

SENATE BILL No. 569

By Committee on Ways and Means

2-16

9 AN ACT concerning claims against the state; relating to payment by state
10 agencies for certain personal injuries and property damages or losses
11 authorized; limitations; amending K.S.A. 46-922 and repealing the ex-
12 isting section.
13

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

15 Section 1. K.S.A. 46-922 is hereby amended to read as follows: 46-
16 922. (a) As used in this section and in K.S.A. 46-923, and amendments
17 thereto, the term “state agency” shall have the meaning ascribed thereto
18 in K.S.A. 75-3701, and amendments thereto.

19 (b) The head of any state agency is authorized to make payment to
20 the officers or employees of such state agency for property damage or
21 loss occurring while that officer or employee is acting within the scope
22 of such office or employment if such property loss or damage, in the
23 opinion of the state agency head, did not occur as a result of negligence
24 of the claimant.

25 (c) Except as otherwise provided by this section, the head of any state
26 agency is authorized to make payment to any other person for personal
27 injury or property damage or loss occurring under circumstances which
28 establish, in the state agency head’s opinion, that such damage or loss was
29 caused by the negligence of the state or any agency, officer or employee
30 thereof. The secretary of social and rehabilitation services is authorized
31 to make payment from funds appropriated to the secretary for the home-
32 maker program to any person for personal injury or property damage or
33 loss caused by an act of a homemaker employed by the secretary.

34 (d) Except as otherwise provided by this section, no payment shall
35 be made under this section on any claim for an amount in excess of \$1,000
36 or in any amount on a claim by a person who is an insurer and who is
37 making the claim as a subrogee for all or part of any amount paid to such
38 person’s insured.

39 (e) The vice-chancellor of the university of Kansas medical center is
40 authorized to make payment in an amount of not more than \$2,500 to
41 any other person for a claim made against the hospital of the university
42 of Kansas medical center for personal injury or property damage or loss
43 occurring under circumstances which establish, in the vice-chancellor’s

1 opinion, that (1) such damage or loss was caused by the negligence of the
2 hospital of the university of Kansas medical center or any officer or em-
3 ployee thereof or (2) that such damage or loss occurred at the hospital of
4 the university of Kansas medical center and it is in the best interests of
5 such hospital to make such payment. No payment shall be made under
6 this subsection in any amount on a claim by a person who is an insurer
7 and who is making the claim as a subrogee for all or part of any amount
8 paid to such person's insured.

9 (f) No payment shall be made under this section for any loss sustained
10 to a state employee's personal conveyance, or any related expense, when
11 the conveyance was used on official state business.

12 (g) *The superintendent of the Kansas highway patrol is authorized to*
13 *make payment in an amount of not more than \$2,500 to any other person*
14 *for a claim made against the Kansas highway patrol for personal injury*
15 *or property damage or loss occurring under circumstances which estab-*
16 *lish, in the superintendent's opinion, that such damage or loss occurred*
17 *during law enforcement efforts by the Kansas highway patrol to persons*
18 *who were not negligent during such effort. No information filed pursuant*
19 *to this subsection, testimony or evidence presented to the Kansas highway*
20 *patrol, or determination, finding or recommendation of the superinten-*
21 *dent shall be admissible in any subsequent civil or criminal proceeding.*
22 *The Kansas highway patrol is authorized to adopt rules and regulations*
23 *to implement this subsection.*

24 Sec. 2. K.S.A. 46-922 is hereby repealed.

25 Sec. 3. This act shall take effect and be in force from and after its
26 publication in the statute book.