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Executive Orders

State of Kansas

Office of the Governor

Executive Order No. 20-03
Extending states of local disaster emergency relating to COVID-19

WHEREAS, securing the health, safety, and economic well-being of citizens of the State of Kansas is this Administration’s top priority;

WHEREAS, pursuant to K.S.A. 48-932 cities and counties across the State of Kansas have declared a state of local disaster emergency related to the COVID-19 health emergency, but such declarations may generally only be extended by local governing bodies in 7-day increments, requiring a weekly vote in each local jurisdiction;

WHEREAS, the United States Departments of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with over 4,000 cases of the illness and over 60 deaths as a result of the illness across the United States;

WHEREAS, the World Health Organization declared a global pandemic on March 11, 2020;

WHEREAS, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020;

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207 (the “Stafford Act”);

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared a national emergency that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020;

WHEREAS, this Administration will do whatever it can to assist Kansans in these challenging times; and

WHEREAS, further action is necessary to protect the health and safety of the residents of Kansas, slow the spread of the COVID-19 outbreak, reduce the number of people infected, and avoid strain on our health care system.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, including the authority granted me by K.S.A 48-924 and K.S.A 48-925, I hereby direct and order the following:

1. Effective at 12:01 p.m. on Tuesday, March 17, 2020, all public or private mass gatherings, as defined below, are prohibited in the State of Kansas.
   a. The phrase “mass gathering” as used in this order means any planned or spontaneous, public or private event or convening that will bring together or is likely to bring together 50 or more people in a confined or enclosed space at the same time.
   b. This prohibition includes, but is not limited to, mass gatherings at: auditoriums, theaters, movie theaters, museums, stadiums, arenas, conference rooms, meeting halls, exhibition centers, taverns, health and fitness centers, recreation centers, and licensed pools.

2. The following activities or facilities are exempt from the prohibitions of this order:
   a. Meetings or proceedings of the Kansas Senate or Kansas House of Representatives and legislative committees;
   b. Operations of the United States Government;
   c. Religious gatherings, as long as attendees can engage in appropriate social distancing;
   d. Funeral or memorial services or ceremonies;
   e. Airports;
   f. Public, private, or charter schools for instructional purposes, for non-instructional purposes, for non-instructional purpos-


Laura Kelly
Governor

Doc. No. 047995

State of Kansas

Office of the Governor

Executive Order No. 20-04
Temporarily prohibiting mass gatherings to limit the spread of COVID-19

WHEREAS, securing the health, safety, and economic well-being of residents and visitors in the State of Kansas is this Administration’s top priority;

WHEREAS, the United States Departments of Health and Human Services declared a public health emergen-

Vol. 39, No. 12A, March 19, 2020 © Kansas Secretary of State 2020
WHEREAS, the United States Departments of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with over 4,000 cases of the illness and over 60 deaths as a result of the illness across the United States;

WHEREAS, the World Health Organization declared a global pandemic on March 11, 2020;

WHEREAS, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020;

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207 (the “Stafford Act”);

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National

This document shall be filed with the Secretary of State as Executive Order No. 20-04. It shall become effective immediately and remain in force until rescinded, until May 1, 2020, or until the statewide State of Disaster Emergency proclaimed on March 12, 2020, relating to COVID-19 expires, whichever is earlier.


Laura Kelly
Governor
Executive Orders

Kansas Register


WHEREAS, on March 16, 2020, the Kansas Corporation Commission invoked its emergency authority under K.S.A. 77-536 to suspend all disconnects by utilities under the Commission’s authority; and

WHEREAS, this Administration will do whatever it can to assist Kansans in these challenging times, and that includes allowing Kansans to retain the use of utilities to avoid immediate danger to their health, safety, and welfare.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, including the authority granted me by K.S.A. 48-924 and K.S.A. 48-925, in order to mitigate the economic effects of the spread of COVID-19 I hereby direct and order all financial institutions operating in Kansas to temporarily suspend the practice of disconnecting service to Kansas citizens for non-payment. This directive covers all electrical, natural gas, water, and telecommunications utilities as well as internet service providers who provide services to Kansas citizens.

This document shall be filed with the Secretary of State as Executive Order No. 20-05. It shall become effective on March 17, 2020, at 12:01 p.m. and remain in force until rescinded, until May 1, 2020, or until the statewide State of Disaster Emergency proclaimed on March 12, 2020, relating to COVID-19 expires, whichever is earlier.


Laura Kelly
Governor

Doc. No. 047997

State of Kansas

Office of the Governor

Executive Order No. 20-06
Temporarily prohibiting evictions and foreclosures

WHEREAS, securing the health, safety, and economic well-being of residents of the State of Kansas is this Administration’s top priority;

WHEREAS, Kansas is facing a crisis—the pandemic and public health emergency of COVID-19—with effects of illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens;

WHEREAS, the United States Departments of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with over 4,000 cases of the illness and over 60 deaths as a result of the illness across the United States;

WHEREAS, the World Health Organization declared a global pandemic on March 11, 2020;

WHEREAS, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020;

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207 (the “Stafford Act”);

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared a national emergency that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020;

WHEREAS, the adverse economic impacts of COVID-19 include the potential for Kansans to miss mortgage or rent payments as a result of lost wages and now is not the time for creditors or landlords to initiate foreclosure or eviction proceedings; and

WHEREAS, this Administration will do whatever it can to assist Kansans in these challenging times, and that includes allowing Kansans to retain their homes and businesses to avoid immediate danger to their health, safety, and welfare.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, including the authority granted me by K.S.A. 48-924 and K.S.A. 48-925, in order to mitigate the economic effects of the spread of COVID-19 I hereby direct and order all financial institutions operating in Kansas to temporarily suspend the initiation of any mortgage foreclosure efforts or judicial proceedings and any commercial or residential eviction efforts or judicial proceedings until May 1, 2020.

This document shall be filed with the Secretary of State as Executive Order No. 20-06. It shall become effective March 17, 2020, at 12:01 p.m. and remain in force until rescinded, until May 1, 2020, or until the statewide State of Disaster Emergency proclaimed on March 12, 2020, relating to COVID-19 expires, whichever is earlier.


Laura Kelly
Governor

Doc. No. 047998

State of Kansas

Office of the Governor

Executive Order No. 20-07
Temporarily closing K-12 schools to slow the spread of COVID-19

WHEREAS, securing the health, safety, and economic well-being of residents of the State of Kansas is this Administration’s top priority;

WHEREAS, Kansas is facing a crisis—the pandemic and public health emergency of COVID-19—resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens;
WHEREAS, the United States Departments of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with more than 4,000 cases of the illness and more than 60 deaths as a result of the illness across the United States;

WHEREAS, the World Health Organization declared a pandemic on March 11, 2020;

WHEREAS, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020;

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207 (the “Stafford Act”);

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020;

WHEREAS, Kansas’ K-12 schools are the backbone of our communities, but they are also opportunities to significantly further the spread of COVID-19;

WHEREAS, many schools have already temporarily closed, either voluntarily or as a result of local health department orders or state-level recommendations;

WHEREAS, the status of the COVID-19 outbreak now requires a statewide approach to K-12 schools that gives students, parents, teachers, staff, and administrators some certainty and the opportunity to develop and implement alternative instructional programs and methods;

WHEREAS, I have consulted with the Commissioner of Education and the State Department of Education, and received the input of the Kansas State Board of Education, the Kansas National Education Association, the Kansas School Superintendents’ Association, the United School Administrators of Kansas, and the Kansas Association of School Boards as to the actions required and appropriate in these unprecedented circumstances to ensure the safety of our communities, our students, and the professionals who work with them;

WHEREAS, the Commissioner of Education and other leaders of our schools are working to implement continuous learning measures or programs to assist in the academic and educational development of our students; and

WHEREAS, this Administration will do whatever it can to assist Kansans in these challenging times, especially through protecting our children, families, and educators.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, including the authority granted me by K.S.A. 48-924 and K.S.A. 48-925, in order to mitigate the effects of the spread of COVID-19 I hereby direct and order the following:

1. All K-12 school buildings or facilities—whether public or private—used for student instruction are to close and cease in-person instruction until May 29, 2020, except as allowed below.

2. Any school building or facility operating with a total of fewer than 10 students, instructors, or staff may continue normal operations so long as they comply with all directives regarding social distancing, hygiene, and other methods to slow the spread of COVID-19.

3. The Commissioner of Education and the State Department of Education will formulate guidance for school districts to create and implement continuous learning plans as well as implement in-person instruction protocols and methods for small groups of students on subjects not reasonably susceptible to continuous learning. Adhering to this guidance and in consultation with local health departments, K-12 schools may conduct appropriate, limited in-person instruction in small groups of students so long as they comply with all directives regarding social distancing, hygiene, and other methods to slow the spread of COVID-19.

4. All schools should work with their local governments and county health departments to determine appropriate meal provision, childcare, or other community uses of school facilities or resources while complying with all directives regarding social distancing, hygiene, and other methods of slowing the spread of COVID-19.

5. The Commissioner of Education is empowered to grant waivers to the terms of this order but only as needed to comply with federal law or to ensure eligibility for federal funds.

6. This order supersedes any contrary or less restrictive order by any local health department regarding the operation of schools and should be read in conjunction with EO 20-04 (“Temporarily prohibiting mass gatherings to limit the spread of COVID-19”). Any contrary or less restrictive language in EO 20-04 is superseded by this order.

This document shall be filed with the Secretary of State as Executive Order No. 20-07. It shall become effective immediately and remain in force until rescinded or until the statewide State of Disaster Emergency proclaimed on March 12, 2020, relating to COVID-19 expires, whichever is earlier.


Laura Kelly
Governor

Doc. No. 047999

State of Kansas

Secretary of State

Certification of New State Laws

I, Scott Schwab, Secretary of State of the State of Kansas, do hereby certify that each of the following bills is a correct copy of the original enrolled bill now on file in my office.

Scott Schwab
Secretary of State
(Published in the Kansas Register March 19, 2020.)

House Substitute for SENATE BILL No. 27

AN ACT concerning employment security law; relating to the maximum benefit eligibility period; for the pre-payment waiting period; amending K.S.A. 2019 Supp. 44-704 and 44-705 and repealing the existing sections.

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

Section 1. K.S.A. 2019 Supp. 44-704 is hereby amended to read as follows: 44-704. (a) Payment of benefits. All benefits provided herein shall be payable from the fund. All benefits shall be paid through the secretary of labor, in accordance with such rules and regulations as the secretary may adopt. Benefits based on service in employment defined in K.S.A. 44-703(i)(3)(E) and (i)(3)(F), and amendments thereto, shall be payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this act except as provided in K.S.A. 44-705(e) and K.S.A. 44-711(e)(2), and amendments thereto.

(b) Determined weekly benefit amount. An individual’s determined maximum weekly benefit amount shall be an amount equal to 4.25% of the individual’s total wages for insured work paid during that calendar quarter of the individual’s base period in which such total wages were highest, subject to the following limitations:

(1) If an individual’s determined weekly benefit amount is less than the minimum weekly benefit amount, it shall be raised to such minimum weekly benefit amount;
(2) if the individual’s determined weekly benefit amount is more than the maximum weekly benefit amount, it shall be reduced to the maximum weekly benefit amount; and
(3) if the individual’s determined weekly benefit amount is not a multiple of $1, it shall be reduced to the next lower multiple of $1.

(c) Maximum weekly benefit amount. (1) For initial claims effective prior to July 1, 2015, the maximum weekly benefit amount shall be determined as follows: On July 1 of each year, the secretary shall determine the maximum weekly benefit amount by computing 60% of the average weekly wages paid to employees in insured work during the previous calendar year and shall, prior to that date, announce the maximum weekly benefit amount so determined, by publication in the Kansas register. Such computation shall be made by dividing the gross wages reported as paid for insured work during the previous calendar year by the product of the average of mid-month employment during such calendar year multiplied by 52. The maximum weekly benefit amount so determined and announced for the twelve-month period shall apply only to those claims filed in that period qualifying for maximum payment under the foregoing formula. All claims qualifying for payment based on the maximum weekly benefit amount shall apply through the benefit year.

(2) If the individual’s determined weekly benefit amount is not a multiple of $1, then the computed maximum weekly benefit amount shall be reduced to the next lower multiple of $1.

(d) Minimum weekly benefit amount. The minimum weekly benefit amount payable to any individual shall be 25% of the maximum weekly benefit amount effective as of the beginning of the individual’s benefit year. If the minimum benefit amount is not a multiple of $1 it shall be reduced to the next lower multiple of $1. The minimum weekly benefit amount shall apply through the benefit year, notwithstanding a change in the minimum weekly benefit amount.

(e) All claims qualifying for payment at the maximum weekly benefit amount shall be paid at the maximum weekly benefit amount in effect during the benefit year to which the claim relates, subject to the following circumstances shall be construed as wages:

(A) Vacation or holiday pay that was attributable to a week that the individual claimed benefits;
(B) severance pay, if paid as scheduled, and all other employment benefits within the employer’s control, as defined in subsection (f)(3), if continued as though the severance had not occurred, except as set out in subsection (f)(2)(C).
(C) Benefits based on service in employment defined in K.S.A. 44-703(h), and amendments thereto.

(2) For the purposes of this section, remuneration received under the following circumstances shall not be construed as wages:

(A) Remuneration received for services performed on a public assistance work project;
(B) severance pay, in lieu of notice, under the provisions of public law 100-379, the federal worker adjustment and retraining notification act, 29 U.S.C. §§ 2101 through 2109;
(C) moneys received as federal social security payments.

(3) For the purposes of this section subsec. (b) (employment benefits within the employer’s control) means benefits offered by the employer to employees which are employee benefit plans as defined by section 3 of the federal employee retirement income security act of 1974, as amended, 29 U.S.C. § 1002, and which that the employer has the option to continue to provide to the employee after the last day that the employee worked for that employer.

(4) For the purposes of this section, wages shall be computed as follows:

(a) Wages for incurred work for benefit purposes with respect to any benefit year only if such benefit year begins subsequent to the date on which the employing unit by whom such wages were paid has satisfied the conditions of K.S.A. 44-703(h), and amendments thereto, with respect to becoming an employer.

(b) notwithstanding any other provisions of this section to the contrary, any benefit otherwise payable for any week shall be reduced by the amount of any separation, termination, severance or other similar payment paid to an individual at the time of or after the claimant’s separation from employment during the benefit year.

(5) If any payment pursuant to this subsection is paid with respect to a month, then the amount deemed to be received with respect to any week during such month shall be computed by multiplying such monthly amount by 12 and dividing the product by 52. If there is no designation of the period with respect to which payments to an individual are made under this section, then the amount deemed to be received with respect to any individual’s normal weekly wage shall be attributed to and deemed paid with respect to the first and each succeeding week following payment of the separation pay to the individual until such amount so paid is exhausted.

(2) If benefits for any week, when reduced as provided in this sub-
subsection, result in an amount that is not a multiple of one dollar $1, such benefits shall be rounded to the next lower multiple of one dollar $1.

(3) Notwithstanding the reemployment provisions of K.S.A. 44-705(e), any amendments, any provisions under which only whose benefit amount is completely reduced under this subsection for 52 or more weeks shall, upon exhaustion of the separation pay, be entitled to a new benefit year based upon entitlement from the base period of the claim that was reduced.

(j) Except as provided in subsection (k), for weeks commencing on and after January 1, 2014, if at the beginning of the benefit year, the three-month seasonally adjusted average unemployment rate for the state of Kansas is: (1) Less than 4.5%, a claimant shall be eligible for a maximum of 16 weeks of benefits; (2) at least 4.5% but less than 6%, a claimant shall be eligible for a maximum of 20 weeks of benefits; or (3) at least 6%, a claimant shall be eligible for a maximum of 26 weeks of benefits.

(k) On and after the effective date of this act, a claimant shall be eligible for a maximum of 26 weeks of benefits. A claimant who files a new claim on or after January 1, 2020, and before the effective date of this act shall be eligible for a maximum of 26 weeks of benefits including the number of weeks of benefits received after January 1, 2020, and before the effective date of this act. This subsection shall not apply to initial claims effective on and after April 1, 2021.

Sec. 2. K.S.A. 2019 Supp. 44-705 is hereby amended to read as follows: 44-705. Except as provided by K.S.A. 44-737, and amendments thereto, an unemployed individual shall be eligible to receive benefits with respect to any week only if the secretary, or a person or persons designated by the secretary, finds that:

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

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

(c) The claimant is able to perform the duties of such claimant’s customary occupation or the duties of other occupations for which that the claimant is reasonably fitted by training or experience, and is available for work, as demonstrated by the claimant’s pursuit of the full course of action most reasonably calculated to result in the claimant’s reemployment except that, notwithstanding any other provisions of this section, an unemployed claimant otherwise eligible for benefits shall not become ineligible for benefits: (1) Because of the claimant’s enrollment in and satisfactory pursuit of approved training, including training approved under section 236(a)(1) of the trade act of 1974; or (2) solely because such individual is seeking only part-time or temporary work, if the individual is available for a number of hours per week that are comparable to the individual’s part-time work experience in the base period.

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

(1) Except as provided further, the claimant has been unemployed for a waiting period of one week or the claimant is unemployed and has satisfied the requirement for a waiting period of one week under the shared work unemployment compensation program as provided in subsection (b)(1) of K.S.A. 44-757(k)(4), and amendments thereto, which and that period of one week, in either case, occurs within the benefit year; and

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

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

Sec. 3. K.S.A. 2019 Supp. 44-704 and 44-705 are hereby repealed. Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register March 19, 2020.)

House Substitute for SENATE BILL No. 102

AN ACT concerning courts; relating to extension or suspension of deadlines or time limitations to secure the health and safety of court users, staff and judicial officers; amending K.S.A. 2019 Supp. 22-3402 and 60-206 and repealing the existing sections.

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

New Section 1. (a) Notwithstanding any other provisions of law, during any state of disaster emergency pursuant to K.S.A. 48-924, and amendments thereto, the chief justice of the Kansas supreme court may issue an order to extend or suspend any deadlines or time limitations established by statute when the chief justice determines such action is necessary to secure the health and safety of court users, staff and judicial officers.

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

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

(d) The provisions of this section shall expire on March 31, 2021.
Sec. 2. K.S.A. 2019 Supp. 22-3402 is hereby amended to read as follows: 22-3402. (a) If any person charged with a crime and held in jail solely by reason thereof shall not be brought to trial within 150 days after such person’s arraignment on the charge, such person shall be entitled to be discharged from further liability to be tried for the crime charged, unless the delay shall happen as a result of the application or fault of the defendant or a continuance shall be ordered by the court under subsection (e).

(b) If any person charged with a crime and held to answer on an appearance bond shall not be brought to trial within 180 days after arraignment on the charge, such person shall be entitled to be discharged from further liability to be tried for the crime charged, unless the delay shall happen as a result of the application or fault of the defendant, or a continuance shall be ordered by the court under subsection (e).

(c) If any trial scheduled within the time limitation prescribed by subsection (a) or (b) is delayed by the application of or at the request of the defendant, the trial shall be rescheduled within 90 days of the original trial deadline.

(d) After any trial date has been set within the time limitation prescribed by subsection (a), (b) or (c), if the defendant fails to appear for the trial or any pretrial hearing, and a bench warrant is ordered, the trial shall be rescheduled within 90 days after the defendant has appeared in court after apprehension or surrender on such warrant. However, if the defendant was subject to the 180-day deadline prescribed by subsection (b) and more than 90 days of the original time limitation remain, then the original time limitation remains in effect.

(e) For those situations not otherwise covered by subsection (a), (b) or (c), the time for trial may be extended for any of the following reasons:

(1) The defendant is incompetent to stand trial. If the defendant is subsequently found to be competent to stand trial, the trial shall be scheduled as soon as practicable and in any event within 90 days of such finding;

(2) a proceeding to determine the defendant’s competency to stand trial is pending. If the defendant is subsequently found to be competent to stand trial, the trial shall be scheduled as soon as practicable and in any event within 90 days of such finding. However, if the defendant was subject to the 180-day deadline prescribed by subsection (b) and more than 90 days of the original time limitation remain, then the original time limitation remains in effect. The time that a decision is pending on competency shall never be counted against the state;

(3) there is material evidence which is unavailable; that reasonable efforts have been made to procure such evidence; and that there are reasonable grounds to believe that such evidence can be obtained and trial commenced within the next succeeding 90 days. Not more than one continuance may be granted the state on this ground, unless for good cause shown, where the original continuance was for less than 90 days, and the trial is commenced within 120 days from the original trial date;

(4) because of other cases pending for trial, the court does not have sufficient time to commence the trial of the case within the time fixed for trial by this section. Not more than one continuance of not more than 30 days may be ordered upon this ground.

(f) In the event a mistrial is declared, a motion for new trial is granted or a conviction is reversed on appeal to the supreme court or court of appeals, the time limitations provided for herein shall commence to run from the date the mistrial is declared, the date a new trial is ordered or the date the mandate of the supreme court or court of appeals is filed in the district court.

(g) If a defendant, or defendant’s attorney in consultation with the defendant, requests a delay and such delay is granted, the delay shall be charged to the defendant regardless of the reasons for making the request, unless there is prosecutorial misconduct related to such delay. If a delay is initially attributed to the defendant, but is subsequently charged to the state for any reason, such delay shall not be considered against the state under subsections (a), (b) or (c) and shall not be used as a ground for dismissing a case or for reversing a conviction unless not considering such delay would result in a violation of the constitutional right to a speedy trial or there is prosecutorial misconduct related to such delay.

(h) When a scheduled trial is scheduled within the period allowed by subsections (a), (b) or (c) and is delayed because a party has made or filed a motion, or because the court raises a concern on its own, the time elapsing from the date of the making or filing of the motion, or the date of raising a concern, until the matter is resolved by court order shall not be considered when determining if a violation under subsections (a), (b) or (c) has occurred. If the resolution of such motion or concern by court order occurs at a time when less than 30 days remains under the provisions of subsections (a), (b) or (c), the time in which the defendant is entitled to be discharged from further liability to be tried for the crime charged, unless the delay shall happen as a result of the application or fault of the defendant or a continuance shall be ordered by the court under subsection (e).

(i) If the state requests and is granted a delay for any reason provided in this statute, the time elapsing because of the order granting the delay shall not be subsequently counted against the state if an appellate court later determines that the district court erred by granting the state’s request unless not considering such delay would result in a violation of the constitutional right to a speedy trial or there is prosecutorial misconduct related to such delay.

(j) The chief justice of the Kansas supreme court may issue an order to extend or suspend any deadlines or time limitations established in this section pursuant to section 1, and amendments thereto. When an order issued pursuant to section 1, and amendments thereto, is terminated, any trial scheduled to occur during the time such order was in effect shall be placed back on the court schedule within 150 days of expiration of the order.

Sec. 3. K.S.A. 2019 Supp. 60-206 is hereby amended to read as follows: 60-206. (a) Computing time. The following provisions apply in computing any time period specified in this chapter, in any local rule or court order or in any statute or administrative rule or regulation that does not specify a method of computing time.

(1) Period stated in days or a longer unit. When the period is stated in days or a longer unit of time:

(A) Exclude the day of the event that triggers the period;

(B) count every day, including intermediate Sundays, Saturdays and legal holidays;

(C) include the last day of the period, but if the last day is a Saturday, Sunday or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday or legal holiday.

(2) Period stated in hours. When the period is stated in hours:

(A) Begin counting immediately on the occurrence of the event that triggers the period;

(B) count every hour, including hours during intermediate Saturdays, Sundays and legal holidays; and

(C) if the period would end on a Saturday, Sunday or legal holiday, the period continues to run until the same time on the next day that is not a Saturday, Sunday or legal holiday.

(3) Inaccessibility of the clerk’s office. Unless the court orders otherwise, if the clerk’s office is inaccessible:

(A) On the last day for filing under subsection (a)(1), then the time for filing is extended to the first accessible day that is not a Saturday, Sunday or legal holiday;

(B) during the last hour for filing under subsection (a)(2), then the time for filing is extended to the same time on the first accessible day that is not a Saturday, Sunday or legal holiday.

(4) “Last day” defined. Unless a different time is set by a statute, local rule or court order, the last day ends:

(A) For electronic or telefacsimile filing, at midnight in the court’s time zone; and

(B) for filing by other means, when the clerk’s office is scheduled to close.

(5) “Next day” defined. The “next day” is determined by continuing to count forward when the period is measured after an event and backward when measured before an event.

(6) “Legal holiday” defined. “Legal holiday” means any day declared a holiday by the president of the United States, the congress of the United States or the legislature of this state, or any day observed as a holiday by order of the Kansas supreme court. A half holiday is considered as two days and not as a half day.

(b) Extending time. (1) In general. When an act may or must be done within a specified time, the court may, for good cause, extend the time:

(A) With or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or

(B) on motion made after the time has expired if the party failed to act because of excusable neglect.

(2) Exceptions. A court must not extend the time to act under K.S.A. 60-250(b), 60-252(b), 60-295(b), (e) and (f) and K.S.A. 60-260(b), and amendments thereto.

(c) Motions, notices of hearing and affidavits or declarations. (1) In general. A written motion and notice of the hearing must be served at least seven days before the time specified for the hearing with the following exceptions:

(A) When the motion may be heard ex parte;
Any affidavit or declaration and regulations can also be found at http://www.sos.ks.gov/adminreg.The chief justice of the Kansas supreme court may issue an order to extend or suspend computation rules or time limitations established in this section pursuant to section 1, and amendments thereto.

Sec. 4. K.S.A. 2019 Supp. 22-3402 and 60-206 are hereby repealed.

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

(Published in the Kansas Register March 19, 2020.)

House Substitute for SENATE BILL No. 142

An Act concerning education; relating to the duration of the school term; authorizing the grant of a waiver from school term requirements; amending K.S.A. 72-3117 and repealing the existing section.

WHEREAS, It is the intent of the legislature that any school district applying for a waiver under K.S.A. 72-3117, and amendments thereto, shall continue to pay all current hourly employees, including, but not limited to, paras, maintenance and custodial employees.

Now, therefore:

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

Section 1. K.S.A. 72-3117 is hereby amended to read as follows: 72-3117. (a) The state board of education may waive the requirements of law relating to the duration of the school term in any school year upon application for such waiver by a school district. The waiver may be granted by the state board of education upon: (1) Certification by a board of education that, due to disaster, conditions resulting from widespread or severe property damage caused by the disaster or other conditions restricting the operation of public schools will exist in the school district for an inordinate period of time; and (2) a determination by the state board that the school district cannot reasonably adjust its schedule to comply with such requirements of law. The period of time school is not maintained during any school year due to conditions resulting from disaster, upon granting of the waiver by the state board of education, shall be considered a part of the school term.

(b) As used in this section, the term “disaster” means the declaration of a state disaster emergency by the governor pursuant to K.S.A. 48-924, and amendments thereto, closure of schools by order issued by a county or joint board of health, a local health officer pursuant to K.S.A. 65-119, and amendments thereto, or the secretary of health and environment pursuant to K.S.A. 65-125, and amendments thereto, or occurrence of widespread or severe damage, injury or loss of life or property resulting from any natural or manmade cause, including, but not limited to, fire, flood, earthquake, tornado, wind, storm, epidemics, air contamination, blight, drought, infestation or explosion.

Sec. 2. K.S.A. 72-3117 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended, and revoked administrative regulations and the volume and page number of the Kansas Register issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2009 Volumes of the Kansas Administrative Regulations and the 2019 Supplement of the Kansas Administrative Regulations. Regulations can also be found at http://www.sos.ks.gov/pubs/pubs_kar.aspx.

AGENCY 1: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

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<tr>
<th>Reg. No.</th>
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AGENCY 7: SECRETARY OF STATE

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AGENCY 9: DEPARTMENT OF AGRICULTURE—DIVISION OF ANIMAL HEALTH

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AGENCY 10: KANSAS BUREAU OF INVESTIGATION

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AGENCY 14: DEPARTMENT OF REVENUE—DIVISION OF ALCOHOLIC BEVERAGE CONTROL

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AGENCY 16: ATTORNEY GENERAL

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AGENCY 17: OFFICE OF THE STATE BANK COMMISSIONER

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AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

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A list of regulations filed from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. A list of regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 Kansas Register. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 Kansas Register. A list of regulations filed from 2008 through November 2009 can be found in the Vol. 28, No. 53, December 31, 2009 Kansas Register. A list of regulations filed from December 1, 2009, through December 21, 2011, can be found in the Vol. 30, No. 52, December 29, 2011 Kansas Register. A list of regulations filed from December 22, 2011, through November 6, 2013, can be found in the Vol. 32, No. 52, December 26, 2013 Kansas Register. A list of regulations filed from November 7, 2013, through December 31, 2015, can be found in the Vol. 34, No. 53, December 31, 2015 Kansas Register. A list of regulations filed from 2016 through 2017, can be found in the Vol. 36, No. 52, December 28, 2017 Kansas Register. A list of regulations filed from 2018 through 2019, can be found in the Vol. 38, No. 52, December 26, 2019 Kansas Register.

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. A list of regulations filed from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register.