



Testimony

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Workers Compensation Senate Bill 167

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Senate Commerce Committee**

My name is Mark Holland, Mayor/CEO of the Unified Government of Wyandotte County in Kansas City, Kansas. I am also a third-generation United Methodist minister. A recent change to the Kansas workers' compensation laws has been brought to my attention, and I believe the ramifications of this change could potentially have a huge negative impact on the Unified Government of Wyandotte County in Kansas City, Kansas, the employers doing business within our county and the citizens of my county as well.

The change I am referring to is the recent law changing how permanent impairment is determined in Kansas moving from the American Medical Association Guides to the Evaluation of Permanent Impairment 4th Edition to the American Medical Association Guides to the Evaluation of Permanent Impairment 6th Edition. My administration have spoken with our attorneys, other attorneys in the State and have reviewed the position on this issue of Kansas Secretary of State Kris Kobach and are very concerned that this latest change to the workers' compensation laws will make the entire Kansas Workers' Compensation Act unconstitutional. If that becomes a reality, and my people are telling me that it is a probable outcome, then it would be devastating to my county for a number of reasons.

First: Currently we can, and do, budget for our workers' compensation accidents. We can do that with predictability and have appreciated the employer-friendly changes that were made in 2011. However, if the Workers' Compensation Act is found to now be unconstitutional, we will face, potentially, huge civil lawsuits without the protection of the existing "exclusive remedy rule." Our attorneys have done research on the issue of governmental immunity, and we would not be immune from such lawsuits if there was employer or co-worker negligence that caused the work accident. From a budgeting/liability standpoint, the Unified Government of Wyandotte County in Kansas City, Kansas cannot risk that outcome if the Workers' Compensation Act is unconstitutional.

Secondly: My administration, as well as the administrations preceding mine, have worked diligently to attract new businesses and employers to Kansas, and we have been very successful in that endeavor. Unpredictable workers' compensation laws, in fact, potentially unconstitutional workers' compensation laws, will breed uncertainty which will, in turn, make our efforts to entice out-of-State businesses to move to Kansas City, Kansas much more difficult, if not impossible.

Thirdly: For Kansas to so drastically cut workers' compensation benefits, in compensable and meritorious claims, to the point where the constitutionality of the entire Workers' Compensation Act comes in to question, is just wrong. Workers' compensation was set up many years ago to protect legitimately injured workers and provide them with medical treatment and fair benefits. The changes made in 2011 were fair and accomplished those goals. To come back and cut those benefits to the point where our own Secretary of State questions the constitutionality of the entire Workers' Compensation Act is unconscionable and wrong!

For those reasons, as the Mayor/CEO of the Unified Government of Wyandotte County in Kansas City, Kansas, I strongly support Senate Bill 167.