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GOVERNOR LAURA KELLY

May 24, 2021

BY EMAIL AND HAND-DELIVERY

The Legislative Coordinating Council
c/o Honorable Ty Masterson
Senate President and Legislative Coordinating Council Chair
Kansas Statehouse, Room 322-E
Topeka, KS 66612
Ty.Masterson@senate.ks.gov

Application for Extension of COVID-19 State of Disaster Emergency

President Masterson,

Over the last year, my administration has worked tirelessly to meet the deadly challenges the COVID-19 pandemic has presented to our state. Partnering with the Legislature, our state courts, the federal government, and the private sector, we have implemented emergency measures that have saved lives and enabled our state to be better prepared to handle the continuing threats of COVID-19.

The legal and operational foundation of all of our efforts is the state of disaster emergency I originally declared on March 12, 2020, which has been extended through multiple legislative actions and is now set to expire on May 28, 2021. Our emergency response effort—including the state’s critical vaccination program—now depends on the extension of the state of disaster emergency. Without that state of disaster emergency, Kansas will lose its ability to protect our citizens and save lives in the midst of the ongoing COVID-19 pandemic. Under Senate Bill 40’s amendments to the Kansas Emergency Management Act, the Legislative Coordinating Council (“LCC”) has the authority to extend a state of disaster emergency for up to 30 days “upon specific application by the governor.” K.S.A. 48-924(b)(3). Please consider this letter my specific application to extend the COVID-19 state of disaster emergency up to and including June 27, 2021.

While key metrics such as positive cases, hospitalizations, and deaths have generally been encouraging the last few months, the pandemic is not over and there is still much work to do that can only be done through an emergency response effort and an extended state of disaster emergency. As of May 14, 2021, an estimated 36 percent of Kansans have been fully vaccinated against COVID-19 and an estimated 44 percent have received at least one vaccine dose. Despite this great progress, a majority of Kansans are still unvaccinated, and each week Kansans continue to get sick and die. On May 7, 2021, I ordered flags to be flown at half-staff when the number of Kansans to die from COVID-19 passed 5,000. In the first five months of 2021, 2,312 Kansas died from COVID-19, with 76 deaths during the month of May. Over the last year our emergency response efforts have been focused on preventing further spread of COVID-19, increasing the capacity of our health care system to

handle outbreaks, and vaccinating as many Kansans as quickly as possible. In each of these areas, but particularly in our vaccination efforts, our emergency response has much essential work left to do. If the LCC does not extend the state of disaster emergency, the following consequences will immediately imperil the continued recovery of our economy and the safety of Kansans:

- The Kansas Response Plan—the operational guide that sets out emergency management responsibilities and functions and that must be in effect for the Adjutant General and the Kansas Division of Emergency Management (“KDEM”) to perform their duties under the Kansas Emergency Management Act—will no longer be in effect;
- The State Emergency Operations Center (“SEOC”), the nerve center of our state’s emergency management effort, would shut down;
- The Adjutant General and KDEM would not be authorized to assign other state agencies (including the Kansas National Guard) to undertake emergency response efforts;
- SEOC-supported vaccination distribution and delivery to local health departments, nursing homes, assisted living centers, and state run vaccination clinics for underserved population and teachers, meat packing plants, and other community-based clinics would cease;
- The KDEM warehouse, which is essential to the distribution of emergency equipment, would cease operations;
- Tort liability and immunity protections would end for individuals supporting emergency management activities (this includes local and county officials and responders);
- Non-congregate housing for essential personnel, including health workers, emergency/first responders and public safety officials who require quarantine or isolation, would be shut down;
- Supplying bulk food to local communities through the Kansas Food Bank, Harvesters Community Food Network, Second Harvest Community Food Bank, mobile food banks, and other food distribution services would cease;
- The use of contracted nurses to support state operated vaccine clinics (schools, walk-in clinics, county public health departments) would end;
- Transportation of COVID-19 test specimens to laboratories and emergency delivery of drugs would cease;
- Procurement and distribution of critical personal protective equipment, medical equipment such as ventilators and powered air purifying respirators (PAPRs), and other essential supplies will cease;
- The Kansas National Guard—whose support efforts are currently 100 percent federally funded—will cease emergency operations; and
- The Federal Emergency Management Agency may close the incident period for our federal disaster declaration (DR-4504) and any expenses after May 28, 2021, will not be funded.

The above list contains just the highlights. There are also important measures in place across the executive and judicial branches that enable our state employees to do their work and allow our citizens to access state services and facilities safely.

Today our state’s COVID-19 emergency response and relief efforts look different than they did a year ago. Our economy is climbing back to normal capacity, with more and more Kansans returning to work, and fewer Kansans are getting sick, though there are still too many. We know that, at this point, the key to continuing our progress beating back the pandemic is to continue our vaccination program, which has become the centerpiece of our emergency response. The LCC and the Legislature can be confident that as the pandemic evolves—and continues to slowly abate—our emergency response will change accordingly.

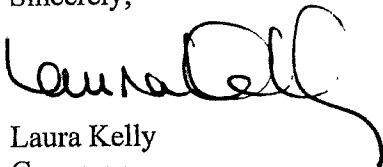
In addition to focusing more of our efforts on vaccination over the last six months, my administration has also begun pulling back certain executive actions when they are no longer needed. I have rescinded or allowed to

expire a number of executive orders regarding mass gatherings, stay-at-home restrictions, utility disconnects, unemployment benefits, and motor carrier restrictions. At this point, most of the executive orders in place relate to how our state government conducts its business and interacts with Kansans, and the LCC has reviewed each of the executive orders still in place. If encouraging trends continue, in the weeks and months to come I will consider rescinding additional executive orders so that our state can continue to move responsibly and deliberately back to normal. For instance, I am allowing Executive Order 21-09, which waived certain professional licensing fees and requirements, to expire on May 28.

I know Kansans are eager to put the pandemic behind us—so am I. But we can't put the pandemic behind us by closing our eyes and trying to convince ourselves that it's all over. We need to stay the course, keeping in place the emergency efforts that are still needed so we can finish the job and do it right.

To assist in your deliberations and answer any questions you may have, I have directed Adjutant General David Weishaar, Dr. Lee Norman, and members of my staff to be available for an LCC meeting this week to consider this application to extend the state of disaster emergency. The Kansans who elected us to keep them safe during public health threats are counting on us, and I look forward to continuing to work with you as we safely and responsibly move Kansas beyond COVID-19.

Sincerely,



Laura Kelly
Governor

CC: Representative Ron Ryckman, Speaker of the House of Representatives and LCC Vice Chair
Senator Rick Willborn, Vice President of the Senate
Representative Blaine Finch, Speaker Pro Tem of the House of Representatives
Representative Dan Hawkins, House Majority Leader
Senator Dinah Sykes, Senate Minority Leader
Representative Tom Sawyer, House Minority Leader
Gordon Self, Revisor of Statutes

Disaster Declaration Talking Points

State supported COVID-19 vaccinations

- Status of State of Kansas vaccination rates, as of Monday:
 - 40.9% Kansans vaccinated with at least one dose
 - Over 2 million doses delivered
- Graph: Bloomberg added a feature to their vaccination tracker that predicts how many months it will take states to be 75% vaccinated against COVID-19.
- Based on the current rate of vaccination in Kansas, their tracker predicts it will take 7 more months for Kansas to achieve 75% full vaccination at current rate.
- If the disaster declaration is not extended, we could not use the Kansas National Guard to administer vaccinations. To date, the Guard has administered over 100,000 vaccinations and the contracted nurses have vaccinated 45,929 individuals.

Status of vaccine availability for children 12 and below

- Vaccine will likely be available for children younger than 12 in the fall.
- This will make 457,280 Kansas children eligible for the vaccine
 - Source is American Community Survey 1-Year Estimates, Public Use Microdata Sample 2019. From BCG: "Children between 0-11 in Kansas: 457,280 - This does not include the 42,136 children who are 12"
- Once the EUA for children 12 and below is approved, the state will likely see a surge in demand for the vaccine with a **short window of time** to immunize them before the school year starts.
- Providers and health departments will have difficulty keeping up with the surge in demand for vaccinating children 12 and below without the help of the Kansas National Guard.
- Kansas needs a healthy workforce. Vaccinated Kansans mean less disease burden, hospitalizations, and sick workers in our state.
- This will reduce costs and claims for hospitals and insurance companies, increase productivity for businesses, and increase economic growth in the state.
- An "all hands on deck" approach to increase the vaccination rate in our state will allow Kansas to get back to normal

State Emergency Operations Center Statistics

- State Emergency Operations Center (SEOC) activated with 15 Emergency Support Functions and other supporting agencies
- KRP and Biological Annex Implemented
- Disaster Numbers (as of May 11, 2021)

- 5,005 resource requests received for personal protective equipment (PPE), supplies, personnel, and equipment
 - 148 last 30 days
- 85,258 cases of PPE distributed the disaster warehouse
 - 22,533 last 30 days
- 8,000,000 self-stable meals packaged
- Over 5,300,000 meals distributed
- 167 ventilators deployed across the state
- Total night stays of individuals in non-congregate care shelters: 18,567
- Kansas National Guard (KSNG) has transported over 26,304 sample collections to Kansas Health and Environment Laboratory (KHEL)
- KSNG has tested over 30,603 individuals within our underserved population
- KSNG has administered 117,963 vaccines to individuals
- State (KDEM) contracted nurses have administered 45,929 vaccines
- A mobile vaccine clinic will be held at Melvern Lake May 12-16 as a test for multiple clinics at reservoirs over Memorial Day weekend—if successful more will be planned for over the summer
- School vaccination clinics are scheduled after May 28 using Kansas National Guard and State contracted nurses

Vaccine Tracker

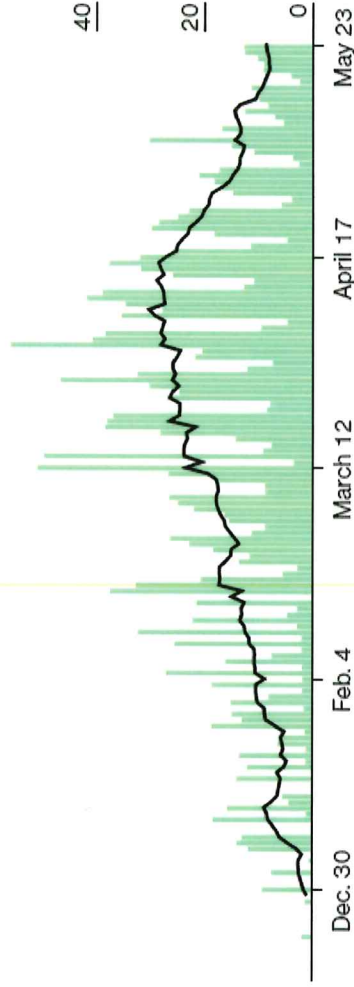


In **Kansas**, the latest vaccination rate is **8,545 doses** per day, on average.
At this pace, it will take another **7 months** to cover **75%** of the population.

Kansas (7 months to 75% coverage) X ↑ ↓

/ Average daily rate estimate

Doses administered: 60K



Immunity calculations take into account the number of doses required and the current rate of administration for each vaccine type. Data is from Bloomberg's COVID-19 Vaccine Tracker: bloomberg.com/graphics/covid-vaccine-tracker-global-distribution/