

SESSION OF 2020

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE CONCURRENT RESOLUTION NO. 5025**

As Agreed to March 18, 2020

Brief*

HCR 5025 extends the Governor's March 12, 2020, state of disaster emergency declaration for the State regarding novel coronavirus (COVID-19) through May 1, 2020, subject to additional extensions by concurrent resolution of the Legislature.

The resolution provides that if the Legislature is not in session, the Governor could apply to the State Finance Council to extend the state of disaster emergency declaration, and the Council could authorize one additional extension of the declaration for a specified period not to exceed 30 days, by a majority vote of the legislative members of the Council. Following such State Finance Council action, the Legislative Coordinating Council (LCC), representing the Legislature when the Legislature is not in Session, would be:

- Authorized to ratify a declaration, terminate a state of disaster emergency, revoke an order or proclamation, or assume an other power granted the Legislature in the statutes governing state of disaster emergency declarations;
- Authorized to grant additional extensions of such state of disaster emergency, for specified periods not to exceed 30 days each, by a majority vote of five members;

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

- Required to meet at least once every 30 days to review the state of disaster emergency, consider any orders or proclamations issued since the last LCC meeting, and consider whether such orders or proclamations, if any, are an exercise of any power listed in KSA 2019 Supp. 48-925(c)(2), (c)(4), (c)(7), (c)(8), and (c)(11); and
- Authorized to review and revoke all orders and proclamations issued by the Governor pursuant to KSA 2019 Supp. 48-925(b). The chairperson of the LCC, in consultation with the Attorney General, Adjutant General, and any other parties the chairperson deems necessary, shall determine if an order or proclamation of a power listed in KSA 48-925(c)(2), (c)(4), (c)(7), (c)(8), or (c)(11) has been issued. If the chairperson determines the order or proclamation is an exercise of such power, the LCC shall meet to consider such order or proclamation within three calendar days and may revoke such order or proclamation at the meeting.

The resolution further states, for the purposes of the ratification, the Governor shall not have the power or authority pursuant to either KSA 2019 Supp. 48-925(c)(8), or any other executive authority, to temporarily or permanently seize, or authorize seizure of, any ammunition or to suspend or limit the sale, dispensing, or transportation of firearms or ammunition.

[*Note:* The specific powers referenced by statutory subsection in the resolution are as follows:

- Utilize all available resources of the state government and of each political subdivision as reasonably necessary to cope with the disaster [KSA 2019 Supp. 48-925(c)(2)];
- Subject to any applicable requirements for compensation under current law, commandeer or

utilize any private property if the Governor finds such action necessary to cope with the disaster [KSA 2019 Supp. 48-925(c)(4)];

- Control ingress and egress of persons and animals to and from a disaster area, the movement of persons and animals within the area, and the occupancy by persons and animals of premises therein [KSA 2019 Supp. 48-925(c)(7)];
- Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles [KSA 2019 Supp. 48-925(c)(8)]; or
- Perform and exercise such other functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population [KSA 2019 Supp. 48-925(c)(11).]

Conference Committee Action

The Conference Committee agreed to the Senate version of the resolution, modified to:

- Allow the LCC, rather than the Council, to authorize additional extensions of the state of disaster emergency, following the first extension;
- Authorize the LCC to perform certain actions representing the Legislature when the Legislature is not in session;
- Require the LCC to meet at least once every 30 days to review the state of disaster emergency, including certain specified considerations; and
- Replace prohibitions on the exercise of certain statutory powers by the Governor with LCC review

procedures if such powers have been ordered or proclaimed.

Background

HCR 5025 was introduced by Representatives Ryckman, Sawyer, Finch, Hawkins, and Winn on March 13, 2020, and was adopted by the House on the same date.

On March 18, 2020, the Senate amended the resolution on final action by:

- Modifying the extension date [*Note*: The Conference Committee retained this amendment];
- Specifying the method of obtaining and length of future extensions of the related disaster emergency declaration [*Note*: The Conference Committee modified this amendment]; and
- Inserting provisions related to limiting certain powers of the Governor during the term of the disaster emergency declaration [*Note*: The Conference Committee retained one of these amendments and modified one of these amendments.]

The Senate adopted the amended resolution on the same date.

State of disaster emergency declaration; COVID-19; coronavirus; extension; limitations

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