

February 4, 2025

The Honorable Emil Bergquist, Chairperson
House Committee on Local Government
300 SW 10th Avenue, Room 281-N
Topeka, Kansas 66612

Dear Representative Bergquist:

SUBJECT: Fiscal Note for HB 2116 by House Committee on Local Government

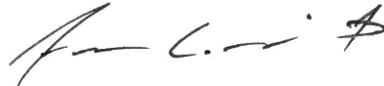
In accordance with KSA 75-3715a, the following fiscal note concerning HB 2116 is respectfully submitted to your committee.

HB 2116 would require any contract entered into by the governing body of any city or by the board of county commissioners of any county to contain the mandatory contract provisions prescribed by the Department of Administration in form DA-146A. Any contract entered into after July 1, 2024, would be deemed to have incorporated the mandatory contract provisions in the DA-146A, even if such provisions are not specifically contained in the contract, unless the city or county omits any of the mandatory contract provisions through an affirmative recorded vote of the majority of the members of the governing body or board of commissioners. The bill would prohibit the omission of certain provisions of the DA-146A.

The bill would state that it is the public policy of the State of Kansas that all contracts entered into by a city or county must provide that the city or county is solely responsible for any actions or failures to act. The bill would also prohibit cities or counties from entering into contracts in which the city or county agrees to indemnify or hold harmless against damages, injury, or death resulting from actions or inactions of any party to a contract other than the governing body or board of commissioners. The bill would state that it is the public policy of the State of Kansas that all contracts entered into by a city or county must be governed by and interpreted in accordance with state law and that cities and counties could not enter into contracts that would be governed by laws of a state other than Kansas. The bill would also state that cities and counties would have no power to submit to the jurisdiction of any court outside of Kansas. The bill would only apply to cities of the second or third class and to a county with a population of less than 35,000.

The Kansas Association of Counties indicates enactment of the bill would require changes to certain forms, which would not have a fiscal effect on counties. However, the Association notes that the bill could affect contract negotiations and costs of services, but that this fiscal effect cannot be estimated. The League of Kansas Municipalities indicates enactment of the bill would not have a fiscal effect on cities.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", with a stylized flourish at the end.

Adam C. Proffitt
Director of the Budget

cc: Jay Hall, Kansas Association of Counties
Wendi Stark, League of Kansas Municipalities