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MEMORANDUM

To: House Committee on Judiciary

From: Office of Revisor of Statutes

Date: January 13, 2021

Subject: Bill Brief on HB 2048

House Bill 2048 would extend certain provisions of the governmental response to the COVID-19 pandemic in Kansas and provide certain relief related to health, welfare, property and economic security during this public health emergency.

Section 1 amends K.S.A. 2020 Supp. 41-2653, a statute concerning removal of containers of alcoholic liquor from licensed premises. Subsection (b) authorizes the temporary sale of alcoholic liquor for consumption off of certain licensed premises until January 26, 2021. The bill extends this provision until June 1, 2021.

Section 2 amends K.S.A. 2020 Supp. 44-705, an unemployment insurance statute. Subsection (d)(2)(A)(ii) suspends the waiting week provision for new claims filed on or after April 5, 2020, through December 26, 2020. This bill would further extend the suspension of the waiting week requirement for claims filed through March 14, 2021.

Section 3 amends K.S.A. 2020 Supp. 48-924, regarding the Governor's power to declare a state of disaster emergency. Subsection (b)(5) provides that the state of disaster emergency related to the COVID-19 health emergency may only be extended past September 15, 2020, if the Governor applies to the State Finance Council for an extension for specified periods not to exceed 30 days each while the Legislature is not in session, and no such extension shall continue past January 26, 2021. The bill extends this provision until June 1, 2021. The bill also authorizes the Governor to apply to the State Finance Council for an extension when the legislature is not in session or is adjourned during session for three or more days.

Section 4 amends K.S.A. 2020 Supp. 48-924b, which was enacted in the 2020 Special Session to ratify and continue the state of disaster emergency declared by the Governor by proclamation from March 12, 2020, through September 15, 2020. The state of disaster emergency was subsequently extended and continued in existence by the State Finance Council until January 26, 2021, and the bill ratifies and continues the emergency through March 5, 2021. The bill also continues the provision requiring the

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Governor to receive approval from the State Finance Council for any new state of disaster emergency related to the COVID-19 health emergency during 2021.

Sections 5 and 6 are companion amendments to K.S.A. 48-925, regarding limitations and restrictions on the powers of the Governor and executive officers during a state of disaster emergency. Section 5 amends K.S.A. 2019 Supp. 48-925, as amended by section 34 of chapter 1 of the 2020 Session Laws of Kansas. The changes enacted in the 2020 Special Session expire on January 26, 2021, but the bill extends these provisions until June 1, 2021. Section 6 amends the same section of law on June 1, 2021, to restore the law in K.S.A. 48-925 to what it was prior to the changes enacted in the 2020 Special Session.

Section 7 amends K.S.A. 2020 Supp. 48-925a, which currently provides that the Governor may order the closure or cessation of any business or commercial activity for 15 days, subject to additional extensions by the State Finance Council for specified periods not to exceed 30 days each. The provisions of this section expire on January 26, 2021. The bill amends the section to provide that during any state of disaster emergency related to the COVID-19 public health emergency, the Governor may not issue an order that substantially burdens or inhibits the gathering or movement of individuals or operation of any religious, civic, business or commercial activity, whether for-profit or not-for-profit. The provisions of this amended section will expire on June 1, 2021.

Section 8 amends K.S.A. 2020 Supp. 48-963, which authorizes the expanded use of telemedicine in response to the COVID-19 public health emergency until January 26, 2021. The bill extends this provision until December 31, 2021.

Section 9 amends K.S.A. 2020 Supp. 48-965, which authorizes certain temporary emergency licenses in response to the COVID-19 public health emergency until January 26, 2021. The bill extends this provision until December 31, 2021.

Section 10 amends K.S.A. 2020 Supp. 48-966, which authorizes certain healthcare service providers, including licensed physician assistants, licensed advanced practice registered nurses, and registered nurse anesthetists, to provide certain additional services until January 26, 2021. The bill extends this provision until December 31, 2021.

Section 11 amends K.S.A. 2020 Supp. 60-5504, which provides that a person, or an agent of such person, conducting business in this state shall be immune from liability in a civil action for a COVID-19 claim if such person was acting pursuant to and in substantial compliance with public health directives applicable to the activity giving rise to the cause of action when the cause of action accrued. The provisions of this section expire on January 26, 2021, but the bill extends the provisions until December 31, 2021.

The bill takes effect upon publication in the Kansas register.