

Governor signs disaster declaration, calls for special session, warns of grave consequences to state without legislative action

May 26, 2020

Today Governor Laura Kelly announced a series of actions her administration is taking to respond to the emergency situation COVID-19 currently presents to the economy and to public safety.

1. **After careful review, Kelly has vetoed House Bill 2054.** This sweeping, hastily crafted legislation pushed through the Kansas Legislature last week includes provisions that will damage Kansas' ability to respond to COVID-19 and all future disasters. The bill also weakens local county health officer authorities and adds unnecessary layers of bureaucracy to their emergency response efforts.
2. **Kelly has signed a new state disaster declaration to ensure that Kansas can effectively respond to the current emergency situation, which includes an unprecedented economic emergency and the imminent threat of new outbreaks of COVID-19, specifically regarding food supply.** This will also ensure the state can continue its coordinated response with federal and state partners.
3. **Kelly has called a special session starting June 3.** She has asked the Legislature to put politics aside, work with her, and deliver an emergency management bill that has been vetted, debated, is transparent and addresses the need to keep Kansans safe and healthy.

“As I’ve said from day one, the safety and well-being of Kansans is my number one priority. What the Legislature sent to my desk does not protect Kansans. It does not help Kansans. It puts their lives at risk,” Kelly said. “I’m calling on the Legislature to come back and put a carefully crafted, bipartisan bill on my desk that will provide the resources Kansans need, in a timely manner. We must stop putting Kansans at risk.”

The new state disaster declaration addressing the current emergency enables Kansas to provide the following services through the Kansas Division of Emergency Management, the

Kansas Department of Health and Environment, the Kansas National Guard and the federal government:

- Allows National Guard members supporting numerous field missions throughout the state to serve communities in response to the disaster and threat. To date, a total of 678 National Guard personnel are supporting these missions.
- Allows KDEM and National Guard to provide vital food support to communities and protect against threat of food supply shortages. Guard members have packed more than two million meals which are being distributed to food banks across Kansas.
- Allows KDEM and National Guard to swiftly provide medical and non-medical Personal Protective Equipment (PPE) to hospitals, first responders and many more to combat the imminent threat of COVID-19 surges. To date, over 7,000 cases of PPE have been delivered across the state, which includes 3.2 million individual pieces of PPE. More will be needed to address the imminent threat of new outbreaks.
- Allows KDEM to assist the Kansas Department of Corrections to provide support personnel – including medical and food preparation personnel.
- Allows KDEM to make deliveries of Remdesivir to counties across Kansas. So far, KDEM, along with their state agency partners which include the Kansas National Guard, Kansas Highway Patrol and Civil Air Patrol, have made 26 deliveries of Remdesivir to 10 counties. Remdesivir is delivered to hospitals to treat critical patients, and this service is potentially life-saving for those patients. KDEM makes these deliveries immediately when needed for patients throughout the state.
- Allows KDEM to continue providing non-congregate shelter for positive and exposed persons who are essential workers. There are currently 50 contracts related to non-congregate sheltering needed for the present disaster. Continuing to provide this support will mitigate the threat to the food supply and the threat of surges in COVID-19 infections.
- Allows medical workers and first responders to rely on the Battelle Critical Care Decontamination System to decontaminate their PPE. This system is

provided by FEMA and continuing to provide this service will mitigate the threat of surges in COVID-19 infections.

- Allows KDEM to manage donations and warehouse space necessary to store PPE. This storage is necessary due to the threat of new COVID-19 outbreaks as statewide restrictions are lifted and the economy reopens.
- Allows KDHE to provide community-based testing under the State Emergency Response Plan. Increased testing will help the state mitigate the threat of, or respond to, future outbreaks and allows businesses, employees, and customers to resume economic activity with increased confidence that outbreaks will be prevented or mitigated.
- Allows KDEM to continue transporting testing samples. KDEM has transported over 1,000 samples to state labs since April 29, 2020. By transporting the tests via KDEM couriers, the tests arrive at the lab the same date they are collected, and results are provided the following day. Without this same-day service, the results of the tests will be delayed and the ability to contact-trace will be severely limited, risking additional illness and death as well as economic insecurity.
- Allows KDEM to provide translation support. Currently, KDEM is providing 16 translators to support contact-tracing operations to mitigate the current and imminent threat of a new COVID-19 outbreak.
- Allows the Civil Air Patrol to continue to provide needed emergency transportation.

If the state disaster declaration is not extended by the Legislature within 15 days, the following significant problems will likely occur:

- Possible closure of meat processing plants;
- Inability to assist hog farmers with the euthanasia and disposal of excess hogs;
- The loss of unemployment benefits;
- Significant delay and possible frustration entirely of the economic recovery of the State;
- Reduced PPE inventory for healthcare workers and first responders;

- KDEM would be unable to receive, sort, package, and transport PPE and other commodities to health care workers and first responders;
- Food shortage and an inability of state agencies to provide the various food programs needed to assist Kansans;
- Reduced testing and a lack of timely test results;
- Inability to conduct contact-tracing missions;
- Increased outbreaks of COVID-19 in the prison population;
- Increased outbreaks of COVID-19 in nursing homes;
- Inability to service or transport ventilators or anesthesia machines;
- Inability to coordinate mission assignments or take emergency actions necessary to deal with issues related to the current disaster;
- No immunity for state employees or volunteers providing vital services;
- Inability to initiate and maintain the Kansas Response Plan; and
- Increased costs to the State of Kansas as a result of losing federal funding.

Under the new disaster declaration, the operative provisions of the following Executive Orders will be reissued:

- **20-08:** Temporarily expanding telemedicine and addressing certain licensing requirements to combat the effects of COVID-19
- **20-12:** Driver's license and vehicle registration and regulation during public health emergency
- **20-13:** Allowing certain deferred tax deadlines and payments during the COVID-19 pandemic
- **20-17:** Temporary relief from certain unemployment insurance requirements in response to the COVID-19 pandemic
- **20-19:** Extending professional and occupational licenses during the COVID-19 pandemic
- **20-20:** Temporarily allowing notaries and witnesses to act via audio-video communication technology
- **20-23:** Licensure, Certification, and Registration for persons and Licensure of "Adult Care Homes" during public health emergency
- **20-27:** Temporarily suspending certain rules relating to sale of alcoholic beverages

- **20-32:** Temporary relief from certain restrictions concerning shared work programs
- **20-33:** Extending conditional and temporary relief from certain motor carrier rules and regulations in response to COVID-19