



**Senate Committee on Judiciary
Testimony in Support of Senate Bill 541
Presented by Eric Stafford, Vice President of Government Affairs**

Monday, March 7, 2022

Madam Chair and members of the committee, my name is Eric Stafford, Vice President of Government Affairs for the Kansas Chamber. The Kansas Chamber represents small, medium and large businesses of all industry segments across the state. We appreciate the opportunity to testify in support of Senate Bill 541. SB 541 is an extensive bill addressing many aspects of the state's response to COVID and emergency powers. Specifically we are testifying in support of section 1 of the bill regarding compensation for government "uses" or restrictions on business activity.

Last session, the Legislature passed Senate Bill 273 establishing the small business relief fund to compensate small businesses shut down during the pandemic who suffered economic loss. Unfortunately that bill was vetoed by the Governor. With that behind us, we must look forward in implementing proper protections for private business and property owners whose businesses are impacted during emergencies, and hold local governments accountable in their decisions as they must weigh the costs associated with any decision to limit business activity.

SB 541 creates a pathway for compensation when property is "commandeered, restricted for use or otherwise used pursuant to a governmental action and the destruction, use or restriction on use of such property was ordered by a public official pursuant to such governmental action."

SB 541 states that an individual must file a claim through the district court in the same manner as any other civil action, and the court must determine the validity of the claim. SB 541 creates a process to value claims that mirrors condemnation laws of the state.

No one knew what the pandemic would turn out like in March of 2020. However, the length by which private businesses were impacted cannot be ignored, and there must be a clear process by which private businesses can pursue claims against government for actions that adversely impact their ability to function and survive.

Finally, SB 541 also limits the time by which ordinances on restrictions of businesses, face masks, hours of operation, etc., to 30 days before such ordinance can be renewed, modified or rescinded. We believe this bill reflects a responsible way to address compensation for businesses impacted by local government decisions. Thank you for the opportunity to speak in support of Senate Bill 541 and I'll be happy to answer questions at the appropriate time.