

**Substitute for SENATE BILL No. 273**

By Committee on Judiciary

2-26

---

1 AN ACT concerning governmental response to certain emergencies;  
2 relating to the Kansas emergency management act; modifying the  
3 procedure for the declaration and extension of a state of disaster  
4 emergency; limiting powers granted to the governor during a state of  
5 disaster emergency; defining public health disasters and establishing  
6 special provisions therefor; creating the joint committee on emergency  
7 management and prescribing powers and duties; prescribing powers,  
8 duties and functions of the secretary of health and environment, city  
9 and county government, the board of education of each school district,  
10 the governing body of each community college and the governing body  
11 of each technical college to control the spread of disease; establishing  
12 judicial review thereof; prescribing certain reporting requirements for  
13 the board of education of each school district, the state board of  
14 education and the Kansas state department of education; limiting  
15 powers of city health officers and local health officers; amending  
16 K.S.A. 48-904, 48-923, 48-933, 65-101, 65-119 and 65-126 and K.S.A.  
17 2019 Supp. 48-925, as amended by section 4 of 2021 Senate Bill No.  
18 14, and K.S.A. 2020 Supp. 48-924, as amended by section 2 of 2021  
19 Senate Bill No. 14, 48-939, 48-949, 65-201 and 65-202 and repealing  
20 the existing sections; also repealing K.S.A. 2019 Supp. 48-925, as  
21 amended by section 5 of 2021 Senate Bill No. 14, and K.S.A. 2020  
22 Supp. 48-925b.

23

24 *Be it enacted by the Legislature of the State of Kansas:*

25 New Section 1. (a) The governor shall be responsible for meeting the  
26 dangers to the state and people presented by public health disasters. The  
27 governor's primary responsibilities during a public health disaster are to  
28 provide guidance to the public and to industry, direct state emergency  
29 operations and to seek and distribute funding and assistance to those  
30 responding to the disaster.

31 (b) (1) The governor, upon finding that a public health disaster has  
32 occurred or that occurrence or the threat thereof is imminent, may issue a  
33 proclamation declaring a state of public health disaster emergency as  
34 provided in this section.

35 (2) The state of public health disaster emergency so declared shall  
36 continue until the governor finds that the threat or danger of a public

1 health disaster has passed or the public health disaster has been dealt with  
2 to the extent that emergency conditions no longer exist. Upon making such  
3 findings, the governor shall terminate the state of public health disaster  
4 emergency by proclamation. Except as provided in paragraph (3), no state  
5 of public health disaster emergency may continue for longer than 15 days  
6 unless ratified by concurrent resolution of the legislature.

7 (3) When the legislature is not in session or is adjourned during  
8 session for three or more days, and upon specific application by the  
9 governor to the joint committee on emergency management established by  
10 section 2, and amendments thereto, and an affirmative vote of a majority  
11 of the joint committee, a state of public health disaster emergency may be  
12 extended for specified periods not to exceed 30 days each.

13 (4) At any time, the legislature, by concurrent resolution, may require  
14 the governor to terminate a state of public health disaster emergency. Upon  
15 such action by the legislature, the governor shall issue a proclamation  
16 terminating the state of public health disaster emergency.

17 (5) (A) The governor shall not issue a proclamation declaring a state  
18 of public health disaster emergency for the same or similar public health  
19 disaster if:

20 (i) The legislature did not ratify and continue the original state of  
21 public health disaster emergency declaration;

22 (ii) the joint committee on emergency management did not continue  
23 or extend the original state of public health disaster emergency declaration;  
24 or

25 (iii) the legislature by concurrent resolution required the governor to  
26 terminate the original state of public health disaster emergency declaration.

27 (B) For the purposes of this subsection, a public health disaster is the  
28 same or similar if such disaster is based on the same or similar infectious  
29 or contagious disease or outbreak named in the original state of public  
30 health disaster emergency declaration. A public health disaster is not the  
31 same or similar if such disaster is based on a:

32 (i) New or more virulent strain of the disease named in the original  
33 state of public health disaster emergency declaration;

34 (ii) subsequent outbreak of the disease named in the original state of  
35 public health disaster emergency declaration; or

36 (iii) new mode or means of transmission of such disease not  
37 identified in the original state of public health disaster emergency  
38 declaration.

39 (6) Any proclamation declaring or terminating a state of public health  
40 disaster emergency issued under this section shall indicate the nature of the  
41 public health disaster, the area or areas of the state threatened or affected  
42 by the disaster and the conditions that have brought about, or that make  
43 possible the termination of, the state of public health disaster emergency.

1 When indicating the nature of the public health disaster, the proclamation  
2 shall include, but is not limited to, the name of the disease and any known  
3 means of transmission for such disease. Each such proclamation shall be  
4 disseminated promptly by means calculated to bring its contents to the  
5 attention of the general public and, unless the circumstances attendant  
6 upon the disaster prevent such action, each such proclamation shall be  
7 filed promptly with the division of emergency management, the office of  
8 the secretary of state, the chief justice of the supreme court and each city  
9 clerk, county clerk and board of education of a school district, as the case  
10 may be, in the area or areas of the state to which such proclamation  
11 applies.

12 (c) In the event of the absence of the governor from the state or the  
13 existence of any constitutional disability of the governor, an officer  
14 specified in K.S.A. 48-1204, and amendments thereto, in the order of  
15 succession provided by that section, may issue a proclamation declaring a  
16 state of public health disaster emergency in the manner provided in and  
17 subject to the provisions of subsection (b). During a state of public health  
18 disaster emergency declared pursuant to this subsection, such officer may  
19 exercise the powers conferred upon the governor by this section. If a  
20 preceding officer in the order of succession becomes able and available,  
21 the authority of the officer exercising such powers shall terminate and such  
22 powers shall be conferred upon the preceding officer. Upon the return of  
23 the governor to the state or the removal of the constitutional disability of  
24 the governor, the authority of an officer to exercise the powers conferred  
25 by this section shall terminate immediately and the governor shall resume  
26 the full powers of the office. Any such state of public health disaster  
27 emergency and any actions taken by an officer under this subsection shall  
28 continue and shall have full force and effect as authorized by law unless  
29 modified or terminated in the manner prescribed by law.

30 (d) A proclamation declaring a state of public health disaster  
31 emergency under this section shall activate the disaster response and  
32 recovery aspects of the state disaster emergency plan and of any local and  
33 interjurisdictional disaster plans applicable to the area or areas of the state  
34 and any political subdivisions thereof affected by the proclamation. Such  
35 proclamation shall constitute the authority necessary for the deployment  
36 and use of any forces to which the plan or plans apply and for use or  
37 distribution of any supplies, equipment, materials or facilities assembled,  
38 stockpiled or arranged to be made available pursuant to the Kansas  
39 emergency management act during a disaster.

40 (e) (1) The governor may issue executive orders to exercise the  
41 powers conferred by subsection (f) during the period of a state of public  
42 health disaster emergency declared under this section.

43 (2) Prior to issuing an executive order under this section, the

1 governor shall submit the proposed executive order to the attorney general  
2 for review. The attorney general shall consider whether the proposed  
3 executive order is consistent with all statutory and constitutional  
4 restrictions, including, but not limited to, K.S.A. 48-923, and amendments  
5 thereto, meets the requirements of this section, identifies a specific and  
6 valid source of legal authority for the proposed actions and, if such order  
7 affects more than one county, whether such order is narrowly tailored to  
8 conditions in individual counties or provides specific reasons such order is  
9 not narrowly tailored to such conditions. The attorney general shall  
10 provide an opinion to the governor within 24 hours of receipt of the  
11 proposed executive order. The opinion shall be published on the attorney  
12 general's website and shall become an attachment to the proposed  
13 executive order.

14 (3) At the same time the proposed executive order is submitted to the  
15 attorney general pursuant to paragraph (2), the governor shall submit such  
16 order to the chairperson and vice chairperson of the joint committee on  
17 emergency management established by section 2, and amendments thereto.  
18 Not less than 24 hours after receipt of the proposed executive order, or at  
19 any time after the attorney general provides an opinion on such order if the  
20 attorney general completes such review in less than 24 hours, the  
21 chairperson of the joint committee shall call a meeting of the joint  
22 committee for the purposes of reviewing such order. The governor may  
23 issue the proposed executive order if such order is approved by an  
24 affirmative vote of a majority of the joint committee. The proposed  
25 executive order shall not be issued and shall be null and void if such order  
26 fails to receive an affirmative vote of a majority of the joint committee.

27 (4) Executive orders issued under this section:

28 (A) Shall be null and void after the period of a state of public health  
29 disaster emergency declared under this section has ended; and

30 (B) may be revoked at any time by concurrent resolution of the  
31 legislature.

32 (f) During a state of public health disaster emergency declared under  
33 this section, in addition to any other powers conferred upon the governor  
34 by law and subject to the provisions of this section, the governor may:

35 (1) Modify the provisions of any order, policy or rule and regulation  
36 of any state agency prescribing the procedures for conduct of state  
37 business if strict compliance with the provisions of such order, policy or  
38 rule and regulation would prevent or delay the necessary action in coping  
39 with the disaster;

40 (2) utilize all available resources of the state government and of each  
41 political subdivision as reasonably necessary to cope with the disaster;

42 (3) transfer the supervision, personnel or functions of state  
43 departments and agencies or units thereof for the purpose of performing or

1 facilitating emergency management activities;

2 (4) subject to any applicable requirements for compensation under  
3 K.S.A. 48-933, and amendments thereto, commandeer or utilize any  
4 private property if the governor finds such action necessary to cope with  
5 the disaster; and

6 (5) facilitate the cooperation and assistance of state and local  
7 governmental agencies and officials.

8 (g) (1) The governor shall exercise the powers conferred by  
9 subsection (f) by issuance of executive orders under subsection (e).

10 (2) Each executive order issued pursuant to the authority granted by  
11 subsection (e) shall specify the provision or provisions of subsection (f) by  
12 specific reference to each paragraph of subsection (f) that confers the  
13 power under which such order was issued. Each executive order issued  
14 pursuant to other legal authority shall specify the source of such authority.

15 (3) Each executive order issued pursuant to the authority granted by  
16 subsection (e) that modifies the provisions of any order, policy or rule and  
17 regulation shall specify the order, policy or rule and regulation being  
18 modified in such order. Any such modification shall be consistent with the  
19 statutory section or sections implemented or interpreted by such order,  
20 policy or rule and regulation and the authority pursuant to which such  
21 order, policy or rule and regulation, or any part thereof, was adopted.

22 (4) If an executive order affects more than one county, such order  
23 shall be narrowly tailored to conditions in individual counties or provide  
24 specific reasons such order is not narrowly tailored to such conditions.

25 (5) The adjutant general, subject to the direction of the governor, shall  
26 administer such orders.

27 (h) (1) The board of county commissioners of any county may issue  
28 an order relating to public health that includes provisions that are less  
29 stringent than the provisions of an executive order issued by the governor  
30 under this section that affects more than one county. Any board of county  
31 commissioners issuing such an order shall make the following findings  
32 and include such findings in the order:

33 (A) The board has consulted with such board's local health officer or  
34 other local health officials regarding the governor's executive order;

35 (B) following such consultation, has determined that implementation  
36 of the full scope of the provisions in the governor's executive order are not  
37 necessary to protect the public health and safety of the county; and

38 (C) all other relevant findings to support the board's decision.

39 (2) If the board of county commissioners of a county issues an order  
40 pursuant to paragraph (1), such order shall operate in the county in lieu of  
41 the governor's executive order.

42 (i) This section shall be a part of and supplemental to the Kansas  
43 emergency management act.

1 New Sec. 2. (a) (1) There is hereby established a joint committee on  
2 emergency management consisting of five members of the senate and five  
3 members of the house of representatives. Such members shall be as  
4 follows:

- 5 (A) The president of the senate;
- 6 (B) the vice president of the senate;
- 7 (C) the majority leader of the senate;
- 8 (D) the minority leader of the senate;
- 9 (E) one member of the senate appointed by the president of the  
10 senate;
- 11 (F) the speaker of the house of representatives;
- 12 (G) the speaker pro tem of the house of representatives;
- 13 (H) the majority leader of the house of representatives;
- 14 (I) the minority leader of the house of representatives; and
- 15 (J) one member of the house of representatives appointed by the  
16 speaker of the house of representatives.

17 (2) Each congressional district in the state of Kansas shall be  
18 represented on the joint committee by at least one member who is a  
19 resident of the district, to the greatest extent possible.

20 (3) The president of the senate shall designate a senator member to be  
21 chairperson or vice chairperson, and the speaker of the house of  
22 representatives shall designate a representative member to be the  
23 chairperson or vice chairperson as provided in this paragraph. In odd-  
24 numbered years, the chairperson of the joint committee shall be the  
25 designated member of the senate and the vice chairperson shall be the  
26 designated member of the house of representatives from the convening of  
27 the regular session in that year until the convening of the regular session in  
28 the next ensuing year. In even-numbered years, the chairperson of the joint  
29 committee shall be the designated member of the house of representatives  
30 and the vice chairperson shall be the designated member from the senate  
31 from the convening of the regular session of that year until the convening  
32 of the regular session of the next ensuing year. The vice chairperson shall  
33 exercise all of the powers of the chairperson in the absence of the  
34 chairperson.

35 (b) The joint committee shall meet at any time on call of the  
36 chairperson. Meetings of the joint committee may be conducted by  
37 electronic audio-visual communication when the chairperson determines  
38 such action is necessary. Members of the joint committee shall receive  
39 compensation, travel expenses and subsistence expenses or allowances as  
40 provided in K.S.A. 75-3212, and amendments thereto, when attending  
41 meetings of such committee. Amounts paid under authority of this section  
42 shall be paid from appropriations for legislative expense and vouchers  
43 therefor shall be prepared by the director of legislative administrative

1 services and approved by the chairperson or vice chairperson of the  
2 legislative coordinating council.

3 (c) A quorum of the joint committee shall be six members. All actions  
4 of the joint committee shall be taken by a majority of the members.

5 (d) The joint committee may introduce such legislation as it deems  
6 necessary in performing its functions.

7 (e) The staff of the office of revisor of statutes, the legislative  
8 research department, the division of post audit and the division of  
9 legislative administrative services shall provide such assistance as may be  
10 requested by the joint committee.

11 (f) In addition to other powers and duties authorized or prescribed by  
12 law or by the legislative coordinating council, the joint committee shall  
13 have the authority to:

14 (1) Perform an inquiry, study or investigation for the legislature,  
15 pursuant to K.S.A. 46-1001 et seq., and amendments thereto, related to  
16 emergency management; and

17 (2) require reports and testimony from the governor, or the governor's  
18 designee, the director of the budget, the adjutant general, the state board of  
19 education, the secretary of health and environment and any other state or  
20 local official with information relevant to emergency management or the  
21 powers and duties of the joint committee.

22 New Sec. 3. (a) (1) The governing body of a city may use only  
23 accepted scientific means as justification to issue an order to prevent the  
24 spread of an infectious, contagious or communicable disease. Any such  
25 order, including orders issued as a result of an executive order of the  
26 governor, on behalf of a city regarding the remediation of any such disease  
27 shall include justification of the accepted scientific means used for such  
28 remediation.

29 (2) The governing body of a city shall not issue an order that:

30 (A) Substantially burdens or inhibits the gathering or movement of  
31 individuals or operation of any religious, civic, business or commercial  
32 activity, whether for-profit or not-for-profit, unless such order includes  
33 justification of the accepted scientific reasons for such order and how such  
34 order is narrowly tailored to accomplish remediation of such infectious or  
35 contagious disease; or

36 (B) burdens or inhibits the operation of any religious gathering or  
37 activity.

38 (3) The governing body may issue non-binding guidance and  
39 information for the conduct of gatherings or activities described in  
40 paragraph (2).

41 (4) Any person aggrieved by an order issued by a governing body of  
42 a city under this subsection may request a hearing in a district court in  
43 accordance with section 4, and amendments thereto.

1 (b) (1) Any recommendation issued by a city health officer appointed  
2 by the governing body of a city, including recommendations issued as a  
3 result of an executive order of the governor, shall be reviewed by the  
4 governing body of the city affected by such recommendation at a meeting  
5 of the governing body. If an order is subsequently issued by the governing  
6 body, such order shall include an expiration date set by the governing body  
7 and may be amended or revoked at an earlier date by a majority vote of the  
8 governing body. Any meeting of city government discussing such order,  
9 including any hearing by the governing body of a city under paragraph (2),  
10 shall be open to the public in accordance with the open meetings act,  
11 K.S.A. 75-4317 et seq., and amendments thereto, and may be conducted  
12 by electronic audio-visual communication when necessary to secure the  
13 health and safety of the public and city government officials and  
14 employees.

15 (2) Upon request by a person aggrieved by an order issued by the  
16 governing body of a city, the governing body of the city shall conduct a  
17 hearing within 72 hours after receipt of such request for the purposes of  
18 reviewing, amending or revoking such order as provided by paragraph (1).

19 (3) Any person aggrieved by a decision of the governing body of a  
20 city under this subsection may request a hearing in a district court in  
21 accordance with section 4, and amendments thereto.

22 (c) Any order issued under this section shall be provided to the  
23 secretary of health and environment.

24 (d) Nothing in this section shall be construed to require the governing  
25 body of a city to appoint a city health officer or to change the powers,  
26 duties and functions of any such city health officer, except as provided by  
27 this section.

28 (e) As used in this section, the term "accepted scientific" means  
29 methods of control employed and intended to remediate infectious,  
30 contagious or communicable disease that are acknowledged as effective by  
31 high-quality scientific data that includes systematic reviews of completed,  
32 high-quality, randomized controlled trials.

33 New Sec. 4. (a) (1) A person aggrieved by an order issued by the  
34 governing body of a city as described in section 3, and amendments  
35 thereto, may contest such order by requesting a hearing in the district court  
36 of the county where such city is located or in which the person resides.

37 (2) A person aggrieved by an order issued by a board of county  
38 commissioners under K.S.A. 65-201 or 65-202, and amendments thereto,  
39 may contest such order by requesting a hearing in the district court of the  
40 county where the order was issued or in which the person resides.

41 (3) A person aggrieved by an action taken or an order issued by the  
42 secretary of health and environment under K.S.A. 65-101(a)(5), and  
43 amendments thereto, may contest such action or order by requesting a

1 hearing in the district court of the county in which the person resides or in  
2 the district court of Shawnee county, Kansas.

3 (4) A person aggrieved by an action taken, an order issued or a policy  
4 adopted by the board of education of a school district as described in  
5 section 5, and amendments thereto, or by the governing body of a  
6 community college or technical college as described in section 6, and  
7 amendments thereto, may contest such action, order or policy by  
8 requesting a hearing in the district court of the county where such school  
9 district or college is located or in which the person resides.

10 (b) A request for a hearing under this section shall be made through  
11 an action brought under chapter 60 of the Kansas Statutes Annotated, and  
12 amendments thereto. Such request shall not stay or enjoin the contested  
13 action, order or policy.

14 (c) (1) Upon receipt of a request for a hearing under this section, the  
15 district court shall schedule a hearing and give notice of such hearing to  
16 the aggrieved party within 72 hours after receipt of the request. Such  
17 hearing shall occur within 10 days after receipt of the request.

18 (2) The district court shall not extend the time for a hearing under any  
19 circumstances.

20 (3) Notwithstanding any other provisions of law to the contrary, the  
21 chief justice of the Kansas supreme court may issue an order to authorize  
22 the use of two-way electronic audio-visual communication for such  
23 hearing and related court proceedings when the chief justice determines  
24 such action is necessary.

25 (d) The district court shall grant the request for relief made by the  
26 aggrieved party unless by a showing of clear and convincing evidence the  
27 contested action, order or policy of the governmental entity was necessary,  
28 reasonable, supported by accepted scientific practice and intended to  
29 remediate or reduce the spread of the infectious or contagious disease. In  
30 making such findings, the court shall consider whether the contested  
31 action, order or policy of the governmental entity considered the means of  
32 transmission of the disease, the communicability of the disease and, to the  
33 extent possible, the degree of public exposure to the disease. Relief under  
34 this section shall not include any compensation of any kind.

35 (e) As used in this section, the term "accepted scientific" means  
36 methods of control employed and intended to remediate infectious,  
37 contagious or communicable disease that are acknowledged as effective by  
38 high-quality scientific data that includes systematic reviews of completed,  
39 high-quality, randomized controlled trials.

40 New Sec. 5. (a) (1) In the event of a state of public health disaster  
41 emergency declared by the governor pursuant to section 1, and  
42 amendments thereto, only the board of education of a school district shall  
43 have the authority to take any action, issue any order or adopt any policy

1 that affects the operation of any school or attendance center of such school  
2 district, including, but not limited to, any action, order or policy that:

3 (A) Closes or has the effect of closing any school or attendance center  
4 of such school district;

5 (B) authorizes or requires any form of attendance other than full-time,  
6 in-person attendance at a school in the school district, including, but not  
7 limited to, hybrid or remote learning; or

8 (C) mandates any action by any students or employees of a school  
9 district while on school district property.

10 (2) During any such state of public health disaster emergency, the  
11 state board of education, the governor, the department of health and  
12 environment, a local health officer, a city health officer or any other state  
13 or local unit of government may provide guidance, consultation or other  
14 assistance to the board of education of a school district but shall not take  
15 any action that affects the operation of any school or attendance center of  
16 such school district pursuant to paragraph (1).

17 (b) (1) Prior to taking any action, issuing any order or adopting any  
18 policy in response to a state of public health disaster emergency as  
19 provided in subsection (a)(1), a board of education of a school district shall  
20 receive and consider any relevant accepted scientific or health data and  
21 shall make evidence-informed decisions. The board shall document the  
22 scientific justification the board relied upon in determining whether to take  
23 such action, issue such order or adopt such policy. In any determination to  
24 take any action, issue any order or adopt any policy, each board of  
25 education shall include in any minutes or other documentation of the  
26 action taken, such data, evidence, means or justification for the action  
27 taken, order issued or policy adopted pursuant to subsection (a)(1) to  
28 prevent the introduction or spread of infectious or contagious disease.

29 (2) Any meeting of a board of education of a school district  
30 discussing an action, order or policy described in this subsection, including  
31 any hearing by the board under subsection (c), shall be open to the public  
32 in accordance with the open meetings act, K.S.A. 75-4317 et seq., and  
33 amendments thereto, and may be conducted by electronic audio-visual  
34 communication when necessary to secure the health and safety of the  
35 public, the board and employees.

36 (c) (1) An employee, a student or the parent or guardian of a student  
37 aggrieved by an action taken, order issued or policy adopted by the board  
38 of education of a school district pursuant to subsection (a)(1), or an action  
39 of any employee of a school district violating any such action, order or  
40 policy, may request a hearing by such board of education to contest such  
41 action, order or policy. Any such request shall not stay or enjoin such  
42 action, order or policy.

43 (2) Upon receipt of a request under paragraph (1), the board of

1 education shall conduct a hearing within 72 hours of receiving such  
2 request for the purposes of reviewing, amending or revoking such action,  
3 order or policy. The board of education may extend the time for a hearing  
4 if extraordinary circumstances exist that justify the extension. In making  
5 the extension, the board of education shall consider the rights of the  
6 aggrieved party, the protection of the public health, the severity of the  
7 emergency and the availability, if necessary, of any witnesses and  
8 evidence.

9 (3) An employee, a student or the parent or guardian of a student  
10 aggrieved by a decision of the board of education under paragraph (2) may  
11 request a hearing in a district court in accordance with section 4, and  
12 amendments thereto.

13 (d) (1) In any school year in which there is a state of public health  
14 disaster emergency declared by the governor pursuant to section 1, and  
15 amendments thereto, the board of education of each school district shall  
16 provide to the state board of education information regarding any action  
17 taken, orders issued or policies adopted to mitigate such emergency and its  
18 impact on the operation of any school of the school district. The board of  
19 education shall provide such information to the state board in a manner  
20 determined by the state board each time the board of education takes such  
21 action, issues such orders or adopts such policies.

22 (2) At least once every two weeks in any such school year, the state  
23 board shall compile the information received pursuant to paragraph (1) and  
24 publish a year-to-date compilation on the Kansas state department of  
25 education's website.

26 (e) As used in this section, the term "accepted scientific" means  
27 methods of control employed and intended to remediate infectious,  
28 contagious or communicable disease that are acknowledged as effective by  
29 high-quality scientific data that includes systematic reviews of completed,  
30 high-quality, randomized controlled trials.

31 New Sec. 6. (a) (1) In the event of a state of public health disaster  
32 emergency declared by the governor pursuant to section 1, and  
33 amendments thereto, only the governing body of a community college, as  
34 established pursuant to K.S.A. 71-201, and amendments thereto, or the  
35 governing body of a technical college, as established pursuant to K.S.A.  
36 74-32,452, and amendments thereto, shall have the authority to take any  
37 action, issue any order or adopt any policy that affects the operation of the  
38 community college or technical college governed by such governing body,  
39 including, but not limited to, any action, order or policy that:

40 (A) Closes or has the effect of closing any community college or  
41 technical college;

42 (B) authorizes or requires any form of attendance at any community  
43 college or technical college; or

1 (C) mandates any action by any students or employees of a  
2 community college or technical college while on college property.

3 (2) During any such state of public health disaster emergency, the  
4 state board of regents, the governor, the department of health and  
5 environment, a local health officer, a city health officer, the Kansas  
6 association of community college trustees, the Kansas technical college  
7 association or any other state or local unit of government may provide  
8 guidance, consultation or other assistance to the governing body of a  
9 community college or technical college, but shall not take any action that  
10 affects the operation of any such college.

11 (b) (1) Prior to taking any action, issuing any order or adopting any  
12 policy in response to a state of public health disaster emergency as  
13 provided in subsection (a)(1), the governing body of a community college  
14 or technical college shall receive and consider any relevant accepted  
15 scientific or health data and shall make evidence-informed decisions. The  
16 governing body shall document the scientific justification such governing  
17 body relied upon in determining whether to take such action, issue such  
18 order or adopt such policy. In any determination to take any action, issue  
19 any order or adopt any policy, each governing body shall include in any  
20 minutes or other documentation of the action taken such data, evidence,  
21 means or justification for the action taken, order issued or policy adopted  
22 pursuant to subsection (a)(1) to prevent the introduction or spread of  
23 infectious or contagious disease.

24 (2) Any meeting of a governing body of a community college or  
25 technical college discussing an action, order or policy described in this  
26 subsection, including any hearing by such governing body under  
27 subsection (c), shall be open to the public in accordance with the open  
28 meetings act, K.S.A. 75-4317 et seq., and amendments thereto, and may be  
29 conducted by electronic audio-visual communication when necessary to  
30 secure the health and safety of the public, the governing body and  
31 employees.

32 (c) (1) An employee or a student aggrieved by an action taken, order  
33 issued or policy adopted by the governing body of a community college or  
34 technical college pursuant to subsection (a)(1), or an action of any  
35 employee of such college violating any such action, order or policy, may  
36 request a hearing by such governing body to contest such action, order or  
37 policy. Any such request shall not stay or enjoin such action, order or  
38 policy.

39 (2) Within 72 hours of receiving a request under paragraph (1), the  
40 governing body shall notify the aggrieved party of the scheduled hearing  
41 date. In scheduling such hearing for the purposes of reviewing, amending  
42 or revoking such action, order or policy, the governing body shall consider  
43 the rights of the aggrieved party, the protection of the public health, the

1 severity of the emergency and the availability, if necessary, of any  
2 witnesses and evidence.

3 (3) An employee or a student aggrieved by a decision of the  
4 governing body under paragraph (2) may request a hearing in a district  
5 court in accordance with section 4, and amendments thereto.

6 (d) (1) In any school year in which there is a state of public health  
7 disaster emergency declared by the governor pursuant to section 1, and  
8 amendments thereto, the governing body of each community college and  
9 technical college shall provide to the standing committees on education in  
10 the senate and the house of representatives information regarding any  
11 action taken, orders issued or policies adopted to mitigate such emergency  
12 and its impact on the operation of any community college or technical  
13 college.

14 (2) At least once each month in any such school year, each  
15 community college and technical college shall publish a year-to-date  
16 compilation of all actions taken, orders issued or policies adopted as  
17 described in this subsection on such college's website.

18 New Sec. 7. No expenditure shall be made from and no obligation  
19 shall be incurred against any federal grant or other federal receipt received  
20 by the state of Kansas for a state of disaster emergency declared pursuant  
21 to the Kansas emergency management act that has not been previously  
22 appropriated or reappropriated by an appropriation act of the legislature,  
23 until the joint committee on emergency management has authorized the  
24 requesting state agency to make expenditures therefrom. Such requests  
25 may be approved by a majority of the members of the joint committee on  
26 emergency management acting on this matter, which is hereby  
27 characterized as a matter of legislative delegation, except that such  
28 disbursements and expenditures may also be approved while the  
29 legislature is in session. The joint committee on emergency management is  
30 hereby authorized to approve the requests for such purposes. Upon receipt  
31 of such approval by the joint committee on emergency management, the  
32 requesting state agency is authorized to expend all approved moneys  
33 lawfully credited to and available in such fund or funds during the fiscal  
34 year or years so approved.

35 Sec. 8. K.S.A. 48-904 is hereby amended to read as follows: 48-904.  
36 As used in ~~this~~ *the Kansas emergency management act*:

37 (a) "Emergency management" means the preparation for and the  
38 carrying out of all emergency functions, other than functions for which  
39 military forces or other federal agencies are primarily responsible, to  
40 prevent, minimize and repair injury and damage resulting from disasters;

41 (b) "adjutant general" means the adjutant general of the state of  
42 Kansas;

43 (c) "division of emergency management" means the division of

1 emergency management created in the office of the adjutant general by  
2 K.S.A. 48-905, and amendments thereto;

3 (d) "disaster" means the occurrence or imminent threat of widespread  
4 or severe damage, injury or loss of life or property resulting from any  
5 natural or manmade cause, including, but not limited to, fire, flood,  
6 earthquake, wind, storm, ~~epidemics~~, *foodborne* contagious or infectious  
7 disease, air contamination, blight, drought, infestation, explosion, riot,  
8 terrorism or hostile military or paramilitary action. "*Disaster*" does not  
9 include a public health disaster;

10 (e) "*public health disaster*" means the occurrence or imminent threat  
11 of widespread or severe injury or loss of life resulting from any infectious  
12 or contagious disease that is human-to-human transmissible, including a  
13 disease that is transmissible through a medium or originates in a non-  
14 human source and becomes human-to-human transmissible, but not  
15 including foodborne illness;

16 (f) "unorganized militia" means all able-bodied male and female  
17 persons between the ages of 16 and 50 years;

18 ~~(f)~~(g) "state disaster emergency plan" means the plan prepared and  
19 maintained by the division of emergency management pursuant to K.S.A.  
20 48-926, and amendments thereto;

21 ~~(g)~~(h) "local and interjurisdictional disaster emergency plans" means  
22 all disaster emergency plans developed and promulgated by county, city  
23 and interjurisdictional disaster agencies pursuant to K.S.A. 48-929, and  
24 amendments thereto; and

25 ~~(h)~~(i) "hazardous material" means any substance or material in a  
26 quantity or form which may be harmful or injurious to the health and  
27 safety of humans, animals, crops or property when released into the  
28 environment. Hazardous material includes, but is not limited to,  
29 explosives, radioactive materials, disease-causing agents, flammable  
30 liquids, solids or gases, combustible liquids, poisons, poisonous gases,  
31 oxidizing materials, corrosive materials, irritants, nonflammable gases,  
32 cryogenics and blasting agents.

33 Sec. 9. K.S.A. 48-923 is hereby amended to read as follows: 48-923.

34 (a) Nothing in the *Kansas* emergency management act shall be construed  
35 to:

36 ~~(a)~~(1) Interfere with the course or conduct of a labor dispute, except  
37 that actions otherwise authorized by this act may be taken when necessary  
38 to forestall or mitigate imminent or existing danger to public health or  
39 safety;

40 ~~(b)~~(2) interfere with dissemination of news or comment on public  
41 affairs; but any communications facility or organization, including but not  
42 limited to radio and television stations, wire services and newspapers, may  
43 be required by the governor to transmit or print public service messages,

1 information or instructions in connection with a declared state of disaster  
2 emergency *or state of public health disaster emergency*;

3 ~~(e)~~(3) affect, other than during a declared state of disaster emergency  
4 *or state of public health disaster emergency*, the jurisdiction or  
5 responsibilities of police forces, fire fighting forces, units of the armed  
6 forces of the United States, or of any personnel thereof, when on active  
7 duty; but the state disaster emergency plan and local and interjurisdictional  
8 disaster emergency plans shall place reliance upon such forces which are  
9 available for performance of functions related to a declared state of  
10 disaster emergency *or state of public health disaster emergency*; or

11 ~~(d)~~(4) limit, modify or abridge the authority of the governor to  
12 proclaim martial law ~~or exercise any other powers vested in the governor~~  
13 ~~under the constitution, statutes or common law of this state independent of,~~  
14 ~~or in conjunction with, any provisions of this act.~~

15 (b) *Notwithstanding any provision of law to the contrary, the*  
16 *governor shall not have the power or authority to temporarily or*  
17 *permanently:*

18 (1) *Alter or modify the Kansas criminal code or the Kansas code of*  
19 *criminal procedure;*

20 (2) *take any action that imposes limitations on gatherings or other*  
21 *activities of a religious nature;*

22 (3) *limit or otherwise restrict the sale, purchase, transfer, ownership,*  
23 *storage, carrying or transporting of firearms or ammunition, or any*  
24 *component or combination thereof, including any components or*  
25 *combination thereof used in the manufacture of firearms or ammunition,*  
26 *or seize or authorize the seizure of any firearms or ammunition, or any*  
27 *component or combination thereof, except as otherwise permitted by state*  
28 *or federal law;*

29 (4) *alter or modify any provisions of the election laws of the state,*  
30 *including, but not limited to, the method by which elections are conducted*  
31 *or the timing of such elections;*

32 (5) *take any action that gives preferential treatment for elective*  
33 *abortion as defined in K.S.A. 65-4a01, and amendments thereto, over any*  
34 *other elective medical procedure or for an abortion provider over any*  
35 *other business or commercial activity; or*

36 (6) *during a state of public health disaster emergency declared under*  
37 *section 1, and amendments thereto:*

38 (A) *Take any action that substantially burdens or inhibits the*  
39 *gathering or movement of individuals or operation of any religious, civic,*  
40 *business or commercial activity, whether for-profit or not-for-profit;*

41 (B) *deem any business or commercial activity non-essential;*

42 (C) *direct or permit any public official of the state or any*  
43 *municipality to mandate immunizations related to the disease named in*

1 *such public health disaster emergency declaration; or*

2 *(D) restrict the ability of a facility licensed under chapter 65 of the*  
3 *Kansas Statutes Annotated, and amendments thereto, to provide*  
4 *healthcare services. Any restrictions shall be determined solely by the*  
5 *healthcare facility or healthcare provider.*

6 *(c) The governor shall perform and exercise all functions, powers*  
7 *and duties in conformity with the constitution and the bill of rights of the*  
8 *state of Kansas.*

9 Sec. 10. K.S.A. 2020 Supp. 48-924, as amended by section 2 of 2021  
10 Senate Bill No. 14, is hereby amended to read as follows: 48-924. (a) The  
11 governor shall be responsible for meeting the dangers to the state and  
12 people presented by disasters.

13 (b) (1) Subject to the provisions of K.S.A. 2020 Supp. 48-924b *and*  
14 *section 1*, and amendments thereto, the governor, upon finding that a  
15 disaster has occurred or that occurrence or the threat thereof is imminent,  
16 shall issue a proclamation declaring a state of disaster emergency.

17 (2) In addition to or instead of the proclamation authorized by K.S.A.  
18 47-611, and amendments thereto, the governor, upon a finding or when  
19 notified pursuant to K.S.A. 47-611, and amendments thereto, that a  
20 quarantine or other regulations are necessary to prevent the spread among  
21 domestic animals of any contagious or infectious disease, may issue a  
22 proclamation declaring a state of disaster emergency. In addition to or  
23 instead of any actions pursuant to the provisions of K.S.A. 2-2114, and  
24 amendments thereto, the governor, upon a finding or when notified  
25 pursuant to K.S.A. 2-2112 et seq., and amendments thereto, that a  
26 quarantine or other regulations are necessary to prevent the spread among  
27 plants, raw agricultural commodities, animal feed or processed food of any  
28 contagious or infectious disease, may issue a proclamation declaring a  
29 state of disaster emergency.

30 (3) The state of disaster emergency—~~so~~ declared *under this section*  
31 *shall continue until the governor finds that the threat or danger of disaster*  
32 *has passed, or the disaster has been dealt with to the extent that emergency*  
33 *conditions no longer exist. Upon making such findings the governor shall*  
34 *terminate the state of disaster emergency by proclamation, but except as*  
35 *provided in paragraph (4), no state of disaster emergency may continue for*  
36 *longer than 15 days unless ratified by concurrent resolution of the*  
37 *legislature, with the single exception that upon specific application by the*  
38 *governor to the ~~state finance council~~ joint committee on emergency*  
39 *management established by section 2, and amendments thereto, and an*  
40 *affirmative vote of a majority of the legislative members thereof the joint*  
41 *committee in accordance with the provisions of section 2, and amendments*  
42 *thereto, a state of disaster emergency may be extended once for a specified*  
43 *period not to exceed 30 days beyond such 15-day period.*

1 (4) If the state of disaster emergency is proclaimed pursuant to  
2 paragraph (2), the governor shall terminate the state of disaster emergency  
3 by proclamation within 15 days, unless ratified by concurrent resolution of  
4 the legislature, except that when the legislature is not in session *or is*  
5 *adjourned during session for three or more days*, and upon specific  
6 application by the governor to the ~~state finance council joint committee on~~  
7 ~~emergency management established by section 2, and amendments thereto,~~  
8 and an affirmative vote of ~~a majority of the legislative members thereof~~  
9 ~~the joint committee in accordance with the provisions of section 2, and~~  
10 ~~amendments thereto~~, a state of disaster emergency may be extended for a  
11 specified period not to exceed 30 days. The ~~state finance council joint~~  
12 ~~committee~~ may authorize additional extensions of the state of disaster  
13 emergency by a unanimous vote ~~of the legislative members thereof~~ for  
14 specified periods not to exceed 30 days each. Such state of disaster  
15 emergency shall be terminated on the 15<sup>th</sup> day of the next regular  
16 legislative session following the initial date of the state of disaster  
17 emergency unless ratified by concurrent resolution of the legislature.

18 ~~(5) The state of disaster emergency described in K.S.A. 2020 Supp.~~  
19 ~~48-924b, and amendments thereto, shall terminate on September 15, 2020,~~  
20 ~~as provided in K.S.A. 2020 Supp. 48-924b, and amendments thereto,~~  
21 ~~except that when the legislature is not in session or is adjourned during~~  
22 ~~session for three or more days, and upon specific application by the~~  
23 ~~governor to the state finance council and an affirmative vote of at least six~~  
24 ~~of the legislative members of the council, this state of disaster emergency~~  
25 ~~may be extended for specified periods not to exceed 30 days each. No such~~  
26 ~~extension granted by the state finance council shall continue past March~~  
27 ~~31, 2021.~~

28 (6) At any time, the legislature by concurrent resolution may require  
29 the governor to terminate a state of disaster emergency. Upon such action  
30 by the legislature, the governor shall issue a proclamation terminating the  
31 state of disaster emergency.

32 (7)(6) Any proclamation declaring or terminating a state of disaster  
33 emergency ~~which is issued under this subsection~~ *section* shall indicate the  
34 nature of the disaster, the area or areas *of the state* threatened or affected  
35 by the disaster and the conditions ~~which that~~ *that* have brought about, or ~~which~~  
36 *that* make possible the termination of, the state of disaster emergency.  
37 Each such proclamation shall be disseminated promptly by means  
38 calculated to bring its contents to the attention of the general public and,  
39 unless the circumstances attendant upon the disaster prevent the same,  
40 each such proclamation shall be filed promptly with the division of  
41 emergency management, the office of the secretary of state and each city  
42 clerk or county clerk, as the case may be, in the area *or areas of the state*  
43 to which such proclamation applies.

1 (c) In the event of the absence of the governor from the state or the  
2 existence of any constitutional disability of the governor, an officer  
3 specified in K.S.A. 48-1204, and amendments thereto, in the order of  
4 succession provided by that section, may issue a proclamation declaring a  
5 state of disaster emergency in the manner provided in and subject to the  
6 provisions of subsection ~~(a)~~ (b). During a state of disaster emergency  
7 declared pursuant to this subsection, such officer may exercise the powers  
8 conferred upon the governor by K.S.A. 48-925, and amendments thereto.  
9 If a preceding officer in the order of succession becomes able and  
10 available, the authority of the officer exercising such powers shall  
11 terminate and such powers shall be conferred upon the preceding officer.  
12 Upon the return of the governor to the state or the removal of ~~any~~ *the*  
13 constitutional disability of the governor, the authority of an officer to  
14 exercise the powers conferred by this section shall terminate immediately  
15 and the governor shall resume the full powers of the office. Any *such* state  
16 of disaster emergency and any actions taken by an officer under this  
17 subsection shall continue and shall have full force and effect as authorized  
18 by law unless modified or terminated by the governor in the manner  
19 prescribed by law.

20 (d) A proclamation declaring a state of disaster emergency *under this*  
21 *section* shall activate the disaster response and recovery aspects of the state  
22 disaster emergency plan and of any local and interjurisdictional disaster  
23 plans applicable to the ~~political subdivisions~~ *area or areas of the state and*  
24 *any political subdivisions thereof* affected by the proclamation. Such  
25 proclamation shall ~~be~~ *constitute the* authority *necessary* for the  
26 deployment and use of any forces to which the plan or plans apply and for  
27 use or distribution of any supplies, equipment, materials or facilities  
28 assembled, stockpiled or arranged to be made available pursuant to this act  
29 during a disaster.

30 (e) The governor, when advised pursuant to K.S.A. 74-2608, and  
31 amendments thereto, that conditions indicative of drought exist, ~~shall be~~ *is*  
32 authorized to declare by proclamation that a state of drought exists. This  
33 declaration of a state of drought can be for specific areas or communities,  
34 can be statewide or for specific water sources and shall effect immediate  
35 implementation of drought contingency plans contained in state approved  
36 conservation plans, including those for state facilities.

37 Sec. 11. K.S.A. 2019 Supp. 48-925, as amended by section 4 of 2021  
38 Senate Bill No. 14, is hereby amended to read as follows: 48-925. (a)  
39 During any state of disaster emergency declared under K.S.A. 48-924, and  
40 amendments thereto, the governor shall be commander-in-chief of the  
41 organized and unorganized militia and of all other forces available for  
42 emergency duty. To the greatest extent practicable, the governor shall  
43 delegate or assign command authority by prior arrangement, embodied in

1 appropriate executive orders or in rules and regulations of the adjutant  
 2 general, but nothing herein shall restrict the authority of the governor to do  
 3 so by orders issued at the time of a disaster.

4 ~~(b) (1) Under the provisions of this act and for the implementation of~~  
 5 ~~this act,~~ The governor may issue *executive* orders to exercise the powers  
 6 conferred by subsection (c) ~~that have the force and effect of law~~ during the  
 7 period of a state of disaster emergency declared under K.S.A. 48-924(b),  
 8 and amendments thereto, ~~or as provided in K.S.A. 2020 Supp. 48-924b,~~  
 9 ~~and amendments thereto. Within 24 hours of the issuance of any such~~  
 10 ~~order, the governor shall call a meeting of the state finance council for the~~  
 11 ~~purposes of reviewing such order.~~

12 (2) Such orders *issued under this section:*

13 (A) Shall be null and void after the period of a state of disaster  
 14 emergency *declared under K.S.A. 48-924(b), and amendments thereto,* has  
 15 ended. ~~Such orders; and~~

16 (B) may be revoked at any time by concurrent resolution of the  
 17 legislature.

18 (c) During a state of disaster emergency declared under K.S.A. 48-  
 19 924, and amendments thereto, in addition to any other powers conferred  
 20 upon the governor by law ~~and subject to the provisions of subsection (d),~~  
 21 ~~(e) and (f),~~ the governor may:

22 (1) ~~Suspend the provisions of any regulatory statute prescribing the~~  
 23 ~~procedures for conduct of state business, or the orders or rules and~~  
 24 ~~regulations~~ *Modify the provisions of any order, policy or rule and*  
 25 *regulation of any state agency which implements such statute; prescribing*  
 26 *the procedures for conduct of state business* if strict compliance with the  
 27 provisions of such ~~statute,~~ order, *policy* or rule and regulation would  
 28 prevent, ~~hinder~~ or delay ~~in any way~~ *the* necessary action in coping with the  
 29 disaster;

30 (2) utilize all available resources of the state government and of each  
 31 political subdivision as reasonably necessary to cope with the disaster;

32 (3) transfer the supervision, personnel or functions of state  
 33 departments and agencies or units thereof for the purpose of performing or  
 34 facilitating emergency management activities;

35 (4) subject to any applicable requirements for compensation under  
 36 K.S.A. 48-933, and amendments thereto, commandeer or utilize any  
 37 private property if the governor finds such action necessary to cope with  
 38 the disaster;

39 (5) direct and compel the evacuation of all or part of the population  
 40 from any area of the state stricken or threatened by a disaster, if the  
 41 governor deems this action necessary for the preservation of life or other  
 42 disaster mitigation, response or recovery;

43 (6) prescribe routes, modes of transportation and destinations in

1 connection with such evacuation;

2 (7) control ingress and egress of persons and animals to and from a  
3 disaster area, the movement of persons and animals within the area and the  
4 occupancy by persons and animals of premises therein;

5 (8) suspend or limit the sale, dispensing or transportation of alcoholic  
6 beverages, explosives and combustibles;

7 (9) make provision for the availability and use of temporary  
8 emergency housing; *and*

9 (10) require and direct the cooperation and assistance of state and  
10 local governmental agencies and officials; *and*

11 ~~(11) perform and exercise such other functions, powers and duties in~~  
12 ~~conformity with the constitution and the bill of rights of the state of~~  
13 ~~Kansas and with the statutes of the state of Kansas, except any regulatory~~  
14 ~~statute specifically suspended under the authority of subsection (c)(1), as~~  
15 ~~are necessary to promote and secure the safety and protection of the~~  
16 ~~civilian population.~~

17 ~~(d) The governor shall not have the power or authority to temporarily~~  
18 ~~or permanently seize, or authorize seizure of, any ammunition or to~~  
19 ~~suspend or limit the sale, dispensing or transportation of firearms or~~  
20 ~~ammunition pursuant to subsection (c)(8) or any other executive authority.~~

21 ~~(e) Notwithstanding any provision of this section to the contrary and~~  
22 ~~pursuant to the governor's state of disaster emergency proclamation issued~~  
23 ~~on May 26, 2020, the governor shall not have the power or authority to~~  
24 ~~restrict businesses from operating or to restrict the movement or gathering~~  
25 ~~of individuals. The provisions of this subsection shall expire on September~~  
26 ~~15, 2020.~~

27 ~~(f) The governor shall not have the power under the provisions of the~~  
28 ~~Kansas emergency management act or the provisions of any other law to~~  
29 ~~alter or modify any provisions of the election laws of the state including,~~  
30 ~~but not limited to, the method by which elections are conducted or the~~  
31 ~~timing of such elections.~~

32 ~~(g)(d) (1) The governor shall exercise the powers conferred by~~  
33 ~~subsection (c) by issuance of *executive* orders under subsection (b).~~

34 (2) Each *executive* order issued pursuant to the authority granted by  
35 subsection (b) shall specify the provision or provisions of subsection (c) by  
36 specific reference to each paragraph of subsection (c) that confers the  
37 power under which ~~the~~ *such* order was issued. *Each executive order issued*  
38 *pursuant to other legal authority shall specify the source of such authority.*

39 (3) *Each executive order issued pursuant to the authority granted by*  
40 *subsection (b) that modifies the provisions of any order, policy or rule and*  
41 *regulation shall specify the order, policy or rule and regulation being*  
42 *modified. Any such modification shall be consistent with the statutory*  
43 *section or sections implemented or interpreted by such order, policy or*

1 *rule and regulation and the authority pursuant to which such order, policy*  
2 *or rule and regulation, or any part thereof, was adopted.*

3 (4) *If an executive order affects more than one county, such order*  
4 *shall be narrowly tailored to conditions in individual counties or provide*  
5 *specific reasons such order is not narrowly tailored to such conditions.*

6 (5) The adjutant general, subject to the direction of the governor, shall  
7 administer such orders.

8 ~~(h) The board of county commissioners of any county may issue an~~  
9 ~~order relating to public health that includes provisions that are less-~~  
10 ~~stringent than the provisions of an executive order effective statewide~~  
11 ~~issued by the governor. Any board of county commissioners issuing such~~  
12 ~~an order must make the following findings and include such findings in the~~  
13 ~~order:~~

14 ~~(1) The board has consulted with the local health officer or other local~~  
15 ~~health officials regarding the governor's executive order;~~

16 ~~(2) following such consultation, implementation of the full scope of~~  
17 ~~the provisions in the governor's executive order are not necessary to~~  
18 ~~protect the public health and safety of the county; and~~

19 ~~(3) all other relevant findings to support the board's decision.~~

20 Sec. 12. K.S.A. 48-933 is hereby amended to read as follows: 48-933.

21 (a) Each person within this state shall act and manage the affairs of such  
22 person and such person's property in any way which reasonably will assist  
23 and not detract from the ability of the state and the public successfully to  
24 meet disasters. This obligation includes appropriate personal service and  
25 use or restriction on the use of property during a declared state of disaster  
26 emergency under K.S.A. 48-924, and amendments thereto, *a declared*  
27 *state of public health disaster emergency under section 1, and*  
28 *amendments thereto*, or a declared state of local disaster emergency under  
29 K.S.A. 48-932, and amendments thereto. This act neither increases nor  
30 decreases these obligations, but recognizes their existence under the  
31 constitution and statutes and the common law of this state. Compensation  
32 for services or for the taking or use of property shall be only to the extent  
33 that obligations recognized in this subsection are exceeded in a particular  
34 case and then only to the extent that the claimant may not be deemed to  
35 have volunteered services or property without compensation.

36 (b) No personal services may be compensated by the state or any  
37 subdivision or agency thereof, except pursuant to statute enacted or  
38 ordinance duly adopted therefor.

39 (c) Compensation for property shall be only if the property was  
40 commandeered or otherwise used in coping with a disaster and its use or  
41 destruction was ordered by the governor, adjutant general, an official of a  
42 county, city or interjurisdictional disaster agency, or some other authorized  
43 member of the emergency management forces of this state.

1 (d) Any person claiming compensation for the use, damage, loss or  
 2 destruction of property under this act shall file a claim therefor in the  
 3 district court in the same manner as any other civil action. The court shall  
 4 determine the validity of such claim in the same manner and under the  
 5 same conditions prescribed for condemnation actions pursuant to K.S.A.  
 6 26-501 et seq., and amendments thereto. Unless the amount of  
 7 compensation on account of property damaged, lost or destroyed is agreed  
 8 upon by the claimant and the adjutant general, the amount of  
 9 compensation shall be calculated in the same manner as compensation due  
 10 for a taking of property pursuant to the condemnation law of this state.

11 (e) Nothing in this section:

12 (1) *Authorizes compensation for intangible losses; or*

13 (2) applies to or authorizes compensation for the destruction or  
 14 damaging of standing timber or other property in order to provide a fire  
 15 break or for the release of waters or the breach of impoundments in order  
 16 to reduce pressure or other danger from actual or threatened flood.

17 Sec. 13. K.S.A. 2020 Supp. 48-939 is hereby amended to read as  
 18 follows: 48-939. (a) *Except as provided in subsection (b), a person who*  
 19 *intentionally violates any provision of the Kansas emergency management*  
 20 *act, any rule and regulation adopted by the adjutant general under the act*  
 21 *or any lawful executive order or proclamation issued under authority of*  
 22 *the act whether pursuant to a proclamation declaring a state of disaster*  
 23 *emergency under K.S.A. 48-924, and amendments thereto, or a*  
 24 *declaration of a state of local disaster emergency under K.S.A. 48-932,*  
 25 *and amendments thereto, shall be guilty of a class A nonperson*  
 26 *misdemeanor.*

27 (b) (1) A person who intentionally violates any provision of ~~this the~~  
 28 *Kansas emergency management act, any rule and regulation adopted by*  
 29 *the adjutant general under ~~this the~~ act or any lawful executive order or*  
 30 *proclamation issued under authority of ~~this the~~ act ~~whether~~ pursuant to a*  
 31 *proclamation declaring a state of public health disaster emergency under*  
 32 *K.S.A. 48-924 section 1, and amendments thereto, ~~or a declaration of a~~*  
 33 *state of local disaster emergency under K.S.A. 48-932, and amendments*  
 34 *thereto, may incur a civil penalty in an amount not to exceed \$2,500 per*  
 35 *violation. Each penalty may be assessed in addition to any other penalty*  
 36 *provided by law.*

37 (b)(2) Violations of this ~~section~~ *subsection* shall be enforced through  
 38 an action brought under chapter 60 of the Kansas Statutes Annotated, and  
 39 amendments thereto, by the attorney general or the county or district  
 40 attorney in the county in which the violation took place. Civil penalties  
 41 sued for and recovered by the county or district attorney shall be paid into  
 42 the general fund of the county where the proceedings were instigated.

43 (c) The attorney general or any county or district attorney may bring

1 an action to enjoin, or to obtain a restraining order, against a person who  
2 has violated, is violating or is otherwise likely to violate ~~this~~ *the Kansas*  
3 *emergency management act*.

4 (d) *Nothing in this section shall prohibit an action from being*  
5 *brought in each county in which a violation took place even if each action*  
6 *arises out of the same occurrence constituting the violation.*

7 Sec. 14. K.S.A. 2020 Supp. 48-949 is hereby amended to read as  
8 follows: 48-949. As used in ~~this~~ *the Kansas intrastate emergency mutual*  
9 *aid act*:

10 (a) "Division" means the division of emergency management within  
11 the office of the adjutant general.

12 (b) "Emergency responder" means any person in the public or private  
13 sector who: (1) Has special skills, qualifications, training, knowledge and  
14 experience which would be beneficial to a participating political  
15 subdivision in response to a locally-declared emergency as defined in any  
16 applicable law or ordinance or authorized drill or exercises; and (2) is  
17 requested or authorized, or both, to respond. An emergency responder may  
18 or may not be required to possess a license, certificate, permit or other  
19 official recognition for the emergency responder's expertise in a particular  
20 field or area of knowledge. "Emergency responder" ~~may include~~ *includes*,  
21 but is not limited to, the following: Law enforcement officers, ~~fire fighters~~  
22 *firefighters, 911 dispatch centers*, emergency medical services personnel,  
23 physicians, nurses, public health personnel, emergency management  
24 personnel, public works personnel and persons with skills or training in  
25 operating specialized equipment or other skills needed to provide aid in a  
26 declared emergency.

27 Sec. 15. K.S.A. 65-101 is hereby amended to read as follows: 65-101.

28 (a) The secretary of health and environment shall exercise general  
29 supervision of the health of the people of the state and may:

30 (1) Where authorized by any other statute, require reports from  
31 appropriate persons relating to the health of the people of the state so a  
32 determination of the causes of sickness and death among the people of the  
33 state may be made through the use of these reports and other records;

34 (2) investigate the causes of disease, including especially, epidemics  
35 and endemics, the causes of mortality and effects of locality, employments,  
36 conditions, food, water supply, habits and other circumstances affecting  
37 the health of the people of this state and the causes of sickness and death;

38 (3) advise other offices and agencies of government concerning  
39 location, drainage, water supply, disposal of excreta and heating and  
40 ventilation of public buildings;

41 (4) make sanitary inspection and survey of such places and localities  
42 as the secretary deems advisable;

43 (5) *except as provided in subsections (c), (d) and (e), issue orders to*

1 take action to prevent the introduction of infectious or contagious disease  
2 into this state and to prevent the spread of infectious or contagious disease  
3 within this state;

4 (6) provide public health outreach services to the people of the state,  
5 including educational and other activities designed to increase the  
6 individual's awareness and appropriate use of public and other preventive  
7 health services.

8 (b) The secretary of health and environment may adopt rules and  
9 regulations necessary to carry out the provisions of ~~paragraphs (1) through~~  
10 ~~(6), inclusive, of subsection (a) subsection (a)(1) through (6).~~ In addition  
11 to other remedies provided by law, the secretary is authorized to apply to  
12 the district court, and such court shall have jurisdiction upon a hearing and  
13 for cause shown to grant a temporary or permanent injunction to compel  
14 compliance with such rules and regulations.

15 (c) (1) *The secretary shall include in any order issued to take action*  
16 *described in subsection (a)(5):*

17 (A) *The justification of the accepted scientific means and reasons*  
18 *used for the action to prevent such introduction or spread of infectious or*  
19 *contagious disease; and*

20 (B) *if such an order affects more than one county, a justification of*  
21 *how the order is narrowly tailored to conditions in individual counties or*  
22 *specific reasons the order is not narrowly tailored to such conditions.*

23 (2) *For any order issued to take action described in subsection (a)(5)*  
24 *that affects more than one county, the secretary shall submit such*  
25 *proposed order to the attorney general for review as provided by section*  
26 *1(f)(2), and amendments thereto, and submit such proposed order to the*  
27 *joint committee on emergency management for review as provided by*  
28 *section 1(f)(3), and amendments thereto.*

29 (d) (1) *The secretary shall not issue an order to take action described*  
30 *in subsection (a)(5) that:*

31 (A) *Substantially burdens or inhibits the gathering or movement of*  
32 *individuals or operation of any religious, civic, business or commercial*  
33 *activity, whether for-profit or not-for-profit, unless such order includes*  
34 *justification of the accepted scientific reasons for such order and how such*  
35 *order is narrowly tailored to accomplish remediation of such infectious or*  
36 *contagious disease; or*

37 (B) *burdens or inhibits the operation of any religious gathering or*  
38 *activity.*

39 (2) *The secretary may issue non-binding guidance and information*  
40 *for the conduct of gatherings or activities described in paragraph (1).*

41 (e) *Any person aggrieved by an order issued to take action described*  
42 *in subsection (a)(5) may request a hearing in a district court in*  
43 *accordance with section 4, and amendments thereto.*

1       (f) *At any time, the legislature, by concurrent resolution, may require*  
 2 *the secretary to terminate an order issued to take action described in*  
 3 *subsection (a)(5).*

4       (g) *The secretary shall maintain a public registry on the Kansas*  
 5 *department of health and environment's website of all orders described in*  
 6 *section 3, and amendments thereto, and of all orders described in K.S.A.*  
 7 *65-201 and 65-202, and amendments thereto. At least once every two*  
 8 *weeks, the secretary shall compile the information received pursuant to*  
 9 *this subsection and update the public registry.*

10       (h) *As used in article 1 of chapter 65 of the Kansas Statutes*  
 11 *Annotated, and amendments thereto, the term "accepted scientific" means*  
 12 *methods of control employed and intended to remediate infectious,*  
 13 *contagious or communicable disease that are acknowledged as effective*  
 14 *by high-quality scientific data that includes systematic reviews of*  
 15 *completed, high-quality, randomized controlled trials.*

16       Sec. 16. K.S.A. 65-119 is hereby amended to read as follows: 65-119.

17       (a) Any county or joint board of health or local health officer having  
 18 knowledge of any infectious or contagious disease, or of a death from such  
 19 disease, within their jurisdiction, shall immediately exercise and maintain  
 20 a supervision over such case or cases during their continuance, seeing that  
 21 all such cases are properly cared for and that the provisions of this act as to  
 22 isolation, restriction of communication, quarantine and disinfection are  
 23 duly enforced. The county or joint board of health or local health officer  
 24 shall communicate without delay all information as to existing conditions  
 25 to the secretary of health and environment. The local health officer shall  
 26 confer personally, if practicable, otherwise by letter, with the person in  
 27 attendance upon the case, as to its future management and control. The  
 28 county or joint board of health ~~or local health officer~~ is hereby empowered  
 29 and authorized to prohibit public gatherings when necessary for the control  
 30 of any and all infectious or contagious disease, *except no board of health*  
 31 *or local health officer shall prohibit any school district, attendance center,*  
 32 *nonpublic school, community college or technical college from operating*  
 33 *pursuant to K.S.A. 65-201 and 65-202, and amendments thereto.*

34       (b) Any disclosure or communication of information relating to  
 35 infectious or contagious diseases required to be disclosed or  
 36 communicated under subsection (a) ~~of this section~~ shall be confidential  
 37 and shall not be disclosed or made public beyond the requirements of  
 38 subsection (a) ~~of this section~~ or subsection (a) of K.S.A. 65-118(a), and  
 39 *amendments thereto*, except as otherwise permitted by ~~subsection (c) of~~  
 40 *K.S.A. 65-118(c), and amendments thereto.*

41       Sec. 17. K.S.A. 65-126 is hereby amended to read as follows: 65-126.

42       (a) Whenever the county or joint board of health ~~or the local health officer~~  
 43 neglects to properly isolate and quarantine infectious or contagious

1 diseases and persons afflicted with or exposed to such diseases as may be  
2 necessary to prevent the spread thereof, the secretary of health and  
3 environment may quarantine any area in which any of these diseases may  
4 show a tendency to become epidemic.

5 *(b) This section shall not apply to any school district, attendance*  
6 *center, nonpublic school, community college or technical college within*  
7 *any such area during any state of public health disaster emergency*  
8 *declared pursuant to section 1, and amendments thereto.*

9 Sec. 18. K.S.A. 2020 Supp. 65-201 is hereby amended to read as  
10 follows: 65-201. (a) The board of county commissioners of each county  
11 shall act as the county board of health for the county. Each county board  
12 shall appoint a person licensed to practice medicine and surgery,  
13 preference being given to persons who have training in public health, who  
14 shall serve as the local health officer and who shall act in an advisory  
15 capacity to the county board of health. The appointing authority of city-  
16 county, county or multicounty health units with less than 100,000  
17 population may appoint a qualified local health program administrator as  
18 the local health officer if a person licensed to practice medicine and  
19 surgery or person licensed to practice dentistry is designated as a  
20 consultant to direct the administrator on program and related medical and  
21 professional matters. The local health officer or local health program  
22 administrator shall hold office at the pleasure of the board.

23 *(b) (1) Any order recommendation issued by the local health officer,*  
24 *including orders recommendations issued as a result of an executive order*  
25 *of the governor, may shall be reviewed, amended or revoked by the board*  
26 *of county commissioners of the county affected by such order*  
27 *recommendation at a meeting of the board. Any order reviewed or*  
28 *amended If an order is subsequently issued by the board, such order shall*  
29 *include an expiration date set by the board and may be amended or*  
30 *revoked at an earlier date by a majority vote of the board. Any meeting of*  
31 *county government discussing such order, including any hearing by a*  
32 *board of county commissioners under paragraph (2), shall be open to the*  
33 *public in accordance with the open meetings act, K.S.A. 75-4317 et seq.,*  
34 *and amendments thereto, and may be conducted by electronic audio-visual*  
35 *communication when necessary to secure the health and safety of the*  
36 *public and county government officials and employees.*

37 *(2) Upon request by a person aggrieved by an order issued by the*  
38 *board of county commissioners, the board shall conduct a hearing within*  
39 *72 hours after receipt of such request for the purposes of reviewing,*  
40 *amending or revoking such order as provided by paragraph (1).*

41 *(3) Any person aggrieved by a decision of a board of county*  
42 *commissioners under paragraph (2) may request a hearing in a district*  
43 *court pursuant to section 4, and amendments thereto.*

1       (4) *A board of county commissioners shall not issue an order that:*

2       (A) *Substantially burdens or inhibits the gathering or movement of*  
3 *individuals or operation of any religious, civic, business or commercial*  
4 *activity, whether for-profit or not-for-profit, unless such order includes*  
5 *justification of the accepted scientific reasons for such order and how such*  
6 *order accomplishes remediation of such infectious or contagious disease;*

7       (B) *burdens or inhibits the operation of any religious gathering or*  
8 *activity; or*

9       (C) *has the effect of limiting travel between counties, except that the*  
10 *authority to issue an order under K.S.A. 65-129b, and amendments*  
11 *thereto, requiring an individual or group of individuals to go to and*  
12 *remain in places of isolation or quarantine shall not be limited by this*  
13 *subparagraph.*

14       (5) *A local health officer may issue non-binding guidance and*  
15 *information for the conduct of gatherings or activities described in*  
16 *paragraph (4).*

17       (6) *Any order issued under this subsection shall be provided to the*  
18 *secretary of health and environment.*

19       (c) The board of county commissioners in any county having a  
20 population of less than 15,000 may contract with the governing body of  
21 any hospital located in such county for the purpose of authorizing such  
22 governing body of the hospital to supply services to a county board of  
23 health.

24       (d) *As used in article 2 of chapter 65 of the Kansas Statutes*  
25 *Annotated, and amendments thereto, the term "accepted scientific" means*  
26 *methods of control employed and intended to remediate infectious,*  
27 *contagious or communicable disease that are acknowledged as effective*  
28 *by high-quality scientific data that includes systematic reviews of*  
29 *completed, high-quality, randomized controlled trials.*

30       Sec. 19. K.S.A. 2020 Supp. 65-202 is hereby amended to read as  
31 follows: 65-202. (a) (1) The local health officer in each county throughout  
32 the state, immediately after such officer's appointment, shall take the same  
33 oath of office prescribed by law for the county officers, shall give bond of  
34 \$500 conditioned for the faithful performance of the officer's duties, shall  
35 keep an accurate record of all the transactions of such office, shall turn  
36 over to the successor in office or to the county or joint board of health  
37 selecting such officer, on the expiration of such officer's term of office, all  
38 records, documents and other articles belonging to the office and shall  
39 faithfully account to *the* board of county commissioners and to the county  
40 and state for all moneys coming into the office. Such officer shall notify  
41 the secretary of health and environment of such officer's appointment and  
42 qualification, and provide the secretary with such officer's contact  
43 information.

1 (2) Such officer shall receive and distribute without delay in the  
 2 county all forms from the secretary of health and environment to the  
 3 rightful persons, all returns from persons licensed to practice medicine and  
 4 surgery, assessors and local boards to said secretary, shall keep an accurate  
 5 record of all of the transactions of such office and shall turn over all  
 6 records and documents kept by such officer, the successor in office, or to  
 7 the county or joint board electing such officer, on the expiration of the  
 8 term of office.

9 (3) The local health officer shall, upon the opening of the fall term of  
 10 school, make a sanitary inspection of each school building and grounds,  
 11 and shall make such additional inspections as are necessary to protect the  
 12 public health of the students of the school.

13 ~~(e)~~(b) (1) Such officer shall make an investigation of each case of  
 14 smallpox, diphtheria, typhoid fever, scarlet fever, acute anterior  
 15 poliomyelitis (infantile paralysis), epidemic cerebro-spinal meningitis and  
 16 such other acute infectious, contagious or communicable diseases as may  
 17 be required, and shall use ~~all known measures~~ *only accepted scientific*  
 18 *means* to prevent the spread of any such infectious, contagious or  
 19 communicable disease; and shall perform such other duties as this act, the  
 20 county or joint board, board of health or the secretary of health and  
 21 environment may require.

22 (2) Any ~~order~~ *recommendation* issued by the local health officer,  
 23 including ~~orders~~ *recommendations* issued as a result of an executive order  
 24 of the governor, on behalf of a county regarding the remediation of any  
 25 infectious, *contagious or communicable disease* ~~may~~ *shall include*  
 26 *justification of the accepted scientific means and reasons used for such*  
 27 *remediation. Any such recommendation described in this paragraph shall*  
 28 *be reviewed, amended or revoked* by the board of county commissioners  
 29 of any county affected by such ~~order~~ *recommendation* in the manner  
 30 provided by K.S.A. 65-201(b), and amendments thereto.

31 (3) *A local health officer shall not issue recommendations or*  
 32 *guidance that:*

33 (A) *Substantially burdens or inhibits the gathering or movement of*  
 34 *individuals or operation of any religious, civic, business or commercial*  
 35 *activity, whether for-profit or not-for-profit, unless such order includes*  
 36 *justification of the accepted scientific reasons for such order and how such*  
 37 *order is narrowly tailored to accomplish remediation of such infectious or*  
 38 *contagious disease;*

39 (B) *burdens or inhibits the operation of any religious gathering or*  
 40 *activity; or*

41 (C) *has the effect of limiting travel between counties, except that the*  
 42 *authority to issue an order under K.S.A. 65-129b, and amendments*  
 43 *thereto, requiring an individual or group of individuals to go to and*

1 *remain in places of isolation or quarantine shall not be limited by this*  
2 *subparagraph.*

3 *(4) A local health officer may issue non-binding guidance and*  
4 *information for the conduct of gatherings or activities described in*  
5 *paragraph (3).*

6 *(c) Such officer shall receive compensation as set by the board and*  
7 *with the approval of the board of health may employ a skilled professional*  
8 *nurse and other additional personnel whenever deemed necessary for the*  
9 *protection of the public health.*

10 *(d) For any failure or neglect of the local health officer to perform*  
11 *any of the duties prescribed in this act, the officer may be removed from*  
12 *office by the county board of health. In addition to removal from office,*  
13 *for any failure or neglect to perform any of the duties prescribed by this*  
14 *act, the local health officer shall be deemed guilty of a misdemeanor and,*  
15 *upon conviction, be fined not less \$10 nor more than \$100 for each and*  
16 *every offense.*

17 *New Sec. 20. The provisions of this act are severable. If any portion*  
18 *of the act is declared unconstitutional or invalid, or the application of any*  
19 *portion of the act to any person or circumstance is held unconstitutional or*  
20 *invalid, the invalidity shall not affect other portions of the act that can be*  
21 *given effect without the invalid portion or application, and the*  
22 *applicability of such other portions of the act to any person or*  
23 *circumstance shall remain valid and enforceable.*

24 *Sec. 21. K.S.A. 48-904, 48-923, 48-933, 65-101, 65-119 and 65-126*  
25 *and K.S.A. 2019 Supp. 48-925, as amended by section 4 of 2021 Senate*  
26 *Bill No. 14, and 48-925, as amended by section 5 of 2021 Senate Bill No.*  
27 *14, and K.S.A. 2020 Supp. 48-924, as amended by section 2 of 2021*  
28 *Senate Bill No. 14, 48-925b, 48-939, 48-949, 65-201 and 65-202 are*  
29 *hereby repealed.*

30 *Sec. 22. This act shall take effect and be in force from and after its*  
31 *publication in the Kansas register.*