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GOVERNOR LAURA KELLY

EXECUTIVE ORDER NO. 20-15

Establishing the Kansas Essential Function Framework for COVID-19 response efforts

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 now more than 40,000 cases of the illness and more than 500 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 50 1 (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, in order to mitigate the spread of COVID-19, health officials in several Kansas counties have issues "stay home" orders directing citizens to remain in their homes except to conduct essential activities;

WHEREAS, consistent exemptions for certain essential functions is critical to the ability of government entities and private enterprises to work together to slow the spread of COVID-19 and mitigate its effects:

WHEREAS, where it becomes necessary for local health officials to limit citizens' ability to leave their homes, it remains critical to the COVID-19 pandemic response that a uniform framework for essential functions exists to secure the safety and protection of the civilian population; and

WHEREAS, in these challenging times this Administration will do whatever it can to avoid immediate dangers to the health, safety, and welfare of Kansans, including providing guidance and support for local authorities who are making difficult and important decisions to protect the health and safety of their populations, as well as certainty to the broader population that essential functions will not be interrupted.

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 slow the spread of COVID-19 I hereby direct and order the following:

1. This order supersedes and overrides the provisions of any local "stay home" or similar order that fails to exempt the Kansas Essential Functions Framework ("KEFF") essential functions listed in paragraph 11.

2. This order should be read in conjunction with previous executive orders responding to the COVID-19 pandemic. Any contrary provision in previous executive orders is superseded by this order.

3. All local "stay home" or similar orders prohibiting citizens from leaving their homes in order to slow the spread of COVID-19 must follow the KEFF established in this order and explained below. No such order may require enforcement by state authorities.

4. KEFF is a framework for identifying and continuing essential functions that must remain operational during a local "stay home" or similar order to maintain critical services and infrastructure during the COVID-19 pandemic. The goal of KEFF is to provide for the continuation of essential functions while allowing local authorities to limit sustained personal interactions as necessary to protect the public health and safety.

5. KEFF was developed with reference to national critical function guidelines established for pandemic and other disaster response efforts.

6. KEFF focuses on four functional areas: *Connect*, *Distribute*, *Manage*, and *Supply*. KEFF organizes each area into a taxonomy so that each function can be easily referenced but also expanded when more detail is desired by the implementing governing body.

    a. This order does not prevent a local issuing authority from adding essential functions or specific subcategories appropriate for its jurisdiction to the KEFF essential functions listed in paragraph 11.

7. Local authorities issuing "stay home" or similar orders should distribute the KEFF framework to companies and other organizations in their jurisdiction.

8. A company or other organization in a jurisdiction subject to a "stay home" or similar order that may qualify under one of the essential functions listed in paragraph 11 should contact

the local issuing authority and request an exemption from the restrictions of the local order for its personnel. Exemptions for essential functions listed in paragraph 11 must be granted as directed under paragraph 11. If the exemption is granted, the company or other organization may continue the essential functions so exempted.

9. In its request, the company or other organization should identify by number the categories of essential functions it performs and provide any brief necessary explanation to establish that it performs those functions.

10. The local issuing authority should quickly determine which, if any, functions of the requesting company or other organization are exempt from the local order and inform the requesting company or other organization of the determination.

11. Local issuing authorities must grant—and do not have the discretion to deny—exemptions from the restrictions of any local "stay home" or similar order to requesting companies or other organizations for the performance of the following essential functions:

KEFF 100 CONNECT

1. Operate Core Information Technology Networks
2. Provide Cable Access Network Services
3. Provide Internet Based Content Information and Communication Services
4. Provide Internet Routing, Access, and Connection Services
5. Provide Positioning, Navigation, and Timing Services
6. Provide Radio Broadcast Access Network Services (includes Traditional Television)
7. Provide Satellite Access Network Services
8. Provide Wireless Access Network Services
9. Provide Wireline Access Network Services

KEFF 200 DISTRIBUTE

1. Distribute Electricity
2. Maintain Supply Chains for Essential Functions and Critical Infrastructure (as defined by DHS)
3. Transmit Electricity
4. Transport Cargo and Passengers by Air
5. Transport Cargo and Passengers by Rail
6. Transport Cargo and Passengers by Road

7. Transport Cargo and Passengers by Vessel
8. Transport Materials by Pipeline
9. Transport Passengers by Mass Transit

KEFF 300 MANAGE

1. Conduct Elections
2. Operate Media Outlets
3. Develop and Maintain Public Works and Services
4. Educate and Train Essential Functions Personnel
5. Enforce Law
6. Maintain Access to Medical Records
7. Manage Hazardous Materials and Waste
8. Manage Wastewater
9. Operate Government
10. Perform Cyber Incident Management Capabilities
11. Prepare for and Manage Emergencies
12. Preserve Constitutional Rights
13. Protect Sensitive Information
14. Provide and Maintain Critical Infrastructure
15. Provide Capital Markets and Investment Activities
16. Provide Consumer and Commercial Banking Services
17. Provide Funding and Liquidity Services
18. Provide Identity Management and Associated Trust Support Services
19. Provide Insurance Services
20. Provide Medical Care and Services, Including Mortuary Services
21. Provide Payment, Clearing and Settlement Services
22. Provide Public Safety
23. Provide Wholesale Funding
24. Store Fuel and Maintain Reserves

25. Support Community Health and Mental Health Services

KEFF 400 SUPPLY

1. Exploration and Extraction of Fuels
2. Fuel Refining and Processing Fuels
3. Generate Electricity
4. Manufacture Equipment Used for Essential Functions or Critical Infrastructure (as defined by DHS)
5. Produce and Provide Agricultural Products and Services
6. Produce and Provide Human and Animal Food Products and Services
7. Produce Chemicals
8. Provide Metals and Materials
9. Provide Housing
10. Provide Information Technology Products and Services
11. Provide Materiel and Operational Support to Defense
12. Research and Development
13. Supply Water

This document shall be filed with the Secretary of State as Executive Order No. 20-15. 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.

THE GOVERNOR'S OFFICE BY THE GOVERNOR Laura Kelly

DATED 3.24.2020

Scott Schwab
Secretary of State

Bryan A. Caskey
Assistant Secretary of State

FILED
MAR 24 2020
SCOTT SCHWAB
SECRETARY OF STATE