

[As Amended by House Committee of the Whole]

Session of 2011

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 are  
8 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 fund,  
13 for claims not filed within the statutory filing period prescribed in K.S.A.  
14 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	

HB 2133—Am. by HCW 2

1	328 Rd 370	
2	Council Grove, KS 66846.....	\$182.52
3	Carter, Calvin	
4	1072 Road 26	
5	Sedan, KS 67361.....	\$57.00
6	City of Concordia	
7	701 Washington	
8	Concordia, KS 66901.....	\$3,030.79
9	City of Eldorado	
10	PO Box 792	
11	El Dorado, KS 67042.....	\$957.29
12	Decatur County Feed Yard LLC	
13	2361 Hwy 83	
14	Oberlin, KS 67749.....	\$218.59
15	Dreier, Robert A	
16	3328 W Dutch Ave	
17	Hesston, KS 67062.....	\$42.60
18	Elliott, Blake	
19	787 Paint Rd	
20	Hope, KS 67451.....	\$613.22
21	Ford County Feed Yard Inc	
22	12466 US Hwy 400	
23	Ford, KS 67842.....	\$380.16
24	Frazee, Dennis R	
25	2325 US Hwy 36	
26	Sabetha, KS 66534.....	\$43.32
27	Gering, Martin F	
28	1729 Rawlins Rd	
29	Atchison, KS 66002.....	\$33.00
30	Hambelton, Paul	
31	14619 Edgerton Rd	
32	Gardner, KS 66030.....	45.72
33	J & G Inc	
34	10200 E Road 170	
35	Scott City, KS 67871.....	\$122.76
36	Jirak Farms Inc	
37	1476 320th	
38	Tampa, KS 67483.....	\$33.00
39	Kinsley Country Club	
40	510 E 7th	
41	Kinsley, KS 67547.....	\$21.24
42	Marlatt Construction Co Inc	
43	17588 274th Rd	

1	Atchison, KS 66002.....	\$1,150.11
2	Meisinger, Richard	
3	1522 260th	
4	Marion, KS 66861.....	\$102.36
5	Norton Co Road & Bridge Dept	
6	15590 Washington Rd	
7	Norton, KS 67654.....	\$11,264.76
8	Peterson Farms & Livestock Inc	
9	10729 S Simpson Rd	
10	Assaria, KS 67416.....	\$138.10
11	Preston, Fred	
12	PO Box 353	
13	Howard, KS 67349.....	\$45.00
14	Rau Farms Partnership	
15	13901 E 47th S	
16	Derby, KS 67037.....	\$19.56
17	Solomon Corp	
18	PO Box 245	
19	Solomon, KS 67480.....	\$243.00
20	Talkington, Phyllis	
21	423 A R Road	
22	Matfield Green, KS 66862.....	\$86.04
23	Troyer, Neal L	
24	1577 40th Rd	
25	Yates Center, KS 66783.....	\$128.76
26	True, Lynn M	
27	120 West 3rd St	
28	Smith Center, KS 66967.....	\$335.88
29	TWB Inc	
30	922 Crazy Horse Rd	
31	Hutchinson, KS 67502.....	\$602.21
32	USD 231 Gardner Edgerton	
33	PO Box 97	
34	Gardner, KS 66030.....	\$3,935.11
35	USD 489 Hays	
36	323 West 12th	
37	Hays, KS 67601.....	\$823.45
38	Wildcat Concrete Serv Inc	
39	PO Box 750075	
40	Topeka, KS 66675.....	\$339.52

41 Sec. 3. (a) The department of corrections is hereby authorized and  
 42 directed to pay the following amount from the Lansing correctional facility  
 43 ~~–facilities operations~~ [facility -- facilities operations account of the state

1 **general]** fund for property loss of a television set, to the following  
2 claimant:

3 Sherman L. Galloway #34138  
4 PO Box 2  
5 Lansing, KS 66043.....\$108.00

6 (b) The department of corrections is hereby authorized and directed to  
7 pay the following amount from the El Dorado correctional ~~facility—~~  
8 ~~facilities operations~~ **[facility -- facilities operations account of the state**  
9 **general]** fund for audiocassettes lost by staff, to the following claimant:

10 Nasif Gadelkarim #48278  
11 PO Box 1568  
12 Hutchison, KS 67504.....\$130.00

13 (c) The department of corrections is hereby authorized and directed to  
14 pay the following amount from the Winfield correctional ~~facility—~~  
15 ~~facilities operations~~ **[facility -- facilities operations account of the state**  
16 **general]** fund for damage to a television set, to the following claimant:

17 Eugene Jackson #66395  
18 PO Box 311  
19 El Dorado, KS 67042.....\$80.68

20 (d) The department of corrections is hereby authorized and directed to  
21 pay the following amount from the Lansing correctional ~~facility—~~  
22 ~~operations~~ **[facility -- facilities operations account of the state general]**  
23 fund for a pair of boots lost while in the custody of staff, to the following  
24 claimant:

25 Joseph Carlos Jones #59134  
26 PO Box 2  
27 Lansing, KS 66043.....\$59.90

28 (e) The department of corrections is hereby authorized and directed to  
29 pay the following amount from the Larned correctional mental health  
30 ~~facility—~~ ~~facilities operations~~ **[facility -- facilities operations account of**  
31 **the state general]** fund for pair of sweat shorts lost while in the custody of  
32 staff, to the following claimant:

33 Jorge Jovel #85033  
34 LCMHF  
35 1318 Ks Hwy 264  
36 Larned, KS 67550.....\$7.77

37 (f) The department of corrections is hereby authorized and directed to  
38 pay the following amount from the Lansing correctional ~~facility—~~  
39 ~~operations~~ **[facility -- facilities operations account of the state general]**  
40 fund for a picture destroyed by staff, to the following claimant:

41 Austin T. Mason #80464  
42 PO Box 2  
43 Lansing, KS 66043.....\$18.00

1 (g) The department of corrections is hereby authorized and directed to  
2 pay the following amount from the Hutchinson correctional ~~facility—~~  
3 ~~facilities operations~~ **[facility -- facilities operations account of the state**  
4 **general]** fund for lost property while in the custody of staff, to the  
5 following claimant:

6 Michael P O'Neill #81296  
7 PO Box 2  
8 Lansing, KS 66043.....\$18.23

9 (h) The department of corrections is hereby authorized and directed to  
10 pay the following amount from the Norton correctional ~~facility—~~  
11 ~~operations~~ **[facility -- facilities operations account of the state general]**  
12 fund for magazines confiscated by staff, to the following claimant:

13 Micky Don Owens #94516  
14 PO Box 546  
15 Norton, KS 67654.....\$6.00

16 (i) The department of corrections is hereby authorized and directed to  
17 pay the following amount from the Winfield correctional ~~facility—~~  
18 ~~facilities operations~~ **[facility -- facilities operations account of the state**  
19 **general]** fund for lost property in the custody of staff, to the following  
20 claimant:

21 Adrian M. Requena #48877  
22 PO Box 1568  
23 Hutchinson, KS 67504.....\$24.19

24 (j) The department of corrections is hereby authorized and directed to  
25 pay the following amount from the Lansing correctional ~~facility—~~  
26 ~~operations~~**[facility -- facilities operations account of the state general]**  
27 fund for a radio lost while in the custody of staff, to the following  
28 claimant:

29 Antonio Toro #91574  
30 PO Box 2  
31 Lansing, KS 66043.....\$13.50

32 Sec. 4. The **[Kansas]** department of wildlife and parks is hereby  
33 authorized an directed to pay the following amount **[from the wildlife fee**  
34 **fund]** for bobcat skins damaged while in the custody of the department, to  
35 the following claimant:

36 Dan Barrow  
37 Dan Barrow Trading Co. Inc.  
38 204 Central Ave  
39 PO Box 93  
40 Denison, KS 66419.....\$5,280.00

41 Sec. 5. The university of Kansas is hereby authorized and directed to  
42 pay from the general fees fund the following amount for reimbursement of  
43 overpayment of tuition due to an error in the determination of the

1 residency status of a student, to the following claimant:

2 Fred H. Fishman  
3 3006 Wildwood Court  
4 North Newton, KS 67117.....\$12,302.40

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

9 Kansas University Physicians Inc  
10 c/o E. Lou Bjorgaard Probasco  
11 Attorney and Agent  
12 615 SW Topeka Blvd  
13 Topeka, KS 66603.....\$12,477.14

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

18 University of Kansas Hospital Authority  
19 c/o E. Lou Bjorgaard Probasco  
20 Attorney and Agent  
21 615 SW Topeka Blvd  
22 Topeka, KS 66603.....\$112,938.90

23 Sec. 7. The ~~Kansas~~ department of revenue is hereby authorized and  
24 directed to pay the following amount from the sales tax refund fund for  
25 reimbursement of the overpayment of sales taxes from 2007 through mid  
26 2010, to the following claimant:

27 Saunge, Inc  
28 PO Box 553  
29 Inman, KS 67546.....\$7,064.10

30 Sec. 8. The governmental ethics commission is hereby authorized and  
31 directed to pay the following amount from the **[operating expenditures**  
32 **account of the]** state general fund for the reimbursement of legal expenses  
33 of a person against whom an ethics complaint was dismissed after a  
34 determination that the person's actions were constitutionally protected, to  
35 the following claimant:

36 Kristian D. Van Meteren  
37 PO Box 9265  
38 Shawnee Mission, KS 66201.....\$9,452.18

39 Sec. 9. The department of health and environment is hereby  
40 authorized and directed to pay the following amount from the ~~Kansas~~  
41 **[underground]** petroleum storage tank release trust fund for  
42 reimbursement of expenses incurred for tests required by the department  
43 on a gasoline storage tank, to the following claimant:

1	Marlin Carson	
2	66 Food Mart, Inc	
3	733 Village Court	
4	Girard, KS 66743.....	\$2,694.00

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

10	Eldon L Ray	
11	16284 R Road	
12	Mayetta, KS 66509.....	\$3,122.00

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

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

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