

January 19, 2021

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
Statehouse, Room 441B-E
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 14 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 14 is respectfully submitted to your committee.

SB14 would extend the sunset date for certain laws that were enacted during the 2020 Legislative Session in response to the COVID-19 pandemic. The bill would extend the sunset from January 26, 2021, to March 31, 2021, for the current law that allows legal patrons to remove from the licensed premises one or more containers of alcoholic liquor not in the original container, subject to the following conditions: (1) it must be legal for the licensee to sell the alcoholic liquor; (2) each container of alcoholic liquor must have been purchased by a patron on the licensed premises; (3) the licensee or the licensee's employee must provide the patron with a dated receipt for the alcoholic liquor; and (4) before the container of alcoholic liquor is removed from the licensed premises, the licensee or the licensee's employee must place the container in a transparent bag that is sealed in a manner that makes it visibly apparent if the bag is subsequently tampered with or opened.

The bill would amend the statute ratifying and continuing the COVID-19-related state of disaster emergency declared by the Governor on March 12, 2020, to reflect the September 15, 2020, ratification and continuation of the state of disaster emergency by 2020 Special Session HB 2016 and subsequent extensions and continuations by the State Finance Council. The bill would ratify and continue in existence the state of disaster emergency until March 31, 2021. The bill also would amend this statute to extend a provision prohibiting the Governor from proclaiming any new state of disaster emergency related to the COVID-19 health emergency without approval by at least six legislative members of the State Finance Council.

The Governor would not have the power or authority to seize any ammunition temporarily or permanently or to suspend or limit the sale of firearms or ammunition. The Governor would not have the power or authority to restrict business from operating or to restrict the movement or gathering of individuals through September 15, 2020. In addition, the Governor could not alter or modify any provisions of elections laws.

The board of county commissioners of any county may issue an order relating to the public health that includes provisions that are less stringent than the provisions of an executive order effective statewide issued by the Governor. The bill would outline the local order requirements.

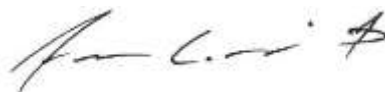
SB 14 would clarify that any orders and proclamations issued by the Governor during a state of disaster emergency declaration have the force and effect of law during the declaration and are null and void after the emergency, unless ratified by concurrent resolution of the Legislature.

The Governor would be prohibited from issuing any executive order that would substantially burden or inhibit the gather or movement of individuals or operation of any religious, civic, business or commercial activity. This provision would expire on March 31, 2021.

Finally, SB 14 would extend the sunset date from January 26, 2021, to March 31, 2021, for current law regarding telemedicine, the ability for the Board of Healing Arts to grant temporary emergency licenses, the ability for licensed health care worker to practice and perform functions, as well as the immunity of certain individuals from civil action for a COVID-19 claim during the COVID-19 public health state of disaster emergency. The bill would take effect after its publication in the *Kansas Register*.

Because SB 14 would extend the sunset date of various existing state laws regarding the COVID-19 pandemic, the enactment of the bill would require no additional expenditures to implement. Although the bill would allow the State Finance Council to convene to consider an extension of the state of emergency by the Governor when the Legislature has adjourned during session for three or more days through March 31, 2021, any cost associated with any additional meetings of the State Finance Council would be negligible.

Sincerely,



Adam Proffitt
Director of the Budget

cc: Lynn Robinson, Department of Revenue
Michael Neth, Office of the Adjutant General
Jay Hall, Association of Counties
Wendi Stark, League of Municipalities
Dan Thimmesch, Health & Environment
Willie Prescott, Office of the Attorney General
Susan Gile, Board of Healing Arts
Jeff Scannell, Department of Administration
Karen Clowers, Legislative Services
Ryan Wright, Office of the Governor