

SESSION OF 2022

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2492**

As Amended by House Committee on  
Appropriations

**Brief\***

HB 2492 would authorize expenditures and make appropriations totaling \$2.0 million, including \$1.9 million from the State General Fund (SGF), in FY 2022 to pay claims against the State.

The bill would appropriate \$1.9 million SGF to the Office of the Secretary of State to pay the following claims:

- \$1.4 million to the ACLU Foundation for attorney fees owed as a result of a federal court order related to the case of *Steven Wayne Fish, et al, v. Scott Schwab, Secretary of State for the State of Kansas*;
- \$475,000 to Dentons US LLP for attorney fees owed as a result of a federal court order related to the case of *Bednasek, et al., v. Scott Schwab, Secretary of State for the State of Kansas*.

The bill would authorize expenditures totaling \$79,175 from existing resources to pay the following claims:

- \$34 from the Lansing Correctional Facility for loss of an inmate's electronic devices;
- \$50 from the Hutchinson Correctional Facility for partial reimbursement of an inmate's missing religious necklace;

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- \$265 from the Hutchinson Correctional Facility for a television that was stolen while the claimant's cell was left unsecured;
- \$76 from the Hutchinson Correctional Facility for loss of an inmate's shoes when the claimant was moved to a different unit;
- \$21 from El Dorado Correctional Facility for property that was purchased in the claimant's name without his authorization and wrongfully delivered to another inmate;
- \$138 from the El Dorado Correctional Facility for personal eyeglasses confiscated by staff;
- \$200 from the El Dorado Correctional Facility for partial reimbursement of property lost when the claimant was moved to a different unit;
- \$1,145 from the Adjutant General's Department for damages sustained to the claimant's vehicle when it was struck with debris from an agency-operated lawnmower;
- \$47,789 from the Department of Revenue to OneNeck IT Solutions for reimbursement of overages resulting from the excess prepayment of sales taxes from January 2013 to November 2015; and
- \$29,457 in motor fuel tax refund claims. Refunds are allowed for taxes paid on fuel used for school buses and off-highway uses including farming. These claims go through the claims process if not filed in a timely manner.

The bill would be in effect upon publication in the *Kansas Register*.

## **Background**

The bill was introduced by the Joint Committee on Special Claims Against the State (Joint Committee) on January 19, 2022.

During the 2021 Interim, the Joint Committee met four times and, excluding motor vehicle fuel tax refunds, heard 79 claims, of which 69 claims, or 87.3 percent, were filed against the Department of Corrections or specific correctional facilities. Of the 79 claims heard, the Joint Committee recommended payment for 11 claims.

## ***House Committee on Appropriations***

In the House Committee hearing on March 15, 2022, a representative of the Office of the Secretary of State provided **proponent** testimony, stating that claims against the Secretary of State arise from a negotiated court settlement for payment of the plaintiff's attorney fees in two federal lawsuits that successfully challenged the constitutionality of voter proof of citizenship provisions enacted by the 2011 Legislature.

No other testimony was provided.

The House Committee on Appropriations amended the bill to make technical corrections to the spelling of a claimant's name, clarify that claims against the Office of Secretary of State would include SGF appropriations, and name the fund for a claim against the Department of Revenue.

Appropriations; special claims, state agencies; litigation settlements; tax refunds