



*Sedgwick County...*  
*working for you*

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## Office of the County Counselor

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### House Judicial Committee

#### HB 2461

**January 29, 2020**

Chairman Patton and members of the committee. As County Counselor of Sedgwick County, I would like to submit written testimony on behalf of the Board of County Commissioners of Sedgwick County in opposition to HB 2461. This bill is an unwarranted intrusion on the County's authority to take appropriate legal action needed for our citizens and to manage our financial affairs accordingly. This bill requires the County to get consent from the Attorney General when engaging in a contingency fee arrangement prior to such a contract being valid. While we have the utmost respect for the Attorney General, there is no reason to go through the hassle and delay of getting such approval on matters that are of purely local concern. We have used contingency fee arrangements for legal services on such matters as collection of delinquent taxes or outstanding bills for public services rendered. In matters of local and statewide concern, such as the opioid litigation, the County stands to potentially receive a significant amount of money to help defray costs associated with treatment and enforcement of this epidemic which will hopefully discourage companies such as the opioid manufacturers and distributors from engaging in similar conduct in the future. In addition, a lot of effort was expended by county staff helping our attorneys properly prepare for this litigation. The County deserves to be compensated for the effect of opioid distribution in our community.

At the heart of our concern about HB 2461 is the infringement on the part of the Attorney General relating to local control and our ability to manage legal matters of importance to the citizens of Sedgwick County in the manner that we think they should be handled. If the tobacco settlement litigation is any indication of how matters completely under the purview of the Attorney General are handled, then counties can expect to receive no money from such legal action. This kind of litigation should be a cooperative effort between the Attorney General and counties and we shouldn't be shut out of the process.

In summary, a decision to protect our citizens through litigation is one of the most basic and fundamental rights we have as a county. This is a core principle of home rule for counties and should be zealously protected. Please oppose HB 2461 and any proposed amendments to this bill.