



Oral Testimony in opposition before the

**House Judiciary Committee**

on

**HB 2461 – Enacting the public litigation coordination act to restrict contracts by public entities for legal services on a contingent fee basis.**

by

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**Kansas Association of School Boards**

**January 29, 2020**

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to provide testimony on **HB 2461**. Let me start by noting that our full membership has not taken a position on this specific issue. We were not aware of this proposal in time to present it to our Delegate Assembly in December.

We therefore appear in opposition this bill based on two reasons:

The first is our general support for the concept of control, which implies a constitutional balance between the interests of the state and the interests of local communities. In the case of the local school boards, the Kansas constitution gives them the duty to “maintain, develop and operate local schools.” This has always included the ability to advance and defend the legitimate interests of students and the community through the legal system.

The second is that we have members currently using this authority in contingent fee cases, so at least some of our members, who are accountable to the local voters, have decided this is an appropriate step.

While realizing that there are legitimate reasons for providing statewide coordination through the attorney general’s office, we are concerned that this bill gives a single state officer control over the decisions of hundreds of local units of government regarding certain litigation.

We encourage the committee to carefully consider the need to maintain the traditional balance between statewide and local concerns if you move forward on this issue.

Thank you for your consideration.