

**SENATE BILL No. 436**

By Committee on Local Government, Transparency and Ethics

2-2

1 AN ACT concerning ~~counties~~ **{local government}**; relating to ~~public bids~~  
2 ~~for construction contracts~~ **{projects; providing for local government**  
3 **control over wages, compensation and benefits for construction**  
4 **projects}**; increasing the cost threshold for when the public bidding  
5 process shall be used to award such contracts; amending K.S.A. **{12-**  
6 **16,132, }19-214 {and 19-26,114}** and repealing the existing ~~section-~~  
7 ~~sections; also repealing K.S.A. 12-16,131}~~.

8  
9 *Be it enacted by the Legislature of the State of Kansas:*

10 **{Section 1. K.S.A. 12-16,132 is hereby amended to read as follows:**  
11 **12-16,132. The administration, enactment or enforcement of any city**  
12 **ordinance which that conflicts with K.S.A. 12-16,130 or 12-16,131, and**  
13 **amendments thereto, is hereby declared to be void and against the public**  
14 **policy of this state.**

15 **Sec. 2. K.S.A. 19-26,114 is hereby amended to read as follows: 19-**  
16 **26,114. The administration, enactment or enforcement of any county**  
17 **resolution which that conflicts with K.S.A. 12-16,130 or 12-16,131, and**  
18 **amendments thereto, is hereby declared to be void and against the public**  
19 **policy of this state.}**

20 ~~Section 1.~~**{Sec. 3.}** K.S.A. 19-214 is hereby amended to read as  
21 follows: 19-214. (a) Except as provided in subsection (b); *and* in K.S.A.  
22 19-216a, and amendments thereto, all contracts for the expenditure of  
23 county moneys for the construction of any courthouse, jail or other county  
24 building, or the construction of any bridge, highway, road, dam, turnpike  
25 or related structures or stand-alone parking lots in excess of  
26 \$25,000\$100,000, shall be awarded, on a public letting, to the lowest and  
27 best bid. **For all awarded contracts in excess of \$25,000**, the person, firm  
28 or corporation to whom the contract may be awarded shall give and file  
29 with the board of county commissioners a good and sufficient surety bond  
30 by a surety company authorized to do business in the state of Kansas, to be  
31 approved by the county attorney or county counselor, in the amount of the  
32 contract, and conditioned for the faithful performance of the contract.

33 (b) The provisions of subsection (a) shall not apply: (1) To the  
34 expenditure of county funds for professional services; (2) to the provisions

1 of K.S.A. 68-521, and amendments thereto; (3) to the purchase of  
2 contracts of insurance; or (4) to the repair of any courthouse, jail or other  
3 county building or the repair or replacement of any such building's  
4 equipment when an emergency based upon public health or safety is  
5 declared by the board of county commissioners. Such emergency shall be  
6 defined as an occurrence of severe damage to a building or its equipment  
7 resulting from any natural or man-made cause, including fire, flood,  
8 earthquake, wind, storm, explosion, riot, terrorism or hostile military or  
9 paramilitary action, or events of similar nature or character. Such damage  
10 must be so severe it prevents the building or equipment from being used  
11 for its intended function. Construction of a replacement building remains  
12 subject to the provisions of subsection (a).

13 ~~Sec.-2: {4.}~~ K.S.A. ~~{12-16,131, 12-16,132, }~~19-214 ~~is {and 19-26,114~~  
14 ~~are}~~ hereby repealed.

15 ~~Sec.-3: {5.}~~ This act shall take effect and be in force from and after its  
16 publication in the statute book.