



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

July 19, 1978

ATTORNEY GENERAL OPINION NO. 78- 239

Mr. W. Keith Weltmer
Secretary of Administration
Department of Administration
2nd Floor - State Capitol
Topeka, Kansas 66612

Re: Architectural Services--Project Architects--Insurance
Coverage Reimbursement

Synopsis: Under section 30 of ch. 337, L. 1978, if the existing professional liability insurance policy of the project architect is insufficient to satisfy the insurance requirements of the Secretary for that project, and the project architect must obtain additional coverage for the difference between the existing policy limits and the coverage required by the Secretary for the project, that constitutes "additional insurance coverage" which is reimbursable under this section. If the project architect has no general professional liability insurance, and must obtain a policy specifically for the project, that policy constitutes "additional insurance coverage" which is reimbursable under this section.

* * *

Dear Secretary Weltmer:

You inquire concerning the extent to which insurance costs are to be reimbursed under section 20 of 1978 House Bill 2722, found at ch. 337, L. 1978. Subparagraph (a) of that section states thus:

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"Each contract for architectural services negotiated under K.S.A. 75-5407, as amended, shall be entered into between the secretary of administration and the firm selected as the project architect. Each such contract shall require the project architect to submit evidence . . . that the firm has general professional liability insurance, or specific professional liability insurance for the project, in the amount prescribed in the contract. At the time of convening a negotiating committee, the secretary . . . shall fix the amount of such insurance coverage that is required for the project on the basis of the total estimate code of the project and said amount shall be prescribed in the contract to be negotiated and *the architect shall be reimbursed for costs incurred in providing such additional insurance coverage* in addition to the fees provided under K.S.A. 75-5409, as amended." [Emphasis supplied.]

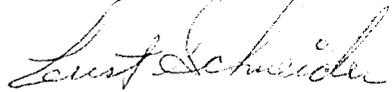
Once the Secretary of Administration determines and prescribes the amount of professional liability insurance coverage which shall be required for a specific project, the project architect may satisfy that requirement by submitting satisfactory evidence of an existing policy of general professional liability insurance with limits adequate to meet the coverage required for the project by the Secretary, or the project architect may procure and furnish satisfactory evidence that the architect has obtained a policy of professional liability insurance specifically for the project. As you point out, the italicized language provides that the project architect shall be reimbursed for the costs of "providing such additional coverage," but it does not indicate what constitutes "additional insurance coverage" which shall be reimbursable.

If the existing professional liability insurance policy of the project architect is insufficient to satisfy the insurance requirements of the Secretary for the project, and the architect must obtain additional coverage for the difference between the existing policy limits and the coverage required by the Secretary, that constitutes "additional insurance coverage" which is reimbursable under this section, in my judgment. Similarly, if the project architect has no general professional liability insurance,

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and must obtain a policy specifically for the project, that policy constitutes "additional insurance coverage" which is reimbursable under this section, in my judgment.

Yours truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj