

Approved: 5-31-91  
Date

## MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS.

The meeting was called to order by Chairperson George Teagarden at 2:30 p.m. on April 2, 1991 in room 514-S of the Capitol.

All members were present except: Representatives Turnquist, Heinemann, Pottorff, Goossen, Helgerson, Blumenthal, Hochhauser, and Solbach (all excused).

### Committee staff present:

Ellen Piekalkiewicz, Legislative Research Department  
Debra Duncan, Legislative Research Department  
Jim Wilson, Revisor of Statutes  
Susan Miller, Administrative Aide  
Sue Krische, Committee Secretary

### Conferees appearing before the committee:

Dr. Ramon Powers, Executive Director, Kansas State Historical Society  
Faith Loretto, Department of Administration  
Edward C. Redmon, State Fire Marshal  
Jerry Marlett, Kansas State Council of Firefighters  
Ralph Greene, President, Kansas State Association of Fire Chiefs  
Gordon Fry, Parsons Fire Chief  
Bill Harper, Fire Marshal, Overland Park, Kansas  
Fire Chief Vern McKnatt, City of Shawnee  
Fire Marshal Bob Pay, City of Merriam  
Fire Chief Dan Reed, Gardner Township  
JoLana Pinon, Assistant State Treasurer

Others attending: see attached list.

### SB 6 - Procedure for state acquisition of historic property.

Dr. Ramon Powers, Executive Director, Kansas State Historical Society, appeared in support of SB 6 which amends existing legislation that sets forth the procedures and criteria to be used by the state historic sites board of review in evaluating historical properties that the public proposes for state acquisition (Attachment 1). The historic sites board of review will provide the Governor and the Legislature with a report stating the results of its study of the property and its findings, but SB 6 removes the requirement that the Board make recommendations. Representative Chronister moved that SB 6 be recommended favorably for passage and be placed on the Consent Calendar. Representative Wisdom seconded. Motion carried.

### HB 2603 - Recruitment of certain state personnel; payment of certain expenses.

Faith Loretto, Department of Administration, appeared on behalf of Art Griggs, Acting Secretary of Administration, in support of HB 2603 (Attachment 2). Under current law, agencies are permitted to pay moving expenses only for new hires from out-of-state. HB 2603 would expand this authorization to include new hires in-state as well. The bill would also add managerial positions to the types of jobs for which recruitment and moving expenses would be authorized. Representative Chronister moved that HB 2603 be recommended favorably for passage. Representative Wisdom seconded. Representative Vancrum made a substitute motion to amend by striking "managerial" from the positions covered by the bill. Representative Patrick seconded. Substitute motion carried. Representative Chronister moved that HB 2603, as amended, be recommended favorably for passage. Representative Wisdom seconded. Motion carried.

### HB 2611 - State Fire Marshal, fees credited to fire marshal fee fund.

Edward C. Redmon, State Fire Marshal, testified in support of HB 2611 noting the bill establishes the Fire Marshal Fee Fund which would receive 80 percent of the proceeds of the levy on gross cash premiums of fire insurance companies doing business in this state (Attachment 3). Mr. Redmon stated between 1984 and 1990 funding has not been sufficient to efficiently and effectively render services expected of the State Fire Marshal's Department and as mandated by state law.

Jerry Marlett, Kansas State Council of Firefighters and Kansas State Firefighters Association, appeared in support of HB 2611 (Attachment 4). Mr. Marlett stated at the present time this agency is so limited on funds that the employees cannot do the job that they are charged to do by the Kansas Fire Prevention Code and he

## CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS, room 514-S Statehouse, at 2:30 p.m.  
on April 2, 1991.

believes establishing the Fee Fund would relieve that situation.

Ralph Greene, President, Kansas State Association of Fire Chiefs, testified that the State Fire Marshal has a very important task in the state and HB 2611 is needed for adequate funding.

Gordon Fry, Parsons Fire Chief, appeared in support of HB 2611. He advised he has one paid fire department in his area and eleven volunteer fire departments, which rely heavily on assistance from the State Fire Marshal.

Bill Harper, Fire Marshal, Overland Park, urged passage of HB 2611. He noted that nationwide 76 percent of fire service is provided by volunteers and the volunteers in Kansas need the professional staff supplied by the State Fire Marshal. In response to a question, Mr. Harper stated the Overland Park Fire Department utilizes the State Fire Marshal mainly for nursing home and hospital inspections.

Fire Chief Vern McKnatt, City of Shawnee, appeared in support of HB 2611 stating he relies on the State Fire Marshal's Office in arson investigations.

Bob Pay, Fire Marshal, City of Merriam Fire Department, appeared representing Fire Chief Jerry Montgomery, Merriam, Kansas, in support of HB 2611.

Fire Chief Dan Reed, Gardner Township, testified in support of HB 2611 emphasizing his department is 100 percent volunteer and needs the professional services provided by the State Fire Marshal.

Staff explained that HB 2611 authorizes an increase in the fees charged for certification of certain fire extinguishers and certain businesses. Further, the bill provides that 20 percent of fees will be credited to the State General Fund. It recreates the Fire Marshal Fee Fund into which 80 percent of fees are deposited. Representative Hamm moved that HB 2611 be recommended favorably for passage. Representative Wisdom seconded. Motion carried. Staff was requested to prepare a fiscal analysis of HB 2611 for the Committee.

HB 2614 - State treasurer, authorizing fees municipal bond registration or certification.

JoLana Pinon, Assistant State Treasurer, appeared in support of HB 2614 which would authorize fees for municipal bond registration or certification (Attachment 5). Ms. Pinon stated this bill would allow the recouping of costs associated with the statutory registration and certification process and it creates the bond services fee fund for receipt of the fees generated. Representative Dean noted this bill was a recommendation of the subcommittee that reviewed the State Treasurer's budget.

Representative Wisdom requested Ms. Pinon to supply the Committee with an estimate of the amount of fees to be charged and the expected revenue. Staff will request a suggestion from the agency as to an appropriate limitation on fees for the statute. In addition, Representative Dean suggested an amendment to HB 2614 allowing the Attorney General's office to fix a fee to recover costs for the function of reviewing and approving the transcripts and bonds to be issued. Chairman Teagarden stated the Committee will take action on HB 2614 tomorrow when the requested information is provided.

Chairman Teagarden turned to final action on HB 2354. Representative Adam submitted a balloon of amendments to HB 2354 which would, in effect, reduce the fiscal impact of the bill (Attachment 6). Representative Adam moved adoption of the balloon on HB 2354. Representative Hamm seconded. The motion was withdrawn when a member noted the absence of a quorum. The meeting was adjourned at 3:40 p.m.



STATEMENT OF DR. RAMON POWERS, EXECUTIVE DIRECTOR, KANSAS STATE  
HISTORICAL SOCIETY, BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS  
IN RE SENATE BILL 6, APRIL 2, 1991

Senate Bill 6 amends existing legislation that sets forth the procedures and criteria to be used by the state historic sites board of review in evaluating historical properties that the public proposes for state acquisition through a petition process. That statute was originally enacted in 1982 and amended in 1987 and 1988.

The existing statute identifies nine factors that the historic sites board of review must consider in its evaluation of a property. It also requires that the board make findings and recommendations to the governor and the legislature concerning state acquisition of a property. Senate Bill 6 removes the requirement that the board shall make recommendations to the governor and the legislature on whether or not the historical significance of the property justifies the cost of acquisition, development, and interpretation. Instead the board would provide the governor and the legislature with a report stating the results of its study of the property and its findings on each factor. Senate Bill 6 also restates or clarifies the factors the board should consider and separates into two factors two unrelated items that are now combined.

Since 1982 the board has been asked to evaluate five properties proposed for state acquisition. In all cases, the board voted to recommend that the properties be acquired by the state. History

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has demonstrated that the state historic sites board of review, which by the very nature of its existence must be a proponent for preservation of historic properties, is predisposed to favor state acquisition, particularly of endangered properties. When forced to deal with a choice between high costs, perhaps even exorbitant costs, and the loss of a property, the board has always voted for state acquisition. It is our assessment that the board regards itself as a pro-preservation board and will not recommend against a property when that adverse recommendation could lead to the destruction of that property.

This amendment would no longer require the board to make a judgment on the costs of acquisition, development, etc., versus the historical value of the property. That judgment is one the legislature has had to make over the years and one which should rightfully be left to the legislature. The board's findings on the history, significance, and costs of a proposed property will continue to be provided for the use of the legislature and the governor.

In conclusion, we don't believe that this bill represents a major departure from the existing legislation. It is merely a refinement of a process which we think has been useful to the state in screening properties proposed by various organizations for state acquisition.

DEPARTMENT OF ADMINISTRATION  
TESTIMONY ON HB 2603  
BEFORE THE  
HOUSE APPROPRIATIONS COMMITTEE

Mr. Chairman and members of the Committee, thank you for the opportunity to appear in support of HB 2603. The Department of Administration requested introduction of this bill in order to address an inequity in the current law relating to the State's recruitment and hiring practices.

Presently, state agencies have the authority to pay recruitment and moving expenses to out-of-state applicants for certain types of positions---positions requiring professional, technical or unusual qualifications. The payment of recruitment expenses includes travel and subsistence to and from a job interview and is subject to the approval of the Governor. Moving expenses are those associated with transporting personal property to the employee's new residence.

The primary purpose of HB 2603 is to remove the distinction between out-of-state applicants and Kansas applicants. It makes little sense to allow state agencies to pay moving expenses if the new hire is from Kansas City, Missouri; Lincoln, Nebraska or Tulsa, Oklahoma, but to prevent them from paying moving expenses for a qualified Kansas candidate who would be required to move a similar distance within the state. Such a limitation discriminates against our own citizens and its elimination would help in the recruitment of qualified Kansas applicants for these responsible positions.

HB 2603 would also add managerial positions to the types of jobs for which recruitment and moving expenses

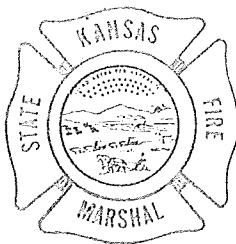
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Attachment 2

would be authorized. Because managerial positions can carry with them considerable responsibility in carrying out the agency's mission, it is reasonable to allow agencies the authority to pay moving expenses as an inducement to accept state employment.

It should be noted that minimal fiscal impact is anticipated from such a change. The reimbursement of recruitment and moving expenses is optional; the agency head would have discretionary authority. Thus, the fiscal impact would depend upon the frequency with which state agencies utilize the expanded authority. Moreover, the bill requires state agencies to place several limitations on reimbursement of moving expenses such as three competitive bids and a dollar limitation on total reimbursements. The fiscal impact would have to be absorbed in the budgets of affected state agencies.

I respectfully urge you to pass HB 2603 favorably. It eliminates an inequity in the state's recruiting and hiring practices which adversely affects Kansas applicants for state employment. The ability of the State to recruit quality candidates will be enhanced as a result of the additional discretion provided to agencies. Thank you again for the opportunity to express support for HB 2603. I would be glad to answer any questions you may have.





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"Serving Kansans Through Fire Safety Education,  
Fire Prevention Inspections and Investigation"

M E M O R A N D U M

DATE: April 2, 1991  
TO: Representative George Teagarden, Chairperson  
House Appropriations Committee  
FROM: Edward C. Redmon, State Fire Marshal

I support HB 2611.

Until 1981 the percentage of all fire insurance premiums sold in the state was the primary source of funding for the State Fire Marshal's Department. Before 1981 the financial status of the fee fund enjoyed healthy balances but the balance declined sharply in 1982 to such a degree that action was required.

The ending balance was not the only problem to be resolved at that time. The agency experienced a cash flow problem as well. The fire insurance tax receipts were collected and credited to the fee fund in March and the balance at the end of the fiscal year must provide sufficient funding for the first 8 1/2 months until new receipts were credited in March. As a temporary and immediate solution to the cash flow problem, the 1982 Legislature transferred money from the State General Fund to the Fire Marshal Fee Fund. However at that time no long term solution to the funding problems were found.

Demands on the fee fund contributing to the deficiency.

1. Increased agency operating expenditures;
2. Annual transfer of funds to KU for their training programs;
3. Agency paid \$82,411 to the Federal Government for an audit exception and the agency then assumed 1/2 of the cost of the Title 18 & 19 inspection programs;
4. Less than anticipated receipts from the fire insurance premium tax;



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5. Inflationary trend and economic status of the nation;  
and
6. Reluctance to increase the levy.

The above problems no longer exist. In 1983, several steps were taken to reduce or eliminate demands on the fee fund.

1. KU Fire Service Training is no longer funded from the Fire Marshal Fee Fund;
2. Legislature of 1985 amended the statute concerning the time for collecting taxes, now in June & December eliminating cash flow problems.
3. Levy increased to 1.25% (currently collected at 1%).

I believe restoring the State Fire Marshal Fee Fund will once again place the agency in a position to provide service to the public and the fire service throughout the state as originally intended.

Between 1984 and 1990 funding has not been sufficient to efficiently and effectively to render services expected of the State Fire Marshal's Department and as mandated by the Statutes and Regulations governing this agency.

While I realize restoring the Fire Marshal Fee Fund is not a remedy for all the agency's fiscal difficulties, I believe it is a beginning. The percentage collected can be increased to the full 1.25% if necessary, the agency and the State General Fund as well will benefit.

"PROGRESS THROUGH UNITY"

# KANSAS STATE COUNCIL OF FIRE FIGHTERS



Affiliated With  
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS • KANSAS STATE FEDERATION OF LABOR • CENTRAL LABOR BODIES

## M E M O R A N D U M

DATE: April 2, 1991  
TO: Representative George Teagarden, Chairperson & Members of the House Appropriations Committee  
FROM: Jerry Marlett, Lobbyist, Kansas State Council of Firefighters

The Firefighters of Kansas overwhelmingly support the enactment of HB 2611.

We feel that this bill to make the State Fire Marshal a fee fund agency is necessary to achieve the level of service to the citizens of Kansas that they deserve. In reality what we're talking about is public safety and also the Firefighters safety. At the present time this agency is so limited on funds that the employees in this agency can't do the job that they are charged to do by the Kansas Fire Prevention Code. With this in mind I wonder if the State of Kansas has not subjected themselves to a case of possible liability by the fact of inspectors and investigators that do not have adequate travel expenses to fulfill their prescribed duties.

Thank you for your consideration of this very important matter.

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STATE OF KANSAS

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Testimony on HB 2614  
before the House Committee on Appropriations  
by  
Assistant State Treasurer JoLana R. Pinon  
Tuesday, April 2, 1991

Mr. Chairman and members of the Committee. I appreciate the opportunity to discuss HB 2614 which would authorize fees for municipal bond registration or certification.

As you know, all bonds issued by the State or a municipality of the State must be registered by the State Treasurer (K.S.A. 10-601). This process includes the submission of the transcript to an Assistant Attorney General for review and approval; approval of the printing and use of the Seal; signing, dating and stamping each individual bond document (certification); and the updating of files regarding each issue.

In addition to this registration and certification process, the State Treasurer, among others, may act as registrar and paying agent. These two functions generate income to the State. This bill would allow the recouping of costs associated with the statutory registration and certification process.

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Attachment 5

HOUSE BILL No. 2354

By Representatives Adam and McClure

2-13

8 AN ACT concerning state procurement practices; relating to recycled, low life-cycle cost and energy efficient goods; amending K.S.A. 1990 Supp. 75-3740 and repealing the existing section.

12 Be it enacted by the Legislature of the State of Kansas:

13 New Section 1. As used in sections 1 through 5:

14 (a) "Director" means the director of purchases of the department of administration.

16 (b) "Goods" means any supplies, materials or equipment.

17 (c) "Practical" means capable of being used, consistent with performance, in accordance with applicable specifications and available within a reasonable time.

20 (d) "Recycled" means recovered from postconsumer solid waste.

21 (e) "State purchasing officer" means any state officer or employee authorized to make purchases directly for a state agency.

23 (f) "Subdivision" means any city, county, school district, township or other political or taxing subdivision of the state.

25 New Sec. 2. (a) The director, in cooperation with the statewide coordinator of waste reduction, recycling and market development shall establish, for the purpose of state purchases of goods, two separate lists, one containing only goods made from recycled materials and the other containing both those goods and goods made from virgin materials. The director and other state purchasing officers may elect to purchase goods appearing on the list of goods made from recycled materials without regard to the price of like goods on the other list. If the director or officer elects to purchase goods from the list containing both types of goods, such purchase shall be based on the lowest bid, independent of the recycled content of the goods.

36 (b) Contracts for goods made from recycled materials shall be awarded based on the lowest bid for goods with the highest recycled content. For purposes of this section, "highest recycled content" means recycled content equal to not less than 80% of the highest commercially available amount of postconsumer recycled content for like goods, as determined pursuant to subsection (c).

42 (c) The director, in cooperation with the statewide coordinator for waste reduction, recycling and market development, shall re-

(a) "Alternate goods having recycled content" means goods of different manufacture or composition which: (1) Functionally meet or exceed specifications; and (2) contain postconsumer recycled material in an amount equal to at least 80% of the maximum amount of postconsumer recycled material found in commercially available goods that functionally meet or exceed specifications.

- strike bracketed language

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1 search markets of goods containing recycled materials and identify  
2 the highest commercially available amount of postconsumer recycled  
3 content for any given goods.

4 (d) The director shall, where practical, solicit bids from manu-  
5 facturers of goods identified in subsection (c). (b)

6 New Sec. 3. (a) The director shall develop and implement a  
7 cooperative purchasing program whereby subdivisions may join in  
8 state purchases of goods by competitive bid for the purpose of making  
9 it economically feasible to purchase goods made from recycled ma-  
10 terials. Participation by a subdivision in such program shall be con-  
11 strued to comply with any procedures required by law for purchases  
12 by the subdivision.

13 (b) The director, in cooperation with the statewide coordinator  
14 of waste reduction, recycling and market development, shall provide  
15 technical assistance and advice to subdivisions to encourage solid  
16 waste reduction, recycling and development of markets for recycled  
17 and recyclable materials through procurement policies and practices.  
18 Subdivisions shall aggressively pursue procurement policies and prac-  
19 tices that encourage solid waste reduction, recycling and develop-  
20 ment of markets for recycled and recyclable materials and compost  
21 and shall, whenever practical, procure products containing recycled  
22 materials.

23 New Sec. 4. On or before the first day of the regular legislative  
24 session each year, the director shall submit to the governor and to  
25 the legislature a report summarizing progress in implementing the  
26 provisions of sections 2 and 3 and any plans or recommendations  
27 for furthering the purposes of those sections. The report shall in-  
28 clude, but not be limited to:

29 (a) A summary list of available goods that contain recycled  
30 materials;

31 (b) the results of any existing performance tests conducted on  
32 recycled or durable goods and agencies' experience with recycled or  
33 low life-cycle cost goods used;

34 (c) a list of all subdivisions participating in and using the coop-  
35 erative purchasing program; and

36 (d) a list of goods purchased for their low life-cycle cost, recycled  
37 content or recyclability and a list of such goods reviewed for  
38 purchase.

39 New Sec. 5. (a) The average fuel efficiency for automobiles pur-  
40 chased for the state by the director or any other state purchasing  
41 officer in any given category of automobiles shall equal or exceed  
42 national fuel efficiency standards for that category for the year in  
43 which the automobiles are purchased.

where practical, shall provide for any given  
contract a category of alternate goods having  
recycled content.

(b) Using commercially available sources, the  
director shall identify pursuant to subsection (a)  
alternate goods having recycled content.

Any subdivision may purchase pursuant to section 2  
alternate goods having recycled content upon  
inspection of the file or record of bids and  
bidders required by K.S.A. 75-3740 and amendments  
thereto to be maintained by the director

alternate goods having recycled content

and

strike bracketed language

passenger automobiles in the state fleet shall  
equal or exceed the federal corporate automobi-  
fuel efficiency standards established by 49 C.F.R.  
part 531

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Where practical,  
replacement

1 (b) ~~All off-highway and medium truck~~ tires purchased for the  
2 state by the director or any other state purchasing officer shall be  
3 retreaded tires.

4 Sec. 6. K.S.A. 1990 Supp. 75-3740 is hereby amended to read  
5 as follows: 75-3740. (a) Except as provided by K.S.A. 1990 Supp.  
6 75-3740b and section 2, and amendments thereto, all contracts and  
7 purchases made by or under the supervision of the director of pur-  
8 chases or any state agency for which competitive bids are required  
9 shall be awarded to the lowest responsible bidder, taking into con-  
10 sideration conformity with the specifications, terms of delivery, and  
11 other conditions imposed in the call for bids. In determining the  
12 lowest responsible bidder, the director, where practical, shall con-  
13 sider the complete life-cycle cost of the goods, including, but not  
14 limited to, factors such as initial cost, energy consumption, energy  
15 cost, warranties, product performance, expected maintenance costs,  
16 resale value and ultimate, safe disposition costs. It shall be incumbent  
17 upon the bidder to demonstrate the life-cycle costs of goods for which  
18 a bid is offered.

-strike bracketed language

19 (b) The director of purchases shall have power to decide as to  
20 the lowest responsible bidder for all purchases, but if:

21 (1) The dollar amount of the bid received from the lowest re-  
22 sponsible bidder from within the state is identical to the dollar  
23 amount of the bid received from the lowest responsible bidder from  
24 without the state, the contract shall be awarded to the bidder from  
25 within the state; and

26 ~~(2) in the case of bids for paper products specified in K.S.A.~~  
27 ~~1990 Supp. 75-3740b, the dollar amounts of the bids received~~  
28 ~~from two or more lowest responsible bidders are identical, the~~  
29 ~~contract shall be awarded to the bidder whose bid is for those~~  
30 ~~paper products containing the highest percentage of recyclable~~  
31 ~~materials; and~~

32 ~~(3) in the case of bids for paper products specified in K.S.A.~~  
33 ~~1990 Supp. 75-3740b, (2) the dollar amounts of the bids received~~  
34 ~~from two or more lowest responsible bidders are identical, the con-~~  
35 ~~tract shall be awarded to the bidder whose bid is for those paper~~  
36 ~~products goods containing the highest percentage of recycled~~  
37 ~~materials.~~

38 (c) Any or all bids may be rejected, and a bid shall be rejected  
39 if it contains any material alteration or erasure. The director of  
40 purchases may reject the bid of any bidder who is in arrears on  
41 taxes due the state, who is not properly registered to collect and  
42 remit taxes due the state or who has failed to perform satisfactorily  
43 on a previous contract with the state. The secretary of revenue is

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1 hereby authorized to exchange such information with the director of  
2 purchases as is necessary to effectuate the preceding sentence not-  
3 withstanding any other provision of law prohibiting disclosure of the  
4 contents of taxpayer records or information. Prior to determining the  
5 lowest responsible bidder on contracts for construction of buildings  
6 or for major repairs or improvements to buildings for state agencies,  
7 the director of purchases shall consider: (1) The criteria and infor-  
8 mation developed by the secretary of administration, with the advice  
9 of the state building advisory commission to rate contractors on the  
10 basis of their performance under similar contracts with the state,  
11 local governmental entities and private entities, in addition to other  
12 criteria and information available, and (2) the recommendations of  
13 the project architect, or, if there is no project architect, the rec-  
14 ommendations of the secretary of administration or the agency arch-  
15 itect for the project as provided in K.S.A. 75-1254, and  
16 amendments thereto. In any case where competitive bids are re-  
17 quired and where all bids are rejected, new bids shall be called for  
18 as in the first instance, unless otherwise expressly provided by law.

19 (d) Before the awarding of any contract for construction of a  
20 building or the making of repairs or improvements upon any building  
21 for a state agency, the director of purchases shall receive written  
22 approval from the state agency for which the building construction  
23 project has been approved, that the bids generally conform with the  
24 plans and specifications prepared by the project architect, by the  
25 secretary of administration or by the agency architect for the project,  
26 as the case may be, so as to avoid error and mistake on the part of  
27 the contractors. In all cases where material described in a contract  
28 can be obtained from any state institution, the director of purchases  
29 shall exclude the same from the contract.

30 (e) All bids with the names of the bidders and the amounts  
31 thereof, together with all documents pertaining to the award of a  
32 contract, shall be made a part of a file or record and retained by  
33 the director of purchases for five years, unless reproduced as pro-  
34 vided in K.S.A. 75-3737, and amendments thereto, and shall be  
35 open to public inspection at all reasonable times.

36 (f) As used in this section and in K.S.A. 75-3741, and amend-  
37 ments thereto, "project architect" shall have the meaning ascribed  
38 thereto in K.S.A. 75-1251, and amendments thereto.

39 Sec. 7. K.S.A. 1990 Supp. 75-3740 is hereby repealed.

40 Sec. 8. This act shall take effect and be in force from and after  
41 its publication in the statute book.

6-9  
H