

**KANSAS
TRIAL LAWYERS
ASSOCIATION**



To: Senator Rick Wilborn, Chair
Members of the Senate Judiciary Committee

From: Callie Jill Denton
Executive Director

Date: June 4, 2020

RE: SB 7 Governmental response to the COVID-19 Pandemic (OPPOSE)

On behalf of the members of the Kansas Trial Lawyers Association, I am submitting this written testimony on SB 7. SB 7 is broad legislation, and it is our intent to testify only on New Sections 8 through 15, the COVID-19 response and reopening for business liability protection act.

KTLA has testified previously in opposition to legal protections from negligence. We believe those that cause injury and harm must be held accountable and that injured persons have a right to access courts to seek fair resolution of disputes.

Indeed, immunity is counterintuitive to the purpose of legal remedies for negligence, which is to make an injured plaintiff financially whole. Immunity shifts costs away from those that cause harm to the injured, their insurers, and taxpayers.

The business liability protection act is based on the false premise that immunity is necessary for the economic recovery of Kansas. KTLA does not believe this is true. We remain concerned that the business liability protection act will fail those that should receive the highest protection of the law during this period: the frail and elderly in nursing homes, long term care, and assisted living facilities and Kansas workers who face unsafe workplaces and must fight for workers compensation coverage for COVID-19 acquired on the job.

The business liability protection act is one-sided and fails to adequately address the needs of the workers who are essential to Kansas' recovery efforts. We respectfully propose that any COVID-19 business recovery legislation must include protections for working Kansans. KTLA supports amendments to the workers compensation act to expedite and clarify benefits for COVID-19 acquired on the job, similar to those included in SB 1.

Finally, we urge you to consider the retroactive effective dates included in the bill. Those provisions are unconstitutional and should be remedied before any final action is taken.

KTLA members believe that Kansas laws, Kansas courts and juries do an excellent job of protecting citizens and businesses throughout the state, even during a State of Disaster Emergency. Immunity laws are unwarranted, unnecessary, and unfair because they permit special treatment for certain groups or individuals and limit legal accountability. Immunity laws remove protections for Kansans, effectively denying them their day in court and an opportunity to seek an unbiased resolution of a dispute, and further shifts costs to injured persons and taxpayers – neither are fair nor economically viable solutions.

KTLA opposes the COVID-19 response and reopening for business liability protection act found in New Sections 8 through 15 of SB 7 and urge you to remove those sections from this proposed legislation.