

## 2016 Kansas Statutes

**75-3785. Construction defects recovery fund; authorized expenditures, approval.** (a) There is hereby created in the state treasury the construction defects recovery fund.

(b) All proceeds received by state agencies shall be deposited in the construction defects recovery fund. All expenditures from the construction defects recovery fund in excess of \$25,000 for the purposes stated in paragraph (4) of this subsection shall be subject to the prior approval of the state finance council, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto. All other expenditures from the construction defects recovery fund shall be subject to the prior approval of the secretary of administration, and the secretary of administration shall report each such expenditure to the joint committee on state building construction. Where expenditures are made in support of litigation in which the state is involved, such expenditures also shall be subject to the prior approval of the attorney general. All expenditures shall be paid pursuant to vouchers of the director of accounts and reports approved by the director of architectural services and shall be for one or more of the following purposes:

- (1) To identify the nature, extent and causes of defects in the design, construction or other work on capital improvements;
- (2) to provide architectural, engineering or other technical services to determine methods for correcting or repairing such defects;
- (3) to provide services in support of claims by the state or to defend claims against the state concerning state construction projects; or
- (4) to correct or repair defects in buildings or facilities under the jurisdiction of state agencies, or to make other repairs or perform maintenance related to such defects.

(c) As used in this section, "proceeds" means money paid to the state of Kansas or any state agency for forfeited bid bonds, or by an insurer, or by a person or firm performing duties related to construction under a contract with a state agency, to compensate the state for errors, omissions or other construction, architectural or engineering related defects adversely affecting the state or a state agency.

**History:** L. 1982, ch. 337, § 1; L. 1984, ch. 328, § 1; L. 1987, ch. 344, § 1; L. 1989, ch. 261, § 2; April 18.