

SENATE BILL No. 7

By Committee on Judiciary

6-3

Proposed Amendments to
Senate Bill No. 7
Committee on Judiciary
June 4, 2020
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Office of Revisor of Statutes Office

1 AN ACT concerning governmental response to the 2020 COVID-19
2 pandemic in Kansas; providing certain relief related to health, welfare,
3 property and economic security during this public health emergency;
4 making and concerning appropriations for the fiscal years ending June
5 30, 2020, and June 30, 2021, for the governor's department; requiring
6 the state finance council's approval for certain expenditures; relating to
7 the state of disaster emergency; powers of the governor and executive
8 officers; providing certain limitations and restrictions; business and
9 commercial activities; violations of the Kansas emergency management
10 act; relating to the closure of schools by executive order; requiring state
11 board of education approval prior to any such closure; enacting the
12 COVID-19 response and reopening for business liability protection act;
13 relating to limitations on liability associated with the COVID-19 public
14 health emergency; providing immunity from civil liability for certain
15 healthcare providers during the COVID-19 public health emergency;
16 providing an affirmative defense for adult care homes; enacting the
17 COVID-19 contact tracing privacy act; relating to privacy of persons
18 whose information is collected through contact tracing and the
19 confidentiality of contact data; authorizing the secretary of health and
20 environment and local health officers to establish and operate systems
21 of contact tracing during the COVID-19 pandemic; validating certain
22 notarial acts performed while the requirements that a person must
23 appear before a notary public are suspended; requiring local health
24 officers to share certain information with first responder agencies and
25 911 call centers; imposing requirements on the Kansas department for
26 aging and disability services related to infection prevention and control
27 practices and recommendations, infection control inspections and
28 providing personal protective equipment; authorizing the expanded use
29 of telemedicine in response to the COVID-19 public health emergency
30 and imposing requirements related thereto; suspending certain
31 requirements related to medical care facilities and expiring such
32 provisions; providing for temporary suspension of certain healthcare
33 professional licensing and practice requirements; delegation and
34 supervision requirements; conditions of licensure and renewal and
35 reinstatement of licensure; relating to authorized use of two-way
36 electronic audiovisual communication by courts to secure the health

Strike in lines 10 & 11

by the local board of education of the school district
or the governing body of the nonpublic school

1 emergency related to the COVID-19 health emergency during 2020, unless
2 the governor makes specific application to the state finance council and an
3 affirmative vote of at least six of the legislative members of the council
4 approve such action by the governor.

5 New Sec. 6. (a) On and after September 15, 2020, during any state of
6 disaster emergency declared pursuant to K.S.A. 48-924, and amendments
7 thereto, the governor may not order the closure or cessation of any
8 business or commercial activity, whether for-profit or not-for-profit, for
9 more than 15 days. At least 24 hours prior to the issuance of such order,
10 the governor shall call a meeting of the state finance council for the
11 purpose of consulting with the council regarding the conditions
12 necessitating the issuance of such order. After such initial order or orders
13 providing for the closure or cessation of any business or commercial
14 activity have resulted in 15 days of such closures or cessation of business
15 or commercial activity, the governor may not order the closure or cessation
16 of business or commercial activity, except upon specific application by the
17 governor to the state finance council and an affirmative vote of at least six
18 of the legislative members of the council, the governor may order the
19 closure or cessation of business or commercial activity as approved by the
20 council for specified periods not to exceed 30 days each.

21 (b) Any order issued that violates or exceeds the restrictions provided
22 in subsection (a) shall not have the force and effect of law during the
23 period of a state of disaster emergency declared under K.S.A. 48-924(b),
24 and amendments thereto, and any such order shall be null and void.

25 (c) The provisions of this section shall expire on January 26, 2021.

26 ~~New Sec. 7. Notwithstanding any other provision of law to the
27 contrary, no executive order issued by the governor pursuant to K.S.A. 48-
28 925, and amendments thereto, that has the effect of closing public or
29 private school attendance centers in this state shall be effective unless and
30 until such order has been affirmed by the state board of education by
31 adoption of a resolution by a majority of the members of the state board.
32 Prior to issuing any such executive order, the governor shall submit such
33 proposed executive order to the state board of education. Upon receipt of
34 such proposed executive order, the state board shall meet as soon as
35 reasonably possible to review such proposed order and, if a majority of the
36 members of the state board determines such order is in the best interests of
37 the students in this state, to adopt a resolution affirming such proposed
38 executive order.~~

39 New Sec. 8. Sections 8 through 15, and amendments thereto, shall be
40 known and may be cited as the COVID-19 response and reopening for
41 business liability protection act.

42 New Sec. 9. As used in the COVID-19 response and reopening for
43 business liability protection act, unless the context otherwise requires:

Strike all in lines 26-38

New Sec. 7. Notwithstanding any other provision of law to the contrary, no executive order issued by the governor pursuant to K.S.A. 48-925, and amendments thereto, that has the effect of closing public or private school attendance centers in this state shall be effective with respect to a school district or nonpublic school unless and until such order has been affirmed by a majority of the members of the board of education of such school district or the governing body of such nonpublic school. Upon issuing any such executive order, the governor shall submit a copy to each school district and each nonpublic school. Upon receipt of such executive order, the board of education of each school district shall meet as soon as reasonably possible to review such order and, if a majority of the members of the board determines such order is in the best interests of the students of such school district, to adopt a resolution affirming such executive order.