

HOUSE BILL No. 2048

By Committee on Federal and State Affairs

1-12

Proposed Amendments to HB 2048 - Patton - September 15
House Judiciary Committee
Prepared by the Office of Revisor of Statutes
January 14, 2021

1 AN ACT concerning the governmental response to the COVID-19
2 pandemic in Kansas; providing certain relief related to health, welfare,
3 property and economic security during this public health emergency;
4 relating to the state of disaster emergency; powers of the governor and
5 executive officers; providing certain limitations and restrictions;
6 authorizing the temporary sale of alcoholic liquor for consumption off
7 of certain licensed premises; relating to changes in eligibility for
8 benefits under the employment security law in response to the COVID-
9 19 public health emergency; authorizing the expanded use of
10 telemedicine in response to the COVID-19 public health emergency
11 and imposing requirements related thereto; suspending certain
12 requirements related to medical care facilities and expiring such
13 provisions; providing for temporary suspension of certain healthcare
14 professional licensing and practice requirements; delegation and
15 supervision requirements; conditions of licensure and renewal and
16 reinstatement of licensure; relating to limitations on business liability
17 associated with the COVID-19 public health emergency; amending
18 K.S.A. 2019 Supp. 48-925, as amended by section 34 of chapter 1 of
19 the 2020 Special Session Laws of Kansas and 48-925, as amended by
20 section 34 of chapter 1 of the 2020 Special Session Laws of Kansas, as
21 amended by section 5 of this act, and K.S.A. 2020 Supp. 41-2653, 44-
22 705, 48-924, 48-924b, 48-925a, 48-963, 48-965, 48-966 and 60-5504
23 and repealing the existing sections.
24

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

26 Section 1. K.S.A. 2020 Supp. 41-2653 is hereby amended to read as
27 follows: 41-2653. (a) In addition to the rights of a licensee pursuant to
28 provisions of K.S.A. 41-2637, 41-2641 or 41-2642, and amendments
29 thereto, a class A club license, class B club license or drinking
30 establishment license shall allow the licensee to allow legal patrons of the
31 club or drinking establishment to remove from the licensed premises one
32 or more opened containers of alcoholic liquor, subject to the following
33 conditions:

- 34 (1) It must be legal for the licensee to sell the alcoholic liquor in its
35 original container;
36 (2) the alcoholic liquor must be in its original container;

1 the state of disaster emergency by a unanimous vote of the legislative
2 members thereof for specified periods not to exceed 30 days each. Such
3 state of disaster emergency shall be terminated on the 15th day of the next
4 regular legislative session following the initial date of the state of disaster
5 emergency unless ratified by concurrent resolution of the legislature.

6 (5) The state of disaster emergency described in K.S.A. 2020 Supp.
7 48-924b, and amendments thereto, shall terminate ~~on September 15, 2020,~~
8 as provided in K.S.A. 2020 Supp. 48-924b, and amendments thereto,
9 except that when the legislature is not in session *or is adjourned during*
10 *session for three or more days*, and upon specific application by the
11 governor to the state finance council and an affirmative vote of at least six
12 of the legislative members of the council, this state of disaster emergency
13 may be extended for specified periods not to exceed 30 days each. No such
14 extension granted by the state finance council shall continue past ~~January~~
15 ~~26 June 1, 2021.~~

strike

16 (6) At any time, the legislature by concurrent resolution may require
17 the governor to terminate a state of disaster emergency. Upon such action
18 by the legislature, the governor shall issue a proclamation terminating the
19 state of disaster emergency.

20 (7) Any proclamation declaring or terminating a state of disaster
21 emergency which is issued under this subsection shall indicate the nature
22 of the disaster, the area or areas threatened or affected by the disaster and
23 the conditions which have brought about, or which make possible the
24 termination of, the state of disaster emergency. Each such proclamation
25 shall be disseminated promptly by means calculated to bring its contents to
26 the attention of the general public and, unless the circumstances attendant
27 upon the disaster prevent the same, each such proclamation shall be filed
28 promptly with the division of emergency management, the office of the
29 secretary of state and each city clerk or county clerk, as the case may be, in
30 the area to which such proclamation applies.

31 (c) In the event of the absence of the governor from the state or the
32 existence of any constitutional disability of the governor, an officer
33 specified in K.S.A. 48-1204, and amendments thereto, in the order of
34 succession provided by that section, may issue a proclamation declaring a
35 state of disaster emergency in the manner provided in and subject to the
36 provisions of subsection (a). During a state of disaster emergency declared
37 pursuant to this subsection, such officer may exercise the powers conferred
38 upon the governor by K.S.A. 48-925, and amendments thereto. If a
39 preceding officer in the order of succession becomes able and available,
40 the authority of the officer exercising such powers shall terminate and such
41 powers shall be conferred upon the preceding officer. Upon the return of
42 the governor to the state or the removal of any constitutional disability of
43 the governor, the authority of an officer to exercise the powers conferred