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Photo by Todd Caywood

State of Kansas

Legislative Administrative Services

Interim Committee Schedule

The Legislative Research Department gives notice that the following legislative committees plan to meet on the dates listed below based on current information and subject to change. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at 785-296-2391 or TTY 711, or email legserv@las.ks.gov.

Date	Room	Time	Committee	Agenda
Nov. 1	Kansas State University	10:00 a.m.	Joint Committee on State Building Construction	Presentation of five-year capital improvement plans for universities
Nov. 1	Virtual Only	12:00 p.m.	Special Committee on Kansas Mental Health Modernization and Reform – System Capacity and Transformation Working Group	Working group discussion on legal system and law enforcement topics only
Nov. 3	Virtual Only	1:00 p.m.	Special Committee on Kansas Mental Health Modernization and Reform – Services and Workforce Working Group	Working group discussion on services and workforce topics
Nov. 3	112-N	9:00 a.m.	Joint Committee on Child Welfare System Oversight	Overview of preliminary Committee recommendations; Overview of foster care funding; Overview of Legislative Post Audit Child Welfare System Audits; Overview of data organization for child welfare; Presentation on entry into foster care; SB 77 update; Presentations on the foster care system from individuals; Overview of Best Interest Staffing (BIS), providers, and organizations; Presentations on requirements for becoming a foster parent and experience with the foster parent application process; Overview comparing 2021 HB 2345, 2021 SB 301, and the Governor’s Executive Order 21-28 establishing the Office of the Child Advocate
Nov. 4	112-N	9:00 a.m.	Joint Committee on Child Welfare System Oversight	Presentation on amendments to juvenile justice system statutes; 2015 SB 367; Circumstances and impact; Overview of standards and requirements of faith-based child welfare-related organizations; Presentations from faith-based child welfare-related organizations; Presentation on benefit programs; Presentation on pediatrician’s perspective of proposed Adrian’s Law recommendation requiring physical evaluation of potential child abuse victims; Part 2: Presentations on the foster care system from individuals, providers, and organizations
Nov. 4	582-N	9:00 a.m.	Joint Committee on Information Technology	Presentation of IT Security and Limited Scope Audits; Executive, Judicial, and Legislative branch IT project updates; Presentation on data security for the public sector; Discussion on IT related legislation
Nov. 4	Dodge City Community College Theater, 2501 N. 14th Ave., Dodge City, KS	3:00 p.m.	SPARK Executive Committee	TBD
Nov. 5	112-N	TBD	Legislative Budget Committee	Budget matters
Nov. 9	112-N	9:30 a.m.	Special Committee on Child Support Enforcement and Collection	TBD
Nov. 10	112-N	9:00 a.m.	Kansas Senior Care Task Force	Agency responses to previous Task Force questions; Distinctions between adult care homes, nursing facilities, assisted living facilities, Home Plus, and senior day care facilities; Rebalancing of home and community-based Services; Medical perspective on antipsychotic use in nursing facilities; Interaction between mental health, dementia, and Alzheimer’s disease; Presentation on adult abuse, neglect, and exploitation; Other state’s efforts to address workforce shortages; Discussion of Working Groups

(continued)

Date	Room	Time	Committee	Agenda
Nov. 10	582-N	10:00 a.m.	Special Committee on Liquor Law Modernization	Approval of minutes; discussion on Committee research topics; finalization of Committee recommendations
Nov. 10	Virtual Only	1:00 p.m.	Special Committee on Kansas Mental Health Modernization and Reform – System Capacity and Transformation Working Group	Working group discussion on system capacity and transformation topics
Nov. 15	142-S	2:00 p.m.	Kansas Criminal Justice Reform Commission	Discussion and action on Subcommittee Reports
Nov. 15	582-N	10:30 a.m.	Joint Committee on Administrative Rules and Regulations	Kansas Department of Agriculture, Kansas Department of Health and Environment, Kansas State Board of Technical Professions, State Board of Regents, Office of the Secretary of State
Nov. 15	Kansas City Kansas Community College Technical Education Center, 6565 State Ave., Kansas City, KS	8:00 a.m.	SPARK Executive Committee	TBD
Nov. 15	Virtual Only	1:00 p.m.	Special Committee on Kansas Mental Health Modernization and Reform – Telehealth Working Group	Working group discussion on telehealth topics
Nov. 16	112-N	8:30 a.m.	Health Care Stabilization Fund Oversight Committee	Annual meeting; Reports from Health Care Stabilization Fund Board of Governors staff and actuary
Nov. 16	346-S	9:30 a.m.	Senate Agriculture and Natural Resources and House Agriculture Joint Committee Meeting	Pet Animal Facility Inspection program, Governor’s Budget Amendment proposing to create the program as its own division within the Department of Agriculture
Nov. 17-18	112-N	9:00 a.m.	Special Committee on Kansas Mental Health Modernization and Reform	TBD
Nov. 18	582-N	9:00 a.m.	Joint Committee on Special Claims Against the State	Review of claims against the state

Tom Day, Director
Legislative Administrative Services

Doc. No. 049542

State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

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).

Effective 11-1-21 through 11-7-21

Term	Rate
1-89 days	0.08%
3 months	0.02%
6 months	0.05%
12 months	0.14%
18 months	0.34%
2 years	0.50%

Scott Miller
Director of Investments

Doc. No. 049535

State of Kansas

Secretary of State

Code Mortgage Rate for November

Pursuant to the provisions of K.S.A. 16a-1-301, Section 11, the code mortgage rate during the period of November 1-30, 2021, 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.

Scott Schwab
Secretary of State

Doc. No. 049537

State of Kansas

Department of Health and Environment

Notice Concerning Proposed Kansas Air Quality Class I Operating Permit Renewal

Notice is hereby given that the Kansas Department of Health and Environment (KDHE) is soliciting comments regarding a proposed air quality operating permit. Ash Grove Cement Company has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et al. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards, and requirements applicable to each source; and the monitoring, record keeping, and reporting requirements applicable to each source as of the effective date of permit issuance.

Ash Grove Cement Company, PO Box 519, Chanute, KS 66720, owns and operates a Portland cement manufacturing facility located at 1801 N. Santa Fe, Chanute, Neosho County, KS 66720.

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 during normal business hours of 8:00 a.m. to 5:00 p.m. at the KDHE, Bureau of Air (BOA), 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366 and at the Southeast District Office, 308 W. 14th St., Chanute, KS 66720. To obtain or review the proposed permit and supporting documentation, contact Keaton Abeln, 785-296-8142, at the central office of the KDHE or Caitlin Mills, 620-860-7235, at the Southeast 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 <http://www.kdheks.gov/bar/publicnotice.html>.

Please direct written comments or questions regarding the proposed permit to Keaton Abeln, 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. Monday, December 6, 2021.

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 Keaton Abeln, KDHE BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366, no later than 12:00 p.m. Monday, December 6, 2021, in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency (EPA) has a 45-day review period, which will start concurrently with the public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA's 45-day review period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Keith Johnson, U.S. EPA, Region 7, Air Permitting and Compliance Branch, 11201 Renner Blvd., Lenexa, KS 66219, 913-551-7960, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Lee A. Norman, M.D.
Secretary

Doc. No. 049538

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://admin.ks.gov/docs/default-source/ofpm/procurement-contracts/bid-submission-via-email-12-7-2020.pdf>.

11/15/2021	EVT0008278	Electronic Display Sign – Kansas Soldiers’ Home
11/18/2021	EVT0008286	Pre-Purchase HVAC Equipment – Landon Building – Topeka
11/23/2021	EVT0008281	Printing of KANSAS! Magazine
11/23/2021	EVT0008283	Dodge Charger
11/23/2021	EVT0008284	Dodge Durango
11/23/2021	EVT0008285	Dodge Challenger
11/30/2021	EVT0008277	Chair Kits
12/07/2021	EVT0008282	Janitorial Services – Leavenworth
12/14/2021	EVT0008280	Online Plan Room – OFPM

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):

<http://admin.ks.gov/offices/procurement-and-contracts/additional-files-for-bid-solicitations>

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. 049547

State of Kansas

**Department of Revenue
Division of Property Valuation**

Directive No. 21-051

Uniform Standards of Professional Appraisal Practice

This directive is adopted pursuant to the provisions of K.S.A. 79-505(a) and shall take effect and be in force from and after the Director's approval date.

For the 2022 and 2023 valuation years, the county or district appraiser shall perform all appraisal functions in conformity with *Uniform Standards of Professional Appraisal Practice* (USPAP), 2020-2021 Edition, the Appraisal Standards Board of The Appraisal Foundation, as required by K.S.A. 79-505(a)(1) and as further defined herein.

USPAP Standard 5 shall be followed in developing a mass appraisal for ad valorem taxation purposes. USPAP Standard 6 shall be followed in reporting a mass appraisal for ad valorem taxation purposes. Standards 5 and 6 may also be adhered to in revaluing individual properties that initially have been appraised through mass appraisal methods and techniques, but whose value estimates are reexamined and reconsidered as a result of the hearing and appeals processes. Supporting documentation must be developed and reported for all model component overrides and adjustments.

USPAP Standard 1 shall be followed in developing a "single real property appraisal" and USPAP Standard 2 shall be followed in reporting the results of a single real property appraisal. Most properties in Kansas can be valued through the Orion computer assisted mass appraisal (CAMA) system; however, some parcels in Kansas do not lend themselves to mass appraisal methods and techniques. If a parcel cannot be credibly appraised with a mass appraisal model (see Standards Rule 5), USPAP Standards 1 and 2 would apply.

USPAP Standards 3 and 4 shall be followed in developing and reporting an appraisal review. An appraisal review is the process of developing an opinion about the quality of an appraiser's work that was completed as part of an appraisal or appraisal review assignment. It is the responsibility of the county and district appraiser to analyze all relevant property appraisals provided by a property owner during the appeals process. A comparison of descriptive data, including subject property characteristics and comparable property information between the mass appraisal and single property appraisal report, and explanation of the findings, does not constitute a Standard 3 review.

A county or district appraiser will be required to report the assignment results for a single property that was appraised as part of a mass appraisal assignment. USPAP Advisory Opinion 32 advises there may be many mass appraisal models used to value a universe of properties, and while a property record may describe the valuation of a specific property, to understand the individual property result valued through mass appraisal requires an examination of all information required in Standards Rule 6-2. The second sentence of the PREAMBLE states: It is essential that appraisers develop and communicate their analyses, opinions, and conclusions to intended users

of their services in a manner that is meaningful and not misleading. Additionally, the ETHICS RULE states an appraiser must not communicate assignment results with the intent to mislead or defraud, and that an appraiser must not use or communicate a report that is known by the appraiser to be misleading or fraudulent. If a Kansas county or district appraiser communicates mass appraisal results for a single property, USPAP requires the communication to be meaningful and must not be misleading.

The work file for the mass appraisal assignment shall contain the information and analyses to support the valuation models developed for all properties in the jurisdiction and provide an understanding of individual property valuation results. Substantial documentation and justification shall be provided for model adjustments and overrides made to individual parcels.

Appraisals developed for ad valorem taxation in Kansas must comply with Kansas law, and regulations promulgated by the director of property valuation. Most of these requirements do not preclude compliance with any part of USPAP, but some place specific requirements on the scope of work. The director of property valuation has identified the following assignment elements that are necessary in Kansas to properly identify the ad valorem appraisal problem and develop credible assignment results:

- The purpose of ad valorem taxation is to finance the taxing districts in Kansas (see K.S.A. 79-1468, K.S.A. 79-1801, K.S.A. 79-1803, and K.S.A. 79-1806). County or district appraisers are required to develop the appraisal estimates that become the assessments used by the taxing districts (see K.S.A. 79-5a27, K.S.A. 12-5250, K.S.A. 12-1775, K.S.A. 79-1409, K.S.A. 79-1411a and K.S.A. 79-1411b). Therefore, county commissioners serve as the client and the taxing districts are the intended users of the appraisal. This scope of work compliance requirement applies to Standards Rule 1-2(a), 2-2(a)(i), 3-2(a), 4-2(a), 5-2(a) or 6-2(a), as applicable. The definition of intended user has a specific meaning in USPAP. Parties who receive a copy of the appraisal as a consequence of disclosure requirements do not become intended users of the report. (USPAP Advisory Opinion 36). Taxpayers and property owners are not intended users of the appraisal prepared for ad valorem taxation in Kansas unless specifically stated as such in the appraiser's Scope of Work document.
- The definition of fair market value for ad valorem appraisals in Kansas is found in K.S.A. 79-503a. This scope of work compliance requirement applies to Standards Rule, 1-2(c), 2-2(b)(v), 3-2(c), 5-2(c) or 6-2(e), as applicable.
- The effective appraisal date for all property in Kansas is January 1, as required by K.S.A. 79-1455. This scope of work compliance requirement applies to Standards Rule 1-2(d), 2-2(vi), 3-2(d)(ii), 4-2(d), 5-2(d), 6-2(d), as applicable.
- A minimum standardized set of physical property characteristics has been determined relevant and necessary for the effective and efficient mass appraisal of real property in Kansas, as required by K.S.A.

79-1477. This scope of work compliance requirement applies to Standards Rule 5-2(e) and 6-2(i).

Kansas laws and regulations which prevent compliance with a part of USPAP may require the appraiser to invoke The USPAP JURISDICTIONAL EXCEPTION RULE. Only the part of USPAP negated by law or regulation becomes void. Law includes constitutions, legislative and court-mandated law, and administrative rules and ordinances. Regulations include rules or orders having legal force, issued by an administrative agency, such as appraisal directives issued by the director. Instructions from a client do not establish a jurisdictional exception. Following are jurisdictional exceptions for ad valorem appraisal assignments which must be disclosed if invoked by the appraiser (USPAP FAQ 106):

- Land devoted to agricultural use in Kansas shall be appraised at both market value and use value as required by K.S.A 79-1476. The market value appraisal of agricultural land shall follow USPAP rules. However, the prescribed methods used to develop use values are a statutory requirement. Use value appraisal estimates shall be utilized for ad valorem taxation of agricultural land. The requirement to value agricultural land by use value for assessment purposes is a jurisdictional exception.
- Kansas statutes require the following subclasses of tangible personal property to be appraised at fair market value: manufactured homes, oil and gas interest, material and equipment used in operating oil and gas wells, tax roll motor vehicles (with a 24M tag), trailers (non-business use), commercial and industrial machinery and equipment no longer being used in the production of income, and other personal property not elsewhere classified (such as aircraft, hot air balloons, golf carts, snowmobiles, watercraft and boat trailers). The county or district appraiser may choose from one of two options to develop and report the appraisal of such property:
 - The appraisal methodologies developed and adopted by the Division of Property Valuation and published in appraisal guides shall be followed by the county appraiser. (see K.S.A. 79-1412a *sixth*, K.S.A. 79-1412(b), K.S.A. 79-1456.
 - County or district appraisers may deviate from the guides on an individual property. Single property appraisals shall be developed by following USPAP Standard 7 and reported under requirements of USPAP Standard 8 (see K.S.A. 79-1456(b)).
- The valuation of non-exempt commercial and industrial machinery and equipment (class 2, subclass 5) and certain motor vehicles is prescribed by statute (K.S.A. 79-5105a and amendments thereto). These valuation methods are based upon a mathematical formula and the director of property valuation invokes a jurisdictional exception to USPAP.

Approved: October 27, 2021.

David N. Harper, Director
Division of Property Valuation

Doc. No. 049543

State of Kansas

**Department of Agriculture
Division of Conservation**

Notice to Contractors

Separate sealed bids for the construction for a dam rehabilitation project, Site DD-3, will be received by Walnut West Creeks Watershed District No. 72 at 1819 E. River St., Eureka, Kansas until 10:00 a.m. December 6, 2021, and then at said time and place publicly opened and read aloud. If Covid restrictions are still in place, bid opening will occur outside the building in the parking lot area.

Parties interested in bidding must contact Agricultural Engineering Associates for bidder prequalification prior to obtaining contract documents and/or bidding. The contract documents may be examined at Agricultural Engineering Associates, 1000 Promontory Dr., Uniontown, Kansas (during business hours), and NRCS Office, 1819 E. River St., Eureka, Kansas (appointment only, Covid restrictions apply).

Copies of the contract documents may be obtained at the office of Agricultural Engineering Associates, 1000 Promontory Dr., Box 4, Uniontown, KS 66779 upon payment of \$50 per set, nonrefundable. The phone number for the office is 620-756-1000.

A pre-bid conference will be held to review any questions on the anticipated construction. Interested contractors are invited to meet at the site, ¾ mile north of the intersection of County Road 283 and US-54 highway (½ mile east of Neal, Kansas). The meeting will begin at 10:00 a.m. November 30, 2021. Attendance at the conference is not mandatory for bidding on this project.

For any questions pertaining to the project listed above, please contact Hakim Saadi, P.E., Watershed Program Manager at 785-291-3099 or hakim.saadi@ks.gov.

Andrew Lyon
Executive Director

Doc. No. 049536

State of Kansas

Department of Transportation

Notice to Consulting Firms

Background and Scope of Project

1. Background

The Kansas Department of Transportation (KDOT) is administering approximately \$2,000,000 available from the Volkswagen Mitigation Trust funds allocated for investment in EV charging infrastructure. KDOT has identified twelve preliminary locations for the installation of DC Fast Charging (DCFC) stations to help advance the state’s effort to support publicly accessible charging stations every 50 miles along primary corridors. The twelve preliminary locations have been identified along the I-70, I-35, and I-135/US-81 corridors by the Clean Cities EV Working Group.

2. Eligible Applicants

Eligible applicants may include one or more of the following organization types:

(continued)

- Businesses/vendors
- Utility companies
- Federal, state, local, or tribal government agencies
- Nonprofit organizations
- Academic institutions/universities

Applicants are strongly encouraged to demonstrate collaboration with local governments including cities, towns, and county governments as well as other local partners such as other public and private stakeholders. Proposals that have strong support from local and regional stakeholders and/or demonstrate linkage or partnership with educational institutions will be evaluated more favorably.

Applicants are required to collaborate with the local electric utility and include appropriate documentation from the utility, such as a letter or service notice, indicating power supply availability for the proposed project. This link provides a map of electric utility service areas in Kansas: https://kcc.ks.gov/images/PDFs/maps/ks_electric_certified_areas.pdf.

Applicants are strongly encouraged to identify one or more potential charging station location hosts; and must present a plan for five years of ownership, operation, and maintenance of the equipment and public access. Proposals that have identified a committed charging station host will be evaluated more favorably.

Applicants are required to provide a description of the business model which includes utility rates, operational costs, cost to charge at the stations, and anticipated revenue. The proposed pricing structures and rates to charge drivers should be fair and reasonable.

3. Funding and Reporting Requirements

KDOT will administer approximately \$2,000,000 to awardees for the installation of DCFC charging stations.

KDOT will reimburse up to 80% of eligible costs for charging stations installation. Total average reimbursable cost per installation is expected to be approximately \$150,000. Acquisition of land, driveway access, or reduced energy charges to the customer are not reimbursable expenses.

In-kind match and non-cash match sources will not be eligible match sources. Only expenses incurred on eligible costs may be considered toward the match.

Eligible Costs

Only costs necessary for and directly connected to the acquisition, installation, operation, and maintenance of the EV charging equipment are eligible for reimbursement. The following items are eligible for reimbursement up to 80%:

- DC fast charging equipment costs
- Charger installation costs
- Equipment shipping costs
- Necessary electric service upgrades and connection of the charger to electric service; including utility upgrades such as transformers and line extensions
- Other hard costs of site preparation (concrete, conduit, cable/wiring)
- Signage and lighting directly associated with on-site charging infrastructure
- Networking costs (up to 5 years)
- Charging equipment extended warranties and service contracts (up to 5 years)

- Other equipment and non-labor project costs including design and engineering and project management
- Permit costs/fees

Ineligible Costs

Costs not directly connected to the acquisition, installation, operation, and maintenance of the EV charging equipment are not eligible for reimbursement. Ineligible costs include but are not limited to the following:

- Purchase or rental of real estate
- Other capital costs (construction of buildings or parking facilities)
- General maintenance (other than that of the EV charging equipment)
- Administrative costs
- Battery storage serving the charging equipment
- Solar photovoltaic panels providing power to the charging equipment
- Cost of electricity to power the EV charging equipment
- Restriping or repaving/resurfacing of parking lots outside of DCFC installation

Award Payment Schedule

Awardees will have the option of submitting invoices for a one-time lump sum reimbursement following the completion of the committed installation(s) or incremental billings will be accepted no more than once monthly and for no less than \$1,000. Invoices will be reviewed and approved by KDOT and must include in-progress photographs of the charging station installation, receipts for equipment, contractor invoices including hours and rates, installation costs, and supplies. If applicant wishes to have any five-year operational and maintenance expenses included, prepaid invoices will need to be provided with invoice. Every effort should be made to complete project work within 12 months from the date the KDOT agreement is signed. If supply chain issues delay installation from proposed schedule, applicant will provide a monthly explanatory report to KDOT until installation is complete. Applicants that demonstrate their capability of completing charging station installations by October 1, 2022, will be evaluated more favorably.

Reporting

Pre-installation

Awardees are required to send a monthly progress report to KDOT to keep the agency informed of key milestones and schedules.

Post-installation

Awardees are required to have their charging stations registered on the following databases for a minimum of 5 years following the date of project completion:

- U.S. Department of Energy's Alternative Fuels Data Center: <https://afdc.energy.gov/stations/#/station/new>
- PlugShare: <https://www.plugshare.com/>

Awardees are required to provide usage reports on a prescribed quarterly schedule that will be established in agreement with KDOT. Such information will help the program better understand the demand for charging and usage trends. Reports will be submitted for a minimum

of 5 years after project completion. The following information shall be submitted for each charger installed:

- Connect and disconnect times
- Start and end charge times
- Maximum instantaneous peak power
- Average power
- Number of charging sessions completed
- Number of charging sessions with errors or incompleteness
- Total energy (kWh) per charging session
- Date/time stamp
- Unique ID for charging event
- Unique ID for identifying the EVSE
- Other non-dynamic EVSE information such as GPS ID
- Percentage of station downtime

4. Site Locations

The following provides a list of proposed locations. Applicants can offer alternative locations, but please be mindful that KDOT’s priority is to cover the identified corridors with EV charging available every 50 miles. In the event the applicant is interested in bidding multiple locations, KDOT reserves the right not to award some proposed locations or eligible items therefore reducing the requested amount.

Priority locations: Must be within 5 miles of corridor exit.

Location Number	Priority EV Corridor	Priority EV DCFC Charging Station Locations
1	I-70	Oakley/Grainfield/Grinnell area
2	I-70	WaKeeney
3	I-70	Russell
4	I-70	Ellsworth/US-156 exit
5	I-70	Abilene to Junction City Area
6	I-70	Manhattan to Paxico Area
7	I-35	Ottawa
8	I-35	Emporia
9	I-35	Cassoday to Matfield-Green area
10	I-35	Belle Plaine – Wellington Area
11	I-135	Newton/North Newton
12	US-81	Concordia

Note: The Location Numbers above are in no way representative of KDOT’s priority ranking of these communities. Reference the “Priority Station Location Map” for an illustration of these communities across the State of Kansas (map is available under “EV DCFC Station Installation Program” section at <https://www.ksdot.org/descons.asp>). In PDF versions of this RFP, this map is included as an Appendix page.

5. Equipment and Installation Requirements

Equipment

- Stations with two DCFC ports must be capable of providing at least 100 kW charging for a single vehicle and at least 50 kW simultaneous charging for two vehicles
- Stations with four DCFC ports must be capable of providing at least 100 kW simultaneous charging for two vehicles and at least 50 kW simultaneous charging for four vehicles
- Regardless of whether applicant is submitting for

- 2 or 4 port charging, favorable evaluation will be awarded to charging stations with higher capacity than 100kW
- Stations must be backward compatible to CHAdeMO v0.9 and SAE J1772 Oct2012 or other similar standard to allow model year 2010 or newer DC charging equipped vehicles to charge at lower kW
- The DCFC and supporting equipment must comply with NEC (2020edition) Article 625 and related articles and tables
- DCFC and supporting electrical components, enclosures, and mounting systems must be built to UL 2202 and UL2594 standards or equivalent
- DCFC and supporting equipment shall be listed by a Nationally Recognized Testing Laboratory (NRTL)
- DCFC and supporting equipment shall comply with state and local codes and electrification requirements including, but not limited to, third party certification as appropriate (documentation to be included for each unit)
- Payment methods shall operate on equipment, software, and networks using publicly available open standard(s), such as Open Charge Point Protocol (OCPP) v1.6. The DCFC should have back-end capabilities to collect payment or provide reporting mechanisms such that another system, through secure re-programming of back-end server location and credentials, would be able to collect payment and provide access control
- DCFC shall be type evaluated through the National Type Evaluation Program (NTEP) and the installation and use shall comply with all requirements of the National Institute of Standards and Technology (NIST) Handbook 44 Section 3.40. Electric Vehicle Fueling Systems–Tentative Code and shall have received safety certification by a nationally recognized testing laboratory (NRTL). DCFC shall be indicated and recorded in kilowatt-hours (kWh) and decimal subdivisions thereof, with the value of the smallest unit of indicated delivery by a DCFC, and recorded delivery if the DCFC is equipped to record, shall be 0.001 kWh
- Physical Appearance, Function, and Design:
 1. DCFC and supporting equipment must utilize tamper-resistant screws and design but provide a locked or easy opening mechanism for service work
 2. DCFC enclosure must be constructed for use outdoors in accordance with UL50, Standard for Enclosures for Electrical Equipment, NEMA, Type 3R, or better to protect against blown dust or rain. Equivalent standards may be used if it is in accordance with or otherwise meeting the requirements of UL50
 3. Display screens must be protected from malfunctions due to condensation and normal local weather conditions
 4. Equipment and display screens should be sturdy enough to withstand most types of vandalism
 5. DCFC and supporting equipment must be capable of operating over beyond an ambient

(continued)

temperature range of minus 22 to 122 degrees Fahrenheit. Applicants should provide a derating curve for their equipment within this temperature range

6. DCFC shall include barriers to prevent damage from equipment used for snow removal
7. DCFC must incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage from lying on the ground, and comply with NEC articles 625 as it applies to cord management systems
8. Additional preferred specs (also NEC compliant) include:
 - i. Adequate surge protection for proposed equipment
 - ii. Operating humidity at up to 95% at +50C non-condensing
 - iii. Power conversion efficiency of 90%, though higher is encouraged
 - iv. Total Harmonic Distortion (iTHD) of <5% or whatever is required to be compliant with local utility policy
 - v. A power factor of 90% or better

Networking

- DCFC must connect to a network via cellular connection capable of using multiple carriers; modems must be included as applicable by bidders. Applicants must clearly state how possible network security concerns will be prevented, addressed, and managed
- Network must be PCI (Payment Card Industry) compliant to allow for credit card payment
- Network must provide the option for remote management and access control
- Stations shall collect usage data for required annual data reporting to KDOT (see Reporting section)
- The operator must have remote diagnostics and the ability to “remote start” the equipment
- Warranties must include repair and replacement and be valid for a minimum of five years

Location

- Within 5 miles of the corridor, favorable evaluations will be given for closer installations
- Charging stations must be ADA compliant. Guidance on equipment specifications like installation reach, accessible controls, and payment systems is available from US Department of Energy ADA workplace charger guides at ADA Requirements for Workspace Charging Installation – Guidance in Complying with Americans with Disability Act Requirements. (https://afdc.energy.gov/files/u/publication/WPCC_complyingwithADArequirements_1114.pdf)

Amenities

- Station site shall have 24-hour access to the chargers and well-maintained, illuminated restrooms. The restrooms should be supplied with potable water
- At a minimum, the sites shall supply basic amenities such as vending machines or fast food
- Stations shall have access to Wi-Fi and/or cellular service for customers while they charge
- Access to full-service amenities within a short walk-

ing distance is preferred, such as local restaurants, retail shopping, or tourist attractions

- Each station site shall have adequate parking to allow for the maximum number of vehicles that can be charged simultaneously (at least two or four vehicles per site)
- Station sites shall have dusk-to-dawn area lighting to meet ANSI/IES RP-8-18 standards
- The sites must provide or have access to shelter for inclement weather
- Applicants shall clearly describe safety precautions implemented on site for EV drivers charging their vehicles with the installed equipment

Payment

- The charging equipment must be capable of supporting multiple point-of-sale methods including credit or debit cards without incurring any additional fees, inconvenience, or delays versus other payment or access control methods. Other payment options may include pay per use subscription methods, RFID or smart cards, and smart phone applications
- Real-time pricing and fee information shall be displayed on the charging station equipment or payment screen. Applicants may charge an idle fee for users remaining connected to the charger after the charging session is completed if the fee is disclosed in advance with the displayed fee information
- Equipment shall allow for flexible pricing including, but not limited to, per minute or per hour, by kWh, by time of day
- Equipment and software shall be futureproofed to allow for alternative forms of payment as payment technology evolves

Operation and Maintenance

- 24/7 customer service availability
- 5-year service guarantee
- Must register with the Alternative Fuels Data Center and PlugShare
- Favorable evaluations will be given to applicants bringing innovation that may include battery storage, renewable energy and other benefits to the charging station user
- The applicant will be responsible for ensuring payment of all operating and maintenance costs including, but not limited to, payment of leases, rents, royalties, licenses, fees, taxes, revenue sharing, utilities, and electric power supply for the charging equipment and supporting elements, such as area lighting
- The applicant is responsible for ensuring the maintenance of the chargers including cables, ancillary equipment, and any awnings, canopies, shelters, and information display kiosks for signage associated with the charging station. “Maintain” as used in this RFP shall mean “to provide all needed repairs or desired and approved alteration, as well as regular maintenance needed to ensure optimal performance and minimize downtime. Equipment shall be kept safe and presentable”
- The applicant must address any issues such as, but not limited to, malfunctions and repairs. The appli-

project is scheduled for letting in FY 2024 (July 2023-June 2024). KDOT intends to select the most highly qualified firm to perform professional services associated with the design of this bridge project.

Services associated with this RFP begin at preliminary design and continue through final design. The bridge plan sheets for this redeck project were completed by KDOT several years ago and will be supplied to the consultant for their consideration and use in design.

Scope of Services to be Performed

Activities Performed by Consultant

- **Project Management**
 - Develop and communicate Project Management Plan and Quality Assurance Plan
 - Perform quality control checks according to Quality Assurance Plan
 - Provide electronic plan files compliant with KDOT Graphic Standards Manual, including CAD conformance checks and ControlCAD indexed DGN files with ProjectWise attributes
 - Provide construction cost estimates at major project milestones
- **Road Design (Prequalification Category 211 Highway Design – Major Facility)**
 - Develop preliminary plans to Field Check
 - Develop final plans for construction
 - Visit the project site location
- **Bridge Design (Prequalification Category 221 Non-Standard Span Bridge Design)**
 - Develop preliminary plans to Field Check
 - Develop final plans for construction
 - Final bridge plans have already been previously developed by KDOT BSGS. The use of these plans will be negotiated with the consultant at scoping. A link to these plans is provided below
 - Visit the project site location
- **Traffic Engineering (Prequalification Category 231 Traffic Control Analysis and Design)**
 - Development of Traffic Management Plan, including coordination with the local government and KDOT Metro Office
 - Develop permanent signing and pavement marking plans
 - Traffic Control Plans: This project will require closure of lanes during construction

Activities Performed by KDOT

- Engineering survey
- Environmental services, including lead paint testing and permit application
 - Note: Technical data to support these activities will be required from the consultant immediately after field check
- Utility coordination, if required
- Geotechnical services including pavement field investigation and design, and surfacing recommendations

Accelerated Schedule

This project must be let in Fiscal Year 2024 (July 2023-June 2024). Therefore, the design activities must be scheduled to deliver completed plans by July 2023.

Instructions for Proposal

No costs shall be contained in the proposal. A PDF response must be emailed to KDOT.DesignContracts@ks.gov, Attention: Marcia Turner, P.E., Assistant Contracts Engineer. The subject line of the reply email and the file name must read "I435-046 KA-4275-02_FIRM NAME." Proposals must be received by 12:00 p.m. (CST) November 19, 2021, for the consulting firm to be considered. Questions can be submitted until November 11, 2021; answers will be provided to all prequalified consultants on November 16, 2021.

The proposal must not exceed four (4) pages total to address the pertinent topics. Proposals submitted shall also include completed and signed Special Attachment No. 8 ("Tax Clearance Certificate") and a completed and signed Special Attachment No. 10 ("Policy Regarding Sexual Harassment"). Subconsultants will need to complete these attachments as well. These Special Attachments do not count against the page limit.

Proposals shall describe any processes or procedures, including best practices, that will be used to perform tasks and to produce deliverables described above under "Scope of Services to be Performed." Also, include items such as:

- Project manager/engineer in charge
- History of projects with similar tasks
- Availability of staff to meet schedule without overtime
- Familiarity with KDOT standards and content
- Any subconsultant(s) and their role(s) (if any) who will be performing services on the project

PDF versions of the final bridge plans previously developed by KDOT BSGS can be downloaded at <https://secftp.ksdot.org/public/file/IW5zDCmbVE6glasNhh9udA/435-46%20KA427502%20Final%20Bridge%20Sheets%202-15-17.pdf>

Selection Process

Per standard KDOT consultant selection process, consultants will be selected based on qualifications from the technical proposal submitted – there will be no interview phase. The selected consultant will proceed quickly through scoping, fee negotiation, and to NTP. Fee negotiation will include estimates for preliminary engineering and final design; there will not be a contract pause for final design negotiation after Field Check.

Technical proposals will be evaluated based on the factors listed below to select the most qualified firms. All evaluation factors are weighted equally.

Evaluation Factors

Qualifications and experience
Past performance
Delivery process: approach to schedule
Familiarity with KDOT design procedures
Understanding of technical complexities for project site
Identification of unique team qualifications for specific projects
Company team approach to meeting project schedule and KDOT quality standards

The selected firm will be asked to enter into negotiations with KDOT for an agreement. In the event KDOT cannot reach agreement with a selected firm, it will terminate negotiations and commence negotiations with the next highest ranked firm, and so on, until either agreement is reached for a satisfactory scope of services

for a fair and reasonable price, or KDOT decides to pursue other alternatives.

The firm's accounting systems must have the following capabilities before the firm may be awarded a contract.

- Valid, reliable, and current costs must be available within the system to support actual costs and pricing data
- Capability to provide a means of measuring the reasonableness of incurred costs
- Capability to identify and accumulate allowable costs by contract or project records which will reconcile with the general ledger
- Ability to provide supporting documentation of actual expenditures for each billing, based on costs

If you have any questions, please feel free to contact kdot.designcontracts@ks.gov.

Ben Asnicar, P.E.
Interim Contracts Engineer

Doc. No. 049549

State of Kansas

Department of Transportation

Notice to Consulting Firms

The Kansas Department of Transportation (KDOT) is seeking a qualified consulting engineering firm for project KA-5766-01, the replacement of the I-470 bridge (BR#46) which carries traffic to westbound I-70 in Shawnee County, Kansas. Interested consulting firms must be prequalified by KDOT or otherwise demonstrate qualification in the following categories: (a) Category 211 Highway Design – Major Facility, (b) Category 221 Non-Standard Span Bridge Design, and (c) Category 231 Traffic Control Analysis and Design. Consultants may create a team to meet the prequalification requirements. A PDF response must be emailed to KDOT.DesignContracts@ks.gov, Attention: Marcia Turner, P.E., Assistant Contracts Engineer. Responses are to be limited to four pages. The subject line of the reply email and the file name must read "I470-89 KA-5766-01_FIRM NAME." Proposals must be received by 12:00 p.m. (CST) November 19, 2021, for the consulting firm to be considered.

If a firm is not currently prequalified by KDOT a response may still be submitted. Firms not prequalified must also provide documentation that demonstrates the firm is qualified for each specified category listed in this Request for Proposal (RFP). Firms may use the KDOT Prequalification Form 1050 to provide this documentation. The 1050 Form and Prequalification Category Definitions (the Blue Book) can be found at <http://www.ksdot.org/descons.asp>. 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.

Background and Scope of Projects

This project is the replacement of a curved, super-elevated, single lane ramp bridge. The length of the existing bridge is 398.5 feet; the roadway width is 30 feet. This project is scheduled for letting in FY 2024 (July 2023-June

2024). KDOT intends to select the most highly qualified firm to perform professional services associated with the design of this bridge project.

Services associated with this RFP begin at preliminary design and continue through final design. No discovery phase services will be required.

Scope of Services to be Performed

Activities Performed by Consultant

- **Project Management**
 - Develop and communicate Project Management Plan and Quality Assurance Plan
 - Perform quality control checks according to Quality Assurance Plan
 - Provide electronic plan files compliant with KDOT Graphic Standards Manual, including CAD conformance checks and ControlCAD indexed DGN files with ProjectWise attributes
 - Provide construction cost estimates at major project milestones
- **Road Design (Prequalification Category 211 Highway Design – Major Facility)**
 - Develop preliminary plans to Field Check
 - Develop final plans for construction
 - Perform roadway geometric design, drainage design, and roadside safety analysis. Note: the existing horizontal and vertical alignments will be utilized for the proposed condition. Retaining the existing typical section of the roadway will be a priority so that no new right of way (including temporary easements) will need to be acquired
 - Visit the project site location
- **Bridge Design (Prequalification Category 221 Non-Standard Span Bridge Design)**
 - The consultant will propose and evaluate different (curved and possibly skewed) framing layouts for review and acceptance by the KDOT Bridge Office. Focus shall be to minimize disruption to the site and facilitate efficient construction to minimize closure of Westbound I-470
 - The proposed structure will need to match the existing structure's geometry (vertical, horizontal, and cross-slope). The proposed structure will need to preserve the existing vertical clearance window for I-70 below
 - Develop preliminary plans to Field Check for the replacement of Bridge 089-046, carrying the westbound I-470 ramp over I-70 in Shawnee County, Kansas
 - Develop final plans for construction
- **Traffic Engineering (Prequalification Category 231 Traffic Control Analysis and Design)**
 - Development of Traffic Management Plan, including coordination with the local government and KDOT Metro Office
 - Develop permanent signing and pavement marking plans
 - Traffic Control Plans: This project will require closure of I-470 during construction, utilizing a state route detour

(continued)

Activities Performed by KDOT

- Engineering survey
- Development of existing right of way
- Environmental services, including lead paint testing and permit application
 - Note: Technical data to support these activities will be required from the consultant immediately after field check
- Permits will include NPDES – Storm Water Runoff Permit in which KDOT will need from consultant
 - Total project site area in acres
 - Total disturbed area in acres (from seeding plans)
 - Impervious area in square feet (existing and proposed)
 - Above information needs to be provided by consultant (90) days prior to letting
- Utility coordination, if required
- Geotechnical services including soil investigations, bridge foundation geology, pavement field investigation and design, and surfacing recommendations
- Plans to Materials and Research have been submitted to begin geotechnical studies

Accelerated Schedule

This project must be let in Fiscal Year 2024 so construction can be finished prior to the Polk-Quincy Viaduct letting. The design activities must be scheduled to deliver completed plans by March 23, 2023. That puts target date for Field Check on June 7, 2022.

Instructions for Proposal

No costs shall be contained in the proposal. A PDF response must be emailed to KDOT.DesignContracts@ks.gov, Attention: Marcia Turner, P.E., Assistant Contracts Engineer. The subject line of the reply email and the file name must read "I470-89 KA-5766-01_FIRM NAME." Proposals must be received by 12:00 p.m. (CST) November 19, 2021, for the consulting firm to be considered. Questions can be submitted until November 11, 2021; answers will be provided to all prequalified consultants on November 16, 2021.

The proposal must not exceed four (4) pages total to address the pertinent topics. Proposals submitted shall also include completed and signed Special Attachment No. 8 ("Tax Clearance Certificate") and a completed and signed Special Attachment No. 10 ("Policy Regarding Sexual Harassment"). Subconsultants will need to complete these attachments as well. These Special Attachments do not count against the page limit.

Proposals shall describe any processes or procedures, including best practices, that will be used to perform tasks and to produce deliverables described above under "Scope of Services to be Performed." Also, include items such as:

- Project manager/engineer in charge
- History of projects with similar tasks
- Availability of staff to meet schedule without overtime
- Familiarity with KDOT standards and content
- Any subconsultant(s) and their role(s) (if any) who will be performing services on the project

Selection Process

Per standard KDOT consultant selection process, consultants will be selected based on qualifications from the

technical proposal submitted – there will be no interview phase. The selected consultant will proceed quickly through scoping, fee negotiation, and to NTP. Fee negotiation will include estimates for Preliminary Engineering and Final Design; there will not be a contract pause for final design negotiation after Field Check.

Technical proposals will be evaluated based on the factors listed below to select the most qualified firms. All evaluation factors are weighted equally.

Evaluation Factors

Qualifications and experience
Past performance
Delivery process: approach to schedule
Familiarity with KDOT design procedures
Understanding of technical complexities for project site

The selected firm will be asked to enter into negotiations with KDOT for an agreement. In the event KDOT cannot reach agreement with a selected firm, it will terminate negotiations and commence negotiations with the next highest ranked firm, and so on, until either agreement is reached for a satisfactory scope of services for a fair and reasonable price, or KDOT decides to pursue other alternatives.

The firm's accounting systems must have the following capabilities before the firm may be awarded a contract.

- Valid, reliable, and current costs must be available within the system to support actual costs and pricing data
- Capability to provide a means of measuring the reasonableness of incurred costs
- Capability to identify and accumulate allowable costs by contract or project records which will reconcile with the general ledger
- Ability to provide supporting documentation of actual expenditures for each billing, based on costs

If you have any questions, please feel free to contact kdot.designcontracts@ks.gov.

Ben Asnicar, P.E.
Interim Contracts Engineer

Doc. No. 049550

(Published in the Kansas Register November 4, 2021.)

Midland Marketing Co-op, Inc.

Request for Proposals

Interested parties are invited to submit a proposal for a reconditioned railcar mover that will safely and efficiently move not less than 15 loaded covered grain hopper railcars.

The unit shall be a reconditioned model still supported by the manufacturer, and of which parts are stocked at one or more locations. Complete specifications and literature on the unit shall accompany a proposal.

Pre-Delivery Service

The unit shall be delivered complete and fully operational. The unit shall be properly serviced, prefer free of leaks, with all repairs made prior to delivery. A copy of all repairs or replacement of components (engine, engine components, transmission, etc.) shall accompany the proposal and unit to be delivered.

Warranty

The bidder agrees, if their proposal is accepted, to guarantee materials, components, and workmanship performed on the unit according to the manufacturer. New components shall have warranty as designated by the manufacturer. 60-day complete unit warranty.

Delivery

The proposal shall include delivery to Midland Marketing Co-op, Inc. location in McCracken, Kansas. Dealer must be prepared for a complete walk around and basic training on unit for safety purposes.

Detailed Specifications for a Reconditioned Railcar Mover

- The reconditioned railcar mover shall require not less than 26,000 tractive force to safely move 15 loaded railcars for public and employee safety
- Diesel engine
 - Not more than 8,000 hours, or
 - Rebuilt or new
- Prefer rebuilt rail axles with brakes and new tires
- Prefer rebuilt or new transmission
- Prefer rebuilt or new transfer case
- Prefer rebuilt rail axles
- Operator cab
 - All working instruments and controls
 - Capability for remote operating
- Block heater, safety strobe, and air horn
- Dual weight transfer couplers, air release
- Prefer external sanders
- Lights
- New batteries
- Clean cab, all safety decals
- Complete service 100% new fluids

Proposals must be submitted by December 31, 2021. Late proposals will be rejected.

For further information or questions regarding the request for proposals, contact Steven Fenton, Midland Marketing Co-op, Inc. Project Manager, phone 785-200-1982, email s.fenton@midlandmarketing.org; or Kevin Royer, Midland Marketing Co-op, Inc. President, phone 785-623-7596, email kroyer@midlandmarketing.org. Questions must be submitted simultaneously to Steven Fenton and Kevin Royer.

Steven Fenton
Project Manager

Doc. No. 049539

(Published in the Kansas Register November 4, 2021.)

Midland Marketing Co-op, Inc.

Request for Proposals

Interested parties are invited to submit a proposal to rehab existing siding with new construction to extend siding for the proposed Midland Marketing Co-op, Inc. project at McCracken, Kansas under the Kansas Department of Transportation (KDOT) Short Line Rail Improvement Fund.

Scope of Work

Midland Marketing Co-op, Inc., McCracken, Kansas project to rehab approximately 936 feet of existing siding

and 750 feet of new siding construction. Provide all necessary labor, equipment, and logistical services to supply all materials called for, to complete all rehab and track construction work, ties, rail, ballast, etc. The scope is further described as follows:

- Provide and install approximately 400 new 7x9x8.6" G5 (Industrial Grade) or equivalent cross ties for existing siding and approximately 560 new 7x9x8.6" G5 (Industrial Grade or equivalent cross ties for new construction
- Provide and install 22 tons of #136 RE rail 39' and needed OTM – plates, spikes, anchors, bolt/washer/nut assemblies, and comp bars. All comp joints welded within the scope of work
- Provide all dirt-work necessary and approximately 750 feet of new dirt work for the scope of work to extend siding approximately 750 feet
 - Relocate switch approximately 750 feet and provide and install new switch ties
- Provide and install 767 tons of ballast. To include sub-grade, tamping, and regulating.
 - In accordance with AREMA standards, ballast shoulders must be dressed at the end of each workday to prevent thermal deviation in track due to disturbed roadbed
- Build and install new #136, including upgrades to Sampson Points/Stock and Insulated #1 gauge plate; all OTM – anchors, bolts, and two complete switch tie packs and comp welds
- Any pre-existing ties or OTM that is removed when installing switch components, must be removed and disposed of according to all local, state, and federal regulations
- Additional details concerning the scope of work needing to be done with each portion of the project, will be addressed at the pre-bid meeting

Minimum Requirements

1. The awarded contractor is required to provide evidence of a performance bond in a sum not less than the amount of the contract.
2. The contractor adheres to Roadway Worker Safety and Protection
3. Any subcontracted work will need to be approved by Midland Marketing Co-op, Inc. prior to any work starting
4. Assess potential impact to public on K-4 Highway operations. When work must take place and an interruption of traffic flow is required for public and workers safety, the contractor must pre-arrange a defined work window with KDOT.
5. Standards: All standards referenced by the project plans and specifications, as well as all applicable AREMA standards must be upheld during all phases of the project work
 - A. All rail shall be replaced at standard gauge of 56-1/2."
 - B. All technical professionals involved in the project are required to meet the applicable licensing and/or certification requirements as stated in K.S.A. 74-7001, *et seq.*

(continued)

6. Design standards shall conform to state and federal design criteria appropriate for the project to satisfy FRA Track Safety Class I level requirements sufficient to allow train speed of ten (10) miles per hour
7. **Submittals:** The following documents shall be submitted by the contractor as part of the project at the times listed:
 - A. Schedule of Work Plan – Submitted with proposal
 - B. Certificate of Insurance – Submitted prior to construction
 - C. Safety Plan – Submitted prior to construction
 - D. Rail Testing (If AREMA #1 Relay Rail is used) – Submitted prior to construction
 - E. Rail Weld UT Test Requirements (all rail comp welds) – Submitted with billing
8. **Other Responsibilities:**
 - A. Permits – Contractor is responsible for all state and Local permits required for the work
 - B. Utilities – Contractor is responsible to locate and protect site utilities
 - C. Site Clean-up – Contractor is responsible for proper site restoration and proper disposal of materials removed in accordance with all local, state, and federal laws
9. **Insurance:** Contractor shall purchase required coverage and submit for verification to Midland Marketing Co-op, Inc. that meets state requirements for:
 - A. Commercial General Liability
 - B. Automobile Liability
 - C. Workers Compensation and Employer's Liability
10. **Materials:** All materials shall meet the requirements found in the project plans and/or specifications as well as applicable AREMA requirements. Material storage is granted on railroad right of way to the contractor. However, no materials shall be stored closer than 15' from the centerline of any active track at any time. Material and equipment laydown areas and reclaimed materials stockpiling locations shall be discussed and further clarified at the pre-proposal meeting.

Non-Project Areas

The K&O Railroad has secured access to the project through the railroad right of way. Other access may be obtained by the contractor if he so chooses. All areas (public, private, and railroad right of way) that are used for access to the project, including parts of the railroad right of way which have no proposed work, shall be maintained and/or remediated, incidental to the project, by the contractor to the satisfaction of the property owner if any damage to these areas occurs.

Pre-Proposal Meeting

Midland Marketing Co-op, Inc. shall hold a pre-proposal meeting at the project site at 10:00 a.m. (CST) Friday, November 19, 2021. The meeting shall be held at the Midland Marketing Co-op, Inc. office in McCracken, Kansas. Contractors are required to be present at this meeting to submit a proposal or their proposal can be rejected.

Project Completion

All work pertaining to this project shall be completed by April 30, 2022. Failure to complete work by April 30, 2022, may result in the contractor's removal from the

property or charges of \$2500/day until completed to satisfaction.

Submission of a Proposal

All proposals must be submitted no later than December 9, 2021. All submitted proposals shall be reviewed by Midland Marketing Co-op, Inc. Please ensure your proposal includes all required information. All incomplete proposals shall be rejected. Contractors who wish to submit a proposal must attend the pre-proposal meeting. The structure of your proposal must be clearly understood, all proposals shall provide the following line items and provide costs as required below:

1. Provide a detailed line-item quote with a total sum on the proposal
2. Mobilization and demobilization – lump sum
3. Install 22 tons of #136 RE rail
4. Extract and install approximately 400 new, 7x9x8.6' (G5) or equivalent crossties for existing siding
5. Install approximately 560 new 7x7978.6" G5 or equivalent crossties for new construction of siding
6. Distribute approximately 767 tons ballast
7. Dirt work for extending the siding
8. Install 1 new #136, #10 Turnouts with associated components
9. Relocate switch and move approximately 750 feet
10. Tamp and regulating

Work Reporting

Daily work reports must be filled out and submitted to Steven Fenton, Midland Marketing Co-op, Inc. Project Manager, phone 620-200-1982, email s.fenton@midlandmarketing.org; Neal Jacobs, K&O Railroad Division Engineer, phone 316-215-4087, email njacobs@watco.com; and Steven Morgan, K&O Roadmaster, phone 620-792-2753, email smorgan@watco.com. Daily Reporting shall consist of daily progress reports simultaneously emailed to Steven Fenton, Neal Jacobs, and Steven Morgan. Weekly reports should include updates to project schedules, any delays, or any change in the scope of work. A detailed summary report must be submitted at the completion of the project.

Steven Fenton
Project Manager

Doc. No. 049540

State of Kansas

Office of the Governor

Executive Directive No. 21-543 Authorizing Expenditure of Federal Funds

By virtue of the authority vested in the Governor as the head of the Executive Branch of the State of Kansas, the following transactions are hereby authorized:

Pursuant to the authority of the Kansas Governor's Grants Program to receive and expend federal funds, and pursuant to the authority granted by the Governor by Section 197 of Chapter 98 of the 2021 *Session Laws of Kansas*, approval is hereby granted to the Office of the Governor for expenditure in FY 2022 in the federal fund entitled "Pandemic Assistance/Vaccine Equity – Federal Fund."

I have conferred with the Director of the Budget and members of my staff, and I have determined that the guidelines set forth in KSA 75-3711 and 75-3711c have been applied and that none of the foregoing actions exceeds the limitations contained therein.

Dated October 22, 2021.

Laura Kelly
Governor

Doc. No. 049548

(Published in the Kansas Register November 4, 2021.)

City of Derby, Kansas

**Summary Notice of Bond Sale
\$4,910,000***

General Obligation Bonds, Series 2021-A

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

Bids

Subject to the Notice of Bond Sale dated October 26, 2021 (the "Notice"), facsimile and electronic bids will be received on behalf of the Director of Finance of the City of Derby, Kansas (the "Issuer") in the case of facsimile bids, at the address set forth below, and in the case of electronic bids, through PARITY® until 11:00 a.m. (CST) November 18, 2021, for the purchase of the above-referenced bonds (the "Bonds"). No bid of less than 98.3% 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 December 14, 2021, and will become due on December 1 in the years as follows:

Year	Principal Amount*	Year	Principal Amount*
2023	\$235,000	2033	\$230,000
2024	235,000	2034	235,000
2025	235,000	2035	235,000
2026	235,000	2036	240,000
2027	240,000	2037	245,000
2028	240,000	2038	250,000
2029	245,000	2039	255,000
2030	250,000	2040	260,000
2031	255,000	2041	265,000
2032	255,000	2042	270,000

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 June 1 and December 1 in each year, beginning on June 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 \$98,200.

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 December 14, 2021, 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 is \$303,250,589. The total general obligation indebtedness of the Issuer as of the Dated Date, including the Bonds being sold, is \$66,020,000.

Approval of Bonds

The Bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, 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 Municipal Advisor at the addresses set forth below:

Issuer

City of Derby, Kansas
Attn: Jean Epperson, Director of Finance
City Hall
611 N. Mulberry
Derby, Kansas 67037
316-788-1519
Fax: 316-788-6067
jeanepperson@derbyweb.com

Municipal Advisor

Baker Tilly Municipal Advisors, LLC
Attn: Bond Services
225 S. 6th St., Suite 2300
Minneapolis, MN, 55402
651-226-3000
Fax: 651-223-3046
bondservice@bakertilly.com

Dated October 26, 2021.

Jean Epperson
Director of Finance

* Subject to change, see the Notice
Doc. No. 049541

State of Kansas

**Department of Labor
Division of Workers Compensation**

**Notice of Hearing on Proposed
Administrative Regulations**

The Kansas Department of Labor will conduct a public hearing to consider the proposed Workers Compensation regulations: K.A.R. 51-3-20, 51-9-10, 51-9-18, 51-9-19, 51-11-7, and 51-19-2. The public hearing will be held at 11:00 a.m. January 12, 2022, in the auditorium of Memorial Hall, 120 SW 10th Ave., Topeka, KS 66612.

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 rules and regulations. All interested parties may submit written comments prior to the hearing to the Workers Compensation Division, 401 SW Topeka Blvd., Suite 2, Topeka, KS 66603-3105 or by email to kdol.wc@ks.gov. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting the state's ADA Coordinator, Anthony Fadale at 785-296-1389 or Anthony.fadale@ks.gov.

Copies of the proposed regulations and the Economic Impact Statement for the proposed regulations can be requested by submitting an email request to kdol.wc@ks.gov. Please ensure the subject line of the email request states which proposed regulation(s) is being requested.

Summaries of the proposed regulations and their economic impact follow. (Note: Statements indicating that a regulation is "not anticipated to have any economic impact" are intended to indicate that no economic impact on the Department of Labor, other state agencies, state employees, or the general public has been identified.)

K.A.R. 51-3-20. Notification of termination of benefits. This proposed regulation would require employers or their insurance carriers to notify an injured worker when they stop paying benefits and provide their reason for doing so. No economic impact is anticipated.

K.A.R. 51-9-10. Medical bills, reports, and treatment. This proposed regulation requires employers to share with the worker any written communication with their doctor or hospital within 10 days. Verbal communication with the worker's treating physician or their staff would require a specific release by the worker, and the worker would be given an opportunity to participate. This would require any report of verbal communications prepared by the employer's attorney be provided to the worker within 10 days of receipt of the report. This proposed regulation would enhance communication be-

tween the parties and medical providers with little or no additional costs.

K.A.R. 51-9-18. Designating the authorized treating physician. This proposed regulation would apply after an employer has chosen a physician to treat an injured worker. Once the employer has chosen a treating physician, the employer would not be able to change that physician without the agreement of the injured worker. If the worker does not agree, then the case would go to a preliminary hearing before an Administrative Law Judge (ALJ) for resolution. No economic impact is anticipated.

K.A.R. 51-9-19. Neutral evaluation; causation. When ALJs make a referral to a physician for a neutral evaluation, this proposed regulation would require the ALJ to request that the physician include information regarding the cause of an injury as required by statute. No economic impact is anticipated.

K.A.R. 51-11-7. Average weekly wage. The average weekly wage of a worker is determined by looking at the actual earnings of a worker for the 26 weeks prior to the date of accident and then dividing by 26. This proposed regulation would reduce the number of weeks by one week for every five regular or scheduled days a worker does not receive compensation during the base period. No economic impact is anticipated.

K.A.R. 51-19-2. Post-award applications; "costs." This proposed regulation would allow injured workers to seek reimbursement for the cost of obtaining an expert opinion from a doctor and the doctor's expert witness fee during post-award proceedings. If approved by the ALJ, these exam and deposition costs would be assessed to the employer and the employer's insurance carrier.

It is estimated that implementation and compliance could potentially total \$500,000 per year. In 2019, there were 699 post-award medical applications were filed. The fee schedule allows \$400 for the first hour of an exam and \$400 per hour for deposition costs. Per K.S.A. 44-510k, an administrative law judge has discretion in assessing costs so costs may be denied if the request wasn't appropriate.

Amber Shultz
Secretary

Doc. No. 049545

State of Kansas

Secretary of State

**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 1:00 p.m. Tuesday, January 11, 2022, in the second floor auditorium at Memorial Hall, 120 SW 10th Ave., Topeka, Kansas, regarding the revocation of Kansas Administrative Regulations 7-30-1, 7-32-1 and 7-32-2, pertaining to publication fees, and 7-35-1 and 7-35-2, pertaining to the census adjustment.

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 statements 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.

The statutory authority for the Secretary of State to promulgate regulations regarding publication fees was repealed in 2021 requiring the Secretary to revoke K.A.R. 7-30-1, 7-32-1 and 7-32-2. The constitutional and statutory authority for the Secretary of State to promulgate regulations regarding the census adjustment was repealed in 2019 and 2021 requiring the Secretary to revoke K.A.R. 7-35-1 and 7-35-2.

Revoking these regulations imposes no anticipated economic or environmental impact.

Copies of the full text of the regulations and economic impact statements 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. 049544

State of Kansas

Department of Health and Environment

Permanent Administrative Regulations

Article 18.—ANIMAL AND RELATED WASTE CONTROL

28-18-1. Definitions. Each of the following terms, as used in this article of the department's regulations, shall have the meaning specified in this regulation:

(a) "Animal unit" has the meaning specified in K.S.A. 65-171d, and amendments thereto.

(b) "Animal unit capacity" has the meaning specified in K.S.A. 65-171d, and amendments thereto.

(c) "Animal waste management system" means any land, structures, or practices utilized for the collection, containment, storage, distribution, land application, or disposal of animal or other process wastes generated by confined feeding facilities. This term shall include any of the following:

(1) Site grading to divert extraneous, uncontaminated precipitation runoff around the confined feeding facility;

(2) structures designed and constructed to collect, control the flow of, and direct animal or other process wastes;

(3) vegetation cover utilized for controlling erosion or for filtering animal or other process wastes;

(4) tanks, manure pits, or other structures designed and constructed to collect or store animal or other process wastes;

(5) waste-retention lagoons or ponds;

(6) land used for the application, utilization, or disposal of animal or other process wastes; and

(7) waste treatment facilities.

(d) "Authorized representative" means either of the following:

(1) Any person employed by the department; or

(2) an entity contracted by the department to conduct inspections and the review of records required by this article of the department's regulations.

(e) "Certification" means a document issued by the secretary in lieu of a water pollution control permit, indicating that the confined feeding facility meets the requirements of the applicable animal waste management statutes and regulations and does not represent a significant water pollution potential.

(f) "Change in operation" and "modification" mean any of the following:

(1) Expansion or enlargement of a confined feeding facility beyond the scope or boundaries established by registration, permit, certification, or approved plans and specifications;

(2) any increase in the animal unit capacity beyond that authorized by a permit or certification; or

(3) a change in construction or operation of a confined feeding facility that affects the collecting, storage, handling, treatment, utilization, or disposal of animal or other process wastes.

(g) "Clean water act" and "CWA" mean the federal water pollution control act, 33 U.S.C. 1251 et seq., as in effect on November 27, 2002.

(h) "Closure plan" means a written document that identifies the practices and procedures that the operator plans to use when closing the confined feeding facility or any part of the confined feeding facility.

(i) "Confined feeding facility" has the meaning specified in K.S.A. 65-171d, and amendments thereto.

(j) "Department" and "KDHE" mean Kansas department of health and environment.

(k) "Director" means director of the division of environment of the Kansas department of health and environment.

(l) "Division" means division of environment, Kansas department of health and environment.

(m) "Entity" means a person, individual, association, company, corporation, institution, group of individuals, joint venture, partnership, trust, or federal, state, county, or municipal agency or department legally capable of conducting business or owning real or personal property in Kansas.

(n) "Environmental protection agency" and "EPA" mean United States environmental protection agency.

(o) "Equus Beds" means an aquifer underlying the sections of land listed in the following table:

County	Range	Township	Section
Harvey	01W	22S	06, 07, 18, 19, 30, 31

(continued)

County	Range	Township	Section
Harvey	01W	23S	06, 07, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34
Harvey	01W	24S	03, 04, 05, 06, 07, 08, 09, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34
Harvey	02W	22S	All sections
Harvey	02W	23S	All sections
Harvey	02W	24S	All sections
Harvey	03W	22S	All sections
Harvey	03W	23S	All sections
Harvey	03W	24S	All sections
McPherson	01W	19S	19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35
McPherson	01W	20S	02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33
McPherson	01W	21S	05, 06, 07, 18, 19, 30, 31
McPherson	02W	19S	19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
McPherson	02W	20S	All sections
McPherson	02W	21S	All sections
McPherson	03W	18S	28, 29, 30, 31, 32, 33
McPherson	03W	19S	04, 05, 06, 07, 08, 09, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
McPherson	03W	20S	All sections
McPherson	03W	21S	All sections
McPherson	04W	18S	20, 21, 25, 26, 27, 28, 29, 32, 33, 34, 35, 36
McPherson	04W	19S	01, 02, 03, 04, 09, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, 36
McPherson	04W	20S	01, 02, 03, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36
McPherson	04W	21S	01, 02, 03, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, 36
Reno	04W	22S	All sections
Reno	04W	23S	All sections
Reno	04W	24S	All sections
Reno	04W	25S	All sections
Reno	04W	26S	All sections
Reno	05W	22S	All sections
Reno	05W	23S	All sections
Reno	05W	24S	All sections
Reno	05W	25S	All sections
Reno	05W	26S	All sections
Reno	06W	22S	All sections
Reno	06W	23S	All sections
Reno	06W	24S	All sections
Reno	06W	25S	All sections
Reno	06W	26S	All sections
Reno	07W	22S	All sections
Reno	07W	23S	All sections
Reno	07W	24S	All sections
Reno	07W	25S	All sections
Reno	07W	26S	All sections
Reno	08W	22S	05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
Reno	08W	23S	All sections
Reno	08W	24S	All sections
Reno	08W	25S	All sections
Reno	08W	26S	All sections

County	Range	Township	Section
Sedgwick	01E	25S	05, 06, 07, 08, 17, 18, 19, 20, 29, 30, 31, 32
Sedgwick	01E	26S	05, 06, 07, 08, 17, 18, 19, 20
Sedgwick	01W	25S	All sections
Sedgwick	01W	26S	01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, 32
Sedgwick	01W	27S	05, 06
Sedgwick	02W	25S	All sections
Sedgwick	02W	26S	All sections
Sedgwick	02W	27S	01
Sedgwick	03W	25S	All sections
Sedgwick	03W	26S	All sections

(p) "Federal permit," "national pollutant discharge elimination system permit," and "NPDES permit" mean an authorization, license, or equivalent control document issued by the EPA or an approved state to implement the requirements of 40 C.F.R. parts 122, 123, 124, and 412.

(q) "Food animals" means animals, fish, or fowl produced for consumption.

(r) "Fur animals" means animals raised for the skin, pelt, or fur.

(s) "Groundwater" means water located under the surface of the land that is or can be the source of supply for wells, springs, seeps, or streams, or that is held in aquifers. Groundwater shall be considered capable of being a source of supply for wells if at least one of the following conditions is met:

(1) The groundwater can be produced at a rate of 10 gallons or more per hour from a borehole with a diameter of nine or fewer inches. In determining the groundwater production rate for an excavation, borehole, or existing water or monitoring well, the quantity of produced water shall be adjusted for comparison purposes to the surface area of a borehole with a diameter of nine inches.

(2) The groundwater is currently being used within 1/2 mile of the proposed waste-retention lagoon or pond, regardless of the rate at which the groundwater can be produced.

(3) There is evidence of past groundwater use within 1/2 mile of the proposed waste-retention lagoon or pond.

(t) "Habitable structure" has the meaning specified in K.S.A. 65-171d, and amendments thereto.

(u) "Impermeable synthetic membrane liner" means a commercially manufactured membrane liner composed of synthetic materials commonly identified as being plastic, plastic polymer, or other synthetic materials that, when installed, provide for the more stringent of either of the following:

(1) A maximum monitored or calculated seepage rate of 1/64 inch per day; or

(2) the liner manufacturer's criteria for the maximum monitored or calculated seepage rate for the installed membrane liner, expressed in units of volume per unit area per unit of time (gallons per square foot per day).

(v) "Land application" means the distribution of animal or other process wastes onto, or incorporation into, the soil mantle for the purpose of disposal or utilization by crops or vegetation.

(w) "Liner" means any designed barrier in the form of in situ, layer, membrane, or blanket materials utilized or

installed to reduce the potential for a significant hydrologic connection between animal or other process wastes that are controlled or retained by animal waste management systems and waters of the state.

(x) "Maximum soil liner seepage rate" and "specific discharge" mean the flow rate of water through the liner of a waste-retention lagoon or pond and shall be expressed as velocity (distance/time). The maximum seepage rate shall be calculated as $v = k(h/d)$, in which "k" is the hydraulic conductivity (coefficient of permeability) and "(h/d)" is the hydraulic gradient. The hydraulic gradient is the maximum vertical distance "h" measured from the liquid surface to the liner bottom, divided by the thickness of the soil liner "d." When calculating the maximum seepage rate, the maximum design depth, not including design freeboard, shall be used.

(y) "Minimum standards of design, construction, and maintenance" means the following:

- (1) Effluent standards and limitations;
- (2) other performance standards for treatment or utilization; and
- (3) other standards of design, construction, and maintenance for confined feeding facilities or animal waste management systems, published by KDHE.

(z) "Monitoring" means all procedures using any of the following methods:

(1) Either systematic inspection or collection and analysis of data on the operational parameters of a confined feeding facility or an animal waste management system; or

(2) the systematic collection and analysis of data on the quality of the animal or other process wastes, groundwater, surface water, or soils on or in the vicinity of the confined feeding facility or animal waste management system.

(aa) "National pollutant discharge elimination system" and "NPDES" mean the national system for the issuance of permits under 33 U.S.C. section 1342 and shall include any state or interstate program that has been approved by the EPA administrator, in whole or in part, pursuant to 33 U.S.C. section 1342.

(bb) "Nutrient management plan" means a written document that identifies the practices and procedures that an operator required to obtain a federal permit plans to use to operate and maintain the animal waste management system and to manage the handling, storage, utilization, and disposal of wastes generated by the confined feeding facility.

(cc) "Oil or gas well" has the meaning specified for the term "well" in K.S.A. 55-150, and amendments thereto.

(dd) "Operator" means an individual, association, company, corporation, municipality, group of individuals, joint venture, partnership, entity, state or federal agency or department, or any business owning, leasing, or having charge or control of one or more confined feeding facilities.

(ee) "Pleasure animals" means dogs, cats, rabbits, horses, and exotic animals.

(ff) "Point source" has the meaning specified in K.A.R. 28-16-28b.

(gg) "Pollution" has the meaning specified in K.S.A. 65-171d, and amendments thereto.

(hh) "Precipitation runoff" means the rainwater or the meltwater that is derived from snow, hail, sleet, or other forms of atmospheric precipitation and that flows by gravity over the surface of the land.

(ii)(1) "Process wastes" means any of the following:

(A) Excrement from animals, wastewater, and animal carcasses;

(B) precipitation that comes into contact with any manure, litter, bedding, or other raw, intermediate, or final material or product used in or resulting from the production of animals or direct products, including meat, milk, and eggs;

(C) spillage or overflow from animal or poultry watering systems;

(D) wastes from washing, cleaning, or flushing pens, barns, manure pits, equipment, trucks, trailers, milking parlors, milking equipment, and other associated animal facilities;

(E) wastes from washing animals or spraying animals for cooling;

(F) wastes from dust control;

(G) boiler blowdown and water softener regenerate wastes;

(H) precipitation runoff from confinement, loading, and unloading areas;

(I) spillage of feed, molasses, animal wastes, or any other process wastes described in this regulation;

(J) discharges from land application fields that occur during application;

(K) precipitation runoff from land application fields, if liquid or concentrated liquid wastes are applied during frozen, snow-covered, or saturated soil conditions without approval by the department;

(L) raw, intermediate, or finished materials associated with wastes or contaminated storm water runoff from animal waste or dead animal composting operations;

(M) silo liquors; or

(N) flows or runoff from waste storage areas.

(2) Process wastes shall not include animal wastes spilled by trucks transporting livestock on city, township, county, state, or federal streets, roads, or highways.

(jj) "Public livestock market" has the meaning specified in K.S.A. 47-1001, and amendments thereto. This term shall include public livestock markets where federal veterinary inspections are regularly conducted.

(kk) "Registration" means any required fee and the properly completed and executed documents designated by the division and any additional required documents or information necessary for determining the need for a water pollution control permit.

(ll) "Salt solution mining well" has the meaning specified in K.S.A. 55-1,120, and amendments thereto.

(mm) "Secretary" means secretary of the Kansas department of health and environment.

(nn)(1) "Sensitive groundwater areas" means aquifers generally comprised of alluvial aquifers, the area within the boundaries of the Equus Beds groundwater management district no. 2 (GMD #2), and the dune sand area located south of the great bend of the Arkansas River. A sensitive groundwater area shall be any section of land specified in the department's "Kansas sensitive ground-

(continued)

water areas for wastewater lagoons," which is adopted by reference in K.A.R. 28-16-160.

(2) Any operator proposing a new animal waste-retention lagoon or expansion of an existing animal waste-retention lagoon may request that the director make a site-specific sensitive groundwater area determination. The request shall be submitted in writing to the director. The request shall contain supporting data and information and an explanation of why the area in question should not be considered a sensitive groundwater area.

(oo) "Sewage" has the meaning specified in K.S.A. 65-164, and amendments thereto.

(pp) "Significant water pollution potential" means any of the following, as determined by the secretary:

(1) A confined feeding facility that utilizes any of the following:

(A) Structures designed and constructed to control the flow of or direct animal or other process wastes;

(B) structures designed and constructed to collect or store animal or other process wastes in tanks, manure pits, or other containment structures;

(C) waste-retention lagoons or ponds; or

(D) a waste treatment facility or facilities;

(2) lots, pens, or concentrated feeding areas with creeks, streams, intermittent waterways, or any other conveying channel or device that has the potential to carry pollutants to waters of the state running through or proximate to the lots, pens, or concentrated feeding areas;

(3) any confined feeding facility that cannot retain or control animal or other process wastes on the confined feeding facility or property or adjacent property with the permission of the owner of the adjacent property; or

(4) a confined feeding facility that uses methods of improper collection, handling, or disposal of animal or other process wastes that have the potential to degrade or impair the quality of any waters of the state.

(qq) "Surface waters," for water quality purposes, has the meaning specified in K.A.R. 28-16-28b.

(rr) "Truck-washing facility for animal wastes" means a truck-washing facility that exists solely for the purpose of washing animal wastes from trucks or trailers.

(ss) "Variance" means the secretary's written approval or permit authorizing a proposed action that knowingly results in a lack of conformity with one or more provisions of the minimum standards of design, construction, and maintenance. Each variance authorized by the secretary shall be deemed to protect public health and the environment and to comply with the federal NPDES permit requirements.

(tt) "Waste management plan" means a written document that identifies the practices and procedures that an operator not required to obtain a federal permit plans to use to operate and maintain the animal waste management system and to manage the handling, storage, utilization, and disposal of wastes generated by the confined feeding facility.

(uu) "Waste-retention lagoon or pond" means excavated or diked structures or natural depressions provided for or used for the purpose of containing or detaining animal or other process wastes. Discharges from waste-retention lagoons or ponds shall not be allowed, except as authorized by a water pollution control permit.

(vv) "Waste treatment facility" means a structure or device that collects, stores, stabilizes, treats, or otherwise controls pollutants, so that after the discharge, disposal, or land application of treated wastes, water pollution is prevented and public health and the waters of the state are protected.

(ww) "Water pollution control permit" and "permit" mean an authorization, license, or equivalent control document issued by the secretary. This term shall not include any document that has not yet been the subject of final action by the secretary.

(xx) "Water quality standards" means the Kansas surface water quality standards specified in K.A.R. 28-16-28b through K.A.R. 28-16-28h.

(yy) "Water well" has the meaning specified in K.S.A. 82a-1203, and amendments thereto.

(zz) "Waters of the state" has the meaning specified in K.S.A. 65-161, and amendments thereto.

(aaa) "Whole pond seepage test" means a measurement of the evaporation from, and the change in water level of, a waste-retention lagoon, pond, or structure or a swine waste-retention lagoon, pond, or structure using either of the following:

(1) Any method that meets the requirements specified in the section titled "conclusion: recommendations for a standard" on pages 9-12 in "standards for measuring seepage from anaerobic lagoons and manure storages," by Jay M. Ham, Ph.D., and Tom M. DeSutter, dated 2003. This section is hereby adopted by reference; or

(2) any equivalent method at least as protective of public health, safety, and the environment approved by the secretary. (Authorized by K.S.A. 65-171d; implementing K.S.A. 65-164, 65-165, 65-166, 65-166a, 65-171a, 65-171d, and 65-171h; effective, E-67-5, May 31, 1967; effective Jan. 1, 1968; amended Jan. 15, 1999; amended March 16, 2007; amended Nov. 19, 2021.)

28-18-14. Inspections. (a) Each operator shall provide all necessary specialized equipment, clothing, or appurtenances to enable any authorized representative to enter a confined feeding facility for inspection.

(b) Each operator that develops or modifies animal health protocols and that requests KDHE conformance with the protocols shall submit a copy of the protocols to the department within 30 days of establishing or modifying the animal health protocols.

(c) Each operator shall allow any authorized representative following animal health protocols access to any confined feeding facility to conduct an inspection of the animal waste management system.

(d) Each operator shall allow any authorized representative access to conduct periodic inspections and review records at any confined feeding facility, scheduled as follows:

(1) For any confined feeding facility identified as having uncontrolled process wastes, every six months; or

(2) for any confined feeding facility not identified as having uncontrolled process wastes, at least once every five years if the confined feeding facility has a capacity of 300 or more animal units. (Authorized by K.S.A. 65-170b and 65-171d; implementing K.S.A. 65-164, 65-165, 65-166, 65-166a, 65-170b, 65-171d, and 65-171h; effective Jan. 15, 1999; amended March 16, 2007; amended Nov. 19, 2021.)

28-18-16. Waste-retention lagoon or pond closure plan requirements. (a) Each operator shall notify the department of any intention to cease operation of, close, or abandon the waste-retention lagoon or pond.

(b) Each operator shall maintain and comply with a valid water pollution control permit for the confined feeding facility until closure of the waste-retention lagoon or pond is complete and all materials representing a threat to public health and the environment are removed.

(c) Each operator of a confined feeding facility located over the Equus Beds that is required to obtain a federal permit and proposes the new construction or expansion of a waste-retention lagoon or pond shall develop a waste-retention lagoon or pond closure plan. The operator shall submit the waste-retention lagoon or pond closure plan with the permit application to the department for consideration for approval. When submitting waste-retention lagoon or pond closure plans, each operator shall submit four paper copies or shall transmit an electronic copy of the closure plan.

(d) Each operator of a confined feeding facility required to obtain a federal permit shall develop a waste-retention lagoon or pond closure plan if all of the following conditions are met:

(1) The waste-retention lagoon or pond is located over the Equus Beds.

(2) The operator is applying for the renewal of the permit after the effective date of this regulation.

(3) The operator does not have an approved waste-retention lagoon or pond closure plan. The operator shall submit the closure plan with the permit renewal application to the department. When submitting a waste-retention lagoon or pond closure plan, the operator shall submit four paper copies or shall transmit an electronic copy of the plan.

(e) Each operator of a confined feeding facility with a waste-retention lagoon or pond shall submit a closure plan that includes the following information:

(1) A description of all animal waste management system components utilized to contain, control, or store process wastes at the facility;

(2) a description of the procedures to be employed to remove and dispose of animal or other process wastes;

(3) a description of the maintenance, deactivation, conversion, or demolition of all waste-retention lagoons or ponds or the closure of any waste-retention lagoon or pond by one of the following methods:

(A) Removing the berms and leveling and revegetating the site to provide erosion control;

(B) leaving the structure or structures in place for use as a freshwater farm pond or reservoir;

(C) retaining the structure or structures for future use as a part of an animal waste management system; or

(D) using any other method approved by the secretary that will be protective of the environment and meet all statutory and regulatory requirements; and

(4) a description of, and detailed drawings for, the plugging of any water or groundwater monitoring wells at the confined feeding facility.

(f) Each operator of a confined feeding facility required to have a waste-retention lagoon or pond closure plan shall amend and submit the amended plan to the depart-

ment for approval whenever specifically directed by the secretary or whenever warranted by one or more of the following:

(1) Any significant changes in operation of the confined feeding facility;

(2) any significant change or modification in the animal waste management system; or

(3) any other significant conditions affecting the confined feeding facility or the animal waste management system.

(g) Each operator of a confined feeding facility required to develop a waste-retention lagoon or pond closure plan shall retain the current plan at the site office of the confined feeding facility or at a central records location in a manner that is accessible to inspection by any authorized representative.

(h) Within six months before the closure of a waste-retention lagoon or pond, the operator shall perform either of the following:

(1) Notification to the department of the proposed closure of the waste-retention lagoon or pond; or

(2) termination of operations for any confined feeding facility for which the operator is required to develop and implement a waste-retention lagoon or pond closure plan.

(i) Each operator seeking an extension of time for closure shall submit a written request detailing the reasons to the secretary. Only weather conditions or the legal change in ownership of the confined feeding facility shall be grounds for an extension.

(j) If the operator of a confined feeding facility is unwilling or unable to properly close the waste-retention lagoon or pond, the owner of the confined feeding facility and the property owner shall be responsible for closing the waste-retention lagoon or pond in a manner that protects the waters of the state, public health, and the environment. (Authorized by K.S.A. 65-171d; implementing K.S.A. 65-164, 65-165, 65-166, 65-166a, 65-171d, and 65-171h; effective March 16, 2007; amended Nov. 19, 2021.)

28-18-17. Groundwater protection requirements for waste-retention lagoons or ponds and waste treatment facilities. (a) The provisions of this article of the department's regulations shall not apply to any permitted waste-retention lagoon or pond or waste treatment facility that was in existence on March 16, 2007 or that the secretary approved for construction before March 16, 2007, unless information becomes available showing that the waste-retention lagoon or pond or the waste treatment facility presents an imminent threat to public health or the environment.

(b)(1) The provisions of this article of the department's regulations shall not apply to any existing or proposed waste-retention lagoon or pond or waste treatment facility located at a confined feeding facility if all of the following conditions are met:

(A) The confined feeding facility existed on July 1, 1994.

(B) The operator registered the confined feeding facility with the secretary before July 1, 1996.

(C) The capacity of the existing or proposed waste-retention lagoon or pond or waste treatment facility is

(continued)

not greater than what was necessary to serve the confined feeding facility as described in the registration application submitted before July 1, 1996.

(D) The separation distance from the bottom of the existing or proposed waste-retention lagoon or pond or waste treatment facility to groundwater is less than 10 feet.

(2) Each operator of a confined feeding facility meeting the requirements of paragraph (b)(1) and proposing to use a waste-retention lagoon or pond or waste treatment facility shall propose site-specific groundwater protection measures for the secretary's consideration for approval.

(c) Each new or expanded portion of a waste-retention lagoon or pond or waste treatment facility other than those described in subsections (a) and (b) shall be located at least 10 feet above the static groundwater level, as measured from the lowest elevation of the finished interior grade of the waste-retention lagoon or pond or the waste treatment facility. Each operator or permit applicant for a confined feeding facility shall notify the department at least two days before performing any site investigations to determine the static groundwater level at the site.

(d) Each operator or permit applicant shall ensure that each liner for a new or expanded portion of a waste-retention lagoon or pond or waste treatment facility meets the following requirements:

(1) If the new or expanded portion of the waste-retention lagoon or pond or waste treatment facility is not located over the Equus Beds or in a sensitive groundwater area, the materials used for the liner shall have a seepage rate of no more than $\frac{1}{4}$ inch per day.

(2) If the new or expanded portion of the waste-retention lagoon or pond or waste treatment facility is located in a sensitive groundwater area, the materials used for the liner shall have a seepage rate of no more than $\frac{1}{10}$ inch per day.

(3) If the new or expanded portion of the waste-retention lagoon or pond or waste treatment facility is located over the Equus Beds, either an impermeable synthetic membrane liner shall be used or the material used for the liner shall consist of either of the following:

(A) Two or more layers of compacted soil designed to have a seepage rate of no more than $\frac{1}{10}$ inch per day. To demonstrate that this seepage requirement is met, the soil liner seepage rate shall be determined within 12 months of placing the waste-retention lagoon or pond or waste treatment facility into operation. The test method used shall be the whole pond seepage test; or

(B) any material that has been approved through the variance process required by K.A.R. 28-18-15.

(e) Each permit applicant or operator that conducts testing to determine the seepage rate shall submit four paper copies or shall transmit an electronic copy of the test results to the department.

(f) An imminent threat to public health or the environment may be deemed to exist if physical, chemical, biological, or radiological substances or a combination of these substances is released into subsurface waters of the state and results in a concentration or amount of a substance in excess of the numerical criteria designated for aquatic life protection, agricultural use, or public health

protection as provided in the "Kansas surface water quality standards: tables of numeric criteria," which is adopted by reference in K.A.R. 28-16-28e. If the background concentration of a substance is naturally occurring and is greater than the numerical criterion, the background concentration shall be considered the criterion. (Authorized by K.S.A. 65-171d; implementing K.S.A. 65-164, 65-165, 65-166, 65-166a, 65-171d, and 65-171h; effective March 16, 2007; amended Nov. 19, 2021.)

Article 18a.—SWINE AND RELATED WASTE CONTROL

28-18a-24. Financial assurance for swine waste-retention lagoon or pond closure. (a) Before January 15 each year, each swine operator of a swine facility with an animal unit capacity of 3,725 or more that utilizes swine waste-retention lagoons or ponds shall provide evidence, satisfactory to the department, that the swine operator has the financial ability to cover the cost of closure of the swine waste-retention lagoons or ponds as required by the department.

(b) For new construction or new expansion of a swine facility with a proposed animal unit capacity of 3,725 or more that employs the use of swine waste-retention lagoons or ponds, the swine operator shall provide evidence, satisfactory to the department, that the swine operator has the financial ability to cover the cost of closure of the proposed swine waste-retention lagoons or ponds at the time the application is submitted to the department for review.

(c) Each swine operator of a swine facility with an animal unit capacity of 3,725 or more shall submit, as a part of the evidence provided to the department, a detailed written estimate in current dollars of the cost to close the swine waste-retention lagoons or ponds in a manner acceptable to the department. The estimate shall be prepared by a professional engineer or consultant approved by the department.

(d) To estimate the cost to close the swine waste-retention lagoons or ponds, the swine operator shall consider the following:

(1) The cost of the swine waste-retention lagoons or ponds closure by determining the cost of a third party to collect and dispose of all swine or other process wastes stored or retained on-site in the lagoons or ponds at a specifically identified off-site application area; and

(2) all swine waste-retention lagoons or ponds to be 100 percent full, for the purpose of estimating costs.

(e) Each swine operator shall increase the closure cost estimate and the amount of financial assurance provided if changes in the swine facility closure plan addressing the swine waste-retention lagoons or ponds or a change in operation increase the maximum cost of closure at any time.

(f) Each swine operator shall provide continuous financial assurance for the cost of closure until the department determines the closure of the swine waste-retention lagoons or ponds to be acceptable.

(g) Mechanisms used to demonstrate financial assurance shall ensure that the funds necessary to meet the cost to close the swine waste-retention lagoons or ponds

required by K.A.R. 28-18a-22 are accessible to the department in a timely fashion when needed. In establishing financial assurance for the swine waste-retention lagoons or ponds closure, swine operators shall utilize one or more of the following options:

- (1) Trust fund;
- (2) surety bond guaranteeing payment or performance;
- (3) letter of credit;
- (4) insurance; or
- (5) self-insurance.

(h) If a swine operator utilizes a trust fund for financial assurance, the swine operator shall meet following requirements:

(1) The swine operator shall provide for a trustee that shall be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency. A copy of the trust agreement shall be provided to the department.

(2) The swine operator shall provide authority for the department or person authorized by the department to implement the closure to request and obtain reimbursement for closure expenditures from the trustee. Requests for reimbursement shall be granted by the trustee, to the limit of the funds in the trust fund and with proper documentation of the incurred costs.

(3) The swine operator shall maintain the trust fund until an alternative financial assurance mechanism is approved by the department and is in place or shall cease operations and close the swine waste-retention lagoons or ponds before the trust fund is terminated, unless the operator is no longer required to demonstrate financial assurance.

(i) If a swine operator utilizes a surety bond guaranteeing payment or performance for financial assurance, the swine operator shall meet the following requirements:

(1) Obtain a surety bond, with the penal sum of the bond in an amount at least equal to the estimated swine waste-retention lagoons or ponds closure cost;

(2) provide the department with a copy of the bond;

(3) obtain the bond from a company that is licensed to issue bonds in Kansas;

(4) provide in the bond that the surety becomes liable on the bond obligation when the swine operator fails to perform as guaranteed by the bond;

(5) establish a standby trust fund;

(6) provide that payments made under the terms of the bond shall be deposited by the surety directly into the standby trust fund. Payments from the trust fund shall be made by the trustee to the limit of the bond amount when proper documentation of the incurred costs is provided; and

(7) obtain a bond providing that the surety may cancel the bond by sending notice of cancellation by certified mail to the swine operator and the department at least 120 days in advance of the cancellation. If the surety cancels the bond, the swine operator shall obtain alternative financial assurance before the cancellation or shall cease operations and close the swine waste-retention lagoons or ponds before the cancellation date of the bond, unless the swine operator is no longer required to demonstrate financial assurance.

(j) If a swine operator utilizes a letter of credit for financial assurance, the swine operator shall meet the following requirements:

(1) Obtain an irrevocable standby letter of credit by which the issuing institution shall be an entity that has authority to issue letters of credit and whose letter of credit operations are regulated by a federal or state agency. The letter of credit shall be in a form that constitutes an unconditional promise to pay and shall be in a form negotiable by the department;

(2) provide the department with a copy of the letter of credit. Information contained in the letter of credit or provided by the swine operator shall include the name, location, and permit number of the swine facility and the amount of funds assured;

(3) provide an irrevocable letter of credit issued for at least one year in an amount at least equal to the current cost estimate for closure of the swine waste-retention lagoons or ponds. The letter of credit shall provide that the expiration date shall be automatically extended for at least one year unless the issuing institution has canceled the letter of credit by sending notice of cancellation by certified mail to the swine operator and department at least 120 days in advance of cancellation. If the letter of credit is canceled by the issuing institution, the swine operator shall obtain alternative financial assurance before the cancellation or shall cease operations and close the swine waste-retention lagoons or ponds before the cancellation date of the letter of credit, unless the swine operator is no longer required to demonstrate financial assurance; and

(4) cancel the letter of credit only if alternative financial assurance, approved by the secretary, is substituted or if the swine operator is no longer required to demonstrate financial assurance.

(k) If a swine operator utilizes insurance for financial assurance, the swine operator shall meet the following requirements:

(1) Obtain insurance coverage for at least one year in an amount at least equal to the current cost estimate for closure of the swine waste-retention lagoons or ponds;

(2) obtain insurance from an insurer authorized to sell insurance in Kansas;

(3) provide the department with a copy of the insurance policy;

(4) ensure that the insurance policy guarantees that funds shall be available to close the swine waste-retention lagoons or ponds if the swine operator is unable or unwilling to close the swine waste-retention lagoons or ponds in accordance with the swine facility closure plan approved by the department;

(5) ensure that the insurance policy provides that the insurer is responsible for the payment of the department or person authorized to close the swine waste-retention lagoons or ponds. Payments by the insurer for the policy shall be made to the limit of the policy amount when proper documentation of the incurred costs is provided;

(6) ensure that the insurance policy shall provide that the insurer shall not cancel, terminate, or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy shall, at a minimum, pro-

(continued)

vide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may cancel the policy by sending notice of cancellation by certified mail to the swine operator and the department at least 120 days in advance of the cancellation;

(7) if the insurer cancels the policy, obtain alternative financial assurance before the cancellation or cease operations and close the swine waste-retention lagoons or ponds before the cancellation date of the insurance policy, unless the swine operator is no longer required to demonstrate financial assurance; and

(8) cancel the insurance policy only if alternative financial assurance, approved by the department, is substituted or if the swine operator is no longer required to demonstrate financial assurance.

(l) If a swine operator utilizes self-insurance for financial assurance, the swine operator shall meet the following requirements:

(1) Submit a financial statement, prepared by a certified public accountant, listing tangible assets and total liabilities of the swine operator. The assets shall not include the value of the swine at the swine facility. The financial statement shall include a general release by the

swine operator, providing the department authorization for verification with banks or other financial institutions; and

(2) provide an indication on the financial statement of whether the tangible assets, less the total liabilities, are satisfactory to cover the estimated cost of closure. The financial statement shall note the estimated cost of closure utilized.

(m) Each swine operator that utilizes multiple financial assurance mechanisms shall meet both of the following requirements:

(1) Use only the financial assurance mechanisms specified in this regulation; and

(2) submit documentation to the department that confirms that the total coverage of all the financial mechanisms utilized provides an amount at least equal to the current cost estimate for closure of the swine waste-retention lagoons or ponds. (Authorized by and implementing K.S.A. 65-171d and 65-1,190; effective Jan. 15, 1999; amended Nov. 19, 2021.)

Lee A. Norman, M.D.
Secretary

Doc. No. 049546

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 2020 Supplement of the *Kansas Administrative Regulations*. Regulations can also be found at http://www.sos.ks.gov/pubs/pubs_kar.aspx.

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1-18-2	Revoked	V. 40, p. 1490

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7-48-1	New	V. 40, p. 263

AGENCY 9: DEPARTMENT OF AGRICULTURE—DIVISION OF ANIMAL HEALTH

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9-3-9	Amended	V. 39, p. 1359

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10-24-3	New	V. 39, p. 1075

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16-14-11	Amended	V. 39, p. 1155
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AGENCY 40: INSURANCE DEPARTMENT

Reg. No.	Action	Register
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
60-11-116	Amended	V. 39, p. 1021
60-11-119	Amended	V. 39, p. 1022
60-13-110	Amended	V. 39, p. 1022
60-16-101	Amended	V. 39, p. 12
60-16-103	Amended	V. 39, p. 12
60-16-104	Amended	V. 39, p. 13

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
66-6-1	Amended	V. 39, p. 1425
66-6-10	Amended	V. 39, p. 1426
66-7-1	Amended	V. 39, p. 1427
66-8-3	Amended	V. 39, p. 1427
66-8-4	Amended	V. 39, p. 1427
66-9-5	Amended	V. 39, p. 1427
66-10-4	Amended	V. 39, p. 1427
66-10-9	Amended	V. 39, p. 1428
66-10-10b	Amended	V. 39, p. 1428
66-10-10c	New	V. 39, p. 1428
66-10-12	Amended	V. 39, p. 1428
66-10-13	Amended	V. 39, p. 1429
66-11-5	Amended	V. 39, p. 1429
66-12-1	Amended	V. 40, p. 670
66-14-1	Amended	V. 39, p. 1429
66-14-2	Amended	V. 39, p. 1430
66-14-3	Amended	V. 39, p. 1430
66-14-5	Amended	V. 39, p. 1430
66-14-6	Amended	V. 39, p. 1431
66-14-7	Amended	V. 39, p. 1431
66-14-8	Amended	V. 39, p. 1431
66-14-9	Amended	V. 39, p. 1431
66-14-10	Revoked	V. 39, p. 1431
66-14-11	Revoked	V. 39, p. 1431
66-14-12	Amended	V. 39, p. 1431
66-15-1	New	V. 39, p. 14

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-2-5	Amended	V. 39, p. 105
68-5-16	Amended	V. 39, p. 106

AGENCY 69: BOARD OF COSMETOLOGY

Reg. No.	Action	Register
69-1-4	Amended	V. 40, p. 1522
69-3-8	Amended (T)	V. 39, p. 1186
69-3-8	Amended	V. 39, p. 1583
69-6-2	Amended	V. 40, p. 1522
69-15-31	Amended	V. 40, p. 1522

AGENCY 70: BOARD OF VETERINARY EXAMINERS

Reg. No.	Action	Register
70-5-1	Amended	V. 39, p. 1495

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-1-3	Amended	V. 38, p. 1337

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-4-3a	Amended (T)	V. 39, p. 1188
82-4-3a	Amended	V. 39, p. 1608
82-4-30a	Amended (T)	V. 39, p. 1383
82-4-30a	Amended	V. 40, p. 160

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-10	Amended	V. 39, p. 54
86-1-11	Amended	V. 39, p. 55
86-1-12	Amended	V. 39, p. 56
86-1-13	Revoked	V. 39, p. 56
86-1-16	Revoked	V. 39, p. 56
86-1-17	Amended	V. 39, p. 56
86-1-18	Revoked	V. 39, p. 56
86-3-6a	Revoked	V. 39, p. 56
86-3-7	Amended	V. 39, p. 56
86-3-10	Amended	V. 40, p. 497

86-3-18	Amended	V. 40, 497
86-3-20	Revoked	V. 39, p. 57
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
88-10-1	Revoked	V. 39, p. 1270
88-10-2	Revoked	V. 39, p. 1270
88-10-3	Revoked	V. 39, p. 1270
88-10-4	Revoked	V. 39, p. 1270
88-10-5	Revoked	V. 39, p. 1270
88-10-6	Revoked	V. 39, p. 1270
88-10-7	Revoked	V. 39, p. 1270
88-10-8	Revoked	V. 39, p. 1270
88-10-10	Revoked	V. 39, p. 1270
88-10-12	Revoked	V. 39, p. 1270
88-11-1	Revoked	V. 39, p. 1270
88-11-2	Revoked	V. 39, p. 1270
88-11-3	Revoked	V. 39, p. 1270
88-11-4	Revoked	V. 39, p. 1270
88-11-5	Revoked	V. 39, p. 1270
88-11-6	Revoked	V. 39, p. 1270
88-11-7	Revoked	V. 39, p. 1270
88-11-8	Revoked	V. 39, p. 1270
88-11-9	Revoked	V. 39, p. 1270
88-11-11	Revoked	V. 39, p. 1270
88-11-12	Revoked	V. 39, p. 1270
88-25-1	New	V. 39, p. 748
88-25-2	New	V. 39, p. 748
88-25-3	New	V. 39, p. 748
88-25-4	New	V. 39, p. 748
88-25-5	New	V. 39, p. 748
88-29-1	Revoked	V. 39, p. 1215
88-29-3	Amended	V. 39, p. 1215
88-29-11	Revoked	V. 39, p. 1216
88-29-12	Amended	V. 39, p. 1216
88-29-13	Amended	V. 39, p. 1216
88-29-14	Amended	V. 39, p. 1218
88-29-15	Amended	V. 39, p. 1218
88-29-16	Amended	V. 39, p. 1219
88-29-17	Amended	V. 39, p. 1220
88-29-18	Revoked	V. 39, p. 1221
88-29-19	Revoked	V. 39, p. 1221
88-29a-1	Amended	V. 39, p. 1221
88-29a-5	Amended	V. 39, p. 1223
88-29a-6	Amended	V. 39, p. 1223
88-29a-7	Amended	V. 39, p. 1223
88-29a-7a	Amended	V. 39, p. 1224
88-29a-9	Amended	V. 39, p. 1224
88-29a-10	Amended	V. 39, p. 1225
88-29a-11	Amended	V. 39, p. 1227
88-29a-18	Amended	V. 39, p. 1228
88-29a-19	Amended	V. 39, p. 1229
88-29b-1	Amended	V. 39, p. 1229
88-29b-3	Amended	V. 39, p. 1231
88-29b-5	Amended	V. 39, p. 1231
88-29b-6	Amended	V. 39, p. 1232
88-29b-7	Amended	V. 39, p. 1233
88-29b-7a	Amended	V. 39, p. 1234
88-29b-9	Amended	V. 39, p. 1234
88-29b-10	Amended	V. 39, p. 1235
88-29c-1	Amended	V. 39, p. 1236
88-29c-5	Amended	V. 39, p. 1238
88-29c-7	Amended	V. 39, p. 1238
88-29c-9	Amended	V. 39, p. 1238
88-29c-10	Amended	V. 39, p. 1239
88-29d-1	Amended	V. 39, p. 1240
88-29d-5	Amended	V. 39, p. 1241
88-29d-7	Amended	V. 39, p. 1242
88-29d-9	Amended	V. 39, p. 1242
88-29d-10	Amended	V. 39, p. 1243
88-30-1	Amended (T)	V. 39, p. 890
88-30-1	Amended	V. 39, p. 1269
88-30-2	Amended	V. 39, p. 1270

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
100-7-1	Amended	V. 39, p. 1359
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
100-76-6	Amended	V. 39, p. 1360
100-78-1	New (T)	V. 39, p. 250
100-78-1	New	V. 39, p. 570
100-78-2	New (T)	V. 39, p. 250
100-78-2	New	V. 39, p. 570

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-5-2	Amended	V. 39, p. 252
105-5-3	Amended	V. 39, p. 252
105-5-6	Amended	V. 39, p. 252
105-5-7	Amended	V. 39, p. 252
105-5-8	Amended	V. 39, p. 252

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-3-3	Amended	V. 40, p. 1522
109-3-4	Amended	V. 39, p. 31
109-3-5	Amended	V. 40, p. 1524
109-5-1a	Amended	V. 39, p.32
109-11-1a	Amended	V. 39, p.32

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*.

Reg. No.	Action	Register
111-2-328	New	V. 39, p. 1460
111-4-3547	Amended	V. 40, p. 1225
111-4-3595	New	V. 39, p. 57
111-4-3596	New	V. 39, p. 58
111-4-3597	New	V. 39, p. 59
111-4-3598	New	V. 39, p. 60
111-4-3599	New	V. 39, p. 61
111-4-3600	New	V. 39, p. 63
111-4-3601	New	V. 39, p. 532
111-4-3602	New	V. 39, p. 533
111-4-3603	New	V. 39, p. 570
111-4-3604	New	V. 39, p. 572
111-4-3605	New	V. 39, p. 573
111-4-3606	New	V. 39, p. 574
111-4-3607	New	V. 39, p. 576
111-4-3608	New	V. 39, p. 621
111-4-3609	New	V. 39, p. 623
111-4-3610	New	V. 39, p. 624
111-4-3611	New	V. 39, p. 854
111-4-3612	New	V. 39, p. 855
111-4-3613	New	V. 39, p. 856
111-4-3614	New	V. 39, p. 858
111-4-3615	New	V. 39, p. 859
111-4-3616	New	V. 39, p. 860
111-4-3617	New	V. 39, p. 861
111-4-3618	New	V. 39, p. 862
111-4-3619	New	V. 39, p. 862
111-4-3620	New	V. 39, p. 864
111-4-3621	New	V. 39, p. 865
111-4-3623	New	V. 39, p. 866
111-4-3624	New	V. 39, p. 891
111-4-3625	New	V. 39, p. 892
111-4-3626	New	V. 39, p. 893
111-4-3627	New	V. 39, p. 894
111-4-3628	New	V. 39, p. 896
111-4-3629	New	V. 39, p. 897
111-4-3630	New	V. 39, p. 900
111-4-3631	New	V. 39, p. 1076
111-4-3632	New	V. 39, p. 1077
111-4-3633	New	V. 39, p. 1109
111-4-3634	New	V. 39, p. 1109
111-4-3635	New	V. 39, p. 1110
111-4-3636	New	V. 39, p. 1111
111-4-3637	New	V. 39, p. 1113
111-4-3638	New	V. 39, p. 1114
111-4-3639	New	V. 39, p. 1333
111-4-3640	New	V. 39, p. 1334
111-4-3641	New	V. 39, p. 1335
111-4-3642	New	V. 39, p. 1336
111-4-3643	New	V. 39, p. 1404
111-4-3644	New	V. 39, p. 1460
111-4-3645	New	V. 39, p. 1462
111-4-3646	New	V. 39, p. 1463
111-4-3647	New	V. 39, p. 1465
111-4-3648	New	V. 39, p. 1466
111-4-3649	New	V. 40, p. 40
111-4-3650	New	V. 40, p. 41
111-4-3651	New	V. 40, p. 192

111-4-3652	New	V. 40, p. 193	111-19-86	New	V. 39, p. 870	111-501-150	New	V. 39, p. 72
111-4-3653	New	V. 40, p. 194	111-19-87	New	V. 39, p. 901	111-501-151	Amended	V. 40, p. 1236
111-4-3654	New	V. 40, p. 196	111-19-88	New	V. 39, p. 901	111-501-152	New	V. 39, p. 73
111-4-3655	New	V. 40, p. 197	111-19-89	New	V. 39, p. 1082	111-501-153	New	V. 39, p. 74
111-4-3656	New	V. 40, p. 199	111-19-90	New	V. 39, p. 1115	111-601-4	Amended	V. 39, p. 1117
111-4-3657	New	V. 40, p. 427	111-19-91	New	V. 39, p. 1116	111-601-6	Amended	V. 39, p. 1117
111-4-3658	New	V. 40, p. 573	111-19-92	New	V. 39, p. 1116	111-601-35	Amended	V. 40, p. 580
111-4-3659	New	V. 40, p. 575	111-19-93	New	V. 39, p. 1337	AGENCY 112: KANSAS RACING AND GAMING COMMISSION		
111-4-3660	New	V. 40, p. 576	111-19-94	New	V. 39, p. 1405	Reg. No.	Action	Register
111-4-3661	New	V. 40, p. 920	111-19-95	New	V. 39, p. 1405	112-105-1	Amended	V. 39, p. 251
111-4-3662	New	V. 40, p. 921	111-19-96	New	V. 39, p. 1406	AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS		
111-4-3663	New	V. 40, p. 1133	111-19-97	New	V. 40, p. 42	Reg. No.	Action	Register
111-4-3664	New	V. 40, p. 1134	111-19-98	New	V. 40, p. 43	115-1-1	Amended	V. 40, p. 498
111-4-3665	New	V. 40, p. 1135	111-19-99	New	V. 40, p. 44	115-2-1	Amended	V. 39, p. 1525
111-4-3666	New	V. 40, p. 1136	111-19-100	New	V. 40, p. 200	115-3-1	Amended	V. 40, p. 1131
111-4-3667	New	V. 40, p. 1137	111-19-101	New	V. 40, p. 430	115-3-2	Amended	V. 40, p. 721
111-4-3668	New	V. 40, p. 1138	111-19-102	New	V. 40, p. 578	115-4-2	Amended	V. 39, p. 617
111-4-3669	New	V. 40, p. 1157	111-19-103	New	V. 40, p. 579	115-4-4	Amended	V. 40, p. 1132
111-4-3670	New	V. 40, p. 1158	111-19-104	New	V. 40, p. 1139	115-4-4a	Amended	V. 39, p. 1527
111-4-3671	New	V. 40, p. 1226	111-19-105	New	V. 40, p. 1140	115-4-6	Amended	V. 40, p. 500
111-4-3672	New	V. 40, p. 1227	111-19-106	New	V. 40, p. 1140	115-5-1	Amended	V. 39, p. 1103
111-4-3673	New	V. 40, p. 1228	111-19-107	New	V. 40, p. 1161	115-6-1	Amended	V. 39, p. 1103
111-4-3674	New	V. 40, p. 1228	111-19-108	New	V. 40, p. 1161	115-7-3	Amended	V. 39, p. 1528
111-4-3675	New	V. 40, p. 1229	111-19-109	New	V. 40, p. 1162	115-7-10	Amended	V. 39, p. 1528
111-4-3676	New	V. 40, p. 1230	111-19-110	New	V. 40, p. 1234	115-8-1	Amended	V. 40, p. 1133
111-4-3677	New	V. 40, p. 1232	111-19-111	New	V. 40, p. 1235	115-9-6	Amended	V. 40, p. 721
111-4-3678	New	V. 40, p. 1350	111-19-112	New	V. 40, p. 1235	115-14-12	Amended	V. 39, p. 1271
111-4-3679	New	V. 40, p. 1351	111-19-113	New	V. 40, p. 1236	115-14-13	Amended	V. 39, p. 1273
111-4-3680	New	V. 40, p. 1352	111-19-114	New	V. 40, p. 1354	115-14-14	Amended	V. 39, p. 1275
111-4-3681	New	V. 40, p. 1354	111-301-3	Amended	V. 40, p. 924	115-18-7	Revoked	V. 39, p. 1528
111-4-3682	New	V. 40, p. 1423	111-301-4	Amended	V. 39, p. 534	115-18-10	Amended	V. 39, p. 1528
111-4-3683	New	V. 40, p. 1425	111-301-5	Amended	V. 40, p. 925	115-18-12	Amended	V. 39, p. 1529
111-5-22	Amended	V. 40, p. 922	111-301-6	Amended	V. 40, p. 926	115-18-13	Revoked	V. 40, p. 721
111-5-24	Amended	V. 40, p. 922	111-301-43	Amended	V. 39, p. 537	AGENCY 117: REAL ESTATE APPRAISAL BOARD		
111-5-223	Amended	V. 40, p. 428	111-301-60	Amended	V. 39, p. 66	Reg. No.	Action	Register
111-5-245	New	V. 39, p. 577	111-301-62	Amended	V. 39, p. 67	117-8-3	Amended	V. 40, p. 920
111-5-246	New	V. 40, p. 429	111-301-64	Amended	V. 39, p. 538	AGENCY 129: DEPARTMENT OF HEALTH AND ENVIRONMENT – DIVISION OF HEALTH CARE FINANCE		
111-5-247	New	V. 40, p. 1139	111-301-66	Amended	V. 39, p. 538	Reg. No.	Action	Register
111-9-223	New	V. 39, p. 625	111-301-72	New	V. 39, p. 1338	129-6-103	Amended	V. 39, p. 1557
111-9-224	New	V. 39, p. 867	111-301-73	New	V. 39, p. 1338	129-9-9	New (T)	V. 39, p. 647
111-9-225	New	V. 40, p. 578	111-301-74	Amended	V. 40, p. 928	129-9-9	New	V. 39, p. 1019
111-9-226	New	V. 40, p. 923	111-301-75	Amended	V. 40, p. 928	129-10-31	Amended	V. 39, p. 800
111-9-227	New	V. 40, p. 923	111-301-76	Amended	V. 40, p. 928	AGENCY 132: 911 COORDINATING COUNCIL		
111-9-228	New	V. 40, p. 924	111-302-4	Amended	V. 39, p. 68	Reg. No.	Action	Register
111-15-1	Amended	V. 40, p. 1159	111-302-5	Amended	V. 39, p. 1082	132-1-1	Revoked	V. 40, p. 1422
111-15-3	Amended	V. 40, p. 1160	111-305-5	Amended	V. 39, p. 539	132-1-2	New	V. 40, p. 1422
111-15-4	Amended	V. 39, p. 1081	111-305-6	Amended	V. 39, p. 539	132-2-1	Amended	V. 40, p. 1422
111-15-5	Amended	V. 39, p. 1081	111-401-253	New	V. 39, p. 69	132-3-1	Amended	V. 40, p. 1422
111-15-6	Amended	V. 39, p. 1081	111-401-254	New	V. 39, p. 69	132-4-1	Amended	V. 40, p. 1422
111-15-10	Amended	V. 39, p. 1082	111-401-255	New	V. 39, p. 71	132-4-2	New	V. 40, p. 1423
111-19-72	Amended	V. 39, p. 64	111-501-16	Amended	V. 40, p. 1355	132-4-3	New	V. 40, p. 1423
111-19-73	New	V. 39, p. 64	111-501-18	Amended	V. 40, p. 1355	132-5-1	New	V. 40, p. 1423
111-19-74	New	V. 39, p. 65	111-501-19	Amended	V. 40, p. 1356	132-6-1	New	V. 40, p. 1423
111-19-75	New	V. 39, p. 65	111-501-20	Amended	V. 40, p. 1357	AGENCY 112: KANSAS RACING AND GAMING COMMISSION		
111-19-76	New	V. 39, p. 74	111-501-22	Amended	V. 40, p. 1163	Reg. No.	Action	Register
111-19-77	New	V. 39, p. 578	111-501-44	Amended	V. 40, p. 929	132-1-1	Revoked	V. 40, p. 1422
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