

SENATE BILL No. 8

By Committee on Judiciary

6-3

1 AN ACT concerning governmental response to the 2020 COVID-19
2 pandemic in Kansas; providing certain relief related to health, welfare,
3 property and economic security during this public health emergency;
4 making and concerning appropriations for the fiscal years ending June
5 30, 2020, and June 30, 2021, for the legislative coordinating council
6 and the governor's department; relating to the state of disaster
7 emergency; powers of the governor and executive officers; providing
8 certain limitations and restrictions; business and commercial activities,
9 local health officials; violations of the emergency management act;
10 enacting the COVID-19 response and reopening for business liability
11 protection act; relating to limitations on liability associated with the
12 COVID-19 public health emergency; providing immunity from civil
13 liability for healthcare providers during the COVID-19 public health
14 emergency; validating certain notarial acts performed while the
15 requirements that a person must appear before a notary public are
16 suspended; requiring county health officers to share certain information
17 with first responder agencies and 911 call centers; imposing
18 requirements on the Kansas department for aging and disability
19 services related to infection prevention and control practices and
20 recommendations, infection control inspections and providing personal
21 protective equipment; authorizing the expanded use of telemedicine in
22 response to the COVID-19 public health emergency and imposing
23 requirements related thereto; suspending certain requirements related to
24 medical care facilities and expiring such provisions; providing for
25 temporary suspension of certain healthcare professional licensing and
26 practice requirements; delegation and supervision requirements;
27 conditions of licensure and renewal and reinstatement of licensure;
28 relating to authorized use of two-way electronic audiovisual
29 communication by courts to secure the health and safety of court users,
30 staff and judicial officers; authorizing the temporary sale of alcoholic
31 liquor for consumption off of certain licensed premises; relating to
32 changes in the employment security law in response to the COVID-19
33 public health emergency; eligibility for benefits; contribution rates;
34 federal reimbursement; employer notifications; shared work plan
35 eligibility; authorizing counties to adopt orders relating to public health
36 that are less stringent than statewide executive orders; requiring the

1 board of county commissioners to approve orders of a local health
 2 officer; requiring city governing bodies to approve local disaster orders
 3 of the mayor; providing for severability of this act; amending section 1
 4 of 2020 House Substitute for Senate Bill No. 102, K.S.A. 48-924, 48-
 5 932, 48-939, 65-201, 65-202 and 65-468 and K.S.A. 2019 Supp. 19-
 6 101a, 41-2653, 44-702, 44-705, as amended by section 2 of 2020
 7 Senate Bill No. 27, 44-709, 44-710, 44-757 and 48-925 and repealing
 8 the existing sections.
 9

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

11 Section 1.

12 LEGISLATIVE COORDINATING COUNCIL

13 (a) There is appropriated for the above agency from the following
 14 special revenue fund or funds for the fiscal year ending June 30, 2020, all
 15 moneys now or hereafter lawfully credited to and available in such fund or
 16 funds, except that expenditures other than refunds authorized by law shall
 17 not exceed the following:

18 Coronavirus relief fund.....No limit

19 *Provided*, That, all moneys in the coronavirus relief fund shall be used for
 20 the purposes of relief for the effects of coronavirus in the state of Kansas
 21 as set forth in such federal grant or receipt: *Provided further*; That, the
 22 director of the budget shall submit each request of a state agency for
 23 expenditures from the coronavirus relief fund during the fiscal year ending
 24 June 30, 2020, to the legislative budget committee: *And provided further*;
 25 That, the legislative budget committee shall meet and review each such
 26 request of the director of the budget and shall report such committee's
 27 recommendation on each such request to the legislative coordinating
 28 council: *And provided further*; That, after receiving recommendations from
 29 the legislative budget committee, expenditures may be made from the
 30 coronavirus relief fund upon an affirmative vote of the legislative
 31 coordinating council in accordance with K.S.A. 46-1202, and amendments
 32 thereto, except that such disbursements and expenditures may be approved
 33 while the legislature is in session: *And provided further*; That, the
 34 legislative coordinating council is hereby authorized to approve the
 35 disbursement and expenditure of moneys from the coronavirus relief fund
 36 for such purposes: *And provided further*; That, upon receipt of such
 37 approval by the legislative coordinating council, the director of accounts
 38 and reports is hereby authorized to transfer such moneys from the
 39 coronavirus relief fund to a newly created special revenue fund of the
 40 requesting state agency: *And provided further*; That, there is appropriated
 41 for such requesting state agency from the newly created special revenue
 42 fund or funds for the fiscal year ending June 30, 2020, all moneys now or
 43 hereafter lawfully credited to and available in such fund or funds.

1 (b) On the effective date of this act, the director of accounts and
 2 reports shall transfer all moneys in the coronavirus relief fund - federal
 3 fund (252-00-3753) of the governor's department to the coronavirus relief
 4 fund of the legislative coordinating council. On the effective date of this
 5 act, all liabilities of the coronavirus relief fund - federal fund are hereby
 6 transferred to and imposed on the coronavirus relief fund and the
 7 coronavirus relief fund - federal fund is hereby abolished.

8 Sec. 2.

9 LEGISLATIVE COORDINATING COUNCIL

10 (a) There is appropriated for the above agency from the following
 11 special revenue fund or funds for the fiscal year ending June 30, 2021, all
 12 moneys now or hereafter lawfully credited to and available in such fund or
 13 funds, except that expenditures other than refunds authorized by law shall
 14 not exceed the following:

15 Coronavirus relief fund.....No limit
 16 *Provided*, That, all moneys in the coronavirus relief fund shall be used for
 17 the purposes of relief for the effects of coronavirus in the state of Kansas
 18 as set forth in such federal grant or receipt: *Provided further*, That, the
 19 director of the budget shall submit each request of a state agency for
 20 expenditures from the coronavirus relief fund during the fiscal year ending
 21 June 30, 2021, to the legislative budget committee: *And provided further*,
 22 That, the legislative budget committee shall meet and review each such
 23 request of the director of the budget and shall report such committee's
 24 recommendation on each such request to the legislative coordinating
 25 council: *And provided further*, That, after receiving recommendations from
 26 the legislative budget committee, expenditures may be made from the
 27 coronavirus relief fund upon an affirmative vote of the legislative
 28 coordinating council in accordance with K.S.A. 46-1202, and amendments
 29 thereto, except that such disbursements and expenditures may be approved
 30 while the legislature is in session: *And provided further*, That, the
 31 legislative coordinating council is hereby authorized to approve the
 32 disbursement and expenditure of moneys from the coronavirus relief fund
 33 for such purposes: *And provided further*, That, upon receipt of such
 34 approval by the legislative coordinating council, the director of accounts
 35 and reports is hereby authorized to transfer such moneys from the
 36 coronavirus relief fund to a newly created special revenue fund of the
 37 requesting state agency: *And provided further*, That, there is appropriated
 38 for such requesting state agency from the newly created special revenue
 39 fund or funds for the fiscal year ending June 30, 2021, all moneys now or
 40 hereafter lawfully credited to and available in such fund or funds.

41 Sec. 3. (a) On the effective date of this act, notwithstanding the
 42 provisions of section 189 of chapter 68 of the 2019 Session Laws of
 43 Kansas for fiscal year 2020 and section 179 of 2020 Senate Bill No. 66 for

1 fiscal year 2021, for fiscal year 2020 and fiscal year 2021 concerning each
2 federal grant or other federal receipt that is received by a state agency
3 named in chapter 68 of the 2019 Session Laws of Kansas or 2020 Senate
4 Bill No. 66, that concerns moneys from the federal government for aid to
5 the state of Kansas for coronavirus relief as appropriated in section 601(c)
6 (2)(A) of the federal CARES act, public law 116-136, and that is not
7 otherwise appropriated to that state agency for fiscal year 2020 or 2021 by
8 chapter 68 of the 2019 Session Laws of Kansas, 2020 Senate Bill No. 66
9 or this appropriation act of the 2020 regular session of the legislature, such
10 federal grant or other federal receipt is hereby appropriated for fiscal year
11 2020 and fiscal year 2021 to the coronavirus relief fund of the legislative
12 coordinating council for the purpose set forth in such federal grant or
13 receipt.

14 (b) On the effective date of this act, the provisions of section 189 of
15 chapter 68 of the 2019 Session Laws of Kansas for fiscal year 2020 and
16 section 179 of 2020 Senate Bill No. 66 for fiscal year 2021, for fiscal year
17 2020 and fiscal year 2021 concerning federal grants or other federal
18 receipt that are received by a state agency named in chapter 68 of the 2019
19 Session Laws of Kansas or 2020 Senate Bill No. 66 and that concerns
20 moneys from the federal government for aid to the state of Kansas for
21 coronavirus relief as appropriated in section 601(c)(2)(A) of the federal
22 CARES act, public law 116-136, shall be null and void and shall have no
23 force and effect.

24 Sec. 4. (a) On the effective date of this act, notwithstanding the
25 provisions of section 189 of chapter 68 of the 2019 Session Laws of
26 Kansas for fiscal year 2020 and section 179 of 2020 Senate Bill No. 66 for
27 fiscal year 2021, in addition to the other purposes for which expenditures
28 may be made by any state agency that is named in chapter 68 of the 2019
29 Session Laws of Kansas or 2020 Senate Bill No. 66, expenditures may be
30 made by such state agency from moneys appropriated for fiscal year 2020
31 and fiscal year 2021 by chapter 68 of the 2019 Session Laws of Kansas,
32 2020 Senate Bill No. 66, or this appropriation act of the 2020 regular
33 session of the legislature, to apply for and receive federal grants during
34 fiscal year 2020 and fiscal year 2021, which federal grants are hereby
35 authorized to be applied for and received by such state agencies that
36 concerns moneys from the federal government for aid to the state of
37 Kansas for coronavirus relief as appropriated in the federal CARES act,
38 public law 116-136, the coronavirus preparedness and response
39 supplemental appropriations act, 2020, public law 116-123, the federal
40 families first coronavirus response act, public law 116-127, the federal
41 paycheck protection program and health care enhancement act, public law
42 116-139, and any other federal law that appropriates moneys to the state
43 for aid for coronavirus relief, subject to the following provisions:

1 *Provided*, That, no expenditure shall be made from and no obligation shall
2 be incurred against any such federal grant or other federal receipt that has
3 not been previously appropriated or reappropriated, until the legislative
4 coordinating council has authorized the state agency to make expenditures
5 therefrom: *Provided further*, That, the director of the budget shall submit
6 each such federal grant expenditure request of a state agency concerning
7 coronavirus relief during fiscal year 2020 and fiscal year 2021, to the
8 legislative budget committee: *And provided further*, That, the legislative
9 budget committee shall meet and review each such federal grant
10 expenditure request of the director of the budget and shall report such
11 committee's recommendation on each such federal grant expenditure
12 request to the legislative coordinating council: *And provided further*, That,
13 after receiving recommendations from the legislative budget committee,
14 such requests may be approved upon an affirmative vote of the legislative
15 coordinating council in accordance with K.S.A. 46-1202, and amendments
16 thereto, except that such requests may be approved while the legislature is
17 in session: *And provided further*, That the legislative coordinating council
18 is hereby authorized to approve the requests for such purposes: *And*
19 *provided further*, That, upon receipt of such approval by the legislative
20 coordinating council, the requesting state agency is authorized to expend
21 all approved moneys now or hereafter lawfully credited to and available in
22 such fund or funds during fiscal year 2020 and fiscal year 2021.

23 (b) On the effective date of this act, the provisions of section 189 of
24 chapter 68 of the 2019 Session Laws of Kansas for fiscal year 2020 and
25 section 179 of 2020 Senate Bill No. 66, for fiscal year 2020 and fiscal year
26 2021 concerning federal grants or other federal receipt that are received by
27 a state agency named in chapter 68 of the 2019 Session Laws of Kansas or
28 2020 Senate Bill No. 66 and that concerns moneys from the federal
29 government for aid to the state of Kansas for coronavirus relief as
30 appropriated in the federal CARES act, public law 116-136, the
31 coronavirus preparedness and response supplemental appropriations act,
32 2020, public law 116-123, the federal families first coronavirus response
33 act, public law 116-127, the federal paycheck protection program and
34 health care enhancement act, public law 116-139, and any other federal
35 law that appropriates moneys to the state for aid for coronavirus relief,
36 shall be null and void and shall have no force and effect.

37 New Sec. 5. (a) The state of disaster emergency that was declared by
38 the governor pursuant to K.S.A. 48-924, and amendments thereto, by
39 proclamation on March 12, 2020, which was ratified and continued in
40 force and effect through May 1, 2020, by 2020 House Concurrent
41 Resolution No. 5025, adopted by the house of representatives with the
42 senate concurring therein on March 19, 2020, and declared by
43 proclamation on April 30, 2020, which was extended and continued in

1 existence by the state finance council on May 13, 2020, for an additional
2 12 days through May 26, 2020, for all 105 counties of Kansas, as a result
3 of the COVID-19 health emergency, is hereby ratified and continued in
4 existence from March 12, 2020, through May 31, 2020.

5 (b) The governor shall not proclaim any new state of disaster
6 emergency related to the COVID-19 health emergency during 2020, unless
7 the governor makes specific application to the state finance council and an
8 affirmative vote of at least six of the legislative members of the council
9 approve such action by the governor.

10 (c) Notwithstanding section 6, and amendments thereto, if the
11 governor proclaims a new state of disaster emergency as described in
12 subsection (b), the governor shall make specific application to the state
13 finance council and an affirmative vote of at least six of the legislative
14 members of the council shall be required to order the closure or cessation
15 of any business or commercial activity.

16 New Sec. 6. (a) During any state of disaster emergency declared
17 pursuant to K.S.A. 48-924, and amendments thereto, the governor may
18 order the closure or cessation of any business or commercial activity,
19 whether for-profit or not-for-profit, in response to any or all conditions
20 necessitating the declared state of disaster emergency for 15 days. Only
21 upon specific application by the governor to the state finance council and
22 an affirmative vote of at least six of the legislative members of the council,
23 the closure or cessation of business or commercial activity may be
24 extended for specified periods not to exceed 30 days each.

25 (b) Any order issued that violates or exceeds the restrictions provided
26 in subsection (a) shall not have the force and effect of law during the
27 period of a state of disaster emergency declared under K.S.A. 48-924(b),
28 and amendments thereto, and any such order shall be null and void.

29 (c) The provisions of this section shall expire on January 26, 2021.

30 New Sec. 7. Sections 7 through 13, and amendments thereto, shall be
31 known and may be cited as the COVID-19 response and reopening for
32 business liability protection act.

33 New Sec. 8. As used in the COVID-19 response and reopening for
34 business liability protection act, unless the context otherwise requires:

35 (a) "COVID-19" means the novel coronavirus identified as SARS-
36 CoV-2, the disease caused by the novel coronavirus SARS-CoV-2 and
37 conditions associated with such disease.

38 (b) "COVID-19 claim" means any claim for damages, losses,
39 indemnification, contribution or other relief arising out of or based on
40 exposure or potential exposure to COVID-19. "COVID-19 claim" includes
41 a claim made by or on behalf of any person who has been exposed or
42 potentially exposed to COVID-19, or any representative, spouse, parent,
43 child or other relative of such person, for injury, including mental or

1 emotional injury, death or loss to person, risk of disease or other injury,
2 costs of medical monitoring or surveillance, or other losses allegedly
3 caused by the person's exposure or potential exposure to COVID-19.

4 (c) "COVID-19 public health emergency" means the state of disaster
5 emergency declared for the state of Kansas on March 12, 2020, any
6 subsequent orders or amendments to such orders and any subsequent
7 disaster emergency declared for the state of Kansas regarding the COVID-
8 19 pandemic.

9 (d) "Disinfecting or cleaning supplies" includes, but is not limited to,
10 hand sanitizers, disinfectants, sprays and wipes.

11 (e) "Healthcare provider" means a person or entity that is licensed,
12 registered, certified or otherwise authorized by the state of Kansas to
13 provide healthcare services in this state, including a hospice certified to
14 participate in the medicare program under 42 C.F.R. § 418 et seq. and any
15 entity licensed under chapter 39 of the Kansas Statutes Annotated, and
16 amendments thereto.

17 (f) "Person" means an individual, association, for-profit or not-for-
18 profit business entity, postsecondary educational institution as defined in
19 K.S.A. 74-3201b, and amendments thereto, nonprofit organization,
20 religious organization or charitable organization.

21 (g) "Personal protective equipment" means coveralls, face shields,
22 gloves, gowns, masks, respirators or other equipment designed to protect
23 the wearer from the spread of infection or illness.

24 (h) "Product liability claim" means any strict liability, ordinary
25 negligence or implied warranty claim or action brought for harm caused by
26 the manufacture, production, making, construction, fabrication, design,
27 formula, preparation, assembly, installation, testing, warnings, instructions,
28 marketing, packaging, storage or labeling of the relevant product.

29 (i) "Public health guidance" means written guidance related to
30 COVID-19 issued by the United States centers for disease control and
31 prevention, the occupational safety and health administration of the United
32 States department of labor, the Kansas department of health and
33 environment, the Kansas department for aging and disability services, the
34 Kansas department of labor, another state agency or a municipality.

35 (j) "Qualified product" means: (1) Personal protective equipment
36 used to protect the wearer from COVID-19 or the spread of COVID-19;
37 (2) medical devices, equipment and supplies used to treat COVID-19,
38 including products that are used or modified for an unapproved use to treat
39 COVID-19 or prevent the spread of COVID-19; (3) medical devices,
40 equipment or supplies utilized outside of the product's normal use to treat
41 COVID-19 or to prevent the spread of COVID-19; (4) medications used to
42 treat COVID-19, including medications prescribed or dispensed for
43 offlabel use to attempt to combat COVID-19; (5) tests used to diagnose or

1 determine immunity to COVID-19; (6) disinfecting or cleaning supplies;
2 (7) clinical laboratory services certified under the federal clinical
3 laboratory improvement amendments in section 353 of the public health
4 service act, 42 U.S.C. § 263a; and (8) components of qualified products.

5 New Sec. 9. (a) Notwithstanding any other provision of law, except as
6 provided in subsection (c), a healthcare provider is immune from civil
7 liability for damages, administrative fines or penalties for acts, omissions,
8 healthcare decisions or the rendering of or the failure to render healthcare
9 services, including services that are altered, delayed or withheld, as a
10 direct response to any state of disaster emergency declared pursuant to
11 K.S.A. 48-924, and amendments thereto, related to the COVID-19 public
12 health emergency.

13 (b) The provisions of this section shall apply to any claims for
14 damages or liability that arise out of or relate to acts, omissions or
15 healthcare decisions occurring during any state of disaster emergency
16 declared pursuant to K.S.A. 48-924, and amendments thereto, related to
17 the COVID-19 public health emergency.

18 (c) (1) The provisions of this section shall not apply to civil liability
19 when it is established that the act, omission or healthcare decision
20 constituted gross negligence or willful, wanton or reckless conduct.

21 (2) The provisions of this section shall not apply to healthcare
22 services not related to COVID-19 that have not been altered, delayed or
23 withheld as a direct response to the COVID-19 public health emergency.

24 New Sec. 10. Notwithstanding any other provision of law, a person,
25 or an agent of such person, conducting business in this state shall not be
26 held liable for a COVID-19 claim if the act or omission alleged to violate a
27 duty of care was mandated or specifically and affirmatively permitted by a
28 federal or state statute, regulation or executive order passed or issued in
29 response to the COVID-19 pandemic and applicable to the activity at issue
30 at the time of the alleged exposure.

31 New Sec. 11. Notwithstanding any other provision of law, a person
32 who designs, manufactures, labels, sells, distributes, provides or donates a
33 qualified product in response to the COVID-19 public health emergency
34 shall not be liable in a civil action alleging a product liability claim arising
35 out of such qualified product if:

36 (a) The product was manufactured, labeled, sold, distributed,
37 provided or donated at the specific request of or in response to a written
38 order or other directive finding a public need for a qualified product issued
39 by the governor, the adjutant general or the division of emergency
40 management; and

41 (b) the damages are not occasioned by willful, wanton or reckless
42 disregard of a known, substantial and unnecessary risk that the product
43 would cause serious injury to others.

1 New Sec. 12. Nothing in the COVID-19 response and reopening for
2 business liability protection act:

3 (a) Creates, recognizes or ratifies a claim or cause of action of any
4 kind;

5 (b) eliminates a required element of any claim;

6 (c) affects workers' compensation law, including the exclusive
7 application of such law; or

8 (d) amends, repeals, alters or affects any other immunity or limitation
9 of liability.

10 New Sec. 13. The provisions of sections 10 through 12, and
11 amendments thereto, shall apply retroactively to any cause of action
12 accruing on or after March 12, 2020.

13 New Sec. 14. All notarial acts performed by a notary public of this
14 state while the requirements that a person must appear before a notary
15 public are suspended pursuant to an executive order or other state law,
16 shall be valid as if the individual had appeared before the notary public,
17 notwithstanding any failure of any individual to appear personally before
18 the notary public, if the notarial act meets all requirements prescribed by
19 such executive order or other state law and all requirements prescribed by
20 law that do not relate to appearance before the notary public.

21 New Sec. 15. (a) During a state of disaster emergency declared under
22 K.S.A. 48-924, and amendments thereto, related to the COVID-19 public
23 health emergency, each county health officer shall work with first
24 responder agencies operating in the county to establish a method to share
25 information indicating where a person testing positive for or under
26 quarantine or isolation due to COVID-19 resides or can be expected to be
27 present. Such information shall:

28 (1) Include the address for such person and, as applicable, the
29 duration of the quarantine, isolation or expected recovery period for such
30 person as determined by the county health officer; and

31 (2) only be used for the purpose of allowing the first responders to be
32 alert to the need for utilizing appropriate personal protective equipment
33 during the response activity.

34 (b) The information described in subsection (a) shall be provided to
35 the 911 call center for the area serving the address provided. The 911 call
36 center shall disseminate the information only to first responders
37 responding to the listed address.

38 (c) All information provided or disseminated under this section shall
39 not be a public record and shall not be subject to the Kansas open records
40 act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this
41 subsection shall expire on July 1, 2025, unless the legislature reviews and
42 reenacts this provision pursuant to K.S.A. 45-229, and amendments
43 thereto.

1 New Sec. 16. The Kansas department for aging and disability
2 services shall, for all entities required to be licensed pursuant to article 9 of
3 chapter 39 of the Kansas Statutes Annotated, and amendments thereto:

4 (a) Promptly, and in no case later than 30 days following the effective
5 date of this act, make or cause to be made infection control inspections;

6 (b) provide the necessary personal protective equipment, sanitizing
7 supplies and testing kits appropriate to the needs of each facility on an
8 ongoing basis, based upon:

9 (1) The current number of residents;

10 (2) the current number of full-time and part-time staff members;

11 (3) the number of residents and staff who have tested positive for
12 COVID-19 in the last 14 days;

13 (4) the ability to separate COVID-19 residents from non-COVID-19
14 residents; and

15 (5) any other factors deemed relevant by the secretary; and

16 (c) ensure that infection prevention and control best practices and
17 recommendations based upon guidance from the United States centers for
18 disease control and prevention and the Kansas department of health and
19 environment are adopted and made available publicly.

20 New Sec. 17. (a) A physician may issue a prescription for or order the
21 administration of medication, including a controlled substance, for a
22 patient without conducting an in-person examination of such patient.

23 (b) A physician under quarantine, including self-imposed quarantine,
24 may practice telemedicine.

25 (c) (1) A physician holding a license issued by the applicable
26 licensing agency of another state may practice telemedicine to treat
27 patients located in the state of Kansas, if such out-of-state physician:

28 (A) Advises the state board of healing arts of such practice in writing
29 and in a manner determined by the state board of healing arts; and

30 (B) holds an unrestricted license to practice medicine and surgery in
31 the other state and is not the subject of any investigation or disciplinary
32 action by the applicable licensing agency.

33 (2) The state board of healing arts may extend the provisions of this
34 subsection to other healthcare professionals licensed and regulated by the
35 board as deemed necessary by the board to address the impacts of COVID-
36 19 and consistent with ensuring patient safety.

37 (d) A physician practicing telemedicine in accordance with this
38 section shall conduct an appropriate assessment and evaluation of the
39 patient's current condition and document the appropriate medical
40 indication for any prescription issued.

41 (e) Nothing in this section shall supersede or otherwise affect the
42 provisions of K.S.A. 65-4a10, and amendments thereto, or K.S.A. 2019
43 Supp. 40-2,215, and amendments thereto.

1 (f) As used in this section:

2 (1) "Physician" means a person licensed to practice medicine and
3 surgery.

4 (2) "Telemedicine" means the delivery of healthcare services by a
5 healthcare provider while the patient is at a different physical location.

6 (g) This section shall expire on January 26, 2021.

7 New Sec. 18. (a) (1) A hospital may admit patients in excess of such
8 hospital's number of licensed beds or inconsistent with the licensed
9 classification of such hospital's beds to the extent that such hospital
10 determines is necessary to treat COVID-19 patients and to separate
11 COVID-19 patients and non-COVID-19 patients.

12 (2) A hospital admitting patients in such manner shall notify the
13 department of health and environment as soon as practicable but shall not
14 be required to receive prior authorization to admit patients in such manner.

15 (b) (1) A hospital may utilize non-hospital space, including off-
16 campus space, to perform COVID-19 testing, triage, quarantine or patient
17 care to the extent that such hospital determines is necessary to treat
18 COVID-19 patients and to separate COVID-19 patients and non-COVID-
19 19 patients.

20 (2) The department of health and environment may impose
21 reasonable safety requirements on such use of non-hospital space to
22 maximize the availability of patient care.

23 (3) Non-hospital space used in such manner shall be deemed to meet
24 the requirements of K.S.A. 65-431(d), and amendments thereto.

25 (4) A hospital utilizing non-hospital space in such manner shall notify
26 the department of health and environment as soon as practicable but shall
27 not be required to receive prior authorization to utilize non-hospital space
28 in such manner.

29 (c) A medical care facility may permit healthcare providers
30 authorized to provide healthcare services in the state of Kansas to provide
31 healthcare services at such medical care facility without becoming a
32 member of the medical care facility's medical staff.

33 (d) As used in this section, "hospital" and "medical care facility"
34 mean the same as defined in K.S.A. 65-425, and amendments thereto.

35 (e) This section shall expire 120 calendar days after the expiration or
36 termination of the state of disaster emergency proclamation issued by the
37 governor in response to the COVID-19 public health emergency, or any
38 extension thereof.

39 New Sec. 19. (a) Notwithstanding any statute to the contrary, the state
40 board of healing arts may grant a temporary emergency license to practice
41 any profession licensed, certified, registered or regulated by the board to
42 an applicant with qualifications the board deems sufficient to protect
43 public safety and welfare within the scope of professional practice

1 authorized by the temporary emergency license for the purpose of
2 preparing for, responding to or mitigating any effect of COVID-19.

3 (b) This section shall expire on January 26, 2021.

4 New Sec. 20. (a) Notwithstanding the provisions of K.S.A. 65-28a08
5 and 65-28a09, and amendments thereto, or any other statute to the
6 contrary, a licensed physician assistant may provide healthcare services
7 appropriate to such physician assistant's education, training and experience
8 within a designated healthcare facility at which the physician assistant is
9 employed or contracted to work as necessary to support the facility's
10 response to the COVID-19 pandemic without a written agreement with a
11 supervising physician. Such physician assistant shall not be liable in any
12 criminal prosecution, civil action or administrative proceeding arising out
13 of such physician assistant's lack of written agreement with a supervising
14 physician.

15 (b) Notwithstanding the provisions of K.S.A. 65-1130, and
16 amendments thereto, or any other statute to the contrary, a licensed
17 advanced practice registered nurse may provide healthcare services
18 appropriate to such advanced practice registered nurse's education, training
19 and experience within a designated healthcare facility at which the
20 advanced practice registered nurse is employed or contracted to work as
21 necessary to support the facility's response to the COVID-19 pandemic
22 without direction and supervision from a responsible physician. Such
23 advanced practice registered nurse shall not be liable in any criminal
24 prosecution, civil action or administrative proceeding arising out of such
25 advanced practice registered nurse's lack of direction and supervision from
26 a responsible physician.

27 (c) Notwithstanding the provisions of K.S.A. 65-1158, and
28 amendments thereto, or any other statute to the contrary, a registered nurse
29 anesthetist may provide healthcare services appropriate to such registered
30 nurse anesthetist's education, training and experience within a designated
31 healthcare facility at which the registered nurse anesthetist is employed or
32 contracted to work as necessary to support the facility's response to the
33 COVID-19 pandemic without direction and supervision from a physician.
34 Such registered nurse anesthetist shall not be liable in any criminal
35 prosecution, civil action or administrative proceeding arising out of such
36 registered nurse anesthetist's lack of direction and supervision from a
37 physician.

38 (d) Notwithstanding the provisions of K.S.A. 65-1113, and
39 amendments thereto, or any other statute to the contrary:

40 (1) A registered professional nurse or licensed practical nurse may
41 order the collection of throat or nasopharyngeal swab specimens from
42 individuals suspected of being infected by COVID-19 for purposes of
43 testing; and

1 (2) a licensed practical nurse may provide healthcare services
2 appropriate to such licensed practical nurse's education, training and
3 experience within a designated healthcare facility at which the licensed
4 practical nurse is employed or contracted to work as necessary to support
5 the facility's response to the COVID-19 pandemic without direction from a
6 registered professional nurse. Such licensed practical nurse shall not be
7 liable in any criminal prosecution, civil action or administrative
8 proceeding arising out of such licensed practical nurse's lack of
9 supervision from a registered professional nurse.

10 (e) Notwithstanding the provisions of K.S.A. 65-1626a, and
11 amendments thereto, or any other statute to the contrary, a licensed
12 pharmacist may provide care for routine health maintenance, chronic
13 disease states or similar conditions appropriate to such pharmacist's
14 education, training and experience within a designated healthcare facility
15 at which the pharmacist is employed or contracted to work as necessary to
16 support the facility's response to the COVID-19 pandemic without a
17 collaborative practice agreement with a physician. Such pharmacist shall
18 not be liable in any criminal prosecution, civil action or administrative
19 proceeding arising out of such pharmacist's lack of collaborative practice
20 agreement with a physician.

21 (f) Notwithstanding the provisions of K.S.A. 65-1115, 65-1116 and
22 65-1117, and amendments thereto, or any other statute to the contrary, a
23 registered professional nurse or licensed practical nurse who holds a
24 license that is exempt or inactive or whose license has lapsed within the
25 past five years from the effective date of this act may provide healthcare
26 services appropriate to the nurse's education, training and experience. Such
27 registered professional nurse or licensed practical nurse shall not be liable
28 in any criminal prosecution, civil action or administrative proceeding
29 arising out of such nurse's exempt, inactive or lapsed license.

30 (g) Notwithstanding any other provision of law to the contrary, a
31 designated healthcare facility may, as necessary to support the facility's
32 response to the COVID-19 pandemic:

33 (1) Allow a student who is enrolled in a program to become a
34 licensed, registered or certified healthcare professional to volunteer for
35 work within such facility in roles that are appropriate to such student's
36 education, training and experience;

37 (2) allow a licensed, registered or certified healthcare professional or
38 emergency medical personnel who is serving in the military in any duty
39 status to volunteer or work within such facility in roles that are appropriate
40 to such military service member's education, training and experience; and

41 (3) allow a medical student, physical therapist or emergency medical
42 services provider to volunteer or work within such facility as a respiratory
43 therapist extender under the supervision of a physician, respiratory

1 therapist or advanced practice registered nurse. Such respiratory therapist
2 extender may assist respiratory therapists and other healthcare
3 professionals in the operation of ventilators and related devices and may
4 provide other healthcare services appropriate to such respiratory therapist
5 extender's education, training and experience, as determined by the facility
6 in consultation with such facility's medical leadership.

7 (h) Notwithstanding any statute to the contrary, a healthcare
8 professional licensed and in good standing in another state may practice
9 such profession in the state of Kansas. For purposes of this subsection, a
10 license that has been suspended or revoked or a licensee that is subject to
11 pending license-related disciplinary action shall not be considered to be in
12 good standing. Any license that is subject to limitation in another state
13 shall be subject to the same limitation in the state of Kansas. Such
14 healthcare professional shall not be liable in any criminal prosecution, civil
15 action or administrative proceeding arising out of such healthcare
16 professional's lack of licensure in the state of Kansas.

17 (i) Notwithstanding any statute to the contrary, a designated
18 healthcare facility may use a qualified volunteer or qualified personnel
19 affiliated with any other designated healthcare facility as if such volunteer
20 or personnel was affiliated with the facility using such volunteer or
21 personnel, subject to any terms and conditions established by the secretary
22 of health and environment.

23 (j) Notwithstanding any statute to the contrary, a healthcare
24 professional may be licensed, certified or registered or may have such
25 license, certification or registration reinstated within five years of lapse or
26 renewed by the applicable licensing agency of the state of Kansas without
27 satisfying the following conditions of licensure, certification or
28 registration:

29 (1) An examination, if such examination's administration has been
30 canceled while the state of disaster emergency proclamation issued by the
31 governor in response to the COVID-19 pandemic is in effect;

32 (2) fingerprinting;

33 (3) continuing education; and

34 (4) payment of a fee.

35 (k) Notwithstanding any statute to the contrary, a professional
36 certification in basic life support, advanced cardiac life support or first aid
37 shall remain valid if such professional certification is due to expire or be
38 canceled while the state of disaster emergency proclamation issued by the
39 governor in response to the COVID-19 pandemic is in effect.

40 (l) Notwithstanding any statute to the contrary, fingerprinting of any
41 individual shall not be required as a condition of licensure and certification
42 for any hospital, as defined in K.S.A. 65-425, and amendments thereto,
43 adult care home, county medical care facility or psychiatric hospital.

1 (m) As used in this section:

2 (1) "Appropriate to such professional's education, training and
3 experience," or words of like effect, shall be determined by the designated
4 healthcare facility in consultation with such facility's medical leadership;
5 and

6 (2) "designated healthcare facility" means:

- 7 (A) Entities listed in K.S.A. 40-3401(f), and amendments thereto;
8 (B) state-owned surgical centers;
9 (C) state-operated hospitals and veterans facilities;
10 (D) entities used as surge capacity by any entity described in
11 subparagraphs (A) through (C);
12 (E) adult care homes; and
13 (F) any other location specifically designated by the governor or the
14 secretary of health and environment to exclusively treat patients for
15 COVID-19.

16 (n) The provisions of this section shall expire on January 26, 2021.

17 Sec. 21. Section 1 of 2020 House Substitute for Senate Bill No. 102
18 is hereby amended to read as follows: Sec. 1. (a) Notwithstanding any
19 other provisions of law, during any state of disaster emergency pursuant to
20 K.S.A. 48-924, and amendments thereto, the chief justice of the Kansas
21 supreme court may issue an order to extend or suspend any deadlines or
22 time limitations established by statute when the chief justice determines
23 such action is necessary to secure the health and safety of court users, staff
24 and judicial officers.

25 (b) Notwithstanding any other provisions of law, ~~during any state of~~
26 ~~disaster emergency pursuant to K.S.A. 48-924, and amendments thereto,~~
27 the chief justice of the Kansas supreme court may issue an order to
28 authorize the use of two-way electronic audio-visual communication in
29 any court proceeding when the chief justice determines such action is
30 necessary to secure the health and safety of court users, staff and judicial
31 officers.

32 (c) Any order issued pursuant to ~~this section~~ subsection (a) may
33 remain in effect for up to 150 days after a state of disaster emergency is
34 terminated pursuant to K.S.A. 48-924, and amendments thereto. Any order
35 in violation of this section shall be void.

36 (d) The provisions of this section shall expire on March 31, 2021.

37 Sec. 22. K.S.A. 2019 Supp. 19-101a is hereby amended to read as
38 follows: 19-101a. (a) The board of county commissioners may transact all
39 county business and perform all powers of local legislation and
40 administration it deems appropriate, subject only to the following
41 limitations, restrictions or prohibitions:

42 (1) Counties shall be subject to all acts of the legislature which apply
43 uniformly to all counties.

1 (2) Counties may not affect the courts located therein.

2 (3) Counties shall be subject to acts of the legislature prescribing
3 limits of indebtedness.

4 (4) In the exercise of powers of local legislation and administration
5 authorized under provisions of this section, the home rule power conferred
6 on cities to determine their local affairs and government shall not be
7 superseded or impaired without the consent of the governing body of each
8 city within a county which may be affected.

9 (5) Counties may not legislate on social welfare administered under
10 state law enacted pursuant to or in conformity with public law No. 271 –
11 74th congress, or amendments thereof.

12 (6) Counties shall be subject to all acts of the legislature concerning
13 elections, election commissioners and officers and their duties as such
14 officers and the election of county officers.

15 (7) Counties shall be subject to the limitations and prohibitions
16 imposed under K.S.A. 12-187 through 12-195, and amendments thereto,
17 prescribing limitations upon the levy of retailers' sales taxes by counties.

18 (8) Counties may not exempt from or effect changes in statutes made
19 nonuniform in application solely by reason of authorizing exceptions for
20 counties having adopted a charter for county government.

21 (9) No county may levy ad valorem taxes under the authority of this
22 section upon real property located within any redevelopment project area
23 established under the authority of K.S.A. 12-1772, and amendments
24 thereto, unless the resolution authorizing the same specifically authorized
25 a portion of the proceeds of such levy to be used to pay the principal of
26 and interest upon bonds issued by a city under the authority of K.S.A. 12-
27 1774, and amendments thereto.

28 (10) Counties shall have no power under this section to exempt from
29 any statute authorizing or requiring the levy of taxes and providing
30 substitute and additional provisions on the same subject, unless the
31 resolution authorizing the same specifically provides for a portion of the
32 proceeds of such levy to be used to pay a portion of the principal and
33 interest on bonds issued by cities under the authority of K.S.A. 12-1774,
34 and amendments thereto.

35 (11) Counties may not exempt from or effect changes in the
36 provisions of K.S.A. 19-4601 through 19-4625, and amendments thereto.

37 (12) Except as otherwise specifically authorized by K.S.A. 12-1,101
38 through 12-1,109, and amendments thereto, counties may not levy and
39 collect taxes on incomes from whatever source derived.

40 (13) Counties may not exempt from or effect changes in K.S.A. 19-
41 430, and amendments thereto.

42 (14) Counties may not exempt from or effect changes in K.S.A. 19-
43 302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.

1 (15) Counties may not exempt from or effect changes in K.S.A. 19-
2 15,139, 19-15,140 and 19-15,141, and amendments thereto.

3 (16) Counties may not exempt from or effect changes in the
4 provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c
5 and 12-1226, and amendments thereto, or the provisions of K.S.A. 12-
6 1260 through 12-1270 and 12-1276, and amendments thereto.

7 (17) Counties may not exempt from or effect changes in the
8 provisions of K.S.A. 19-211, and amendments thereto.

9 (18) Counties may not exempt from or effect changes in the
10 provisions of K.S.A. 19-4001 through 19-4015, and amendments thereto.

11 (19) Counties may not regulate the production or drilling of any oil or
12 gas well in any manner which would result in the duplication of regulation
13 by the state corporation commission and the Kansas department of health
14 and environment pursuant to chapter 55 and chapter 65 of the Kansas
15 Statutes Annotated, and amendments thereto, and any rules and regulations
16 adopted pursuant thereto. Counties may not require any license or permit
17 for the drilling or production of oil and gas wells. Counties may not
18 impose any fee or charge for the drilling or production of any oil or gas
19 well.

20 (20) Counties may not exempt from or effect changes in K.S.A. 79-
21 41a04, and amendments thereto.

22 (21) Counties may not exempt from or effect changes in K.S.A. 79-
23 1611, and amendments thereto.

24 (22) Counties may not exempt from or effect changes in K.S.A. 79-
25 1494, and amendments thereto.

26 (23) Counties may not exempt from or effect changes in K.S.A. 19-
27 202(b), and amendments thereto.

28 (24) Counties may not exempt from or effect changes in K.S.A. 19-
29 204(b), and amendments thereto.

30 (25) Counties may not levy or impose an excise, severance or any
31 other tax in the nature of an excise tax upon the physical severance and
32 production of any mineral or other material from the earth or water.

33 (26) Counties may not exempt from or effect changes in K.S.A. 79-
34 2017 or 79-2101, and amendments thereto.

35 (27) Counties may not exempt from or effect changes in K.S.A. 2-
36 3302, 2-3305, 2-3307, 2-3318, 17-5904, 17-5908, 47-1219, 65-171d, 65-
37 1,178 through 65-1,199, 65-3001 through 65-3028, and amendments
38 thereto.

39 (28) Counties may not exempt from or effect changes in K.S.A. 80-
40 121, and amendments thereto.

41 (29) Counties may not exempt from or effect changes in K.S.A. 19-
42 228, and amendments thereto.

43 (30) Counties may not exempt from or effect changes in the Kansas

1 911 act.

2 (31) Counties may not exempt from or effect changes in K.S.A. 2019
3 Supp. 26-601, and amendments thereto.

4 (32) (A) Counties may not exempt from or effect changes in the
5 Kansas liquor control act except as provided by paragraph (B).

6 (B) Counties may adopt resolutions which are not in conflict with the
7 Kansas liquor control act.

8 (33) (A) Counties may not exempt from or effect changes in the
9 Kansas cereal malt beverage act except as provided by paragraph (B).

10 (B) Counties may adopt resolutions which are not in conflict with the
11 Kansas cereal malt beverage act.

12 (34) Counties may not exempt from or effect changes in the Kansas
13 lottery act.

14 (35) Counties may not exempt from or effect changes in the Kansas
15 expanded lottery act.

16 (36) Counties may neither exempt from nor effect changes to the
17 eminent domain procedure act.

18 (37) Any county granted authority pursuant to the provisions of
19 K.S.A. 19-5001 through 19-5005, and amendments thereto, shall be
20 subject to the limitations and prohibitions imposed under K.S.A. 19-5001
21 through 19-5005, and amendments thereto.

22 (38) Except as otherwise specifically authorized by K.S.A. 19-5001
23 through 19-5005, and amendments thereto, counties may not exercise any
24 authority granted pursuant to K.S.A. 19-5001 through 19-5005, and
25 amendments thereto, including the imposition or levy of any retailers' sales
26 tax.

27 (39) *Counties may not exempt from or effect changes in K.S.A. 65-*
28 *201 and 65-202, and amendments thereto.*

29 (b) Counties shall apply the powers of local legislation granted in
30 subsection (a) by resolution of the board of county commissioners. If no
31 statutory authority exists for such local legislation other than that set forth
32 in subsection (a) and the local legislation proposed under the authority of
33 such subsection is not contrary to any act of the legislature, such local
34 legislation shall become effective upon passage of a resolution of the
35 board and publication in the official county newspaper. If the legislation
36 proposed by the board under authority of subsection (a) is contrary to an
37 act of the legislature which is applicable to the particular county but not
38 uniformly applicable to all counties, such legislation shall become
39 effective by passage of a charter resolution in the manner provided in
40 K.S.A. 19-101b, and amendments thereto.

41 (c) Any resolution adopted by a county which conflicts with the
42 restrictions in subsection (a) is null and void.

43 Sec. 23. K.S.A. 2019 Supp. 41-2653 is hereby amended to read as

1 follows: 41-2653. (a) In addition to the rights of a licensee pursuant to
2 provisions of K.S.A. 41-2637, 41-2641 or 41-2642, and amendments
3 thereto, a class A club license, class B club license or drinking
4 establishment license shall allow the licensee to allow legal patrons of the
5 club or drinking establishment to remove from the licensed premises one
6 or more opened containers of alcoholic liquor, subject to the following
7 conditions:

8 (1) It must be legal for the licensee to sell the alcoholic liquor in its
9 original container;

10 (2) the alcoholic liquor must be in its original container;

11 (3) each container of alcoholic liquor must have been purchased by a
12 patron and the alcoholic liquor in each container must have been partially
13 consumed on the licensed premises;

14 (4) the licensee or the licensee's employee must provide the patron
15 with a dated receipt for the unfinished container or containers of alcoholic
16 liquor; and

17 (5) before the container of alcoholic liquor is removed from the
18 licensed premises, the licensee or the licensee's employee must securely
19 reseal each container, place the container in a tamper-proof, transparent
20 bag which is sealed in a manner that makes it visibly apparent if the bag is
21 subsequently tampered with or opened.

22 (b) *(1) In addition to the rights of a licensee pursuant to provisions of*
23 *K.S.A. 41-2637, 41-2641 or 41-2642, and amendments thereto, and the*
24 *provisions of subsection (a), a class A club license, class B club license or*
25 *drinking establishment license shall allow the licensee to allow legal*
26 *patrons of the club or drinking establishment to remove from the licensed*
27 *premises one or more containers of alcoholic liquor that is not in the*
28 *original container, subject to the following conditions:*

29 *(A) It must be legal for the licensee to sell the alcoholic liquor;*

30 *(B) each container of alcoholic liquor must have been purchased by a*
31 *patron on the licensed premises;*

32 *(C) the licensee or the licensee's employee must provide the patron*
33 *with a dated receipt for the alcoholic liquor; and*

34 *(D) before the container of alcoholic liquor is removed from the*
35 *licensed premises, the licensee or the licensee's employee must place the*
36 *container in a transparent bag that is sealed in a manner that makes it*
37 *visibly apparent if the bag is subsequently tampered with or opened.*

38 *(2) The provisions of this subsection shall expire on January 26,*
39 *2021.*

40 *(c) This section shall be part of and supplemental to the club and*
41 *drinking establishment act.*

42 Sec. 24. K.S.A. 2019 Supp. 44-702 is hereby amended to read as
43 follows: 44-702. As a guide to the interpretation and application of this act,

1 the public policy of this state is declared to be as follows: Economic
2 insecurity, due to unemployment, is a serious menace to health, morals,
3 and welfare of the people of this state. Involuntary unemployment is
4 therefore a subject of general interest and concern—~~which~~ *that* requires
5 appropriate action by the legislature to prevent its spread and to lighten its
6 burden—~~which~~ *that* now so often falls with crushing force upon the
7 unemployed worker and such worker's family. The achievement of social
8 security requires protection against this greatest hazard of our economic
9 life. This can be provided by encouraging employers to provide more
10 stable employment and by the systematic accumulation of funds during
11 periods of employment to provide benefits for periods of unemployment,
12 thus maintaining purchasing power and limiting the serious social
13 consequences of poor-relief assistance. The legislature, therefore, declares
14 that in its considered judgment the public good and the general welfare of
15 the citizens of this state require the enactment of this measure, under the
16 police powers of the state, for the compulsory setting aside of
17 unemployment reserves to be used for the benefit of persons unemployed.
18 *The state of Kansas is committed to maintaining and strengthening access*
19 *to the unemployment compensation system, including through initial and*
20 *continuing claims.* All persons and employers are entitled to a neutral
21 interpretation of the employment security law.

22 Sec. 25. K.S.A. 2019 Supp. 44-705, as amended by section 2 of 2020
23 Senate Bill No. 27, is hereby amended to read as follows: 44-705. Except
24 as provided by K.S.A. 44-757, and amendments thereto, an unemployed
25 individual shall be eligible to receive benefits with respect to any week
26 only if the secretary, or a person or persons designated by the secretary,
27 finds that:

28 (a) The claimant has registered for work at and thereafter continued
29 to report at an employment office in accordance with rules and regulations
30 adopted by the secretary, except that, subject to the provisions of K.S.A.
31 44-704(a), and amendments thereto, the secretary may adopt rules and
32 regulations that waive or alter either or both of the requirements of this
33 subsection.

34 (b) The claimant has made a claim for benefits with respect to such
35 week in accordance with rules and regulations adopted by the secretary.

36 (c) The claimant is able to perform the duties of such claimant's
37 customary occupation or the duties of other occupations that the claimant
38 is reasonably fitted by training or experience, and is available for work, as
39 demonstrated by the claimant's pursuit of the full course of action most
40 reasonably calculated to result in the claimant's reemployment except that,
41 notwithstanding any other provisions of this section, an unemployed
42 claimant otherwise eligible for benefits shall not become ineligible for
43 benefits: (1) Because of the claimant's enrollment in and satisfactory

1 pursuit of approved training, including training approved under section
 2 236(a)(1) of the trade act of 1974; ~~or~~ (2) solely because such individual is
 3 seeking only part-time employment if the individual is available for a
 4 number of hours per week that are comparable to the individual's part-time
 5 work experience in the base period; *or* (3) *because a claimant is not*
 6 *actively seeking work: (i) During a state of disaster emergency proclaimed*
 7 *by the governor pursuant to K.S.A. 48-924 and 48-925, and amendments*
 8 *thereto; (ii) in response to the spread of the public health emergency of*
 9 *COVID-19; and (iii) the state's temporary waiver of the work search*
 10 *requirement under the employment security law for such claimant is in*
 11 *compliance with the families first coronavirus response act, public law*
 12 *116-127.*

13 For the purposes of this subsection, an inmate of a custodial or
 14 correctional institution shall be deemed to be unavailable for work and not
 15 eligible to receive unemployment compensation while incarcerated.

16 (d) (1) Except as provided further, the claimant has been unemployed
 17 for a waiting period of one week or the claimant is unemployed and has
 18 satisfied the requirement for a waiting period of one week under the shared
 19 work unemployment compensation program as provided in K.S.A. 44-
 20 757(k)(4), and amendments thereto, and that period of one week, in either
 21 case, occurs within the benefit year that includes the week for which the
 22 claimant is claiming benefits. No week shall be counted as a week of
 23 unemployment for the purposes of this subsection:

24 (A) If benefits have been paid for such week;

25 (B) if the individual fails to meet with the other eligibility
 26 requirements of this section; or

27 (C) if an individual is seeking unemployment benefits under the
 28 unemployment compensation law of any other state or of the United
 29 States, except that if the appropriate agency of such state or of the United
 30 States finally determines that the claimant is not entitled to unemployment
 31 benefits under such other law, this subparagraph shall not apply.

32 (2) (A) The waiting week requirement of paragraph (1) shall not
 33 apply to:

34 (i) New claims by claimants who become unemployed as a result of
 35 an employer terminating business operations within this state, declaring
 36 bankruptcy or initiating a work force reduction pursuant to public law 100-
 37 379, the federal worker adjustment and retraining notification act, 29
 38 U.S.C. §§ 2101 through 2109, as amended; *or*

39 (ii) *new claims filed on or after April 5, 2020, through December 26,*
 40 *2020, in accordance with the families first coronavirus response act,*
 41 *public law 116-127 and the federal CARES act, public law 116-136.*

42 (B) The secretary shall adopt rules and regulations to administer the
 43 provisions of this paragraph.

1 (3) *If the waiting week requirement of paragraph (1) applies*, a
2 claimant shall become eligible to receive compensation for the waiting
3 period of one week, pursuant to paragraph (1), upon completion of three
4 weeks of unemployment consecutive to such waiting period. This
5 paragraph shall not apply to initial claims effective on and after April 1,
6 2021.

7 (e) For benefit years established on and after the effective date of this
8 act, the claimant has been paid total wages for insured work in the
9 claimant's base period of not less than 30 times the claimant's weekly
10 benefit amount and has been paid wages in more than one quarter of the
11 claimant's base period, except that the wage credits of an individual earned
12 during the period commencing with the end of a prior base period and
13 ending on the date that such individual filed a valid initial claim shall not
14 be available for benefit purposes in a subsequent benefit year unless, in
15 addition thereto, such individual has returned to work and subsequently
16 earned wages for insured work in an amount equal to at least eight times
17 the claimant's current weekly benefit amount.

18 (f) The claimant participates in reemployment services, such as job
19 search assistance services, if the individual has been determined to be
20 likely to exhaust regular benefits and needs reemployment services
21 pursuant to a profiling system established by the secretary, unless the
22 secretary determines that: (1) The individual has completed such services;
23 or (2) there is justifiable cause for the claimant's failure to participate in
24 such services.

25 (g) The claimant is returning to work after a qualifying injury and has
26 been paid total wages for insured work in the claimant's alternative base
27 period of not less than 30 times the claimant's weekly benefit amount and
28 has been paid wages in more than one quarter of the claimant's alternative
29 base period if:

30 (1) The claimant has filed for benefits within four weeks of being
31 released to return to work by a licensed and practicing health care
32 provider;

33 (2) the claimant files for benefits within 24 months of the date the
34 qualifying injury occurred; and

35 (3) the claimant attempted to return to work with the employer where
36 the qualifying injury occurred, but the individual's regular work or
37 comparable and suitable work was not available.

38 Sec. 26. K.S.A. 2019 Supp. 44-709 is hereby amended to read as
39 follows: 44-709. (a) *Filing*. Claims for benefits shall be made in
40 accordance with rules and regulations adopted by the secretary. The
41 secretary shall furnish a copy of such rules and regulations to any
42 individual requesting them. Each employer shall: (1) Post and maintain
43 printed statements furnished by the secretary without cost to the employer

1 in places readily accessible to individuals in the service of the employer;
2 *and (2) provide any other notification to individuals in the service of the*
3 *employer as required by the secretary pursuant to the families first*
4 *coronavirus response act, public law 116-127.*

5 (b) *Determination.* (1) Except as otherwise provided in this
6 paragraph, a representative designated by the secretary, and hereinafter
7 referred to as an examiner, shall promptly examine the claim and, on the
8 basis of the facts found by the examiner, shall determine whether or not
9 the claim is valid. If the examiner determines that the claim is valid, the
10 examiner shall determine the first day of the benefit year, the weekly
11 benefit amount and the total amount of benefits payable with respect to the
12 benefit year. If the claim is determined to be valid, the examiner shall send
13 a notice to the last employing unit who shall respond within 10 days by
14 providing the examiner all requested information including all information
15 required for a decision under K.S.A. 44-706, and amendments thereto. The
16 information may be submitted by the employing unit in person at an
17 employment office of the secretary or by mail, by telefacsimile machine or
18 by electronic mail. If the required information is not submitted or
19 postmarked within a response time limit of 10 days after the examiner's
20 notice was sent, the employing unit shall be deemed to have waived its
21 standing as a party to the proceedings arising from the claim and shall be
22 barred from protesting any subsequent decisions about the claim by the
23 secretary, a referee, the employment security board of review or any court,
24 except that the employing unit's response time limit may be waived or
25 extended by the examiner or upon appeal, if timely response was
26 impossible due to excusable neglect. In any case in which the payment or
27 denial of benefits will be determined by the provisions of K.S.A. 44-
28 706(d), and amendments thereto, the examiner shall promptly transmit the
29 claim to a special examiner designated by the secretary to make a
30 determination on the claim after the investigation as the special examiner
31 deems necessary. The parties shall be promptly notified of the special
32 examiner's decision and any party aggrieved by the decision may appeal to
33 the referee as provided in subsection (c). The claimant and the claimant's
34 most recent employing unit shall be promptly notified of the examiner's or
35 special examiner's decision.

36 (2) The examiner may for good cause reconsider the examiner's
37 decision and shall promptly notify the claimant and the most recent
38 employing unit of the claimant, that the decision of the examiner is to be
39 reconsidered, except that no reconsideration shall be made after the
40 termination of the benefit year.

41 (3) Notwithstanding the provisions of any other statute, a decision of
42 an examiner or special examiner shall be final unless the claimant or the
43 most recent employing unit of the claimant files an appeal from the

1 decision as provided in subsection (c), except that the time limit for appeal
2 may be waived or extended by the referee or board of review if a timely
3 response was impossible due to excusable neglect. The appeal must be
4 filed within 16 calendar days after the mailing of notice to the last known
5 addresses of the claimant and employing unit or, if notice is not by mail,
6 within 16 calendar days after the delivery of the notice to the parties.

7 (c) *Appeals*. Unless the appeal is withdrawn, a referee, after affording
8 the parties reasonable opportunity for fair hearing, shall affirm or modify
9 the findings of fact and decision of the examiner or special examiner. The
10 parties shall be duly notified of the referee's decision, together with the
11 reasons for the decision. The decision shall be final, notwithstanding the
12 provisions of any other statute, unless a further appeal to the employment
13 security board of review is filed within 16 calendar days after the mailing
14 of the decision to the parties' last known addresses or, if notice is not by
15 mail, within 16 calendar days after the delivery of the decision, except that
16 the time limit for appeal may be waived or extended by the referee or
17 board of review if a timely response was impossible due to excusable
18 neglect.

19 (d) *Referees*. The secretary shall appoint, in accordance with K.S.A.
20 44-714(c), and amendments thereto, one or more referees to hear and
21 decide disputed claims.

22 (e) *Time, computation and extension*. In computing the period of time
23 for an employing unit response or for appeals under this section from the
24 examiner's or the special examiner's determination or from the referee's
25 decision, the day of the act, event or default from which the designated
26 period of time begins to run shall not be included. The last day of the
27 period shall be included unless it is a Saturday, Sunday or legal holiday, in
28 which event the period runs until the end of the next day ~~which~~ that is not
29 a Saturday, Sunday or legal holiday.

30 (f) *Board of review*. (1) There is hereby created an employment
31 security board of review, hereinafter referred to as the board, consisting of
32 three members. Each member of the board shall be appointed for a term of
33 four years as provided in this subsection. Not more than two members of
34 the board shall belong to the same political party.

35 (2) When a vacancy on the employment security board of review
36 occurs, the workers compensation and employment security boards
37 nominating committee established under K.S.A. 44-551, and amendments
38 thereto, shall convene and submit a nominee to the governor for
39 appointment to each vacancy on the employment security board of review,
40 subject to confirmation by the senate as provided by K.S.A. 75-4315b, and
41 amendments thereto. The governor shall either: (A) Accept and submit to
42 the senate for confirmation the person nominated by the nominating
43 committee; or (B) reject the nomination and request the nominating

1 committee to nominate another person for that position. Except as
2 provided by K.S.A. 46-2601, and amendments thereto, no person
3 appointed to the employment security board of review, whose appointment
4 is subject to confirmation by the senate, shall exercise any power, duty or
5 function as a member until confirmed by the senate.

6 (3) No member of the employment security board of review shall
7 serve more than two consecutive terms.

8 (4) Each member of the employment security board shall serve until a
9 successor has been appointed and confirmed. Any vacancy in the
10 membership of the board occurring prior to expiration of a term shall be
11 filled by appointment for the unexpired term in the same manner as
12 provided for original appointment of the member.

13 (5) Each member of the employment security board of review shall
14 be entitled to receive as compensation for the member's services at the rate
15 of \$15,000 per year, together with the member's travel and other necessary
16 expenses actually incurred in the performance of the member's official
17 duties in accordance with rules and regulations adopted by the secretary.
18 Members' compensation and expenses shall be paid from the employment
19 security administration fund.

20 (6) The employment security board of review shall organize annually
21 by the election of a chairperson from among its members. The chairperson
22 shall serve in that capacity for a term of one year and until a successor is
23 elected. The board shall meet on the first Monday of each month or on the
24 call of the chairperson or any two members of the board at the place
25 designated. The secretary of labor shall appoint an executive secretary of
26 the board and the executive secretary shall attend the meetings of the
27 board.

28 (7) The employment security board of review, on its own motion,
29 may affirm, modify or set aside any decision of a referee on the basis of
30 the evidence previously submitted in the case; may direct the taking of
31 additional evidence; or may permit any of the parties to initiate further
32 appeal before it. The board shall permit such further appeal by any of the
33 parties interested in a decision of a referee ~~which~~ that overrules or
34 modifies the decision of an examiner. The board may remove to itself the
35 proceedings on any claim pending before a referee. Any proceedings so
36 removed to the board shall be heard in accordance with the requirements
37 of subsection (c). The board shall promptly notify the interested parties of
38 its findings and decision.

39 (8) Two members of the employment security board of review shall
40 constitute a quorum and no action of the board shall be valid unless it has
41 the concurrence of at least two members. A vacancy on the board shall not
42 impair the right of a quorum to exercise all the rights and perform all the
43 duties of the board.

1 (g) *Procedure.* The manner ~~in which~~ *that* disputed claims are
2 presented, the reports on claims required from the claimant and from
3 employers and the conduct of hearings and appeals shall be in accordance
4 with rules of procedure prescribed by the employment security board of
5 review for determining the rights of the parties, whether or not such rules
6 conform to common law or statutory rules of evidence and other technical
7 rules of procedure. A full and complete record shall be kept of all
8 proceedings and decisions in connection with a disputed claim. All
9 testimony at any hearing upon a disputed claim shall be recorded, but need
10 not be transcribed unless the disputed claim is further appealed. In the
11 performance of its official duties, the board shall have access to all of the
12 records ~~which~~ *that* pertain to the disputed claim and are in the custody of
13 the secretary of labor and shall receive the assistance of the secretary upon
14 request.

15 (h) *Witness fees.* Witnesses subpoenaed pursuant to this section shall
16 be allowed fees and necessary travel expenses at rates fixed by the board.
17 Such fees and expenses shall be deemed a part of the expense of
18 administering this act.

19 (i) *Review of board action.* Any action of the employment security
20 board of review may not be reconsidered after the mailing of the decision.
21 An action of the board shall become final unless a petition for review in
22 accordance with the Kansas judicial review act is filed within 16 calendar
23 days after the date of the mailing of the decision. If an appeal has not been
24 filed within 16 calendar days of the date of the mailing of the decision, the
25 decision becomes final. No bond shall be required for commencing an
26 action for such review. In addition to those persons having standing
27 pursuant to K.S.A. 77-611, and amendments thereto, the examiner shall
28 have standing to obtain judicial review of an action of such board. The
29 review proceeding, and the questions of law certified, shall be heard in a
30 summary manner and shall be given precedence over all other civil cases
31 except cases arising under the workers compensation act.

32 (j) Any finding of fact or law, judgment, determination, conclusion or
33 final order made by the employment security board of review or any
34 examiner, special examiner, referee or other person with authority to make
35 findings of fact or law pursuant to the employment security law is not
36 admissible or binding in any separate or subsequent action or proceeding,
37 between a person and a present or previous employer brought before an
38 arbitrator, court or judge of the state or the United States, regardless of
39 whether the prior action was between the same or related parties or
40 involved the same facts.

41 (k) In any proceeding or hearing conducted under this section, a party
42 to the proceeding or hearing may appear before a referee or the
43 employment security board of review either personally or by means of a

1 designated representative to present evidence and to state the position of
2 the party. Hearings may be conducted in person, by telephone or other
3 means of electronic communication. The hearing shall be conducted by
4 telephone or other means of electronic communication if none of the
5 parties requests an in-person hearing. If only one party requests an in-
6 person hearing, the referee shall have the discretion of requiring all parties
7 to appear in person or allow the party not requesting an in-person hearing
8 to appear by telephone or other means of electronic communication. The
9 notice of hearing shall include notice to the parties of their right to request
10 an in-person hearing and instructions on how to make the request.

11 Sec. 27. K.S.A. 2019 Supp. 44-710 is hereby amended to read as
12 follows: 44-710. (a) *Payment.* Contributions shall accrue and become
13 payable by each contributing employer for each calendar year ~~in which~~
14 *that* the contributing employer is subject to the employment security law
15 with respect to wages paid for employment. Such contributions shall
16 become due and be paid by each contributing employer to the secretary for
17 the employment security fund in accordance with such rules and
18 regulations as the secretary may adopt and shall not be deducted, in whole
19 or in part, from the wages of individuals in such employer's employ. In the
20 payment of any contributions, a fractional part of \$.01 shall be disregarded
21 unless it amounts to \$.005 or more, in which case it shall be increased to
22 \$.01. Should contributions for any calendar quarter be less than \$5, no
23 payment shall be required.

24 (b) *Rates and base of contributions.* (1) Except as provided in
25 paragraph (2) of this subsection, each contributing employer shall pay
26 contributions on wages paid by the contributing employer during each
27 calendar year with respect to employment as provided in K.S.A. 44-710a,
28 and amendments thereto. Except that, notwithstanding the federal law
29 requiring the secretary of labor to annually recalculate the contribution
30 rate, for calendar years 2010, 2011, 2012, 2013 and 2014, the secretary
31 shall charge each contributing employer in rate groups 1 through 32 the
32 contribution rate in the 2010 original tax rate computation table, with
33 contributing employers in rate groups 33 through 51 being capped at a
34 5.4% contribution rate. *For calendar year 2021, unemployment tax rates*
35 *for eligible employers shall be limited to the standard rate schedule in*
36 *K.S.A. 44-710a, and amendments thereto. Therefore, no additional*
37 *solvency adjustment shall be applied.*

38 (2) (A) If the congress of the United States either amends or repeals
39 the Wagner-Peyser act, the federal unemployment tax act, the federal
40 social security act, or subtitle C of chapter 23 of the federal internal
41 revenue code of 1986, or any act or acts supplemental to or in lieu thereof,
42 or any part or parts of any such law, or if any such law, or any part or parts
43 thereof, are held invalid with the effect that appropriations of funds by

1 congress and grants thereof to the state of Kansas for the payment of costs
2 of administration of the employment security law are no longer available
3 for such purposes; or (B) if employers in Kansas subject to the payment of
4 tax under the federal unemployment tax act are granted full credit against
5 such tax for contributions or taxes paid to the secretary of labor, then, and
6 in either such case, beginning with the year ~~in which~~ *that* the unavailability
7 of federal appropriations and grants for such purpose occurs or ~~in which~~
8 *that* such change in liability for payment of such federal tax occurs and for
9 each year thereafter, the rate of contributions of each contributing
10 employer shall be equal to the total of 0.5% and the rate of contributions as
11 determined for such contributing employer under K.S.A. 44-710a, and
12 amendments thereto. The amount of contributions ~~which~~ *that* each
13 contributing employer becomes liable to pay under this paragraph (2) over
14 the amount of contributions ~~which~~ *that* such contributing employer would
15 be otherwise liable to pay shall be credited to the employment security
16 administration fund to be disbursed and paid out under the same conditions
17 and for the same purposes as other moneys are authorized to be paid from
18 the employment security administration fund, except that, if the secretary
19 determines that as of the first day of January of any year there is an excess
20 in the employment security administration fund over the amount required
21 to be disbursed during such year, an amount equal to such excess as
22 determined by the secretary shall be transferred to the employment
23 security fund.

24 (c) *Charging of benefit payments.* (1) The secretary shall maintain a
25 separate account for each contributing employer, and shall credit the
26 contributing employer's account with all the contributions paid on the
27 contributing employer's own behalf. Nothing in the employment security
28 law shall be construed to grant any employer or individuals in such
29 employer's service prior claims or rights to the amounts paid by such
30 employer into the employment security fund either on such employer's
31 own behalf or on behalf of such individuals. Benefits paid shall be charged
32 against the accounts of each base period employer in the proportion that
33 the base period wages paid to an eligible individual by each such employer
34 bears to the total wages in the base period. Benefits shall be charged to
35 contributing employers' accounts and rated governmental employers'
36 accounts upon the basis of benefits paid during each twelve-month period
37 ending on the computation date.

38 (2) (A) Benefits paid in benefit years established by valid new claims
39 shall not be charged to the account of a contributing employer or rated
40 governmental employer who is a base period employer if the examiner
41 finds that claimant was separated from the claimant's most recent
42 employment with such employer under any of the following conditions: (i)
43 Discharged for misconduct or gross misconduct connected with the

1 individual's work; ~~or~~ (ii) leaving work voluntarily without good cause
2 attributable to the claimant's work or the employer; *or (iii) discharged*
3 *from an employer directly impacted by COVID-19 in accordance with the*
4 *families first coronavirus response act, public law 116-127.*

5 (B) Where base period wage credits of a contributing employer or
6 rated governmental employer represent part-time employment and the
7 claimant continues in that part-time employment with that employer
8 during the period for which benefits are paid, then that employer's account
9 shall not be charged with any part of the benefits paid if the employer
10 provides the secretary with information as required by rules and
11 regulations. For the purposes of this subsection (c)(2)(B), "part-time
12 employment" means any employment when an individual works less than
13 full-time because the individual's services are not required for the
14 customary, scheduled full-time hours prevailing at the work place or the
15 individual does not customarily work the regularly scheduled full-time
16 hours due to personal choice or circumstances.

17 (C) No contributing employer or rated governmental employer's
18 account shall be charged with any extended benefits paid in accordance
19 with the employment security law, except for weeks of unemployment
20 beginning after December 31, 1978, all contributing governmental
21 employers and governmental rated employers shall be charged an amount
22 equal to all extended benefits paid.

23 (D) No contributing employer, rated governmental employer or
24 reimbursing employer's account shall be charged for any additional
25 benefits paid during the period July 1, 2003 through June 30, 2004.

26 (E) No contributing employer or rated governmental employer's
27 account will be charged for benefits paid a claimant while pursuing an
28 approved training course as defined in ~~subsection (s) of~~ K.S.A. 44-703(s),
29 and amendments thereto.

30 (F) No contributing employer or rated governmental employer's
31 account shall be charged with respect to the benefits paid to any individual
32 whose base period wages include wages for services not covered by the
33 employment security law prior to January 1, 1978, to the extent that the
34 employment security fund is reimbursed for such benefits pursuant to
35 section 121 of public law 94-566 (90 Stat. 2673).

36 (G) With respect to weeks of unemployment beginning after
37 December 31, 1977, wages for insured work shall include wages paid for
38 previously uncovered services. For the purposes of this subsection (c)(2)
39 (G), the term "previously uncovered services" means services ~~which that~~
40 were not covered employment, at any time during the one-year period
41 ending December 31, 1975, except to the extent that assistance under title
42 II of the federal emergency jobs and unemployment assistance act of 1974
43 was paid on the basis of such services, and ~~which that~~:

1 (i) Are agricultural labor as defined in ~~subsection (w)~~ of K.S.A. 44-
2 703(w), and amendments thereto, or domestic service as defined in
3 ~~subsection (aa)~~ of K.S.A. 44-703(aa), and amendments thereto;

4 (ii) are services performed by an employee of this state or a political
5 subdivision thereof, as provided in ~~subsection (i)(3)(E)~~ of K.S.A. 44-
6 703(i)(3)(E), and amendments thereto; or

7 (iii) are services performed by an employee of a nonprofit educational
8 institution ~~which~~ that is not an institution of higher education.

9 (H) No contributing employer or rated governmental employer's
10 account shall be charged with respect to their pro rata share of benefit
11 charges if such charges are of \$100 or less.

12 (3) An employer's account shall not be relieved of charges relating to
13 a payment that was made erroneously if the secretary determines that:

14 (A) The erroneous payment was made because the employer, or the
15 agent of the employer, was at fault for failing to respond timely or
16 adequately to a written request from the secretary for information relating
17 to the claim for unemployment compensation; and

18 (B) the employer or agent has established a pattern of failing to
19 respond timely or adequately to requests for information.

20 (C) For purposes of this paragraph:

21 (i) "Erroneous payment" means a payment that but for the failure by
22 the employer or the employer's agent with respect to the claim for
23 unemployment compensation, would not have been made; and

24 (ii) "pattern of failure" means repeated documented failure on the part
25 of the employer or the agent of the employer to respond, taking into
26 consideration the number of instances of failure in relation to the total
27 volume of requests. An employer or employer's agent failing to respond as
28 described in (c)(3)(A) shall not be determined to have engaged in a
29 "pattern of failure" if the number of such failures during the year prior to
30 such request is fewer than two, or less than 2%, of such requests,
31 whichever is greater.

32 (D) Determinations of the secretary prohibiting the relief of charges
33 pursuant to this section shall be subject to appeal or protest as other
34 determinations of the agency with respect to the charging of employer
35 accounts.

36 (E) This paragraph shall apply to erroneous payments established on
37 and after the effective date of this act.

38 (4) The examiner shall notify any base period employer whose
39 account will be charged with benefits paid following the filing of a valid
40 new claim and a determination by the examiner based on all information
41 relating to the claim contained in the records of the division of
42 employment security. Such notice shall become final and benefits charged
43 to the base period employer's account in accordance with the claim unless

1 within 10 calendar days from the date the notice was sent, the base period
2 employer requests in writing that the examiner reconsider the
3 determination and furnishes any required information in accordance with
4 the secretary's rules and regulations. In a similar manner, a notice of an
5 additional claim followed by the first payment of benefits with respect to
6 the benefit year, filed by an individual during a benefit year after a period
7 in such year during which such individual was employed, shall be given to
8 any base period employer of the individual who has requested such a
9 notice within 10 calendar days from the date the notice of the valid new
10 claim was sent to such base period employer. For purposes of this
11 subsection (c)(3), if the required information is not submitted or
12 postmarked within a response time limit of 10 days after the base period
13 employer notice was sent, the base period employer shall be deemed to
14 have waived its standing as a party to the proceedings arising from the
15 claim and shall be barred from protesting any subsequent decisions about
16 the claim by the secretary, a referee, the board of review or any court,
17 except that the base period employer's response time limit may be waived
18 or extended by the examiner or upon appeal, if timely response was
19 impossible due to excusable neglect. The examiner shall notify the
20 employer of the reconsidered determination, which shall be subject to
21 appeal; or further reconsideration, in accordance with the provisions of
22 K.S.A. 44-709, and amendments thereto.

23 (5) *Time, computation and extension.* In computing the period of time
24 for a base period employer response or appeals under this section from the
25 examiner's or the special examiner's determination or from the referee's
26 decision, the day of the act, event or default from which the designated
27 period of time begins to run shall not be included. The last day of the
28 period shall be included unless it is a Saturday, Sunday or legal holiday, in
29 which event the period runs until the end of the next day ~~which~~ that is not
30 a Saturday, Sunday or legal holiday.

31 (d) *Pooled fund.* All contributions and payments in lieu of
32 contributions and benefit cost payments to the employment security fund
33 shall be pooled and available to pay benefits to any individual entitled
34 thereto under the employment security law, regardless of the source of
35 such contributions or payments in lieu of contributions or benefit cost
36 payments.

37 (e) *Election to become reimbursing employer; payment in lieu of*
38 *contributions.* (1) Any governmental entity, Indian tribes or tribal units,
39 (subdivisions, subsidiaries or business enterprises wholly owned by such
40 Indian tribes), for which services are performed as described in ~~subsection~~
41 ~~(i)(3)(E)~~ of K.S.A. 44-703(i)(3)(E), and amendments thereto, or any
42 nonprofit organization or group of nonprofit organizations described in
43 section 501(c)(3) of the federal internal revenue code of 1986 ~~which~~ that is

1 exempt from income tax under section 501(a) of such code, that becomes
2 subject to the employment security law may elect to become a reimbursing
3 employer under this subsection (e)(1) and agree to pay the secretary for the
4 employment security fund an amount equal to the amount of regular
5 benefits and $\frac{1}{2}$ of the extended benefits paid that are attributable to service
6 in the employ of such reimbursing employer, except that each reimbursing
7 governmental employer, Indian tribes or tribal units shall pay an amount
8 equal to the amount of regular benefits and extended benefits paid for
9 weeks of unemployment beginning after December 31, 1978, for
10 governmental employers and December 21, 2000, for Indian tribes or
11 tribal units to individuals for weeks of unemployment ~~which~~ *that* begin
12 during the effective period of such election.

13 (A) Any employer identified in this subsection (e)(1) may elect to
14 become a reimbursing employer for a period encompassing not less than
15 four complete calendar years if such employer files with the secretary a
16 written notice of such election within the 30-day period immediately
17 following January 1 of any calendar year or within the 30-day period
18 immediately following the date ~~on which~~ *when* a determination of
19 subjectivity to the employment security law is issued, whichever occurs
20 later.

21 (B) Any employer ~~which~~ *that* makes an election to become a
22 reimbursing employer in accordance with subparagraph (A) ~~of this~~
23 ~~subsection (e)(1)~~ will continue to be liable for payments in lieu of
24 contributions until such employer files with the secretary a written notice
25 terminating its election not later than 30 days prior to the beginning of the
26 calendar year for which such termination shall first be effective.

27 (C) Any employer identified in this subsection (e)(1) ~~which~~ *that* has
28 remained a contributing employer and has been paying contributions under
29 the employment security law for a period subsequent to January 1, 1972,
30 may change to a reimbursing employer by filing with the secretary not
31 later than 30 days prior to the beginning of any calendar year a written
32 notice of election to become a reimbursing employer. Such election shall
33 not be terminable by the employer for four complete calendar years.

34 (D) The secretary may for good cause extend the period within which
35 a notice of election, or a notice of termination, must be filed and may
36 permit an election to be retroactive but not any earlier than with respect to
37 benefits paid after January 1 of the year such election is received.

38 (E) The secretary, in accordance with such rules and regulations as
39 the secretary may adopt, shall notify each employer identified in
40 subsection (e)(1) of any determination ~~which~~ *that* the secretary may make
41 of its status as an employer and of the effective date of any election ~~which~~
42 *that* it makes to become a reimbursing employer and of any termination of
43 such election. Such determinations shall be subject to reconsideration,

1 appeal and review in accordance with the provisions of K.S.A. 44-710b,
2 and amendments thereto.

3 (2) *Reimbursement reports and payments.* Payments in lieu of
4 contributions shall be made in accordance with the provisions of ~~paragraph~~
5 *subparagraph (A) of this subsection (c)(2)* by all reimbursing employers
6 except the state of Kansas. Each reimbursing employer shall report total
7 wages paid during each calendar quarter by filing quarterly wage reports
8 with the secretary ~~which that~~ shall be filed by the last day of the month
9 following the close of each calendar quarter. Wage reports are deemed
10 filed as of the date they are placed in the United States mail.

11 (A) At the end of each calendar quarter, or at the end of any other
12 period as determined by the secretary, the secretary shall bill each
13 reimbursing employer, except the state of Kansas: (i) An amount to be paid
14 ~~which that~~ is equal to the full amount of regular benefits plus $\frac{1}{2}$ of the
15 amount of extended benefits paid during such quarter or other prescribed
16 period that is attributable to service in the employ of such reimbursing
17 employer; and (ii) for weeks of unemployment beginning after December
18 31, 1978, each reimbursing governmental employer and December 21,
19 2000, for Indian tribes or tribal units shall be certified an amount to be
20 paid ~~which that~~ is equal to the full amount of regular benefits and extended
21 benefits paid during such quarter or other prescribed period that is
22 attributable to service in the employ of such reimbursing governmental
23 employer.

24 (B) Payment of any bill rendered under ~~paragraph subparagraph (A)~~
25 ~~of this subsection (c)(2)~~ shall be made not later than 30 days after such bill
26 was mailed to the last known address of the reimbursing employer, or
27 otherwise was delivered to such reimbursing employer, unless there has
28 been an application for review and redetermination in accordance with
29 ~~paragraph subparagraph (D) of this subsection (c)(2)~~.

30 (C) Payments made by any reimbursing employer under the
31 provisions of this subsection (c)(2) shall not be deducted or deductible, in
32 whole or in part, from the remuneration of individuals in the employ of
33 such employer.

34 (D) The amount due specified in any bill from the secretary shall be
35 conclusive on the reimbursing employer, unless, not later than 15 days
36 after the bill was mailed to the last known address of such employer, or
37 was otherwise delivered to such employer, the reimbursing employer files
38 an application for redetermination in accordance with K.S.A. 44-710b, and
39 amendments thereto.

40 (E) Past due payments of amounts certified by the secretary under
41 this section shall be subject to the same interest, penalties and actions
42 required by K.S.A. 44-717, and amendments thereto. (1) If any nonprofit
43 organization or group of nonprofit organizations described in section

1 501(c)(3) of the federal internal revenue code of 1986 or governmental
2 reimbursing employer is delinquent in making payments of amounts
3 certified by the secretary under this section, the secretary may terminate
4 such employer's election to make payments in lieu of contributions as of
5 the beginning of the next calendar year and such termination shall be
6 effective for such next calendar year and the calendar year thereafter so
7 that the termination is effective for two complete calendar years. (2)
8 Failure of the Indian tribe or tribal unit to make required payments,
9 including assessment of interest and penalty within 90 days of receipt of
10 the bill will cause the Indian tribe to lose the option to make payments in
11 lieu of contributions as described pursuant to paragraph (e)(1) for the
12 following tax year unless payment in full is received before contribution
13 rates for the next tax year are calculated. (3) Any Indian tribe that loses the
14 option to make payments in lieu of contributions due to late payment or
15 nonpayment, as described in paragraph (2), shall have such option
16 reinstated, if after a period of one year, all contributions have been made
17 on time and no contributions, payments in lieu of contributions for benefits
18 paid, penalties or interest remain outstanding.

19 (F) Failure of the Indian tribe or any tribal unit thereof to make
20 required payments, including assessments of interest and penalties, after
21 all collection activities deemed necessary by the secretary have been
22 exhausted, will cause services performed by such tribe to not be treated as
23 employment for purposes of ~~subsection (i)(3)(E)~~ of K.S.A. 44-703(i)(3)
24 (E), and amendments thereto. If an Indian tribe fails to make payments
25 required under this section, including assessments of interest and penalties,
26 within 90 days of a final notice of delinquency, the secretary shall
27 immediately notify the United States internal revenue service and the
28 United States department of labor. The secretary may determine that any
29 Indian tribe that loses coverage pursuant to this paragraph may have
30 services performed on behalf of such tribe again deemed "employment" if
31 all contributions, payments in lieu of contributions, penalties and interest
32 have been paid.

33 (G) In the discretion of the secretary, any employer who elects to
34 become liable for payments in lieu of contributions and any nonprofit
35 organization or group of nonprofit organizations described in section 501
36 (c)(3) of the federal internal revenue code of 1986 or governmental
37 reimbursing employer or Indian tribe or tribal unit who is delinquent in
38 filing reports or in making payments of amounts certified by the secretary
39 under this section shall be required within 60 days after the effective date
40 of such election, in the case of an eligible employer so electing, or after the
41 date of notification to the delinquent employer under this subsection (e)(2)
42 (G), in the case of a delinquent employer, to execute and file with the
43 secretary a surety bond, except that the employer may elect, in lieu of a

1 surety bond, to deposit with the secretary money or securities as approved
2 by the secretary or to purchase and deliver to an escrow agent a certificate
3 of deposit to guarantee payment. The amount of the bond, deposit or
4 escrow agreement required by this subsection (e)(2)(G) shall not exceed
5 5.4% of the organization's taxable wages paid for employment by the
6 eligible employer during the four calendar quarters immediately preceding
7 the effective date of the election or the date of notification, in the case of a
8 delinquent employer. If the employer did not pay wages in each of such
9 four calendar quarters, the amount of the bond or deposit shall be as
10 determined by the secretary. Upon the failure of an employer to comply
11 with this subsection (e)(2)(G) within the time limits imposed or to
12 maintain the required bond or deposit, the secretary may terminate the
13 election of such eligible employer or delinquent employer, as the case may
14 be, to make payments in lieu of contributions, and such termination shall
15 be effective for the current and next calendar year.

16 (H) The state of Kansas shall make reimbursement payments
17 quarterly at a fiscal year rate ~~which~~ that shall be based upon: (i) The
18 available balance in the state's reimbursing account as of December 31 of
19 each calendar year; (ii) the historical unemployment experience of all
20 covered state agencies during prior years; (iii) the estimate of total covered
21 wages to be paid during the ensuing calendar year; (iv) the applicable
22 fiscal year rate of the claims processing and auditing fee under K.S.A. 75-
23 3798, and amendments thereto; and (v) actuarial and other information
24 furnished to the secretary by the secretary of administration. In accordance
25 with K.S.A. 75-3798, and amendments thereto, the claims processing and
26 auditing fees charged to state agencies shall be deducted from the amounts
27 collected for the reimbursement payments under this paragraph (H) prior
28 to making the quarterly reimbursement payments for the state of Kansas.
29 The fiscal year rate shall be expressed as a percentage of covered total
30 wages and shall be the same for all covered state agencies. The fiscal year
31 rate for each fiscal year will be certified in writing by the secretary to the
32 secretary of administration on July 15 of each year and such certified rate
33 shall become effective on the July 1 immediately following the date of
34 certification. A detailed listing of benefit charges applicable to the state's
35 reimbursing account shall be furnished quarterly by the secretary to the
36 secretary of administration and the total amount of charges deducted from
37 previous reimbursing payments made by the state. On January 1 of each
38 year, if it is determined that benefit charges exceed the amount of prior
39 reimbursing payments, an upward adjustment shall be made therefor in the
40 fiscal year rate ~~which will~~ to be certified on the ensuing July 15. If total
41 payments exceed benefit charges, all or part of the excess may be
42 refunded, at the discretion of the secretary, from the fund or retained in the
43 fund as part of the payments ~~which~~ that may be required for the next fiscal

1 year.

2 (3) *Allocation of benefit costs.* The reimbursing account of each
3 reimbursing employer shall be charged the full amount of regular benefits
4 and ½ of the amount of extended benefits paid except that each
5 reimbursing governmental employer's account shall be charged the full
6 amount of regular benefits and extended benefits paid for weeks of
7 unemployment beginning after December 31, 1978, to individuals whose
8 entire base period wage credits are from such employer. When benefits
9 received by an individual are based upon base period wage credits from
10 more than one employer then the reimbursing employer's or reimbursing
11 governmental employer's account shall be charged in the same ratio as
12 base period wage credits from such employer bear to the individual's total
13 base period wage credits. Notwithstanding any other provision of the
14 employment security law, no reimbursing employer's or reimbursing
15 governmental employer's account shall be charged for payments of
16 extended benefits ~~which~~ that are wholly reimbursed to the state by the
17 federal government. *Payments of unemployment compensation that are*
18 *wholly reimbursed to the reimbursing employer by the federal government*
19 *shall be charged for the purpose of such reimbursement under the federal*
20 *CARES act, public law 116-136.*

21 (A) *Proportionate allocation (when fewer than all reimbursing base*
22 *period employers are liable).* If benefits paid to an individual are based on
23 wages paid by one or more reimbursing employers and on wages paid by
24 one or more contributing employers or rated governmental employers, the
25 amount of benefits payable by each reimbursing employer shall be an
26 amount ~~which~~ that bears the same ratio to the total benefits paid to the
27 individual as the total base period wages paid to the individual by such
28 employer bears to the total base period wages paid to the individual by all
29 of such individual's base period employers.

30 (B) *Proportionate allocation (when all base period employers are*
31 *reimbursing employers).* If benefits paid to an individual are based on
32 wages paid by two or more reimbursing employers, the amount of benefits
33 payable by each such employer shall be an amount ~~which~~ that bears the
34 same ratio to the total benefits paid to the individual as the total base
35 period wages paid to the individual by such employer bear to the total base
36 period wages paid to the individual by all of such individual's base period
37 employers.

38 (4) *Group accounts.* Two or more reimbursing employers may file a
39 joint application to the secretary for the establishment of a group account
40 for the purpose of sharing the cost of benefits paid that are attributable to
41 service in the employment of such reimbursing employers. Each such
42 application shall identify and authorize a group representative to act as the
43 group's agent for the purposes of this subsection (e)(4). Upon approval of

1 the application, the secretary shall establish a group account for such
2 employers effective as of the beginning of the calendar quarter in which
3 the secretary receives the application and shall notify the group's
4 representative of the effective date of the account. Such account shall
5 remain in effect for not less than four years and thereafter such account
6 shall remain in effect until terminated at the discretion of the secretary or
7 upon application by the group. Upon establishment of the account, each
8 member of the group shall be liable for payments in lieu of contributions
9 with respect to each calendar quarter in the amount that bears the same
10 ratio to the total benefits paid in such quarter that are attributable to service
11 performed in the employ of all members of the group as the total wages
12 paid for service in employment by such member in such quarter bear to the
13 total wages paid during such quarter for service performed in the employ
14 of all members of the group. The secretary shall adopt such rules and
15 regulations as the secretary deems necessary with respect to applications
16 for establishment, maintenance and termination of group accounts that are
17 authorized by this subsection (e)(4), for addition of new members to, and
18 withdrawal of active members from such accounts, and for the
19 determination of the amounts that are payable under this subsection (e)(4)
20 by members of the group and the time and manner of such payments.

21 Sec. 28. K.S.A. 2019 Supp. 44-757 is hereby amended to read as
22 follows: 44-757. *Shared work unemployment compensation program.* (a)
23 As used in this section:

24 (1) "Affected unit" means a specified department, shift or other unit
25 of two or more employees that is designated by an employer to participate
26 in a shared work plan.

27 (2) "Fringe benefit" means health insurance, a retirement benefit
28 received under a pension plan, a paid vacation day, a paid holiday, sick
29 leave, and any other analogous employee benefit that is provided by an
30 employer.

31 (3) "Fund" has the meaning ascribed thereto by K.S.A. 44-703(k),
32 and amendments thereto.

33 (4) "Normal weekly hours of work" means the lesser of 40 hours or
34 the average obtained by dividing the total number of hours worked per
35 week during the preceding twelve-week period by the number 12.

36 (5) "Participating employee" means an employee who works a
37 reduced number of hours under a shared work plan.

38 (6) "Participating employer" means an employer who has a shared
39 work plan in effect.

40 (7) "Secretary" means the secretary of labor or the secretary's
41 designee.

42 (8) "Shared work benefit" means an unemployment compensation
43 benefit that is payable to an individual in an affected unit because the

1 individual works reduced hours under an approved shared work plan.

2 (9) "Shared work plan" means a program for reducing unemployment
3 under which employees who are members of an affected unit share the
4 work remaining after a reduction in their normal weekly hours of work.

5 (10) "Shared work unemployment compensation program" means a
6 program designed to reduce unemployment and stabilize the work force by
7 allowing certain employees to collect unemployment compensation
8 benefits if the employees share the work remaining after a reduction in the
9 total number of hours of work and a corresponding reduction in wages.

10 (b) The secretary shall establish a voluntary shared work
11 unemployment compensation program as provided by this section. The
12 secretary may adopt rules and regulations and establish procedures
13 necessary to administer the shared work unemployment compensation
14 program.

15 (c) An employer who wishes to participate in the shared work
16 unemployment compensation program must submit a written shared work
17 plan to the secretary for the secretary's approval. As a condition for
18 approval, a participating employer must agree to furnish the secretary with
19 reports relating to the operation of the shared work plan as requested by
20 the secretary. The employer shall monitor and evaluate the operation of the
21 established shared work plan as requested by the secretary and shall report
22 the findings to the secretary.

23 (d) The secretary may approve a shared work plan if:

24 (1) The shared work plan applies to and identifies a specific affected
25 unit;

26 (2) the employees in the affected unit are identified by name and
27 social security number;

28 (3) the shared work plan reduces the normal weekly hours of work
29 for an employee, including regular part-time employees, in the affected
30 unit by not less than 20% and not more than 40%;

31 (4) the shared work plan applies to at least 10% of the employees in
32 the affected unit;

33 (5) the shared work plan describes the manner ~~in which~~ *that* the
34 participating employer treats the fringe benefits of each employee in the
35 affected unit and the employer certifies that if the employer provides
36 health benefits and retirement benefits under a defined benefit plan, as
37 defined in 26 U.S.C. § 414(j), or contributions under a defined
38 contribution plan, as defined in 26 U.S.C. § 414(i), to any employee whose
39 workweek is reduced under the program that such benefits will continue to
40 be provided to employees participating in the shared work compensation
41 program under the same terms and conditions as though the workweek of
42 such employee had not been reduced or to the same extent as other
43 employees not participating in the shared work program;

1 (6) the employer certifies that the implementation of a shared work
2 plan and the resulting reduction in work hours is in lieu of layoffs that
3 would affect at least 10% of the employees in the affected unit and that
4 would result in an equivalent reduction in work hours;

5 (7) the employer has filed all reports required to be filed under the
6 employment security law for all past and current periods and has paid all
7 contributions, benefit cost payments, or if a reimbursing employer has
8 made all payments in lieu of contributions due for all past and current
9 periods;

10 (8) (A) a contributing employer must be eligible for a rate
11 computation under K.S.A. 44-710a(a)(2), and amendments thereto, ~~and is~~
12 ~~not a negative account employer as defined by K.S.A. 44-710a(d), and~~
13 ~~amendments thereto~~ *and the contributing employer, as determined by the*
14 *secretary, does not adversely impact the state's eligibility under section*
15 *2108 of the federal CARES act, public law 116-136; (B) a rated*
16 *governmental employer must be eligible for a rate computation under*
17 *K.S.A. 44-710d(g), and amendments thereto;*

18 (9) eligible employees may participate, as appropriate, in training,
19 including without limitation, employer-sponsored training or worker
20 training funded under the workforce investment act of 1998, to enhance
21 job skills if such program has been approved by the state of Kansas;

22 (10) the employer includes a plan for giving advance notice, where
23 feasible, to an employee whose workweek is to be reduced together with
24 an estimate of the number of layoffs that would have occurred absent the
25 ability to participate in shared work compensation and such other
26 information as the secretary of labor determines is appropriate; and

27 (11) the terms of the employer's written plan and implementation are
28 consistent with employer obligations under applicable federal and Kansas
29 laws.

30 (e) If any of the employees who participate in a shared work plan
31 under this section are covered by a collective bargaining agreement, the
32 shared work plan must be approved in writing by the collective bargaining
33 agent.

34 (f) A shared work plan may not be implemented to subsidize seasonal
35 employers during the off-season.

36 (g) The secretary shall approve or deny a shared work plan no later
37 than the 30th day after the day the shared work plan is received by the
38 secretary. The secretary shall approve or deny a shared work plan in
39 writing. If the secretary denies a shared work plan, the secretary shall
40 notify the employer of the reasons for the denial.

41 (h) A shared work plan is effective on the date it is approved by the
42 secretary, except for good cause a shared work plan may be effective at
43 any time within a period of 14 days prior to the date such plan is approved

1 by the secretary. The shared work plan expires on the last day of the 12th
2 full calendar month after the effective date of the shared work plan.

3 (i) An employer may modify a shared work plan created under this
4 section to meet changed conditions if the modification conforms to the
5 basic provisions of the shared work plan as approved by the secretary. The
6 employer must report the changes made to the shared work plan in writing
7 to the secretary before implementing the changes. If the original shared
8 work plan is substantially modified, the secretary shall reevaluate the
9 shared work plan and may approve the modified shared work plan if it
10 meets the requirements for approval under subsection (d). The approval of
11 a modified shared work plan does not affect the expiration date originally
12 set for that shared work plan. If substantial modifications cause the shared
13 work plan to fail to meet the requirements for approval, the secretary shall
14 deny approval to the modifications as provided by subsection (g).

15 (j) Notwithstanding any other provisions of the employment security
16 law, an individual is unemployed and is eligible for shared work benefits
17 in any week in which the individual, as an employee in an affected unit,
18 works for less than the individual's normal weekly hours of work in
19 accordance with an approved shared work plan in effect for that week. The
20 secretary may not deny shared work benefits for any week to an otherwise
21 eligible individual by reason of the application of any provision of the
22 employment security law that relates to availability for work, active search
23 for work or refusal to apply for or accept work with an employer other
24 than the participating employer.

25 (k) An individual is eligible to receive shared work benefits with
26 respect to any week in which the secretary finds that:

27 (1) The individual is employed as a member of an affected unit
28 subject to a shared work plan that was approved before the week in
29 question and is in effect for that week;

30 (2) the individual is able to work and is available for additional hours
31 of work or full-time work with the participating employer;

32 (3) the individual's normal weekly hours of work have been reduced
33 by at least 20% but not more than 40%, with a corresponding reduction in
34 wages; and

35 (4) the individual's normal weekly hours of work and wages have
36 been reduced as described in subsection (k)(3) for a waiting period of one
37 week ~~which~~ *that* occurs within the period the shared work plan is in effect,
38 which period includes the week for which the individual is claiming shared
39 work benefits.

40 (l) The secretary shall pay an individual who is eligible for shared
41 work benefits under this section a weekly shared work benefit amount
42 equal to the individual's regular weekly benefit amount for a period of total
43 unemployment multiplied by the nearest full percentage of reduction of the

1 individual's hours as set forth in the employer's shared work plan. If the
2 shared benefit amount is not a multiple of \$1, the secretary shall reduce the
3 amount to the next lowest multiple of \$1. All shared work benefits under
4 this section shall be payable from the fund.

5 (m) An individual may not receive shared work benefits and regular
6 unemployment compensation benefits in an amount that exceeds the
7 maximum total amount of benefits payable to that individual in a benefit
8 year as provided by K.S.A. 44-704(g), and amendments thereto.

9 (n) An individual who has received all of the shared work benefits
10 and regular unemployment compensation benefits available in a benefit
11 year is an exhaustee under K.S.A. 44-704a and 44-704b, and amendments
12 thereto, and is entitled to receive extended benefits under such statutes if
13 the individual is otherwise eligible under such statutes.

14 (o) The secretary may terminate a shared work plan for good cause if
15 the secretary determines that the shared work plan is not being executed
16 according to the terms and intent of the shared work unemployment
17 compensation program.

18 (p) Notwithstanding any other provisions of this section, an
19 individual shall not be eligible to receive shared work benefits for more
20 than 26 calendar weeks during the 12-month period of the shared work
21 plan, except that two weeks of additional benefits shall be payable to
22 claimants who exhaust regular benefits and any benefits under any other
23 federal or state extended benefits program during the period July 1, 2003
24 through June 30, 2004. No week shall be counted as a week for which an
25 individual is eligible for shared work benefits for the purposes of this
26 section unless the week occurs within the 12-month period of the shared
27 work plan.

28 (q) No shared work benefit payment shall be made under any shared
29 work plan or this section for any week ~~which~~ that commences before April
30 1, 1989.

31 (r) This section shall be construed as part of the employment security
32 law.

33 Sec. 29. K.S.A. 48-924 is hereby amended to read as follows: 48-924.

34 (a) The governor shall be responsible for meeting the dangers to the state
35 and people presented by disasters.

36 (b) (1) *Subject to the provisions of section 5, and amendments*
37 *thereto*, the governor, upon finding that a disaster has occurred or that
38 occurrence or the threat thereof is imminent, shall issue a proclamation
39 declaring a state of disaster emergency.

40 (2) In addition to or instead of the proclamation authorized by K.S.A.
41 47-611, and amendments thereto, the governor, upon a finding or when
42 notified pursuant to K.S.A. 47-611, and amendments thereto, that a
43 quarantine or other regulations are necessary to prevent the spread among

1 domestic animals of any contagious or infectious disease, may issue a
2 proclamation declaring a state of disaster emergency. In addition to or
3 instead of any actions pursuant to the provisions of K.S.A. 2-2114, and
4 amendments thereto, the governor, upon a finding or when notified
5 pursuant to K.S.A. 2-2112 et seq., and amendments thereto, that a
6 quarantine or other regulations are necessary to prevent the spread among
7 plants, raw agricultural commodities, animal feed or processed food of any
8 contagious or infectious disease, may issue a proclamation declaring a
9 state of disaster emergency.

10 (3) The state of disaster emergency so declared shall continue until
11 the governor finds that the threat or danger of disaster has passed, or the
12 disaster has been dealt with to the extent that emergency conditions no
13 longer exist. Upon making such findings the governor shall terminate the
14 state of disaster emergency by proclamation, but except as provided in
15 paragraph (4), no state of disaster emergency may continue for longer than
16 15 days unless ratified by concurrent resolution of the legislature, with the
17 single exception that upon specific application by the governor to the state
18 finance council and an affirmative vote of a majority of the legislative
19 members thereof, a state of disaster emergency may be extended once for a
20 specified period not to exceed 30 days beyond such 15-day period.

21 (4) If the state of disaster emergency is proclaimed pursuant to
22 paragraph (2), the governor shall terminate the state of disaster emergency
23 by proclamation within 15 days, unless ratified by concurrent resolution of
24 the legislature, except that when the legislature is not in session and upon
25 specific application by the governor to the state finance council and an
26 affirmative vote of a majority of the legislative members thereof, a state of
27 disaster emergency may be extended for a specified period not to exceed
28 30 days. The state finance council may authorize additional extensions of
29 the state of disaster emergency by a unanimous vote of the legislative
30 members thereof for specified periods not to exceed 30 days each. Such
31 state of disaster emergency shall be terminated on the 15th day of the next
32 regular legislative session following the initial date of the state of disaster
33 emergency unless ratified by concurrent resolution of the legislature.

34 (5) *The state of disaster emergency described in section 5, and*
35 *amendments thereto, shall terminate on May 31, 2020, as provided in*
36 *section 5, and amendments thereto, except that when the legislature is not*
37 *in session and upon specific application by the governor to the state*
38 *finance council and an affirmative vote of at least six of the legislative*
39 *members of the council, this state of disaster emergency may be extended*
40 *for specified periods not to exceed 30 days each. No such extension*
41 *granted by the state finance council shall continue past January 26, 2021.*

42 (6) At any time, the legislature by concurrent resolution may require
43 the governor to terminate a state of disaster emergency. Upon such action

1 by the legislature, the governor shall issue a proclamation terminating the
2 state of disaster emergency.

3 ~~(6)~~(7) Any proclamation declaring or terminating a state of disaster
4 emergency which is issued under this subsection shall indicate the nature
5 of the disaster, the area or areas threatened or affected by the disaster and
6 the conditions which have brought about, or which make possible the
7 termination of, the state of disaster emergency. Each such proclamation
8 shall be disseminated promptly by means calculated to bring its contents to
9 the attention of the general public and, unless the circumstances attendant
10 upon the disaster prevent the same, each such proclamation shall be filed
11 promptly with the division of emergency management, the office of the
12 secretary of state and each city clerk or county clerk, as the case may be, in
13 the area to which such proclamation applies.

14 (c) In the event of the absence of the governor from the state or the
15 existence of any constitutional disability of the governor, an officer
16 specified in K.S.A. 48-1204, and amendments thereto, in the order of
17 succession provided by that section, may issue a proclamation declaring a
18 state of disaster emergency in the manner provided in and subject to the
19 provisions of subsection (a). During a state of disaster emergency declared
20 pursuant to this subsection, such officer may exercise the powers conferred
21 upon the governor by K.S.A. 48-925, and amendments thereto. If a
22 preceding officer in the order of succession becomes able and available,
23 the authority of the officer exercising such powers shall terminate and such
24 powers shall be conferred upon the preceding officer. Upon the return of
25 the governor to the state or the removal of any constitutional disability of
26 the governor, the authority of an officer to exercise the powers conferred
27 by this section shall terminate immediately and the governor shall resume
28 the full powers of the office. Any state of disaster emergency and any
29 actions taken by an officer under this subsection shall continue and shall
30 have full force and effect as authorized by law unless modified or
31 terminated by the governor in the manner prescribed by law.

32 (d) A proclamation declaring a state of disaster emergency shall
33 activate the disaster response and recovery aspects of the state disaster
34 emergency plan and of any local and interjurisdictional disaster plans
35 applicable to the political subdivisions or areas affected by the
36 proclamation. Such proclamation shall be authority for the deployment and
37 use of any forces to which the plan or plans apply and for use or
38 distribution of any supplies, equipment, materials or facilities assembled,
39 stockpiled or arranged to be made available pursuant to this act during a
40 disaster.

41 (e) The governor, when advised pursuant to K.S.A. 74-2608, and
42 amendments thereto, that conditions indicative of drought exist, shall be
43 authorized to declare by proclamation that a state of drought exists. This

1 declaration of a state of drought can be for specific areas or communities,
2 can be statewide or for specific water sources and shall effect immediate
3 implementation of drought contingency plans contained in state approved
4 conservation plans, including those for state facilities.

5 Sec. 30. K.S.A. 2019 Supp. 48-925 is hereby amended to read as
6 follows: 48-925. (a) During any state of disaster emergency declared under
7 K.S.A. 48-924, and amendments thereto, the governor shall be
8 commander-in-chief of the organized and unorganized militia and of all
9 other forces available for emergency duty. To the greatest extent
10 practicable, the governor shall delegate or assign command authority by
11 prior arrangement, embodied in appropriate executive orders or in rules
12 and regulations of the adjutant general, but nothing herein shall restrict the
13 authority of the governor to do so by orders issued at the time of a disaster.

14 (b) Under the provisions of this act and for the implementation
15 ~~thereof of this act~~, the governor may issue orders ~~and proclamations which~~
16 ~~shall to exercise the powers conferred by subsection (c) that~~ have the force
17 and effect of law during the period of a state of disaster emergency
18 declared under ~~subsection (b) of~~ K.S.A. 48-924(b), and amendments
19 thereto, ~~and which, or as provided in section 5, and amendments thereto.~~
20 *Within 24 hours of the issuance of any such order, the governor shall call*
21 *a meeting of the state finance council for the purposes of reviewing such*
22 *order. Such orders ~~and proclamations~~ shall be null and void ~~thereafter~~*
23 *unless ratified by concurrent resolution of the legislature after the period*
24 *of a state of disaster emergency has ended. Such orders ~~and proclamations~~*
25 may be revoked at any time by concurrent resolution of the legislature.

26 (c) During a state of disaster emergency declared under K.S.A. 48-
27 924, and amendments thereto, ~~and~~ in addition to any other powers
28 conferred upon the governor by law *and subject to the provisions of*
29 *subsections (d) and (e)*, the governor may:

30 (1) Suspend the provisions of any regulatory statute prescribing the
31 procedures for conduct of state business, or the orders or rules and
32 regulations of any state agency which implements such statute, if strict
33 compliance with the provisions of such statute, order or rule and regulation
34 would prevent, hinder or delay in any way necessary action in coping with
35 the disaster;

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

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

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

1 the disaster;

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

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

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

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

13 (9) make provision for the availability and use of temporary
14 emergency housing;

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

17 (11) perform and exercise such other functions, powers and duties *in*
18 *conformity with the constitution and the bill of rights of the state of*
19 *Kansas and with the statutes of the state of Kansas, except any regulatory*
20 *statute specifically suspended under the authority of subsection (c)(1), as*
21 *are necessary to promote and secure the safety and protection of the*
22 *civilian population.*

23 (d) *The governor shall not have the power or authority to*
24 *temporarily or permanently seize, or authorize seizure of, any ammunition*
25 *or to suspend or limit the sale, dispensing or transportation of firearms or*
26 *ammunition pursuant to subsection (c)(8) or any other executive authority.*

27 (e) The governor shall exercise the powers conferred by subsection
28 (c) by issuance of orders under subsection (b). *Each order issued pursuant*
29 *to the authority granted by subsection (b) shall specify the provision or*
30 *provisions of subsection (c) by specific reference to each paragraph of*
31 *subsection (c) that confers the power under which the order was issued.*
32 The adjutant general, subject to the direction of the governor, shall
33 administer such orders.

34 (f) *The board of county commissioners of any county may issue an*
35 *order relating to public health that includes provisions that are less*
36 *stringent than the provisions of an executive order effective statewide*
37 *issued by the governor. Any board of county commissioners issuing such*
38 *an order must make a finding based upon advice from the local health*
39 *officer or other local health officials that the scope of the provisions in the*
40 *governor's executive order are not necessary to protect the public health*
41 *and safety of the county to be implemented in the county.*

42 Sec. 31. K.S.A. 48-932 is hereby amended to read as follows: 48-932.
43 (a) A state of local disaster emergency may be declared by the chairman of

1 the board of county commissioners of any county, or by the mayor or other
2 principal executive officer of each city of this state having a disaster
3 emergency plan, upon a finding by such officer that a disaster has occurred
4 or the threat thereof is imminent within such county or city. No state of
5 local disaster emergency shall be continued for a period in excess of seven
6 (7) days or renewed, except with the consent of the board of county
7 commissioners of such county or the governing body of such city, ~~as the~~
8 ~~ease may be~~. Any order or proclamation declaring, continuing or
9 terminating a local disaster emergency shall be given prompt and general
10 publicity and shall be filed ~~promptly~~ with the county clerk or city clerk, ~~as~~
11 ~~the case may be~~. *Any such declaration must be approved by the board of*
12 *county commissioners or the governing body of the city, respectively, at*
13 *the next meeting of such governing body.*

14 (b) In the event of the absence of the chairman of the board of county
15 commissioners from the county or the incapacity of such chairman, the
16 board of county commissioners, by majority action of the remaining
17 members thereof, may declare a state of local disaster emergency in the
18 manner provided in and subject to the provisions of subsection (a). In the
19 event of the absence of the mayor or other principal executive officer of a
20 city from the city or the incapacity of such mayor or officer, the governing
21 body of the city, by majority action of the remaining members thereof,
22 may declare a state of local disaster emergency in the manner provided in
23 and subject to the provisions of subsection (a). Any state of local disaster
24 emergency and any actions taken pursuant to applicable local and
25 interjurisdictional disaster emergency plans, under this subsection shall
26 continue and have full force and effect as authorized by law unless
27 modified or terminated in the manner prescribed by law.

28 (c) The declaration of a local disaster emergency shall activate the
29 response and recovery aspects of any and all local and interjurisdictional
30 disaster emergency plans which are applicable to such county or city, and
31 shall initiate the rendering of aid and assistance thereunder.

32 (d) No interjurisdictional disaster agency or any official thereof may
33 declare a local disaster emergency, unless expressly authorized by the
34 agreement pursuant to which the agency functions. However, an
35 interjurisdictional disaster agency shall provide aid and services in
36 accordance with the agreement pursuant to which it functions in the case
37 of a state of local disaster emergency declared under subsection (a).

38 Sec. 32. K.S.A. 48-939 is hereby amended to read as follows: 48-939.
39 ~~The knowing and willful violation of~~(a) *A person who violates any*
40 *provision of this act or, any rule and regulation adopted by the adjutant*
41 *general under this act or any lawful order or proclamation issued under*
42 *authority of this act whether pursuant to a proclamation declaring a state of*
43 *disaster emergency under K.S.A. 48-924, and amendments thereto, or a*

1 declaration of a state of local disaster emergency under K.S.A. 48-932,
 2 ~~shall constitute a class A misdemeanor and any person convicted of such~~
 3 ~~violation shall be punished as provided by law therefor and amendments~~
 4 *thereto, may incur a civil penalty in an amount not to exceed \$2,500 per*
 5 *violation. Each penalty may be assessed in addition to any other penalty*
 6 *provided by law.*

7 *(b) Violations of this section shall be enforced through an action*
 8 *brought under chapter 60 of the Kansas Statutes Annotated, and*
 9 *amendments thereto, by the attorney general or the county or district*
 10 *attorney in the county in which the violation took place. Civil penalties*
 11 *sued for and recovered by the county or district attorney shall be paid into*
 12 *the general fund of the county where the proceedings were instigated.*

13 *(c) The attorney general or any county or district attorney may bring*
 14 *an action to enjoin, or to obtain a restraining order, against a person who*
 15 *has violated, is violating or is otherwise likely to violate this act.*

16 Sec. 33. K.S.A. 65-201 is hereby amended to read as follows: 65-201.

17 *(a) The board of county commissioners of the several counties of this state*
 18 *each county shall act as the county-boards board of health for their*
 19 *respective-counties the county. Each county board-thus-created shall*
 20 *appoint a person licensed to practice medicine and surgery, preference*
 21 *being given to persons who have training in public health, who shall serve*
 22 *as the local health officer and who shall act in an advisory capacity to the*
 23 *county board of health-and-as the local health officer, except that. The*
 24 *appointing authority of city-county, county or multicounty health units*
 25 *with less than-one hundred thousand (100,000) 100,000 population may*
 26 *appoint a qualified local health program administrator as the local health*
 27 *officer if a person licensed to practice medicine and surgery or person*
 28 *licensed to practice dentistry is designated as a consultant to direct the*
 29 *administrator on program and related medical and professional matters.*
 30 *The local health officer or local health program administrator shall hold*
 31 *office at the pleasure of the board.*

32 *(b) Any order issued by the county health officer, including orders*
 33 *issued as a result of an executive order of the governor, must be approved*
 34 *by the board of county commissioners of the county affected by such order*
 35 *at the next meeting of the board. Any such approval of the order shall*
 36 *include an expiration date set by the board of county commissioners and*
 37 *may be revoked at an earlier date by a majority vote of the board.*

38 *(c) The board of county commissioners in any county having a*
 39 *population of less than-fifteen thousand (15,000) 15,000 may contract with*
 40 *the governing body of any hospital located in such county for the purpose*
 41 *of authorizing such governing body of the hospital to supply services to a*
 42 *county board of health.*

43 Sec. 34. K.S.A. 65-202 is hereby amended to read as follows: 65-202.

1 (a) The local health officer in each county throughout the state,
2 immediately after ~~his or her~~ *such officer's* appointment, shall take the same
3 oath of office prescribed by law for the county officers, shall give bond of
4 ~~five hundred dollars (\$500)~~ \$500 conditioned for the faithful performance
5 of ~~his or her~~ *the officer's* duties, shall keep an accurate record of all the
6 transactions of ~~his or her~~ *such* office, shall turn over to ~~his or her~~ *the*
7 successor in office or to the county or joint board of health selecting such
8 officer, on the expiration of ~~his or her~~ *such officer's* term of office, all
9 records, documents and other articles belonging to the office and shall
10 faithfully account to ~~said~~ *board of county commissioners* and to the county
11 and state for all moneys coming into ~~his or her hands by virtue of~~ the
12 office. Such officer shall notify the secretary of health and environment of
13 ~~his or her~~ *such officer's* appointment and qualification, ~~as herein provided~~
14 ~~for,~~ and provide the secretary with ~~his or her post-office address~~ *such*
15 *officer's contact information.*

16 Such officer shall receive and distribute without delay in the county ~~for~~
17 ~~which he or she is appointed~~ all forms from the secretary of health and
18 environment to the rightful persons, all returns from persons licensed to
19 practice medicine and surgery, assessors and local boards to said secretary,
20 shall keep an accurate record of all of the transactions of ~~his or her~~ *such*
21 office and shall turn over all records and documents kept by such officer,
22 ~~as herein provided, and all other articles belonging to the office to his or~~
23 ~~her~~ *the* successor in office, or to the county or joint board electing such
24 officer, on the expiration of ~~his or her~~ *the* term of office.

25 ~~Such~~ *The local health* officer shall upon the opening of the fall term of
26 school, ~~make or have made~~ a sanitary inspection of each school building
27 and grounds, and shall ~~make or have made~~ such additional inspections
28 ~~thereof~~ as are necessary to protect the public health of the students of the
29 school.

30 (c) (1) Such officer shall ~~make or have made~~ an investigation of each
31 case of smallpox, diphtheria, typhoid fever, scarlet fever, acute anterior
32 poliomyelitis (infantile paralysis), epidemic cerebro-spinal meningitis and
33 such other acute infectious, contagious or communicable diseases as may
34 be required, and shall use all known measures to prevent the spread of any
35 such infectious, contagious or communicable disease, and shall perform
36 such other duties as this act, ~~his or her~~ *the* county or joint board, *board of*
37 *health* or the secretary of health and environment may require.

38 (2) *Any order issued by the county health officer, including orders*
39 *issued as a result of an executive order of the governor, on behalf of a*
40 *county regarding the remediation of any infectious disease must be*
41 *approved by the board of county commissioners of any county affected by*
42 *such order in the manner provided by K.S.A. 65-201(b), and amendments*
43 *thereto.*

1 Such officer shall receive ~~for his or her services such reasonable~~
2 compensation as ~~his or her set by the board may allow~~ and with the
3 approval of ~~his or her~~ the board of health may employ a skilled
4 professional nurse and other additional personnel whenever deemed
5 necessary for the protection of the public health.

6 ~~All of said several sums allowed shall be paid out of the county~~
7 ~~treasury. For~~ Any failure or neglect of ~~said~~ the local health officer to
8 perform any of the duties prescribed in this act, ~~he or she~~ the officer may
9 be removed from office by the ~~secretary of health and environment, as~~
10 ~~well as in the manner prescribed by the preceding section~~ county board of
11 health. In addition to removal from office ~~as provided herein~~, for any
12 failure or neglect to perform any of the duties prescribed by this act, ~~said~~
13 the local health officer shall be deemed guilty of a misdemeanor and, upon
14 conviction, be fined not less ~~than ten dollars (\$10)~~ \$10 nor more than ~~one~~
15 ~~hundred dollars (\$100)~~ \$100 for each and every offense.

16 Sec. 35. K.S.A. 65-468 is hereby amended to read as follows: 65-468.
17 As used in K.S.A. 65-468 ~~to through 65-474, inclusive~~, and amendments
18 thereto:

19 (a) ~~"Health care~~ Healthcare provider" means any person licensed or
20 otherwise authorized by law to provide health care services in this state or
21 a professional corporation organized pursuant to the professional
22 corporation law of Kansas by persons who are authorized by law to form
23 such corporation and who are health care providers as defined by this
24 subsection, or an officer, employee or agent thereof, acting in the course
25 and scope of employment or agency.

26 (b) "Member" means any hospital, emergency medical service, local
27 health department, home health agency, adult care home, medical clinic,
28 mental health center or clinic or nonemergency transportation system.

29 (c) "Mid-level practitioner" means a physician assistant or advanced
30 practice registered nurse who has entered into a written protocol with a
31 rural health network physician.

32 (d) "Physician" means a person licensed to practice medicine and
33 surgery.

34 (e) "Rural health network" means an alliance of members, including
35 at least one critical access hospital and at least one other hospital ~~which,~~
36 *that* has developed a comprehensive plan submitted to and approved by the
37 secretary of health and environment regarding: Patient referral and
38 transfer; the provision of emergency and nonemergency transportation
39 among members; the development of a network-wide emergency services
40 plan; and the development of a plan for sharing patient information and
41 services between hospital members concerning medical staff credentialing,
42 risk management, quality assurance and peer review.

43 (f) (1) "Critical access hospital" means a member of a rural health

1 network ~~which that~~: Makes available ~~twenty-four hour~~ 24-hour emergency
2 care services; provides not more than 25 acute care inpatient beds or in the
3 case of a facility with an approved swing-bed agreement a combined total
4 of extended care and acute care beds that does not exceed 25 beds;
5 provides acute inpatient care for a period that does not exceed, on an
6 annual average basis, 96 hours per patient; and provides nursing services
7 under the direction of a licensed professional nurse and continuous
8 licensed professional nursing services for not less than 24 hours of every
9 day when any bed is occupied or the facility is open to provide services for
10 patients unless an exemption is granted by the licensing agency pursuant to
11 rules and regulations. The critical access hospital may provide any services
12 otherwise required to be provided by a full-time, on-site dietician,
13 pharmacist, laboratory technician, medical technologist and radiological
14 technologist on a part-time, off-site basis under written agreements or
15 arrangements with one or more providers or suppliers recognized under
16 medicare. The critical access hospital may provide inpatient services by a
17 physician assistant, advanced practice registered nurse or a clinical nurse
18 specialist subject to the oversight of a physician who need not be present
19 in the facility. In addition to the facility's 25 acute beds or swing beds, or
20 both, the critical access hospital may have a psychiatric unit or a
21 rehabilitation unit, or both. Each unit shall not exceed 10 beds and neither
22 unit ~~will~~ shall count toward the 25-bed limit, ~~nor will these units~~ or be
23 subject to the average 96-hour length of stay restriction.

24 (2) *Notwithstanding the provisions of paragraph (1), prior to June*
25 *30, 2021, to the extent that a critical access hospital determines it is*
26 *necessary to treat COVID-19 patients or to separate COVID-19 patients*
27 *and non-COVID-19 patients, such critical access hospital shall not be*
28 *limited to 25 beds or, in the case of a facility with an approved swing bed*
29 *agreement, to a combined total of 25 extended care and acute care beds,*
30 *and shall not be limited to providing acute inpatient care for a period of*
31 *time that does not exceed, on an annual average basis, 96 hours per*
32 *patient.*

33 (g) "Hospital" means a hospital other than a critical access hospital
34 ~~which that~~ has entered into a written agreement with at least one critical
35 access hospital to form a rural health network and to provide medical or
36 administrative supporting services within the limit of the hospital's
37 capabilities.

38 New Sec. 36. The provisions of this act are severable. If any portion
39 of the act is declared unconstitutional or invalid, or the application of any
40 portion of the act to any person or circumstance is held unconstitutional or
41 invalid, the invalidity shall not affect other portions of the act that can be
42 given effect without the invalid portion or application, and the
43 applicability of such other portions of the act to any person or

1 circumstance shall remain valid and enforceable.

2 Sec. 37. Section 1 of 2020 House Substitute for Senate Bill No. 102,
3 K.S.A. 48-924, 48-932, 48-939, 65-201, 65-202 and 65-468 and K.S.A.
4 2019 Supp. 19-101a, 41-2653, 44-702, 44-705, as amended by section 2
5 of 2020 Senate Bill No. 27, 44-709, 44-710, 44-757 and 48-925 are hereby
6 repealed.

7 Sec. 38. This act shall take effect and be in force from and after its
8 publication in the Kansas register.