Session of 2025

HOUSE BILL No. 2116

By Committee on Local Government

Requested by Representative Blex

1-28

AN ACT concerning municipalities; relating to the authority of certain cities and counties to enter into contracts; requiring that certain contractual provisions be incorporated into all such contracts, including the provisions of department of administration form DA-146a; providing certain exceptions.

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

Section 1. (a) Except as provided by subsection (c), any contract entered into by the governing body of any city, or any officers or employees thereof acting on behalf of the governing body, or by the board of county commissioners of any county, or any officers or employees thereof acting on behalf of the board of county commissioners, shall contain the mandatory contract provisions prescribed by the department of administration in form DA-146a, as amended.

(b) Except as provided by subsection (c), any contract entered into after July 1, 2024, shall be deemed to have incorporated the mandatory contract provisions prescribed by the department of administration in form DA-146a, as amended, even if such provisions are not specifically contained in such contract.

(c) The governing body of any city or the board of county commissioners of any county may omit any of the mandatory contract provisions prescribed by the department of administration in form DA-146a, as amended, upon the affirmative recorded vote of a majority of the members of the governing body or board of county commissioners. The governing body and the board of county commissioners shall not have the authority to waive or omit from the provisions of any contract the provisions of sections 2 and 3, and amendments thereto.

Sec. 2. (a) It is the public policy of the state of Kansas that all contracts entered into by the governing body of a city, or any officers or employees thereof acting on behalf of such governing body, or by the board of county commissioners of a county, or any officers or employees thereof acting on behalf of such board, provide that the city or county shall be responsible solely for the actions such governing body or board of county commissioners, or any officer or employee thereof, or the failure of such entity or persons to act under a contract.

(b) The governing body of a city, and any officers or employees thereof acting on behalf of such governing body, and the board of county commissioners of a county, and any officers or employees thereof acting on behalf of such board, shall not have the authority to enter into a contract under the provisions of which the city or county agrees to, or is required to, indemnify or hold harmless against damages, injury or death resulting from the actions or failure to act on the part of any party to a contract other than such governing body or board of county commissioners, or any officers or employees thereof.

(c) The provisions of any contract entered into in violation of this section shall be contrary to the public policy of the state of Kansas and shall be void and unenforceable.

Sec. 3. (a) It is the public policy of the state of Kansas that all contracts entered into by the governing body of a city, or any officers or employees thereof acting on behalf of such governing body, or by the board of county commissioners of a county, or any officers or employees thereof acting on behalf of such board, shall be governed by and interpreted in accordance with the laws of the state of Kansas.

(b) The governing body of a city, and any officers or employees thereof acting on behalf of such governing body, and the board of county commissioners of a county, and any officers or employees thereof acting on behalf of such board, shall have no power to enter into a contract that provides that the contract shall be governed by or interpreted in accordance with the laws of a state other than the state of Kansas.

(c) The governing body of a city, and any officers or employees thereof acting on behalf of such governing body, and the board of county commissioners of a county, and any officers or employees thereof acting on behalf of such board, shall have no power, pursuant to a contract, to submit to the jurisdiction of any court other than a court of the state of Kansas.

(d) The provisions of any contract entered into in violation of this section shall be contrary to the public policy of the state of Kansas and shall be void and unenforceable.

Sec. 4. The provisions of sections 1 through 3, and amendments thereto, shall apply to cities of the second or third class and to any county with a population of less than 35,000.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.