

Approved: 2-3-97
Date

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS.

The meeting was called to order by Chairperson Phil Kline at 1:36 p.m. on January 30, 1997 in Room 514-S of the Capitol.

All members were present except:

Committee staff present: Alan Conroy, Russell Mills, Stuart Little, Legislative Research Department;
Jim Wilson, Mike Corrigan, Revisor of Statutes Office;
Marcia Ayres, Appropriations Secretary; Helen Abramson, Administrative Aide

Conferees appearing before the committee: Dr. Bill Wolff, Legislative Research Department
Steve Woolington, Kansas Department of Transportation

Others attending: See attached list

Minutes of the January 29 meeting were distributed for review by the members.

Hearing on HB 2038 Special Claims Against the State

Dr. Bill Wolff of Legislative Research reported that **HB 2038** is the work product of the Joint Committee on Special Claims Against the State. There are two different work products of the committee within this bill. Last year **HB 2701** contained claims from 1995, but the bill did not pass. This year the Joint Committee recommended that all of the claims that the committee heard and recommended for inclusion in **HB 2701** be included in **HB 2038**. He then reviewed the bill and explained the sections.

Mr. Steve Woolington, district engineer for District 1 of the Kansas Department of Transportation, testified in favor of **HB 2038** since it would reimburse two KDOT employees for personal losses resulting from a burglary at the District 1 shop. (Attachment 1)

Questions followed from committee members after which the hearing was closed.

Jim Wilson, revisor, distributed a balloon of technical amendments to the bill and explained the changes. (Attachment 2)

A motion was made by Representative Helgerson, seconded by Representative Feuerborn, to adopt the balloon. There was no discussion. The motion carried.

A motion was made by Representative Dean, seconded by Representative Helgerson, to pass **HB 2038** as amended. There was no discussion. The motion carried. Representatives Edmonds, Landwehr, Packer, and O'Connor are recorded as voting no.

A motion was made by Representative Helgerson, seconded by Representative Pottorff, to approve the minutes of January 29. The motion carried.

The meeting adjourned at 2:20 p.m.

The next meeting is scheduled for February 3, 1997.

KANSAS DEPARTMENT OF TRANSPORTATION

E. Dean Carlson
Secretary of Transportation

Docking State Office Building
Topeka 66612-1568
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Bill Graves
Governor of Kansas

Testimony before the House Appropriations Committee
Regarding H.B. 2038
Claims Against the State

January 30, 1997

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify before you today regarding H.B. 2038, which would reimburse two K.D.O.T. employees for personal losses resulting from a burglary of the Kansas Department of Transportation District One Shop located at 121 W. 21st Street in Topeka. I am Steve Woolington, District Engineer for District One of the Kansas Department of Transportation.

Late in the evening on September 29, 1996, or early in the morning of September 30, 1996, the District One Shop in Topeka was burglarized. Among several items that were damaged and/or stolen in this burglary, personal tools and tool boxes belonging to Mr. Russell E. Burnett, Equipment Mechanic II, and Mr. David E. Dunn, Mechanics Helper, were stolen.

The Department requires these employees to furnish their own basic mechanic hand tools to use in performing their work. Storage areas that are as secure as practical have been provided in the shop. Inventories are maintained of employees' personal tools that are kept on K.D.O.T. premises during non-duty hours. The items reported as stolen have been verified in conjunction with these inventories.

The tools furnished by employees represent a significant investment for them. These losses hinder their ability to perform their job responsibilities as well as not having them available for personal work during non-duty hours. It is, therefore, the position of the Department that these employees should be reimbursed for their losses.

Appropriations
1-30-97
Attachment 1

Appropriations
1-30-97
Attachment 2

Wulf, Eldor, 33424 W. 15th St. South, Garden Plain, KS 67050.....	116.64
2 Young, John A., Route 3, Burrton, KS 67020.....	60.24
3 Zeckser, August, Route 1, Box 12, Alma, KS 66401.....	21.54
4 Zirger, Carl F., 18586 R 4 R, Mayetta, KS 66509.....	29.10
5 Total.....	\$181,643.69

6 Sec. 3. (a) The department of revenue is hereby authorized and directed to pay the following amount from the sales tax refund fund for sales tax paid pursuant to a settlement agreement relating to a disputed assessment of tax imposed upon boiler chemicals used in manufacturing, to the following claimant:

1 Power Chemicals, Inc., 4502 South Broadway, Wichita, KS 67218, c/o Donald E. Hill, Attorney at Law, 500 N. Market, Wichita, KS 67214.....	\$17,000.00
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14 (b) 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 and services incorporated in a tax-exempt project, to the following claimants:

18 City of Willard, c/o Elberta Searcy, City Clerk, City Hall, Willard, KS 66615.....	\$334.53
20 City of Topeka Fire Dept., 324 SE Jefferson, Topeka, KS 66607.....	390.63
21 West Graham-Morland USD #280, P.O. Box 226, Morland, KS 67650 ..	1,541.49
22 Staath Memorial Museum, P.O. Box 396, Montezuma, KS 67867, c/o George Voss, Attorney at Law, 117 Gunsmoke, Dodge City, KS 67801.....	2,349.91
25 Total.....	\$4,616.56

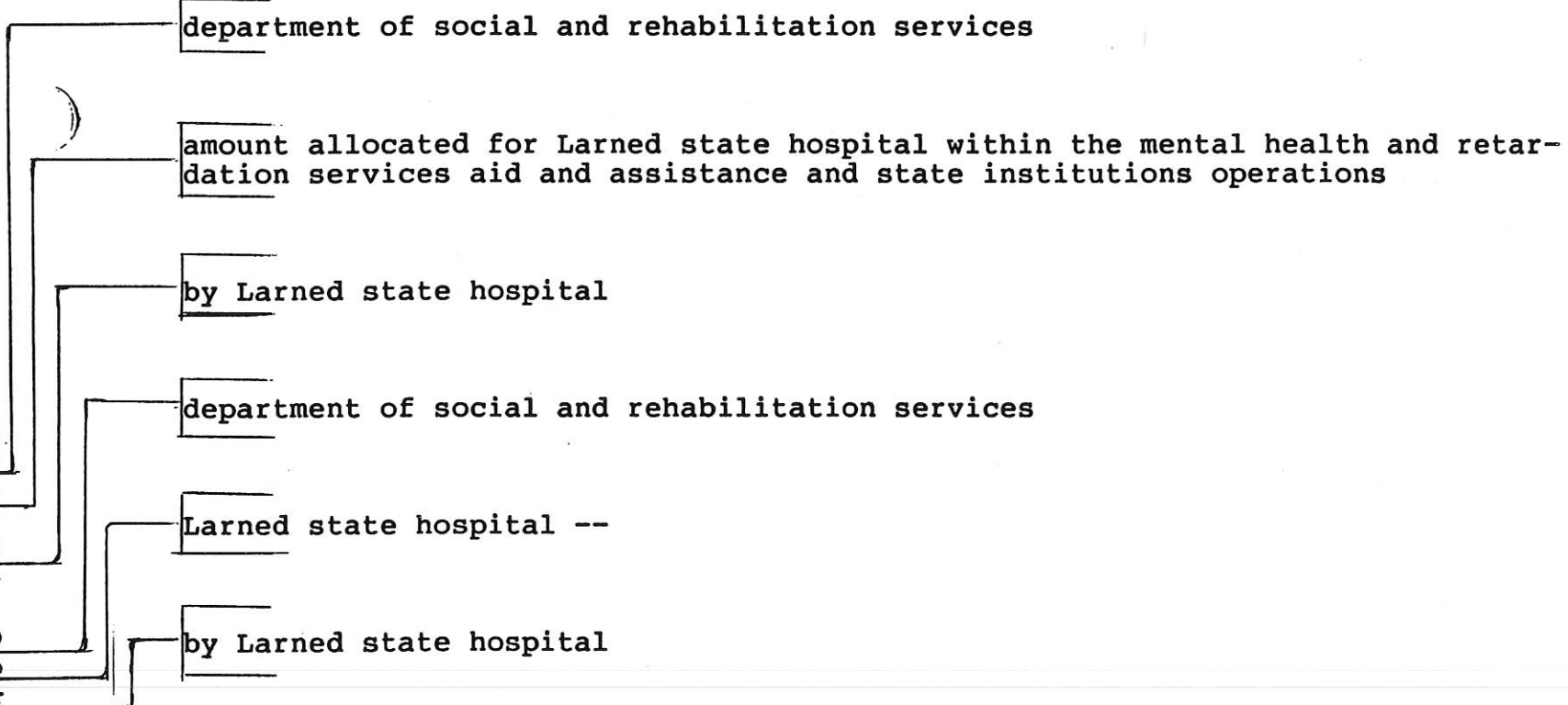
26 Sec. 4. The department of administration is hereby authorized and directed to pay the following amounts from the canceled warrants payment fund for payment of expired warrants, to the following claimants:

29 The estate of Emma Ruth Todd, by Sherry L. Houck, 7622 Pawnee, Prairie Village, KS 66208.....	\$479.86
31 Margaret A. Hearne, P.O. Box 232, Arkansas City, KS 67005.....	840.00
32 Total.....	\$1,319.86

33 Sec. 5. (a) The ~~Larned State Hospital~~ is hereby authorized and directed to pay the following amount from the ~~operating expenditures~~ account of the state general fund for payment for materials or services purchased, the invoice for which was submitted or processed in an untimely manner, to the following claimant:

38 Central Kansas Health Services, 1913 Lakin, Great Bend, KS 67530.....	\$298.50
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39 (b) The ~~Larned State Hospital~~ is hereby authorized and directed to pay the following amount from the ~~work therapy patient benefit fund~~ for payment for materials or services purchased, the invoice for which was submitted or processed in an untimely manner, to the following claimant:



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T.M. Deal Lumber Company, 115 South Hydraulic, Wichita, KS
 67211 \$852.71

Sec. 6. The Kansas Arts Commission is hereby authorized and directed to pay the following amount from the gifts, grants and bequests fund for payment for services rendered, the invoice for which was submitted or processed in an untimely manner, to the following claimant:

Topoka Association for Retarded Citizens, Inc., 2701 Randolph, Topeka,
 KS 66611 \$292.48

Sec. 7. The University of Kansas medical center is hereby authorized and directed to pay the following amount from the service clearing fund for payment for services rendered, the invoice for which was submitted or processed in an untimely manner, to the following claimant:

SWBYP's, 8900 Indian Creek Pkwy., Overland Park, KS 66210 \$32,270.00

Sec. 8. (a) There is appropriated from the state general fund for payment of inspector fees in Case No. 95-C-07, In the matter of the election contest for mayor of Formoso, Kansas, John Peters, contestant, v. Vickie Stafford, contestee, District Court of Jewell County, Kansas, in accordance with K.S.A. 25-1452, to the following claimants:

Ruth Fleming, P.O. Box 26, Formoso, KS 66942	\$10.97
Joy Gordanier, P.O. Box 3, Formoso, KS 66942	10.97
Elaine Smith, Rt. 1, Box 2, Mankato, KS 66956	4.25
Total	\$26.19

(b) ~~There is appropriated from the state general~~ fund for payment for uncashed warrants issued for the purchase of certain vehicles by the Emporia State University, to the following claimant:

Lloyd Carber, Route 2, Box 44B, Fairbury, Neb 68352 \$7,359.95

Sec. 9. (a) The department of social and rehabilitation services is hereby authorized and directed to pay the following amount from the state operations account of the state general fund for reimbursement for legal fees incurred as a result of a guardianship/conservatorship matter, to the following claimant:

Charles Edgar Nissley, Sterling House, 1200 E. Kirwin, #119, Salina, KS
 67401, c/o Terry D. Criss, Attorney at Law, P.O. Box 1247, Salina,
 KS 67401 \$7,959.00

(b) The department of social and rehabilitation services is hereby authorized to pay the following amounts from the state operations account of the state general fund for payment for services, the invoice for which was submitted or processed in an untimely manner, to the following claimants:

Sedgwick County Department of Mental Health, 635 N. Main, Wichita, KS 67203	\$2,160.00
Northeast Kansas Mental Health and Guidance Center, 818 N. 7th St., Leavenworth, KS 66048	240.00

Kansas arts commission

The department of administration is hereby authorized and directed to pay the following amount from the canceled warrants payment

and directed

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1	Prairie View, Inc., P.O. Box 467, Newton, KS 67114.....	1,440.00
2	Johnson County Mental Health Center, 6000 Lamar Avenue, Suite 130,	
3	Mission, KS 66202.....	480.00
4	Total	\$4,320.00

5 (c) The department of social and rehabilitation services is hereby au-
 6 thorized and directed to pay the following amount from the state oper-
 7 ations account of the state general fund for payment for property damage
 8 inflicted by a foster child placed with the claimants, to the following claim-
 9 ants:

10	Richard J. and Kimberly Nichols, 2141 Hamilton Road, Princeton, KS	
11	66078	\$177.28

12 (d) The department of social and rehabilitation services is hereby au-
 13 thorized and directed to pay the following amount from the title XIX fund
 14 for compensation for an injury sustained by the claimant while on work
 15 detail to the Topeka state hospital, to the following claimant:

16	Gary Cheever #38673, Topeka Correctional Facility, 815 S.E. Rice Road,	
17	Topeka, KS 66607	\$18,000.00

18 Sec. 10. The Wichita State University is hereby authorized and di-
 19 rected to pay the following amount from the operating expenditures (in-
 20 cluding official hospitality) account of the state general fund for reim-
 21 bursement for medical costs incurred as a result of an injury sustained
 22 from a fall upon the premises of such university, to the following claimant:

23	Dolly P. Nagel, 10401 Hidden Valley, Wichita, KS 67209	\$270.57
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24 Sec. 11. The ~~(Kansas State Fair)~~ is hereby authorized and directed to
 25 pay the following amount from the non-fair days activities fee fund for
 26 reimbursement for costs incurred to repair damages to claimant's vessel
 27 while stored at the fairgrounds, to the following claimant:

28	Christopher Rodgers, 2507 N. Meadowlake Drive, Hutchinson, KS	
29	67502	\$335.94

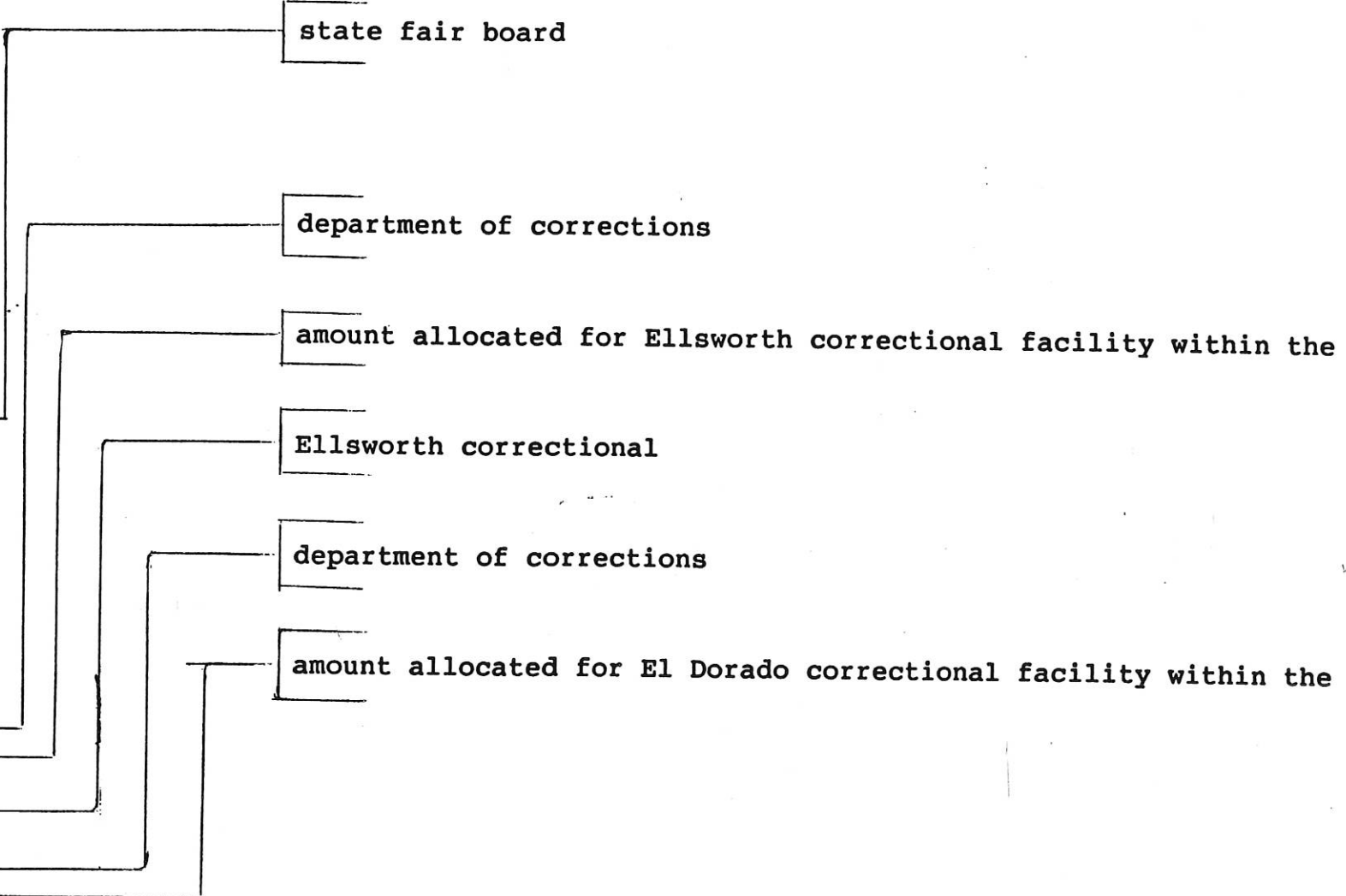
30 Sec. 12. The department of corrections is hereby authorized and di-
 31 rected to pay the following amount from the treatment and programs
 32 account of the state general fund for payment for medical services re-
 33 ceived, to the following claimant:

34	Cotton-O'Neil Clinic, 901 SW Garfield, Topeka, KS 66606	\$185.78
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35 Sec. 13. The ~~(Ellsworth Correctional Facility)~~ is hereby authorized
 36 and directed to pay the following amount from the ~~(facilities operations~~
 37 ~~account of the state general fund for compensation for personal injury~~
 38 ~~sustained at the facility, to the following claimant:~~

39	Terry E. Reed, P.O. Box 1108, Denver, CO 80201.....	\$500.00
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40 Sec. 14. (a) The ~~(El Dorado Correctional Facility)~~ is hereby authorized
 41 and directed to pay the following amount from the ~~(facilities operations~~
 42 ~~account of the state general fund for reimbursement for loss of or damage~~
 3 to claimant's personal property which was in the care, custody and control



the El Dorado correctional

of the personnel at ~~(such)~~ facility, to the following claimants:

department of corrections

Stephen A. Macomber #44362, P.O. Box 311, El Dorado, KS 67042 \$27.00

3 Andre Peterson #52006, P.O. Box 311, El Dorado, KS 67042 20.00

4 Johnny Mack Howell #17964, P.O. Box 311, El Dorado, KS 67042 25.89

5 Total \$72.89

amount allocated for El Dorado correctional facility within the

6 (b) The ~~(El Dorado Correctional Facility)~~ is hereby authorized and
7 directed to pay the following amount from the ~~(facilities operations ac-~~
8 ~~count of the state general fund for reimbursement of travel expenses~~
9 ~~incurred in the attempted visitation of an inmate,~~ to the following claim-

at the El Dorado correctional facility

department of corrections

11 Ronald and Barbara Rowell, Alpine Village, #126, Republic, MO

2 65738 \$50.00

amount allocated for Lansing correctional facility within the

13 Sec. 15. The ~~(Lansing Correctional Facility)~~ is hereby authorized and
14 directed to pay the following amounts from the ~~(facilities operations ac-~~
15 ~~count of the state general fund for reimbursement for loss of or damages~~
16 ~~to claimant's personal property which was in the care, custody and control~~
17 ~~of the personnel at (such) facility, to the following claimants:~~

the Lansing correctional facility

[Reginald]

department of corrections

18 Reginald Berry #35406, P.O. Box 2, Lansing, KS 66043 \$59.98

19 Leroy Dean #50512, P.O. Box 2, Lansing, KS 66043 52.89

20 Pete Bernal #33451, P.O. Box 2, Lansing, KS 66043 65.00

21 Jesse A. Rodriguez #33610, P.O. Box 2, Lansing, KS 66043 577.70

22 Fred E. Baker #58111, P.O. Box 2, Lansing, KS 66043 38.57

23 Sean P. Berry #50889, P.O. Box 2, Lansing, KS 66043 202.84

24 Total \$996.98

amount allocated for Norton correctional facility

the Norton correctional facility

Cortez

25 Sec. 16. The ~~(Norton Correctional facility)~~ is hereby authorized and
26 directed to pay the following amount from the ~~(facilities operations ac-~~
27 ~~count of the state general fund for reimbursement for damage to claim-~~
28 ~~ant's personal property which was in the care, custody and control of~~
29 ~~the personnel at (such) facility, to the following claimant:~~

department of corrections

30 Morris ~~(Cortez)~~ #48624, P.O. Box 546, Norton, KS 67654 \$185.00

amount allocated for Hutchinson correctional facility within the

at the Hutchinson correctional facility

31 Sec. 17. The ~~(Hutchinson Correctional Facility)~~ is hereby authorized
32 and directed to pay the following amount from the ~~(facilities operations~~
33 ~~account of the state general fund for reimbursement for damage to claim-~~
34 ~~ant's vehicle,~~ to the following claimant:

35 Verona F Cuthrie, Route 3, Box 12, 400 S. McPherson Ave, Burrton, KS

36 67020 \$500.00

37 Sec. 18. (a) The Kansas department of transportation is hereby au-
38 ~~thorized and directed to pay the following amount from the state highway~~
39 ~~fund for reimbursement for flood damage to claimant's property resulting~~
40 ~~from improper maintenance of a spillway, to the following claimant:~~

Debra S. Haas, 5630 SW West Drive, Topeka, KS 66606 \$2,683.76

(b) The Kansas department of transportation is authorized and di-
rected to pay the following amount from the state highway fund for re-

[F.]

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1 imbursement of expenses incurred for the conduct of a survey, to the
2 following claimants:

3 Bob L. and Patricia L. Madison, 27410 W. 347th Street, Osawatomie, KS
4 66064 \$2,120.00

5 (c) The Kansas department of transportation is hereby authorized and
6 directed to pay the following amounts from the state highway fund for
7 reimbursement for the replacement of tools stolen from a district shop,
8 to the following claimants:

9	David E. Dunn, 1205 SW Armagh, Topeka, KS 66641.....	\$3,781.43
10	Russell E. Burnett, 1321 NE 70th, Topeka, KS 66617	16,206.49
11	Total	\$19,987.92

department

12 Sec. 19. The ~~(Kansas state board)~~ of education is hereby authorized
13 and directed to pay the following amount from the special education
14 services aid account of the state general fund for reimbursement for trans-
15 portation costs incurred the invoice for which was submitted in an un-
16 timely manner, to the following claimant:

17 Unified School District #229 Blue Valley, 15020 Metcalf, Overland Park,
18 KS 66223, c/o John Vratil, Attorney at Law, 9401 Indian Creek Park-
19 way, Suite 1050, Overland Park, KS 66210..... \$24,446.24

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

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

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