



**KANSAS**  
ASSOCIATION OF  
**COUNTIES**

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House Local Government Committee  
January 31, 2024  
HB 2537

Kansas Association of Counties  
Neutral Testimony

Chairman Bergquist and members of the Committee:

Thank you for allowing the Kansas Association of Counties to offer neutral testimony on HB 2537, which would mandate certain contractual provisions be included in all local government contracts.

The Kansas Association of Counties understands the desire to ensure that local government contracts include provisions to protect local governments under the clauses of the agreements. DA-Form 146a does contain some useful provisions that are beneficial to counties. DA-Form 146a is also a very useful checklist to refer to when reviewing contracts during negotiation.

Mandating the use of this form, however, could introduce unintended consequences. Many software and information technology contracts include what is known as clickwrap agreements. These agreements essentially bind the user to a user agreement by clicking the “accept” or “sign” button to use the software. Counties would no longer be able to utilize this type of software if this legislation was passed in its current form, as these clickwrap agreements are generally not negotiated, but include choice of law and venue provisions, which cannot be waived under HB 2537.

KAC would respectfully request an amendment to this legislation on line 11 after the word county, inserting the phrase “with a population of less than 35,000 people” and on line 9 after the word city inserting the phrase “of the second or third class”.

Thank you for the opportunity to present this perspective on this legislation.

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