

**SENATE JUDICIARY COMMITTEE
CONFEREE SUBMISSION FORM**

*Attach one completed copy of this form to
each set of testimony.*

**Please submit 25 hardcopies and
a digital file of your testimony in PDF form
by 10:30 AM the day before the scheduled meeting.**

Submit digital files to: iris.evans@senate.ks.gov

Deliver hardcopies to: **Senate Judiciary Committee**

Attn: Iris Evans, Committee Assistant

Kansas State Capital

300 SW 10th Avenue, Rm 441-E

Topeka, KS 66612-1586

Contact Iris by phone at: **785-296-6817**

Date of Meeting 1/12/2021

| | | |
|---------|----|---|
| Bill #: | OR | Presentation on: <u>Extension of Deadlines HB 2016</u> |
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Print Name and phone number of person who will be testifying:

| | |
|-----------------------|---------------------|
| <u>Amanda Stankey</u> | <u>785-354-9565</u> |
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Print Name and phone number of contact person if different:

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Agency Represented:

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| <u>The League of Kansas Municipalities</u> |
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Check all that apply:

| | | |
|---|-----------------------------------|----------------------------------|
| Proponent <input checked="" type="checkbox"/> | Opponent <input type="checkbox"/> | Neutral <input type="checkbox"/> |
| Oral Testimony (Speaking) | Written Only (Not Speaking) | |

*We appreciate your attention to these important details which enable better service for all. **Only one copy** of this cover sheet needs to be submitted with the set of 30 hard copies.*

I can do oral in person or virtual at the Chair's preference. I can also convert to written

To: Senate Judiciary Committee

From: Amanda L. Stanley, General Counsel

Date: January 12, 2021

RE: Extension of certain Statutory Expirations in HB 2016 from the Special Session

I want to thank Chairwoman Warren 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. 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, the pool, 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.

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.

Finally, important to note for cities, HB 2016 gave the chief justice the authority to authorize the use of two-way electronic audio-visual communication in any court proceeding when the chief justice determines the action is necessary to secure the health and safety of the court users, staff, and judicial officers. This provision is set to expire on March 31, 2021. This authority has been extremely helpful in municipal courts of all sizes as cities try to comply with public health guidelines but also continue to provide a critical government service. We would urge this Committee to extend that authority at this time.

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.