

Kansas Register

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New State Laws

House Bill 2387, concerning the executive branch; relating to actions by state agencies and the governor; prohibiting the issuance of a request for proposal or entering into a new contract for the administration and provision of benefits under the medical assistance program; relating to the Kansas emergency management act; removing the authority of the governor to prohibit attending or conducting certain religious services and worship services..... 1050
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House Bill 2510, making and concerning appropriations for the fiscal years ending June 30, 2022, June 30, 2023, and June 30, 2024, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing..... 1051
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State of Kansas

(Published in the Kansas Register June 2, 2022.)

Pooled Money Investment Board

Azura Credit Union

Notice of Investment Rates

Notice of Field of Membership Change

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 12-1675(b)(c)(d) and K.S.A. 12-1675a(g).

Azura Credit Union, located at 610 SW 10th Ave., Topeka, Kansas, intends to alter its field of membership. An application has been filed with the Kansas Department of Credit Unions to alter its field of membership by adding the following Kansas counties to the credit union’s field of membership: Barton, Kingman, Osborne, Pratt, Reno, Russell, Sedgwick, Smith, and Stafford.

Effective 5-30-22 through 6-5-22

Table with 2 columns: Term, Rate. Rows include 1-89 days (0.83%), 3 months (0.91%), 6 months (1.38%), 12 months (2.01%), 18 months (2.28%), 2 years (2.47%).

Greg A. Winkler
President/CEO

Doc. No. 050181

Scott Miller
Director of Investments

State of Kansas

Department of Revenue
Division of Vehicles

Doc. No. 050179

State of Kansas

Secretary of State

Notice of Intent to Establish a
New Motor Vehicle Dealer License

Code Mortgage Rate for June

Pursuant to the provisions of K.S.A. 16a-1-301, Section 11, the code mortgage rate during the period of June 1-30, 2022, is 12 percent. The reference rate referred to in the definition of “code mortgage rate” set forth in K.S.A. 16a-1-301(11)(b)(i) is discontinued, has become impractical to use, and/or is otherwise not readily ascertainable from the Federal Home Loan Mortgage Corporation.

Notice has been received from Bruckner Truck Sales, Inc. dba Bruckner’s Truck & Equipment of their intent to establish a new and used vehicle dealership inclusive of selling Mack and Volvo line-make franchised vehicles from the location of 4343 S. West St., Wichita, KS 67217.

Pursuant to K.S.A. 8-2430(a)(5), any existing new motor vehicle dealer may protest the proposed establishment of the new Mack and Volvo line-make, Bruckner Truck Sales, Inc. dba Bruckner’s Truck & Equipment at 4343 S. West St., Wichita, KS 67217, if that existing new motor vehicle dealer has a franchise agreement for the same line-

Scott Schwab
Secretary of State

(continued)

Doc. No. 050207

make vehicle as that which is to be sold or offered for sale by Bruckner Truck Sales, Inc. dba Bruckner's Truck & Equipment, inclusive of selling Mack and Volvo line-make franchised vehicles at 4343 S. West St., Wichita, KS 67217, and provided that the existing new motor vehicle dealer is physically located such that its relevant market area, as defined in K.S.A. 8-2430(e) includes the location where the new Mack and Volvo line-make dealership will be located.

Pursuant to K.S.A. 8-2430(a), any petition or complaint by any dealer with standing to protest must be filed with the Director of Vehicles within thirty (30) days of this notice. Such petitions or complaints must be directed to the following address:

Kansas Department of Revenue
Director of Vehicles
Zibell Building
PO Box 2505
Topeka, KS 66611

Mark A. Burghart
Secretary

Doc. No. 050190

State of Kansas

Wichita State University

Notice of Intent to Lease Real Property

Public notice is hereby given that Wichita State University (WSU), directly or through its affiliate corporation Wichita State Innovation Alliance, Inc., intends to lease, subject to all required state approvals, up to four acres of real property located on the Wichita State University's campus designated as the "Innovation Campus," for the private development and operation of a partnership building or buildings. The university is interested in leasing such ground to any individual, organization, or entity whose presence on campus would advance the university's applied learning vision or its mission as an educational, cultural, and economic driver for Kansas and the greater public good. The university intends to lease such space for a mutually agreeable period of time up to sixty years, but extended terms and renewal options would be considered. Interested tenants must be willing to be a good fit with the university's educational mission and identify anticipated benefits to the university, its students, and the WSU community (i.e. applied learning, joint research, faculty start-up, WSU curriculum or program support, etc.), and must agree to the essential ground lease terms and restrictive covenants. Interested tenants will be evaluated on: proposal terms, demonstrated benefit to WSU, design concepts, financial stability, and proposed use. Interested tenants will be required to construct adjacent and adequate surface parking that will not be included in the leased ground. Rental rate shall be based on fair market value and negotiable based on term of lease, purpose/use of building improvement, and benefit to the university. The university will consider serious offers and inquiries with detailed proposal terms from any financially qualified individual, group, organization. If interested, please contact Senior Vice President for Industry and Defense Programs, Dr. John Tomblin at john.tomblin@wichita.edu or

Property Manager Crystal Stegeman at crystal.stegeman@wichita.edu. This publication is being published pursuant to K.S.A. 75-430a(d), to the extent applicable.

Crystal Stegeman
University Property Manager
Office of the Vice President for
Administration and Finance

Doc. No. 050070

State of Kansas

Board of Regents Universities

Notice of Intent to Sell Real Property

Emporia State University announces its intent to the following tract of real property as follows:

The Earl Center, 1601 State St., Emporia, Lyon County, KS, [Janet's Subdivision, S10, T19S, R11E, Lot 3], approximately two acres with office building and paved parking lot.

For more information, contact Diana Kuhlmann, Vice President for Administration and Finance at dkuhlman@emporia.edu or 620-341-5173.

Diana Kuhlmann
Vice President for Administration and Finance
Emporia State University

Doc. No. 050141

State of Kansas

Board of Regents Universities

Notice to Bidders

The universities of the Kansas Board of Regents encourage interested vendors to visit the various universities' purchasing offices' websites for a listing of all transactions, including construction projects, for which the universities' purchasing offices, or one of the consortia commonly utilized by the universities, are seeking information, competitive bids, or proposals. The referenced construction projects may include project delivery construction procurement act projects pursuant to K.S.A. 76-7,125 et seq.

Emporia State University – Bid postings: <https://www.emporia.edu/about-emporia-state-university/business-office/purchasing>. Additional contact information: phone: 620-341-5137, email: purchaseorders@emporia.edu. Mailing address: Emporia State University Purchasing, Campus Box 4021, 1 Kellogg Circle, Emporia, KS 66801.

Fort Hays State University – Electronic bid postings: <http://www.fhsu.edu/purchasing/bids>. Additional contact information: phone: 785- 628-4251, fax: 785-628-4046, email: purchasing@fhsu.edu. Mailing address: Fort Hays State University Purchasing Office, 601 Park St., Sheridan Hall 318, Hays, KS 67601.

Kansas State University – Bid postings: <https://dfs.ksucloud.net/rfq>. All bids must be submitted via Kansas State University's Vendor Bid Submission Secure File Upload portal, <https://www.k-state.edu/finsvcs/purchasing/bidsubmission.html>. Additional contact information: phone: 785-532-6214, fax: 785-532-5577,

email: kspurch@k-state.edu. Mailing address: Division of Financial Services/Purchasing, 2323 Anderson Ave., Kansas State University, Manhattan, KS 66506.

Pittsburg State University – Bid postings: <https://www.pittstate.edu/office/purchasing>. Additional contact information: phone: 620-235-4169, email: sburke@pittstate.edu. Mailing address: Pittsburg State University, Purchasing Office, 1701 S. Broadway, Pittsburg, KS 66762.

University of Kansas – Electronic bid postings: <http://www.procurement.ku.edu>. Due to Covid-19, the University of Kansas will not be accepting paper bids until further notice. Additional contact information: phone: 785-864-5800, email: purchasing@ku.edu.

University of Kansas Medical Center – Electronic bid postings: <http://www.kumc.edu/finance/purchasing/bid-opportunities.html>. Additional contact information: phone: 913-588-1117, email: hunkemoore@kumc.edu. Mailing address: University of Kansas Medical Center, Purchasing Department, Mail Stop 2034, 3901 Rainbow Blvd., Kansas City, KS 66160.

Wichita State University – Bid postings: <http://www.wichita.edu/purchasing>. Additional contact information: phone: 316-978-3080, fax: 316-978-3738, email: purchasing.office@wichita.edu. Mailing address: Wichita State University, Office of Purchasing, 1845 Fairmount Ave., Campus Box 38, Wichita, KS 67260-0038.

Kathy Herrman
Chair of Regents Purchasing Group
Purchasing Director
Fort Hays State University

Doc. No. 049784

State of Kansas

**Department of Administration
Office of Procurement and Contracts**

Notice to Bidders

Sealed bids for items listed will be received by the Office of Procurement and Contracts until 2:00 p.m. on the date indicated. For more information, call 785-296-2376.

All bids are to be submitted via email only to procurement@ks.gov. For more information, please visit https://supplier.sok.ks.gov/psc/sokfsprdsup/SUPPLIER/ERP/c/SCP_PUBLIC_MENU_FL.SCP_PUB_BID_CMP_FL.GBL.

06/27/2022	EVT0008621	Court Debt Collection Services
06/30/2022	EVT0008620	WIC EBT Processing Services

The above referenced bid documents can be downloaded at the following website:

https://supplier.sok.ks.gov/psc/sokfsprdsup/SUPPLIER/ERP/c/SCP_PUBLIC_MENU_FL.SCP_PUB_BID_CMP_FL.GBL

Additional files may be located at the following website (please monitor this website on a regular basis for any changes/addenda):

<https://admin.ks.gov/offices/procurement-contracts/bidding--contracts/additional-bid-opportunities>

There are No Bids Under this Website Closing in this Week's Ad

Information regarding prequalification, projects, and bid documents can be obtained at 785-296-8899 or <http://admin.ks.gov/offices/ofpm/dcc>.

Richard Beattie, Director
Office of Procurement and Contracts

Doc. No. 050197

State of Kansas

Department of Health and Environment

Notice of Hearing

The Kansas Department of Health and Environment (KDHE) annually receives federal CDC grant dollars to address national health objectives. This funding provides support for a variety of public health programs, infrastructure, and staff salaries. Each year KDHE is required to submit a work plan outlining proposed objectives and activities for the following federal fiscal year. An advisory committee then reviews the plan and provides guidance, and the final draft of the work plan is made available for comment in a public hearing. The public hearing will take place from 9:00 a.m. to 10:00 a.m. Thursday, June 9, 2022, via Zoom Webinar. The meeting is open to the public, but you must register at this link to attend, <https://us02web.zoom.us/join/91234567890>.

The final draft of the work plan will be available to review after May 20, 2022 and will be posted to the KDHE website or may be requested from Julie.sergeant@ks.gov.

Joan Duwve, MD
State Health Officer

Doc. No. 050180

State of Kansas

Department of Health and Environment

Notice Concerning Proposed Kansas Air Quality Construction Permit

Notice is hereby given that the Kansas Department of Health and Environment (KDHE) is soliciting comments regarding a proposed air quality construction permit. HollyFrontier El Dorado Refining, LLC has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300.

HollyFrontier El Dorado Refining, LLC, 1401 S. Douglas Rd., El Dorado, KS 67042, owns and operates a petroleum refinery located at 1401 S. Douglas Rd., El Dorado, Butler County, KS 67042, at which a construction permit to implement the requirements from the Consent Decree designated Civil Action No. 2:20-cv-2270-JWB-TJJ is to be issued.

A copy of the proposed permit, permit application, all supporting documentation, and all information relied upon during the permit application review process are available for public review from the date of publication during normal business hours at the KDHE, Bureau of Air (BOA), 1000 SW Jackson, Suite 310, Topeka, (continued)

KS 66612-1366 and at the South Central District Office, 300 W. Douglas, Suite 700, Wichita, KS 67202-2921. To obtain or review the proposed permit and supporting documentation, contact Stephen Bartels, 785-296-6421, at the central office of the KDHE or Allison Herring, 316-337-6020, at the South Central District Office. The standard departmental cost will be assessed for any copies requested. The proposed permit, accompanied with supporting information, is available, free of charge, at the KDHE BOA Public Notice website at <https://www.kdhe.ks.gov/413/Public-Notices>.

Please direct written comments or questions regarding the proposed permit to Stephen Bartels, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received no later than 12:00 p.m. Tuesday, July 5, 2022.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Stephen Bartels, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366, no later than 12:00 p.m. Tuesday, July 5, 2022, in order for the Secretary of Health and Environment to consider the request.

Janet Stanek
Secretary

Doc. No. 050185

State of Kansas

Department of Health and Environment

Notice Concerning Proposed Kansas Air Quality Construction Permit

Notice is hereby given that the Kansas Department of Health and Environment (KDHE) is soliciting comments regarding a proposed air quality construction permit. Merit Energy Company, LLC has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300. Emissions of volatile organic compounds (VOC), particulate matter (PM), particulate matter with less than or equal to 10 microns in aerodynamic diameter (PM₁₀), particulate matter with less than or equal to 2.5 microns in aerodynamic diameter (PM_{2.5}), carbon monoxide (CO), oxides of nitrogen (NO_x), oxides of sulfur (SO_x), and hazardous air pollutants (HAPs) were evaluated during the permit review process.

Merit Energy Company, LLC, 13727 Noel Rd., Suite 1200, Dallas, TX 75240, owns and operates a central oil tank battery located at Section 4, Township 28S, Range 34W, Haskell County, KS 67870, at which new oil tanks, a vapor recovery unit, and a heater treater are to be installed.

A copy of the proposed permit, permit application, all supporting documentation, and all information relied upon during the permit application review process are available for public review from the date of publication during normal business hours at the KDHE, Bureau of Air (BOA), 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366 and at the Southwest District Office, 313 Oklahoma Terr., Ulysses, KS 67880. To obtain or review the proposed permit and supporting documentation, contact

Stephen Bartels, 785-296-6421, at the central office of the KDHE or Ethel Evans, 620-356-1075, at the Southwest District Office. The standard departmental cost will be assessed for any copies requested. The proposed permit, accompanied with supporting information, is available, free of charge, at the KDHE BOA Public Notice website at <https://www.kdhe.ks.gov/413/Public-Notices>.

Please direct written comments or questions regarding the proposed permit to Stephen Bartels, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received no later than 12:00 p.m. Tuesday, July 5, 2022.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Stephen Bartels, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366, no later than 12:00 p.m. Tuesday, July 5, 2022, in order for the Secretary of Health and Environment to consider the request.

Janet Stanek
Secretary

Doc. No. 050186

State of Kansas

Department of Health and Environment

Public Notice

The Kansas Department of Health and Environment (KDHE) has prepared a combined Kansas/NPDES Water Pollution Control General Permit for stormwater runoff from construction activities. This permit, when finalized, will replace the existing general permit.

A general wastewater permit is provided for those entities engaged in similar activities and discharging the same types of wastewater. The wastewater from these types of activities has a low public health and environmental risk. A general permit is placed on public notice once during the life of the permit and then is made available, without further public notice, to all persons for construction activities which meet the requirements of the permit. The permittees are also required to meet all other federal, state, and local requirements including local zoning ordinances.

Stormwater runoff from construction activities means the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to discharges of stormwater from construction activities (e.g. clearing, grubbing, excavating, grading, etc.) which disturb a cumulative total of one acre or more or that are part of a larger common plan of development or sale which will disturb a cumulative total of one acre or more. The term does not include discharges from facilities or activities excluded or exempted from the Kansas/Federal Water Pollution Control program requirements.

The construction project owner or operator is required to complete and submit the Notice of Intent along with certain project documentation and the first year's permit fee of \$60, and receive a signed and dated authorization from KDHE prior to the start of construction activities. To

maintain the permit, the permittee is required to achieve and maintain compliance with the permit requirements and pay the annual permit fee.

Supporting documents include an Executive Summary, Notice of Intent form and instructions, Individual Lot Certification form, a Notice of Termination form, a Notice of Transfer of Ownership form, and Definitions and Acronyms. Copies of these documents may be viewed on the KDHE website at <https://www.kdhe.ks.gov/757/Construction-Stormwater-Program> or requested in hard copy by writing: Kansas Department of Health and Environment, Bureau of Water-Technical Services Section, 1000 SW Jackson St., Suite 420, Topeka, KS 66612-1367.

Persons wishing to comment on the draft permit must submit written comments to the above address by July 2, 2022.

Janet Stanek
Secretary

Doc. No. 050188

State of Kansas

Department of Health and Environment

Notice Concerning Kansas/Federal Water Pollution Control Permits and Applications

In accordance with Kansas Administrative Regulations 28-16-57a through 63, 28-18-1 through 17, 28-18a-1 through 31 and 33, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, various draft water pollution control documents (permits, notices to revoke and reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

The proposed actions concerning the draft documents are based on staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the Environmental Protection Agency. The final action will result in a Federal National Pollutant Discharge Elimination System Authorization and/or a Kansas Water Pollution Control permit being issued, subject to certain conditions, revocation, and reissuance of the designated permit or termination of the designated permit.

Public Notice No. KS-AG-22-135/140

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Brookover Feedyard - Scott City Ty Brookover 4000 E. Road 200 Scott City, KS 67871	SE/4 of Section 22 & W/2 of Section 23 T17S, R32W Scott County	Smoky Hill River Basin

Kansas Permit No. A-SHSC-C001
Federal Permit No. KS0038016

The proposed action is to reissue an existing NPDES permit for an existing facility for 26,000 head (26,000 animal units) of cattle weighing more than 700 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Carlen Busenitz 14488 NW 60th St. Whitewater, KS 67154	SE/4 of Section 33 T24S, R03E Butler County	Walnut River Basin

Kansas Permit No. A-WABU-B020

The proposed action is to reissue an existing state permit for an existing facility for 995 head (995 animal units) of cattle weighing more than 700 pounds and 10 head (4 animal units) of swine weighing more than 55 pounds, for a total of 999 animal units. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Walter Penner Farm Walter Penner 15622 NW 130th St. Whitewater, KS 67154	SW/4 of Section 29 T23S, R03E Butler County	Walnut River Basin

Kansas Permit No. A-WABU-S001

The proposed action is to reissue an existing state permit for an existing facility for 380 head (152 animal units) of swine more than 55 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Glenn Coberly Feedlot Jim Coberly 691 CR 54 Gove, KS 67736	NW/4 of Section 02 & NE/4 of Section 03 T15S, R28W Gove County	Smoky Hill River Basin

Kansas Permit No. A-SHGO-B032

The proposed action is to reissue an existing state permit for an existing facility for 999 head (999 animal units) of cattle greater than 700 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Northglen Farms Dr. Paull A. McRae, DVM 1976 250th Rd. Hays, KS 67601	NW/4 of Section 34 T12S, R18W Ellis County	Smoky Hill River Basin

Kansas Permit No. A-SHEL-B004

The proposed action is to reissue an existing state permit for an existing facility for 760 head (380 animal units) of cattle weighing less than 700 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Rock Hog Farm Bruce Feldhause 2166 Ridge Rd. Frankfort, KS 66427	SE/4 of Section 33 T03S, R09E Marshall County	Big Blue River Basin

Kansas Permit No. A-BBMS-S038

The proposed action is to reissue an existing state permit for an existing facility for 820 head (328 animal units) of swine greater than 55 pounds, 400 head (40 animal units) of swine 55 pounds or less, and 80 head (80 animal units) of cattle greater than 700 pounds; for a total of 448 animal units. This represents a decrease in the permitted animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

(continued)

Public Notice No. KS-Q-22-049/052

The requirements of the draft permit public noticed below are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-g), and Federal Surface Water Criteria.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Clearwater, City of PO Box 453 Clearwater, KS 67026	Ninnescah River	Treated Domestic Wastewater

Kansas Permit No. M-AR22-0001
Federal Permit No. KS0022365

Legal Description: SW¼, SE¼, SE¼, S26, T29S, R2W, Sedgwick County, Kansas

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a four-cell wastewater stabilization lagoon system. The proposed permit includes a schedule of compliance stating the permittee shall implement operational changes to improve the quality of effluent and to bring the facility into compliance. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, and ammonia, as well as monitoring for pH, E. coli, and chlorides.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Dunn Material Handling, LLC 1022 N. 2nd Fredonia, KS 66736	Verdigris River via Fall River via Unnamed Tributary	Process Wastewater

Kansas Permit No. I-VE18-PO03
Federal Permit No. KS0099520

Legal Description: SW¼, S18, T28S, R14E, Wilson County, Kansas

Facility Name: White Sandstone Quarry

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a limestone quarrying and crushing operation with no washing. Some of the quarry areas are active and others are abandoned and are being reclaimed. Sandstone is ripped with a dozer and pushed into piles and then loaded into trucks with front end loaders and hauled to local cement plants. Outfalls 001A and 002A consist of pit water and stormwater runoff, which flows into settling ponds by gravity, for treatment before discharge. The proposed permit contains generic language to protect the waters of the state.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Fredonia, City of 100 N. 15th St. Fredonia, KS 66736	Fall River	Treated Domestic Wastewater

Kansas Permit No. M-VE18-0001
Federal Permit No. KS0045985

Legal Description: NE¼, SE¼, SW¼, S14, T29S, R14E, Wilson County, Kansas

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a mechanical wastewater treatment plant consisting of an influent lift station, bar screen, oxidation ditch, final clarification, UV disinfection, sludge drying beds, sludge belt press, sludge loading pad, peak flow pump station, and peak flow storage basin (750,000 gallons). The proposed permit includes a schedule of compliance to implement the requirements of Consent Order No. 19-E-12-BOW from KDHE. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, ammonia, E. coli, and pH, as well as monitoring for nitrate + nitrite, total Kjeldahl nitrogen, total nitrogen, total phosphorus, and flow.

Name and Address of Applicant	Receiving Stream	Type of Discharge
St. Francis, City of PO Box 517 St. Francis, KS 67756	South Fork of Republican River	Treated Domestic Wastewater

Kansas Permit No. M-UR18-0001
Federal Permit No. KS0031089

Legal Description: NW¼, NW¼, NW¼, S23, T3S, R40W, Cheyenne County, Kansas

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a three-cell wastewater stabilization lagoon system. This NPDES discharging lagoon wastewater treatment facility has been reviewed for eligibility for the MDV for ammonia and has been determined to be eligible. Eligibility was determined through analysis of the facility's highest attainable condition (HAC) for ammonia and an Economic Eligibility Determination (EED) that assessed the impact of the cost of a new mechanical facility to the community's rate payers. The ammonia effluent limit was determined on 5/20/2022 by calculating the 99th percentile ammonia value from the facility's discharge monitoring reports, resulting in an ammonia limit of 4.1 mg/L for this facility. The EED was completed on 3/1/2022. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, and ammonia, as well as monitoring for pH, E. coli, fluoride, and arsenic.

Public Notice No. KS-EG-22-011/013

In accordance with K.A.R. 28-46-7 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared for the use of the well(s) described below within the State of Kansas.

Name and Address of Applicant

Northern Natural Gas Company (NNG)
1111 S. 103rd St.
Omaha, NE 68124-1000

Facility: Cunningham Storage Facility
20307 NE 150th Avenue
Cunningham, KS 67035

Permit No's: KS-05-151-001, KS-05-151-002, KS-05-151-003

Well Number	Location
WIW #1	Latitude: 37.7321" Longitude: -98.4801"
WIW #2	Latitude: 37.7517" Longitude: -98.5009"
WIW#3	Latitude: 37.76723" Longitude: -98.48393"

Well Number	Legal Description
WIW #1	S1, T27S, R11W, Pratt County
WIW #2	S26, T26S, R11W, Pratt County
WIW #3	S23 T26S, R11W, Pratt County

The proposed action is to reissue three Class V Injection Well permits for the owner/operator listed above. This facility is a porosity natural gas storage facility. Brine produced from the Arbuckle Formation is injected for the purpose of stabilizing the pressure in the Viola Formation to prevent the migration of storage gas. The Viola Formation is a limestone at the base of the formation grading upwards to a dolomite. The Viola Formation is a major oil and gas producer in the area and is used for the storage of natural gas at the NNG facility. The Viola is encountered at a depth of approximately 4285 feet. The Viola Formation is capable of receiving significant quantities of fluid without use of wellhead pressure due to its porous and permeable nature. The injection interval is the Viola Formation from a bottom depth of approximately 4,289 feet to a top depth of approximately 4,301 feet below ground surface. Injection is by means of gravity flow, no pump pressure is allowed during normal injection operation. The maximum rate of injection is 4,000 barrels per day (168,000 gallons per day) per well. All construction, monitoring, and operation of these wells shall meet the requirements that apply to Class V Injection wells under the Kansas UIC Regulations, K.A.R. 28-46-1 through 28-46-44, appropriate Federal Regulations and the requirements of KDHE.

Persons wishing to comment on or object to the draft documents and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment (KDHE) if they wish to have the comments or objections considered in the decision-making process. All written comments regarding the draft documents, application or registration notices received on or before July 2, 2022, will be considered in the formulation of the final determination regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-22-135/140, KS-Q-22-049/052, KS-EG-22-011/013) and name of the applicant/permittee when preparing comments.

All comments received will be responded to at the time the Secretary of Health and Environment issues a determination regarding final agency action on each draft document/application. If response to any draft document/application indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC). A request for public hearing must be submitted in writing and shall state the nature of the issues proposed to be raised during the hearing.

Comments or objections for agricultural related draft documents, permit applications, registrations or actions should be submitted to the attention of Paige Drury, Livestock Waste Management Section at the KDHE, Bureau of Environmental Field Services (BEFS), 1000 SW Jackson, Suite 430, Topeka, KS 66612. Comments or objections for all other proposed permits or actions should be sent to Michael Beezhold at the KDHE, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612.

All draft documents/applications and the supporting information including any comments received are on file and may be inspected at the offices of the KDHE. For agricultural related draft documents or applications an appointment can be scheduled, or copies requested by contacting Mirina Landry at 1000 SW Jackson St., Suite 430, Topeka, KS 66612, telephone 785-296-0076 or email at kdhe.feedlots@ks.gov. For all other proposed permits or actions an appointment can be scheduled, or copies requested by contacting Christopher Zwiener, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612, telephone 785-296-3056 or email at Christopher.Zwiener@ks.gov. These documents are available upon request at the copying cost assessed by KDHE. Application information and components of plans and specifications for all new and expanding swine facilities are available at <http://www.kdhe.ks.gov/livestock>. Division of Environment offices are open from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

Janet Stanek
Secretary

Doc. No. 050187

State of Kansas

Department of Transportation

Notice to Consulting Firms

The Kansas Department of Transportation (KDOT) is seeking a qualified consulting firm to perform professional services for the project described below. Interest-

ed consultants must email a proposal to KDOT.DesignContracts@ks.gov by 12:00 p.m. (CDT) June 22, 2022, to be considered for selection.

Consultant Prequalification

Interested consulting firms must be prequalified by KDOT or otherwise demonstrate qualification in Category 241 Construction Inspection and Testing.

If a firm is not currently prequalified by KDOT, a proposal may still be submitted. Firms not prequalified must also provide documentation that demonstrates the firm is qualified for each specified category listed in this notice for the project. Firms must use the KDOT prequalification form to provide this documentation. KDOT 1050 Prequalification Category Definitions (Blue Book) can be found at <http://www.ksdot.org/descons.asp>. Consultants may create a team to meet the prequalification requirements. All firms doing business with KDOT must be registered and in good standing under the laws of the State of Kansas at the time of contracting and must comply with applicable state and federal laws, rules, and regulations.

Anticipated Consultant Scope

The KDOT District 1, Area 3 Bonner Springs, Kansas Construction Office is requesting an embedded consultant to provide full time, in house, technical and construction contract administration as further described below.

Under the direction of the Field Engineering Administrator (FEA), Construction Engineer (CE) or Engineering Technician Specialist (ETSp) the embedded consultant shall assist with construction project supervision, inspection staffing, and contract administration. The consultant may serve as project supervisor of complex construction projects and/or multiple smaller projects. Duties include, but are not limited to:

- Provide recommendations to the FEA, CE and ETSp regarding project actions, staffing, and any other project related matters.
- Review or compilation of project documentation for all phases of work performed to substantiate the contract payments. This documentation includes daily diaries, weekly recaps, test reports, final papers, and data entered into AASHTOWare Project (AWP).
- Make determination on the charges of working days.
- Represent KDOT in all project-related meetings and conferences.
- Provide guidance to the construction staff in the review of construction plans such as verifying quantities, grade computations, and earthwork balances.
- Maintain contact with the contractor's project manager.

In addition, the consultant will serve as a mentor and provide effective leadership to less experienced technicians and engineering associates. The consultant will identify and recommend areas of additional training needed within the construction office. This information will be used to assist the FEA, CE, or ETSp to organize effective training programs for the construction office.

The consultant shall also provide other project related construction assistance to the FEA, CE, or ETSp as directed.

(continued)

Finally, the consultant shall review or prepare documents for field-designed projects such as 1R projects, bridge set-aside projects, culvert set-aside projects, and 3R major modifications. This may include field measurements, quantity computations, drafting of plan sheets, and field surveys. This may also include participation in field checks and plan reviews.

Minimum Personnel Qualifications

- A minimum of 10 years of experience managing or inspecting large or complex KDOT construction projects.
- Current CIT certifications in Basic Inspection, Asphalt Paving Inspection, Concrete Paving Inspection, Structures Inspection, ACI Concrete Field Testing Technician, Aggregate Field Technician.
- Expert proficiency with KDOT’s construction management software (CMS) and completion of the KDOT AASHTOWare training.

Anticipated Schedule and Key Dates

1. Proposals are due by or before 12:00 p.m. (CDT) June 22, 2022
2. The program fiscal year for this project is FY 2023 (July 2022–June 2023)
3. Anticipated Start Date: July 2022
4. Anticipated Completion: December 9, 2022

Instructions for Proposal

1. No cost or pricing information shall be submitted with the proposal. Proposals including cost or pricing information will be considered non-responsive and withdrawn from further consideration.
2. The consultant’s proposal must not exceed 4 pages total (including any cover letter, index, etc.). All pages shall be standard letter size (8.5” x 11”). Any page larger than standard letter size will be count as two or more pages depending on size.
3. A single PDF (2MB maximum size) of the proposal including all attachments must be emailed to KDOT.DesignContracts@ks.gov by the proposal due date and time.
4. The subject line of the email and the PDF file name must read:
 - a. “FC-1001-23-EmbedSuper.Admin in D1A3 Bonner Spring_FIRM NAME”
5. The proposal must be accompanied by Special Attachments No. 8 (“Tax Clearance Certificate”) and No. 10 (“Policy Regarding Sexual Harassment”). If you need a Tax Clearance Certificate, you can request one at <https://www.ksrevenue.gov/taxclearance.html>. Allow 2-3 business days for processing.
6. The outline in Table 1 below describes the expected proposal organization and content sections.
7. Table 2 lists the evaluation criteria and associated weights which will be used to make a selection.

Table 1: Proposal Content

Section	Description of Intent
Cover Letter	1 page

Project Approach	Demonstrate a unique approach to accomplish the design efficiently and to a high standard. Include cost-effective and optimized solutions to address the anticipated improvements in the design. Include unique qualifications or experience related to the project approach.
Approach to Schedule	Describe the approach to accomplish the scope of services within the schedule requirements. Include anticipated key milestone dates and availability of staff.
Approach to Quality Control	Describe methods or procedures your firm will use to provide all drawings, reports and other services with professional quality and technical accuracy.
Qualifications and Experience	For key personnel to be assigned to the project provide names, office location, qualifications, education, training, and expertise. Identify their area(s) of responsibility and percent of their time dedicated to the project. List work for which you do not have in-house capability and name the firm you propose to subcontract with.
Past Performance	Describe team’s past performance with respect to ability to meet project schedules; quality of work; and ability to control costs on similar transportation projects, especially those performed for KDOT. Include three references and contact information.
Familiarity with KDOT and Project Area	Describe team’s familiarity with KDOT’s design process and standards. Describe familiarity with the project area and any identified special site conditions.

Table 2 Evaluation Factors

Evaluation Factor	Weight
Qualifications and experience of project manager and other key project team members proposed for services	20%
Past performance history for similar projects/services for KDOT	20%
Availability to respond to the work	20%
The quality and completeness of the response	10%
Understanding of District and Area	10%
Understanding of KDOT CAD contract administration and closeout procedures	20%

Contract Terms and Conditions

A standard KDOT agreement for engineering and technical services will be used for professional services projects. The following special attachments will need to be provided by the selected consultant and all subconsultants with the signed work order following negotiations and will become attachments to the contract.

- Special Attachment No. 8 (“Tax Clearance Certificate”)
- Special Attachment No. 10 (“Policy Regarding Sexual Harassment”)

Special Contract Conditions

This is expected to be a full-time (40 hours/week excluding holidays) assignment based at the District 1 Area 3 Office in Bonner Springs, Kansas; assignments may require travel to other Areas in District 1. The hours may be split between two employees of the consultant, but both must meet the qualifications.

Questions

All questions regarding this request for proposals shall be emailed to KDOT.DesignContracts@ks.gov.

Questions can be submitted until June 9, 2022; answers will be provided to all prequalified consultants on June 15, 2022.

Marcia Turner, P.E., Contracts Manager
Division of Engineering and Design

Doc. No. 050194

State of Kansas

Department of Transportation

Notice to Consulting Firms

The Kansas Department of Transportation (KDOT) is seeking a qualified consulting firm to perform professional services for the project described below. Interested consultants must email a proposal to KDOT.DesignContracts@ks.gov by 12:00 p.m. (CDT) June 22, 2022, to be considered for selection.

Consultant Prequalification

Interested consulting firms must be prequalified by KDOT or otherwise demonstrate qualification in Category 241 Construction Inspection and Testing.

If a firm is not currently prequalified by KDOT, a proposal may still be submitted. Firms not prequalified must also provide documentation that demonstrates the firm is qualified for each specified category listed in this notice for the project. Firms must use the KDOT prequalification form to provide this documentation. KDOT 1050 Prequalification Category Definitions (Blue Book) can be found at <http://www.ksdot.org/descons.asp>. Consultants may create a team to meet the prequalification requirements. All firms doing business with KDOT must be registered and in good standing under the laws of the State of Kansas at the time of contracting and must comply with applicable state and federal laws, rules, and regulations.

Anticipated Consultant Scope

The KDOT District 1, Area 5 Wamego, Kansas Construction Office is requesting an embedded consultant to provide full time, in house, technical and construction contract administration as further described below.

Under the direction of the Area Engineer (AE) or Construction Engineer (CE), the embedded consultant shall assist in executing the continuous flow of paperwork and documentation necessary to administer construction contracts. Duties include, but are not limited to:

- Coordinate preparation and processing of project documentation such as notifications of working days charged, daily reports of asphalt pavement and concrete pavement construction, logs of pile driving, and weekly surfacing reports.
- Coordinate preparation and processing of construction payment estimates for construction contractors, utilities, railroads, etc.
- Review change orders and force account statements. Verify information is correct and check calculations. Advise supervisors of potential problems and provide guidance to less experienced staff.
- Coordinate preconstruction conferences including preparation of the agenda and minutes.
- Review change orders and submit to construction engineer.

- Review subcontractor approval requests
- Prepare and send project correspondence such as notices to proceed, change orders, notices of acceptance, final papers, subcontractor approvals, etc. to the appropriate parties.
- Coordinate the preparation and submission of all required computations and recapitulations necessary to complete final payment to the contractor. Verify information is correct and checks calculations.
- Maintain a system of office management for a construction office to make certain that all necessary forms and reports are submitted. Check and maintain records of contractor payrolls and prompt pay certifications. Maintain and update a complete functional filing system for all office records.
- Train other technicians or engineers in the use of AASHTOWare, completing forms and reports, material certifications, payment vouchers, and other documentation needed for FHWA or KDOT certification.
- Serve as inspector on a construction project or in a concrete or asphalt plant. Prepare required documentation for projects. Participate in the decision-making process. Make recommendations and provide effective leadership to less experienced staff.
- Coordinate the preparation and submission of completed construction plans and combine construction files for completed projects.
- Other construction contract administration duties as assigned.

In addition, the consultant will serve as a mentor and provide effective leadership to less experienced technicians and engineering associates. The consultant will identify and recommend areas of additional training needed within the construction office. This information will be used to assist the AE or CE to organize effective training programs for the construction office.

The consultant shall also provide other project related construction assistance to the AE and CE as directed.

Minimum Personnel Qualifications

- A minimum of 4 years of engineering technical support.
- Experience using Microsoft Word and Microsoft Excel.
- Current CIT certifications in Basic Inspection, Asphalt Paving Inspection, Concrete Paving Inspection, Structures Inspection, ACI Concrete Field Testing Technician, Aggregate Field Technician.
- Expert proficiency with KDOT's construction management software (CMS) and completion of the KDOT AASHTOWare training.

Anticipated Schedule and Key Dates

1. Proposals are due by or before 12:00 p.m. (CDT) June 22, 2022
2. The program fiscal year for this project is FY 2023 (July 2022–June 2023)
3. Anticipated Start Date: July 2022
4. Anticipated Completion: See Special Contract Conditions (below)

(continued)

Instructions for Proposal

1. No cost or pricing information shall be submitted with the proposal. Proposals including cost or pricing information will be considered non-responsive and withdrawn from further consideration.
2. The consultant’s proposal must not exceed 4 pages total (including any cover letter, index, etc.). All pages shall be standard letter size (8.5” x 11”). Any page larger than standard letter size will be count as two or more pages depending on size.
3. A single PDF (2MB maximum size) of the proposal including all attachments must be emailed to KDOT.DesignContracts@ks.gov by the proposal due date and time.
4. The subject line of the email and the PDF file name must read:
 - a. “FC-1001-23-EmbedConst.Admin in D1A5 Wamego_FIRM NAME”
5. The proposal must be accompanied by Special Attachments No. 8 (“Tax Clearance Certificate”) and No. 10 (“Policy Regarding Sexual Harassment”). If you need a Tax Clearance Certificate, you can request one at <https://www.ksrevenue.gov/taxclearance.html>. Allow 2-3 business days for processing.
6. The outline in Table 1 below describes the expected proposal organization and content sections.
7. Table 2 lists the evaluation criteria and associated weights which will be used to make a selection.

Table 1: Proposal Content

Section	Description of Intent
Cover Letter	1 page
Project Approach	Demonstrate a unique approach to accomplish the design efficiently and to a high standard. Include cost-effective and optimized solutions to address the anticipated improvements in the design. Include unique qualifications or experience related to the project approach.
Approach to Schedule	Describe the approach to accomplish the scope of services within the schedule requirements. Include anticipated key milestone dates and availability of staff.
Approach to Quality Control	Describe methods or procedures your firm will use to provide all drawings, reports and other services with professional quality and technical accuracy.
Qualifications and Experience	For key personnel to be assigned to the project provide names, office location, qualifications, education, training, and expertise. Identify their area(s) of responsibility and percent of their time dedicated to the project. List work for which you do not have in-house capability and name the firm you propose to subcontract with.
Past Performance	Describe team’s past performance with respect to ability to meet project schedules; quality of work; and ability to control costs on similar transportation projects, especially those performed for KDOT. Include three references and contact information.
Familiarity with KDOT and Project Area	Describe team’s familiarity with KDOT’s design process and standards. Describe familiarity with the project area and any identified special site conditions.

Table 2: Evaluation Factors

Evaluation Factor	Weight
Qualifications and experience of project manager and other key project team members proposed for services	20%
Past performance history for similar projects/services for KDOT	20%
Availability to respond to the work	20%
The quality and completeness of the response	10%
Understanding of District and Area	10%
Understanding of KDOT contract administration and closeout procedures	20%

Contract Terms and Conditions

A standard KDOT agreement for engineering and technical services will be used for professional services projects. The following special attachments will need to be provided by the selected consultant and all subconsultants with the signed work order following negotiations and will become attachments to the contract.

- Special Attachment No. 8 (“Tax Clearance Certificate”)
- Special Attachment No. 10 (“Policy Regarding Sexual Harassment”)

Special Contract Conditions

This is expected to be a full-time (40 hours/week excluding holidays) assignment based at the District 1 Area 5 Office in Wamego, Kansas. The hours may be split between two employees of the consultant, but both must meet the qualifications. The contract period will be one calendar year with an optional one-year extension.

Questions

All questions regarding this request for proposals shall be emailed to KDOT.DesignContracts@ks.gov.

Questions can be submitted until June 9, 2022; answers will be provided to all prequalified consultants on June 15, 2022.

Marcia Turner, P.E., Contracts Manager
Division of Engineering and Design

Doc. No. 050195

State of Kansas

Department of Transportation

Notice to Consulting Firms

The Kansas Department of Transportation (KDOT) is seeking a qualified consulting firm to perform professional services for the project described below. Interested consultants must email a proposal to KDOT.DesignContracts@ks.gov by 12:00 p.m. (CDT) June 22, 2022, to be considered for selection.

Consultant Prequalification

Interested consulting firms must be prequalified by KDOT or otherwise demonstrate qualification in Category 241 Construction Inspection and Testing.

If a firm is not currently prequalified by KDOT, a proposal may still be submitted. Firms not prequalified must also provide documentation that demonstrates the firm is qualified for each specified category listed in this notice for the project. Firms must use the KDOT prequalification form to provide this documentation. KDOT 1050 Prequal-

ification Category Definitions (Blue Book) can be found at <http://www.ksdot.org/descons.asp>. Consultants may create a team to meet the prequalification requirements. All firms doing business with KDOT must be registered and in good standing under the laws of the State of Kansas at the time of contracting and must comply with applicable state and federal laws, rules, and regulations.

Anticipated Consultant Scope

KDOT anticipates the following will be included in the consultant’s scope: Construction Inspection/Testing services on various projects within District 6 and as directed by KDOT staff in that District. Inspectors will be utilized a minimum of 40 hours per week excluding holidays.

Specifically, KDOT requires three inspectors capable of multiple types of inspection such as grading, bridge, PCCP, HMA roadway, HMA plant, erosion control, traffic control, final paperwork, CMS/ AASHTOWare data entry, etc.

Anticipated Schedule and Key Dates

1. Proposals are due by or before 12:00 p.m. (CDT) June 22, 2022
2. Anticipated Start: July 2022
3. Anticipated Completion: October 2022

Instructions for Proposal

1. No cost or pricing information shall be submitted with the proposal. Proposals including cost or pricing information will be considered non-responsive and withdrawn from further consideration.
2. The consultant’s proposal must not exceed 4 pages total (including any cover letter, index, etc.)
3. A PDF (2MB maximum size) of the proposal must be emailed to KDOT.DesignContracts@ks.gov by the proposal due date and time.
4. The subject line of the email and the PDF file name must read:
 - a. “FC-5001-22-EmbedConstInsp in D6_FIRM NAME”
5. The proposal must be accompanied by Special Attachments No. 8 (“Tax Clearance Certificate”) and No. 10 (“Policy Regarding Sexual Harassment”). If you need a Tax Clearance Certificate, you can request one at <https://www.ksrevenue.gov/taxclearance.html>. Allow 2-3 business days for processing.
6. The outline in Table 1 below describes the expected proposal organization and content sections.
7. Table 2 lists the evaluation criteria and associated weights which will be used to make a selection.

Table 1: Proposal Content

Section	Description of Intent
Cover Letter	(no more than 1 page)
Project Approach	Describe how your firm will meet the fluctuating inspection needs of the project.
Approach to Quality Control	Describe methods or procedures your firm will use to provide all services with professional quality and technical accuracy.

Qualifications and Experience	For key personnel to be assigned to the project provide names, qualifications, education, training, and expertise. Identify their area(s) of responsibility and percent of their time dedicated to the project. List work for which you do not have in-house capability and name the firm you propose to subcontract with.
Past Performance	Describe team’s past performance with respect to ability to meet project schedules; quality of work; and ability to control costs on similar transportation projects, especially those performed for KDOT. Include three references and contact information.
Familiarity with KDOT and Project Area	Describe team’s familiarity with KDOT’s inspection processes and standards. Describe familiarity with the project area and any identified special site conditions.

Table 2: Evaluation Factors

Evaluation Factor	Weight
The quality and completeness of the response	10%
Availability to respond to the work	20%
Qualifications and experience of key project team members proposed for services	20%
Past performance history for similar projects/services for KDOT	20%
Understanding of the District	10%
Understanding of KDOT contract administration and closeout procedures	20%

Contract Terms and Conditions

A standard KDOT agreement for engineering and technical services will be used for professional services projects. The following special attachments will need to be provided by the selected consultant and all subconsultants with the signed work order following negotiations and will become attachments to the contract.

- Special Attachment No. 8 (“Tax Clearance Certificate”)
- Special Attachment No. 10 (“Policy Regarding Sexual Harassment”)

Questions

All questions regarding this request for proposals shall be emailed to KDOT.DesignContracts@ks.gov.

Questions can be submitted until June 9, 2022; answers will be provided to all prequalified consultants on June 15, 2022.

Marcia Turner, P.E., Contracts Manager
Division of Engineering and Design

Doc. No. 050196

State of Kansas

**Department of Health and Environment
Division of Health Care Finance**

Public Notice

The Kansas Department of Health and Environment, Division of Health Care Finance (KDHE-DHCF) is amending the Kansas Medicaid State Plan to add Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) reimbursement rates for periodontal maintenance and for the use of prefabricated porcelain/ceram-
(continued)

ic crowns on primary teeth as well as for the repair of crowns on primary teeth.

The proposed effective date for the State Plan Amendment (SPA) is July 1, 2022.

Fee-For-Service Only	Estimated Federal Financial Participation
FFY 2022	\$26
FFY 2023	\$22

To request a copy of the proposed SPA, to submit a comment, or to review comments, please contact William C. Stelzner by email at william.stelzner@ks.gov, or by mail at:

William C. Stelzner
Kansas Department of Health and Environment
Division of Health Care Finance
900 SW Jackson, Room 900N
Topeka, KS 66612.

The last day for public comment is July 5, 2022. Draft copies of the proposed SPA may also be found at a Local Health Department (LHD).

Sarah Fertig
State Medicaid Director

Doc. No. 050189

State of Kansas

Department of Health and Environment
Division of Health Care Finance

Public Notice

The Kansas Department of Health and Environment, Division of Health Care Finance (KDHE-DHCF) is amending the Kansas Medicaid State Plan to increase the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) reimbursement rates for pediatricians.

The proposed effective date for the State Plan Amendment (SPA) is July 1, 2022.

Fee-For-Service Only	Estimated Federal Financial Participation
FFY 2022	\$817
FFY 2023	\$3026

To request a copy of the proposed SPA, to submit a comment, or to review comments, please contact William C. Stelzner by email at william.stelzner@ks.gov, or by mail at:

William C. Stelzner
Kansas Department of Health and Environment
Division of Health Care Finance
900 SW Jackson, Room 900N
Topeka, KS 66612.

The last day for public comment is July 5, 2022. Draft copies of the proposed SPA may also be found at a Local Health Department (LHD).

Sarah Fertig
State Medicaid Director

Doc. No. 050206

State of Kansas

Department for Aging and Disability Services
Department of Health and Environment
Division of Health Care Finance

Notice of Final Nursing Facility Medicaid Rates for State Fiscal Year 2023; Methodology for Calculating Rates, and Rate Justifications; Response to Written Comments; Notice of Intent to Amend the Medicaid State Plan

Under the Medicaid program, 42 U.S.C. 1396 et seq., the State of Kansas pays nursing facilities, nursing facilities for mental health, and hospital long-term care units (hereafter collectively referred to as nursing facilities) a daily rate for care provided to residents who are eligible for Medicaid benefits. The Secretary of Aging and Disability Services administers the nursing facility program, which includes hospital long-term care units, and the nursing facility for mental health program. The Secretary acts on behalf of the Kansas Department of Health and Environment Division of Health Care Finance (DHCF), the single state Medicaid agency.

As required by 42 U.S.C. 1396a(a)(13), as amended by Section 4711 of the Balanced Budget Act of 1997, P.L. No. 105-33, 101 Stat. 251, 507-08 (August 5, 1997), the Secretary of the Kansas Department for Aging and Disability Services (KDADS) is publishing the final Medicaid per diem rates for Medicaid-certified nursing facilities for State Fiscal Year 2023, the methodology underlying the establishment of the nursing facility rates, and the justifications for those rates. KDADS and DHCF are also providing notice of the state’s intent to submit amendments to the Medicaid State Plan to the U. S. Department of Health and Human Services’ Centers for Medicare and Medicaid Services (CMS) on or before September 30, 2022.

I. Methodology Used to Calculate Medicaid Per Diem Rates for Nursing Facilities.

In general, the state uses a prospective, cost-based, facility-specific rate-setting methodology to calculate nursing facility Medicaid per diem rates, including the rates listed in this notice. The state’s rate-setting methodology is contained primarily in the following described documents and authorities and in the exhibits, attachments, regulations, or other authorities referenced in them:

- A. The following portions of the Kansas Medicaid State Plan maintained by DHCF are being revised:
 - 1. Attachment 4.19D, Part I, Subpart C, Exhibit C-1, inclusive;

The text of the portions of the Medicaid State Plan identified above in section IA.1, but not the documents, authorities and the materials incorporated therein by reference, is reprinted in this notice. The Medicaid State Plan provisions set out in this notice appears in the version which the state currently intends to submit to CMS on or before September 30, 2022. The Medicaid State Plan amendment that the state ultimately submits to CMS may differ from the version contained in this notice.

Copies of the documents and authorities containing the state’s rate-setting methodology are available upon

written request. A request for copies will be treated as a request for public records under the Kansas Open Records Act, K.S.A. 45-215 et seq. The state may charge a fee for copies, in accordance with Executive Order 18-05. Written requests for copies should be sent to:

Secretary of Aging and Disability Services
New England Building, Second Floor
503 S. Kansas Ave.
Topeka, KS 66603-3404
Fax: 785-296-0767

A.1 Attachment 4.19D, Part I, Subpart C, Exhibit C-1: Methods and Standards for Establishing Payment Rates for Nursing Facilities

Under the Medicaid program, the State of Kansas pays nursing facilities (NF), nursing facilities for mental health (NFMH), and hospital long-term care units (hereafter collectively referred to as nursing facilities) a daily rate for care provided to residents who are eligible for Medicaid benefits. The narrative explanation of the nursing facility reimbursement formula is divided into 11 sections. The sections are: Cost Reports, Rate Determination, Quarterly Case Mix Index Calculation, Resident Days, Inflation Factors, Upper Payment Limits, Quarterly Case Mix Rate Adjustment, Real and Personal Property Fee, Incentive Factors, Rate Effective Date, and Retroactive Rate Adjustments.

1. Cost Reports

The Nursing Facility Financial and Statistical Report (MS2004) is the uniform cost report. It is included in Kansas Administrative Regulation (K.A.R.) 129-10-17. It organizes the commonly incurred business expenses of providers into three reimbursable cost centers (operating, indirect health care, and direct health care). Ownership costs (i.e., mortgage interest, depreciation, lease, and amortization of leasehold improvements) are reported but reimbursed through the real and personal property fee. There is a non-reimbursable/non-resident related cost center so that total operating expenses can be reconciled to the providers' accounting records.

All cost reports are desk reviewed by agency auditors. Adjustments are made, when necessary, to the reported costs in arriving at the allowable historic costs for the rate computations.

Calendar Year End Cost Reports

All providers that have operated a facility for 12 or more months on December 31 shall file a calendar year cost report. The requirements for filing the calendar year cost report are found in K.A.R. 129-10-17.

When a non-arms length or related party change of provider takes place or an owner of the real estate assumes the operations from a lessee, the facility will be treated as an ongoing operation. In this situation, the related provider or owner shall be required to file the calendar year end cost report. The new operator or owner is responsible for obtaining the cost report information from the prior operator for the months during the calendar year in which the new operator was not involved in running the facility. The cost report information from the old and new operators shall be combined to prepare a 12-month calendar year end cost report.

Projected Cost Reports

The filing of projected cost reports are limited to: 1) newly constructed facilities; 2) existing facilities new to the Medicaid program; or 3) a provider re-entering the Medicaid program that has not actively participated or billed services for 24 months or more. The requirements are found in K.A.R. 129-10-17.

2. Rate Determination

Rates for Existing Nursing Facilities

Medicaid rates for Kansas NFs are determined using a prospective, facility-specific rate-setting system. The rate is determined from the base cost data submitted by the provider. The current base cost data is the combined calendar year cost data from each available report submitted by the current provider during 2019, 2020, and 2021.

If the current provider has not submitted a calendar year report during the base cost data period, the cost data submitted by the previous provider for that same period will be used as the base cost data. Once the provider completes their first 24 months in the program, their first calendar year cost report will become the provider's base cost data.

The allowable expenses are divided into three cost centers. The cost centers are Operating, Indirect Health Care and Direct Health Care. They are defined in K.A.R. 129-10-18.

The allowable historic per diem cost is determined by dividing the allowable resident related expenses in each cost center by resident days. Before determining the per diem cost, each year's cost data is adjusted from the midpoint of that year to December 31, 2022. The resident days and inflation factors used in the rate determination will be explained in greater detail in the following sections.

The inflated allowable historic per diem cost for each cost center is then compared to the cost center upper payment limit. The allowable per diem rate is the lesser of the inflated allowable historic per diem cost in each cost center or the cost center upper payment limit. Each cost center has a separate upper payment limit. If each cost center upper payment limit is exceeded, the allowable per diem rate is the sum of the three cost center upper payment limits. There is also a separate upper payment limit for owner, related party, administrator, and co-administrator compensation. The upper payment limits will be explained in more detail in a separate section.

The case mix of the residents adjusts the Direct Health Care cost center. The reasoning behind a case mix payment system is that the characteristics of the residents in a facility should be considered in determining the payment rate. The idea is that certain resident characteristics can be used to predict future costs to care for residents with those same characteristics. For these reasons, it is desirable to use the case mix classification for each facility in adjusting provider rates.

There are add-ons to the allowable per diem rate. The add-ons consist of the incentive factor, the real and personal property fee, and per diems to cover costs not included in the cost report data. The incentive factor and real and personal property fee are explained in separate sections of this exhibit. The rate components are ex-

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plained in separate subparts of Attachment 4.19D of the State Plan. The add-ons plus the allowable per diem rate equal the total per diem rate.

Rates for New Construction and New Facilities (New Enrollment Status)

The per diem rate for newly constructed nursing facilities, or new facilities to the Kansas Medical Assistance program shall be based on a projected cost report submitted in accordance with K.A.R. 129-10-17.

The cost information from the projected cost report and the first historic cost report covering the projected cost report period shall be adjusted to December 31, 2022. This adjustment will be based on the IHS Global Insight, National Skilled Nursing Facility Market Basket Without Capital Index (IHS Index). The IHS indices listed in the latest available quarterly publication will be used to adjust the reported cost data from the midpoint of the cost report period to December 31, 2022. The provider shall remain in new enrollment status until the base data period is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in new enrollment status.

Rates for Facilities Recognized as a Change of Provider (Change of Provider Status)

The payment rate for the first 24 months of operation shall be based on the base cost data of the previous owner or provider. This base cost data shall include data from each calendar year cost report that was filed by the previous provider from 2019-2021. If base cost data is not available, the most recent calendar year data for the previous provider shall be used. Beginning with the first day of the 25th month of operation the payment rate shall be based on the historical cost data for the first calendar year submitted by the new provider.

All data used to set rates for facilities recognized as a change-of-provider shall be adjusted to December 31, 2022. This adjustment will be based on the IHS Index. The IHS indices listed in the latest available quarterly publication will be used to adjust the reported cost data from the midpoint of the cost report period to December 31, 2022. The provider shall remain in change-of-provider status until the base data period is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in change of provider status.

Rates for Facilities Re-entering the Program (Reenrollment Status)

The per diem rate for each provider reentering the Medicaid program shall be determined from a projected cost report if the provider has not actively participated in the program by the submission of any current resident service billings to the program for 24 months or more. The per diem rate for all other providers reentering the program shall be determined from the base cost data filed with the agency or the most recent cost report filed preceding the base cost data period.

All cost data used to set rates for facilities reentering the program shall be adjusted to December 31, 2022. This adjustment will be based on the IHS Index. The IHS indices listed in the latest available quarterly publication will be used to adjust the reported cost data from the midpoint of the cost report period to December 31, 2022. The provider shall remain in reenrollment status until the base data period is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in reenrollment status.

3. Quarterly Case Mix Index Calculation

Providers are required to submit to the agency the uniform assessment instrument, which is the Minimum Data Set (MDS), for each resident in the facility. The MDS assessments are maintained in a computer database.

The Resource Utilization Groups-III (RUG-III) Version 5.20, 34 group, index maximizer model is used as the resident classification system to determine all case-mix indices, using data from the MDS submitted by each facility. Standard Version 5.20 (Set D01) case mix indices developed by the Centers for Medicare and Medicaid Services (CMS) shall be the basis for calculating facility average case mix indices to be used to adjust the Direct Health Care costs in the determination of upper payment limits and rate calculation. Resident assessments that cannot be classified will be assigned the lowest CMI for the State.

Each resident in the facility on the first day of each calendar quarter with a completed and submitted assessment shall be assigned a RUG-III 34 group calculated on the resident's most current assessment available on the first day of each calendar quarter. This RUG-III group shall be translated to the appropriate CMI. From the individual resident case mix indices, three average case mix indices for each Medicaid nursing facility shall be determined four times per year based on the assessment information available on the first day of each calendar quarter.

The facility-wide average CMI is the simple average, carried to four decimal places, of all resident case mix indices. The Medicaid-average CMI is the simple average, carried to four decimal places, of all indices for residents, including those receiving hospice services, where Medicaid is known to be a per diem payer source on the first day of the calendar quarter or at any time during the preceding quarter. The private-pay/other average CMI is the simple average, carried to four decimal places, of all indices for residents where neither Medicaid nor Medicare were known to be the payer source on the first day of the calendar quarter or at any time during the preceding quarter. Case mix indices for ventilator-dependent residents for whom additional reimbursement has been determined shall be excluded from the average CMI calculations.

Rates will be adjusted for case mix twice annually using case mix data from the two quarters preceding the rate effective date. The case mix averages used for the rate adjustments will be the simple average of the case mix averages for each quarter. The resident listing cut-off for calculating the average CMIs for each quarter will be the first day of the quarter. The following are the dates

for the resident listings and the rate periods in which the average Medicaid CMI's will be used in the semi-annual rate-setting process.

<u>Rate Effective Date</u>	<u>Cut-Off Dates for Quarterly CMI</u>
July 1	January 1 and April 1
January 1	July 1 and October 1

The resident listings will be distributed to providers prior to the dates the semi-annual case mix adjusted rates are determined. This will allow the providers time to review the resident listings and make corrections before they are notified of new rates. The cut off schedule may need to be modified in the event accurate resident listings and Medicaid CMI scores cannot be obtained from the MDS database.

4. Resident Days

Facilities with 60 beds or less

For facilities with 60 beds or less, the allowable historic per diem costs for all cost centers are determined by dividing the allowable resident related expenses by the actual resident days during the cost report period(s) used to establish the base cost data.

Facilities with more than 60 beds

For facilities with more than 60 beds, the allowable historic per diem costs for the Direct Health Care cost center and for food and utilities in the Indirect Health Care cost center are determined by dividing the allowable resident related expenses by the actual resident days during the cost report period(s) used to establish the base cost data. The allowable historic per diem cost for the Operating and Indirect Health Care Cost Centers less food and utilities is subject to an 85% minimum occupancy rule. For these providers, the greater of the actual resident days for the cost report period(s) used to establish the base cost data or the 85% minimum occupancy based on the number of licensed bed days during the cost report period(s) used to establish the base cost data is used as the total resident days in the rate calculation for the Operating cost center and the Indirect Health Care cost center less food and utilities. All licensed beds are required to be certified to participate in the Medicaid program.

There are two exceptions to the 85% minimum occupancy rule for facilities with more than 60 beds. The first is that it does not apply to a provider who is allowed to file a projected cost report for an interim rate. Both the rates determined from the projected cost report and the historic cost report covering the projected cost report period are based on the actual resident days for the period.

The second exception is for the first cost report filed by a new provider who assumes the rate of the previous provider. If the 85% minimum occupancy rule was applied to the previous provider's rate, it is also applied when the rate is assigned to the new provider. However, when the new provider files a historic cost report for any part of the first 12 months of operation, the rate determined from the cost report will be based on actual days and not be subject to the 85% minimum occupancy rule for the months in the first year of operation. The 85% minimum occupancy rule is then reapplied to the rate when the new provider reports resident days and costs for the 13th month of operation and after.

5. Inflation Factors

Inflation will be applied to the allowable reported costs from the calendar year cost report(s) used to determine the base cost data from the midpoint of each cost report period to December 31, 2022. The inflation will be based on the IHS Global Insight, CMS Nursing Home without Capital Market Basket index.

The IHS Global Insight, CMS Nursing Home without Capital Market Basket Indices listed in the latest available quarterly publication will be used to determine the inflation tables for the payment schedules processed during the payment rate period. This may require the use of forecasted factors in the inflation table. The inflation tables will not be revised until the next payment rate period.

The inflation factor will not be applied to the following costs:

1. Owner/Related Party Compensation
2. Interest Expense
3. Real and Personal Property Taxes

6. Upper Payment Limits

There are three types of upper payment limits that will be described. One is the owner/related party/administrator/co-administrator limit. The second is the real and personal property fee limit. The last type of limit is an upper payment limit for each cost center. The upper payment limits are in effect during the payment rate period unless otherwise specified by a State Plan amendment.

Owner/Related Party/Administrator/Co-Administrator Limits

Since salaries and other compensation of owners are not subject to the usual market constraints, specific limits are placed on the amounts reported. First, amounts paid to non-working owners and directors are not an allowable cost. Second, owners and related parties who perform resident related services are limited to a salary chart based on the Kansas Civil Service classifications and wages for comparable positions. Owners and related parties who provide resident related services on less than a full time basis have their compensation limited by the percent of their total work time to a standard work week. A standard work week is defined as 40 hours. The owners and related parties must be professionally qualified to perform services which require licensure or certification.

The compensation paid to owners and related parties shall be allocated to the appropriate cost center for the type of service performed. Each cost center has an expense line for owner/related party compensation. There is also a cost report schedule titled, "Statement of Owners and Related Parties." This schedule requires information concerning the percent of ownership (if over five percent), the time spent in the function, the compensation, and a description of the work performed for each owner and/or related party. Any salaries reported in excess of the Kansas Civil Service based salary chart are transferred to the Operating cost center where the excess is subject to the Owner/Related Party/Administrator/Co-Administrator per diem compensation limit.

Schedule C is an array of non-owner administrator and co-administrator salaries. The schedule includes the cal-

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endar year 2021 historic cost reports in the database from all active nursing facility providers. The salary information in the array is not adjusted for inflation. The per diem data is calculated using an 85% minimum occupancy level for those providers in operation for more than 12 months with more than 60 beds. Schedule C for the owner/related party/administrator/co-administrator per diem compensation limit is the first schedule run during the rate setting.

Schedule C is used to set the per diem limitation for all non-owner administrator and co-administrator salaries and owner/related party compensation in excess of the civil service based salary limitation schedule. The per diem limit for a 50-bed or larger home is set at the 90th percentile on all salaries reported for non-owner administrators and co-administrators. A limitation table is then established for facilities with less than 50 beds. This table begins with a reasonable salary per diem for an administrator of a 15-bed or less facility. The per diem limit for a 15-bed or less facility is inflated based on the State of Kansas annual cost of living allowance for classified employees for the rate period. A linear relationship is then established between the compensation of the administrator of the 15-bed facility and the compensation of the administrator of a 50-bed facility. The linear relationship determines the per diem limit for the facilities between 15 and 50 beds.

The per diem limits apply to the non-owner administrators and co-administrators and the compensation paid to owners and related parties who perform an administrative function or consultant type of service. The per diem limit also applies to the salaries in excess of the civil service based salary chart in other cost centers that are transferred to the operating cost center.

Real and Personal Property Fee Limit

The property component of the reimbursement methodology consists of the real and personal property fee that is explained in more detail in a later section. The upper payment limit is 105% of the median determined from a total resident day-weighted array of the property fees in effect April 1, 2022.

Cost Center Upper Payment Limits

Schedule B is an array of all per diem costs for each of the three cost centers-Operating, Indirect Health Care, and Direct Health Care. The schedule includes a per diem determined from the base cost data from all active nursing facility providers. Projected cost reports are excluded when calculating the limit.

The per diem expenses for the Operating cost center and the Indirect Health Care cost center less food and utilities are subject to the 85% minimum occupancy for facilities over 60 beds. All previous desk review and field audit adjustments are considered in the per diem expense calculations. The costs are adjusted by the owner/related party/administrator/co-administrator limit.

Prior to the Schedule B arrays, the cost data on certain expense lines is adjusted from the midpoint of the cost report period to December 31, 2022. This will bring the costs reported by the providers to a common point in time for comparisons. The inflation will be based on the IHS Global Insight, CMS Nursing Home Without Capital Market Basket Index.

Certain costs are exempt from the inflation application when setting the upper payment limits. They include owner/related party compensation, interest expense, and real and personal property taxes.

Schedule B is the median compilations. These compilations are needed for setting the upper payment limit for each cost center. The median for each cost center is weighted based on total resident days. The upper payment limits will be set using the following:

Operating	110% of the median
Indirect Health Care	115% of the median
Direct Health Care	130% of the median

Direct Health Care Cost Center Limit

The Kansas reimbursement methodology has a component for a case mix payment adjustment. The Direct Health Care cost center rate component and upper payment limit are adjusted by the facility average CMI.

For the purpose of setting the upper payment limit in the Direct Health Care cost center, the facility cost report period CMI and the statewide average CMI will be calculated. The facility cost report period CMI is the resident day-weighted average of the quarterly facility-wide average case mix indices, carried to four decimal places. The quarters used in this average will be the quarters that most closely coincide with the financial and statistical reporting period. For example, a 01/01/20XX-12/31/20XX financial and statistical reporting period would use the facility-wide average case mix indices for quarters beginning 04/01/XX, 07/01/XX, 10/01/XX and 01/01/XY. The statewide average CMI is the resident day-weighted average, carried to four decimal places, of the facility cost report period case mix indices for all Medicaid facilities.

The statewide average CMI and facility cost report period CMI are used to set the upper payment limit for the Direct Health Care cost center. The limit is based on all facilities with a historic cost report in the database. There are three steps in establishing the base upper payment limit.

The first step is to normalize each facility's inflated Direct Health Care costs to the statewide average CMI. This is done by dividing the statewide average CMI for the cost report year by the facility's cost report period CMI, then multiplying this answer by the facility's inflated costs. This step is repeated for each cost report year for which data is included in the base cost data.

The second step is to determine per diem costs and array them to determine the median. The per diem cost is determined by dividing the total of each provider's inflated case mix adjusted base direct health care costs by the total days provided during the base cost data period. The median is located using a day-weighted methodology. That is, the median cost is the per diem cost for the facility in the array at which point the cumulative total of all resident days first equals or exceeds half the number of the total resident days for all providers. The facility with the median resident day in the array sets the median inflated direct health care cost. For example, if there are eight million resident days, the facility in the array with the 4 millionth day would set the median.

The final step in calculating the base Direct Health Care upper payment limit is to apply the percentage factor to the median cost. For example, if the median cost is

\$80 and the upper payment limit is based on 130% of the median, then the upper payment limit for the statewide average CMI would be \$104 ($D=130\% \times \80).

7. Quarterly Case Mix Rate Adjustment

The allowance for the Direct Health Care cost component will be based on the average Medicaid CMI in the facility. The first step in calculating the allowance is to determine the Allowable Direct Health Care Per Diem Cost. This is the lesser of the facility's per diem cost from the base cost data period or the Direct Health Care upper payment limit. Because the direct health care costs were previously adjusted for the statewide average CMI, the Allowable Direct Health Care Per Diem Cost corresponds to the statewide average CMI.

The next step is to determine the Medicaid acuity adjusted allowable Direct Health Care cost. The facility's Medicaid CMI is determined by averaging the facility average Medicaid CMI from the two quarters preceding the rate effective date. The facility's Medicaid CMI is then divided by the statewide average CMI for the cost data period. Finally, this result, is then multiplied by the Allowable Direct Health Care per diem cost. The result is referred to as the Medicaid Acuity Adjustment.

The Medicaid Acuity Adjustment is calculated semi-annually to account for changes in the Medicaid CMI. To illustrate this calculation, take the following situation: The facility's direct health care per diem cost is \$80.00, the Direct Health Care per diem limit is \$104.00, and these are both tied to a statewide average CMI of 1.000, and the facility's current Medicaid CMI is 0.9000. Since the per diem costs are less than the limit the Allowable Direct Health Care Cost is \$80.00, and this is matched with the statewide average CMI of 1.0000. To calculate the Medicaid Acuity Adjustment, first divide the Medicaid CMI by the statewide average CMI, then multiply the result by the Allowable Direct Health Care Cost. In this case that would result in \$72.00 ($0.9000/1.0000 \times \80.00). Because the facility's current Medicaid CMI is less than the statewide average CMI the Medicaid Acuity Adjustment moves the direct health care per diem down proportionally. In contrast, if the Medicaid CMI for the next semi-annual adjustment rose to 1.1000, the Medicaid Acuity Adjustment would be \$88.00 ($1.1000/1.0000 \times \80.00). Again the Medicaid Acuity Adjustment changes the Allowable Direct Health Care Per Diem Cost to match the current Medicaid CMI.

8. Real and Personal Property Fee

The property component of the reimbursement methodology consists of the real and personal property fee (property fee). The property fee is paid in lieu of an allowable cost of mortgage interest, depreciation, lease expense and/or amortization of leasehold improvements. The fee is facility specific and does not change as a result of a change of ownership, change in lease, or with re-enrollment in the Medicaid program. The original property fee was comprised of two components, a property allowance and a property value factor. The differentiation of the fee into these components was eliminated effective July 1, 2002. At that time each facility's fee was re-established based on the sum of the property allowance and value factor. The providers receive the lower of the inflated property fee or the upper payment limit.

For providers re-enrolling in the Kansas Medical Assistance program or providers enrolling for the first time but operating in a facility that was previously enrolled in the program, the property fee shall be the sum of the last effective property allowance and the last effective value factor for that facility. The property fee will be inflated to 12/31/08 and then compared to the upper payment limit. The property fee will be the lower of the facility-specific inflated property fee or the upper payment limit.

Providers entering the Kansas Medical Assistance program for the first time, who are operating in a building for which a fee has not previously been established, shall have a property fee calculated from the ownership costs reported on the cost report. This fee shall include appropriate components for rent or lease expense, interest expense on real estate mortgage, amortization of leasehold improvements, and depreciation on buildings and equipment. The process for calculating the property fee for providers entering the Kansas Medical Assistance program for the first time is explained in greater detail in K.A.R. 129-10-25.

There is a provision for changing the property fee. This is for a rebasing when capital expenditure thresholds are met (\$25,000 for homes under 51 beds and \$50,000 for homes over 50 beds). The original property fee remains constant but the additional factor for the rebasing is added. The property fee rebasing is explained in greater detail in K.A.R. 129-10-25. The rebased property fee is subject to the upper payment limit.

9. Incentive Factors

An incentive factor will be awarded to both NF and NF-MH providers that meet certain outcome measures criteria. The criteria for NF and NF-MH providers will be determined separately based on arrays of outcome measures for each provider group.

Nursing Facility Quality and Efficiency Incentive Factor:

The Nursing Facility Incentive Factor is a per diem amount determined by four per diem add-ons providers can earn for various outcomes measures. Providers that maintain a case mix adjusted staffing ratio at or above the 75th percentile will earn a \$3.00 per diem add-on. Providers that fall below the 75th percentile staffing ratio but improve their staffing ratio by 10% or more will earn a \$0.50 per diem add-on. Providers that achieve a staff retention rate at or above the 75th percentile will earn a \$2.50 per diem add-on as long as contracted labor costs do not exceed 10% of the provider's total direct health care labor costs. Providers that have a staff retention rate lower than the 75th percentile but that increase their staff retention rate by 10% or more will receive a per diem add-on of \$0.50 as long as contracted labor costs do not exceed 10% of the provider's total direct health care labor costs. Providers that have a Medicaid occupancy percentage of 65% or more will receive a \$0.75 per diem add-on. Finally, providers that maintain quality measures at or above the 75th percentile will earn a \$1.25 per diem add-on. The total of all the per diem add-ons a provider qualifies for will be their incentive factor.

The table below summarizes the incentive factor outcomes and per diem add-ons:

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Incentive Outcome	Incentive Add-ons
CMI adjusted staffing ratio ≥ 75th percentile (5.57), or CMI adjusted staffing < 75th percentile but improved ≥ 10%	\$3.00 \$0.50
Staff retention rate ≥ 75th percentile, 68% Contracted labor < 10% of total direct health care labor costs or Staff retention rate < 75th percentile but increased ≥ 10% Contracted labor < 10% of total direct health care labor costs	\$2.50 \$0.50
Medicaid occupancy ≥ 65%	\$0.75
Quality Measures ≥ 75th percentile (550)	\$1.25
Total Incentive Add-on Available	\$7.50

The Culture Change/Person-Centered Care Incentive Program

The Culture Change/Person-Centered Care Incentive Program (PEAK 2.0) includes six different incentive levels to recognize homes that are either pursuing culture change, have made major achievements in the pursuit of culture change, have met minimum competencies in person-centered care, have sustained person-centered care, or are mentoring others in person-centered care.

Each incentive level has a specific pay-for-performance incentive per diem attached to it that homes can earn by meeting defined outcomes. The first three levels (Level 0 – Level 2) are intended to encourage quality improvement for homes that have not yet met the minimum competency requirements for a person-centered care home. Homes can earn the Level 1 and Level 2 incentives simultaneously as they progress toward the minimum competency level.

Level 3 recognizes those homes that have attained a minimum level of core competency in person-centered care. Level 4 and Level 5 are reserved for those homes that have demonstrated sustained person-centered care for multiple years and have gone on to mentor other homes in their pursuit of person-centered care. The table below provides a brief overview of each of the levels.

Level and Per Diem Incentive	Summary of Required Nursing Home Action	Incentive Duration
Level 0 The Foundation \$0.50	Home completes the KCCI evaluation tool according to the application instructions. Home participates in all required activities noted in "The Foundation" timeline and workbook. Homes that do not complete the requirements will be dropped until they enroll to participate in the next fiscal year.	Available beginning July 1 of enrollment year. Incentive granted for one full fiscal year, contingent upon participation.
Level 1 Pursuit of Culture Change \$0.50	Homes should submit the KCCI evaluation tool (annually). Home submits an action plan addressing 4 PEAK 2.0 cores in Domains 1-4. The home self-reports progress on the action planned cores via phone conference with the PEAK team. The home may be selected for a random site visit. The home must participate in the random site visit, if selected, to continue incentive payment. Homes should demonstrate successful completion of 75% of core competencies selected. A home can apply for Levels 1 & 2 in the same year. Homes that do not achieve Level 2 with three consecutive years of participation at Level 1 may return to a Level 0 or sit out for two years depending on KDADS and KSU's recommendation.	Available beginning July 1 of enrollment year. Incentive granted for one full fiscal year.

Level 2 Culture Change Achievement \$1.00	This is a bridge level to acknowledge achievement in Level 1. Homes may receive this level at the same time they are working on other PEAK core areas at Level 1. Homes may receive this incentive for up to 3 years. If Level 3 is not achieved at the end of the third year, homes may start back at Level 0 or 1 depending on KDADS and KSU's recommendation.	Available beginning July 1 following confirmed completion of action plan goals. Incentive is granted for one full fiscal year.
Level 3 Person-Centered Care Home \$2.00	Demonstrates minimum competency as a person-centered care home (see KDADS full criteria). This is confirmed through a combination of the following: Demonstration of success in other levels of the program. Performing successfully on a Level 2 screening call with the KSU PEAK 2.0 team. Passing a full site visit.	Available beginning July 1 following confirmed minimum competency as a person-centered care home. Incentive is granted for one full fiscal year. Renewable bi-annually.
Level 4 Sustained Person-Centered Care Home \$2.50	Homes earn person-centered care home award two consecutive years.	Available beginning July 1 following confirmation of the upkeep of minimum person-centered care competencies. Incentive is granted for two fiscal years. Renewable bi-annually.
Level 5 Person-Centered Care Mentor Home \$3.00	Homes earn sustained person-centered care home award and successfully engage in mentoring activities suggested by KDADS (see KDADS mentoring activities). Mentoring activities should be documented.	Available beginning July 1 following confirmation of mentor home standards. Incentive is granted for two fiscal years. Renewable bi-annually.

Nursing Facility for Mental Health Quality and Efficiency Incentive Factor

The Quality and Efficiency Incentive plan for Nursing Facilities for Mental Health (NFMH) will be established separately from nursing facilities. Nursing Facilities for Mental Health serve people who often do not need the NF level of care on a long-term basis. There is a desire to provide incentive for NFMHs to work cooperatively and in coordination with Community Mental Health Centers to facilitate the return of persons to the community.

The Quality and Efficiency Incentive Factor is a per diem add-on ranging from zero to seven dollars and fifty cents. It is designed to encourage quality care, efficiency and cooperation with discharge planning. The incentive factor is determined by five outcome measures: case-mix adjusted nurse staffing ratio; operating expense; staff turnover rate; staff retention rate; and occupancy rate. Each provider is awarded points based on their outcomes measures and the total points for each provider determine the per diem incentive factor included in the provider's rate calculation.

Providers may earn up to two incentive points for their case mix adjusted nurse staffing ratio. They will receive two points if their case-mix adjusted staffing ratio equals or exceeds 3.32, which is 120% of the state-wide NFMH median of 2.77. They will receive one point if the ratio is less than 120% of the NFMH median but greater than or equal to 3.05, which is 110% of the state-wide NFMH median. Providers with staffing ratios be-

low 110% of the NFMH median will receive no points for this incentive measure.

NFMH providers may earn one point for low occupancy outcomes measures. If they have total occupancy less than 90% they will earn a point.

NFMH providers may earn one point for low operating expense outcomes measures. The provider will earn one point if the per diem operating expenses are below \$27.68, or 90% of the statewide median of \$30.76.

NFMH providers may earn up to two points for the turnover rate outcomes measure. Providers with direct health care staff turnover equal to or below 58%, the 75th percentile statewide, will earn two points as long as contracted labor costs do not exceed 10% of the provider's total direct health care labor costs. Providers with direct health care staff turnover greater than 58% but equal to or below 75%, the 50th percentile statewide, will earn one point as long as contracted labor costs do not exceed 10% of the provider's total direct health care labor costs.

Finally, NFMH providers may earn up to two points for the retention rate outcomes measure. Providers with staff retention rates at or above 86%, the 75th percentile statewide will earn two points. Providers with staff retention rates below 86% but at or above 69%, the 50th percentile statewide, will earn one point.

The table below summarizes the incentive factor outcomes and points:

Quality/Efficiency Outcome	Incentive Points
CMI adjusted staffing ratio ≥ 120% (3.32 of NF-MH median (2.77), or CMI adjusted staffing ratio between 110% (3.05) and 120%	2, or 1
Total occupancy ≤ 90%	1
Operating expenses < \$27.68, 90% of NF-MH median, \$30.76	1
Staff turnover rate ≤ 75th percentile, 58%	2, or
Staff turnover rate ≤ 50th percentile, 75%	1
Contracted labor < 10% of total direct health care labor costs	
Staff retention ≥ 75th percentile, 86%	2, or
Staff retention ≥ 50th percentile, 69%	1
Total Incentive Points Available	8

Schedule E is an array containing the incentive points awarded to each NFMH provider for each quality and efficiency incentive outcome. The total of these points will be used to determine each provider's incentive factor based on the following table.

Total Incentive Points	Incentive Factor Per Diem
Tier 1: 6-8 points	\$7.50
Tier 2: 5 points	\$5.00
Tier 3: 4 points	\$2.50
Tier 4: 0-3 points	\$0.00

The survey and certification performance of each NF and NFMH provider will be reviewed quarterly to determine each provider's eligibility for incentive factor payments. In order to qualify for an incentive, factor a home must not have received any health care survey deficiency of scope and severity level "H" or higher during the survey review period. Homes that receive "G" level deficiencies, but no "H" level or higher deficiencies, and that correct the "G" level deficiencies within 30 days of the survey, will be eligible to receive 50% of the calculated incentive factor. Homes that receive no deficiencies higher than scope and severity level "F" will be eligible to receive 100% of the calculated incentive factor. The sur-

vey and certification review period will be the 12-month period ending one quarter prior to the incentive eligibility review date. The following table lists the incentive eligibility review dates and corresponding review period end dates.

Incentive Eligibility Effective Date	Review Period End Date
July 1	March 31st
October 1	June 30th
January 1	September 30th
April 1	December 31st

10. Rate Effective Date

Rate effective dates are determined in accordance with K.A.R. 129-10-19. The rate may be revised for an add-on reimbursement factor (i.e., rebased property fee), desk review adjustment or field audit adjustment.

11. Retroactive Rate Adjustments

Retroactive adjustments, as in a retrospective system, are made for the following three conditions:

A retroactive rate adjustment and direct cash settlement is made if the agency determines that the base year cost report data used to determine the prospective payment rate was in error. The prospective payment rate period is adjusted for the corrections.

If a projected cost report is approved to determine an interim rate, a settlement is also made after a historic cost report is filed for the same period.

All settlements are subject to upper payment limits. A provider is considered to be in projection status if they are operating on a projected rate and they are subject to the retroactive rate adjustment.

II. Medicaid Per Diem Rates for Kansas Nursing Facilities

A. Cost Center Limitations: The state establishes the following cost center limitations which are used in setting rates effective July 1, 2022.

Cost Center	Limit Formula	Per Day Limit
Operating	110% of the Median Cost	\$47.72
Indirect Health Care	115% of the Median Cost	\$63.30
Direct Health Care	130% of the Median Cost	\$163.06
Real and Personal Property Fee	105% of the Median Fee	\$10.24

These amounts were determined according to the "Reimbursement Limitations" section. The Direct Health-care Limit is calculated based on a CMI of 1.0704, which is the statewide average.

B. Case Mix Index: These final rates are based upon each nursing facility's Medicaid CMI calculated as the average of the quarterly Medicaid CMI averages with a cutoff dates of January 1, 2022 and April 1, 2022. The CMI calculations use the July 1, 2014 Kansas Medicaid/Medikan CMI Table. In Section II.C below, each nursing facility's Medicaid average CMI is listed beside its per diem rate.

C. Rates: The following list includes the calculated Medicaid rate for each nursing facility provider currently enrolled in the Medicaid program and the Medicaid case mix index used to determine each rate.

(continued)

Facility Name	City	Daily Rate	Medicaid CMI	Facility Name	City	Daily Rate	Medicaid CMI
Village Manor	Abilene	245.79	0.8871	Eureka Nursing Center	Eureka	199.38	0.9736
Life Care Center of Andover	Andover	197.10	1.0730	Kansas Soldiers' Home	Fort Dodge	254.00	0.9386
Victoria Falls SNF	Andover	223.29	1.0480	Medicalodges Fort Scott	Fort Scott	219.38	1.0256
Anthony Community Care Center	Anthony	203.89	0.8654	Fowler Residential Care	Fowler	247.66	0.7963
Medicalodges Health Care Ctr Arkansas	Arkansas City	201.63	0.9635	Frankfort Community Care Home, Inc.	Frankfort	244.53	0.9532
Arkansas City Presbyterian Manor	Arkansas City	252.58	1.0759	Medicalodges Frontenac	Frontenac	207.88	0.9573
Arma Operator, LLC	Arma	224.47	1.4263	Galena Nursing Home	Galena	216.85	1.1013
Medicalodges Atchison	Atchison	241.47	1.0202	Garden Valley Retirement Village	Garden City	194.15	1.0878
Atchison Senior Village	Atchison	276.98	1.0894	Recover Care Meadowbrook Rehab, LLC	Gardner	339.66	1.4494
Dooley Center	Atchison	259.13	0.8258	Medicalodges Gardner	Gardner	209.77	0.9149
Attica Long Term Care	Attica	258.83	0.8873	Anderson County Hospital	Garnett	265.03	0.8766
Good Samaritan Society-Atwood	Atwood	241.56	0.9990	Parkview Heights	Garnett	250.82	0.9772
Lake Point Nursing Center	Augusta	210.35	1.0536	The Nicol Home, Inc.	Gasco	215.82	0.9714
Baldwin Healthcare & Rehab Center	Baldwin City	232.63	1.3462	Medicalodges Goddard	Goddard	233.61	1.0833
Quaker Hill Manor	Baxter Springs	216.27	1.0715	Bethesda Home	Goessel	268.19	0.9274
Catholic Care Center Inc.	Bel Aire	264.82	1.0287	Topside Manor, Inc	Goodland	219.24	0.9774
Belleville Healthcare and Rehab Ctr	Belleville	227.51	1.1600	Medicalodges Great Bend	Great Bend	221.70	0.9425
Mitchell County Hospital LTCU	Beloit	254.04	0.8887	Azria Health Great Bend	Great Bend	220.16	1.1184
Hilltop Lodge Health and Rehab	Beloit	246.92	1.2628	Haviland Operator, LLC	Haviland	154.61	0.6894
Bonner Springs Nursing & Rehab Ctr	Bonner Springs	251.30	1.0663	Good Samaritan Society-Hays	Hays	221.00	0.9807
Hill Top House	Bucklin	261.10	0.9711	Ascension Living Via Christi Village	Hays	235.96	0.9461
Buhler Sunshine Home, Inc.	Buhler	250.45	0.9466	Diversicare of Haysville	Haysville	206.98	1.2693
Life Care Center of Burlington	Burlington	207.28	1.0913	Legacy at Herington	Herington	240.50	0.9978
Eastridge Nursing Home	Centralia	280.46	1.0149	Schowalter Villa	Hesston	276.59	1.0031
Heritage Health Care Center	Chanute	185.05	0.9615	Maple Heights Nursing and Rehab Ctr	Hiawatha	173.62	0.9232
Diversicare of Chanute	Chanute	208.72	1.2471	Dawson Place, Inc.	Hill City	201.51	0.9942
Chapman Valley Manor	Chapman	217.87	0.8984	Salem Home	Hillsboro	230.23	0.9763
Cheney Golden Age Home Inc.	Cheney	227.87	1.0292	Parkside Homes, Inc.	Hillsboro	265.47	0.9704
Cherryvale Care Center	Cherryvale	205.73	1.0972	Medicalodges Jackson County	Holton	216.34	1.0558
The Shepherd's Center	Cimarron	237.79	0.8165	Mission Village Living Center	Horton	189.08	0.9902
Advena Living of Clay Center	Clay Center	235.34	0.9440	Sheridan County Hospital	Hoxie	282.02	1.0605
Clay Center Presbyterian Manor	Clay Center	248.06	0.8419	Pioneer Manor	Hugoton	253.92	0.8234
Clearwater Nursing and Rehab	Clearwater	239.53	0.9550	Diversicare of Hutchinson	Hutchinson	218.79	1.1342
Park Villa Nursing Home	Clyde	217.92	0.9719	Good Sam Society-Hutchinson Village	Hutchinson	246.76	0.9651
Windsor Place	Coffeyville	231.86	1.0786	Hutchinson Operator, LLC	Hutchinson	218.62	1.3821
Medicalodges Coffeyville	Coffeyville	233.28	0.9226	Wesley Towers	Hutchinson	280.01	0.9913
Windsor Place at Iola, LLC	Coffeyville	225.23	0.9711	Medicalodges Independence	Independence	222.39	1.0501
Colby Operator, LLC	Colby	256.73	1.2774	Montgomery Place Nursing Center, LLC	Independence	202.49	0.9893
Prairie Senior Living Complex	Colby	264.87	0.9894	Pleasant View Home	Inman	254.88	0.9449
Pioneer Lodge	Coldwater	224.47	0.8433	Stanton County Hospital- LTCU	Johnson	264.84	0.9205
Medicalodges Columbus	Columbus	253.36	1.0945	Valley View Senior Life	Junction City	231.24	0.9981
Mt Joseph Senior Village, LLC	Concordia	208.48	0.9320	Medicalodges Post Acute Care Center	Kansas City	226.15	0.9805
Sunset Home, Inc.	Concordia	216.42	0.9061	Riverbend Post Acute Rehabilitation	Kansas City	246.88	1.3350
Spring View Manor Healthcare & Rehab	Conway Springs	268.73	1.3139	Lifecare Center of Kansas City	Kansas City	199.35	0.8681
Chase County Care and Rehab	Cottonwood Falls	266.43	1.0316	Providence Place LTCU	Kansas City	286.23	1.0696
Diversicare of Council Grove	Council Grove	193.40	1.0295	Ignite Medical Resort	Kansas City	267.76	1.2085
Hilltop Manor Nursing Center	Cunningham	203.57	1.0224	The Healthcare Resort of Kansas City	Kansas City	275.44	1.3630
Westview of Derby Rehab & Health	Derby	180.78	0.9439	The Wheatlands	Kingman	222.48	0.9639
Derby Health and Rehabilitation	Derby	250.78	1.0823	Medicalodges Kinsley	Kinsley	254.04	1.0946
Hillside Village	DeSoto	219.96	0.9679	Kiowa District Manor	Kiowa	251.24	0.8811
Trinity Manor	Dodge City	228.01	1.0625	Locust Grove Village	Lacrosse	207.34	0.8514
Sunporch of Dodge City	Dodge City	227.51	0.8533	High Plains Retirement Village	Lakin	257.38	0.9444
Manor of the Plains	Dodge City	271.11	0.9567	Lansing Care and Rehab	Lansing	274.34	1.2744
Downs Care and Rehab	Downs	246.04	1.2907	Diversicare of Larned	Larned	177.88	0.9767
Anew Healthcare Easton	Easton	218.14	1.1791	Lawrence Presbyterian Manor	Lawrence	273.72	1.0036
Parkway Care and Rehab	Edwardsville	219.67	1.3481	Medicalodges Leavenworth	Leavenworth	224.54	0.9214
Kaw River Care and Rehab	Edwardsville	259.44	1.1693	The Healthcare Resort of Leawood	Leawood	280.09	1.3260
Edwardsville Care and Rehab	Edwardsville	173.80	0.8330	Delmar Gardens of Lenexa	Lenexa	202.67	1.0344
Lakepoint Nursing Center-El Dorado	El Dorado	209.12	1.0729	Lakeview Village	Lenexa	291.18	1.1029
El Dorado Care and Rehab	El Dorado	300.90	1.2024	Westchester Village of Lenexa	Lenexa	253.15	0.9174
Good Samaritan Society-Ellis	Ellis	213.70	0.9494	Leonardville Nursing Home	Leonardville	237.04	0.9827
Good Sam Society-Ellsworth Village	Ellsworth	219.45	1.0148	Wichita County Health Center	Leoti	272.90	1.0080
Emporia Presbyterian Manor	Emporia	249.02	0.9942	Good Samaritan Society-Liberal	Liberal	243.22	1.1157
Holiday Resort	Emporia	224.47	1.0593	Wheatridge Park Care Center	Liberal	224.94	1.1955
Flint Hills Care and Rehab Center	Emporia	208.32	1.1910	Lincoln Park Manor, Inc.	Lincoln	213.42	0.8879
Enterprise Estates Nursing Center, I	Enterprise	194.18	0.9549	Bethany Home Association	Lindsborg	259.58	0.9744
Eskridge Care and Rehab	Eskridge	210.37	0.9936	Linn Community Nursing Home	Linn	232.87	1.0918
Medicalodges Eudora	Eudora	210.28	0.9510	Sandstone Heights Nursing Home	Little River	268.88	0.9572

Facility Name	City	Daily Rate	Medicaid CMI	Facility Name	City	Daily Rate	Medicaid CMI
Logan Manor Community Health Service	Logan	215.44	0.9333	Access Mental Health	Peabody	137.17	0.6156
Louisburg Healthcare and Rehab Center	Louisburg	239.49	1.2293	Phillips County Retirement Center	Phillipsburg	229.08	0.9949
Meadowlark Hills Retirement Community	Manhattan	256.77	0.9523	Medicalodges Pittsburg South	Pittsburg	228.73	1.0311
Ascension Living Via Christi Village	Manhattan	248.70	1.0339	Pittsburg Care and Rehab	Pittsburg	209.87	1.1337
St. Luke Living Center	Marion	214.29	0.8706	Ascension Living Via Christi Village	Pittsburg	240.38	1.0112
Riverview Estates, Inc.	Marquette	221.30	0.8747	Rooks County Senior Services, Inc.	Plainville	257.80	1.0865
Cambridge Place	Marysville	218.99	1.0076	The Village at Mission	Prairie Village	278.05	1.1138
McPherson Operator, LLC	McPherson	246.61	1.2351	Grand Plains-Skilled Nursing	Pratt	264.85	1.0575
The Cedars, Inc.	McPherson	240.74	0.9947	Pratt Operator, LLC	Pratt	208.23	1.2474
Meade District Hospital, LTCU	Meade	252.33	0.8510	Prairie Sunset Manor	Pretty Prairie	269.37	1.4698
Merriam Gardens Healthcare & Rehab	Merriam	270.29	1.3143	Protection Valley Manor	Protection	180.97	0.7309
Minneapolis Healthcare and Rehab	Minneapolis	188.19	1.0852	Gove County Medical Center	Quinter	272.63	0.9343
Minneola District Hospital-LTCU	Minneola	264.32	0.9248	Richmond Healthcare and Rehab Center	Richmond	220.02	1.3387
Bethel Home, Inc.	Montezuma	235.71	0.9142	Fountainview Nursing and Rehab Center	Rose Hill	203.21	1.0425
Moran Manor	Moran	192.16	0.8885	Rossville Healthcare and Rehab Center	Rossville	213.57	1.2044
Pine Village	Moundridge	250.25	0.9840	Wheatland Nursing & Rehab Center	Russell	189.32	0.9399
Moundridge Manor, Inc.	Moundridge	236.85	0.8488	Russell Regional Hospital	Russell	280.03	1.0198
Mt. Hope Nursing Center	Mt. Hope	229.54	0.9619	Sabetha Nursing Center	Sabetha	195.19	0.8947
Villa Maria, Inc.	Mulvane	246.39	1.0867	Apostolic Christian Home	Sabetha	220.20	0.9195
Neodesha Care and Rehab	Neodesha	249.86	1.3103	Smoky Hill Rehabilitation Center	Salina	183.83	0.9939
Ness County Hospital Dist.#2	Ness City	257.74	0.8530	Kenwood View Health and Rehab Center	Salina	208.87	1.3975
Paramount Community Living and Rehab	Newton	274.95	1.0113	Salina Windsor SNF OPCO, LLC	Salina	201.91	1.0735
Kansas Christian Home	Newton	253.50	1.0306	Pinnacle Park Nursing and Rehabilitation	Salina	231.76	1.3215
Newton Presbyterian Manor	Newton	264.43	0.9915	Salina Presbyterian Manor	Salina	220.63	0.8789
Bethel Care Center	North Newton	276.38	0.9653	Satanta Dist. Hosp. LTCU	Satanta	247.07	0.8361
Andbe Home, Inc.	Norton	235.52	1.0112	Park Lane Nursing Home	Scott City	256.34	0.9895
Anew Healthcare	Nortonville	236.68	1.2908	Pleasant Valley Manor	Sedan	186.62	0.9921
Logan County Senior Living	Oakley	286.99	1.0797	Diversicare of Sedgwick	Sedgwick	234.59	1.1542
Good Samaritan Society-Decatur Co.	Oberlin	233.40	0.9079	Crestview Nursing & Residential Living	Seneca	213.02	0.9833
Villa St. Francis Catholic Care Ctr.	Olathe	277.88	1.1836	Life Care Center of Seneca	Seneca	185.75	1.1889
Azria Health at Olathe	Olathe	230.29	1.1961	Wallace County Community Center	Sharon Springs	281.40	1.1064
Good Samaritan Society-Olathe	Olathe	265.07	0.9566	Shawnee Gardens Healthcare and Rehab	Shawnee	226.79	1.3032
Evergreen Community of Johnson County	Olathe	280.50	1.0099	Sharon Lane Health and Rehabilitation	Shawnee	218.98	1.0089
Aberdeen Village, Inc.	Olathe	278.06	1.0108	Brookdale Rosehill	Shawnee	302.63	1.1028
Nottingham Health & Rehab	Olathe	293.66	1.1292	Smith Center Operator, LLC	Smith Center	212.34	1.3221
The Healthcare Resort of Olathe	Olathe	270.05	1.3313	Sunporch of Smith County	Smith Center	232.98	0.9099
Onaga Operator, LLC	Onaga	218.86	1.2880	Mennonite Friendship Manor, Inc.	South Hutchinson	271.54	0.9954
Osage Nursing & Rehab Center	Osage City	181.79	0.8650	Southwinds at Spearville	Spearville	232.46	1.0867
Life Care Center of Osawatomie	Osawatomie	281.47	1.3096	Spring Hill Care and Rehab	Spring Hill	255.50	1.1872
Parkview Care Center	Osborne	181.31	0.9962	Cheyenne County Village, Inc.	St. Francis	274.42	0.9724
Heritage Gardens Health and Rehab	Oskaloosa	271.03	1.2250	Leisure Homestead at St. John	St. John	245.71	1.0704
Oswego Operator, LLC	Oswego	227.56	1.2548	Community Hospital of Onaga, LTCU	St. Mary's	255.82	0.9648
Rock Creek of Ottawa	Ottawa	236.41	1.3296	Prairie Mission Retirement Village	St. Paul	192.55	1.0400
Brookside Manor	Overbrook	201.02	1.0702	Leisure Homestead at Stafford	Stafford	207.15	0.8894
Brookdale Overland Park	Overland Park	356.91	1.4450	Sterling Village	Sterling	249.19	0.9118
Garden Terrace at Overland Park	Overland Park	230.62	1.1081	Solomon Valley Manor	Stockton	233.07	1.0457
KPC Promise Hospital of Overland Park	Overland Park	285.98	1.4594	Tonganoxie Terrace	Tonganoxie	216.55	1.1299
Overland Park Center for Rehab & HC	Overland Park	273.83	1.1419	Brewster Health Center	Topeka	267.56	0.9257
Villa Saint Joseph	Overland Park	247.01	1.0304	Topeka Presbyterian Manor Inc.	Topeka	267.86	0.9929
Delmar Gardens of Overland Park	Overland Park	227.23	1.0813	Legacy on 10th Ave.	Topeka	200.53	0.9539
Overland Park Nursing & Rehab	Overland Park	281.19	1.1972	Halstead Health and Rehab Center	Topeka	236.21	1.1358
Infinity Park Post-Acute and Rehab	Overland Park	246.43	0.9775	McCrite Plaza Health Center	Topeka	266.21	0.9979
Village Shalom, Inc.	Overland Park	284.55	1.0298	Rolling Hills Health Center	Topeka	208.42	0.9810
Tallgrass Creek, Inc.	Overland Park	326.09	1.3275	Topeka Center for Rehab and Healthcare	Topeka	233.72	1.4239
Shawnee Post Acute Rehab Center	Overland Park	273.73	1.2537	Stoneybrook Retirement Community	Topeka	199.95	0.9696
Stratford Commons Rehab & HCC	Overland Park	275.50	1.0037	Valley Health Care Center	Topeka	187.40	0.6629
Colonial Village	Overland Park	268.92	1.0699	Tanglewood Nursing and Rehabilitation	Topeka	208.81	1.2980
Anew Healthcare-Oxford	Oxford	268.73	1.1024	Brighton Place West	Topeka	162.90	0.9195
Medicalodges Paola	Paola	152.52	0.7184	Countryside Health Center	Topeka	116.10	0.7052
North Point Skilled Nursing Center	Paola	219.04	1.2163	Providence Living Center	Topeka	171.83	0.7656
Elmhaven East	Parsons	209.02	0.9703	Alma Manor	Topeka	184.68	0.7877
Parsons Presbyterian Manor	Parsons	285.35	1.1161	Brighton Place North	Topeka	117.00	0.6677
Good Samaritan Society-Parsons	Parsons	218.29	0.9325	The Gardens at Aldersgate	Topeka	268.74	1.1286
Peabody Operator, LLC	Peabody	190.43	1.1626	Recover-Care Plaza West Care Center	Topeka	230.49	1.2830

(continued)

Facility Name	City	Daily Rate	Medicaid CMI
Holiday Resort of Salina	Topeka	206.93	1.0196
Lexington Park Nursing and Post Acute	Topeka	228.73	0.9287
Pioneer Ridge Retirement Community	Topeka	190.01	0.8568
Western Prairie Senior Living	Topeka	232.47	1.0020
Twin Oaks Health & Rehab	Topeka	220.25	1.0659
The Healthcare Resort of Topeka	Topeka	260.92	1.3631
Ranch House Senior Living	Topeka	223.16	0.9571
Greeley County Hospital, LTCU	Tribune	245.69	0.8885
Trego Co. Lemke Memorial LTCU	Wakeeney	258.98	0.9166
Wakefield Care and Rehab	Wakefield	262.44	1.2956
Good Samaritan Society-Valley Vista	Wamego	246.43	1.0718
Wathena Healthcare and Rehab Center	Wathena	242.34	1.3070
Coffey County Hospital	Waverly	261.66	0.8707
Botkin Care and Rehab	Wellington	221.35	1.1602
Sumner Operator, LLC	Wellington	228.07	1.0966
Wellsville Manor	Wellsville	191.23	1.0571
Westy Community Care Home	Westmoreland	203.27	0.7694
Wheat State Manor	Whitewater	233.19	0.9721
Medicalodges Wichita	Wichita	238.47	1.0404
Meridian Rehab and Health Care Center	Wichita	158.85	0.9433
Homestead Health Center, Inc.	Wichita	267.00	0.9797
Orchard Gardens	Wichita	203.75	1.0137
Wichita Presbyterian Manor	Wichita	259.58	1.0055
Sandpiper Healthcare and Rehab Center	Wichita	190.13	1.2349
Lakepoint Wichita LLC	Wichita	218.56	1.0364
Wichita Center for Rehab and Healthcare	Wichita	232.76	1.2970
Legacy at College Hill	Wichita	192.77	0.9278
Seville Operator, LLC	Wichita	287.84	1.2988
Lincoln Care and Rehab	Wichita	245.37	1.1276
The Health Care Center at Larksfield Pl	Wichita	262.47	0.9815
Life Care Center of Wichita	Wichita	234.24	1.1255
Family Health & Rehabilitation Center	Wichita	249.53	1.0930
Caritas Center	Wichita	260.21	0.8806
Regent Park Rehab and Healthcare	Wichita	274.79	1.0642
Avita Health & Rehab of Reeds Cove	Wichita	237.52	1.0440
Ascension Living Via Christi Village	Wichita	269.33	1.0831
Ascension Living Via Christi Village	Wichita	266.49	1.0143
Mount St Mary	Wichita	287.38	1.0713
Azria Health Wichita	Wichita	278.55	1.1338
Wilson Care and Rehab	Wilson	269.89	1.3384
F W Huston Medical Center	Winchester	161.58	0.8005
Winfield Senior Living Community	Winfield	201.88	0.9881
Cumbernauld Village, Inc.	Winfield	260.74	0.9649
Winfield Rest Haven II LLC	Winfield	292.32	1.0915
Kansas Veterans' Home	Winfield	258.95	0.9479
Yates Operator, LLC	Yates Center	202.11	1.1786

III. Justifications for the Rates

1. The final rates are calculated according to the rate-setting methodology in the Kansas Medicaid State Plan and pending amendments thereto.
2. The final rates are calculated according to a methodology which satisfies the requirements of K.S.A. 39-708c(x) and the DHCF regulations in K.A.R. Article 129-10 implementing that statute and applicable federal law.
3. The State's analyses project that the rates:
 - a. Would result in payment, in the aggregate of 90.67% of the Medicaid day weighted average inflated allowable nursing facility costs statewide; and
 - b. Would result in a maximum allowable rate of \$284.32 (for a CMI of 1.0704); with the total average allowable cost being \$230.02.

- c. Average Payment rate July 1, 2022 \$230.02
- d. Average payment rate July 1, 2021 \$200.90
 - Amount of change \$29.12
 - Percent of change 14.50%
4. Estimated annual aggregate expenditures in the Medicaid nursing facility services payment program will increase approximately \$35 million.
5. The state estimates that the rates will continue to make quality care and services available under the Medicaid State Plan at least to the extent that care and services are available to the general population in the geographic area. The state's analyses indicate:
 - a. Service providers operating a total of 310 nursing facilities and hospital-based long-term care units (representing 97% of all the licensed nursing facilities and long-term care units in Kansas) participate in the Medicaid program;
 - b. There is at least one Medicaid-certified nursing facility and/or nursing facility for mental health, or Medicaid-certified hospital-based long-term care unit in 98 of the 105 counties in Kansas;
 - c. The statewide average occupancy rate for nursing facilities participating in Medicaid is 73.95%;
 - d. The statewide average Medicaid occupancy rate for participating facilities is 60.25%; and
 - e. The rates would cover 92.32% of the estimated Medicaid direct health care costs incurred by participating nursing facilities statewide.
6. Federal Medicaid regulations at 42 C.F.R. 447.272 impose an aggregate upper payment limit that states may pay for Medicaid nursing facility services. The state's analysis indicates that the methodology will result in compliance with the federal regulation.
7. The Federal fiscal impact for Fee for Service is as follows:

Fee-For-Service Only	Estimated Federal Financial Participation
FFY 2022	\$219,000
FFY 2023	\$657,247

IV. Response to Comments Received

The state received formal comments from Bland and Associates to its Proposed Nursing Facility rates published on April 14, 2022 in the Kansas Register. The comments were taken into consideration during the rate setting process.

V. Notice of Intent to Amend the Medicaid State Plan

The state intends to submit Medicaid State Plan amendments to CMS on or before September 30, 2022.

Laura Howard
 Secretary
 Department for Aging and Disability Services

 Sarah Fertig
 State Medicaid Director
 Department of Health and Environment
 Division of Health Care Finance

State of Kansas

Governmental Ethics Commission

Opinion No. 2022-03

Written May 25, 2022.

Cited herein: K.S.A. 25-4143(i) and (k).

To all interested persons,

Pursuant to K.S.A. 25-4159, the Kansas Governmental Ethics Commission issues this opinion regarding political committees (PACs) subject to the Kansas campaign finance act in response to recent inquiries about application of the act to joint fundraising agreements.

Issue

May a political committee subject to the Kansas campaign finance act include a candidate committee or a party committee?

Analysis and Opinion

K.S.A. 25-4143(j) defines a person as meaning “any individual, committee, corporation, partnership, trust, organization or association.” Candidate committees and party committees meet the “any...committee” portion of this definition. It follows that candidate and party committees are persons for purposes of the Kansas campaign finance act.

K.S.A. 25-4143(k) defines a political committee:

1. “Political committee” means any combination of two or more individuals or any person other than an individual, a major purpose of which is to expressly advocate the nomination, election or defeat of a clearly identified candidate for state or local office or make contributions to or expenditures for the nomination, election or defeat of a clearly identified candidate for state or local office.
2. “Political committee” shall not include a candidate committee or a party committee.

In isolation, K.S.A. 25-4143(j) and (k)(1) would allow a candidate or party committee to comprise one of the two or more persons required to have a political committee. However, the language of subparagraph (k)(2) overrides it by specifying that a political committee shall not include a candidate committee or a party committee. The word include means “to contain as a part of something.” See *Black’s Law Dictionary*, 8th ed. (2004), p. 777. The only components of a political committee are individuals and persons other than individuals. Read together, the language of K.S.A. 25-4143(k)(1) and (k)(2) is clear and unambiguous. When statutory language is clear and unambiguous, Kansas courts have opined that resorting to the traditional rules of statutory construction is unwarranted.

Conclusion

We conclude that candidate committees and party committees may not combine with each other or with another individual or person to form political committees as defined by K.S.A. 25-4143(k). We understand Federal Election Commission guidance allows candidates and political parties to form joint fundraising committees, which are registered PACs for reporting purposes. This guidance is not viable in Kansas due to the K.S.A. 25-4143(k)(2) prohibition. Conceivably, a joint fundraising

agreement could utilize a political committee that only includes persons other than candidate committees and party committees, but still benefiting candidate committees and party committees that are not otherwise included in the political committee.

Sincerely,

Nick Hale, Chairman
By Direction of the Commission

Doc. No. 050191

State of Kansas

Legislative Administrative Services

Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced May 23 during the 2022 session of the Kansas Legislature. Full text of bills, bill tracking, and other information may be accessed at <http://www.kslegislature.org/li/>.

House Resolutions

HR 6029, A RESOLUTION providing for changes in seat assignments in the House of Representatives during the 2022 legislative session, Representatives Ryckman, Hawkins and Sawyer.

House Concurrent Resolutions

HCR 5038, A CONCURRENT RESOLUTION relating to the adjournment sine die of the Senate and House of Representatives during the 2022 regular session of the legislature, by Representatives Ryckman, Hawkins and Sawyer.

HCR 5039, A PROPOSITION to amend article 10 of the constitution of the state of Kansas by adding a new section thereto; relating to reapportionment; prohibiting partisan and racial gerrymandering when reapportioning congressional and state legislative districts, by Representative Sawyer.

HCR 5040, A PROPOSITION to amend the constitution of the state of Kansas by revising article 10; requiring the reapportionment of congressional, state legislative and state board of education member districts; establishing a redistricting commission, by Representative Sawyer.

Senate Bills

SB 581, AN ACT concerning the state board of regents; enacting the Kansas campus restoration act; relating to deferred maintenance of facilities at state educational institutions; providing rules and regulations authority; establishing the Kansas campus restoration fund in the state treasury; authorizing certain transfers from the state general fund to the Kansas campus restoration fund; requiring annual reports to certain committees of the legislature, by Committee on Ways and Means.

Senate Resolutions

SR 1734, A RESOLUTION disapproving the proposed amendments to the international health regulations of the World Health Organization offered by President Biden’s administration, by Senators Alley, Steffen and Thompson.

Doc. No. 050200

State of Kansas

Office of Judicial Administration

Notice of Grant Funding

The Kansas Supreme Court administers annual access to justice grant funding. Subject to available funding, access to justice grants will be made available for certain
(continued)

operating expenses of programs that improve access to the Kansas civil justice system for people who would otherwise be unable to effectively participate. Such programs may provide brief legal assistance to *pro se* litigants, pro bono legal counsel for civil and domestic matters, or other pro bono legal or dispute resolution services, to recipients who meet qualifications under grant guidelines promulgated by the Kansas Supreme Court.

Access to justice grant application packets may be requested from the Office of Judicial Administration and must be returned to that office by June 17, 2022:

Access to Justice Fund
Office of Judicial Administration
301 SW 10th Ave., Room 337
Topeka, KS 66612

Please direct telephone inquiries to Jeff Peter at 785-296-2256.

Jeff Peter
Assistant Financial Officer

Doc. No. 050182

(Published in the Kansas Register June 2, 2022.)

City of Lansing, Kansas

**Summary Notice of Bond Sale
\$4,670,000***

General Obligation Bonds, Series 2022

**(General Obligation Bonds Payable
from Unlimited Ad Valorem Taxes)**

Bids

Subject to the Notice of Bond Sale dated on or about June 8, 2022 (the "Notice"), email and electronic bids will be received on behalf of the Finance Director of the City of Lansing, Kansas (the "Issuer") in the case of email bids, at dustin.avey@psc.com, and in the case of electronic bids, through PARITY® until 11:00 a.m. (CDT) June 23, 2022, (the "Sale Date") for the purchase of the above-referenced bonds (the "Bonds"). No bid of less than 100% of the principal amount of the Bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The Bonds will be dated July 13, 2022, and will become due on September 1 in the years as follows:

Year	Principal Amount*	Year	Principal Amount*
2023	\$140,000	2033	\$235,000
2024	170,000	2034	240,000
2025	175,000	2035	250,000
2026	185,000	2036	260,000
2027	190,000	2037	270,000
2028	200,000	2038	275,000
2029	205,000	2039	285,000
2030	215,000	2040	300,000
2031	220,000	2041	310,000
2032	225,000	2042	320,000

The Bonds will bear interest from the date thereof at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semi-annually on March 1 and September 1 in each year, beginning on March 1, 2023.

Book-Entry-Only System

The Bonds shall be registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Treasurer of the State of Kansas, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied (in the manner set forth in the Notice) by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States of America or a wire transfer in Federal Reserve funds immediately available for use by the Issuer in the amount of 2.00% of the principal amount of the Bonds.

Delivery

The Issuer will pay for preparation of the Bonds and will deliver the same properly prepared, executed, and registered without cost to the successful bidder on or about July 13, 2022, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations for the year 2021 was \$110,257,968. The total general obligation indebtedness of the Issuer as of the Dated Date, including the Bonds being sold, is \$27,370,000.

Approval of Bonds

The Bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Kansas City, Missouri, Bond Counsel to the Issuer, whose approving legal opinion as to the validity of the Bonds will be furnished and paid for by the Issuer, printed on the Bonds, and delivered to the successful bidder as and when the Bonds are delivered.

Additional Information

Additional information regarding the Bonds may be obtained from the undersigned, or from the Financial Advisor, at the addresses set forth below:

Financial Advisor

Piper Sandler & Co.
Attn: Dustin Avey
11635 Rosewood St.
Leawood, KS 66211
913-345-3300
Fax: 913-345-3393
dustin.avey@psc.com

Dated June 8, 2022.

City of Lansing, Kansas
Beth Sanford
Finance Director
City of Lansing
800 First Terr.
Lansing, KS 66043
913-727-3233
Fax: 913-828-4579

* Subject to change, see the Notice.
Doc. No. 050193

(Published in the Kansas Register June 2, 2022.)

City of Olathe, Kansas

**Summary Notice of Bond Sale
\$21,800,000***

General Obligation Improvement Bonds, Series 235

**(General Obligation Bonds Payable
from Unlimited Ad Valorem Taxes)**

Bids

Subject to the Notice of Bond Sale dated May 17, 2022 (the "Notice"), emailed and electronic bids will be received on behalf of the Chief Financial Officer of the City of Olathe, Kansas (the "Issuer") in the case of emailed bids, via email to jwhite@columbiacapital.com and jprichard@columbiacapital.com, and in the case of electronic bids, via www.columbiacapitalauction.com (the "Columbia Capital Auction") on June 21, 2022 (the "Sale Date") until 10:00 a.m. (CDT), for the purchase of the above-referenced bonds (the "Bonds"). No bid of less than 99% of the principal amount of the Bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The Bonds will be dated July 19, 2022, and will become due on October 1 in the years as follows:

Year	Principal Amount*	Year	Principal Amount*
2023	\$1,625,000	2033	\$305,000
2024	1,660,000	2034	315,000
2025	1,700,000	2035	325,000
2026	1,740,000	2036	335,000
2027	1,785,000	2037	345,000
2028	1,840,000	2038	360,000
2029	1,890,000	2039	370,000
2030	1,945,000	2040	385,000
2031	2,005,000	2041	395,000
2032	2,065,000	2042	410,000

The Bonds will bear interest from the date thereof at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning on October 1, 2022.

Book-Entry-Only System

The Bonds shall be registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Treasurer of the State of Kansas, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied (in the manner set forth in the Notice) by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States of America or a wire transfer in Federal Reserve funds immediately available for use by the Issuer in the amount of \$432,000.

Delivery

The Issuer will pay for preparation of the Bonds and will deliver the same properly prepared, executed, and registered without cost to the successful bidder on or about July 19, 2022, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations for the year 2021 was \$ 2,448,806,626. The total general obligation indebtedness of the Issuer as of the Dated Date, including the Bonds being sold and temporary notes being sold contemporaneously with the Bonds but excluding any temporary notes to be refunded with proceeds of the Bonds, is \$316,730,000.

Approval of Bonds

The Bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Kansas City, Missouri, Bond Counsel to the Issuer, whose approving legal opinion as to the validity of the Bonds will be furnished and paid for by the Issuer, printed on the Bonds, and delivered to the successful bidder as and when the Bonds are delivered.

Additional Information

Additional information regarding the Bonds may be obtained from the undersigned, or from the Financial Advisor, at the addresses set forth below:

Financial Advisor

Columbia Capital Management
Attn: Jeff White or James Prichard
6330 Lamar Ave., Suite 200
Overland Park, KS 66202
913-312-8078 or 913-312-8072
Fax: 913-312-8053
jwhite@columbiacapital.com or
jprichard@columbiacapital.com

Dated May 17, 2022.

City of Olathe, Kansas
Briana Burrichter
Chief Financial Officer
City Hall
100 E. Santa Fe
Olathe, KS 66061
913-971-8680
Fax: 913-971-8715

* Subject to change, see the Notice of Sale.
Doc. No. 050192

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 June 2, 2022.)

House Bill No. 2387

AN ACT concerning the executive branch; relating to actions by state agencies and the governor; prohibiting the issuance of a request for proposal or entering into a new contract for the administration and provision of benefits under the medical assistance program; relating to the Kansas emergency management act; removing the authority of the governor to prohibit attending or conducting certain religious services and worship services; amending K.S.A. 2021 Supp. 48-925 and repealing the existing section.

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

New Section 1. (a) On or before January 31, 2023, no state agency, including the governor, shall:

- (1) Issue a request for proposal for the administration and provision of benefits under the medical assistance program; or
- (2) enter into any new contract with managed care organizations for the administration and provision of benefits under the medical assistance program.
- (b) Except to the extent prohibited by 42 U.S.C. § 1396u-2(a)(2) or other federal law, the secretary of health and environment shall continue to administer medical assistance benefits using managed care entities as described in 42 U.S.C. § 1396u-2.
- (c) This section shall expire on January 31, 2023.

Sec. 2. K.S.A. 2021 Supp. 48-925 is hereby amended to read as follows: 48-925. (a) During any state of disaster emergency declared under K.S.A. 48-924, and amendments thereto, the governor shall be commander-in-chief of the organized and unorganized militia and of all other forces available for emergency duty. To the greatest extent practicable, the governor shall delegate or assign command authority by prior arrangement, embodied in appropriate executive orders or in rules and regulations of the adjutant general, but nothing shall restrict the authority of the governor to do so by executive orders issued at the time of a disaster.

(b) Under the provisions of this act and for the implementation of this act, the governor may issue executive orders to exercise the powers conferred by subsection (c) that have the force and effect of law during the period of a state of disaster emergency declared under K.S.A. 48-924(b), and amendments thereto, or as provided in K.S.A. 2021 Supp. 48-924b, and amendments thereto. The chairperson of the legislative coordinating council shall call a meeting of the council to occur within 24 hours of the issuance of an executive order issued pursuant to this section for the purposes of reviewing such order. Such executive orders shall be null and void after the period of a state of disaster emergency has ended. Such executive orders may be revoked at any time by concurrent resolution of the legislature or, when the legislature is not in session or is adjourned during session for three or more days, such orders may be revoked by the legislative coordinating council with the affirmative vote of five members thereof.

(c) Except as provided in K.S.A. 2021 Supp. 48-924b, and amendments thereto, during a state of disaster emergency declared under K.S.A. 48-924, and amendments thereto, in addition to any other powers conferred upon the governor by law and subject to the provisions of ~~subsections subsection (d) and (e)~~, the governor may:

- (1) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders or rules and regulations of any state agency which implements such statute, if strict compliance with the provisions of such statute, order or rule and regulation would prevent, hinder or delay in any way necessary action in coping with the disaster;
- (2) utilize all available resources of the state government and of each political subdivision as reasonably necessary to cope with the disaster;
- (3) transfer the supervision, personnel or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency management activities;
- (4) subject to any applicable requirements for compensation under K.S.A. 48-933, and amendments thereto, commandeer or utilize any private property if the governor finds such action necessary to cope with the disaster;
- (5) direct and compel the evacuation of all or part of the population from any area of the state stricken or threatened by a disaster, if

the governor deems this action necessary for the preservation of life or other disaster mitigation, response or recovery;

- (6) prescribe routes, modes of transportation and destinations in connection with such evacuation;
- (7) control ingress and egress of persons and animals to and from a disaster area, the movement of persons and animals within the area and the occupancy by persons and animals of premises therein;
- (8) suspend or limit the sale, dispensing or transportation of alcoholic beverages, explosives and combustibles;
- (9) make provision for the availability and use of temporary emergency housing;
- (10) require and direct the cooperation and assistance of state and local governmental agencies and officials; and
- (11) perform and exercise such other functions, powers and duties in conformity with the constitution and the bill of rights of the state of Kansas and with the statutes of the state of Kansas, except any regulatory statute specifically suspended under the authority of subsection (c) (1), as are necessary to promote and secure the safety and protection of the civilian population.

(d) The governor shall not have the power or authority *under the provisions of the Kansas emergency management act or any other law* to:

- (1) Limit or otherwise restrict the sale, purchase, transfer, ownership, storage, carrying or transporting of firearms or ammunition, or any component or combination thereof, including any components or combination thereof used in the manufacture of firearms or ammunition, or seize or authorize the seizure of any firearms or ammunition, or any component or combination thereto, except as otherwise permitted by state or federal law pursuant to subsection (c)(8) or any other executive authority;
- ~~(e) The governor shall not have the power under the provisions of the Kansas emergency management act or the provisions of any other law to;~~

(2) alter or modify any provisions of the election laws of the state including, but not limited to, the method by which elections are conducted or the timing of such elections; or

(3) prohibit attending or conducting any religious service or worship service in a church, synagogue or place of worship.

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

~~(g)(f)~~ (1) Any party aggrieved by an executive order issued pursuant to this section that has the effect of substantially burdening or inhibiting the gathering or movement of individuals or the operation of any religious, civic, business or commercial activity, whether for-profit or not-for-profit, may file a civil action in the district court of the county in which such party resides or in the district court of Shawnee county, Kansas, within 30 days after the issuance of such executive order. Notwithstanding any order issued pursuant to K.S.A. 2021 Supp. 20-172(a), and amendments thereto, the court shall conduct a hearing within 72 hours after receipt of a petition in any such action. The court shall grant the request for relief unless the court finds such executive order is narrowly tailored to respond to the state of disaster emergency and uses the least restrictive means to achieve such purpose. The court shall issue an order on such petition within seven days after the hearing is conducted. If the court does not issue an order on such petition within seven days, the relief requested in the petition shall be granted.

(2) Relief under this section shall not include a stay or injunction concerning the contested executive order that applies beyond the county in which the petition was filed.

(3) The supreme court may adopt emergency rules of procedure to facilitate the efficient adjudication of any hearing requested under this subsection, including, but not limited to, rules for consolidation of similar hearings.

~~(h)(g)~~ (1) The board of county commissioners of any county may issue an order relating to public health that includes provisions that are less stringent than the provisions of an executive order effective statewide issued by the governor. Any board of county commissioners issuing such an order must make the following findings and include such findings in the order:

(A) The board has consulted with the local health officer or other local health officials regarding the governor's executive order;

(B) following such consultation, implementation of the full scope of the provisions in the governor's executive order are not necessary to protect the public health and safety of the county; and

(C) all other relevant findings to support the board's decision.

(2) If the board of county commissioners of a county issues an order pursuant to paragraph (1), such order shall operate in the county in lieu of the governor's executive order.

Sec. 3. K.S.A. 2021 Supp. 48-925 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

Doc. No. 050201

State of Kansas

Office of the Governor

Message from the Governor Regarding Veto of House Bill 2387

Having a transparent, competitive bidding process is key to ensuring that our state contracts provide the most value to Kansas taxpayers while using the latest technology and best practices. This is not only good for the State of Kansas, but also for our current MCOs and the people they serve.

The language included in HB 2387 regarding the current MCO contracts is a product of closed-door dealings to push legislation that did not have a single proponent. There is little question that this effort is fraught with legal issues and jeopardizes our Medicaid program. HB 2387 prohibits the state Medicaid agency from pursuing the state's independent procurement process and, by doing so, functionally provides the current MCOs with a no-bid, multi-billion-dollar contract.

We must favor transparency and fair competition over attempts to re-insert corruption into the state contracting process.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto HB 2387.

Dated May 13, 2022.

Laura Kelly
Governor

Doc. No. 050202

State of Kansas

Legislature

CERTIFICATE

In accordance with K.S.A. 45-304, it is certified that **HB 2387**, was not approved by the Governor on May 13, 2022; was returned by her with her objections and approved on May 23, 2022 by two-thirds of the members elected to the House of Representatives notwithstanding the objections of the Governor; was reconsidered by the Senate and was approved on May 23, 2022, by two-thirds of the members elected to the Senate, notwithstanding the objections, the bill did pass and shall become law.

This certificate is made this 24th day of May 2022, by the President of the Senate and Secretary of the Senate and the Speaker of the House and Chief Clerk of the House.

Dated May 24, 2022.

Ty Masterson
President of the Senate

Corey Carnahan
Secretary of the Senate

Ron Ryckman
Speaker of the House of Representatives

Susan Kannarr
Chief Clerk of the House of Representatives

Doc. No. 050203

(Editor's Note: Sections of the following bill were vetoed by the governor. The vetoes were sustained by the Legislature. The line-item vetoes are indicated in double-strike type. The governor's line-item veto message is printed immediately following the bill.)

(Published in the Kansas Register June 2, 2022.)

House Bill No. 2510

AN ACT making and concerning appropriations for the fiscal years ending June 30, 2022, June 30, 2023, and June 30, 2024, for state agencies; authorizing certain transfers, capital improvement projects and fees; imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2021 Supp. 76-1959 and repealing the existing section.

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

Section 1. (a) For the fiscal years ending June 30, 2022, June 30, 2023, and June 30, 2024, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, capital improvement projects, fees, receipts, disbursements, procedures and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

(b) The agencies named in this act are hereby authorized to initiate and complete the capital improvement projects specified and authorized by this act or for which appropriations are made by this act, subject to the restrictions and limitations imposed by this act.

(c) This act shall be known and may be cited as the omnibus appropriation act of 2022 and shall constitute the omnibus reconciliation spending limit bill for the 2022 regular session of the legislature for purposes of K.S.A. 75-6702(a), and amendments thereto.

(d) The appropriations made by this act shall not be subject to the provisions of K.S.A. 46-155, and amendments thereto.

Sec. 2.

KANSAS BOARD OF BARBERING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 9(a) of 2022 House Substitute for Substitute for Senate Bill No. 267 on the board of barbering fee fund (100-00-2704-0100) of the Kansas board of barbering is hereby increased from \$178,073 to \$198,073.

(b) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 9(b) of 2022 House Substitute for Substitute for Senate Bill No. 267 on the board of barbering fee fund (100-00-2704-0100) of the Kansas board of barbering is hereby increased from \$172,840 to \$180,840.

Sec. 3.

BOARD OF NURSING

(a) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 15(b) of 2022 House Substitute for Substitute for Senate Bill No. 267 on the board of nursing fee fund (482-00-2716-0200) of the board of nursing is hereby increased from \$3,043,871 to \$3,084,471.

Sec. 4.

STATE BOARD OF PHARMACY

(a) On July 1, 2022, the expenditure limitation established for the

(continued)

fiscal year ending June 30, 2023, by section 17(c) of 2022 House Substitute for Substitute for Senate Bill No. 267 on the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy is hereby increased from \$3,152,132 to \$3,273,406.

Sec. 5.

KANSAS REAL ESTATE COMMISSION

(a) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 18(a) of 2022 House Substitute for Substitute for Senate Bill No. 267 on the real estate fee fund (549-00-2721-0100) of the Kansas real estate commission is hereby increased from \$1,197,838 to \$1,397,838.

Sec. 6.

STATE BOARD OF VETERINARY EXAMINERS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 19(a) of 2022 House Substitute for Substitute for Senate Bill No. 267 on the veterinary examiners fee fund (700-00-2727-1100) of the state board of veterinary examiners is hereby increased from \$339,745 to \$349,001.

Sec. 7.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Legislative research department – operations (425-00-1000-0103).....\$81,842
Office of revisor of statutes – operations (579-00-1000-0103).....\$163,684

Sec. 8.

LEGISLATURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Legislative information system (428-00-1000-0300)\$5,097,000

(b) During the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for the above agency for fiscal year 2023 as authorized by section 24 of 2022 House Substitute for Substitute for Senate Bill No. 267, this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from such moneys for fiscal year 2023 to create an interim study committee on Sedgwick county regional mental health bed expansion: *Provided*, That such committee shall consist of 11 members as follows: (1) The members of the legislative budget committee; (2) the chairperson and vice chairperson of the 2021 special committee on Kansas mental health modernization and reform; (3) a member of the minority party of the house of representatives appointed by the legislative coordinating council; and (4) a member of the senate appointed by the legislative coordinating council: *Provided further*, That such committee shall develop a plan for providing a facility with acute inpatient psychiatric adult beds and adult forensic beds in the Sedgwick county regional area: *And provided further*, That such facility shall not exceed 50 total beds: *And provided further*, That such committee shall define the terms of such facility and the operation agreement of such facility: *And provided further*, That such interim committee shall report any recommendations regarding such facility to the state finance council on or before October 1, 2022.

Sec. 9.

GOVERNOR'S DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Nursing facilities support fund.....\$15,000,000

(b) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2023 by section 28 of 2022 House Substitute for Substitute for Senate Bill No. 267, this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from such moneys to consult with the director of the budget who shall determine the amount of moneys from any federal law that appropriates moneys to the state for aid for coronavirus relief that are eligible to be

used for the purposes of nursing facilities support, may be expended at the discretion of the state in compliance with the office of management and budget's uniform administrative requirements, cost principles and audit requirements for federal awards, and are unencumbered: *Provided*, That, of such identified moneys, the director of the budget shall determine the remaining moneys available in special revenue funds: *Provided further*, That if the above agency, in consultation with the director of the budget, determines that federal moneys to the state for aid for coronavirus relief are available during fiscal year 2022 to be used for the purposes of this subsection, the director of the budget shall certify the amount of such federal coronavirus relief moneys from each fund to the director of accounts and reports and upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall immediately transfer an aggregate amount equal to \$15,000,000 as available from such funds to the the nursing facilities support fund of the above agency: *And provided further*, That at the same time as the director of the budget transmits certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 10.

GOVERNOR'S DEPARTMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Court appointed special advocates\$225,000

(b) Expenditures shall be made from the American rescue plan – state fiscal relief federal fund (252-00-3756) for the fiscal year ending June 30, 2023, pursuant to the authority in 42 U.S.C. § 802(c)(1) or other relevant authority, to provide government services, for the following specified purposes:

Colby CC project grant.....\$1,843,594

Provided, That all moneys from the Colby CC project grant account shall be for the career and technical education agricultural center: *Provided further*, That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

Seward County CC project grant.....\$1,843,594

Provided, That all moneys from the Seward County CC project grant account shall be for the professional truck driver program and diesel technology lab: *Provided further*, That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

Coffeyville CC project grant.....\$425,987

Provided, That all moneys from the Coffeyville CC project grant account shall be for the construction, electrical, fire science and welding technology programs: *Provided further*, That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

Butler County CC project grant\$572,268

Provided, That all moneys from the Butler County CC project grant account shall be for the culinary arts and hospitality and management programs: *Provided further*, That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

Barton CC project grant.....\$1,843,594

Provided, That all moneys from the Barton CC project grant account shall be for the agriculture, farm machine and transportation technology complex: *Provided further*, That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

North central Kansas technical college project grant.....\$1,843,594

Provided, That all moneys from the North central Kansas technical college project grant account shall be for the carpentry and commercial drivers' license programs: *Provided further*, That all expenditures from such account shall require a local grant match of nonstate moneys or

donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

Northwest Kansas technical college project grant \$600,104

Provided, That all moneys from the Northwest Kansas technical college project grant account shall be for the cybersecurity and cryptosecurity programs: *Provided further*, That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

Washburn institute of technology project grant \$1,843,594

Provided, That all moneys from the Washburn institute of technology project grant account shall be for the manufacturing training center: *Provided further*, That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

Wichita state technical college project grant \$1,843,594

Provided, That all moneys from the Wichita state technical college project grant account shall be for the smart manufacturing, industry training 4.0 and associate degree nursing programs: *Provided further*, That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

Flint hills technical college project grant \$500,000

Provided, That all moneys from the Flint hills technical college project grant account shall be for welding equipment: *Provided further*, That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

Salina technical college project grant \$1,843,594

Provided, That all moneys from the Salina technical college project grant account shall be for the automation and maintenance programs: *Provided further*, That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

Manhattan technical college project grant \$1,843,594

Provided, That all moneys from the Manhattan technical college project grant account shall be for the biomufacturing program expansion: *Provided further*, That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

Fort Hays state university project grant \$5,000,000

Provided, That all moneys from the Fort Hays state university project grant account shall be for the Gross coliseum improvements.

Emporia state university project grant \$5,000,000

Provided, That all moneys from the Emporia state university project grant account shall be for the nursing program relocation and staffing.

Pittsburg state university project grant \$5,000,000

Provided, That all moneys from the Pittsburg state university project grant account shall be for the expansion of the Tyler research development park and projects in block 22.

Washburn university project grant \$3,000,000

Provided, That all moneys from the Washburn university project grant account shall be for the center for integrated health studies.

Animal nourishment facility economic development infrastructure \$5,000,000

Provided, That expenditures from the animal nourishment facility economic development infrastructure account shall be used by the above agency for the purpose of infrastructure for an animal nourishment facility for a city in Kansas with a population greater than 24,000 and less than 24,500 as of the 2020 census.

Southeast Kansas economic development infrastructure \$5,000,000

Provided, That expenditures from the southeast Kansas economic development infrastructure account shall be used by the above agency for the purpose of infrastructure for a city in southeast Kansas with a population greater than 20,000 and less than 21,000 as of the 2020 census.

Northeast Kansas economic development \$3,100,000

Provided, That expenditures from the northeast Kansas economic development account shall be used by the above agency for the purpose of the refurbishment of a building for housing for a city in northeast Kansas with a population greater than 12,200 and less than 12,700 as of the 2020 census.

Port authority transload facility economic development \$2,500,000

Provided, That expenditures from the port authority transload facility economic development account shall be used by the above agency for the purpose of establishing a transload facility for a county in Kansas with a population greater than 4,000 and less than 4,300 as of the 2020 census and such county has been awarded a building a stronger economy grant in fiscal year 2022.

Economic expansion rural housing grant \$20,000,000

Provided, That the expenditures from the economic expansion rural housing grant account shall be used by the above agency for the purpose of providing grants to housing projects intended to accommodate expansion due to recent economic development in a Kansas county with a population greater than 40,000 and less than 60,000 as of the 2020 census: *Provided further*, That the recent economic development will create over 500 new jobs and the housing project includes over \$50,000,000 in capital investments: *And provided further*, That all moneys in the economic expansion rural housing grant account expended for fiscal year 2023 shall be matched by nonstate moneys on a \$1-to-\$1 basis.

Nutritional program grant \$1,500,000

Provided, That the above agency shall consult with the Kansas department for aging and disability services to distribute such funding.

(c) During the fiscal year ending June 30, 2023, the expenditures in subsection (b) from the American rescue plan – state fiscal relief federal fund shall not be subject to the provisions of section 28(d) of 2022 House Substitute for Substitute for Senate Bill No. 267.

(d) During the fiscal year ending June 30, 2023, the provisions of section 196 of 2022 House Substitute for Substitute for Senate Bill No. 267 shall not apply to expenditures from the American rescue plan – state fiscal relief federal fund of the governor’s department. Such expenditures are subject to the provisions of subsection (b).

(e) On July 1, 2022, the appropriation of all moneys credited to and available in the community colleges, technical colleges and Washburn project grant account of the American rescue plan – state fiscal relief federal fund for the fiscal year ending June 30, 2022, by section 28(f) of 2022 House Substitute for Substitute for Senate Bill No. 267 is hereby lapsed. On July 1, 2022, the community colleges, technical colleges and Washburn project grant account is hereby abolished.

(f) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2023, the following:

Affordable housing redevelopment \$1,000,000

Provided, That expenditures from the affordable housing redevelopment account shall be used by the above agency for the purpose of the redevelopment of a hotel into affordable apartments for moderate-income individuals for a city in central Kansas with a population greater than 4,350 and less than 4,450 as of the 2020 census.

(g) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

White collar crime fund No limit

(h) During the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made from the private and independent college project grant account of the American rescue plan – state fiscal relief federal fund (252-00-3756) of the governor’s department for fiscal year 2023 as authorized by section 28(f) of 2022 House Substitute for Substitute for Senate Bill No. 267, this or other appropriation act of the 2022 regular session of the legislature, expenditures of \$200,000 shall be made from such account for fiscal year 2023 for the Benedictine college engineering program: *Provided, however*, That such expenditures shall be made only upon certification by the chief executive officer of Benedictine college to the director of accounts

(continued)

and reports that private moneys are available to match the expenditure of state moneys on a \$1 of private moneys to \$1 of state moneys basis: *Provided further*, That such private money matches shall not be existing college funds and shall be new moneys.

(i) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 28(f) of 2022 House Substitute for Substitute for Senate Bill No. 267 on the Pratt CC program grant account of the American rescue plan – state fiscal relief federal fund (252-00-3756) of the governor’s department is hereby decreased from \$788,445 to \$778,445.

Sec. 11.

SECRETARY OF STATE

(a) During the fiscal year ending June 30, 2023, notwithstanding the provisions of chapter 61 of the 2021 Session Laws of Kansas, and amendments thereto, or any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2023 as authorized by section 32 of 2022 House Substitute for Substitute for Senate Bill No. 267, this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by such agency from such moneys for the above agency to continue to require an annual filing of the written business entity information report by the business entities required to file such report.

Sec. 12.

STATE TREASURER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

STAR bonds food sales tax revenue replacement fund No limit
Distinctive license plate royalty fund..... No limit

(b) Prior to June 30, 2023, the governing body of each city and county that has established a STAR bond project district as defined in K.S.A. 2021 Supp. 12-17,162, and amendments thereto, prior to December 31, 2022, in consultation with the secretary of revenue, shall certify to the director of accounts and reports the amount equal to the amount of sales tax revenue realized from sales within such district.

Sec. 13.

STATE TREASURER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2024, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

STAR bonds food sales tax revenue replacement fund No limit

(b) On July 1, 2023, and January 1, 2024, the governing body of each such city or county shall certify to the director of accounts and reports an amount equal to the amount by which revenues realized from such sales taxes imposed in such STAR bond project district are reduced for the preceding six-month period due to legislative changes in the state sales tax for food and food ingredients. Prior to September 1, 2023, and March 1, 2024, the director of accounts and reports shall certify to the state treasurer each amount certified by the governing bodies of cities or counties under this subsection for the preceding six months and shall transfer from the state general fund to the STAR bonds food sales tax revenue replacement fund the aggregate of all amounts so certified. Prior to October 15, 2023, and April 15, 2024, the state treasurer shall pay from the STAR bonds food sales tax revenue replacement fund to the city bond fund in the amount certified to the director of accounts and reports for each city or county for the preceding six months.

Sec. 14.

INSURANCE DEPARTMENT

(a) On the effective date of this act, the pharmacy benefits manager registration fund (331-00-2665-2665) of the insurance department is hereby redesignated as the pharmacy benefits manager licensure fund of the insurance department.

Sec. 15.

HEALTH CARE STABILIZATION
FUND BOARD OF GOVERNORS

(a) Notwithstanding the provisions of K.S.A. 40-3401, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures

may be made by the above agency from moneys appropriated from any special revenue fund or funds of the above agency for fiscal year 2023 as authorized by section 36 of 2022 House Substitute for Substitute for Senate Bill No. 267, this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from such moneys for fiscal year 2023 to deem a maternity center as a “healthcare provider” for the purposes of the healthcare provider insurance availability act, K.S.A. 40-3401 et seq., and amendments thereto, if such maternity center: (1) Has been granted accreditation by a national organization recognized by the board of governors and whose accreditation standards are approved by the board; or (2) is a maternity center as defined in K.S.A. 65-503, and amendments thereto.

Sec. 16.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Judiciary operations (677-00-1000)\$17,328,850

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Specialty court resources fund No limit

Sec. 17.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Debt service refunding – 2015A (173-00-1000-0463) \$160,460,850

Provided, That expenditures from the debt service refunding – 2015A account shall be made by the above agency solely for the purposes of debt service payments and legally defeasing or cash redeeming the 2015A state of Kansas projects revenue bonds redeeming at their first optional redemption date of May 1, 2023.

National bio and agro-defense facility –
debt service (173-00-1000-0460) \$171,765,300

Provided, That expenditures from the national bio and agro-defense facility – debt service account shall be made by the above agency solely for the purposes of debt service payments and legally defeasing or cash redeeming the 2015G national bio and agro-defense facility project revenue bonds redeeming at their first optional redemption date of April 1, 2023.

(b) On the effective date of this act, the director of accounts and reports shall transfer \$250,000,000 from the state general fund to the budget stabilization fund (173-00-1600-1600): *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state general fund to the budget stabilization fund as prescribed by law.

Sec. 18.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Salary adjustments.....\$150,000

Provided, That expenditures shall be made by the above agency from this account in fiscal year 2023 to increase by the amount of 5% the salaries and wages, and associated fringe benefits, for office of facilities and property management custodial staff for buildings in the capitol complex.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas suffragist memorial fund..... No limit
Kansas gold star families memorial fund..... No limit

(c) On July 1, 2022, the director of accounts and reports shall transfer \$10,000,000 from the state general fund to the health benefits administration clearing fund – remit admin service org (173-00-7746-7746) of the department of administration.

Sec. 19.

DEPARTMENT OF REVENUE

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Table with 2 columns: Fund Name, Limit. Rows: Kansas historic site fund (No limit), Gage park improvement authority sales tax fund (No limit).

Sec. 20.

KANSAS LOTTERY

(a) On the effective date of this act, the aggregate of the amounts authorized by section 67(b) of chapter 98 of the 2021 Session Laws of Kansas to be transferred from the lottery operating fund (450-00-5123-5100) to the state gaming revenues fund (173-00-9011-9100) during the fiscal year ending June 30, 2022, is hereby increased from \$69,590,000 to \$70,740,000.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Table with 2 columns: Fund Name, Limit. Rows: Sports wagering receipts fund (No limit), Privilege fee repayment fund (No limit).

Sec. 21.

DEPARTMENT OF COMMERCE

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$4,000,000 from the state general fund to the job creation program fund created pursuant to K.S.A. 74-50,224, and amendments thereto: Provided, That the above agency, with the approval of the state finance council, shall expend such moneys for the purpose of preparing land for an economic development project in accordance with this subsection to fulfill the purposes of the attracting powerful economic expansion act established by House Substitute for Senate Bill No. 347: Provided further, That the state finance council acting on this matter is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711(c), and amendments thereto: Provided, however, That if the state finance council does not approve an agreement with a qualified firm or qualified supplier pursuant to section 2 of House Substitute for Senate Bill No. 347, then, on June 30, 2022, the director of accounts and reports shall transfer \$4,000,000 from the job creation program fund to the state general fund: And provided further, That, upon transferring such moneys to the state general fund, the director of accounts and reports shall certify to the director of the budget and the director of legislative research that such transfer has occurred.

Sec. 22.

DEPARTMENT OF COMMERCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Table with 2 columns: Fund Name, Amount. Row: Kansas semiquincentennial commission support (\$73,500).

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Table with 2 columns: Fund Name, Limit. Rows: Kansas commission for the United States (No limit), semiquincentennial gifts and donations fund (No limit), Attracting professional sports to Kansas fund (No limit), Attracting powerful economic expansion payroll incentive fund (No limit), Attracting powerful economic expansion new employee training and education fund (No limit), Attracting powerful economic expansion Kansas residency incentive fund (No limit).

(c) During the fiscal year ending June 30, 2023, the secretary of commerce shall certify to the director of accounts and reports if the state finance council has approved an agreement with a qualified firm or qualified supplier pursuant to section 2 of House Substitute for Senate Bill No. 347: Provided, That upon receipt of such certification, the director of accounts and reports shall transfer an aggregate amount of

not more than \$19,000,000 from the job creation program fund created pursuant to K.S.A. 74-50,224, and amendments thereto, to the attracting powerful economic expansion payroll incentive fund, the attracting powerful economic expansion new employee training and education fund and the attracting powerful economic expansion Kansas residency incentive fund of the above agency: Provided further, That the secretary of commerce shall certify to the director of accounts and reports the appropriate amount to be transferred to each such special revenue fund to fulfill the purposes of the attracting powerful economic expansion act established by House Substitute for Senate Bill No. 347 and shall transmit a copy of such certification to the director of the budget and the director of legislative research.

Sec. 23.

KANSAS COMMISSION ON VETERANS AFFAIRS OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Table with 2 columns: Fund Name, Amount. Rows: Operating expenditures - Kansas soldiers' home (694-00-1000-0403) (\$105,000), Operating expenditures - Kansas veterans' home (694-00-1000-0503) (\$105,000).

Sec. 24.

DEPARTMENT OF HEALTH AND ENVIRONMENT - DIVISION OF PUBLIC HEALTH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Table with 2 columns: Fund Name, Amount. Row: Specialty health care access programs (264-00-1000) (\$750,000).

Provided, That of the amount appropriated for the specialty health care access programs account, \$250,000 shall be distributed to each of the following programs: Project access of Wichita, health access of Shawnee county, and Wy Jo care of Wyandotte and Johnson counties.

Table with 2 columns: Fund Name, Amount. Row: Child abuse review and evaluation program (\$757,000).

Provided, That expenditures shall be made from the child abuse review and evaluation program account to train healthcare providers to recognize signs of child abuse and reimburse reviews and examinations conducted by such trained healthcare providers: Provided further, That on or before January 9, 2023, the above agency shall submit a report to the house of representatives committee on appropriations and the senate committee on ways and means on services provided and the location of services provided by the program.

Any unencumbered balance in the cerebral palsy posture seating account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(b) During the fiscal year ending June 30, 2023, expenditures shall be made by the above agency from the infant and toddler program (264-00-1000-0570) account of the state general fund in the amount of \$6,000,000 for the purposes of aid to local units and other assistance: Provided, however, That such moneys shall not be expended for administrative costs incurred by the above agency.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Table with 2 columns: Fund Name, Amount. Row: HIV care formula grant federal fund (264-00-3328-3311) (No limit).

Sec. 25.

DEPARTMENT OF HEALTH AND ENVIRONMENT - DIVISION OF HEALTH CARE FINANCE

(a) On the effective date of this act, of the \$759,750,000 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 80(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the other medical assistance account (264-00-1000-3026), the sum of \$21,989,024 is hereby lapsed.

(b) During the fiscal year ending June 30, 2022, the above agency shall not expend any moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2022 by section 80 of chapter 98 of the 2021 Session Laws of Kansas, section 40 of chapter 116 of the 2021 Session Laws of Kansas, section 69 of 2022 House Substitute for Substitute for Senate Bill No. 267, this or any other appropriation act of the 2022 regular session of the legislature to impose any limitation on

(continued)

funding, including, but not limited to, a maximum amount that may be paid for services, for the prospective payment system established pursuant to K.S.A. 39-2019, and amendments thereto, under the medical assistance program for certified community behavioral health clinics other than limitations imposed by the United States centers for medicare and medicaid services.

Sec. 26.

DEPARTMENT OF HEALTH AND ENVIRONMENT – DIVISION OF HEALTH CARE FINANCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Other medical assistance (264-00-1000-3026)\$34,249,128

(b) During the fiscal year ending June 30, 2023, the above agency shall not expend any moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2023 by section 70 of 2022 House Substitute for Substitute for Senate Bill No. 267, this or any other appropriation act of the 2022 regular session of the legislature to impose any limitation on funding, including, but not limited to, a maximum amount that may be paid for services, for the prospective payment system established pursuant to K.S.A. 39-2019, and amendments thereto, under the medical assistance program for certified community behavioral health clinics other than limitations imposed by the United States centers for medicare and medicaid services.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Ryan White title II – federal fund (264-00-3328-3310)..... No limit

Sec. 27.

KANSAS DEPARTMENT FOR AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

KanCare caseloads (039-00-1000-0610)\$16,000,000
Larned state hospital – operating expenditures (410-00-1000-0103)\$5,500,000

Sec. 28.

KANSAS DEPARTMENT FOR AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

KanCare caseloads (039-00-1000-0610)\$30,015,118
Non-KanCare caseloads (039-00-1000-0611)\$2,340,230
State operations (039-00-1000-0801)\$3,190,000
988 suicide prevention and mental health crisis hotline...\$10,000,000

Provided however, That, on July 1, 2022, if House Substitute for Senate Bill No. 19, or other legislation that establishes a 988 suicide prevention and mental health crisis hotline fund and transfers moneys to such special revenue fund, has been passed by the legislature during the 2022 regular session and enacted into law, then, of the moneys appropriated in the 988 suicide prevention and mental health crisis hotline account, the sum of \$10,000,000 is hereby lapsed.

Community services and programs (039-00-1000-0520)\$500,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

988 suicide prevention and mental health crisis hotline fund... No limit

(c) During the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made by the above agency from the regional beds funding account (039-00-1000-3003) of the state general fund of the above agency for fiscal year 2023, as authorized by section 74(a) of 2022 House Substitute for Substitute for Senate Bill No. 267, this or other appropriation act of the 2022 regular session of the legislature, subject to the provisions of this subsection, expenditures shall be made by the above agency from the regional beds funding account for fiscal year 2023, in an amount not to exceed \$15,000,000,

for the purpose of expanding regional mental health bed access in the Sedgwick county regional area: Provided, however, That such expenditures shall be subject to approval by the state finance council: Provided further, That the state finance council is hereby authorized to approve such expenditures: And provided further, That state finance council action on this matter is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto: And provided further, That prior to any state finance council action, the interim legislative study committee on Sedgwick county regional area mental health bed expansion shall provide recommendations to the state finance council on or before October 1, 2022: And provided further, That the state finance council shall consider the recommendations from such interim study committee in determining whether to authorize expenditures for the purpose of expanding regional mental health bed access.

Sec. 29.

KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

(a) On the effective date of this act, of the \$220,433,685 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 87(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the youth services aid and assistance account (629-00-1000-7020), the sum of \$6,600,000 is hereby lapsed.

Sec. 30.

KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

(a) On the effective date of this act, of the \$235,276,149 appropriated for the above agency for the fiscal year ending June 30, 2023, by section 76(a) of House Substitute for Substitute for Senate Bill No. 267 from the state general fund in the youth services aid and assistance account (629-00-1000-7020), the sum of \$5,350,000 is hereby lapsed.

(b) During the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for the above agency for fiscal year 2023 as authorized by section 76 of 2022 House Substitute for Substitute for Senate Bill No. 267, this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency to collaborate with community partners and stakeholders to jointly develop a plan for implementation of a set of performance-based contracts to provide an array of evidence-based prevention and early intervention services for families who are at risk for an out-of-home placement or have a child in out-of-home care and for children who are awaiting adoption: Provided, That such plan shall describe the services that are required to be delivered under any such contract in order to assure that providers have the ability to provide adequate, appropriate and relevant evidence-based services to individual families, the outcome measures that will be used to evaluate the effectiveness of provider performance under such contracts, how families will be referred to contracted providers, including the protocols for continued communication or coordination between providers and the above agency in order to assure child safety and well-being and to promote such family’s engagement and the optimum balance of shared responsibility for child protection and child welfare between the above agency and such providers, including a description of the core functions to be performed by each: Provided further, That in developing such plan, the above agency shall consider the capacity for regionwide delivery of an array of evidence-based prevention and early intervention services to children and families, paying particular attention to the willingness and ability of community and stakeholders to collaborate in the development of the implementation plan by January 31, 2023, and whether there are any existing and available multidisciplinary or multisystem work groups engaged in performance improvement or reform efforts: And provided further, That the above agency shall report to the governor, the house of representatives committee on children and seniors and the senate committee on public health and welfare by January 31, 2023, with a plan to begin implementation on July 1, 2023.

Sec. 31.

KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

(a) During the fiscal year ending June 30, 2024, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for the above agency for fiscal year 2024 as authorized by this or other appropriation act of the 2022 or 2023

regular session of the legislature, expenditures shall be made by the above agency from such moneys for fiscal year 2024 to provide, not later than January 31, 2024, to the governor and the legislature a status update and recommendations for continued progress on the plan to implement performance-based contract criteria as described in section 29(b): *And provided further*, That the above agency shall submit a proposal to the legislature and the governor on or before January 31, 2024, for the reinvestment of savings from reduced foster care caseloads into evidence-based prevention and early intervention programs designed to prevent the need for or reduce the duration of out-of-home placements: *And provided further*, That such proposal shall include sufficient detail regarding accounting, budgeting and allocation of resources or other procedures for legislative consideration and approval.

Sec. 32.

KANSAS STATE UNIVERSITY
VETERINARY MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Veterinary training program for rural Kansas
(368-00-1000-5013) \$250,000

Sec. 33.

UNIVERSITY OF KANSAS

(a) In addition to the other purposes for which expenditures may be made by the above agency from the geological survey account (682-00-100-0023) of the state general fund for fiscal year 2023, expenditures shall be made by the above agency from the geological survey account of the state general fund for fiscal year 2023 for seismic surveys in an amount not less than \$100,000.

Sec. 34.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Cancer research and public information trust
(683-00-2925-2925) No limit

Sec. 35.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Digital transformation program fund \$10,000,000

Provided, That all moneys in the digital transformation program fund expended for fiscal year 2023 shall be matched by nonstate moneys on a \$1-to-\$1 basis.

(b) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2023 by section 103 of 2022 House Substitute for Substitute for Senate Bill No. 267, this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from such moneys to consult with the director of the budget who shall determine the amount of moneys from any federal law that appropriates moneys to the state for aid for coronavirus relief that are eligible to be used for the digital transformation program, may be expended at the discretion of the state in compliance with the office of management and budget's uniform administrative requirements, cost principles and audit requirements for federal awards, and are unencumbered: *Provided*, That, of such identified moneys, the director of the budget shall determine the remaining moneys available in special revenue funds: *Provided further*, That if the above agency, in consultation with the director of the budget, determines that federal moneys to the state for aid for coronavirus relief are available during fiscal year 2023 to be used for such program, the director of the budget shall certify the amount of such federal coronavirus relief moneys from each fund to the director of accounts and reports and upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall immediately transfer an aggregate amount equal to \$10,000,000 as available from such funds to the digital transformation

program fund of Wichita state university for the purpose of providing such program: *And provided further*, That at the same time as the director of the budget transmits certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 36.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following: Postsecondary education operating grant

(including official hospitality) (561-00-1000-0770).....\$12,500,000
Computer science preservice educator grant.....\$1,000,000

Provided, That expenditures shall be made by the above agency from the computer science preservice educator grant account for fiscal year 2023 to promote the advancement of computer science preservice teacher preparation in Kansas and to award scholarships to licensed and preservice teachers pursuant to the provisions of 2022 Substitute for House Bill No. 2466: *Provided further*, That, if 2022 Substitute for House Bill No. 2466 is not passed by the legislature during the 2022 regular session and enacted into law, then on July 1, 2022, the \$1,000,000 appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, by this section in the computer science preservice educator grant account is hereby lapsed.

~~(b) On the effective date of this act, the provisions of the proviso for the postsecondary education operating grant (including official hospitality) account (561-00-1000-0770) of the state board of regents in section 109(a) of 2022 House Substitute for Substitute for Senate Bill No. 267 are hereby declared to be null and void and shall have no force and effect.~~

Sec. 37.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Community corrections (521-00-1000-0220) \$841,113
Treatment and programs – offender programs
(521-00-1000-0151) \$1,132,216
Facility operations (521-00-1000-0303) \$850,000

(b) On July 1, 2022, of the \$47,829,331 appropriated for the above agency for the fiscal year ending June 30, 2023, by section 112(a) of 2022 House Substitute for Substitute for Senate Bill No. 267 from the state general fund in the operating expenditures account (521-00-1000-0603), the sum of \$71,313 is hereby lapsed.

Sec. 38.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (034-00-1000-0053).....\$37,160

Sec. 39.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Operating expenditures (034-00-1000-0053).....\$147,055

Sec. 40.

STATE FIRE MARSHAL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Elevator safety fee fund..... No limit

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 116(a) of House Substitute for Substitute for Senate Bill No. 267 on the fire marshal fee fund (234-00-2330-2000) of the state fire marshal is hereby increased from \$6,015,655 to \$6,205,639.

Sec. 41.

KANSAS HIGHWAY PATROL

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,600,000

(continued)

from the state highway fund (276-00-4100-4100) of the department of transportation to the aircraft fund – on budget (280-00-2368-2360) of the Kansas highway patrol: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state highway fund to the aircraft fund – on budget as prescribed by law: *Provided further*, That expenditures from the above transfer shall be made by the above agency to purchase two additional forward-looking infrared radars.

Sec. 42.

KANSAS HIGHWAY PATROL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

DUI-IID designation fund..... No limit

(b) On July 1, 2022, the director of accounts and reports shall transfer all moneys in the DUI-IID designation fund (565-00-2380-2370) of the department of revenue to the DUI-IID designation fund of the above agency. On July 1, 2022, all liabilities of the DUI-IID designation fund of the department of revenue are hereby transferred to and imposed on the DUI-IID designation fund of the above agency and the DUI-IID designation fund of the department of revenue is hereby abolished.

Sec. 43.

ATTORNEY GENERAL – KANSAS BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Forensic science laboratory early payment of bonds.....\$41,487,988

Sec. 44.

ATTORNEY GENERAL – KANSAS BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Operating expenditures (083-00-1000-0083).....\$85,371

(b) On July 1, 2022, the \$4,322,800 appropriated for the above agency for the fiscal year ending June 30, 2023, by section 164(a) of 2022 House Substitute for Substitute for Senate Bill No. 267 from the state general fund in the KBI – debt service account (083-00-1000-0820) is hereby lapsed.

Sec. 45.

KANSAS SENTENCING COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Operating expenditures (626-00-1000-0303).....\$74,628

Sec. 46.

KANSAS DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Dairy industry expansion needs assessment\$350,000

Sec. 47.

STATE FAIR BOARD

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, for the capital improvement project or projects specified, the following:

Bison arena renovation.....\$10,000,000

State fair facilities upgrades\$4,450,000

Sec. 48.

DEPARTMENT OF TRANSPORTATION

(a) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 136(b) of House Substitute for Substitute for Senate Bill No. 267 on the agency operations account (276-00-4100-0403) of the state highway fund (276-00-4100-4100) of the department of transportation is hereby increased from \$305,591,473 to \$305,622,993.

Sec. 49.

STATE FINANCE COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

State employee pay increase.....\$800,000

(b) On the effective date of this act, the provisions of section 140(h)(3)(E) of House Substitute for Substitute for Senate Bill No. 267 are hereby declared to be null and void and shall have no force and effect.

(c) Section 140(g) of House Substitute for Substitute for Senate Bill No. 267 shall not apply to employees of the office of administrative hearings and the Kansas sentencing commission who received an agency salary enhancement in fiscal year 2022, are anticipated to receive an agency salary enhancement in fiscal year 2023 or may receive such salary enhancements in both fiscal years.

(d) Section 140(h)(3)(F) of House Substitute for Substitute for Senate Bill No. 267 shall not apply to employees of the state fire marshal or state board of indigents’ defense services.

Sec. 50. Notwithstanding the provisions of K.S.A. 46-2102, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2023, any state agency named in chapter 98 of the 2021 Session Laws of Kansas, 2022 House Substitute for Substitute for Senate Bill No. 267, this or other appropriation act of the 2022 regular session of the legislature shall expend moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2023 to advise and consult with the joint committee on information technology prior to releasing any request for proposal for an information technology project, as defined in K.S.A. 75-7201, and amendments thereto.

Sec. 51. K.S.A. 2021 Supp. 76-1959 is hereby amended to read as follows: 76-1959. (a) (1) Except as provided in paragraph (2), for the purpose of financing a capital improvement project relating to construction of a state veterans home facility located in northeast Kansas, including, but not limited to, Douglas, Jefferson, Leavenworth, Shawnee and Wyandotte counties, the Kansas development finance authority is hereby authorized to issue one or more series of revenue bonds pursuant to the Kansas development finance authority act, K.S.A. 74-8901 et seq., and amendments thereto, in a total amount not to exceed \$10,500,000, plus all amounts required for costs of bond issuance, costs of insurance or credit enhancement, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds.

(2) During state fiscal years 2022 and 2023, the Kansas development finance authority is hereby authorized to issue one or more series of revenue bonds pursuant to the Kansas development finance authority act, K.S.A. 74-8901 et seq., and amendments thereto, in a total amount not to exceed \$17,200,000, plus all amounts required for costs of bond issuance, costs of insurance or credit enhancement, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds.

(b) The proceeds from the sale of any bonds, other than refunding bonds, issued pursuant to this section, after payment of any costs related to the issuance of such bonds, shall be paid by the Kansas development finance authority to the department of administration to be applied to the payment of costs of the capital improvement project authorized pursuant to this section as requested by the secretary of administration and by resolution of the Kansas development finance authority and shall constitute the state’s required 35% match for the United States department of veterans affairs state veterans home construction grant program under 38 U.S.C. §§ 8131 through 8138, as in effect on July 1, 2021.

(c) On and after July 1, 2021, prior to the issuance of any bonds pursuant to this section, the capital improvement project described in subsection (a) is hereby approved for the department of administration for the purposes of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority shall be approved by the Kansas development finance authority in accordance with K.S.A. 74-8901 et seq., amendments thereto, and the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711(c), and amendments thereto, except that such approval also may be given when the legislature is in session.

(d) The department of administration shall only make expenditures from the moneys received from the issuance of any bonds pursuant to this section for those purposes set forth in subsection (a) for such capital improvement project.

(e) The debt service for any such bonds issued pursuant to this section shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds.

(f) The date of maturity on bonds issued pursuant to this section shall not be fixed for a period of time that exceeds 20 years from the date of issuance.

(g) The state hereby pledges and covenants with the holders of any bonds issued pursuant to the provisions of this section, that the state will not limit or alter the rights or powers vested in the Kansas development finance authority by this section, nor limit or alter the rights or powers of the authority, or the department of administration, in any matter that would jeopardize the interest of the holders, or any trustee of such holders, or inhibit or prevent performance or fulfillment by the Kansas development finance authority or the department of administration with respect to the terms of any agreement made with the holders of the bonds or agreements made pursuant to this section, except that the failure of the legislature to appropriate moneys for debt service on any bonds issued pursuant to this section shall not be deemed a violation of this pledge and covenant. The department of administration is hereby specifically authorized to include this pledge and covenant in any agreement with the Kansas development finance authority. The Kansas development finance authority is hereby specifically authorized to include this pledge and covenant in any bond resolution, trust indenture or agreement for the benefit of the holders of the bonds.

(h) Neither the state nor the department of administration shall have the power to pledge the full faith and credit or taxing power of the state for debt service on any bonds issued pursuant to this section, and any payment by the department of administration for such purpose shall be subject to and dependent on appropriations by the legislature. Any obligation of the state or the department of administration for payment of debt service on bonds issued pursuant to this section shall not be considered a debt or obligation of the state for the purpose of section 6 of article 11 of the constitution of the state of Kansas.

(i) Subject to the provisions of appropriation acts, the secretary of administration shall enter into pledge agreements with the Kansas development finance authority to pledge moneys for the payment of bonds issued pursuant to this section, which pledge shall be subject to the appropriation of moneys therefor.

Sec. 52. *Severability.* If any provision or clause of this act or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 53. *Appeals to exceed expenditure limitations.* (a) Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

(b) This section shall not apply to the expanded lottery act revenues fund, the state economic development initiatives fund, the children's initiatives fund, the state water plan fund or the Kansas endowment for youth fund, or to any account of any of such funds.

Sec. 54. If any fund or account name described by words and the numerical accounting code that follows such fund or account name do not match, it shall be conclusively presumed that the legislature intended that the fund or account name described by words is the correct fund or account name, and such fund or account name described by words shall control over a contradictory or incorrect numerical accounting code.

Sec. 55. K.S.A. 2021 Supp. 76-1959 is hereby repealed.

Sec. 56. This act shall take effect and be in force from and after its publication in the Kansas Register.

Doc. No. 050204

State of Kansas

Office of the Governor

Message from the Governor Regarding House Bill 2510

House Bill 2510 represents additional progress toward fulfilling many of the priorities that I set forth in January and that have been made possible only through our bipartisan work together over the past four years. Build-

ing on House Substitute for Substitute for Senate Bill 267, this bill provides additional investments in higher education, economic development, mental health, senior services, and veterans while leaving sufficient funding to provide over \$1 billion in tax relief to Kansans through the legislation that I have signed to cut property taxes and axe the state's sales tax on groceries.

Some of the key investments in this legislation include improved access to mental healthcare, increased funding for senior nutrition, expanded training opportunities to prevent child abuse, and measures that build on our successful work to reduce the number of children who enter the foster care system. This bill includes additional investments in our regional universities and community and technical colleges, which are critical to our efforts to expand our workforce in the state of Kansas. And this budget ensures that all state employees will receive a pay increase of at least 5% this year in recognition of their service to the state.

Finally, due to our strong economic growth and unprecedented ending balances, this budget will allow us to pay off over \$1 billion in debt over the next year.

Therefore, pursuant to Article 2, Section 14(b) of the Constitution of the State of Kansas, I hereby return House Bill 2510 with my signature, except for the item enumerated below.

State Board of Regents – Proviso Allowing Universities to Raise Tuition

- Section 36(b) has been vetoed in its entirety.

In my initial budget, I recommended \$45.7 million in operating grant funding to higher education with the understanding that universities would freeze tuition. In addition to that, I allocated \$23.9 million in funding for salaries. While the original operating grant funding has been reduced to an increase of \$37.5 million in the final passed budget, overall, higher education in the state of Kansas is set to receive \$1 billion this fiscal year. This is a historic investment that I am proud to support by approving the additional higher education funding included in HB 2510.

As a result of this significant infusion of new funding, I believe that the Regents institutions will be able to continue to hold tuition flat, making college more affordable for Kansans of all backgrounds. This is especially important if we, as a state, are going to provide the workforce needed to fully actualize the benefits and opportunities of our recent economic growth.

Dated May 16, 2022.

Laura Kelly
Governor

Doc. No. 050205

State of Kansas

Secretary of State

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 1:00 p.m. Friday, August 5, 2022, in the second floor auditorium at Memorial Hall, 120 SW 10th Ave., Topeka, Kansas, regarding the
(continued)

amendment of Kansas Administrative Regulation 7-36-7 and the adoption of Kansas Administrative Regulation 7-36-9, pertaining to signature verification on mail ballot applications and mail ballot envelopes. The regulations govern procedures if a signature is missing or is inconsistent with the voter's signatures recorded in the voter registration database, procedures for contacting voters with signature deficiencies, and training requirements for county election staff performing signature verification.

The statutory authority for the Secretary of State to promulgate these regulations are K.S.A. 25-124, K.S.A. 25-440, K.S.A. 25-1122, and K.S.A. 25-1131. The regulations implement provisions of K.S.A. 25-124, K.S.A. 25-433, K.S.A. 25-1122, K.S.A. 25-1123, and K.S.A. 25-1124.

Adopting these regulations imposes only small economic burdens on county election staff and imposes no environmental impact.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. Comments may be submitted prior to the hearing to Clay Barker, General Counsel, Office of the Secretary of State, Memorial Hall, 120 SW 10th Ave., Topeka, KS 66612-1594, or to clay.barker2@ks.gov. All interested parties will be given a reasonable opportunity at the hearing to present their views. Additionally, interested parties wanting to participate remotely may contact Clay Barker at clay.barker2@ks.gov to obtain remote access information. It may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation should be made at least five days in advance of the hearing by contacting Clay Barker at 785-296-3483 or the Kansas Relay Center at 1-800-766-3777.

Copies of the full text of the regulations and economic impact statement may be obtained at the address above for the Office of the Secretary of State or by contacting Lara Murphy, Director of Administrative Regulations and Publications, at 785-296-0082 or lara.murphy@ks.gov. The proposed regulations are also available on the Secretary of State's website at <https://www.sos.ks.gov>.

Scott Schwab
Secretary of State

Doc. No. 050184

State of Kansas

Secretary of State

Temporary Administrative Regulations

Article 36.— ABSENTEE AND ADVANCE VOTING

7-36-7. Processing advance voting ballot applications. This regulation shall govern the processing of each application for an advance voting ballot received by a county election officer if the applicant is registered to vote in that election officer's county and wants to receive the ballot by mail.

(a) If the application does not contain sufficient infor-

mation or if the information is illegible, the county election officer shall contact the applicant to obtain the information before election day, if practicable.

(b) If the application is not signed or the signature on the application is not consistent with the applicant's signature on the official voter registration list, the election officer shall comply with the procedures specified in K.A.R. 7-36-9.

(c) If the application does not contain the number of the applicant's current and valid Kansas driver's license number or nondriver's identification card number or a photocopy of any other identification specified in K.S.A. 25-2908 and amendments thereto or if the number or photocopy is illegible, the county election officer shall attempt to contact the applicant by any means to obtain the information. The county election officer shall provide the applicant with the information required by K.S.A. 25-1122(e)(2), and amendments thereto.

(d) The county election officer may collect an applicant's current and valid Kansas driver's license number or nondriver's identification card number or a photocopy of any other identification specified in K.S.A. 25-2908, and amendments thereto. If the county election officer obtains the necessary identification number or photocopy and the identification number or photocopy is consistent with the voter registration list, the county election officer shall issue a regular advance voting ballot.

(e) If an applicant submits a photocopy of the qualifying photographic identification document and the document contains information that is illegible or inconsistent with the information on the voter registration list, the county election officer shall attempt to contact the applicant by any means to confirm that the applicant intended to apply for an advance voting ballot and shall attempt to obtain a satisfactory photocopy of the qualifying photographic identification document.

(f) If it is not practicable to contact the applicant before the election or if the information, signature, or photocopy provided is incomplete or inconsistent with the voter registration list, the county election officer shall issue a provisional advance voting ballot.

(g) The county election officer shall present each provisional advance voting ballot to the county board of canvassers for a determination of validity. If the voter provided additional information, an updated signature, or an additional photocopy upon request by the county election officer and if the information, signature, or photocopy is consistent with the voter registration list, the ballot shall be counted unless the ballot is determined to be invalid for another reason. If the voter did not provide additional information, an updated signature, or an additional photocopy upon request by the county election officer or if the information, signature, or photocopy is inconsistent with the information on the voter registration list, the ballot shall not be counted. (Authorized by K.S.A. 25-1122; implementing K.S.A. 25-1122, K.S.A. 25-1123, and K.S.A. 25-1124; effective Feb. 24, 2012; amended, T-7-5-26-22, May 26, 2022.)

7-36-9. Signature verification for advance voting by mail. (a) For purposes of this regulation, each of the following terms shall have the meaning specified in this subsection:

(1) "Application" means the submission by a registered voter to apply for an advance voting ballot to be transmitted by mail on which the voter affixes a signature, as specified in K.S.A. 25-1122 and K.S.A. 25-1122d, and amendments thereto.

(2) "Inconsistent," when used regarding a signature, means that the signature differs in multiple, significant, or obvious respects from the voter's signature in the voter registration database.

(3) "Mail ballot envelope" means the envelope containing a completed ballot on which the voter affixes a signature, as specified in K.S.A. 25-1124 and K.S.A. 25-433(b) and amendments thereto.

(4) "Match," when used regarding a signature, means that the signature is generally uniform and consistent with the voter's signature in the voter registration database.

(5) "Signature verification" means the process to verify the authenticity of a voter's signature on applications, as required by K.S.A. 25-1122(e)(1) and amendments thereto, and on mail ballot envelopes, as required by K.S.A. 25-1124(d) and (h) and K.S.A. 25-433(e) and amendments thereto.

(b) When a county election officer receives from a voter either an application or a mail ballot envelope, the county election official shall conduct signature verification as follows:

(1) If the signature matches the voter's signature on file, the application or mail ballot envelope shall be processed pursuant to K.S.A. 25-1134, K.S.A. 25-1135, and K.S.A. 25-1136, and amendments thereto.

(2) If the signature on the application or mail ballot envelope is inconsistent with the voter's signature on file or there is no signature, the county election official shall attempt to contact the voter as follows:

(A) If the voter's phone number is reasonably available, the county election official shall attempt to call the voter at least three times. The county election official shall inform the voter or leave a message with another person who answered the call or on voice mail of the apparently inconsistent or missing signature and the way to verify the voter's identity or correct the missing signature.

(B) The county election official shall send to the voter by first-class mail a notice informing the voter of the apparently inconsistent or missing signature, with instructions on how to verify the voter's identity or correct the missing signature.

(C) The county election official may also attempt to contact the voter by any other means, including electronic mail or personal visit at the voter's residence.

(c) The county election official shall record the following:

(1)(A) For contact by phone, the date, time, and phone number for each call and specification of whether instructions were left by voice mail, by conversation with the voter, or by conversation with another individual;

(B) for contact by mail, the date the letter was sent to the voter, the address to which the letter was sent, and a copy of the letter; or

(C) for other means of contact, a general description of the means of voter contact; and

(2) for all means of contact, specification of whether the voter corrected the missing or inconsistent signature.

(d) If a voter receives notice of a signature that is inconsistent with the voter's signature on file, the signature deficiency may be corrected as follows:

(1) On a mail ballot envelope, by providing an updated signature consistent with the signature on file at any time until the commencement of the county board of canvassers; or

(2) on an application, by providing an updated signature consistent with the signature on file at any time through the Tuesday of the week preceding the election.

(e) If a voter receives notice of a missing signature, the signature deficiency may be corrected as follows:

(1) On a mail ballot envelope, by appearing in person before a county election official and providing a signature at any time until the commencement of the county board of canvassers; or

(2) on an application, by submitting a new application with a signature or by appearing in person before a county election official and providing a signature at any time through the Tuesday of the week preceding the election.

(f) Before performing signature verification, the county election official shall complete training approved by the secretary of state on procedures to determine whether a voter's signature is consistent with the signature in the voter registration database.

(g) When conducting signature verification, the following shall apply:

(1) The voter's signature shall be compared to as many recorded signatures as possible from the voter registration database.

(2) Signature verification may occur by electronic device or by human inspection.

(3) All signatures that match those in the voter registration database shall be accepted.

(4) Before a signature on any application or mail ballot envelope is deemed inconsistent, at least two election officials who have been trained by the secretary of state shall agree that the signatures are inconsistent.

(5) Signature verification shall not be required if a voter has a disability preventing the voter from signing the ballot or preventing the voter from having a signature that matches the voter's registration form. (Authorized by K.S.A. 25-124, K.S.A. 25-440, K.S.A. 25-1122, and K.S.A. 25-1131; implementing K.S.A. 25-124, K.S.A. 25-433, K.S.A. 25-1122, and K.S.A. 25-1124; effective, T-7-5-26-22, May 26, 2022.)

Scott Schwab
Secretary of State

Doc. No. 050199

State of Kansas

Kansas Commission on Peace Officer's Standards and Training

Temporary Administrative Regulation

Article 1.—PEACE OFFICERS' STANDARDS AND TRAINING

106-1-9. Continuing education or training. The annual continuing education or training required by K.S.A. (continued)

74-5607a(b), and amendments thereto, shall be obtained during the period from July 1 of the year in which the requirement arises through June 30 of the following year.

This regulation shall become effective on June 1, 2022. (Authorized by K.S.A. 74-5607; implementing K.S.A. 74-5607a; effective, T-106-5-26-22, June 1, 2022.)

Doug Schroeder
Executive Director

Doc. No. 050198

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 2021 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 ADMINISTRATION

Table with 3 columns: Reg. No., Action, Register. Rows include 1-18-1a (Amended) and 1-18-2 (Revoked).

AGENCY 4: DEPARTMENT OF AGRICULTURE

Table with 3 columns: Reg. No., Action, Register. Rows include 4-7-804 (Amended) through 4-34-29 (Amended).

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Table with 3 columns: Reg. No., Action, Register. Rows include 5-19-1 (New) through 5-19-5 (New).

AGENCY 7: SECRETARY OF STATE

Table with 3 columns: Reg. No., Action, Register. Rows include 7-30-1 (Revoked) through 7-48-1 (New).

AGENCY 9: DEPARTMENT OF AGRICULTURE—DIVISION OF ANIMAL HEALTH

Table with 3 columns: Reg. No., Action, Register. Row includes 9-2-36 (New).

AGENCY 10: BUREAU OF INVESTIGATION

Table with 3 columns: Reg. No., Action, Register. Row includes 10-22-1 (Amended).

AGENCY 11: DEPARTMENT OF AGRICULTURE—DIVISION OF CONSERVATION

Table with 3 columns: Reg. No., Action, Register. Row includes 11-9-5 (Amended).

AGENCY 17: OFFICE OF THE STATE BANK COMMISSIONER

Table with 3 columns: Reg. No., Action, Register. Rows include 17-11-18 (Amended) and 17-24-2 (Amended).

AGENCY 21: HUMAN RIGHTS COMMISSION

Table with 3 columns: Reg. No., Action, Register. Rows include 21-40-10 (Revoked) through 21-41-11 (Revoked).

AGENCY 22: STATE FIRE MARSHAL

Table with 3 columns: Reg. No., Action, Register. Rows include 22-26-1 (New (T)) and 22-26-2 (New (T)).

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AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Table with 3 columns: Reg. No., Action, Register. Rows include 28-1-40 (Amended) through 28-35-181d (Amended).

28-35-181j	Amended	V. 41, p. 447
28-35-181m	Amended	V. 41, p. 448
28-35-181r	Amended	V. 41, p. 450
28-35-181u	New	V. 41, p. 450
28-35-181v	New	V. 41, p. 451
28-35-192e	Amended	V. 41, p. 451
28-35-192f	Amended	V. 41, p. 451
28-35-192h	Amended	V. 41, p. 451
28-35-195a	Amended	V. 41, p. 452
28-35-196a	Amended	V. 41, p. 452
28-35-227c	Amended	V. 41, p. 452
28-35-231c	Amended	V. 41, p. 452
28-35-264	Amended	V. 41, p. 452
28-35-282a	Amended	V. 41, p. 453
28-35-291	Amended	V. 41, p. 454
28-35-450	Amended	V. 41, p. 455
28-35-500	Amended	V. 41, p. 455
28-35-500a	New	V. 41, p. 455
28-35-504	Amended	V. 41, p. 455
28-35-504a	New	V. 41, p. 456
28-35-505	Amended	V. 41, p. 457
28-35-700	Amended	V. 41, p. 457
28-51-100	Amended	V. 41, p. 869
28-51-101	Amended	V. 41, p. 872
28-51-102	Revoked	V. 41, p. 873
28-51-103	Amended	V. 41, p. 873
28-51-104	Amended	V. 41, p. 875
28-51-105	Amended	V. 41, p. 876
28-51-106	Amended	V. 41, p. 876
28-51-107	Amended	V. 41, p. 876
28-51-109	Amended	V. 41, p. 877
28-51-110	Amended	V. 41, p. 877
28-51-111	Amended	V. 41, p. 877
28-51-112	Amended	V. 41, p. 878
28-51-113	Amended	V. 41, p. 878
28-51-117	New	V. 41, p. 878
28-51-118	New	V. 41, p. 880
28-65-1	Amended	V. 40, p. 318
28-65-2	Amended	V. 40, p. 318
28-65-3	Amended	V. 40, p. 318
28-65-4	Amended	V. 40, p. 319

AGENCY 40: INSURANCE DEPARTMENT

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40-1-28	Amended	V. 40, p. 191
40-1-52	New	V. 40, p. 191

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-1-102	Amended	V. 40, p. 1707
60-1-104	Amended	V. 40, p. 1708
60-2-101	Amended	V. 40, p. 1709
60-2-102	Amended	V. 40, p. 1710
60-2-103	Amended	V. 40, p. 1711
60-2-104	Amended	V. 40, p. 1712
60-2-105	Amended	V. 40, p. 1713
60-2-106	Amended	V. 40, p. 1713
60-2-107	Amended	V. 40, p. 1713
60-2-108	Amended	V. 40, p. 1714
60-3-101	Amended (T)	V. 41, p. 185
60-3-101	Amended	V. 41, p. 663
60-11-103	Amended (T)	V. 41, p. 186
60-11-103	Amended	V. 41, p. 664

AGENCY 61: BOARD OF BARBERING

Reg. No.	Action	Register
61-4-3	New	V. 40, p. 161

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-7-1	Amended	V. 41, p. 40
66-12-1	Amended	V. 40, p. 670

AGENCY 69: BOARD OF COSMETOLOGY

Reg. No.	Action	Register
69-1-4	Amended	V. 40, p. 1522
69-6-2	Amended	V. 40, p. 1522
69-15-31	Amended	V. 40, p. 1522

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-4-30a	Amended (T)	V. 39, p. 1383
82-4-30a	Amended	V. 40, p. 160
82-11-2	Amended	V. 40, p. 1636
82-11-3	Amended	V. 40, p. 1636
82-11-4	Amended	V. 40, p. 1638
82-11-6	Amended	V. 40, p. 1643
82-11-7	Amended	V. 40, p. 1645
82-11-10	Amended	V. 40, p. 1645

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-3-10	Amended	V. 40, p. 497
86-3-18	Amended	V. 40, 497
86-3-21	Revoked	V. 40, p. 498
86-3-22	Amended	V. 40, p. 498

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-29-12	Revoked	V. 41, p. 83
88-29-13	Revoked	V. 41, p. 83
88-29-14	Revoked	V. 41, p. 83
88-29-15	Revoked	V. 41, p. 83
88-29-16	Revoked	V. 41, p. 83
88-29-17	Revoked	V. 41, p. 83
88-29a-1	Revoked	V. 41, p. 83
88-29a-5	Revoked	V. 41, p. 83
88-29a-6	Revoked	V. 41, p. 83
88-29a-7	Revoked	V. 41, p. 83
88-29a-7a	Amended	V. 41, p. 83
88-29a-8	Revoked	V. 41, p. 84
88-29a-8c	Revoked	V. 41, p. 84
88-29a-9	Revoked	V. 41, p. 84
88-29a-10	Revoked	V. 41, p. 84
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88-29a-18	Revoked	V. 41, p. 84
88-29a-19	Revoked	V. 41, p. 84
88-29b-1	Revoked	V. 41, p. 84
88-29b-3	Amended	V. 41, p. 84
88-29b-4	Amended	V. 41, p. 84
88-29b-5	Revoked	V. 41, p. 85
88-29b-6	Revoked	V. 41, p. 85
88-29b-7	Revoked	V. 41, p. 85
88-29b-7a	Amended	V. 41, p. 85
88-29b-8	Revoked	V. 41, p. 85
88-29b-8c	Revoked	V. 41, p. 85
88-29b-9	Revoked	V. 41, p. 85
88-29b-10	Revoked	V. 41, p. 85
88-29c-1	Amended	V. 41, p. 85
88-29c-5	Amended	V. 41, p. 86
88-29c-6	Amended	V. 41, p. 87
88-29c-7	Amended	V. 41, p. 87
88-29c-8	Amended	V. 41, p. 87
88-29c-8c	Amended	V. 41, p. 88
88-29c-9	Amended	V. 41, p. 88
88-29d-1	Amended	V. 41, p. 89
88-29d-5	Amended	V. 41, p. 90
88-29d-6	Amended	V. 41, p. 91
88-29d-7	Amended	V. 41, p. 91
88-29d-8	Amended	V. 41, p. 92
88-29d-8c	Amended	V. 41, p. 92
88-29d-9	Amended	V. 41, p. 92
88-29d-10	Amended	V. 41, p. 93

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-31-31	Amended	V. 40, p. 1399
91-31-32	Amended	V. 40, p. 1401
91-31-33	Amended	V. 40, p. 1401
91-31-34	Amended	V. 40, p. 1401
91-31-35	Amended	V. 40, p. 1402
91-31-36	Amended	V. 40, p. 1402
91-31-37	Amended	V. 40, p. 1403
91-31-38	Amended	V. 40, p. 1403
91-31-39	Revoked	V. 40, p. 1403
91-31-40	Amended	V. 40, p. 1403
91-31-41	Amended	V. 40, p. 1404
91-31-42	Amended	V. 40, p. 1404
91-31-43	New	V. 40, p. 1404

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-19-47	Revoked	V. 40, p. 290
92-19-67	Revoked	V. 40, p. 290
92-51-34a	Amended	V. 40, p. 1225

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-6-2	Amended	V. 40, p. 571
100-6-2a	New	V. 40, p. 290
100-6-7	New (T)	V. 40, p. 1321
100-6-7	New	V. 40, p. 1490
100-8-3	New	V. 40, p. 572
100-15-4	Amended	V. 40, p. 572
100-15-5	Amended	V. 40, p. 573
100-28a-5	Amended	V. 40, p. 1096
100-28a-16	Amended	V. 40, p. 1097

AGENCY 108: STATE EMPLOYEE HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-1	Amended	V. 40, p. 1714
108-1-3	Amended	V. 40, p. 1716
108-1-4	Amended	V. 40, p. 1718

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-1-1	Amended	V. 40, p. 1721
109-2-1	Amended	V. 40, p. 1723
109-3-1	Revoked	V. 40, p. 1723
109-3-3	Amended	V. 40, p. 1522
109-3-5	Amended	V. 40, p. 1524
109-5-1	Amended	V. 40, p. 1723
109-5-3	Amended	V. 40, p. 1724
109-5-6	Amended	V. 40, p. 1724
109-6-2	Amended	V. 40, p. 1724
109-6-4	New	V. 40, p. 1724
109-7-1	Amended	V. 40, p. 1725
109-10-3	Revoked	V. 40, p. 1725
109-10-6	Revoked	V. 40, p. 1725
109-10-7	Revoked	V. 40, p. 1725
109-11-1a	Amended	V. 40, p. 1725
109-11-3a	Amended	V. 40, p. 1726
109-11-4a	Amended	V. 40, p. 1726
109-11-6a	Amended	V. 40, p. 1726
109-11-7	Amended	V. 40, p. 1727
109-11-8	Amended	V. 40, p. 1727
109-11-9	Revoked	V. 40, p. 1727
109-15-1	Amended	V. 40, p. 1727
109-15-2	Amended	V. 40, p. 1728
109-15-3	New	V. 40, p. 1728
109-17-1	New	V. 40, p. 1729
109-17-2	New	V. 40, p. 1730
109-17-3	New	V. 40, p. 1730
109-17-4	New	V. 40, p. 1731

AGENCY 111: KANSAS LOTTERY

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*. 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 list of regulations filed from 2020 through 2021, can be found in the Vol. 40, No. 52, December 30, 2021 *Kansas Register*.

Reg. No.	Action	Register
111-4-3681	Amended	V. 41, p. 225
111-4-3695	New	V. 41, p. 225
111-4-3696	New	V. 41, p. 227
111-4-3697	New	V. 41, p. 228
111-4-3698	New	V. 41, p. 229
111-4-3690	New	V. 41, p. 230
111-4-3700	New	V. 41, p. 231
111-4-3701	New	V. 41, p. 233
111-4-3702	New	V. 41, p. 234
111-4-3703	New	V. 41, p. 362
111-4-3704	New	V. 41, p. 363
111-4-3705	New	V. 41, p. 364
111-4-3706	New	V. 41, p. 365
111-4-3707	New	V. 41, p. 366
111-4-3708	Amended	V. 41, p. 919
111-4-3709	Amended	V. 41, p. 921
111-4-3710	New	V. 41, p. 924
111-4-3711	New	V. 41, p. 925
111-4-3712	New	V. 41, p. 926
111-4-3713	New	V. 41, p. 927
111-4-3714	New	V. 41, p. 928
111-5-248	New	V. 41, p. 502
111-9-229	New	V. 41, p. 502
111-9-230	New	V. 41, p. 503
111-19-2a	Amended	V. 41, p. 503
111-19-121	New	V. 41, p. 368
111-19-122	New	V. 41, p. 368
111-19-123	New	V. 41, p. 504

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-1-1	Amended	V. 40, p. 498

115-3-1	Amended	V. 40, p. 1131
115-3-2	Amended	V. 40, p. 721
115-4-4	Amended	V. 40, p. 1132
115-4-4a	Amended	V. 40, p. 1683
115-4-6	Amended	V. 40, p. 500
115-8-1	Amended	V. 40, p. 1133
115-9-6	Amended	V. 40, p. 721
115-17-2	Amended	V. 40, p. 1683
115-18-13	Revoked	V. 40, p. 721
115-30-3	Amended	V. 40, p. 1684

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-8-3	Amended	V. 40, p. 920

AGENCY 132: 911 COORDINATING COUNCIL

Reg. No.	Action	Register
132-1-1	Revoked	V. 40, p. 1422
132-1-2	New	V. 40, p. 1422
132-2-1	Amended	V. 40, p. 1422
132-3-1	Amended	V. 40, p. 1422
132-4-1	Amended	V. 40, p. 1422
132-4-2	New	V. 40, p. 1423
132-4-3	New	V. 40, p. 1423
132-5-1	New	V. 40, p. 1423
132-6-1	New	V. 40, p. 1423

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