

CHAPTER 131
HOUSE BILL No. 2201

AN ACT concerning public improvements and buildings; relating to public works bonds; amending K.S.A. 2003 Supp. 60-1111 and repealing the existing section.

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

Section 1. K.S.A. 2003 Supp. 60-1111 is hereby amended to read as follows: 60-1111. (a) *Bond by contractor.* Except as provided in ~~subsection~~ ~~(c)~~ *this section*, whenever any public official, under the laws of the state, enters into contract in any sum exceeding ~~\$40,000~~ \$100,000 with any person or persons for the purpose of making any public improvements, or constructing any public building or making repairs on the same, such officer shall take, from the party contracted with, a bond to the state of Kansas with good and sufficient sureties in a sum not less than the sum total in the contract, conditioned that such contractor or the subcontractor of such contractor shall pay all indebtedness incurred for labor furnished, materials, equipment or supplies, used or consumed in connection with or in or about the construction of such public building or in making such public improvements.

A contract which requires a contractor or subcontractor to obtain a payment bond or any other bond shall not require that such bond be obtained from a specific surety, agent, broker or producer. A public official entering into a contract which requires a contractor or subcontractor to obtain a payment bond or any other bond shall not require that such bond be obtained from a specific surety, agent, broker or producer.

(b) *Filing and limitations.* The bond required under subsection (a) shall be filed with the clerk of the district court of the county in which such public improvement is to be made. When such bond is filed, no lien shall attach under this article, ~~and if when such bond is filed liens have already been filed, such liens.~~ *Any liens which have been filed prior to the filing of such bond shall be discharged.* Any person to whom there is due any sum for labor or material furnished, as stated in ~~the preceding section subsection (a),~~ or such person's assigns, may bring an action on such bond for the recovery of such indebtedness but no action shall be brought on such bond after six months from the completion of such public improvements or public buildings.

(c) In any case of a contract for construction, repairs or improvements for the state or a state agency under K.S.A. 75-3739 or 75-3741, and amendments thereto, a certificate of deposit payable to the state may be accepted in accordance with and subject to K.S.A. 60-1112, and amendments thereto. When such certificate of deposit is so accepted, no lien shall attach under this article, ~~and if when such certificate of deposit is so accepted, liens have already been filed, such liens.~~ *Any liens which have been filed prior to the acceptance of such certificate of deposit shall be discharged.* Any person to whom there is due any sum for labor furnished, materials, equipment or supplies used or consumed in connection with or for such contract for construction, repairs or improvements; shall make a claim therefor with the director of purchases under K.S.A. 60-1112, and amendments thereto.

Sec. 2. K.S.A. 2003 Supp. 60-1111 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 13, 2004.
