



TESTIMONY OF THE KANSAS ASSOCIATION OF COUNTIES
TO THE SENATE ETHICS, ELECTIONS
AND LOCAL GOVERNMENT COMMITTEE
ON SB 150

MARCH 7, 2013

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to offer testimony in opposition to SB 150.

HB 150 prohibits a municipality (city or county) from specifying products or manufacturers in its bids for construction or repairs of buildings. It calls this practice “setting unreasonable requirements” and requires consideration of “materials that are recognized as adequate and acceptable by competent authorities in the industry.”

Kansas counties may want to specify a certain product in a construction contract for many reasons including experience with a particular product that has proven to be durable, safe and cost-effective. Materials that are merely “adequate and acceptable” may not be what the county engineer recommends. A product may be “adequate and acceptable” but not a good value in the long run for the county. For example, a 15-year shingle for a county building may be adequate and acceptable but not as good a value as a 40-year shingle. Masonite siding may be adequate and acceptable for some uses but is not as durable a product as cement board. Further, who is the “competent authority” in SB 150? Counties are competent to determine what specs to put in their bids without the state or special interest’s interference.

SB 150 seems to say that a bid that favors a specific product is “setting unreasonable requirements.” We do not see how specifying a product equates with unreasonable requirements. If counties were truly enforcing “unreasonable requirements” we would be encountering a lack of bids, due to their unreasonableness. I know of no counties that are unable to meet the specifics of their bids.

The government closest to the people serves the people best, and cities and counties should be able to determine the best use of their tax monies when building county projects without statutory mandates.

I appreciate the opportunity to submit testimony. Please feel free to contact me with any questions.

Melissa Wangemann, General Counsel