

## SENATE BILL No. 273

By Committee on Federal and State Affairs

2-23

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1 AN ACT concerning governmental response to certain emergencies;  
2 relating to the Kansas emergency management act; providing  
3 procedures 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 and the board of education of each school  
10 district to control the spread of disease; establishing judicial review  
11 thereof; prescribing certain reporting requirements for the board of  
12 education of each school district, the state board of education and the  
13 Kansas state department of education; amending K.S.A. 48-904, 48-  
14 923, 48-933, 65-101, 65-119 and 65-126 and K.S.A. 2019 Supp. 48-  
15 925, as amended by section 4 of 2021 Senate Bill No. 14, and K.S.A.  
16 2020 Supp. 48-924, as amended by section 2 of 2021 Senate Bill No.  
17 14, 48-939, 48-949, 65-201 and 65-202 and repealing the existing  
18 sections; also repealing K.S.A. 2019 Supp. 48-925, as amended by  
19 section 5 of 2021 Senate Bill No. 14, and K.S.A. 2020 Supp. 48-925b.

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

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

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

32 (2) The state of public health disaster emergency so declared shall  
33 continue until the governor finds that the threat or danger of a public  
34 health disaster has passed or the public health disaster has been dealt with  
35 to the extent that emergency conditions no longer exist. Upon making such  
36 findings, the governor shall terminate the state of public health disaster

1 emergency by proclamation. Except as provided in paragraph (3), no state  
2 of public health disaster emergency may continue for longer than 15 days  
3 unless ratified by concurrent resolution of the legislature.

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

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

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

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

19 (ii) the joint committee on emergency management did not continue  
20 or extend the original state of public health disaster emergency declaration;  
21 or

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

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

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

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

33 (iii) new mode or means of transmission of such disease not  
34 identified in the original state of public health disaster emergency  
35 declaration.

36 (6) Any proclamation declaring or terminating a state of public health  
37 disaster emergency issued under this section shall indicate the nature of the  
38 public health disaster, the area or areas of the state threatened or affected  
39 by the disaster and the conditions that have brought about, or that make  
40 possible the termination of, the state of public health disaster emergency.  
41 When indicating the nature of the public health disaster, the proclamation  
42 shall include, but is not limited to, the name of the disease and any known  
43 means of transmission for such disease. Each such proclamation shall be

1 disseminated promptly by means calculated to bring its contents to the  
2 attention of the general public and, unless the circumstances attendant  
3 upon the disaster prevent such action, each such proclamation shall be  
4 filed promptly with the division of emergency management, the office of  
5 the secretary of state, the chief justice of the supreme court and each city  
6 clerk, county clerk and board of education of a school district, as the case  
7 may be, in the area or areas of the state to which such proclamation  
8 applies.

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

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

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

40 (2) Prior to issuing an executive order under this section, the  
41 governor shall submit the proposed executive order to the attorney general  
42 for review. The attorney general shall consider whether the proposed  
43 executive order is consistent with all statutory and constitutional

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

11 (3) Not less than 24 hours after submitting the proposed executive  
12 order to the attorney general pursuant to paragraph (2), the governor shall  
13 submit such order to the joint committee on emergency management  
14 established by section 2, and amendments thereto. Within 24 hours of  
15 receipt of the proposed executive order, the chairperson of the joint  
16 committee shall call a meeting of the joint committee for the purposes of  
17 reviewing such order. The governor may issue the proposed executive  
18 order if such order is approved by an affirmative vote of a majority of the  
19 joint committee. The proposed executive order shall not be issued and  
20 shall be null and void if such order fails to receive an affirmative vote of a  
21 majority of the joint committee.

22 (4) Executive orders issued under this section:

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

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

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

30 (1) Modify the provisions of any order, policy or rule and regulation  
31 of any state agency prescribing the procedures for conduct of state  
32 business if strict compliance with the provisions of such order or rule and  
33 regulation would prevent or delay the necessary action in coping with the  
34 disaster;

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

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

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

1 (5) facilitate the cooperation and assistance of state and local  
2 governmental agencies and officials.

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

5 (2) Each executive order issued pursuant to the authority granted by  
6 subsection (e) shall specify the provision or provisions of subsection (f) by  
7 specific reference to each paragraph of subsection (f) that confers the  
8 power under which such order was issued. Each executive order issued  
9 pursuant to other legal authority shall specify the source of such authority.

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

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

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

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

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

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

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

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

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

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

43 (A) The president of the senate;

- 1 (B) the vice president of the senate;
- 2 (C) the majority leader of the senate;
- 3 (D) the minority leader of the senate;
- 4 (E) one member of the senate appointed by the president of the
- 5 senate;
- 6 (F) the speaker of the house of representatives;
- 7 (G) the speaker pro tem of the house of representatives;
- 8 (H) the majority leader of the house of representatives;
- 9 (I) the minority leader of the house of representatives; and
- 10 (J) one member of the house of representatives appointed by the
- 11 speaker of the house of representatives.

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

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

30 (b) The joint committee shall meet at any time on call of the  
31 chairperson. Members of the joint committee shall receive compensation,  
32 travel expenses and subsistence expenses or allowances as provided in  
33 K.S.A. 75-3212, and amendments thereto, when attending meetings of  
34 such committee. Amounts paid under authority of this section shall be paid  
35 from appropriations for legislative expense and vouchers therefor shall be  
36 prepared by the director of legislative administrative services and  
37 approved by the chairperson or vice chairperson of the legislative  
38 coordinating council.

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

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

43 (e) The staff of the office of revisor of statutes, the legislative

1 research department and the division of legislative administrative services  
2 shall provide such assistance as may be requested by the joint committee.

3 (f) In addition to other powers and duties authorized or prescribed by  
4 law or by the legislative coordinating council, the joint committee shall  
5 have the authority to require reports and testimony from the governor, or  
6 the governor's designee, the adjutant general, the state board of education,  
7 the secretary of health and environment and any other state or local official  
8 with information relevant to emergency management or the powers and  
9 duties of the joint committee.

10 New Sec. 3. (a) (1) The governing body of a city or a city health  
11 officer appointed by the governing body of a city may use only accepted  
12 scientific means as justification to issue an order to prevent the spread of  
13 an infectious, contagious or communicable disease. Any such order,  
14 including orders issued as a result of an executive order of the governor,  
15 on behalf of a city regarding the remediation of any such disease shall  
16 include justification of the accepted scientific means used for such  
17 remediation.

18 (2) The governing body of a city or a city health officer shall not  
19 issue an order that:

20 (A) Substantially burdens or inhibits the gathering or movement of  
21 individuals or operation of any religious, civic, business or commercial  
22 activity, whether for-profit or not-for-profit, unless such order includes  
23 justification of the accepted scientific reasons for such order and how such  
24 order accomplishes remediation of such infectious or contagious disease;  
25 or

26 (B) burdens or inhibits the operation of any religious gathering or  
27 activity.

28 (3) The governing body or city health officer may issue non-binding  
29 guidance and information for the conduct of gatherings or activities  
30 described in paragraph (2).

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

34 (b) (1) Any order issued by a city health officer appointed by the  
35 governing body of a city, including orders issued as a result of an  
36 executive order of the governor, shall be reviewed, amended or revoked by  
37 the governing body of the city affected by such order at a meeting of the  
38 governing body. Any order reviewed or amended by the governing body  
39 shall include an expiration date set by the governing body and may be  
40 amended or revoked at an earlier date by a majority vote of the governing  
41 body. Any meeting of city government discussing such order, including  
42 any hearing by the governing body of a city under paragraph (2), shall be  
43 open to the public in accordance with the open meetings act, K.S.A. 75-

1 4317 et seq., and amendments thereto, and may be conducted by electronic  
2 audio-visual communication when necessary to secure the health and  
3 safety of the public and city government officials and employees.

4 (2) Upon request by a person aggrieved by an order issued by a city  
5 health officer appointed by the governing body of a city, the governing  
6 body of the city shall conduct a hearing within 72 hours after receipt of  
7 such request for the purposes of reviewing, amending or revoking such  
8 order as provided by paragraph (1).

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

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

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

18 New Sec. 4. (a) (1) A person aggrieved by an order issued by the  
19 governing body of a city or a city health officer as described in section 3,  
20 and amendments thereto, may contest such order by requesting a hearing  
21 in the district court of the county where such city is located or in which the  
22 person resides.

23 (2) A person aggrieved by an order issued by a board of county  
24 commissioners or a local health officer under K.S.A. 65-201 or 65-202,  
25 and amendments thereto, may contest such order by requesting a hearing  
26 in the district court of the county where the order was issued or in which  
27 the person resides.

28 (3) A person aggrieved by an action taken or an order issued by the  
29 secretary of health and environment under K.S.A. 65-101(a)(5), and  
30 amendments thereto, may contest such action or order by requesting a  
31 hearing in the district court of the county in which the person resides or in  
32 the district court of Shawnee county, Kansas.

33 (4) A person aggrieved by an action taken, an order issued or a policy  
34 adopted by the board of education of a school district as described in  
35 section 5, and amendments thereto, may contest such action, order or  
36 policy by requesting a hearing in the district court of the county where  
37 such school district is located or in which the person resides.

38 (b) A request for a hearing under this section shall not stay or enjoin  
39 the contested action, order or policy.

40 (c) (1) Upon receipt of a request for a hearing under this section, the  
41 district court shall conduct a hearing within 72 hours after receipt of the  
42 request.

43 (2) The district court may extend the time for a hearing upon a

1 showing by the contested governmental entity that extraordinary  
2 circumstances exist that justify the extension. In granting or denying the  
3 extension, the district court shall consider the rights of the affected  
4 individual, the protection of the public health, the severity of the health  
5 emergency and the availability, if necessary, of witnesses and evidence.

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

11 (d) The district court shall grant the request for relief made by the  
12 aggrieved party unless by a showing of clear and convincing evidence the  
13 contested action, order or policy of the governmental entity was necessary,  
14 reasonable, supported by accepted scientific practice and intended to  
15 remediate or reduce the spread of the infectious or contagious disease. In  
16 making such findings, the court shall consider whether the contested  
17 action, order or policy of the governmental entity considered the means of  
18 transmission of the disease, the communicability of the disease and, to the  
19 extent possible, the degree of public exposure to the disease. Relief under  
20 this section shall not include any compensation of any kind.

21 New Sec. 5. (a) (1) In the event of a state of public health disaster  
22 emergency declared by the governor pursuant to section 1, and  
23 amendments thereto, only the board of education of a school district shall  
24 have the authority to take any action, issue any order or adopt any policy  
25 that affects the operation of any school within the school district,  
26 including, but not limited to, any action, order or policy that:

27 (A) Closes or has the effect of closing any school within such school  
28 district;

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

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

34 (2) During any such state of public health disaster emergency, the  
35 state board of education, the governor, the department of health and  
36 environment, a local health officer, a city health officer or any other state  
37 or local unit of government may provide guidance, consultation or other  
38 assistance to the board of education of a school district but shall not take  
39 any action that affects the operation of any school within the school district  
40 pursuant to paragraph (1).

41 (b) (1) Prior to taking any action, issuing any order or adopting any  
42 policy in response to a state of public health disaster emergency as  
43 provided in subsection (a)(1), a board of education of a school district shall

1 receive and consider any relevant accepted scientific or health data and  
2 shall make evidence-informed decisions. The board shall document the  
3 scientific justification the board relied upon in determining whether to take  
4 such action, issue such order or adopt such policy. In any determination to  
5 take any action, issue any order or adopt any policy, each board of  
6 education shall include in any minutes or other documentation of the  
7 action taken, such data, evidence, means or justification for the action  
8 taken, order issued or policy adopted pursuant to subsection (a)(1) to  
9 prevent the introduction or spread of infectious or contagious disease.

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

17 (c) (1) An employee, a student or the parent or guardian of a student  
18 aggrieved by an action taken, order issued or policy adopted by the board  
19 of education of a school district pursuant to subsection (a)(1), or an action  
20 of any employee of a school district violating any such action, order or  
21 policy, may request a hearing by such board of education to contest such  
22 action, order or policy. Any such request shall not stay or enjoin such  
23 action, order or policy.

24 (2) Upon receipt of a request under paragraph (1), the board of  
25 education shall conduct a hearing within 72 hours of receiving such  
26 request for the purposes of reviewing, amending or revoking such action,  
27 order or policy. The board of education may extend the time for a hearing  
28 if extraordinary circumstances exist that justify the extension. In making  
29 the extension, the board of education shall consider the rights of the  
30 aggrieved party, the protection of the public health, the severity of the  
31 emergency and the availability, if necessary, of any witnesses and  
32 evidence.

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

37 (d) (1) In any school year in which there is a state of public health  
38 disaster emergency declared by the governor pursuant to section 1, and  
39 amendments thereto, the board of education of each school district shall  
40 provide to the state board of education information regarding any action  
41 taken, orders issued or policies adopted to mitigate such emergency and its  
42 impact on the operation of any school of the school district. Such  
43 information shall be provided to the state board in a manner determined by

1 the state board and each time the board of education takes such action,  
2 issues such orders or adopts such policies.

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

7 Sec. 6. K.S.A. 48-904 is hereby amended to read as follows: 48-904.  
8 As used in ~~this~~ *the Kansas emergency management act*:

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

13 (b) "adjutant general" means the adjutant general of the state of  
14 Kansas;

15 (c) "division of emergency management" means the division of  
16 emergency management created in the office of the adjutant general by  
17 K.S.A. 48-905, and amendments thereto;

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

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

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

33 ~~(g)~~ (g) "state disaster emergency plan" means the plan prepared and  
34 maintained by the division of emergency management pursuant to K.S.A.  
35 48-926, and amendments thereto;

36 ~~(h)~~ (h) "local and interjurisdictional disaster emergency plans" means  
37 all disaster emergency plans developed and promulgated by county, city  
38 and interjurisdictional disaster agencies pursuant to K.S.A. 48-929, and  
39 amendments thereto; and

40 ~~(i)~~ (i) "hazardous material" means any substance or material in a  
41 quantity or form which may be harmful or injurious to the health and  
42 safety of humans, animals, crops or property when released into the  
43 environment. Hazardous material includes, but is not limited to,

1 explosives, radioactive materials, disease-causing agents, flammable  
2 liquids, solids or gases, combustible liquids, poisons, poisonous gases,  
3 oxidizing materials, corrosive materials, irritants, nonflammable gases,  
4 cryogenics and blasting agents.

5 Sec. 7. K.S.A. 48-923 is hereby amended to read as follows: 48-923.

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

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

12 ~~(b)~~(2) interfere with dissemination of news or comment on public  
13 affairs; but any communications facility or organization, including but not  
14 limited to radio and television stations, wire services and newspapers, may  
15 be required by the governor to transmit or print public service messages,  
16 information or instructions in connection with a declared state of disaster  
17 emergency *or state of public health disaster emergency*;

18 ~~(c)~~(3) affect, other than during a declared state of disaster emergency  
19 *or state of public health disaster emergency*, the jurisdiction or  
20 responsibilities of police forces, fire fighting forces, units of the armed  
21 forces of the United States, or of any personnel thereof, when on active  
22 duty; but the state disaster emergency plan and local and interjurisdictional  
23 disaster emergency plans shall place reliance upon such forces which are  
24 available for performance of functions related to a declared state of  
25 disaster emergency *or state of public health disaster emergency*; or

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

30 (b) *Notwithstanding any provision of law to the contrary, the*  
31 *governor shall not have the power or authority to temporarily or*  
32 *permanently:*

33 (1) *Alter or modify the Kansas criminal code or the Kansas code of*  
34 *criminal procedure;*

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

37 (3) *seize, or authorize seizure of, any ammunition or suspend or limit*  
38 *the sale, dispensing or transportation of firearms or ammunition;*

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

42 (5) *take any action that gives preferential treatment for elective*  
43 *abortion as defined in K.S.A. 65-4a01, and amendments thereto, over any*

1 *other elective medical procedure or for an abortion provider over any*  
2 *other business or commercial activity.*

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

6 Sec. 8. K.S.A. 2020 Supp. 48-924, as amended by section 2 of 2021  
7 Senate Bill No. 14, is hereby amended to read as follows: 48-924. (a) The  
8 governor shall be responsible for meeting the dangers to the state and  
9 people presented by disasters.

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

14 (2) In addition to or instead of the proclamation authorized by K.S.A.  
15 47-611, and amendments thereto, the governor, upon a finding or when  
16 notified pursuant to K.S.A. 47-611, and amendments thereto, that a  
17 quarantine or other regulations are necessary to prevent the spread among  
18 domestic animals of any contagious or infectious disease, may issue a  
19 proclamation declaring a state of disaster emergency. In addition to or  
20 instead of any actions pursuant to the provisions of K.S.A. 2-2114, and  
21 amendments thereto, the governor, upon a finding or when notified  
22 pursuant to K.S.A. 2-2112 et seq., and amendments thereto, that a  
23 quarantine or other regulations are necessary to prevent the spread among  
24 plants, raw agricultural commodities, animal feed or processed food of any  
25 contagious or infectious disease, may issue a proclamation declaring a  
26 state of disaster emergency.

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

41 (4) If the state of disaster emergency is proclaimed pursuant to  
42 paragraph (2), the governor shall terminate the state of disaster emergency  
43 by proclamation within 15 days, unless ratified by concurrent resolution of

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

15 ~~(5) The state of disaster emergency described in K.S.A. 2020 Supp.~~  
 16 ~~48-924b, and amendments thereto, shall terminate on September 15, 2020,~~  
 17 ~~as provided in K.S.A. 2020 Supp. 48-924b, and amendments thereto,~~  
 18 ~~except that when the legislature is not in session or is adjourned during~~  
 19 ~~session for three or more days, and upon specific application by the~~  
 20 ~~governor to the state finance council and an affirmative vote of at least six~~  
 21 ~~of the legislative members of the council, this state of disaster emergency~~  
 22 ~~may be extended for specified periods not to exceed 30 days each. No such~~  
 23 ~~extension granted by the state finance council shall continue past March~~  
 24 ~~31, 2021.~~

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

29 ~~(7)~~(6) Any proclamation declaring or terminating a state of disaster  
 30 emergency ~~which is issued under this subsection~~ *section* shall indicate the  
 31 nature of the disaster, the area or areas *of the state* threatened or affected  
 32 by the disaster and the conditions ~~which that~~ *that* have brought about, or ~~which~~  
 33 *that* make possible the termination of, the state of disaster emergency.  
 34 Each such proclamation shall be disseminated promptly by means  
 35 calculated to bring its contents to the attention of the general public and,  
 36 unless the circumstances attendant upon the disaster prevent the same,  
 37 each such proclamation shall be filed promptly with the division of  
 38 emergency management, the office of the secretary of state and each city  
 39 clerk or county clerk, as the case may be, in the area *or areas of the state*  
 40 to which such proclamation applies.

41 (c) In the event of the absence of the governor from the state or the  
 42 existence of any constitutional disability of the governor, an officer  
 43 specified in K.S.A. 48-1204, and amendments thereto, in the order of

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

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

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

34 Sec. 9. K.S.A. 2019 Supp. 48-925, as amended by section 4 of 2021  
35 Senate Bill No. 14, is hereby amended to read as follows: 48-925. (a)  
36 During any state of disaster emergency declared under K.S.A. 48-924, and  
37 amendments thereto, the governor shall be commander-in-chief of the  
38 organized and unorganized militia and of all other forces available for  
39 emergency duty. To the greatest extent practicable, the governor shall  
40 delegate or assign command authority by prior arrangement, embodied in  
41 appropriate executive orders or in rules and regulations of the adjutant  
42 general, but nothing ~~herein~~ shall restrict the authority of the governor to do  
43 so by orders issued at the time of a disaster.

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

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

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

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

15       (c) During a state of disaster emergency declared under K.S.A. 48-  
16 924, and amendments thereto, in addition to any other powers conferred  
17 upon the governor by law ~~and subject to the provisions of subsection (d),~~  
18 ~~(e) and (f)~~, the governor may:

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

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

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

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

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

39       (6) prescribe routes, modes of transportation and destinations in  
40 connection with such evacuation;

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

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

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

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

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

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

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

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

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

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

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

42 (4) *If an executive order affects more than one county, such order*  
43 *shall be narrowly tailored to conditions in individual counties or provide*

1 *specific reasons such order is not narrowly tailored to such conditions.*

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

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

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

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

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

16 Sec. 10. K.S.A. 48-933 is hereby amended to read as follows: 48-933.

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

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

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

40 (d) Any person claiming compensation for the use, damage, loss or  
41 destruction of property under this act shall file a claim therefor in the  
42 district court in the same manner as any other civil action. The court shall  
43 determine the validity of such claim in the same manner and under the

1 same conditions prescribed for condemnation actions pursuant to K.S.A.  
2 26-501 *et seq.*, and amendments thereto. Unless the amount of  
3 compensation on account of property damaged, lost or destroyed is agreed  
4 upon by the claimant and the adjutant general, the amount of  
5 compensation shall be calculated in the same manner as compensation due  
6 for a taking of property pursuant to the condemnation law of this state.

7 (e) Nothing in this section:

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

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

13 Sec. 11. K.S.A. 2020 Supp. 48-939 is hereby amended to read as  
14 follows: 48-939. (a) A person who intentionally violates any provision of  
15 ~~this the Kansas emergency management act~~, any rule and regulation  
16 adopted by the adjutant general under ~~this the act~~ or any lawful *executive*  
17 order or proclamation issued under authority of ~~this the act~~ whether  
18 pursuant to a proclamation declaring a state of disaster emergency under  
19 K.S.A. 48-924, and amendments thereto, *a proclamation declaring a state*  
20 *of public health disaster emergency under section 1, and amendments*  
21 *thereto*, or a declaration of a state of local disaster emergency under  
22 K.S.A. 48-932, and amendments thereto, may incur a civil penalty in an  
23 amount not to exceed \$2,500 per violation. Each penalty may be assessed  
24 in addition to any other penalty provided by law.

25 (b) Violations of this section shall be enforced through an action  
26 brought under chapter 60 of the Kansas Statutes Annotated, and  
27 amendments thereto, by the attorney general or the county or district  
28 attorney in the county in which the violation took place. Civil penalties  
29 sued for and recovered by the county or district attorney shall be paid into  
30 the general fund of the county where the proceedings were instigated.  
31 *Nothing in this section shall prohibit an action from being brought in each*  
32 *county in which a violation took place even if each action arises out of the*  
33 *same occurrence constituting the violation.*

34 (c) The attorney general or any county or district attorney may bring  
35 an action to enjoin, or to obtain a restraining order, against a person who  
36 has violated, is violating or is otherwise likely to violate ~~this the Kansas~~  
37 *emergency management act.*

38 Sec. 12. K.S.A. 2020 Supp. 48-949 is hereby amended to read as  
39 follows: 48-949. As used in ~~this the Kansas intrastate emergency mutual~~  
40 *aid act:*

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

43 (b) "Emergency responder" means any person in the public or private

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

15 Sec. 13. K.S.A. 65-101 is hereby amended to read as follows: 65-101.  
 16 (a) The secretary of health and environment shall exercise general  
 17 supervision of the health of the people of the state and may:

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

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

26 (3) advise other offices and agencies of government concerning  
 27 location, drainage, water supply, disposal of excreta and heating and  
 28 ventilation of public buildings;

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

31 (5) *except as provided in subsections (c), (d) and (e), issue orders to*  
 32 *take action to prevent the introduction of infectious or contagious disease*  
 33 *into this state and to prevent the spread of infectious or contagious disease*  
 34 *within this state;*

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

39 (b) The secretary of health and environment may adopt rules and  
 40 regulations necessary to carry out the provisions of ~~paragraphs (1) through~~  
 41 ~~(6), inclusive, of subsection (a)~~ *subsection (a)(1) through (6)*. In addition  
 42 to other remedies provided by law, the secretary is authorized to apply to  
 43 the district court, and such court shall have jurisdiction upon a hearing and

1 for cause shown to grant a temporary or permanent injunction to compel  
2 compliance with such rules and regulations.

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

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

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

11 (2) *For any order issued to take action described in subsection (a)(5)*  
12 *that affects more than one county, the secretary shall submit such*  
13 *proposed order to the attorney general for review as provided by section*  
14 *1(f)(2), and amendments thereto, and submit such proposed order to the*  
15 *joint committee on emergency management for review as provided by*  
16 *section 1(f)(3), and amendments thereto.*

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

19 (A) *Substantially burdens or inhibits the gathering or movement of*  
20 *individuals or operation of any religious, civic, business or commercial*  
21 *activity, whether for-profit or not-for-profit, unless such order includes*  
22 *justification of the accepted scientific reasons for such order and how such*  
23 *order accomplishes remediation of such infectious or contagious disease;*  
24 *or*

25 (B) *burdens or inhibits the operation of any religious gathering or*  
26 *activity.*

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

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

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

35 (g) *The secretary shall maintain a public registry on the Kansas*  
36 *department of health and environment's website of all orders described in*  
37 *section 3, and amendments thereto, issued by a city or city health officer*  
38 *and of all orders described in K.S.A. 65-201 and 65-202, and amendments*  
39 *thereto, issued by a local health officer. At least once every two weeks, the*  
40 *secretary shall compile the information received pursuant to this*  
41 *subsection and update the public registry.*

42 Sec. 14. K.S.A. 65-119 is hereby amended to read as follows: 65-119.

43 (a) Any county or joint board of health or local health officer having

1 knowledge of any infectious or contagious disease, or of a death from such  
2 disease, within their jurisdiction, shall immediately exercise and maintain  
3 a supervision over such case or cases during their continuance, seeing that  
4 all such cases are properly cared for and that the provisions of this act as to  
5 isolation, restriction of communication, quarantine and disinfection are  
6 duly enforced. The county or joint board of health or local health officer  
7 shall communicate without delay all information as to existing conditions  
8 to the secretary of health and environment. The local health officer shall  
9 confer personally, if practicable, otherwise by letter, with the person in  
10 attendance upon the case, as to its future management and control. The  
11 county or joint board of health or local health officer is hereby empowered  
12 and authorized to prohibit public gatherings when necessary for the control  
13 of any and all infectious or contagious disease, *except no board of health*  
14 *or local health officer shall prohibit any school district or a school*  
15 *attendance center from operating pursuant to K.S.A. 65-201 and 65-202,*  
16 *and amendments thereto.*

17 (b) Any disclosure or communication of information relating to  
18 infectious or contagious diseases required to be disclosed or  
19 communicated under subsection (a) of this section shall be confidential  
20 and shall not be disclosed or made public beyond the requirements of  
21 subsection (a) of this section or ~~subsection (a)~~ of K.S.A. 65-118(a), except  
22 as otherwise permitted by ~~subsection (e)~~ of K.S.A. 65-118(c).

23 Sec. 15. K.S.A. 65-126 is hereby amended to read as follows: 65-126.

24 (a) Whenever the county or joint board of health or the local health officer  
25 neglects to properly isolate and quarantine infectious or contagious  
26 diseases and persons afflicted with or exposed to such diseases as may be  
27 necessary to prevent the spread thereof, the secretary of health and  
28 environment may quarantine any area in which any of these diseases may  
29 show a tendency to become epidemic.

30 (b) *This section shall not apply to any school district or school within*  
31 *any such area during any state of public health disaster emergency*  
32 *declared pursuant to section 1, and amendments thereto.*

33 Sec. 16. K.S.A. 2020 Supp. 65-201 is hereby amended to read as  
34 follows: 65-201. (a) The board of county commissioners of each county  
35 shall act as the county board of health for the county. Each county board  
36 shall appoint a person licensed to practice medicine and surgery,  
37 preference being given to persons who have training in public health, who  
38 shall serve as the local health officer and who shall act in an advisory  
39 capacity to the county board of health. The appointing authority of city-  
40 county, county or multicounty health units with less than 100,000  
41 population may appoint a qualified local health program administrator as  
42 the local health officer if a person licensed to practice medicine and  
43 surgery or person licensed to practice dentistry is designated as a

1 consultant to direct the administrator on program and related medical and  
2 professional matters. The local health officer or local health program  
3 administrator shall hold office at the pleasure of the board.

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

17 (2) *Upon request by a person aggrieved by an order issued by a local  
18 health officer, the board of county commissioners of the county affected by  
19 such order shall conduct a hearing within 72 hours after receipt of such  
20 request for the purposes of reviewing, amending or revoking such order as  
21 provided by paragraph (1).*

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

25 (4) *Any order issued under this subsection shall be provided to the  
26 secretary of health and environment.*

27 (c) The board of county commissioners in any county having a  
28 population of less than 15,000 may contract with the governing body of  
29 any hospital located in such county for the purpose of authorizing such  
30 governing body of the hospital to supply services to a county board of  
31 health.

32 Sec. 17. K.S.A. 2020 Supp. 65-202 is hereby amended to read as  
33 follows: 65-202. (a) (1) The local health officer in each county throughout  
34 the state, immediately after such officer's appointment, shall take the same  
35 oath of office prescribed by law for the county officers, shall give bond of  
36 \$500 conditioned for the faithful performance of the officer's duties, shall  
37 keep an accurate record of all the transactions of such office, shall turn  
38 over to the successor in office or to the county or joint board of health  
39 selecting such officer, on the expiration of such officer's term of office, all  
40 records, documents and other articles belonging to the office and shall  
41 faithfully account to *the* board of county commissioners and to the county  
42 and state for all moneys coming into the office. Such officer shall notify  
43 the secretary of health and environment of such officer's appointment and

1 qualification, and provide the secretary with such officer's contact  
2 information.

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

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

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

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

32 (3) *A local health officer shall not issue an order 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 accomplishes remediation of such infectious or contagious disease;*

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

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

1 *subparagraph.*

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

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

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

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

23 Sec. 19. K.S.A. 48-904, 48-923, 48-933, 65-101, 65-119 and 65-126  
24 and K.S.A. 2019 Supp. 48-925, as amended by section 4 of 2021 Senate  
25 Bill No. 14, and 48-925, as amended by section 5 of 2021 Senate Bill No.  
26 14, and K.S.A. 2020 Supp. 48-924, as amended by section 2 of 2021  
27 Senate Bill No. 14, 48-925b, 48-939, 48-949, 65-201 and 65-202 are  
28 hereby repealed.

29 Sec. 20. This act shall take effect and be in force from and after its  
30 publication in the Kansas register.