

To: House Judiciary Committee

From: Amanda L. Stanley, General Counsel

Date: January 13, 2021

RE: HB 2048 (oral or written at the Chair's preference)

We want to thank Chairmen Patton and the members of the Committee for affording the League of Kansas Municipalities the opportunity to provide testimony on the proposed extension bill.

The last ten months have produced numerous challenges for local governments and, unfortunately, the challenges never seem to end as our state sees continual spikes in COVID-19 numbers. Right now, things are very uncertain for cities in Kansas. While a vaccine on the horizon brings hope, there are still several months to go until our state reaches herd immunity. Cities are struggling but also persevering and innovating. Even in the midst of a pandemic, they are working tirelessly to provide the services needed by their citizens.

During the 2020 Special Session, HB 2016 gave cities much needed legal certainty regarding the legality of the successive Emergency Proclamations. The continuation of the Emergency Proclamation in HB 2048 until March 5, 2021 provides cities continued legal certainty while the Legislature considers more comprehensive changes.

In addition to dealing with the Emergency Proclamations, the enactment contained many other provisions important to cities.

One of the most important provisions of HB 2016 was the liability protection act. By including cities as a covered person, cities were able to more accurately assess what liability risks they faced regarding COVID-19 claims as they provided essential public safety, reopened playgrounds, city hall, municipal court, pools, golf courses, and performed so many other essential daily operations. Over the last ten months, our knowledge of the virus has constantly evolved, and with it, the standard of care. A city can do everything right and still have employees contract the virus from outside events or have citizens bring the virus into a city facility. While negligence suits may ultimately be unsuccessful, defending against a lawsuit takes time and money. The immunity provisions set to expire on January 26, 2021 have helped provide a shield against costly litigation when a city is complying with all required public health directives. We strongly support the extension of the immunity provisions.

Additionally, our urban and rural communities have also benefited from the telemedicine provisions in HB 2016 set to expire on January 26, 2021. We support the extension of this provision to help provide crucial healthcare to all parts of our state during the ongoing pandemic.

After almost fifty years, it is appropriate to revisit the Kansas Emergency Management Act as a whole to ensure that it continues to meet the evolving needs of our state. The process should involve careful study to make sure the changes in response to COVID-19 do not cripple our state's response to the next flood, ice storm, tornado, earthquake, or even pandemic. Cities stand ready to engage in that thoughtful consideration; however, while that important dialogue is taking place, we strongly support legislation extending the provisions of HB 2016 set to expire January 26, 2021.