



2022

State Finance Council



LAURA KELLY, Governor

AGENDA

STATE FINANCE COUNCIL

February 25, 2022

1:00 p.m.

by Webex

Approval of State Finance Council minutes of January 10, 2022 and February 10, 2022

Items to be considered:

1. Request of the Attorney General to Review the Claim Judgment in the Matter of the Wrongful Conviction of Merardo J. Garza, Jr.
2. Request of the SPARK Executive Committee to Approve the Recovery Office Budget
3. Request of the Director of the Budget to Review the Transfer of ARPA Funds

STATE FINANCE COUNCIL

MINUTES

January 10, 2022
9:00 a.m.

The Kansas State Finance Council was called to order by Governor Laura Kelly at 9:02 a.m. The following members were present:

PRESENT VIA WEBEX

Senator Ty Masterson, Senate President
Senator Larry Alley, Senate Majority Leader
Senator Dinah Sykes, Senate Minority Leader
Senator Rick Billinger, Senate Ways & Means Chair
Representative Ron Ryckman, Jr., Speaker of the House
Representative Dan Hawkins, House Majority Leader
Representative Tom Sawyer, House Minority Leader
Representative Troy Waymaster, House Appropriations Chair
Governor Laura Kelly

APPROVAL OF MINUTES

Representative Hawkins moved that the Minutes of the December 17, 2021, meeting be approved. Representative Sawyer seconded the motion. Representative Waymaster requested the minutes be amended to reflect that he was in attendance but was on mute during the Webex meeting. Motion to approve the amended minutes was adopted unanimously. Votes were as follows:

President Ty Masterson	Yes
Senator Larry Alley	Yes
Senator Dinah Sykes	Yes
Senator Rick Billinger	Yes
Speaker Ron Ryckman, Jr.	Yes
Representative Dan Hawkins	Yes
Representative Tom Sawyer	Yes
Representative Troy Waymaster	Yes
Governor Laura Kelly	Yes

AGENDA ITEM 1

- 1. Request of the SPARK Executive Committee to approve the Kansas Board of Regents Expenditures from GEER II Funds and Allocation of SFRF Funding for Economic Revitalization, Health and Education, and Connectivity**

Lt. Governor Toland presented an overview of the request. On Monday, December 20, 2021, The SPARK Executive Committee approved two requests to bring to the State Finance Council. The

first request approved the allocation of \$154.0 million of the State Fiscal Recovery Fund (SFRF)—allocated to Kansas as part of the American Rescue Plan Act (ARPA) of March 2021—to fund Economic Revitalization, Health and Education, and Connectivity.

The \$154 million approved will address immediate needs in three categories:

First is \$100 million in economic revitalization for investments to support development by private sector and local communities of space to house new businesses recruited to Kansas. This fund would also support economic development infrastructure, including extension of utilities to business and industrial sites and related investments to retain and attract new business to Kansas.

Second is \$50 million in health and education to assist students with learning and recovery and is designed to provide a menu of options for the highest need students to support their educational success.

Third is \$4 million in connectivity for the connect and learn initiative. This is a program that provides matching funds for school districts to use alongside the FCC's e-Rate program to invest in high-speed broadband, which will allow Kansas to leverage federal monies to expand the Kansas broadband services to school districts across the state.

The second request is for the State Finance Council approve the Kansas Board of Regents expenditures of an additional \$11,678,709 allocated in 2021 through the Consolidated Appropriations Act in GEER II funding to address opportunity gaps, improve student well-being, establish postsecondary education plans, incentivize widespread adoption of open educational resources, and to cover administrative costs. Additional background information is in the materials provided to the State Finance Council.

Representative Hawkins asked for clarification of whether it has yet been determined where the \$154 million would be allocated. Lt. Governor Toland stated the allocation of funds beyond the three main categories has not yet been determined.

Speaker Ryckman asked what the criteria would be to choose which 50,000 students will be determined as eligible to receive the \$50 million in funds. Lt. Governor Toland stated that eligible services will include social and mental health services, counseling, academic assistance such as tutoring, mentoring programs, summer enrichment activities, and basic needs, for example, eyeglasses. Each family will receive a \$1,000 grant.

Governor Kelly stated that the structure of the program is that grants will be allocated for lowest income households. An income level is set, and the first tier is families living under 133% of poverty level. Families apply through a grant process and at the end of that deadline, grants are awarded. Then the next tier would be eligible, and the process continues until the fund is exhausted.

Speaker Ryckman asked whether a vendor has been selected. He commented that other states have had issues with vendors in the past and would like to ensure that the vendor selected will have a process in place to be able to get the majority of the money to the families for the students.

Governor Kelly stated a vendor has not yet been selected and that will be accomplished through the Recovery Office and guardrails will be put in place to ensure that the state does not overpay a vendor so that the funds are used for learning recovery for students.

Speaker Ryckman asked about how the tutors would be reimbursed for tutoring through this program, whether for private or public schools, and whether technology is included in this program as well.

Governor Kelly states that the administrative structure not in place currently, but a family will be able to choose a tutor and have tutor reimbursed for the service. In terms of electronics, no decision has been made on that as yet. A discussion was held with the Kansas State Department of Education, and they do not think this is an area of great need as early in the pandemic there was a lot of investment in electronics going directly to students. At this point, it will not be a blanket exclusion as some learning aides that are electronics could be considered.

Governor Kelly called for a motion to approve the request. Representative Sawyer moved and Representative Hawkins seconded the motion. The motion was adopted unanimously. Votes were as follows:

President Ty Masterson	Yes
Senator Larry Alley	Yes
Senator Dinah Sykes	Yes
Senator Rick Billinger	Yes
Speaker Ron Ryckman, Jr.	Yes
Representative Dan Hawkins	Yes
Representative Tom Sawyer	Yes
Representative Troy Waymaster	Yes
Governor Laura Kelly	Yes

RESOLUTION NO. 22-741:

The resolution authorizes the approval of the request of the SPARK Executive Committee to approve the allocation of SFRF Funding for Economic Revitalization, Health and Education, and Connectivity, and the Kansas Board of Regents expenditures from GEER II Funds.

AGENDA ITEM 2

2. Request of the Attorney General for Approval of a Tort Claim Settlement—*JF/KL v. TFI Systems, Inc. and DCF*

Governor Kelly called for a motion to recess the open session to an Executive Session to discuss the tort claim on the agenda. Representative Waymaster moved that the open meeting of the State Finance Council, being held by Webex, be recessed for a closed, executive meeting pursuant to K.S.A. 75-4319(a), for consultation with the Attorney General and members of the staff of the Attorney General to discuss matters relating to a proposed tort claim settlement under consideration pursuant to K.S.A. 75-6106 under the justification listed in K.S.A. 75-4319(b)(2), because discussion of such matters in an open meeting would waive attorney-client privilege; that the State Finance Council resume the open meeting, being held by Webex, at 9:25 a.m. and that this motion, if adopted, be recorded in the minutes and be maintained as a part of the permanent records of the State Finance Council.

Governor Kelly called for a motion to recess to Executive Session. Senator Sykes moved the motion previously stated by Representative Waymaster and Representative Waymaster

seconded the motion. The motion was adopted unanimously by voice vote, and the State Finance Council recessed to an Executive Session at 9:17 a.m.

An extension of the Executive Session was requested by Governor Kelly to 9:35 a.m. with Governor Kelly's inability to access the breakout session due to technical difficulties. Motion to extend the Executive Session was made by Representative Waymaster and seconded by Senator Sykes. The motion was adopted, and the State Finance Council continued the Executive Session at 9:25 a.m.

The open meeting of the State Finance Council resumed at 9:35 a.m.

Governor Kelly called for a motion to approve the request for the approval of the tort claim settlement in *JF/KL v. TFI Systems, Inc. and DCF*. President Masterson moved that the request for approval of the tort claim in the amount of \$18,000. Speaker Ryckman seconded the motion. Motion was adopted unanimously. Votes were as follows:

President Ty Masterson	Yes
Senator Larry Alley	Yes
Senator Dinah Sykes	Yes
Senator Rick Billinger	Yes
Speaker Ron Ryckman, Jr.	Yes
Representative Dan Hawkins	Yes
Representative Tom Sawyer	Yes
Representative Troy Waymaster	Yes
Governor Laura Kelly	Yes

RESOLUTION NO. 22-742:

The resolution authorizes the approval of the request of the Attorney General for approval of the tort claim settlement in *JF/KL v. TFI Systems, Inc. and DCF*.

ADJOURNMENT

Governor Kelly called for a motion to adjourn. Representative Hawkins moved for adjournment, and President Masterson seconded the motion. The motion was unanimous by voice vote and the meeting adjourned at 9:41 a.m.

STATE FINANCE COUNCIL

MINUTES

February 10, 2022
3:30 p.m.

The Kansas State Finance Council was called to order by Governor Laura Kelly at 3:37 p.m. The following members were present:

PRESENT

Senator Ty Masterson, Senate President
Senator Larry Alley, Senate Majority Leader
Senator Dinah Sykes, Senate Minority Leader
Senator Rick Billinger, Senate Ways & Means Chair
Representative Ron Ryckman, Jr., Speaker of the House
Representative Dan Hawkins, House Majority Leader
Representative Tom Sawyer, House Minority Leader
Representative Troy Waymaster, House Appropriations Chair
Governor Laura Kelly

AGENDA ITEM 1

1. Discussion of Draft incentive Agreement/Proposal

Governor Kelly called for a motion to recess the open session to a closed executive meeting to discuss a draft incentive agreement/proposal pursuant to 2022 House Substitute for Senate Bill 347. Representative Waymaster noted that pursuant to 2022 House Substitute for Senate Bill 347, Section 2(e), review, testimony, or discussion of a proposed agreement under this law by the state finance council shall not be open to the public, notwithstanding the Kansas Open Meetings Act and moved that the open meeting of the State Finance Council be recessed for a closed, executive meeting pursuant to 2022 House Substitute for Senate Bill 347, Section 2(e) and also K.S.A. 75-4319(a), for consultation with the Secretary of Commerce to discuss matters relating to a proposed economic development agreement under the justification listed in K.S.A. 75-4319(b)(4) because discussion of such matters relates to the financial affairs of a corporation, partnership, trust, or individual proprietorship and such discussion in an open meeting would violate the confidentiality of the information discussed; that Secretary of Commerce David Toland, Kansas Department of Commerce staff members Bob North, Paul Hughes, and Abby Works, Budget Director Adam Proffitt, and Chief Counsel Justin Whitten be included in the executive meeting; that the State Finance Council resume the open meeting at 4:00 p.m.; and that this motion, if adopted, be recorded in the minutes and be maintained as a part of the permanent records of the State Finance Council. Representative Sawyer seconded the motion. The motion was adopted unanimously. Votes were as follows:

Senator Ty Masterson	Yes
Senator Larry Alley	Yes
Senator Dinah Sykes	Yes
Senator Rick Billinger	Yes
Representative Ron Ryckman, Jr.	Yes
Representative Dan Hawkins	Yes
Representative Tom Sawyer	Yes
Representative Troy Waymaster	Yes
Governor Laura Kelly	Yes

The open meeting of the State Finance Council reconvened at 4:00 p.m. at which time Representative Waymaster renewed his previous motion extending the executive session until 4:15 p.m. Senator Sykes seconded the motion. The motion was adopted by voice vote. The open meeting of the State Finance Council reconvened at 4:15 p.m.

ADJOURNMENT

Governor Kelly called for a motion to adjourn. President Masterson moved for adjournment, and Representative Hawkins seconded the motion. The motion was unanimous by voice vote and the meeting adjourned at 4:15 p.m.

DRAFT

MEMORANDUM

TO: Governor Laura Kelly and State Finance Council
FROM: Adam Proffitt, Director of the Budget
DATE: February 24, 2022
SUBJECT: State Finance Council Meeting of February 25, 2022



An explanation of the items on the agenda for the State Finance Council meeting scheduled for February 25, 2022 are presented below.

1. Request of the Attorney General to Review the Claim Judgment in the Matter of the Wrongful Conviction of Merardo J. Garza, Jr.

This matter arises out of an action filed for relief under KSA 60-5004, which awards compensation for wrongful convictions. Merardo J. Garza, Jr. was convicted of aggravated indecent liberties with a child and rape in the District Court of Sedgwick County in January 2008. Mr. Garza was granted a certificate of innocence on the arrest and criminal convictions in which he was incarcerated for 4,928 days. Mr. Garza was also awarded reasonable attorney fees. Under the wrongful conviction statute, Mr. Garza was awarded total compensation of \$887,455.22. Payment of this judgement is subject to review by the State Finance Council.

2. Request of the SPARK Executive Committee to Approve the Recovery Office Budget

The Office of Recovery coordinates the State of Kansas's COVID-19 response and recovery, with a focus on coordination and administration related to federal relief funding. The SPARK Executive Committee previously approved half of the Office of Recovery's State Fiscal Year 2022 budget, and the Office of Recovery leadership requests the remaining portion, with a modest adjustment to account for the extension of the American Rescue Plan Act State Fiscal Recovery Fund allocation process. The full budget was originally estimated at \$19.6 million, and \$10.5 million was previously approved. This request covers the remaining \$9.1 million, plus an additional \$900,000 for contractual services to fund ongoing operations through the end of the fiscal year. The total request is for \$10.0 million.

3. Request of the Director of the Budget to Review the Transfer of ARPA Funds

During the 2021 Legislative Session, \$9.6 million, all from the State General Fund, was appropriated to the Unemployment Insurance Modernization account for the Kansas Department of Labor to be used for the purposes of the unemployment insurance modernization project. The agency is required to consult with the Director of the Budget to determine if there is any funding available during FY 2022 from any federal law that appropriates moneys to the state for aid for coronavirus relief that are eligible to be used for the purposes of the unemployment insurance modernization project. If federal funding is available, the funding is to be certified and the State General Fund amount equal to the certified amount is to be lapsed. On February 3, 2022, the Director of the Budget requested the transfer of \$9.6 million from the American Rescue Plan State Relief Fund within the Office of the Governor to the Kansas Department of Labor and a corresponding State General Fund lapse.

To: State Finance Council
From: SPARK Executive Committee
Date: February 25, 2022
Re: SFRF Funding for SFY22 Office of Recovery Budget

On January 20, 2022, the SPARK Executive Committee approved an adjusted budget for the Office of Recovery's State Fiscal Year 2022 (SFY22) for State Finance Council's consideration. The SPARK Executive Committee is asking State Finance Council to approve an additional \$10M to support the ongoing operations of the Office of Recovery. The Office of Recovery coordinates the State of Kansas's COVID-19 response and recovery, with a focus on coordination and administration related to federal relief funding. Please see additional information on the Office of Recovery budget in Attachment 1.

FY 22 OFFICE OF RECOVERY BUDGET

	SFC APPROVED	Updated Budget Recommendation
	June 23, 2021	February 2022
EXPENDITURE CLASSIFICATION		

OPERATING EXPENDITURES		
SALARIES AND WAGES	974,525.00	1,836,500.00
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COMMUNICATIONS	28,730.00	30,000.00
FREIGHT AND POSTAGE	23.00	5,000.00
PRINTING AND ADVERTISING	169	30,000.00
RENTS	52,254.00	78,173.00
REPAIRING AND SERVICING	3,769.00	5,000.00
IN-STATE TRAVEL	2,652.00	8,000.00
OUT-OF-STATE TRAVEL		0.00
INTERNATIONAL TRAVEL		0.00
FEES - OTHER SERVICES		158,000.00
FEES - PROFESSIONAL SERVICES	9,457,696.00	18,077,696.00
OTHER - CONTRACTUAL SERVICES		250,000.00
OTHER - HOSPITALITY		0.00
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TOTAL CONTRACTUAL SERVICES	<b>9,545,293.00</b>	<b>18,641,869.00</b>
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CLOTHES FOR OFFICE STAFF		0.00
FOOD FOR HUMAN CONSUMPTION		200.00
MAINT. & CONSTRUCTION MATERIALS		0.00
MOTOR VEHICLE SUPPLIES & GASOLINE		500.00
PROFESSIONAL & SCIENTIFIC SUPP.		0.00
STATIONERY & OFFICE SUPPLIES	1,928.00	10,000.00
OTHER SUPPLIES, MATERIALS & PARTS		500.00

TOTAL COMMODITIES	1,928.00	11,200.00
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CAPITAL OUTLAY	2,823.00	35,000.00
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TOTAL CAPITAL OUTLAY	<b>2,823.00</b>	<b>35,000.00</b>
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TOTAL OPERATING EXPENDITURES	10,524,569.00	20,524,569.00
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February 3, 2022

Jocelyn Gunter, Director  
Office of Accounts and Reports  
700 SW Harrison, Room 300  
Topeka, Kansas 66612

Attn: Amanda Fowler

Dear Ms. Gunter:

Under the authority of *The 2021 Session Laws of Kansas*, Chapter 88, Section 11(c)(2)(A), 11(c)(2)(B), and 11(c)(2)(C), please make the following transfer:

Amount: \$10,000,000.00  
From: 252-00-3756-22-3500 American Rescue Plan State Relief Fund (Office of the Governor), Program Code A0011 (Rural Hospital Innovation Grants)  
To: 264-00-3756-22-3536 American Rescue Plan State Relief Fund (Department of Health and Environment), Program Code A0011 (Rural Hospital Innovation Grants)

Under the authority of *The 2021 Session Laws of Kansas*, Chapter 116, Section 42(a), please make the following transfer:

Amount: \$3,000,000.00  
From: 252-00-3756-22-3500 American Rescue Plan State Relief Fund (Office of the Governor), Program Code A0014 (988 Crisis Hotline)  
To: 039-00-3756-22-3536 American Rescue Plan State Relief Fund (Department for Aging and Disability Services), Program Code A0012 (988 Crisis Hotline)

Under the authority of *The 2021 Session Laws of Kansas*, Chapter 116, Section 42(a), please make the following lapse:

Amount: \$(3,000,000.00)  
Fund: 039-00-1000-22-3004 BH Community Aid (Department for Aging and Disability Services)

Under the authority of *The 2021 Session Laws of Kansas*, Chapter 116, 51(a), please make the following transfer:

Amount: \$2,000,000.00  
From: 252-00-3756-22-3500 American Rescue Plan State Relief Fund (Office of the Governor), Program Code A0013 (Offender Management Data Systems)  
To: 521-00-3756-22-3536 American Rescue Plan State Relief Fund (Department of Corrections), Program Code A0013 (Offender Management Data Systems)

Under the authority of *The 2021 Session Laws of Kansas*, Chapter 116, Section 51(a), please make the following lapse:

Amount: \$(2,000,000.00)  
Fund: 521-00-1000-22-0050 Evidence Based Juvenile Programs (Department of Corrections)

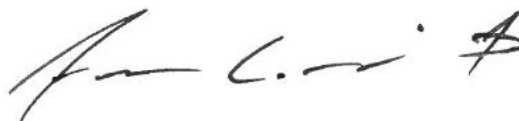
Under the authority of *The 2021 Session Laws of Kansas*, Chapter 116, 35(a), please make the following transfer:

Amount: \$9,600,000.00  
From: 252-00-3756-22-3500 American Rescue Plan State Relief Fund (Office of the Governor), Program Code A0014 (Unemployment Modernization)  
To: 296-00-3756-22-3536 American Rescue Plan State Relief Fund (Department of Labor), Program Code A0014 (Unemployment Modernization)

Under the authority of *The 2021 Session Laws of Kansas*, Chapter 116, Section 35(a), please make the following lapse:

Amount: \$(9,600,000.00)  
Fund: 296-00-1000-22-0520 Unemployment Insurance Modernization (Department of Labor)

Sincerely,



Adam Proffitt  
Director of the Budget

cc J.G. Scott, Kansas Legislative Research Department  
Sec. DeAngela Burns-Wallace, Department of Administration  
Sunni Zentner, Department of Administration  
Dan Thimmesch, Department of Health and Environment  
Keith Bradshaw, Department of Corrections  
Dawn Palmberg, Department of Labor

STATE OF KANSAS

State Finance Council Resolution

Date: February 25, 2022

Resolution No. 22-____

WHEREAS, K.S.A. 75-3711a(a) authorizes any state agency, not otherwise specifically authorized by law, with the approval of the State Finance Council, to receive grants of money and funds appropriated under any federal act or from any other source; and

WHEREAS, K.S.A. 75-3711c(a)(2) indicates grants of approval pursuant to K.S.A. 75-3711a, above, are characterized as legislative delegations; and

WHEREAS, pursuant to the 2021 Session Laws of Kansas, Ch. 116, Sec. 63, p. 1945, the Strengthening People and Revitalizing Kansas (SPARK) Executive Committee has met and is recommending that an additional \$10 million be approved for the Recovery Office budget for Fiscal Year 2022. The source of the funds for this budget are various federal funds available for such use.

WHEREAS, the requested action is the result of an unforeseeable occurrence, and delay until the next legislative session would be contrary to the best interest of the State; and

WHEREAS, the requested action was not rejected by the 2021 Legislature and is not contrary to known legislative policy; and

WHEREAS, the requested action will assist the State of Kansas in attaining an objective or goal which bears a valid relationship to the powers and duties of the State; and

WHEREAS, the program proposed will benefit the health or welfare of the people of Kansas;

THEREFORE, BE IT RESOLVED THAT the State Finance Council, by the Governor and a majority vote of its legislative members thereof, makes the above findings and approves the expenditure of an additional \$10 million for the Recovery Office budget for Fiscal Year 2022. The source of the funds for this budget are various federal funds available for such use, effective immediately.

By: _____  
DeAngela Burns-Wallace, Secretary  
State Finance Council

ELECTRONICALLY FILED  
2022 Jan 20 PM 4:42  
CLERK OF THE SEDGWICK COUNTY DISTRICT COURT  
CASE NUMBER: 2021-CV-001744-OT



**Court:** Sedgwick County District Court  
**Case Number:** 2021-CV-001744-OT  
**Case Title:** Merardo J. Garza Jr. vs. State of Kansas  
**Type:** Journal Entry of Judgment

SO ORDERED.

A handwritten signature in cursive script, appearing to read "S L Rundle".

/s/ Honorable Seth L Rundle



**IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS**

In the matter of the	)	
wrongful conviction of	)	Case No. 2021-CV-1744
MERARDO J. GARZA, JR.	)	

**JOURNAL ENTRY OF JUDGMENT**

Merardo J. Garza, Jr. (“Claimant”) filed an action for relief under K.S.A. 60-5004 (“the Statute”). At this time, the Court finds and orders as follows:

1. On January 10, 2008, Claimant was convicted of alternative counts of aggravated indecent liberties with a child and rape in the District Court of Sedgwick County, Kansas, Case No. 2007-CR-2107-FE.
2. On March 14, 2008, Claimant was sentenced to life imprisonment with a minimum sentence of 25 years for the rape conviction.
3. Claimant did not commit the crime for which he was convicted and sentenced in Case No. 2007-CR-2107-FE.
4. Claimant was not an accessory or accomplice to the act that was the basis of the conviction.
5. Claimant did not commit or suborn perjury, fabricate evidence, or by Claimant’s own conduct cause or bring about the conviction.
6. Claimant was imprisoned for Case No. 2007-CR-2107-FE from June 27,

2007, to December 23, 2020, for a total of 4,928 days.

7. On November 6, 2020, Claimant's conviction was vacated by the Sedgwick County District Court in *Merardo J. Garza, Jr. v. State of Kansas*, Case No. 2017-CV-1565-IA.

8. Having made these findings, the Court grants Claimant relief as follows:

A. Claimant is hereby granted a Certificate of Innocence. The

Certificate of Innocence shall be a separate document as described in subsection (g) of the Statute.

B. Records of Claimant's arrest and criminal conviction associated with *State of Kansas v. Merardo Garza, Jr.*, District Court of Sedgwick County, Kansas, Case No. 2007-CR-2107-FE, are ordered expunged pursuant to subsection (h) of the Statute. The Kansas Bureau of Investigation is hereby specifically authorized and ordered to purge Claimant's conviction, arrest, and DNA profile record information associated with Case No. 2007-CR-2107-FE from the criminal justice information system central repository and all applicable state and federal databases, in accordance with K.S.A. 21-2511, and amendments thereto. A separate Order of Expungement shall be entered containing the information required pursuant to subsection (h) of the Statute. However, nothing in this

Journal Entry of Judgment shall require the Kansas Bureau of Investigation to expunge any records or destroy any samples or profile record associated with Claimant that was submitted pursuant to [K.S.A. 21-2511\(a\)](#), and amendments thereto, related to any offense other than the offense for which the Court has entered a Certificate of Innocence.

- C. Claimant is granted total compensation of \$887,455.22, comprised of the following awards:
- i. The statutory compensation for a wrongful conviction is \$65,000 per year of imprisonment. Based on the above findings, Claimant is awarded \$877,589.04 for the time he was wrongfully imprisoned (4,928 days X (65,000/365)). A lump sum payment is in the best interests of Claimant, and thus the award is to be paid in a lump sum payment without unnecessary delay after review by the state finance council.
  - ii. Reasonable attorney fees and costs in the amount of \$9,866.18 for work performed by the law firms of Ney & Adams and the Law Office of David L. Miller.
  - iii. Claimant shall receive a waiver of tuition and required fees for attendance at a postsecondary educational institution for

up to 130 credit hours, as mandated by subsection (e)(4)(C) of the Statute, pursuant to the terms and conditions set forth in K.S.A. 74-32,195. Claimant shall further be entitled to petition the state board of regents for additional reimbursement of additional fees incurred for postsecondary education, including, but not limited to, fees for room and board, technical equipment, and course-required books.

- iv. Claimant is entitled to counseling assistance pursuant to subsection (e)(4)(B) of the Statute.
- v. Claimant shall be permitted to participate in the state health care benefits program, as mandated by subsection (e)(4)(D) of the Statute, for plan years 2022-2023. Claimant shall have 31 calendar days from the entry of judgment herein to complete or decline enrollment in the state health care benefits program and shall be subject to the plan limitations described in K.S.A. 75-6501(g). The cost for Claimant's premiums to participate in the program shall be paid by the state tort claims fund. Claimant shall be responsible for paying any co-payments, deductibles, and any other related costs under the state health care program.

D. If, after the judgment for payment of the monetary benefit set forth above, Claimant wins a monetary award against the state or any political subdivision thereof in a civil action related to the same subject, or enters into a settlement agreement with the state or any political subdivision thereof related to the same subject, Claimant shall reimburse the state for the sum of the money paid pursuant to this judgment, less any sums paid to attorneys or for costs in litigating the other civil action or obtaining the settlement agreement. A reimbursement required pursuant to this paragraph D shall not exceed the amount of the monetary award Claimant wins for damages in the other civil action or the amount received pursuant to the settlement agreement.

**IT IS SO ORDERED.**

This Order is effective as of the date and time shown on the electronic file stamp.

NEY & ADAMS

/s/ Richard Ney

Richard Ney, #11985  
200 N. Broadway, Suite 300  
Wichita, KS 67202  
Phone: (316) 264-0100  
Fax: (316) 264-1771  
[ney@naslaw.net](mailto:ney@naslaw.net)

And

THE LAW OFFICE OF DAVID L. MILLER

/s/ David L. Miller

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OFFICE OF THE ATTORNEY GENERAL  
DEREK SCHMIDT

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