



February 11, 2020

HB 2548 - CLAIMS AGAINST THE STATE

The Joint Committee on Special Claims Against the State (Joint Committee) recommends payment of claims totaling \$90,067.93, including \$23,634.29 from the State General Fund, as outlined in HB 2548. All claims, except fuel tax refunds, are directed to be paid from existing resources and do not increase total State expenditures.

During the 2019 Interim, the Joint Committee met three times and, excluding motor vehicle fuel tax refunds, heard 73 claims, of which 57 claims, or 78.0 percent, were filed against the Kansas Department of Corrections (KDOC) or correctional facilities. No inmate claims were recommended for payment by the Joint Committee.

Section 2, page 1 The committee's recommendation totals \$924.08 from KDOC. Lee File, of F&W Tractor Inc. in Hutchinson, Kansas, states the company's truck was damaged in a KDOC-owned field by an inmate operating hay-raking equipment. The claimant did not submit a claim to their insurance company for damages. F&W Tractor Inc. seeks \$2,772 for repair of bumper, hood, fender, and electrical components. KDOC supports payment of the claim at a reduced amount. Due to difficulties with determining the level of pre-existing damage, the committee recommends partial payment for one-third the claim amount.

Section 3, page 1 The committee's recommendation totals \$16,426.14 from the Kansas Department of Health and Environment (KDHE) Division of Public Health. Mr. Shaheed operates a home care service in which "employee-caregivers provide homemaker, companion, and attendant care services to seniors in their homes." In November 2015, he received correspondence from KDHE that instructed him to cease offering attendant care to seniors and obtain home health licensure. In April 2016, the Kansas Attorney General determined that additional licensure is not required for attendant care services. Mr. Shaheed seeks \$44,772 for legal fees and salary of a registered nurse to comply with the licensing in question. The committee recommends payment of half of the claim amount, excluding legal fees.

Section 4, page 1 The committee's recommendation totals \$1,945.57 from the Osawatomie State Hospital. Ellin Schoenfeld states her vehicle was damaged when a hospital employee backed into it with a state van. The claimant did not submit a claim to her insurance company, which instructed her that "it was the state's liability." Ms. Schoenfeld seeks compensation for the cost of repairing the car. The committee recommends full payment of claim amount.

Section 5, page 1 The committee's recommendation totals \$2,800.00 from the Larned State Hospital. Albert Wilcox, a resident at the Larned State Hospital, states his hearing aids went missing when he was moved to a different room. Mr. Wilcox seeks compensation for replacement of the hearing aides. The agency does not contest the claim. The committee recommends full payment of the claim amount.

Section 6, page 2 The committee's recommendation totals \$1,538.50 from the University of Kansas. Fiona McGuire, a student at the University of Kansas, states she fell while descending the steps of a campus building, which resulted in a fracture of her posterior malleolus and an ankle tear. The claimant attributes the fall to the poor condition of the steps. Ms. McGuire seeks \$4,784 for medical treatment and travel from Lawrence, Kansas, to her physician in Saint Louis, Missouri. While the agency does not admit negligence, it does suggest partial payment as compromise. The committee recommends partial payment for the cost of medical treatment and local travel.

Section 7, page 2 The committee's recommendation totals \$66,433.64 from the Department of Revenue motor vehicle fuel tax refund fund. Refunds paid must be received within one year after the date of purchase. If the refund request is submitted after that date, a claim must be filed with the Joint Committee. Refunds are allowed for taxes paid on fuel used for off-highway uses, including school buses and farming.

Section 8, page 3 Requires signed releases prior to payment being issued.

Section 10, page 3 The bill would be in effect upon publication in the statute book.