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March 17, 2015

Chairman Dennis Pyle
Committee on Local Government
State Capitol, Room 159-S
Topeka, KS 66612

Re: H.B. 2164

Dear Chairman Pyle and Members of the Committee:

My client, the Board of Riley County Commissioners, unanimously supports H.B. 2164.

The current law, K.S.A. 19-27a19 (Attachment "A") requires competitive bids whenever construction in a sewer benefit district will exceed \$1,000. That current law also requires that those competitive bids must be let as described within K.S.A. 19-214 (Attachment "B"). Attorney General Opinion 2009-11 (Attachment "C") interprets "construction" as that term is used within K.S.A. 19-214 to include "repair."

Because the text of K.S.A. 19-27a19 refers to K.S.A. 19-214 to set out the format of competitive bids, the two statutes are linked. I believe any court facing the question would therefore likely conclude that terms used in both statutes should be defined consistently. The settled rules of statutory construction suggest to me that the term "construction" would be found by a court to mean the same thing in those two linked statutes. Since K.S.A. 19-214's "construction" has been found by the A.G. to include "repair," in my opinion a court would be inclined to hold that K.S.A. 19-27a19's "construction" likewise includes "repair."

In my opinion, the current law requires competitive bidding whenever sewer benefit district repairs exceed \$1,000. My client believes that amount must be increased, and should be raised to \$25,000.

Thank you for allowing me to express my client's support for H.B. 2164.

Sincerely,



Clancy Holeman
Riley County Counselor

cc: Board of Riley County Commissioners
Leon Hobson, Director of Public Works