

Written only testimony of Susan Davis regarding 22rs2356

Limited proponent

Dear Committee Members

I understand the motivation behind this legislation however, the state of Kansas should not be encouraging or tolerating any employer to mandate any medical treatment as a condition of employment. By providing an “out” through medical or religious exemption you are placing a band-aid on a blatant constitutional violation and saying you have remedied the problem at hand.

You have the Constitutional right to outlaw ALL federally mandated medical treatments, including what is currently being called a vaccine for Covid-19 under Article 10.

The federal government does not have the right to mandate that private businesses make proof of any medical treatment a condition of employment, through executive order or OSHA rule, even under the ruse of an “emergency”. Government agency rules do not supersede the Constitution. They also do not have the right to fine businesses into oblivion for resisting the unconstitutional mandates. U.S. citizens are protected from this behavior by Article 4 which provides the right of people to be secure in their persons, houses, papers, and effects.

By choosing to resist federal mandates by forcing employers to accept exemptions by some groups but not all is a milquetoast attitude toward this extremely important issue of privacy, basically endorsing the federal mandate’s option for only those exemptions.

Although you are correct in affirming the Article 1 protections of those who reject these shots on religious grounds without exception or question, by only extending state protection to those who can prove a medical reason to reject it you ostracize thousands of Kansans who choose to reject the shots on any other personal grounds that would not fit into those two narrow boxes. To deny them the right to reject it with the protection of the state government you effectively deny them of their Article 1 protection of freedom of speech.

I applaud the desire to take a stand against this blatant federal overreach as other states have done, however, I do not believe that this piece of legislation goes far enough. It should give an unequivocal affirmation of the right of the people of Kansas to their privacy, freedom of thought and speech and freedom of religion by rejecting in the strongest language this unprecedented intrusion into the lives, health, livelihood, and businesses of American citizens. You must make any mandate by the federal government, at any level, illegal within the state based on Article 10. You must also make it illegal for any entity doing business or providing a service or education within the state to require any medical treatment as a condition of employment, service, or education retroactive to July 1, 2021.

This legislation must also protect all business owners within the state from illegal fines associated with the unconstitutional vaccine mandates. The federal government's decimation of our state economy through these illegal fines should be of chief import to the state legislature. As a small business owner, it is only a matter of time before these mandates come for all businesses with less than 100 employees. Because of the ridiculous lock downs of last year those of us who survived and are still barely hanging on will most assuredly be bankrupted by these actions if not protected by our state government. You are our last line of defense from this attack by the federal government.

ALL MANDATES OF MEDICAL TREATMENTS BY ANY ENTITY INCLUDING THE FEDERAL GOVERNMENT, INCLUDING COVID-19 VACCINES SHOULD BE MADE ILLEGAL IN THE STATE OF KANSAS BY THIS LEGISLATION IN ACCORDANCE WITH THE US AND KANSAS CONSTITUTIONS. ALL FINES ASSOCIATED WITH THESE UNCONSTITUTIONAL MANDATES SHOULD ALSO BE MADE ILLEGAL. ANYTHING LESS DOES NOT GO FAR ENOUGH TO PROTECT THE PEOPLE AND DEFEATS THE PURPOSE OF CALLING A SPECIAL SESSION OF THE STATE LEGISLATURE.

Thank you for your attention.

Susan Davis
2233 W 46th St. S.
Wichita, Ks 67217

bill '22rs2356', constituent/concerned citizen, written only

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re: 22rs2356
Michelle Eagleman
Proponent
Written only

I am attaching a document that I would like to be considered by the committee concerning the proposed bills. I do not think they are sufficient to protect Kansans.
ME

Thank you for providing this forum for citizens to address their concerns about the proposed legislation concerning covid mandates. I do not feel the proposed legislation goes far enough. Not only does it not protect all workers, but it does not ban the mandates themselves in the state.

Leaving thousands of Americans in Afghanistan. Crime rate rising almost 30% in 2021. Millions of people illegally crossing the Mexican border into our country. Congress voting on spending trillions more dollars than we have. Gas prices setting records. Girls at school being raped in bathrooms by a boy in a skirt. These are life threatening issues. Coronavirus has an overall survivability rate of 99% unless a person has underlying conditions.

Nevertheless, Joe Biden is willing to drive another nail in the coffin of our economy by mandating vaccines. His latest edict is a mandate for businesses with 100+ workers (approx. 80 million Americans) that requires vaccinations for employees or they will face fines of \$14,000 per violation starting in January. Up until the OSHA rule was posted, Biden's directive for the private-sector mandate was just an unenforceable press release. This has prompted a wave of lawsuits challenging the unprecedented overreach. Attorneys General including our own, Derek Schmidt, have filed a lawsuit saying, "The federal government does not have the authority to unilaterally force private employers to mandate their employees get vaccinated or foot the bill for weekly testing." In addition, on Wednesday, November 3, U.S. Senator Ron Johnson and 40 of his Republican colleagues formally moved to disapprove and nullify President Biden's vaccine mandate on private employees under the Congressional Review Act, the official way to eliminate an executive branch rule.

Some companies such as airlines already mandated the shot for their employees. If you remember, we saw a few weeks ago how that worked for Americans. Thousands of Southwest flights were cancelled, ostensibly due to weather. This prompted House members to write to the FAA: "Recent large scale airline operational disruptions have demonstrated our aviation system is operating with very little slack, meaning that even minor issues with worker shortages or equipment and crew availability can spiral quickly out of control. We are very concerned that even a small number of terminations at the FAA and the airlines due to the vaccine mandate will stretch our fragile aviation system to the breaking point during the traditionally busy travel season."

The Centers for Medicaid Services (CMS) this week issued a rule saying that most health care workers in the United States will have to be considered “fully vaccinated” with a COVID-19 vaccine by Jan. 4. The rule was handed down for all staff who are employed at Medicaid- or Medicare-funded hospitals or facilities. In the lawsuit, brought by Eric Schmitt, AG of Missouri, it says, “Federalism allows states to tailor such matters in the best interests of their communities. The heavy hand of CMS’s nationwide mandate does not. This court should thus set aside that rule as unlawful agency action under the Administrative Procedure Act.”

Dr. Randy Tobler is the CEO of Scotland County Hospital in Memphis, Missouri. He said that people working in his hospital told him that if the mandate takes effect, they won’t work there. Other hospitals in some states like Maine, Minnesota, and New York have already started enforcing mandates with detrimental effects. For example:

- a hospital in Maine, York Hospital, announced it would suspend emergency-level care at its walk-in location due to a staffing shortage
- a hospital in Syracuse, New York, has suspended 122 health care workers who hadn’t received a COVID-19 vaccine by Sept. 27
- Strong Memorial Hospital in Rochester, NY announced a temporary pause to some elective procedures

New York Gov. Kathy Hochul had to declare a state of emergency to potentially allow for the hiring of National Guard members with medical training, retired nurses, nurses from out of state, or health care workers from other countries at hospitals around the state to fill in the gaps.

In Wisconsin, a nursing supervisor gave the following testimony on Senator Ron Johnson’s website:

“..I see the nursing shortage daily and I believe that this state and this country cannot afford to lose any more nurses. If you add up even 10 nurses from every hospital, this could be detrimental and people will have much more to fear than COVID. There will be no one there to take care of their loved ones in an already strained healthcare system.” Supposedly in the interest of our collective health, Joe Biden has managed to implode the healthcare system.

But what about natural immunity? Science does not support giving people who have recovered from a disease or sickness a vaccine. And it is common knowledge that natural immunity is preferable to vaccination, given there are always risks. Why would we force a vaccine that is not as effective that we all

hoped? Why would we force that on people with natural immunity? Another reality that our policy makers are denying is that the vaccine prevents transmission & infection. It does not. If you are vaccinated, you can still transmit. If you are vaccinated you can still be infected. There is no rationale for mandating the vaccine. Since the beginning of this pandemic, have the policies followed by the U.S government worked? In the U.S we rank, 23rd out of more than two hundred nations in covid deaths (with and/or from). It is time to take a hard look at the direction we are taking.

Kansas laws need to be clear: Health information is private and requiring a certain treatment should not be a condition of employment for ANY company. Vaccine mandates must be banned in Kansas. ALL workers should be exempt from federal mandates, including those in health care and aviation. Any and all 'countermeasures' proposed by an employer are an invasion of health privacy and could constitute discrimination. They should be banned as well. These policies are doing much more harm than good.

I will end with two quotes from our own Kansas Senators:
"This administration's abuse of power must be checked, and I support this resolution of disapproval under the Congressional Review Act to overturn the federal vaccine mandate." Senator Jerry Moran. And, lastly, from Senator Roger Marshall: "President Biden's vaccination decree is an all-out assault on private business, our civil liberties, and our entire constitutional system of limited government. The White House continues to ignore the Constitution as well as the science proving the benefits of natural immunity so they can justify an Executive Order that wipes out Americans' control over their own healthcare options. Simply put, the Administration is overstepping its authority and we must hold them accountable with a formal challenge under the Congressional Review Act. As a former physician who believes the vaccine has saved countless lives, I stand by my belief that receiving the COVID-19 vaccine is a personal choice that should be made following a conversation with one's doctor instead of being administered across the board by government decree," said Senator Roger Marshall.

This country has a lot of problems as mentioned in the beginning: crime, the economy, immigration, etc. These are a much more significant threat to America's future than covid.

Fwd:

Shelane Frederick <shelanefrederick@gmail.com>

Mon 11/15/2021 1:11 PM

To: KS LegRes <KS LegRes@KLRD.ks.gov>;

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----- Forwarded message -----

From: Shelane Frederick <shelanefrederick@gmail.com>

Date: Thu, Nov 11, 2021, 12:23 PM

Subject:

To: <kslegres@klrd.ks.gov>

I am a Registered Nurse in Topeka, Kansas. I really am having a difficult time understanding why a vaccine mandate is even being considered. It's basic common sense. With the vaccine you can get covid, spread covid, and die from covid. Getting the vaccine in NO WAY protects ANYONE from getting covid from another person. The science on that point is clear. The only claim the messenger RNA therapy shot does is potentially keeps someone that has covid from becoming seriously ill. It offers NO protection whatsoever from getting covid or giving covid. This has been proven in Israel, Belgium, and Poland. I use the term messenger RNA therapy shot because that is what it is. It is not a vaccine according to the definition of what a vaccine is before the definition was recently changed. According to the current definition of the term vaccine Ivermectin should be accepted as a vaccine because it is a proven therapy for covid according to the CDC and that is the current definition of what a vaccine is.

Requiring someone to be forced to take a substance that provides no protection to others and has been proven to cause the recipient harm and in many cases death according to VEARS is nothing short of insanity. So if a business is requiring such an outlandish thing why shouldn't people who have worked hard for an employer receive unemployment?? The main subject to be addressed should be that the employer can't require such an egregious act to be employed there! It is really simple logic which NO ONE SEEMS TO GRASP!

VACCINE DOES NOT=PROTECTING OTHERS BUT DOES =POSSIBLE HARM TO RECIPIENT WHICH SHOULD = UNCONSTITUTIONAL AND NOT ALLOWED FOR CONDITION OF EMPLOYMENT OR ANYTHING ELSE FOR THAT MATTER!

Bill 22rs2356 and Bill 22rs2357

Amy Goering <amygoeringfineart@gmail.com>

Thu 11/11/2021 3:38 PM

To:KSLegRes <KSLegRes@KLRD.ks.gov>;

EXTERNAL: This email originated from outside the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good afternoon,

I am writing regarding the two bills that are being presented (Bill 22rs2356 and Bill 22rs2357). Neither of these bills take into consideration the protection of my own body autonomy. Neither of these bills allow me to make my own decisions for my health. Neither of these bills allows me to keep my own medical information private. You need to add language that addresses this. This cannot be neglected.

President Biden and my employer have no right to make decisions for me regarding my body. That is my decision and that is between me and my doctor. My employer should not be fined for not mandating my health. I should not face potential unemployment due to the covid vaccine.

As Americans and Kansas we cannot let this happen to our good people.

Do what you know to be right. I am demanding, pleading, and begging you to act on our behalf and protect our freedoms.

Sincerely,
Amy Goering

Could we have not have supported HCR 5017 to prevent these federal mandates?

It was presented Mar 16 2021. It would not have required a special session.

I am a little leery of things in a special session. Limiting your focus to two items for employees seeking exemptions from requirements and those being fired doesn't seem to be appropriate. I am afraid our freedoms are going to be limited even more.

The mandates are wrong period. They take no account of natural immunity. They are not following any science. Here's the simple science of this VIRUS which you can take to the bank:

It's a virus. It is round. mononucleotide Ribonucleic Acid (mRNA) 70% isopropyl alcohol lyses it.

Now I might be an old farm girl. But what I know from years of animal care is when you have a nasty bug going through animals it takes straight chlorine bleach and heat to kill it. 70% isopropyl alcohol is nothing.

mononucleotide Ribonucleic Acid (mRNA) single strand of polypeptides held together with a single strand of ribosomes. It is weak. (not like the double helix of DNA)

Round is good (it is weak). If it were rod-shaped or z shaped it would be much harder to lyse.

Virus. How many times in your life did you or a family member visit the doctor where they tested for influenza A &B, strep throat, white blood cell count. All those tests come back negative and the doctor says "Your white count is elevated. Your other tests are all negative. You must have a virus. Nothing we can do. Go home get lots of rest, drink lots of fluids, take some zinc and some Vitamin C"

HOW MANY TIMES have you heard that litany? It's STILL TRUE today.

We don't need the vaccine nor its mandate. There are several preventatives out there the best one being common sense. Use some common sense and keep Kansans Health Freedom.

22rs2356: addresses employer vaccine mandates

22rs2357: addresses the unemployment issue if you have an exemption denied

Neither bill take into consideration the protection of my personal autonomy; neither of the bills provide protection of my freedom to make my own medical decision and the right to keep those decisions private. This legislation needs remedied immediately to add language into these bills.

The Biden Administration wants to remove my medical freedom the patient doctor relationship and allow the government via the private employers become the decision maker of MY health. NO THANK YOU!

MY employer should not be fined for NOT mandating MY health; You simply cannot allow this to happen.

Sincerely,

Kris Hanson



Adam Mills Written Testimony
2021 Special Committee on Government Overreach and the Impact of COVID-19 Mandates
Kansas Restaurant & Hospitality Association
November 12, 2021

Chair and members of the Special Committee on Government Overreach and the Impact of COVID -19 Mandates Committee, the Kansas Restaurant & Hospitality Association opposes these two proposed measures. Increasing our costs at a time when we have lost 90,000 restaurants nationwide is counterproductive. Our government does continue to overreach and changing long held policy at this time would be another example. Creating a new state mandate to solve an unwelcome and possibly unconstitutional federal mandate simply misses the mark.

First, unemployment insurance is a system designed as a stop gap measure to provide financial relief to people put out work not of their own causing. Causation is something this committee should slow down and carefully consider, because very few, if any, of our members want to be in this position where we are opposing a generally supportive legislature. As restaurants are desperate for workers to keep the doors open, does anyone really think we are asking for even one employee to leave? Why would our businesses become liable for this additional benefit as we are hemorrhaging cash? Nationwide, the restaurant and accommodations sector has 1.4 million job openings. We would suggest this committee focus more closely on why the federal government is broken and support our Attorney General, Derek Schmidt, in aggressively pursuing an actual remedy.

Second, as written, the language may actually place an additional layer of burden on the employee. As our members scramble to learn about the federal mandates, regulating up should especially be avoided. As best we understand, most employers are being advised to utilize a similar analysis to providing a reasonable accommodation under the Americans with Disabilities Act (ADA); identify the objection, inquire and engage in an interactive process, and finally, make an informed decision. Codifying in state statute what is already at the discretion of the employer, who may want to be helpful by retaining their employees, may make the process more complicated because it takes away the flexibility from the employer to not pursue the interactive process.

Third, how our governments have reacted and overreacted to this pandemic has reduced our confidence in government. At first, we were in this together. As the pandemic unraveled, the KRHA subsequently testified numerous times last session how government disregarded its traditional boundaries, trampled on our liberties, and essentially took our ability to earn a living away from our industry. When we finally did partially reopen, Kansas legislators asked Governor Kelly, all summer, to not extend the additional federal unemployment benefits because jobs were plentiful and labor was in such short supply. We supported that request to no avail. Our restaurants are now open fewer hours at higher costs and there doesn't seem to be an end in sight. 86% of Kansas operators say their restaurant is more than 10% below necessary staffing levels and 44% say they are more than 20% below necessary staffing levels. The ideas being considered today are only the other side of the same coin and should be rejected.

Finally, if you are looking for a few ideas on managing government overreach we would suggest the following:

- 1) Fully engaging in federalism by reasonably bringing authority back to Kansas as much as possible. Unfortunately, the Congressional legislative process appears to be broken and seeking redress at the federal level is a litigation pursuit and thus any remedy is illusive.
- 2) Stand up a state defense fund to provide assistance to businesses to defend their plans if OSHA fines them. Instead of increasing costs and possibly harming those who are taking the risk to engage in our economy, be their partner.

Thank you for allowing us to provide feedback on these issues.

Adam Mills

CEO Kansas Restaurant & Hospitality Association



November 12, 2021

Madame Chair and Members of the Joint Committee,

On behalf of the Wichita Regional Chamber of Commerce and our 1,400 members, thank you for the opportunity to provide written testimony regarding the two proposals before this Committee today and being considered for adoption during a special session of the Kansas Legislature.

Let me first state the Wichita Chamber and our members appreciate your desire to address the plethora of problems related to the federal COVID-19 vaccine mandates. Kansas employers find themselves facing down yet another pandemic related crisis, albeit this one manufactured by the President of the United States. In addition, our members' employees once again are threatened with uncertainty as it relates to their employment status and ability to provide for their families. Your eagerness to provide resolution does not go unrecognized.

However, we must communicate to you today our concern about the two policy proposals before you. 22rs2356 would create in law a new cause of action by an employee against their employer if the employer does not grant a requested waiver based on medical or religious beliefs. Kansas employers already face challenges in the legal environment. We are concerned that adoption of this policy would add to those challenges.

In addition, 22rs2357 would create a new eligibility for unemployment benefits for anyone that becomes unemployed for their failure to become vaccinated. We stand opposed to this provision because we believe it sets a worrisome precedent related to providing UI benefits to those employees who refuse to comply with company requirements and directives. We also have serious concerns with the overall impact such a broad policy change will have on the UI trust fund. During this time of economic recovery, our members can ill-afford to have their experience ratings negatively impacted, nor can they afford to see an increase in what they pay in unemployment insurance premiums.

Finally, we ask that you understand the dilemma that adoption of the policies would create for Kansas employers. We did not ask for these vaccine mandates nor did we create them. Yet the long arm of the federal government requires that many of our members must comply or face fines that could amount to hundreds of thousands of dollars. Passage of the aforementioned bills would force our members to choose between federal fines or costly litigation brought by our employees. While we strongly disagree with the actions of the federal government related to these mandates, the actions being considered by you here today, while well-intended, would further complicate a set of circumstances that threaten our economic recovery.

Thank you for your consideration.

Very truly yours,
Jason P. Watkins