| 17 | Ford, KS 67842.....            | \$380.16    |
| 18 | Frazee, Dennis R               |             |
| 19 | 2325 US Hwy 36                 |             |
| 20 | Sabetha, KS 66534.....         | \$43.32     |
| 21 | Gering, Martin F               |             |
| 22 | 1729 Rawlins Rd                |             |
| 23 | Atchison, KS 66002.....        | \$33.00     |
| 24 | Hambelton, Paul                |             |
| 25 | 14619 Edgerton Rd              |             |
| 26 | Gardner, KS 66030.....         | 45.72       |
| 27 | J & G Inc                      |             |
| 28 | 10200 E Road 170               |             |
| 29 | Scott City, KS 67871.....      | \$122.76    |
| 30 | Jirak Farms Inc                |             |
| 31 | 1476 320th                     |             |
| 32 | Tampa, KS 67483.....           | \$33.00     |
| 33 | Kinsley Country Club           |             |
| 34 | 510 E 7th                      |             |
| 35 | Kinsley, KS 67547.....         | \$21.24     |
| 36 | Marlatt Construction Co Inc    |             |
| 37 | 17588 274th Rd                 |             |
| 38 | Atchison, KS 66002.....        | \$1,150.11  |
| 39 | Meisinger, Richard             |             |
| 40 | 1522 260th                     |             |
| 41 | Marion, KS 66861.....          | \$102.36    |
| 42 | Norton Co Road & Bridge Dept   |             |
| 43 | 15590 Washington Rd            |             |
| 44 | Norton, KS 67654.....          | \$11,264.76 |
| 45 | Peterson Farms & Livestock Inc |             |
| 46 | 10729 S Simpson Rd             |             |
| 47 | Assaria, KS 67416.....         | \$138.10    |
| 48 | Preston, Fred                  |             |
| 49 | PO Box 353                     |             |
| 50 | Howard, KS 67349.....          | \$45.00     |
| 51 | Rau Farms Partnership          |             |
| 52 | 13901 E 47th S                 |             |
| 53 | Derby, KS 67037.....           | \$19.56     |
| 54 | Solomon Corp                   |             |

|    |                               |            |
|----|-------------------------------|------------|
| 1  | PO Box 245                    |            |
| 2  | Solomon, KS 67480.....        | \$243.00   |
| 3  | Talkington, Phyllis           |            |
| 4  | 423 A R Road                  |            |
| 5  | Matfield Green, KS 66862..... | \$86.04    |
| 6  | Troyer, Neal L                |            |
| 7  | 1577 40th Rd                  |            |
| 8  | Yates Center, KS 66783.....   | \$128.76   |
| 9  | True, Lynn M                  |            |
| 10 | 120 West 3rd St               |            |
| 11 | Smith Center, KS 66967.....   | \$335.88   |
| 12 | TWB Inc                       |            |
| 13 | 922 Crazy Horse Rd            |            |
| 14 | Hutchinson, KS 67502.....     | \$602.21   |
| 15 | USD 231 Gardner Edgerton      |            |
| 16 | PO Box 97                     |            |
| 17 | Gardner, KS 66030.....        | \$3,935.11 |
| 18 | USD 489 Hays                  |            |
| 19 | 323 West 12th                 |            |
| 20 | Hays, KS 67601.....           | \$823.45   |
| 21 | Wildcat Concrete Serv Inc     |            |
| 22 | PO Box 750075                 |            |
| 23 | Topeka, KS 66675.....         | \$339.52   |

24       Sec. 3. (a) The department of corrections is hereby authorized and  
 25 directed to pay the following amount from the Lansing correctional  
 26 facility - facilities operations fund for property loss of a television set, to  
 27 the following claimant:

|    |                            |          |
|----|----------------------------|----------|
| 28 | Sherman L. Galloway #34138 |          |
| 29 | PO Box 2                   |          |
| 30 | Lansing, KS 66043.....     | \$108.00 |

31       (b) The department of corrections is hereby authorized and directed  
 32 to pay the following amount from the El Dorado correctional facility -  
 33 facilities operations fund for audiocassettes lost by staff, to the following  
 34 claimant:

|    |                          |          |
|----|--------------------------|----------|
| 35 | Nasif Gadelkarim #48278  |          |
| 36 | PO Box 1568              |          |
| 37 | Hutchison, KS 67504..... | \$130.00 |

38       (c) The department of corrections is hereby authorized and directed  
 39 to pay the following amount from the Winfield correctional facility -  
 40 facilities operations fund for damage to a television set, to the following  
 41 claimant:

|    |                          |         |
|----|--------------------------|---------|
| 42 | Eugene Jackson #66395    |         |
| 43 | PO Box 311               |         |
| 44 | El Dorado, KS 67042..... | \$80.68 |

45       (d) The department of corrections is hereby authorized and directed  
 46 to pay the following amount from the Lansing correctional facility -  
 47 facilities operations fund for a pair of boots lost while in the custody of  
 48 staff, to the following claimant:

|    |                            |  |
|----|----------------------------|--|
| 49 | Joseph Carlos Jones #59134 |  |
| 50 | PO Box 2                   |  |

1 Lansing, KS 66043.....\$59.90  
 2 (e) The department of corrections is hereby authorized and directed  
 3 to pay the following amount from the Larned correctional mental health  
 4 facility - facilities operations fund for pair of sweat shorts lost while in  
 5 the custody of staff, to the following claimant:  
 6 Jorge Jovel #85033  
 7 LCMHF  
 8 1318 Ks Hwy 264  
 9 Larned, KS 67550.....\$7.77

10 (f) The department of corrections is hereby authorized and directed  
 11 to pay the following amount from the Lansing correctional facility -  
 12 facilities operations fund for a picture destroyed by staff, to the following  
 13 claimant:  
 14 Austin T. Mason #80464  
 15 PO Box 2  
 16 Lansing, KS 66043.....\$18.00

17 (g) The department of corrections is hereby authorized and directed  
 18 to pay the following amount from the Hutchinson correctional facility -  
 19 facilities operations fund for lost property while in the custody of staff, to  
 20 the following claimant:  
 21 Michael P O'Neill #81296  
 22 PO Box 2  
 23 Lansing, KS 66043.....\$18.23

24 (h) The department of corrections is hereby authorized and directed  
 25 to pay the following amount from the Norton correctional facility -  
 26 facilities operations fund for magazines confiscated by staff, to the  
 27 following claimant:  
 28 Micky Don Owens #94516  
 29 PO Box 546  
 30 Norton, KS 67654.....\$6.00

31 (i) The department of corrections is hereby authorized and directed  
 32 to pay the following amount from the Winfield correctional facility -  
 33 facilities operations fund for lost property in the custody of staff, to the  
 34 following claimant:  
 35 Adrian M. Requena #48877  
 36 PO Box 1568  
 37 Hutchinson, KS 67504.....\$24.19

38 (j) The department of corrections is hereby authorized and directed  
 39 to pay the following amount from the Lansing correctional facility -  
 40 facilities operations fund for a radio lost while in the custody of staff, to  
 41 the following claimant:  
 42 Antonio Toro #91574  
 43 PO Box 2  
 44 Lansing, KS 66043.....\$13.50

45 Sec. 4. The department of wildlife and parks is hereby authorized an  
 46 directed to pay the following amount for bobcat skins damaged while in  
 47 the custody of the department, to the following claimant:

1 Dan Barrow  
 2 Dan Barrow Trading Co. Inc.  
 3 204 Central Ave  
 4 PO Box 93  
 5 Denison, KS 66419.....\$5,280.00

6 Sec. 5. The university of Kansas is hereby authorized and directed to  
 7 pay from the general fees fund the following amount for reimbursement  
 8 of overpayment of tuition due to an error in the determination of the  
 9 residency status of a student, to the following claimant:

10 Fred H. Fishman  
 11 3006 Wildwood Court  
 12 North Newton, KS 67117.....\$12,302.40

13 Sec. 6. (a) The Kansas highway patrol is hereby authorized and  
 14 directed to pay the following amount from the Kansas highway patrol  
 15 operations fund for payment of medical expenses of a prisoner in custody,  
 16 to the following claimant:

17 Kansas University Physicians Inc  
 18 c/o E. Lou Bjorgaard Probasco  
 19 Attorney and Agent  
 20 615 SW Topeka Blvd  
 21 Topeka, KS 66603.....\$12,477.14

22 (b) The Kansas highway patrol is hereby authorized and directed to  
 23 pay the following amount from the Kansas highway patrol operations  
 24 fund for payment of medical expenses of two prisoners in custody, to the  
 25 following claimant:

26 University of Kansas Hospital Authority  
 27 c/o E. Lou Bjorgaard Probasco  
 28 Attorney and Agent  
 29 615 SW Topeka Blvd  
 30 Topeka, KS 66603.....\$112,938.90

31 Sec. 7. The Kansas department of revenue is hereby authorized and  
 32 directed to pay the following amount from the sales tax refund fund for  
 33 reimbursement of the overpayment of sales taxes from 2007 through mid  
 34 2010, to the following claimant:

35 Saunge, Inc  
 36 PO Box 553  
 37 Inman, KS 67546.....\$7,064.10

38 Sec. 8. The governmental ethics commission is hereby authorized  
 39 and directed to pay the following amount from the state general fund for  
 40 the reimbursement of legal expenses of a person against whom an ethics  
 41 complaint was dismissed after a determination that the person's actions  
 42 were constitutionally protected, to the following claimant:

43 Kristian D. Van Meteren  
 44 PO Box 9265  
 45 Shawnee Mission, KS 66201.....\$9,452.18

46 Sec. 9. The department of health and environment is hereby  
 47 authorized and directed to pay the following amount from the Kansas  
 48 petroleum storage tank release trust fund for reimbursement of expenses

1 incurred for tests required by the department on a gasoline storage tank,  
 2 to the following claimant:  
 3 Marlin Carson  
 4 66 Food Mart, Inc  
 5 733 Village Court  
 6 Girard, KS 66743.....\$2,694.00

7 Sec. 10. The state board of technical professions is hereby authorized  
 8 and directed to pay the following amount from the technical professions  
 9 fee fund for refund of expenses incurred by an individual accused of  
 10 practicing architecture or engineering without a license, to the following  
 11 claimant:

12 Eldon L Ray  
 13 16284 R Road  
 14 Mayetta, KS 66509.....\$3,122.00

15 Sec. 11. (a) Except as otherwise provided by this act, the director of  
 16 accounts and reports is hereby authorized and directed to draw warrants  
 17 on the state treasurer in favor of the claimants specified in this act, upon  
 18 vouchers duly executed by the state agencies directed to pay the amounts  
 19 specified in such sections to the claimants or their legal representatives or  
 20 duly authorized agents, as provided by law.

21 (b) The director of accounts and reports shall secure prior to the  
 22 payment of any amount to any claimant, other than amounts authorized to  
 23 be paid pursuant to section 2 as motor-vehicle fuel tax refunds or as  
 24 transactions between state agencies as provided by this act, a written  
 25 release and satisfaction of all claims and rights against the state of Kansas  
 26 and any agencies, officers and employees of the state of Kansas regarding  
 27 their respective claims.

28 Sec. 12. This act shall take effect and be in force from and after its  
 29 publication in the Kansas register.