

SESSION OF 2011

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 40**

As Recommended by Senate Committee on  
Local Government

**Brief\***

SB 40 would allow a county to repair or replace any courthouse, jail, or other county building without requiring the county to choose the lowest and best bid when the county commission has declared an emergency based upon public health, safety, and welfare. An “emergency” is defined as severe damage caused by any natural or man-made cause, including fire, flood, wind, storm, explosion, or terrorism. The bill would require that any such damage be so severe that it prevents the building or equipment from being used for its intended function.

**Background**

The bill was introduced by Senator Reitz, Chairperson of the Senate Committee on Local Government. The Riley County counselor testified in favor of the bill, and the chairperson of the Riley County Commission and the Riley County assistant county engineer submitted written testimony. A representative of the Kansas Association of Counties also testified in favor of the bill.

SB 40 is similar to 2009 SB 271, which was opposed by the Association of General Contractors. However, the 2009 bill did not define an emergency or specify the severity of the damage required before the exception could be used. An Association representative told the Senate Committee on

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Local Government that the Association was satisfied with the changes in the bill and is neutral on SB 40.

According to the fiscal note prepared by the Division of the Budget, the Kansas Association of Counties could cause counties to pay more for building repairs, since they would not be getting bids, and that the Association was unable to estimate this effect. The note says there would be no effect on state government.