



March 3, 2025

**Senate Judiciary Committee
Written Testimony in Opposition to SB 242
Jennifer Magana, Director of Law, City Attorney**

Senator Warren and members of the Committee;

Thank you for the opportunity to testify on this proposed legislation. The City of Wichita opposes SB 242 because it infringes on local control and prevents the City from advancing the interests of its citizens.

SB 242 would require the Attorney General, with some exceptions to consent to any municipality's contingency fee arrangement for legal services. Contingency fee –based contracts are not new for municipalities. For example, many cities and other municipalities, including the City of Wichita, have long entered into fee recovery – based agreements. These fee structures provide a market-based, low-risk, flexible, cost-effective tool to recover accounts payable for a variety of City functions, without the expenditure of taxpayer money. No state law does or has ever precluded these contracts, and taxpayers benefit from these models.

Contracts for legal services with municipalities currently take a variety of fee structures, depending on the nature of the work and other factors. They may include hourly rates, flat annual rates, or blended rate structures, SB 242 only restricts contingency fee-based contracts.

The City of Wichita engages in competitive procurement processes for professional services and is accountable to its citizens for such decisions. The City has not been made aware of any constituent concerns for any type of legal services contract, as far as we know. Such contracts, as well records of payments under them, are all open records and are available to the public upon request.

Contracting for services is clearly an area protected by cities' home rule authority in the Article 12 of the Kansas Constitution. Kansas voters have clearly supported giving local government this measure of local control for over 60 years. This legislation is contrary to these constitutional provisions.

Thank you for allowing the city to submit testimony on SB 242. We respectfully request that the bill not be advanced forward.