



March 18, 2024

To: Senate Committee on Ways and Means

From: Murl Riedel, Senior Fiscal Analyst

Re: HB 2551 - Claims Against the State

The Joint Committee on Special Claims Against the State (Joint Committee) recommends payment of claims that would total \$49,342.82, including \$1,759.86 from the State General Fund, as outlined in HB 2551. All claims, except motor fuel tax refunds, are directed to be paid from existing resources in Fiscal Year (FY) 2024 and would not increase total state expenditures.

During the 2023 Interim, the Joint Committee met three times and, excluding motor vehicle fuel tax refunds, heard 63 claims, of which 55 claims, or 87.3 percent, were against the Kansas Department of Corrections (KDOC) or correctional facilities.

Section 2, pages 1-2. The Joint Committee's recommendation totals \$245.53 from KDOC. Claims include:

- Allen Todd seeks \$16.24 in compensation for clothing the inmate states was submitted to facility laundry services and never returned. The agency states there is no proof the clothing in question was submitted for laundering, though statements from facility staff indicate otherwise. The Joint Committee recommends full payment of the claim (\$16.24);
- Kendall Golston seeks \$290.93 in compensation for food items the inmate states were stolen by other inmates when facility staff left the property unsecured. The agency notes banking records for inmate reflect only a recent purchase of \$43.08 and states it is difficult to determine what items were consumed prior to the loss. The Joint Committee recommends partial payment (\$43.08);
- Keeshaun Milo seeks \$118.12 in compensation for an electronic music player and television remote control the inmate states were stolen when facility staff allowed an unauthorized individual near his cell. The agency states the incident occurred during a mass movement of inmates, and the claimant was previously warned not to leave items unsecured on his bed. The Joint Committee recommends full payment for the claim (\$118.12);
- Orlando Lucio seeks \$602.04 in compensation for property, including a watch and shoes, the inmate states was lost by staff when he was transferred from the

Hutchinson Correctional Facility to the Lansing Correctional Facility (LCF). The agency notes some items were determined contraband and other items were either returned to the inmate or replaced. For the items that could not be accounted for, which includes shoes and a watch, the agency suggests payment of \$23.43 for the depreciated value. The Joint Committee recommends partial payment for the claim (\$23.43);

- Terrance Godfrey seeks \$190 in compensation for clothing, electronic devices, and magazines the inmate states were lost by staff when he was transferred from LCF to the El Dorado Correctional Facility. The Joint Committee recommends partial payment for the claim (\$24.60) for personal thermal clothing that was noted missing on transfer documents and for which ownership was substantiated with purchase receipts; and
- Tanner Stone seeks \$20.06 in compensation for personal clothing the inmate states was submitted to facility laundry services and never returned. The agency states there is no proof the clothing in question was submitted for laundering. The Joint Committee recommends full payment for the claim (\$20.06).

Section 3, page 2. The Joint Committee's recommendation totals \$1,514.33 from the Larned State Hospital. Claims include:

- Anthony Mott seeks \$1,508.91 in compensation for damages to his 2018 Nissan Rogue sustained in a collision with an agency forklift. The agency does not dispute the collision, but notes the claimant later collided with a deer and was compensated by his personal insurance for the total loss of the vehicle. The claimant subsequently provided documentation substantiating the damages from the forklift collision were deducted from the insurance settlement. The Joint Committee recommends full payment for the claim (\$1,508.91); and
- Valdie Barnett seeks \$5.42 for a television channel guide magazine the resident states was withheld by agency staff for three months, which rendered the magazine's contents irrelevant. The agency notes that resident mail that could feature sexual imagery or children is subject to staff review and reasonable delays are expected. The Committee recommends full payment for the claim (\$5.42).

Section 4, page 2. The Joint Committee's recommendation includes \$2,000 from the Kansas Department of Wildlife and Parks for the following claim:

- Martin Goodwin seeks \$3,956.83 for damages to his 1997 Jeep Cherokee, 1994 Ford F-150, and camping chair sustained from a falling tree at a Clinton State Park campsite. The agency confirms the fallen tree, but disputes the claim by noting the vehicle damages were inconsistent with photographs of the accident scene. The claimant states his personal insurance covers liability only and pursuing the matter through court action was cost prohibitive. The Joint Committee recommends partial payment for the claim (\$2,000).

Section 5, pages 2-3. The Joint Committee recommendation includes \$45,582.96 from the Kansas Department of Revenue's Motor Vehicle Fuel Tax Refund Fund. Refund requests

must be received within one year after the date of purchase. If the refund request is submitted after that period, a claim must be filed with the Joint Committee. Refunds are allowed for taxes paid on fuel used for off-highway purposes, including school buses and farming.

Section 6, page 3. The bill would require a claimant to sign a release attesting satisfaction of the claim prior to issuance of payment.

Section 7, page 3. The bill would be in effect upon publication in the *Kansas Register*.