



29 January 2020

Testimony in Opposition to House Bill 2461 House Judiciary Committee

Chairman Patton and Members of the House Judiciary Committee:

I appear today on behalf of a coalition of Northeast Johnson County cities, presently comprised of the cities of Merriam, Mission, and Westwood Hills. I appreciate the opportunity to provide testimony in opposition to House Bill 2461, which we believe is a direct challenge to cities' home rule authority and draws into question our ability to make the best decisions possible for our communities and citizens. House Bill 2461 would pre-empt municipalities from signing any contingency fee agreement without the Attorney General's consent, in conflict with local elected officials' ability to make decisions they believe are best for their communities.

The authority of municipalities and other public entities to join a contingency fee agreement has always been crucial for cities seeking compensation in a variety of consumer lawsuits concerning public health, safety, and environmental matters. Municipalities may join contingency fee agreements for a variety of reasons. Suing the tobacco and opioid industries are prime examples. Currently, nearly 30 Kansas local governments are involved in suing the opioid industry for the harm it has caused their citizens. While it may be the opinion of the Attorney General that money awarded in a settlement should be controlled by the state, municipalities believe this complicates their ability to receive that money efficiently and use it in the manner that will best help their individual communities.

Even more likely than these high profile and current issues, cities' right to join a contingency agreement is also imperative when seeking environmental remediation. Last year, four public entities, including the Kansas Board of Regents, USD 305, the Salina Airport Authority, and the City of Salina, joined together to file a lawsuit against the federal government to seek environmental remediation following decades of cleaning procedures at Schilling Air Force Base which caused significant soil and groundwater pollution. Any other number of scenarios are applicable, including for example court sanctions fee collection services on a contingency basis. Would each contract require Attorney General approval? It is essential cities have the direct authority to join contingency agreements in urgent situations such as this, when public health and welfare is at stake, without seeking, and waiting on, the Attorney General's approval. Moreover, an Attorney General's decision-making will vary depending upon who is in the office.

The Coalition requests the committee oppose HB 2461 in the interest of protecting the home rule authority of our cities. Thank you for your consideration and we welcome any questions or further discussion you may have on this matter.

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