

Approved March 19, 1990
Date

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS

The meeting was called to order by SENATOR AUGUST "GUS" BOGINA at
Chairperson

11:10 a.m./XX p.m. on FEBRUARY 27, 19 90 in room 123-S of the Capitol.

All members were present except:

Committee staff present:

Research Department: Diane Duffy, Leah Robinson
Revisor: Gordon Self
Committee Staff: Judy Bromich, Administrative Assistant
Ronda Miller, Committee Secretary

Conferees appearing before the committee:

Dr. Bill Wolff - Principal Analyst, Kansas Legislative Research Department

SB 653 - Bill by Joint Committee on Special Claims Against the State
(Attachment 1)

Dr. Bill Wolff told the Committee that the first six pages of SB 653 were persons who had not timely filed for the refund of nonhighway use of motor fuels. He stated that the Legislature had granted a grace period beyond the one year deadline, but in no circumstances is there a recommendation that any refund for any purpose be allowed beyond 3 years.

Dr. Wolff said that the Thomas P. Lamb claim (Sec. 3[a], line 4, page 7) was disputed by the Department of Corrections, noting that the claim is due to an escape attempt and the properties damaged were probably not worth \$1,000. It was noted that the Claims Committee believed that protection was due Mr. Lamb as he had been an informer.

Senator Rock moved, Senator Hayden seconded, that SB 653 be amended to require that the claims contained in Sections 4, 5, 6, and 7 be designated as charged to the institutions where the property loss or damage occurred. Senator Salisbury questioned whether a central claims pool within the Department of Corrections would help eliminate keeping track of inmates in order to process the claims. In response to a concern regarding the amount of time it would take in Claims Committee to determine which institution is responsible for the loss, Dr. Wolff stated that a draft of the claims bill could be submitted to Mr. Johnson to make the changes before the bill is printed. The motion carried.

Senator Hayden moved, Senator Harder seconded, that Sections 8, 9 and 10 of SB 653 be amended to require that the claims contained therein be designated as charged to the institutions where the property loss or damage occurred. The motion carried.

Senator Parrish moved, Senator Feleciano seconded that the claim in Section 5, line 14 be amended to read \$546.14. The motion carried.

Dr. Wolff told the Committee that claims in section 11 are for sales tax paid for materials for a tax exempt project. Senator Gaines moved, Senator Allen seconded, that Section 11 (b) be deleted. The motion failed on a show of hands.

Robert Meinen appeared before the Committee in opposition to the claim of Nathan Ochs, Section 14 (c), and reviewed Attachment 2. Senator Gaines moved that Section 14 (c) be deleted. Senator Allen seconded, and the motion carried.

Dr. Wolff, in explaining the claim in Section 15, stated that the statute directs how a contested election is to be resolved, but does not direct who pays for the cost of the resolution.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS
123-S 11:10 XX FEBRUARY 27 90
room _____, Statehouse, at _____ a.m./p.m. on _____, 19__

Senator Doyen moved, Senator Hayden seconded, that the claim in Section 14(a) be amended to \$250,000 to be paid in one sum. The motion carried.

Senator Salisbury moved that Section 18 be deleted. It was noted that if this claim were allowed, it would be paid from the operating fund rather than from the prize fund. The motion failed for a lack of a second.

Senator Hayden moved, Senator Rock seconded to conceptually amend Section 19 by allowing the claim to be paid from the State General Fund. The motion passed with Senator Johnston voting no. Senator Johnston explained his vote by noting that many grocery stores throughout the state may be absorbing the loss, and allowance of this claim will set a precedent. Senator Johnston moved that Section 19 be deleted from the bill. Senator Harder seconded, and the motion carried, with Senator Rock voting no.

It was moved and seconded that a claim of \$472 by a dentist who was hired by the Dental Board to provide testimony be allowed. The motion carried.

Chairman Bogina announced that additional claims will be heard by the Claims Committee, and warranted items will be amended into the bill during Senate debate.

Senator Feleciano moved, Senator Gaines seconded, that SB 653 as amended be recommended favorable for passage. The motion passed.

The meeting was adjourned at 12:35 P.M.

SENATE BILL No. 653

By Joint Committee on Special Claims Against the State

2-13

SWAM
February 27, 1990
Attachment 1

9 AN ACT concerning certain claims against the state; making appro-
10 priations, authorizing certain transfers, imposing certain restric-
11 tions and limitations, and directing or authorizing certain
12 disbursements, procedures and acts incidental to the foregoing.
13

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

15 Section 1. For the fiscal year ending June 30, 1990, appropri-
16 ations are hereby made, restrictions and limitations are hereby im-
17 posed, and transfers, disbursements, procedures and acts incidental
18 to the foregoing are hereby directed or authorized as provided in
19 this act.

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

25	Albers, Bob, d/b/a Dug Out Ranch, 1624 E. Cloud, Salina, KS	
26	67401	\$416.99
27	Alstrom, Max E., Route 2, Box 77, Oberlin, KS 67749	49.90
28	Anderson, Gary, Route 2, Box 83, Plainville, KS 67663	908.62
29	Auld, Glenn A., Route 1, Box 37, Eskridge, KS 66423	52.10
30	Bar C Ranch, Route 1, Box 25, Sylvan Grove, KS 67481	32.08
31	Barnes, Thomas, Box 293, McCracken, KS 67556	36.92
32	Beach Farms, Route 2, Box 61, Scott City, KS 67871	515.29
33	Beall, Danny, Box 277, Severy, KS 67137	135.14
34	Belden, Gale, Route 1, Box 60, Burr Oak, KS 66936	18.00
35	Bergmeier, Clarence, Longford, KS 67458	188.30
36	Bixenman, Bill, Box 192, Grinnell, KS 67738	162.95
37	Bliss, Cyril, 500 W. 3rd, Atwood, KS 67730	47.37
38	Bohannon, Reece, Crestwood Valley Road, Arkansas City, KS	
39	67005	213.84
40	Bohm Farm and Ranch, North First Street, Osborne, KS 67473	906.84
41	Bohn, Lucille, Box 111, Eskridge, KS 66423	57.60
42	Bolz, Junior, Hoyt, KS 66440	17.45
43	Boswell, Larry, Route 1, Peck, KS 67120	40.00

1	Brink, Jack, Route 2, Howard, KS 67349	55.29
2	Brownlee, Robert, Route 1, Harveyville, KS 66431	427.68
3	Broyles, Kenneth, Delia, KS 66418	18.00
4	Budde, Frank, Route 4, Newton, KS 67114	28.34
5	Bunyan, Greg, Fowler, KS 67844	54.63
6	Burvell, Earl M., Route 1, Abilene, KS 67410	15.25
7	Bussen, N. J., Star Route, Box 28, Monument, KS 67747	77.18
8	Caley, Homer K., DVM, 410 Shelle Road, Manhattan, KS 66502	89.83
9	Cartmill, Marcheta, Route 1, Box 30, Gove, KS 67736	18.00
10	Charbonneau, Ernest, Route 2, Box 190, Clyde, KS 66938	123.71
11	City of Waverly, Box 308, Waverly, KS 66871	35.16
12	Cizerle, Tom, Route 3, Girard, KS 66743	24.60
13	Clemence, Jon, Route 1, Box 202, Abilene, KS 67410	41.10
14	Cline, John A., Route 1, Box 675, Havensville, KS 66432	12.94
15	Coffeyville Country Club, Inc., Box 265, Coffeyville, KS 67337	129.76
16	Comp, Jon D., Route 1, Box 122, White City, KS 66872	30.98
17	Conrad, Albert E., Route 1, Box 115 A, Parker, KS 66072	42.64
18	Courtney, Robert E., Route 2, Box 71, McLouth, KS 66054	301.95
19	Cox, Lewis Nolen, Route 2, Box 237, Mound City, KS 66056	75.53
20	Criss, Kenneth R., Melvern, KS 66510	242.55
21	Dan-D-Glenn Farms, Route 1, Box 40, Olsburg, KS 66520	106.00
22	Davies, Clint, Route 2, Box 37, Reading, KS 66868	281.46
23	Deel, Delton, Route 1, Osawatomie, KS 66064	7.11
24	Demoret, Lawrence, Route 1, Box 103, Jetmore, KS 67854	171.27
25	DeMoss, Kenneth W., Route 1, Box 222, Latham, KS 67072	108.75
26	Denny, Charles A., 11 La Hacunda Drive, Colby, KS 67701	265.91
27	Dillon, Ralph E., Route 2, Box 25, Hope, KS 67451	249.58
28	Doran, James V., Box 335, St. John, KS 67576	661.22
29	Dowler, Robert W., Route 3, Box 124, Winfield, KS 67156	84.00
30	Dwerlkotte, Bernard, Route 1, Box 36, Marysville, KS 66508	317.10
31	Edmiston, Dale, Box 382, Americus, KS 66835	83.34
32	Fabrizius Farm Account, c/o Carroll Fabrizio, Route 2, Box 30, Wak-	
33	eepey, KS 67672	260.96
34	Fabrizius, Paul M., Route 2, Box 14 E, Wakeeney, KS 67672	117.73
35	Faidley, Lon, Box 97, Solomon, KS 67480	16.79
36	Fisher, Keith, Route 1, Box 39, Belpre, KS 67519	49.24
37	Flaming, Kenneth, 2430 County Club Road, El Dorado, KS 67042 ...	461.14
38	Fleske, Walter W., 1031 W. 4th, Larned, KS 67550	47.70
39	Fluker, J. Robert, Box 3489, Lawrence, KS 66046-0489	15.69
	Foltz, Gary, Route 3, Abilene, KS 67410	280.86
	Frederick, William L., Route 1, Humboldt, KS 66748	16.57
42	Gasche, Dan, Route 1, Box 173, Hartford, KS 66854	29.00
43	Gasper, Kenneth, Box 131, Tipton, KS 67485	339.87

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1	Gleason, Maurice L., Route 1, Maple Hill, KS 66507.....	35.82
2	Gordon, Dale A., Route 1, Atlanta, KS 67008	137.31
3	Graber, Gilbert, Route 2, Pretty Prairie, KS 67570.....	213.74
4	Griffin, Lyle, R. R., Box 111A, Tribune, KS 67879.....	8.98
5	Grosdidier, Norbert, Route 1, Eudora, KS 66025.....	76.85
6	Haberman, Francis, 3418 Meadowlark, Great Bend, KS 67530	16.35
7	Hageman, Paul, Route 1, Box 87, Isabel, KS 67065	88.40
8	Hall, Eugene W., Route 1, Box 22, Garfield, KS 67529.....	78.50
9	Hammes, Galen, Route 1, Box 18, Seneca, KS 66538.....	101.38
10	Haney, Paul W., Route 1, Box 49, Richmond, KS 66080.....	39.89
11	Harms, Leonard, North Star Route, Dodge City, KS 67801	67.50
12	Harms, Ronald E., North Star Route, Dodge City, KS 67801.....	740.82
13	Haslouer, Bill, Route 1, Hope, KS 67451.....	291.36
14	Haverkamp, Cletus, Route 3, Box 68, Seneca, KS 66538	108.09
15	Henry, Daniel J., Route 3, Seneca, KS 66538	50.23
16	Hermreck, Leonard, Box 142, Williamsburg, KS 66095.....	141.57
17	Hinshaw, Doug, Route 2, Box 78, Ensign, KS 67841	17.45
18	Hogard, Mrs. Ray, 509 Parklane, Pratt, KS 67124	95.33
19	Horton, C. Dean, Route 1, Box 419, Americus, KS 66835	29.00
20	Houlton, Billy R., Route 1, Hazelton, KS 67061	156.22
21	Howell, Jan, Box 432, Idaho Springs, CO 80452	75.31
22	Hug, Keith, Route 2, Box 230, Mayetta, KS 66509.....	163.15
23	Hunsicker, Ben F., Box 124, Morland, KS 67650	22.95
24	Irey, Marvin, 4222 California, Topeka, KS 66605.....	207.80
25	Irons Feed Lot Inc., HCR 1, Box 181, Minneola, KS 67865.....	41.10
26	J & G Inc., Jon M. Ramsey, Pres., Route 1, Box 118, Scott City, KS	
27	67871.....	41.65
28	James, Lon, Route 5, Clay Center, KS 67432.....	671.42
29	Jensen, Arthur, 18435 S. 169 Highway, Olathe, KS 66062.....	135.23
30	Johnson, Mrs. Albert R., 6465 E. Magnolia, Salina, KS 67401	82.90
31	Juhnke, Leonard J., Route 1, 125th St. North, Sedgwick, KS	
32	67135.....	46.60
33	Kaff, Lee W., Route 1, Box 175, Carbondale, KS 66414	170.97
34	Kansas State University, Controller's Office, Anderson Hall, Rm. #212,	
35	Manhattan, KS 66502.....	88.40
36	Karlin, Wilfric, HIC 39, Box 92, Hays, KS 67601	819.92
37	Kernohan, Max, Route 1, Box 44, Zenda, KS 67159	60.35
38	Kline, Raymond, 3852 W. State Street, Salina, KS 67401	48.14
39	Knepp, Billie G., Route 2, Iola, KS 66749	84.00
40	Knowles, Steve, Route 1, Box 139, Kirwin, KS 67644.....	135.15
41	Koch, Rock, Route 1, Box 96, Axtell, KS 66403.....	50.78
42	Kohl, James, Route 3, Ellis, KS 67637	332.84
43	Krohn, Myron, Box 28, Blaine, KS 66410	47.70

	Kuttler, J. V. and Sons, Box 430, Tribune, KS 67879.....	45.39
2	Larsen, Larry D., c/o Larsen Farms, 40 Inverness Drive East, Suite	
3	150, Englewood, CO 80112	55.95
4	The Lazy "G" Ranch, Inc., 500 West Texas, Suite 1190, Midland, TX	
5	79701.....	153.85
6	Leeburg, Harold, Route 1, Box 66, Reading, KS 66868	3.04
7	Leslie, M. V. or Brett, Route 1, Box 65, Nashville, KS 67112.....	81.80
8	Lewellen, Joe, Route 1, Cassoday, KS 66842.....	39.23
9	Lindhorst, Craig, P. O. Box 182, Marysville, KS 66508	146.03
10	Luckert, Frank, Route 2, Norton, KS 67654	121.07
11	Luthi, Harold, Box 65, Madison, KS 66860	318.58
	Lyon, Lynn C., Route 1, Box 73, Emporia, KS 66801	16.90
13	Lyon, Melvin L., 214 1/2 South Main, Smith Center, KS 66967.....	46.60
14	Malir, Robert C., Jr., Box L, 2520 Avenue E., Wilson, KS 67490 ...	12.50
15	Marcoux Ranch, c/o Marc Marcoux, Route 1, Box 170, Centralia, KS	
16	66415.....	30.21
17	Marrs, Roy, Box 130, Fowler, KS 67844.....	264.92
18	Martin, Gerald W., Route 1, Box 118, Garden Plain, KS 67050	73.00
19	Mayer, Harlan W., 313 Sycamore, Goodland, KS 67735.....	45.50
20	McCall, Keith H., Route 2, Box 83, St. Francis, KS 67756.....	18.00
21	McHenry, Robert E., Jr., 5900 E. 91st St. S., Derby, KS 67037	200.18
22	Melvin Gengler Farms, Inc., Route 1, Beloit, KS 67420	120.30
23	Metzen Bros. Dairy, Route 1, 21321 W. 55th So., Viola, KS 67149 ..	81.36
24	Meyer, A. W., Route 2, Box 177, Herington, KS 67449	17.67
25	Meyer, Fred H., Box 294, Alma, KS 66407	246.11
26	M. Meyer & Son Nursery, Inc., 5439 South Hydraulic, Wichita, KS	
27	67216.....	89.50
28	Miller, Larry L., Box 9, Route 1, Agra, KS 67621	12.72
	Mills, Larry R., Route 1, Box 195, Elk City, KS 67344.....	49.57
30	Minihan, Francis, Blaine, KS 66549.....	464.80
31	Moore, James L., Route 1, Box 65, Goodland, KS 67735	123.05
32	Mounkes, Gary W. or Sarah, Box 62, Reading, KS 66868	73.77
33	Moyer Ranch, Inc., 901 Knox Lane, Manhattan, KS 66502.....	24.93
34	Murphy, John Kevin, Route 1, Hope, KS 67451	17.23
35	Nelson, Jim, Route 2, Box 180, Jewell, KS 66949	48.36
36	Nelson, Lawrence Delos, 328 E. Grand, Haysville, KS 67060.....	16.46
37	Nelson, Vernon, 10657 So. Muir Rd., Falun, KS 67442.....	73.00
38	Neu, Charles William, Denton, KS 66017	95.11
39	Newell, Dale & Marc, Route 1, Wakefield, KS 67487.....	153.65
40	Niles, Irving R., Route 2, Lyndon, KS 66451.....	264.63
	Noll, Kenneth W., Box 144, Winchester, KS 66097	41.10
	Nolte, Ruby A., Route 2, Box 184, Hiawatha, KS 66434	15.25
43	Otte, John E., Route 1, Box 103, Canton, KS 67428	479.36

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1	Overwald, Elmer, Route 1, Box 24, Hanover, KS 66945	12.50
2	Peters, Melvin, Route 5, Box 178, Newton, KS 67114	134.71
3	Peterson Farm, Route 2, Wamego, KS 66547	32.30
4	Peterson, Kenneth, Route 1, Box 59, Sylvan Grove, KS 67481.....	162.36
5	Petitjean, Charles R., Route 2, Box 96, St. Francis, KS 67756.....	7.00
6	Pio, Karen S., Route 1, Box 32, Allen, KS 66833	17.89
7	Place, Steve, 504 N. Topeka, El Dorado, KS 67042	174.93
8	Powe, Robert L., Route 1, Box 30, Piedmont, KS 67122.....	15.80
9	Price, Howard, Price Farms, 29 Crestview Dr., Salina, KS 67402....	40.00
	Pulliam, Duane W., Route 2, Box 12, Freeport, KS 67049.....	115.46
	Raine, Linda S. or Bill, Route 8, Box 51, Topeka, KS 66615	8.10
12	Reed, Chester D., Route 1, Peru, KS 67360.....	76.41
13	Reed, Larry, Route 1, Madison, KS 66860.....	41.10
14	Reid, Wayne or Marie, Harveyville, KS 66431	104.02
15	Rempel, Lloyd, Route 2, Box 248, Hillsboro, KS 67063.....	16.90
16	Rethman, Rupert R., Route 1, Box 100, Seneca, KS 66538.....	63.65
17	Robbins, Richard W., Jr., Belvidere, KS 67015	2,810.91
18	Rutland, Guy R., Route 1, Box 41, Independence, KS 67301.....	52.65
19	Schadel, Leonard, Healy, KS 67850.....	40.11
20	Scheid, Lloyd, Whiting, KS 66552	40.00
21	Schmidt, Kenneth, Route 2, Box 66, Montezuma, KS 67867.....	273.14
22	Schmits, E. Alvin, Route 2, Seneca, KS 66538.....	8.10
23	Schmitz, Stanley, Route 1, Seneca, KS 66538	18.00
24	Schneider, Marvin, Route 1, Box 72, Olmitz, KS 67564.....	32.41
25	Schrader, Dwight L., Route 1, Box 20, Alta Vista, KS 66834.....	350.16
26	Schrag, Merle J., Route 3, Box 69, Burrton, KS 67020	79.38
	Schultz Bros. Ranch, Route 1, Box 49, Alma, KS 66401.....	49.13
28	Scott, Ben, 1105 Adams, Fredonia, KS 66736	32.74
29	Sedan Country Club, Box 101, Sedan, KS 67361	198.69
30	Seiwert, Joe, Route 2, Pretty Prairie, KS 67570.....	95.44
31	Sellers, Robert, Route 1, Box 60, Florence, KS 66851	43.85
32	Shaw, Donald, Route 2, Box 153, Selden, KS 67757.....	58.37
33	Sites, Donald E., Box 201, Grinnell, KS 67738	32.96
34	Smith, F. B., Route 1, Box 5, Highland, KS 66035	49.35
35	Smith, John D., Route 1, Box 75, Pleasanton, KS 66075.....	13.27
36	Smith, Leonard E., Sr., Route 1, Box 67, Olmitz, KS 67564	189.98
37	Snay, Max, Route 1, Box 15, Plevna, KS 67568	157.81
38	Sollner, Charles J., Box 214, Longford, KS 67458	7.00
39	Sonkabob, Inc., Lawrence Jones, Pres., 513 N. Madison, Anthony, KS 67003.....	95.00
41	Standley, Frank, Route 1, Box 54, Courtland, KS 66939	131.63
42	Stoneback, I. J., Route 6, Box 202, Lawrence, KS 66046	13.60
43	Stoppel, Alvin, 403 E. Carson, Box 51, Sublette, KS 67877	216.40

	Stucky, Gordon, Route 3, Box 131, Newton, KS 67114	528.76
2	Sutcliffe, Inc., Box 825, 117 South Grant, Chanute, KS 66720	5.46
3	Swaim, Richard L., Jr., Route 2, Silver Lake, KS 66539	132.29
4	Thompson, Andy, Route 1, Box 116, Courtland, KS 66939	11.84
5	Torneden, Marvin L. &/or Marvel, Route 1, Box 104, Linwood, KS	
6	66052	43.41
7	Ubel, Donald, 9505 Harvest Road, Manhattan, KS 66502	36.26
8	Uhlrich, Lawrence, Route 1, Box 232, McClouth, KS 66054	63.76
9	Ukele, Stephen or Lee, Route 3, Sabetha, KS 66534	18.55
10	United Bridge Co., Inc., Box 14986, Lenexa, KS 66215	465.30
11	Veverka, Ernest L., Route 1, Box 7, Luray, KS 67649	12.50
	Visser Farms, Inc., 8640 N. 60th, Riley, KS 66531	169.39
13	Vondra Bros., c/o Frank Vondra, Route 2, Box 138, Geneseo, KS	
14	67444	73.44
15	Walle, Joe, Double J Farms, 6959 W. Santana, Culver, KS 67484 ...	439.26
16	Weber, Eldon, Route 2, Herington, KS 67449	7.00
17	Weixelman, Paul L., Sr., Box 158, Ozawkie, KS 66070	178.50
18	White, Marlin M., Route 1, Box 271, Melvern, KS 66510	61.12
19	Wiens, Walter, Route 1, Inman, KS 67546	7.00
20	Wiggers, Virgil, Route 1, Box 162, Moundridge, KS 67107	7.55
21	Wilson, Donald, Route 2, Box 26, Alta Vista, KS 66834	419.17
22	Winkel, Cecil, Box 143, Glen Elder, KS 67446	270.76
23	Winkler, Albert L., Route 1, Corning, KS 66417	18.00
24	Winn, George E., Box 291, Hardtner, KS 67057	10.30
25	Wolters, Albert T., 7316 N. Wyandotte, Kansas City, MO 64118	29.00
26	Wolters Farms, Inc., Route 2, Box 162, Atwood, KS 67730	199.78
27	Wolf, Stanley, Route 1, Box 45, Milton, KS 67106	128.55
	Wurm, Allen and Rex, Route 1, Box 64, Oberlin, KS 67749	297.20
	Wyman, Laverne, Route 1, Box 38, Brownell, KS 67521	74.54
30	Young, Marvin D., Route 1, Box 122, Quenemo, KS 66528	7.00
31	Ziegler Corporation, 2504 Enterprise, Box 552, El Dorado, KS	
32	67042	188.00
33	Zimmerman, Yvain, Route 2, Box 102, Sterling, KS 67579	112.82
34	Zweygardt, Willard, Route 2, Box 51, St. Francis, KS 67756	150.97
35	Total	\$29,998.32
36	Sec. 3. (a) The Kansas state penitentiary is hereby authorized	
37	and directed to pay the following amounts from the other operating	
38	expenditures account of the state general fund for reimbursement	
39	for loss of or damage to the claimants' personal property which was	
40	in the custody and control of personnel of Kansas state penitentiary,	
	to the following claimants:	
41	Gregory A. Chism, #44140, c/o Kansas state penitentiary	\$188.00
43	Peondre Walker, #31901, c/o Kansas state penitentiary	17.99

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1	G. L. Saylor, 832 Grand Ct., Topeka, KS 66606	50.00
2	Darvin G. Damewood, #46150, c/o Kansas state penitentiary.....	25.00
3	Carl W. Pederson, #35748, c/o Kansas state penitentiary.....	35.00
4	Thomas P. Lamb, #17636, c/o Kansas state penitentiary.....	1,000.00
5	Kenneth W. Blomeyer, Jr., 2311 West 70th Terrace, Mission Hills, KS	
6	66208	150.00
7	Nordell Glover, #44102, c/o Kansas state penitentiary	40.00
8	David R. Brown, #25231, c/o Kansas state penitentiary	17.45
9	Maurice Harris, #38060, c/o Kansas state penitentiary	200.00
	Timothy Lee Newfield, #34231, c/o Kansas state penitentiary.....	100.00
	David Garcia Alejos, #32358, c/o Kansas state penitentiary	55.00
12	William G. Dennis, #34198, c/o Kansas state penitentiary.....	399.15
13	Michael Keller, #49025, c/o Kansas state penitentiary.....	29.44
14	Total.....	62,307.03

\$1,307.03

(b) The Kansas state penitentiary is hereby authorized and directed to pay the following amount from the other operating expenditures account of the state general fund for payment for consultation services the invoice for which was submitted in an untimely manner, to the following claimant:

Derrick J. Desonza, M.D., P.A., 2201 South Fourth St, Leavenworth, KS 66048

\$150.00

(c) The Kansas state penitentiary is hereby authorized and directed to pay the following amount from the other operating expenditures account of the state general fund for payment for medical services invoices for which were submitted in an untimely manner, to the following claimant:

Kansas University Internal Medicine Foundation, 4038 B Bldg., 39th and Rainbow, Kansas City, KS 66103

\$12,349.00

(d) The Kansas state penitentiary is hereby authorized and directed to pay the following amount from the other operating expenditures account of the state general fund for payment for construction costs necessitated by a change order in the original construction contract funds for which were not available because accounts for payment of such costs had lapsed, to the following claimant:

American States Insurance Company, c/o Everett Fritz, Bond Claims Supervisor, PO Box 1636, Indianapolis, Indiana 46206-1636.....

\$24,869.00

Sec. 4. The state industrial reformatory is hereby authorized and directed to pay the following amounts from the other operating expenditures account of the state general fund for reimbursement for loss of or damage to the claimants' personal property which was in the custody and control of personnel of the state industrial reformatory to the following claimants:

~~John Folkerts, #35150, PO Box 107, Ellsworth, KS 67439-0107 \$49.00~~

Keith D. Littlejohn, #30304, Box 546, Norton, KS 67654 25.00

Theodore F. Witman, #17927, Box 546, Norton, KS 67654 64.99

Total ~~\$129.99~~

Roger Patterson, #30581, P.O. Box 1568, Hutchinson, KS 67504-1568 \$ 60.62

\$149.62

Sec. 5. The Norton corrections facility is hereby authorized and directed to pay the following amounts from the other operating expenditures account of the state general fund for reimbursement for damages to claimants' vehicles or personal property contained therein caused by inmates of the Norton correctional facility, to the following claimants:

for loss of or

John E. Stalder, 1120 R. Street, Beaver City, Nebraska 68926, c/o James

546.14

H. Dodson, Attorney at Law, Box 27, Beaver City, Nebraska

68926 \$100.00

Allen J. Heckerman, 702 N. Grant, Norton, KS 67654 ~~656.90~~

Kenneth E. Beaman, Jr., #35983, P.O. Box 1568, Hutchinson, KS 67504-1568 119.56

Total ~~\$756.90~~

\$765.70

Sec. 6. The Hutchinson correctional work facility is hereby authorized and directed to pay the following amount from the other operating expenditures account of the state general fund for reimbursement for damages caused to claimant's motor vehicle by an inmate of the Hutchinson correctional work facility, to the following claimant:

loss or damage to claimant's personal property

John T. Koch, 507 N. Meridian, Valley Center, KS 67147 \$1,014.90

John Folkerts, #35150, P.O. Box 107, Ellsworth, KS 67439-0107 40.00

Sec. 7. (a) The department of corrections is hereby authorized and directed to pay the following amounts from the other operating expenditures account of the state general fund for reimbursement for property losses sustained by claimants' when transferred within the department of corrections system, to the following claimants:

Total \$1,054.90

for the Forbes correctional facility

~~Michael D. Scott, #45768, Route 1, PO Box 653, Winfield, KS~~

~~67156 \$118.00~~

~~Kenneth E. Beaman, Jr., #35983, PO Box 1568, Hutchinson, KS 67504-~~

~~1568 119.56~~

~~Roger Patterson, #30581, PO Box 1568, Hutchinson, KS 67504-~~

~~1568 60.62~~

Nancy Lynne Thatcher, 4616 Melody Lane, Kansas City, KS 66106 .. 150.00

Total ~~\$418.18~~

honor camps

(b) The department of corrections is hereby authorized and directed to pay the following amounts from the other operating expenditures account of the state general fund for personal injuries sustained while in the performance of a work detail, to the following claimants:

claimant

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6-1

James L. Cole, 2349 Bellview, Apt. D, Topeka, KS 66605, c/o Mark Works, Attorney at Law, 118 S.E. 7th, Topeka, KS 66603 \$10,069.30

Michael Leroy Mullins, #45569, Forbes Correctional Facility, PO Box 2247, Topeka, KS 66601, c/o Patrick C. Smith, Attorney at Law, 1321 S. Topeka Avenue, Topeka, KS 66601, Box 1677 30,048.48

Total \$40,117.78

(c) The department of corrections is hereby authorized and directed to pay the following amount from the other operating expenditures account of the state general fund for payment for medical services the invoices for which were submitted in an untimely manner, to the following claimant:

A.K. Tayiem, M.D., 1201 North 2nd, Atchison, KS 66002 \$1,500.52

Sec. 8. (a) The department of revenue is hereby authorized and directed to pay the following amounts from the sales tax refund fund for sales tax paid for materials for a tax exempt project, to the following claimants:

Watkins, Inc., 711 W. Second Street, Wichita, KS 67203 \$2,499.74

Twin Valley Schools—USD #240, PO Box 38, Bennington, KS 67422 423.27

Landoll Corporation, 1700 May Street, Marysville, KS 66508 7,754.55

Collision Specialists, 8923 W. Kellogg, Wichita, KS 67209 2,434.86

Backup Recovery Services, Inc., 1620 N.W. Cage Blvd, Topeka, KS 66618 1,296.64

Becker Homes-Corner Stop, 729 First Avenue East, Horton, KS 66439 292.27

Republic County Hospital, c/o Connie Elliot, 24th and G, Belleville, KS 66935 598.19

Herndon School, USD 317, c/o Henry R. Potts, Superintendent, 300 Radnor Avenue, Herndon, KS 67739 1,664.95

Judge McGreevey's Food Emporium & Club, Inc., c/o Maurice J. Pfeifer, President, 601 Main, Hays, KS 67601 3,338.71

Unified School District #353, Ronald L. Fagan, Superintendent, 221 S. Washington, Wellington, KS 67152 350.93

Circle USD #375, East Highway 254, PO Box 8, Towanda, KS 67144 366.12

Atchison Hospital, 1300 N. 2nd Street, Atchison, KS 66002 1,839.50

City of Stafford, Box 280, 112 W. Broadway, Stafford, KS 67578 537.75

Continental Extrusion Corporation, c/o Edward Lee Lum, Assistant controller, 2 Endo Blvd., Garden City, New York 11530 3,570.42

B.M.D. Machine Shop, c/o Bert I. Chastain, 240 Metcalf Road, El Dorado, KS 67042 2,060.03

Nance Manufacturing, Inc., 2636 S. Sheridan, Wichita, KS 67217 6,601.05

Sec. 8. (a) The state reception and diagnostic center is hereby authorized and directed to pay the following amount from the other operating expenditures account of the state general fund for personal injuries sustained while in the performance of a work detail to the following claimant:
James L. Cole, 2349 Bellview, Apt. D, Topeka, KS 66605, c/o Mark Works, Attorney-at-Law, 118 S.E. 7th, Topeka, KS 66603 \$10,069.30

Sec. 9. (a) The Kansas correctional institution at Lansing

Sec. 10. (a) The Winfield correctional facility is hereby authorized and directed to pay the following amount from the other operating expenditures account of the state general fund for reimbursement for loss of or damage to personal property to the following claimant:
Michael D. Scott # 45768, Route 1, P.O. Box 653, Winfield, KS 67156 \$118.00

RENUMBER REMAINING SECTIONS ACCORDINGLY AFTER SEC. 10.

1-10

Colby Public Schools, USD 315, 210 South Range, Colby, KS	
67701	1,382.29
Volume Shoe Corporation, c/o Anthony L. Higgins, 3231 East 6th Street,	
PO Box 3540, Topeka, KS 66601-3540	92,005.94
Sunglo Feeds, Inc., c/o James Hamilton, President, Box 789, Hesston,	
KS 67062	2,947.63
Kinney Shoe Corporation, 233 Broadway, New York, New York 10279,	
c/o George Francis, Attorney at Law, 5501 LBJ Freeway #815,	
Dallas, Texas 75240	51,780.62
Total	\$183,745.46

(b) The department of revenue is hereby authorized and directed to pay the following amount from the other operating expenditures account of the state general fund for motor vehicle tax paid, to the following claimant:

Christina D. Reynolds, 20800 Homestead Rd, Apt. 13B, Cupertino, CA	
95014-0410	\$250.00

(c) The department of revenue is hereby authorized and directed to pay the following amount from the other operating expenditures account of the state general fund for reimbursement of travel expenses, to the following claimant:

Max L. Smith, 725 Red Barn, Wichita, KS 67212	\$386.81
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Sec. 9. (a) The university of Kansas medical center is hereby authorized and directed to pay the following amount from the hospital revenue fund for reimbursement for damages caused to claimant's truck by paint overspray, to the following claimant:

David Sams, 1150 S. 110th Street, Edwardsville, KS 66111, c/o Scott	
I. Asner, Attorney at Law, 2111 E. Crossroads, #202, Olathe, KS	
66062	\$1,233.31

(b) The university of Kansas medical center is hereby authorized and directed to pay the following amount from the hospital revenue fund for reimbursement for loss of wedding rings while a patient at the medical center, to the following claimant:

Madeline & Kendred Brooks, 1141 Rowland, Kansas City, KS	
66104	\$1,500.00

Sec. 10. The department of social and rehabilitation services is hereby authorized and directed to pay the following amounts from the social services clearing fund for services rendered and purchases made; invoices for which were either untimely filed or misplaced, to the following claimants:

Menninger Return to Work Center, 700 Jackson, 9th Floor, Topeka,	
KS 66603	\$956.16
Rehabilitation Institute, 3011 Baltimore, Kansas City, MO 64108	1,205.00

17-1

1	Wilbeck Real Estate Partnership, 418 North Poplar, Hutchinson, KS	
2	67505.....	564.16
3	Data General Corporation, c/o James Sibley, PO Box 70853, Chicago,	
4	IL 60673.....	1,125.00
5	Menninger, Box 829, Topeka, KS 66601-0829	<u>1,192.50</u>
6	Total.....	\$5,042.82

7 Sec. 11. (a) The department of wildlife and parks is hereby au-
 8 thorized and directed to pay the following amounts from the nongame
 9 wildlife improvement fund for refund of donations made thereto due
 10 to errors in completing the Kansas income tax return, to the following
 claimants:

12	William L.E. Beetem, 510 S. Calhoun, PO Box 984, Junction City, KS	
13	66441.....	\$34.00
14	Brian White, 560 W. 8th, Hoisington, KS 67544	128.77
15	Robert J. and Mary K. Cox, Box 484, Madison, KS 66860	<u>60.00</u>
16	Total.....	\$222.77

17 (b) The department of wildlife and parks is hereby authorized
 18 and directed to pay the following amount from the wildlife fee fund
 19 for work done on a boat ramp and parking lot the invoice for which
 20 was untimely filed, to the following claimant:

21	Miami County Highway Department, PO Box 445, Paola, KS 66071-	
22	0445.....	\$2,591.25

23 (c) The department of wildlife and parks is hereby authorized
 24 and directed to pay the following amount from the wildlife fee fund
 25 for reimbursement for damages to crops caused by flooding from the
 26 Cheyenne Bottoms Wildlife Refuge Area, to the following claimant:

27	Nathan Ochs, 3326 Meadowlark, Great Bend, KS 67530.....	\$20,000.00
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28 Sec. 12. The secretary of state is hereby authorized and directed
 29 to pay the following amount from the other operating expenditures
 30 account of the state general fund for payment of expenses incurred
 31 in the determination of a contested election, to the following
 32 claimant:

33	Rice County Clerk, Rice County Courthouse, 101 W. Commercial,	
34	Lyons, KS 67554, by Scott Bush, County Attorney, Rice County	
35	Courthouse, 101 W. Commercial, Lyons, KS 67554.....	\$420.14

36 Sec. 13. (a) The department of administration is hereby author-
 37 ized and directed to pay the following amount from the motor pool
 38 service fund for services rendered and purchases made invoices for
 39 which were submitted in an untimely manner, to the following
 claimant:

42	Ed Bozarth Chevrolet, 3731 SW Topeka, Topeka, KS 66609.....	\$1,095.22
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43 (b) The department of administration is hereby authorized and

1-12

1 directed to pay the following amount from the cancelled warrants
2 payment fund for payment of an expired warrant, to the following
3 claimant:

4 James P. & Elizabeth L. O'Conner, 2300 West 85th Terrace, Leawood,
5 KS 66206 \$855.00

6 Sec. 14. (a) There is appropriated for the department of admin-
7 istration from the following special revenue fund all moneys now or
8 hereafter lawfully credited to and available to such fund, except that
9 expenditures other than refunds authorized by law shall not exceed
10 the following:

1 Special claims disbursement fund No limit

12 *Provided*, That all expenditures from this fund shall be for payment
13 of the final settlement of the claim of wrongful incarceration against
14 the state of Kansas, by the following claimant: Clarence Jackson,
15 1021 S. Elmwood, E. Apt., Waukegan, Illinois 60085, c/o Rebecca
16 S. Rice, Attorney at Law, 5425 S.W. 7th, P.O. Box 4287, Topeka,
17 KS 66604: *Provided further*, That all expenditures from this fund
18 shall be to pay such claimant \$96,000 plus interest at a rate of 8.5%
19 per annum payable in 36 equal monthly installments commencing
20 with the month in which this act is effective.

21 (b) On the effective date of this act, the director of accounts and
22 reports shall transfer \$109,097.28 from the state general fund to the
23 special claims disbursement fund which is hereby established for this
24 claim.

25 Sec. 15. The Kansas lottery is hereby authorized and directed
26 to pay the following amount from the lottery operating fund for
27 payment for the July 20, 1988, cash lotto drawing, to the following
28 claimant:

29 Orrin J. Fowles, 1415 Fifth Street, Clay Center, KS 67432, c/o William
30 M. Malcolm, Attorney at Law, Oberg and Malcolm, PO Box 92,
31 Clay Center, KS 67432 \$117,037.00

32 Sec. 16. The department of health and environment is hereby
33 authorized and directed to pay the following amount from the federal
34 women, infants and children health program fund for payment of
35 WIC vouchers submitted in an untimely manner, to the following
36 claimant:

37 Lyle's Foodtown, c/o David L. Myers, 416 W. 12th, Baxter Springs,
38 KS 66713 \$348.01

39 Sec. 17. The Kansas state university is hereby authorized and
40 directed to pay the following amount from the other operating ex-
41 penditures account of the state general fund for payment for services
42 rendered and materials purchased necessitated by construction con-
43 tract change orders, to the following claimant:

1 Ziegler Corporation, 2504 Enterprise, El Dorado, KS 67042, c/o Charles
 2 R. Svoboda, Attorney at Law, 8900 Ward Parkway, Kansas City,
 3 MO 64114..... \$6,967.40

4 Sec. 18. The Pittsburg state university is hereby authorized and
 5 directed to pay the following amount from the restricted fees fund
 6 for reimbursement for instructional materials purchases vouchers for
 7 which were submitted in an untimely manner, to the following
 8 claimant:

Collen Gray, 610 Village Drive, Pittsburg, KS 66762 \$319.07

10 Sec. 19. The Kansas department of transportation is hereby au-
 11 thorized and directed to pay the following amount from the claims
 12 account of the state highway fund for damage to trees of claimant
 13 caused by the application of brush killer on the highway back slope
 14 fronting claimant's property, to the following claimant:

15 Bil and Karen Hawks, Route 1, Box 12D, Coffeyville, KS 67337, c/o
 16 Roger L. Gossard, Attorney at Law, 111 West 8th, PO Box 483,
 17 Coffeyville, KS 67337..... \$18,801.42

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

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

32 Sec. 21. This act shall take effect and be in force from and after
 33 its publication in the Kansas register.

1 Ziegler Corporation, 2504 Enterprise, El Dorado, KS 67042, c/o Charles
 2 R. Svoboda, Attorney at Law, 8900 Ward Parkway, Kansas City,
 3 MO 64114..... \$6,967.40

4 Sec. 18. The Pittsburg state university is hereby authorized and
 5 directed to pay the following amount from the restricted fees fund
 6 for reimbursement for instructional materials purchases vouchers for
 7 which were submitted in an untimely manner, to the following
 8 claimant:

Collen Gray, 610 Village Drive, Pittsburg, KS 66762 \$319.07

9 Sec. 19. The Kansas department of transportation is hereby au-
 10 thorized and directed to pay the following amount from the claims
 11 account of the state highway fund for damage to trees of claimant
 12 caused by the application of brush killer on the highway back slope
 13 fronting claimant's property, to the following claimant:

14 Bil and Karen Hawks, Route 1, Box 12D, Coffeyville, KS 67337, c/o
 15 Roger L. Gossard, Attorney at Law, 111 West 8th, PO Box 483,
 16 Coffeyville, KS 67337..... \$18,801.42

17 Sec. 20. (a) Except as otherwise provided by this act, the director
 18 of accounts and reports is hereby authorized and directed to draw
 19 warrants on the state treasurer in favor of the claimants specified in
 20 this act, upon vouchers duly executed by the state agencies directed
 21 to pay the amounts specified in such sections to the claimants or
 22 their legal representatives or duly authorized agents, as provided by
 23 law.
 24

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

32 Sec. 21. This act shall take effect and be in force from and after
 33 its publication in the Kansas register.



OFFICE OF THE SECRETARY
900 Jackson St., Suite 502
Topeka, Kansas 66612-1220
913-296-2281

DEPARTMENT OF WILDLIFE & PARKS
MIKE HAYDEN, Governor
ROBERT L. MEINEN, Secretary
W. ALAN WENTZ, Assistant Secretary

MEMORANDUM

TO: Senator August Bogina, Jr., Chairman of the
Senate Ways and Means Committee

FROM: Secretary Robert Meinen, Department of Wildlife and Parks

DATE: 2/26/90

RE: History of Flood Claims by Nathan Ochs

Mr. Ochs land was flooded in 1981, as were Great Bend, Hoisington and other surrounding areas. Mr. Ochs filed a claim against the Fish and Game Commission in October, 1981 which was denied by the Joint Committee on Claims on July 8, 1982. Mr. Ochs again filed another claim for the same flood against the Department of Wildlife and Parks on May 22, 1989. This time the claims committee awarded Mr. Ochs flood damages in the amount of \$20,000, which is more than originally requested by Mr. Ochs in 1981. This claim is set out in Senate Bill 653, section 11(c).

Damages claimed in 1981

110 acres of four year old
growing alfalfa at
\$150 per acre.
Total: \$16,500.00

52 tons of baled alfalfa
with water damage and
26 tons destroyed at \$50.00
per ton.
Total: \$1,300.00

35 acres of alfalfa in windrow
total loss.
Total: \$1,000.00

Final Total: \$18,800.00

Damages claimed in 1989

150 acres of good stand
alfalfa at \$200 per
acre.
Total: \$30,000.00

150 tons of alfalfa being
baled at \$60.00 per ton.
Total: \$9,000.00

500 acres of wheat in years
before 1981.
Total: None given.

Final Total: \$39,000.

The 1982 claims committee, after visiting the site of the flooding in this and several other claims, denied all seven claims. Committee minutes from July 8, 1982 alludes to the committee's belief that the farmers could go to court to recover their damages. This in fact did occur by all but Mr. Ochs, who chose not to pursue his claim in court. The other individuals prosecuted their claims and received a decision from the judge in 1986 which led to a favorable settlement by the department.

SWAM
February 27, 1990
Attachment 2

I would point out the differences in the claim amounts including the differences in land damaged, prices and total amounts claimed. Further, I would point out that Mr. Ochs had the opportunity to go to court, refused to do so, and was, in a sense, rewarded for not pursuing legal action. Also for your information, the statute of limitations would have expired for pursuing this in the courts over six years ago.

Personally, I am worried that this action by the claims committee could set dangerous precedent allowing the reconsideration of many long-denied claims in the hopes that a change in committee membership could mean a change in the final decision. I am also uneasy that claims can be considered so many years after the fact. Evidence can be hard to ascertain within months, let alone years, after an incident and memories seldom improve with age.