

**SENATE BILL No. 284**

By Committee on Federal and State Affairs

3-2

1 AN ACT concerning the Kansas emergency management act; authorizing  
2 a state of disaster emergency to continue for not longer than 21 days  
3 unless ratified by concurrent resolution of the legislature; providing for  
4 extensions for specified periods not to exceed 30 days each; amending  
5 K.S.A. 2019 Supp. 48-925, as amended by section 5 of 2021 Senate  
6 Bill No. 14, and K.S.A. 2020 Supp. 48-924, as amended by section 2 of  
7 2021 Senate Bill No. 14, and repealing the existing sections.  
8

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

10 Section 1. K.S.A. 2020 Supp. 48-924, as amended by section 2 of  
11 2021 Senate Bill No. 14, is hereby amended to read as follows: 48-924. (a)  
12 The governor shall be responsible for meeting the dangers to the state and  
13 people presented by disasters.

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

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

31 (3) The state of disaster emergency so declared shall continue until  
32 the governor finds that the threat or danger of disaster has passed, or the  
33 disaster has been dealt with to the extent that emergency conditions no  
34 longer exist. Upon making such findings the governor shall terminate the  
35 state of disaster emergency by proclamation, but except as provided in  
36 paragraph (4), no state of disaster emergency may continue for longer than

1 ~~15~~ 21 days unless ratified by concurrent resolution of the legislature, with  
2 the ~~single~~ exception that upon specific application by the governor to the  
3 state finance council and an affirmative vote of a majority of the legislative  
4 members thereof, a state of disaster emergency may be extended ~~once~~ for a  
5 specified ~~period~~ *periods* not to exceed 30 days ~~beyond such 15-day period~~  
6 *each*.

7 (4) If the state of disaster emergency is proclaimed pursuant to  
8 paragraph (2), the governor shall terminate the state of disaster emergency  
9 by proclamation within ~~15~~ 21 days, unless ratified by concurrent resolution  
10 of the legislature, except that when the legislature is not in session *or is*  
11 *adjourned for three or more days during session*, and upon specific  
12 application by the governor to the state finance council and an affirmative  
13 vote of a majority of the legislative members thereof, a state of disaster  
14 emergency may be extended for a specified period not to exceed 30 days.  
15 The state finance council may authorize additional extensions of the state  
16 of disaster emergency by a unanimous vote of the legislative members  
17 thereof for specified periods not to exceed 30 days each. Such state of  
18 disaster emergency shall be terminated on the 15<sup>th</sup> day of the next regular  
19 legislative session following the initial date of the state of disaster  
20 emergency unless ratified by concurrent resolution of the legislature.

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

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

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

1 secretary of state and each city clerk or county clerk, as the case may be, in  
2 the area to which such proclamation applies.

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

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

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

39 Sec. 2. On and after March 31, 2021, K.S.A. 2019 Supp. 48-925, as  
40 amended by section 5 of 2021 Senate Bill No. 14, is hereby amended to  
41 read as follows: 48-925. (a) During any state of disaster emergency  
42 declared under K.S.A. 48-924, and amendments thereto, the governor shall  
43 be commander-in-chief of the organized and unorganized militia and of all

1 other forces available for emergency duty. To the greatest extent  
2 practicable, the governor shall delegate or assign command authority by  
3 prior arrangement, embodied in appropriate executive orders or in rules  
4 and regulations of the adjutant general, but nothing ~~herein~~ shall restrict the  
5 authority of the governor to do so by orders issued at the time of a disaster.

6 (b) Under the provisions of this act and for the implementation  
7 thereof, the governor may issue orders and proclamations which shall have  
8 the force and effect of law during the period of a state of disaster  
9 emergency declared under ~~subsection (b) of~~ K.S.A. 48-924(b), and  
10 amendments thereto, and which orders and proclamations shall be null and  
11 void thereafter unless ratified by concurrent resolution of the legislature.  
12 Such orders and proclamations may be revoked at any time by concurrent  
13 resolution of the legislature.

14 (c) During a state of disaster emergency declared under K.S.A. 48-  
15 924, and amendments thereto, and in addition to any other powers  
16 conferred upon the governor by law, the governor may:

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

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

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

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

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

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

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

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

43 (9) make provision for the availability and use of temporary

1 emergency housing;

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

4 (11) perform and exercise such other functions, powers and duties *not*  
5 *inconsistent with the constitution and the bill of rights of the state of*  
6 *Kansas and with the statutes of the state of Kansas, except any regulatory*  
7 *statute specifically suspended under the authority of subsection (c)(1)*, as  
8 are necessary to promote and secure the safety and protection of the  
9 civilian population.

10 (d) The governor shall exercise the powers ~~conferred by~~ *addressed in*  
11 *subsection (c) by issuance of orders under subsection (b). Each order*  
12 *issued pursuant to the authority granted by subsection (b) shall specify the*  
13 *provision or provisions of subsection (c) by specific reference to each*  
14 *paragraph of subsection (c) that addresses the power under which the*  
15 *order was issued.* The adjutant general, subject to the direction of the  
16 governor, shall administer such orders.

17 Sec. 3. K.S.A. 2020 Supp. 48-924, as amended by section 2 of 2021  
18 Senate Bill No. 14, is hereby repealed.

19 Sec. 4. On and after March 31, 2021, K.S.A. 2019 Supp. 48-925, as  
20 amended by section 5 of 2021 Senate Bill No. 14, is hereby repealed.

21 Sec. 5. This act shall take effect and be in force from and after its  
22 publication in the Kansas register.