



Kansas Legislative Research Department

Providing nonpartisan, objective research and fiscal analysis for the Kansas Legislature since 1934

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February 3, 2025

To: Senate Committee on Ways and Means

From: Molly Pratt, Fiscal Analyst

Re: SB 125–Claims Against the State

The Joint Committee on Special Claims Against the State (Joint Committee) recommends payment of claims totaling \$6,430.04, all from the State General Fund (SGF), in FY 2025. SB 125 would not increase total state expenditures in FY 2025 as all claims are directed to be paid from existing resources.

2024 Interim Meetings

Over the course of four meetings during the 2024 Interim, the Committee heard 63 claims, including 57 brought against the Kansas Department of Corrections (KDOC) or correctional facilities. The remaining claims were brought against the following state agencies: Fort Hays State University, Department for Children and Families, Kansas Department for Aging and Disability Services (KDADS), Kansas Department of Health and Environment (KDHE), Larned State Hospital, Board of Indigents' Defense Services, Office of Judicial Administration within the Judicial Branch, and Office of the State Treasurer. Although the Joint Committee has the authority to review claims for motor vehicle fuel tax refunds, no claims of this nature were submitted to the Kansas Department of Revenue.

[*Note:* From November 2, 2023, through November 1, 2024, the Kansas Legislative Research Department received and processed over 110 potential claims against the State. Of this amount, 63 claims met the statutory guidelines to be heard by the Joint Committee. However, nine of the 63 claims were withdrawn due to agency settlements, and one was withdrawn due to improper venue.]

Senate Bill 125

During the 2024 Interim, the Joint Committee ultimately approved five claims that were brought against three correctional facilities and two state agencies and recommended payment of the five claims for a total of \$6,430.04 SGF in FY 2025.

Section 2

The Joint Committee's recommendation totals \$230.04 SGF in FY 2025 for payment of four claims brought against three correctional facilities operated by KDOC for property loss.

Hutchinson Correctional Facility

Perry Isley, Jr., seeks \$96.92 in compensation for property loss. Specifically, the Claimant alleges that various items, including a fan and a lamp, were missing from his cell due to correctional staff failing to properly secure the cell upon transferring him to a different area of the facility. The agency states that even if the Claimant could prove that the items were in his cell at the time he was transferred, the Claimant cannot prove that the loss was a direct result of staff negligence. *The Joint Committee recommends partial payment of the claim in the amount of \$50.00.*

Kendall Golston seeks \$151.18 in compensation for property loss. Specifically, the Claimant alleges that the following items were missing from his property stored at the Admissions and Discharge area of the facility due to staff negligence: two fans, one sweatsuit, and one MP4 charger. The agency states the Claimant cannot prove that the loss was a direct result of staff negligence. *The Joint Committee recommends partial payment of the claim in the amount of \$30.04.*

Larned State Correctional Facility

Franklyn Harrison seeks \$63.04 in compensation for property loss. Specifically, the Claimant alleges that correctional facility staff in the mail room of the Larned State Correctional Facility sent Claimant's New Balance tennis shoes to the wrong address. The agency states that the claim should be denied because the Claimant failed to exhaust all administrative remedies by not submitting the facility denial to the Secretary of Corrections for review. *The Joint Committee recommends partial payment of the claim in the amount of \$50.00.*

Lansing Correctional Facility

Dexter Robinson seeks \$499.97 in compensation for property loss. Specifically, the Claimant alleges that several items, including a fan and two pairs of pants, were taken from his cell by another resident inmate who extorted the Claimant. The agency states that although the Claimant was extorted by another resident inmate out of various property, the claim should be denied because the Claimant cannot prove the loss was a direct result of staff negligence. *The Joint Committee recommends partial payment of the claim in the amount of \$100.00.*

Sections 3–4

The Joint Committee's recommendation totals \$6,200.00 SGF in FY 2025 for payment of one claim brought against KDADS and KDHE for failure to timely process a request for Home and Community Based Services (HCBS) from the time period of August 2, 2023, through October 5, 2023.

Hillside Village is an assisted living and nursing facility located in DeSoto, Kansas. According to the Claimant, a private citizen who owned Hillside Village during this period, a claim for the resident's HCBS eligibility was submitted to the State on June 15, 2023, almost two months prior to the resident's move-in date of August 2, 2023. The Claimant further alleges that due to delays and errors on the part of the State, the resident was not made eligible for HCBS services until October 5, 2023. The Claimant alleges that Hillside Village repeatedly asked KDHE to correct the date of eligibility for HCBS services to reflect the resident's move-in date of

August 2, 2023. The Claimant further states that this request was repeatedly denied by KDHE due to a policy against backdating a person's eligibility for HCBS services.

Both KDADS and KDHE state the claim should be denied for failure to exhaust all administrative remedies. In the written response to the Joint Committee, KDHE notes that on June 15, 2023, a third-party contractor for KDADS input an improper code into the Claimant's submission for HCBS services. Both agencies further state in the written response that had the third-party properly coded the application for HCBS services, an issue may not have occurred.

*The Joint Committee recommends full payment of the claim in the amount of **\$6,200.00**.*

Section 5

The bill would require signed releases from each Claimant prior to payment being issued.

Section 6

The bill would take effect upon publication in the *Kansas Register*.

MEP/mdd