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The Kansas Register is an official publication of the state of Kansas, published by authority of K.S.A. 75-430. The Kansas Register is published weekly and a cumulative index is published annually by the Kansas Secretary of State.

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Current and back issues of the Kansas Register (HTML and PDF Format) can be found at https://www.sos.ks.gov/publications/kansas-register.html.

Register Office: 1st Floor, Memorial Hall 785-368-8095 kansasregister@ks.gov



Published by
Scott Schwab
Secretary of State
1st Floor, Memorial Hall
120 SW 10th Ave.
Topeka, KS 66612-1594
785-296-4564
https://www.sos.ks.gov

#### 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 <a href="mailto:legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislative-legislativ

Date	Room	Time	Committee	Agenda
June 30	582-N	10:00 am	Joint Committee on Special Claims Against the State	Review of claims against the state.

Tom Day, Director Legislative Administrative Services

Doc. No. 050284

#### 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 6-27-22 through 7-3-22

Term	Rate
1-89 days	1.58%
3 months	1.71%
6 months	2.37%
12 months	2.90%
18 months	3.05%
2 years	3.12%

Scott Miller Director of Investments

Doc. No. 050269

(Published in the Kansas Register June 30, 2022.)

# City of Overland Park, Kansas

#### **Notice of Public Information Meeting**

The City of Overland Park, Kansas will be conducting an in-person public information meeting for the upcoming roadway improvement project at the intersection of 103rd Street and Antioch. This meeting is an "open house" and will not have a formal presentation. The meeting is scheduled from 5:00 p.m. to 7:00 p.m. Thursday, July 7, 2022, at the Tomahawk Ridge Community Center, 11902 Lowell, Overland Park, Kansas.

Please contact Kyle Dieckmann at 913-895-6053 with your questions or concerns. If you need special accommodations for the meeting, call 913-895-6155 (Kansas Relay Service 1-800-766-3777). Please give 48-hours' notice.

Si requière asistencia en español, favor de llamar a Ed Reyes al 913-895-6047.

Jennifer Gilbert Contract Specialist Public Works Department (Published in the Kansas Register June 30, 2022.)

# City of Overland Park, Kansas

## **Notice of Public Information Meeting**

The City of Overland Park, Kansas will be conducting a Google Meet public information meeting, regarding the Switzer Road Improvements, 159th Street to 167th Street project at 5:30 p.m. Tuesday, July 12, 2022. The main focus of the meeting will be to introduce the contractor and go over the anticipated construction schedule for the project.

To view and listen to the virtual meeting online using a device connected to the internet, please use the video call link at https://meet.google.com/zpn-uyao-wrd.

To listen to the meeting by phone, please dial 929-238-0813 and enter PIN 962 496 702# when prompted:

Please contact Brent Gerard, Civil Engineer, at the City of Overland Park, Kansas at 913-895-6193, if you have any questions about the meeting.

If you need special accommodations for the meeting, call 913-895-6155 (Kansas Relay Service 1-800-766-3777). Please give 48-hrs notice.

Si requière asistencia en español, favor de llamar a Ed Reyes al 913-895-6047.

Jennifer Gilbert Contract Specialist Public Works Department

Doc. No. 050283

#### State of Kansas

# Department of Agriculture Division of Conservation

## **Notice to Contractors**

Separate sealed BIDS for the construction of a project consisting of the FRD No. 2 Slope Protection Project and the FRD No. 4 Slope Protection Project, both in Kearny County, will be received by the Lakin Watershed District No. 49, 1652 Road 160, Lakin, KS 67860 until 1:30 p.m., August 9, 2022, and then at said time and place publicly opened and read aloud.

(continued)

Doc. No. 050282

The bidding documents may be examined at the Kearny County Clerk's Office, 304 N. Main St., Lakin, Kansas, during business hours.

Copies of the bidding documents may be obtained by contacting Rural Resources Consulting, LLC, 751 SE CR 36, Syracuse, KS 67878, phone 785-820-6093, email frankc. mercurio@gmail.com. Paper copies of the bidding documents may be obtained upon payment of \$25 per set, non-refundable. Electronic copies of the bidding documents may be obtained at no charge if transmitted by email.

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. 050274

### **State of Kansas**

# Department of Health and Environment Division of Health Care Finance

#### **Public Notice**

The Kansas Department of Health and Environment, Division of Health Care Finance (KDHE-DHCF) is amending the Kansas Medicaid State Plan to add additional over 21 adult dental benefits. Prior authorizations are also defined for select medical procedures and select dental procedures associated with medically necessary extractions.

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

Fee-For- Service Only	Estimated Federal Financial Participation
FFY 2022	\$165
FFY 2023	\$656

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

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

The last day for public comment is August 1, 2022. Draft copies of the proposed SPA may also be found at a Local Health Department (LHD).

Sarah Fertig State Medicaid Director

Doc. No. 050278

## **State of Kansas**

# Department of Health and Environment Division of Health Care Finance

#### **Public Notice**

The Kansas Department of Health and Environment, Division of Health Care Finance (KDHE-DHCF) is amending the Kansas Medicaid State Plan. Effective July 1, 2021, the 2021 Kansas Legislature passed HB 2254 to increase the total amount designated for funeral services in an irrevocable burial agreement to \$10,000. This limit (statutory funeral services cap) is to be increased every July 1st thereafter by the cumulative percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) in the Midwest Region from May 2021 (the base year) to May of the current year.

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

Fee-For-	<b>Estimated Federal</b>
Service Only	Financial Participation
FFY 2022	\$0
FFY 2023	\$0

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

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

The last day for public comment is August 1, 2022.

Sarah Fertig State Medicaid Director

Doc. No. 050279

## **State of Kansas**

# Wichita State University

#### Notice of Intent to Lease Real Property

Public notice is hereby given that Wichita State University (WSU), directly or through its affiliate corporation Wichita State Innovation Alliance, Inc., intends to lease, subject to all required state approvals, up to four acres of real property located on the Wichita State University's campus designated as the "Innovation Campus," for the private development and operation of a partnership building or buildings. The university is interested in leasing such ground to any individual, organization, or entity whose presence on campus would advance the university's applied learning vision or its mission as an educational, cultural, and economic driver for Kansas and the greater public good. The university intends to lease such space for a mutually agreeable period of time up to sixty years, but extended terms and renewal options would be considered. Interested tenants must be willing to be a good fit with the university's educational mission and identify anticipated benefits to the university, its students, and the WSU community (i.e. applied learning, joint research, faculty start-up, WSU curriculum or program support, etc.), and must agree to the essential ground lease terms and restrictive covenants. Interested tenants will be evaluated on: proposal terms, demonstrated benefit to WSU, design concepts, financial stability, and proposed use. Interested tenants will be required to construct adjacent and adequate surface parking that will not be included in the leased ground. Rental rate shall be based on fair market value and negotiable based on term of lease, purpose/use of building improvement, and benefit to the university. The university will consider serious offers and inquiries with detailed proposal terms from any financially qualified individual, group, organization. If interested, please contact Senior Vice President for Industry and Defense Programs, Dr. John Tomblin at john.tomblin@wichita.edu or Property Manager Crystal Stegeman at crystal.stegeman@wichita.edu. This publication is being published pursuant to K.S.A. 75-430a(d), to the extent applicable.

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

Doc. No. 050070

#### State of Kansas

# **Board of Regents Universities**

## **Notice to Bidders**

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

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

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

Kansas State University – Bid postings: https://dfs.ksucloud.net/rfq. All bids must be submitted via Kansas State University's Vendor Bid Submission Secure File Upload portal, https://www.k-state.edu/finsvcs/purchasing/bidsubmission.html. Additional contact information: phone: 785-532-6214, fax: 785-532-5577, email: kspurch@k-state.edu. Mailing address: Division of Financial Services/Purchasing, 2323 Anderson Ave., Kansas State University, Manhattan, KS 66506.

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

University of Kansas – Electronic bid postings: http://www.procurement.ku.edu. Due to Covid-19, the Univer-

sity of Kansas will not be accepting paper bids until further notice. Additional contact information: phone: 785-864-5800, email: purchasing@ku.edu.

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

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

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

Doc. No. 049784

#### State of Kansas

# Department of Administration Office of Procurement and Contracts

#### **Notice to Bidders**

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

All bids are to be submitted via email only to procurement@ks.gov. For more information, please visit https://supplier.sok.ks.gov/psc/sokfsprdsup/SUPPLIER/ERP/c/SCP\_PUBLIC\_MENU\_FL.SCP\_PUB\_BID\_CMP\_FL.GBL.

07/20/2022	EVT0008637	Kansas Department of Wildlife and Parks Printing of a Bi- monthly Magazine
07/20/2022	EVT0008635	Kansas Wildlife and Parks KWLP
		Magazine Printing
07/21/2022	EVT0008638	Study for Career Campus at
		Lansing Correctional Facility
07/25/2022	EVT0008633	Nursing Facility Mental Health
		(NFMH) Services
08/02/2022	EVT0008639	Governor's Office of Recovery
		Learning Recovery Grant
		Program

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

https://supplier.sok.ks.gov/psc/sokfsprdsup/SUPPLIER/ERP/c/SCP\_PUBLIC\_MENU\_FL.SCP\_PUB\_BID\_CMP\_FL.GBL

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

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

07/19/2022	A014358	Larned State Hospital Adult
		Treatment Center Fire Alarm
		System Replacement
07/19/2022	A014447	Hutchinson Correctional Facility
		Power Plant and Old Clinic
		Reroof
07/21/2022	A014525	Adjutant General Department
		Salina Nickell Barracks

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. 050289

(Published in the Kansas Register June 30, 2022.)

# Mid Kansas Coop and CHS of Rice County, Kansas

#### **Notice to Bidders**

Mid Kansas Coop and CHS (MKC-CHS) of Rice County, Kansas is currently seeking bidders for a rail loop construction project at their facility in Rice County, Kansas. Interested bidders need to contact Benjamin Nye with ASM Engineering Consultants, LLC (ASM) at bnye@asm4.com to request a bid package for the upcoming project. The bid package will include bid documents, plans, and specifications. Bid packages for the project will be available June 23, 2022. A pre-bid meeting will occur at 9:00 a.m. July 8, 2022, via Zoom. Interested bidders should contact Benjamin Nye with ASM at bnye@asm4. com for a meeting invitation. Bids will be due by 12:00 p.m. July 14, 2022.

The work consists of the following major items: approximately 10,700 track feet of new rail construction, five turnouts, installation of track through unloading shed, and installation of gas line protection bridge per the construction documents. This project is the recipient of a KDOT State Rail Service Improvement Fund program grant and the contract for work will be directly with MKC-CHS. MKC-CHS reserves the right to reject any or all bids. Questions regarding the project should be directed to Benjamin Nye with ASM at bnye@asm4.com.

Benjamin Nye, P.E. Project Engineer AMS Engineering Consultants, LLC

Doc. No. 050266

# State of Kansas

# Department of Health and Environment

#### **Public Notice**

The Kansas Department of Health and Environment (KDHE) has reviewed an application from Bourbon County, to add a source-separated organic waste and yard waste composting facility to their existing construction and demolition landfill and waste transfer station permit number 0512. Approved source-separated items requested for composting are waste grain, wood chips, and spent soybeans. The composting pad will be constructed about

350 feet straight south of the waste transfer station. In the future, additional source-separated materials may be composted if specifically approved by KDHE.

The composting facility will be located at 2274 Noble Rd., Fort Scott, Kansas, in the SW4 of Section 17-T25S-R25E. The annual weight of incoming organic material is expected to be 1,000 tons. The entrance to the composting facility (and transfer station) will be fenced, gated, and locked, except during business hours.

KDHE has reviewed the application from the Bourbon County to expand their existing permit number 0512, through the Bureau of Waste Management, and has found the application to be in conformance with state solid waste statutes and regulations. KDHE is providing public notice of its intent to add yard waste and source-separated waste composting to the existing Bourbon County permit, at the existing county property described herein. A copy of the administrative record, which includes the draft permit page and all information regarding this permit action, is available for public review until July 29, 2022, during normal business hours, Monday through Friday, at the following location:

Bourbon County Clerk's Office 210 S. National Ave. Fort Scott, KS 66701 Contact: Ashley Shelton 620-223-3800 countyclerk@bourboncountyks.org

Additionally, the application form with primary permit information is available for public viewing on the KDHE Bureau of Waste Management website at https://www.kdhe.ks.gov/676/Solid-Waste-Public-Notices. A map of the site can be found at this link.

Anyone wishing to comment on the draft permit information should submit written statements postmarked no later than July 29, 2022, to Emery Wiens, at the following address:

Kansas Department of Health and Environment Bureau of Waste Management 1000 SW Jackson, Suite 320 Topeka, KS 66612 785-296-2751 Emery.Wiens@ks.gov

After consideration of all comments received, the director of the Division of Environment of KDHE will make a final decision on whether to issue the permit. Notice of the decision will be given to anyone who submitted written comments during the comment period and to those who requested notice of the final permit decision.

Janet Stanek Secretary

Doc. No. 050270

## State of Kansas

# Department of Health and Environment

# **Notice of CMS Approval**

Pursuant to K.S.A. 65-6208(c), notice is hereby given that the Kansas Department of Health and Environment has received approval from the United States Centers for Medicare and Medicaid Services to amend the KanCare Section 1115 demonstration's budget neutrality agreement, which will support the state in implementing the changes made to the Health Care Access Improvement Program by L. 2020, Ch. 7, Sec. 1. These changes shall be effective on and after July 1, 2022.

Janet Stanek Secretary

Doc. No. 050273

## 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. Cobalt Boats 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.

Cobalt Boats, 1715 N. 8th St., Neodesha, KS 66757, owns and operates a small boat and cruiser manufacturing facility located at 1701 N. 9th St., Neodesha, Wilson County, KS 66757.

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 Jacob Zortman, 785-296-5231, at the central office of the KDHE or Ryan Jack, 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 https://www.kdhe.ks.gov/413/Public-Notices.

Please direct written comments or questions regarding the proposed permit to Jacob Zortman, 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 a.m. Monday, August 1, 2022.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Jacob Zortman, KDHE BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366, no later than 12:00 a.m. Monday, August 1, 2022, 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.

Janet Stanek Secretary

Doc. No. 050290

#### **State of Kansas**

# **Department of Health and Environment**

# Notice Concerning Kansas/Federal Water Pollution Control Permits and Applications

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

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

#### Public Notice No. KS-AG-22-153

# Application(s) for New or Expansion of Existing Swine Facilities

Name and Address of Applicant

Hartter Bros Pork, LLC 2225 192nd Rd. Sabetha, KS 66534 Owner of Property Where Facility Will Be Located

Hartter Bros Pork, LLC 2225 192nd Rd. Sabetha, KS 66534

# **Legal Description**

#### **Receiving Water**

NW/4 of Section 27 T02S, R14E Nemaha County Kansas River Basin

Kansas Permit No. A-KSNM-S046

This is notification KDHE has received a complete permit application for the operation of a swine waste management facility capable of housing 2,400 head (960 animal units) of swine weighing more than 55 pounds each. The complete application can be viewed at the office of the Nemaha County Clerk, the KDHE District Office in Lawrence, Kansas or the KDHE Main Office in Topeka, Kansas. A permit to operate the proposed swine waste management system will not be issued without additional public notice.

# Public Notice No. KS-AG-22-154/158

# **Pending Permits for Confined Feeding Facilities**

Name and Address of Applicant	Legal Description	Receiving Water
Roger F. Murphy Irrevocable Trust Paul Woydziak 355 NW 30 Ave. Great Bend, KS 67530	NW/4 of Section 02 T19S, R14W Barton County	Upper Arkansas River Basin

Kansas Permit No. A-UABT-C005 Federal Permit No. KS0088536

The proposed action is to reissue an existing state permit for an existing facility for 1,350 head (1,350 animal units) of cattle more than 700 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Circle R Farms, LLP - River Feedlot 22450 Short Rd. Belvue, KS 66407	NW/4 of Section 04 T10S, R11E Pottawatomie County	Kansas River Basin

Kansas Permit No. A-KSPT-B002

The proposed action is to reissue an existing state permit for an existing facility for 700 head (350 animal units) of cattle 700 pounds or less and 299 head (299 animal units) of cattle more than 700 pounds for a total of 649 animal units. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Waters Farm Johnathan B. Waters 2285 Road P Bird City, KS 67731	NE/4 of Section 24 T03S, R39W Cheyenne County	Upper Republican River Basin

Kansas Permit No. A-URCN-B002

The proposed action is to reissue an existing state permit for an existing facility for 980 head (980 animal units) of cattle weighing more than 700 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
DeVon Benfer 1891 N. 180th Rd.	NE/4 of Section 36	Lower Republican
Concordia, KS 66901	T05S, R03W Cloud County	River Basin

Kansas Permit No. A-LRCD-M002

The proposed action is to reissue an existing state permit for an existing facility for 60 head (84 animal units) of mature dairy cattle weighing

greater than 700 pounds, 130 head (65 animal units) of cattle weighing 700 pounds or less and 80 head (80 animal units) of cattle weighing more than 700 pounds; for a total of 229 animal units. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Bethell Hog Farm 32700 Stanley Rd. Melvern, KS 66510	NE/4 of Section 28 T18S, R17E Osage County	Marais des Cygnes River Basin

Kansas Permit No. A-MCOS-H001 Federal Permit No. KS0093734

The proposed action is to approve an update to the Nutrient Management Plan (NMP) received for this existing facility currently permitted for 4,800 head (1,920 animal units) of swine more than 55 pounds. The facility's NMP was updated to include a change in the application rate limitation for one field. The fields' application rate limitation had become less restrictive than the previous NMP. There are no changes to the permit or in the permitted number of animal units. Only the updated portion of the Nutrient Management Plan is subject to comment. This facility has an approved Nutrient Management Plan on file with KDHE.

## Public Notice No. KS-Q-22-054/055

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

Name and Address of Applicant	Receiving Stream	Type of Discharge
Norton Correctional Facility PO Box 546 Norton, KS 67654	Prairie Dog Creek via Walnut Creek	Treated Domestic Wastewater

Kansas Permit No. M-UR16-OO02 Federal Permit No. KS0095834

Legal Description: SE1/4, SW1/4, SW1/4, S28, T2S, R22W, Norton County, Kansas

Facility Location: 11130 Road E4, Norton, KS 67654

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a six-cell wastewater stabilization lagoon system. The proposed permit includes a schedule of compliance for the permittee to meet final effluent ammonia limits. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, and ammonia, as well as monitoring for pH, E. coli, arsenic, and total phosphorus.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Stafford, City of PO Box 280 Stafford, KS 67578	North Fork Ninnescah River via Dooleyville Creek	Treated Domestic Wastewater

Kansas Permit No. M-AR84-OO01 Federal Permit No. KS0028231

Legal Description: NE¼, NW¼, SE¼, S18, T24S, R11W, Stafford County, Kansas

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a three-cell wastewater stabilization lagoon system. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as monitoring for pH, ammonia, and E. Coli.

## Public Notice No. KS-PT-22-006

The requirements of the draft permit public noticed below are pursuant to the Kansas Administrative Regulations 28-16-82 through 28-16-98, and U.S. Environmental Protection Agency Pretreatment Regulation 40 CFR 403.

Name and Address of Applicant	Receiving Facility	Type of Discharge
KMW, Ltd. 535 W. Garfield Sterling, KS 67579	Sterling Municipal Wastewater Treatment Plant	Process Wastewater
Kansas Permit No. PA	R85-0001	

Kansas Permit No. P-AR85-OO01 Federal Permit No. KSP000113

The proposed action is to reissue an existing pretreatment permit for an existing facility. This facility manufactures backhoes and end loaders made of steel. The steel is processed in a three-stage phosphating operation, prior to being painted, using well water. Phosphating is considered to be a type of conversion coating operation, which is one of six core processes under the Metal Finishing Standard. Outfall 001 consists of spent phosphating wastes, which is discharged to the city sewer, after the wastewater is treated and solids are removed. The proposed permit has pretreatment limitations for pH, total toxic organics, cadmium, chromium, copper, lead, nickel, silver, zinc, and cyanide.

#### Public Notice No. KS-EG-22-016

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

#### Name and Address of Applicant

Occidental Chemical Corporation 6200 S. Ridge Rd. Wichita, KS 67215

Permit No. KS-03-173-OLNI

Legal Description:	S29, T29S R3W, Sedgwick County, Kansas
Well Number	Location
Lemon 1-0:	Latitude: 37.505464" Longitude: -97.612897"
Lemon 1-1:	Latitude: 37.505472" Longitude: -97.611864"
Lemon 1-2:	Latitude: 37.505483" Longitude: -97.610828"
Lemon 1-3:	Latitude: 37.505492" Longitude: -97.609794"
Lemon 1-4:	Latitude: 37.5055" Longitude: -97.608761"
Lemon 1-5:	Latitude: 37.505508" Longitude: -97.607728

The proposed action is to reissue six Class III Injection Well permits for the wells listed above. These wells are authorized to mine salt from the Hutchinson Salt Member of the Wellington Formation by solution mining methods or as otherwise specified within the permit. Freshwater shall be injected into and saturated brine withdrawn from wells Lemon 1-1, Lemon 1-2, Lemon 1-3, Lemon 1-4 and Lemon 1-5. Lemon 1-0 is the access well to drill the horizontal borehole to connect the production wells in this gallery. The top of the cavity shall be no shallower than 250 feet below land surface. Mining shall not extend into the upper 50 feet of the salt deposit. The maximum operational injection pressure is not to exceed 130 pounds per square inch at the wellhead. The Wellington Formation consists of inter-bedded salt and shale deposits with minor amounts of gypsum. The upper portion of the formation is primarily clayey shale with small

amounts of gypsum present. The lower portion, which is known as the Hutchinson Salt member, is mainly salt with inter-bedded shale deposits. The salt deposits beneath Occidental Chemical Corporation's salt mining operations described herein are first encountered at about 270 feet below ground surface and extended to a depth of about 470 feet. All construction, monitoring, and operation of these wells shall meet the requirements that apply to Class III Injection wells under the Kansas UIC Regulations, K.A.R. 28-46-1 through 28-46-45 and other requirements of KDHE.

Persons wishing to comment on or object to the draft documents and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment (KDHE) if they wish to have the comments or objections considered in the decision-making process. All written comments regarding the draft documents, application or registration notices received on or before July 30, 2022, will be considered in the formulation of the final determination regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-22-153/158, KS-Q-22-054/055, KS-PT-22-006, KS-EG-22-016) and name of the applicant/permittee when preparing comments.

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

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

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

> Janet Stanek Secretary

Doc. No. 050280

#### State of Kansas

# Department of Health and Environment

# Notice of Pending Kansas Water Pollution Control General Permit

The Kansas Department of Health and Environment (KDHE) has prepared a Kansas/NPDES Water Pollution Control General Wastewater Control Permit for operating wastewater treatment/retention facilities for readymixed concrete plants, concrete product plants, and their associated facilities. The draft permit covers both total retention facilities and facilities which discharge treated wastewater to surface waters of the state. The draft permit also requires the permittee to submit a stormwater pollution prevention certification and Comprehensive Site Compliance Evaluation annually.

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

The draft permit contains limits for oil and grease, total suspended solids, pH, and monitoring for total recoverable iron and visual water quality standards. The permittee is also required to conduct inspections of the stormwater runoff control system. To be covered under the draft permit, the permittee is required to submit the notice of intent and receive a signed and dated permit from KDHE.

Copies of the notice of intent application, instructions, draft permit, and fact sheet may be viewed at https://www.kdhe.ks.gov/1056/Technical-Services or requested in hard copy by writing: Kansas Department of Health and Environment, Bureau of Water–Technical Services Unit, 1000 SW Jackson St., Suite 420, Topeka, KS 66612-1367.

Persons wishing to comment on the draft permit must submit written comments to the above address by July 30, 2022.

Janet Stanek Secretary

Doc. No. 050281

# State of Kansas

# Department of Transportation

# **Notice to Consulting Firms**

The Kansas Department of Transportation (KDOT) is seeking a qualified consulting firm or team of firms to perform professional services for the project(s) described in Table 1 below. Interested consultants must email a proposal to KDOT.DesignContracts@ks.gov by 12:00 p.m. (CDT) July 27, 2022, to be considered for selection.

#### **Consultant Prequalification**

Interested consulting firms must be prequalified by KDOT or otherwise demonstrate qualification in categories:

- 171 Environmental Documentation
- 201 Location and Design Concept Studies/Corridor Studies
- 211 Highway Design-Major Facility
- 222 Standard Span Bridge Design
- 231 Traffic Control Analysis and Design
- 301 Land Surveying
- 302 Engineering Surveying
- 336 Right of Way Services
- 401 Landscape Seeding and Erosion Control

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

Table 1: Background and Scope of Project

Project Number	Background and Scope of Project	
KA-6560-01	Add passing lanes along US-169 in both Anderson and Allen Counties.	

**Table 2: Project Summary** 

Project Number	Route and Scope	Length (mi)	Project Termini
KA-6560-01	169–Multiple Counties Identify passing lane locations	55.36 miles	MP 54.26 to MP 108 Neosho/Allen County line north to the Anderson/Franklin County line
Project Number	Structure BR#, Structure Scope, Structure Size and Type		
KA-6560-01	US-169 passing lane additions may impact bridges/approaches or other structures (will be investigated during discovery phase).		

#### **Anticipated Consultant Scope**

KDOT anticipates the following will be included in the consultant's scope in this initial phase: Discovery Phase Services that includes an environmental review.

The selected consultant will need to gather and evaluate preliminary information.

Based on funding needs identified and developed during the Discovery Phase, the consultant selected for this request for proposals may or may not be selected to continue providing service up through the Preliminary and/or Final Design phases. Additional scope which may be added during later phases (at the Secretary's discretion) may include Surveying; Right of Way; Preliminary Design Services; Final Design Services; Pavement Design Services; Public Involvement Services; Geotechnical Engineering; Environmental Documentation Preparation (Permitting); Letting and Construction Phase Services; and 3D Electronic Deliverables Preparation.

Current expectations for consultant scope are detailed below. The scope included herein may not be all-

inclusive. A scoping meeting will take place after consultant selection is made.

## **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 bi-annual construction cost estimates and at major project milestones.

#### **Environmental**

- High-level data gathering.
- Identify potential issues.
- Subsequent phases may include:
  - Completing environmental data collecting and analysis.
  - Submitting findings.
  - Final permitting.

## Geotechnical

- Subsequent phases may include:
  - Soil investigations.
  - Bridge foundation geology.
  - Pavement field investigation and design.
  - Surfacing recommendations.

## Road Design

- Discovery Phase.
- Visit the project site location.
- Data gathering.
- Subsequent phases may include:
  - Develop plans to Materials and Research.
  - Building of the existing right of way.
  - Develop Preliminary Plans to Field Check.
  - Perform roadway geometric design, drainage design, and roadside safety analysis.
  - Final Plans.

#### Survey and Right of Way

- LIDAR for preliminary location surveys.
- Visit the project site location.
- Existing right of way from old plans.
- Existing centerline from old plans.
- Subsequent phases may include:
  - Provide a full survey including structures in the existing right of way. The deliverables shall incorporate the full project including the roadway and bridge surveys and will be provided in the Kansas Regional Coordinate System.
  - Establish and determine impacts to right of way and utilities.
  - Based upon consultant's field survey data and historical KDOT project information, consultant shall establish and compile into a right of way strip map the positions and locations of the existing highway right of way and property lines for the ownership adjacent thereto. Consultant shall perform these activities using coordinate geometry and Bentley Open Site Designer.

## **Bridge Design**

- Discovery Phase.
- Minimize impacts to bridges.
- Subsequent phases may include:
  - The consultant will propose and evaluate different (e.g.: skewed) framing layouts for review and acceptance by the KDOT Bridge Office. The goal is to identify passing lane locations that avoid or minimize impacts to bridges. Perform hydraulic analysis and determine type, size, and location of proposed replacement structures.

## **Traffic Engineering**

- Discovery Phase.
- Subsequent phases may include:
  - Develop permanent signing and pavement marking plans.
  - Develop Traffic Control Plans.

# **Anticipated Schedule and Key Dates**

- 1. Proposals are due by or before 12:00 p.m. (CDT) July 27, 2022
- 2. The program fiscal year for this project is FY 2027 (July 2026–June 2027).
- 3. Important dates in Discovery Phase:
  - a. Bstdy: November 9, 2022
  - b. Draftrept: July 13, 2023
  - c. Estdy: July 28, 2023

## **Instructions for Proposal**

- No cost or pricing information shall be submitted with the proposal. Proposals including cost or pricing information will be considered non-responsive and withdrawn from further consideration.
- 2. The consultant's proposal must not exceed 4 pages total (including any cover letter, index, etc.). All pages shall be standard letter size (8.5" x 11"). Any page larger than standard letter size will be count as two or more pages depending on size.
- 3. A single PDF (2MB maximum size) of the proposal including all attachments must be emailed to KDOT.DesignContracts@ks.gov by the proposal due date and time.
- 4. The subject line of the email and the PDF file name must read:
  - a. "KA-6560-01 U169 PsgLns in Allen.Anderson Cos.\_FIRM NAME"
- 5. The proposal must be accompanied by Special Attachments No. 8 ("Tax Clearance Certificate") and No. 10 ("Policy Regarding Sexual Harassment"). If you need a Tax Clearance Certificate, you can request one at <a href="https://www.ksrevenue.gov/taxclearance.html">https://www.ksrevenue.gov/taxclearance.html</a>. Allow 2-3 business days for processing.
- 6. The outline in Table 3 below describes the expected proposal organization and content sections.
- 7. Table 4 lists the evaluation criteria and associated weights which will be used to make a selection.

**Table 3: Proposal Content** 

Section	Description of Intent
Cover Letter	1 page

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

**Table 4: Evaluation Factors** 

Evaluation Factor	
Qualifications and experience of project manager and other key project team members proposed for services	30%
Project approach	30%
Approach and commitment to meet advertised schedule	10%
Past performance history for similar projects/services for KDOT	
Understanding of the project area	5%
The quality and completeness of the response	5%
Demonstrated understanding of nature and scope of project	

### **Contract Terms and Conditions**

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

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

#### **Questions**

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

Questions can be submitted until July 14, 2022; answers will be provided to all prequalified consultants on July 20, 2022.

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

Doc. No. 050286

# State of Kansas

# Department of Transportation

## Notice to Consulting Firms

The Kansas Department of Transportation (KDOT) is seeking a qualified consulting firm or team of firms to perform professional services for the project(s) described in Table 1 below. Interested consultants must email a proposal to KDOT.DesignContracts@ks.gov by 12:00 p.m. (CDT) July 15, 2022, to be considered for selection.

## **Consultant Prequalification**

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

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

**Table 1: Resource and Inspection Needs** 

Project Number	Resource and Inspection Needs	
KA-5563-01	Project manager and inspectors as necessary to inspect: Grading, concrete, PCCP, HMA commercial grade, traffic signals, erosion control, pavement marking, traffic control, AASHTOWare data entry, all project records, all project paperwork, and final paperwork, etc.	

**Table 2: Project Summary** 

Project Number	Route and Scope	<b>Project Location</b>
KA-5563-01	U069-006 Upgrade traffic signals and add battery backup with retroreflective backplates to all locations. Add right turn lanes at 6th and 12th street	US-69 in Bourbon County at 3rd, 6th, 12th and 25th Street intersections in Fort Scott

#### **Anticipated Consultant Scope**

KDOT anticipates the following to be included in the consultant's scope: Construction Inspection/Testing.

KA-5563-01 will be managed out of the KDOT office in Iola, Kansas.

# Anticipated Schedule and Key Dates

- Proposals are due by or before 12:00 p.m. (CDT) July 15, 2022
- 2. Anticipated Start Date: August 1, 2022
- 3. Estimated Working Days: 165 days

#### **Instructions for Proposal**

 No cost or pricing information shall be submitted with the proposal. Proposals including cost or pricing information will be considered non-responsive and withdrawn from further consideration.

- 2. The consultant's proposal must not exceed 4 pages total (including any cover letter, index, etc.). All pages shall be standard letter size (8.5" x 11"). Any page larger than standard letter size will be count as two or more pages depending on size.
- 3. A single PDF (2MB maximum size) of the proposal including all attachments must be emailed to KDOT.DesignContracts@ks.gov by the proposal due date and time.
- 4. The subject line of the email and the PDF file name must read:
  - a. "KA-5563-01–ConstInsp Intersection Imprvmt Bourbon Co\_FIRM NAME"
- 5. The proposal must be accompanied by Special Attachments No. 8 ("Tax Clearance Certificate") and No. 10 ("Policy Regarding Sexual Harassment"). If you need a Tax Clearance Certificate, you can request one at <a href="https://www.ksrevenue.gov/taxclearance.html">https://www.ksrevenue.gov/taxclearance.html</a>. Allow 2-3 business days for processing.
- 6. The outline in Table 3 below describes the expected proposal organization and content sections.
- 7. Table 4 lists the evaluation criteria and associated weights which will be used to make a selection.

**Table 3: Proposal Content** 

Table 3: Proposal Content		
Section	Description of Intent	
Cover Letter	(No more than 1 page)	
Project Approach	Describe how your firm will meet the fluctuating inspection needs of the project.	
Approach to Quality Control	Describe methods or procedures your firm will use to provide all services with professional quality and technical accuracy.	
Qualifications and Experience	For key personnel to be assigned to the project provide names, qualifications, education, training, and expertise. Identify their area(s) of responsibility and percent of their time dedicated to the project. List work for which you do not have in-house capability and name the firm you propose to subcontract with.	
Past Performance	Describe team's past performance with respect to ability to meet project schedules;	
Familiarity with KDOT and Project Area	Describe team's familiarity with KDOT's inspection processes and standards. Describe familiarity with the project area and any identified special site conditions.	

**Table 4: Evaluation Factors** 

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

# **Contract Terms and Conditions**

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

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

#### Questions

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

Questions can be submitted until July 5, 2022; answers will be provided to all prequalified consultants on July 11, 2022.

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

Doc. No. 050287

#### State of Kansas

# **Department of Transportation**

# **Notice to Consulting Firms**

The Kansas Department of Transportation (KDOT) is seeking a qualified consulting firm or team of firms to perform professional services for the project(s) described in Table 1 below. Interested consultants must email a proposal to KDOT.DesignContracts@ks.gov by 12:00 p.m. (CDT) July 15, 2022, to be considered for selection.

## **Consultant Prequalification**

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

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

Table 1: Resource and Inspection Needs

Project Number	Resource and Inspection Needs
KA-6202-01	Project manager and inspectors as necessary to inspect: HMA plant, HMA roadway, traffic control, CMS or AASHTOWare data entry.

**Table 2: Project Summary** 

Project Number	Route and Scope	Project Location
KA-6202-01	U024-075 1.5-inch cold mill and overlay including widening of existing asphalt portion of the shoulder from 3 feet to 6 feet with a 6-inch paved depth	US-24 in Pottawato- mie County from the Riley/Pottawatomie County line east 3.9 miles (Concrete Pavement)

## **Anticipated Consultant Scope**

KDOT anticipates the following to be included in the consultant's scope: Construction Inspection/Testing.

KA-6202-01 will be managed out of the KDOT office in Wamego, Kansas.

### **Anticipated Schedule and Key Dates**

- 1. Proposals are due by or before 12:00 p.m. (CDT) July 15, 2022
- 2. Anticipated Start Date: August 1, 2022
- 3. Estimated Working Days: 30 days

# **Instructions for Proposal**

- No cost or pricing information shall be submitted with the proposal. Proposals including cost or pricing information will be considered non-responsive and withdrawn from further consideration.
- 2. The consultant's proposal must not exceed 4 pages total (including any cover letter, index, etc.). All pages shall be standard letter size (8.5" x 11"). Any page larger than standard letter size will be count as two or more pages depending on size.
- 3. A single PDF (2MB maximum size) of the proposal including all attachments must be emailed to KDOT.DesignContracts@ks.gov by the proposal due date and time.
- 4. The subject line of the email and the PDF file name must read:
  - a. "KA-6202-01–ConstInsp in Pottawatomie Co\_FIRM NAME"
- 5. The proposal must be accompanied by Special Attachments No. 8 ("Tax Clearance Certificate") and No. 10 ("Policy Regarding Sexual Harassment"). If you need a Tax Clearance Certificate, you can request one at <a href="https://www.ksrevenue.gov/taxclearance.html">https://www.ksrevenue.gov/taxclearance.html</a>. Allow 2-3 business days for processing.
- 6. The outline in Table 3 below describes the expected proposal organization and content sections.
- 7. Table 4 lists the evaluation criteria and associated weights which will be used to make a selection.

**Table 3: Proposal Content** 

Section	Description of Intent	
Cover Letter	(No more than 1 page)	
Project Approach	Describe how your firm will meet the fluctuating inspection needs of the project.	
Approach to Quality Control	Describe methods or procedures your firm will use to provide all services with professional quality and technical accuracy.	
Qualifications and Experience	For key personnel to be assigned to the project provide names, qualifications, education, training, and expertise. Identify their area(s) of responsibility and percent of their time dedicated to the project. List work for which you do not have in-house capability and name the firm you propose to subcontract with.	
Past Performance	Describe team's past performance with respect to ability to meet project schedules; quality of work; and ability to control costs on similar transportation projects, especially those performed for KDOT. Include three references and contact information.	

Familiarity with
KDOT and
Project Area

Describe team's familiarity with KDOT's inspection processes and standards. Describe familiarity with the project area and any identified special site conditions.

**Table 4: Evaluation Factors** 

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

#### **Contract Terms and Conditions**

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

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

#### **Questions**

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

Questions can be submitted until July 5, 2022; answers will be provided to all prequalified consultants on July 11, 2022.

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

Doc. No. 050288

#### State of Kansas

# **Governmental Ethics Commission**

# **Opinion No. 2022-04**

Written June 22, 2022 to John Cozine, Esq., Associate Director, Compliance Services, State and Federal Communications, Inc., 80 S. Summit St., Suite 100, Akron, Ohio 44308.

Synopsis: Under the facts provided, this opinion provides an analysis of the "employed in a considerable degree for lobbying" statutory language defining lobbyists, and the prohibition on contingency compensation for lobbying.

Cited herein: K.S.A. 46-222, 46-225, and 46-267; K.A.R. 19-62-1; and Ethics Opinions 1974-56, 1975-7, and 1975-85.

#### Mr. Cozine,

This opinion is in response to your May 9, 2022, request for an opinion from the Kansas Governmental Ethics Commission concerning the lobbying provisions of the state level conflict of interest laws, K.S.A. 46-215 *et seq.* We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theo-

ry or agency rule or regulation applies to your inquiry is not covered by this opinion.

## **Factual Statement**

The opinion request provides the following facts:

In light of the broad registration requirements and contingency fee bans, we request an advisory opinion to assist in determining the parameters under which a salesperson who receives sales commissions for completed contracts with the state as part of his or her employment contract can sell to the state without running afoul of either the lobbyist registration requirements or contingency fee ban.

Company employees engaged in sales to government entities are paid under compensation plans which pay them commissions based on successfully completed contracts with governmental entities. Other employees, serving in more of a support role, received bonuses based on the overall sales success of their organization within the company. Employees may be assigned to sell, or support sales, exclusively in Kansas, or may have Kansas as a part of a larger, multi-state territory.

#### **Questions**

- 1. If a person is hired primarily to engage in government sales in a territory which includes Kansas and the employee engages with executive agency officials in an attempt to sell its company's products and services to the government and the employee does not engage with the legislative branch, are they considered by K.S.A. 46-222(a)(1) to be a person employed in considerable degree for lobbying requiring registration as a lobbyist in Kansas?
- 2. Does the answer change if Kansas is the only state in the employee's assigned territory?
- 3. Under K.S.A. 46-222(a)(2), would a person hired primarily to engage in government sales in a territory which includes Kansas be considered the primary representative of an organization if the organization has no "traditional" lobbyists registered to represent them in Kansas? Does the answer change if Kansas is the only state in which they are engaged in sales?
- 4. If required to register as a lobbyist are sales commissions paid upon closing a contract with the state barred by the contingency fee ban contained in K.S.A. 46-267(a)?
- 5. If required to register as a lobbyist, are bonuses paid to employees based on the overall sales success of their organization within the company, but not tied to any particular contract, barred by the contingency fee ban contained in K.S.A. 46-267(a)?
- 6. Are there any circumstances, other than the narrow exceptions contained in K.S.A. 46-225(g)(1), (4), and (5), that would permit a person engaged in selling to the state to be paid sales commissions?
- 7. Can you offer any additional guidance around what constitutes a "considerable degree" of lobbying in Kansas?

#### **Analysis and Opinion**

An employee who engages with an agency of the executive branch of Kansas government for a contract of more than \$5,000 is lobbying. In pertinent part, lobbying is defined in K.S.A. 46-225:

- (a) Except as otherwise provided, "lobbying" means: ... (2) promoting or opposing in any manner an action or nonaction by any executive agency on any executive administrative matter.
- (g) Lobbying does not include ... (5) communications regarding a contract, lease, or agreement of \$5,000 or less.

And "executive agency matter" and "executive agency" mean:

- (h) ... "executive administrative matter" means any rule and regulation, utility ratemaking decision, any agreement, contract, bid or bid process, or any procurement decision, including, but not limited to, any financial services agreement, software licensing, servicing or procurement agreement, any lease, grant, award, loan, bond issue, certificate, license, permit, administrative order or any other matter that is within the official jurisdiction or cognizance of the executive agency.
- (j) ... "executive agency" means any state agency, state office or state officer, state officer elect, or employee of the executive branch and includes but is not limited to, the board of regents and state board of education, but does not include local boards of education of school districts or municipalities or other political subdivisions.

The statutory definition of "executive agency matter" includes any contract. Seeking a contract from an "executive agency" necessarily requires promoting action by an executive agency. Consequently, an employee, employed in considerable degree as described in question one, is a lobbyist pursuant to K.S.A. 46-222(a)(1). Whether the territory assigned is limited to Kansas does not affect the conclusion that the salesperson is a lobbyist.

As provided in K.S.A. 46-222(a), there are four lobbyist definitions. Meeting any one of these means the employee is a lobbyist. The premise in question three (an employee who is hired primarily to lobby executive agencies for sales) means the employee is a lobbyist as provided in subparagraph (a)(1). Question two, regarding the subparagraph (a)(2) definition of lobbyist, is moot. Notwithstanding, K.A.R. 19-62-1(b) provides that "[w]here an appointment is made in conjunction with an employment status as set out in subsection (a) of this section, the provisions of that subsection shall control as to whether the employed person must register as a lobbyist."

We next consider K.S.A. 46-267, which provides in pertinent part:

(a) No person shall pay or accept or agree to pay or accept or arrange for a third party to pay or agree to pay present, future, promised or contingent compensation, or any part thereof, for lobby-

ing which is contingent upon the result achieved or attained.

(b) No person shall pay or accept or agree to pay or accept present, future, promised or contingent compensation, or any part thereof, for the referral of a person or persons to a lobbyist for lobbying services.

The subsection (a) and (b) provisions apply to sales commissions paid upon closing of a contract with the state and to bonuses paid to employees based upon overall sales success even if not tied to any particular contract. Such contingency compensation arrangements are prohibited for lobbyists when lobbying as defined in K.S.A. 46-225(a). The prohibition is not applicable to interactions with executive agencies which are excepted from the lobbying definition as enumerated in subsection (g), or otherwise not meeting the definition of lobbying.

We have discussed the "employed in considerable degree for lobbying" statutory language. In Opinion No. 1974-56, we said:

The Commission now directs your attention to the employment provision. We first note that unlike the appointment provision, it is irrelevant where the employed person lobbies. In other words, if a person is employed to lobby, that person must register before engaging in lobby activities regardless of whether he or she ever contacts a state officer or employee in person on state owned or operated property in Shawnee County.

We also wish to draw your attention to the modifying parenthetical phase "(in whole or in part)". It is the Commission's opinion that this phrase does not include every person whose duties include to a minute degree lobbying. Rather, to be within the phrase "in part", the purpose of the employment must be to a considerable degree for lobbying. Thus, a corporate executive who as part of his employment provision. However, where a person is hired in considerable degree to lobby, it is irrelevant that the lobbying is not a considerable amount of his or her overall business. Therefore, an attorney or other professional person who is specifically employed to a considerable degree to lobby must register regardless of the fact that the lobbying is not a considerable degree of his or her business or firm's business.

# In Opinion 1975-7, we noted:

In the situation where the individual is invited to attend such hearings in his capacity as an employee of another, however, the employment provision would be applicable but only to the extend [sic] the purpose of the employment is to a considerable degree test is met depends on a variety of factors. Without going into detail in this opinion on what factors will be considered in determining whether the considerable degree test is met, we note as a general rule that a limited number of appearances of the nature described above would not, solely on account of such appearance

es, require an individual to register as a lobbyist under the employment provision.

Perhaps the most definitive guidance about the "employed in considerable degree for lobbying" statutory language is in K.A.R. 19-62-1(a):

Employed lobbyists. Each person whose employment is, to a considerable degree, for the purpose of lobbying shall register as a lobbyist. A person is employed if the person receives compensation for or in direct relation to lobbying regardless of the technical legal definition of the relationship between the principal and the lobbyist. An executive of an organization who as part of the executive's duties incidentally lobbies shall not be required to register under this subsection. However, where a person is employed to a considerable degree for the purpose of lobbying it is irrelevant that the lobbying employment is not a substantial amount of the person's overall business. In determining whether an individual is employed to a considerable degree to lobby, that portion of the employment which relates to preparation for lobbying shall be taken into consideration.

#### Conclusion

As we indicated in Opinion 1975-85, "[w]hether the considerable degree test is met depends on a variety of factors, including the amount of time devoted to matters related to lobbying." To the extent that the questions discussed in this opinion are general, the circumstances they present would require registration as a lobbyist. In instances of more specific scenarios, a case-by-case discussion with agency staff may be of benefit to determine whether registration is necessary.

Sincerely,

Nicholas Hale, Chairman By Direction of the Commission

Doc. No. 050285

#### **State of Kansas**

# Office of the Governor

# Executive Order No. 22-05

WHEREAS, the National Flood Insurance Program (NFIP) is managed by the Federal Emergency Management Agency (FEMA); and

WHEREAS, floods can happen anywhere and cause significant damage to property and loss of lives; and

WHEREAS, some communities choose to adopt and enforce floodplain management regulations that help mitigate flooding effects and these communities are referred to as NFIP participating communities; and

**WHEREAS**, the State of Kansas is generally self-insured for risk of property loss below catastrophic levels; and

WHEREAS, the State of Kansas has an interest in protecting State assets against the risk of flood damage and loss;

**NOW, THEREFORE** pursuant to the authority vested in me as Governor of the State of Kansas, I hereby order as follows:

Whenever proposed construction of a state-owned development is to occur in a FEMA designated flood-prone area in a non-NFIP participating community, the Kansas Department of Administration shall require review of the proposed development to assure that:

- 1. All necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- 2. If the proposed construction is not in a NFIP participating community and the proposed building site is in a flood-prone area, all new construction and substantial improvements shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- 3. New and replacement water supply systems are designed to minimize or eliminate infiltration of flood water into the systems.
- 4. New and replacement sanitary sewage systems are designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and onsite waste disposal systems are located to avoid impairment to them or contamination from them during flooding; and
- 5. All other applicable requirements of 44 C.F.R. 60.3(a) through 44 C.F.R. 60.3(d) and any other relevant requirement of Federal or State law are met.

This document shall be filed with the Secretary of State as Executive Order 22-05 and shall become effective immediately.

Dated June 17, 2022.

Laura Kelly Governor

Doc. No. 050271

(Published in the Kansas Register June 30, 2022.)

# City of Pratt, Kansas

Summary Notice of Bond Sale \$6,100,000\* General Obligation Bonds, Series 2022

(General Obligation Bonds Payable from Unlimited Ad Valorem Taxes)

## **Bids**

Subject to the Notice of Bond Sale dated June 6, 2022 (the "Notice"), facsimile, written, and electronic bids will be received on behalf of the Clerk of the City of Pratt,

Kansas (the "Issuer") in the case of written or facsimile bids, at the address set forth below, and in the case of electronic bids, through PARITY® until 10:00 a.m. (CDT) July 18, 2022, for the purchase of the above-referenced bonds (the "Bonds"). No bid of less than 98.0% 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 August 9, 2022, and will become due on September 1 in the years as follows:

Year	Principal Amount*
2023	\$280,000
2024	550,000
2025	570,000
2026	595,000
2027	620,000
2028	645,000
2029	670,000
2030	695,000
2031	725,000
2032	750,000

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 March 1 and September 1 in each year, beginning on March 1, 2023.

#### **Book-Entry-Only System**

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

## Paying Agent and Bond Registrar

Treasurer of the State of Kansas, Topeka, Kansas.

#### **Good Faith Deposit**

Each bid shall be accompanied (in the manner set forth in the Notice) by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States of America or a wire transfer in Federal Reserve funds immediately available for use by the Issuer in the amount of \$122,000.

#### Delivery

The Issuer will pay for preparation of the Bonds and will deliver the same properly prepared, executed, and registered without cost to the successful bidder on or about August 9, 2022, to DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder, or elsewhere at the expense of the successful bidder.

#### **Assessed Valuation and Indebtedness**

The Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations for the year 2021 is \$49,920,437. The total general obligation indebtedness of the Issuer as of the Dated Date, including the Bonds being sold, is \$6,100,000.

## 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 at the addresses set forth below:

# Issuer – Written Bid Delivery Address and Good Faith Deposit Delivery Address

Ĉity of Pratt, Kansas Attn: LuAnn Kramer, Clerk 619 S. Main St. Pratt, KS 67124 620-672-5571 Fax: 620-672-6415

lkramer@cityofprattks.com

#### Financial Advisor – Facsimile Bid Delivery Address

Stifel, Nicolaus & Company, Inc. Attn: Bret Shogren

301 N. Main, Suite 800 Wichita, KS 67202 316-264-9351

Fax: 316-337-8492 shogrenb@stifel.com

Dated June 6, 2022.

LuAnn Kramer Clerk

\* Subject to change, see the Notice Doc. No. 050272

#### State of Kansas

# **Board of Nursing**

# Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 10:00 a.m. Tuesday, September 6, 2022, in Room 560 of the Landon State Office Building, 900 SW Jackson St., Topeka, Kansas, to consider the adoption of proposed changes in seven existing regulations relating to licensure and practice of Advanced Practice Registered Nurses (APRNs).

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. All interested parties may submit written comments prior to the hearing to Carol Moreland, Executive Administrator of the Kansas State Board of Nursing, 900 SW Jackson St., Room 1051, Topeka, KS 66612 or by email to carol.moreland@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. Phone comments will be taken by calling 1-877-278-8686 (access code 266223) at the time of the 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 statement 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 Carol Moreland at 785-296-5752. The north entrance to the Landon State Office Building is handicapped accessible. Handicapped parking is located at the north end of the Landon State Office Building, across the street from the north entrance to the building, and on Ninth Street, just around the corner from the north entrance to the building.

A summary of the proposed regulations and the economic impact follows. A copy of the proposed regulations and associated economic impact statement may be obtained by accessing the Kansas State Board of Nursing website at <a href="https://ksbn.kansas.gov">https://ksbn.kansas.gov</a> or by contacting the Carol Moreland, Executive Administrator, Kansas State Board of Nursing, Landon State Office Building, 900 SW Jackson St., Room 1051, Topeka, KS 66612, phone 785-296-5752, or <a href="mailto:carol.moreland@ks.gov">carol.moreland@ks.gov</a> prior to the date of the hearing.

K.A.R. 60-11-101. Definition of expanded role. The proposed revisions for this regulation delete the definition for a collaborative agreement with a responsible physician for licensed APRNs to practice in Kansas. The definitions of authorization for collaborative practice, physician, prescription and prescription order will be deleted. There is no economic impact difference to the Board of Nursing. Communication of the changes can be communicated to APRNs and stakeholders via existing communication venues. This change will eliminate the barrier that requires APRNs to have a collaborative agreement with a responsible physician. There may be some economic impact on businesses and the general public as there will be increased access to healthcare for the citizens of Kansas.

K.A.R. 60-11-103. Licensure and educational requirements for advanced practice registered nurses. The proposed revision adds language about the requirement for proof of APRN certification in the applicant's specific role and population focus for initial licensure applications submitted on and after July 1, 2023. Language was also added regarding the requirement to submit proof of malpractice insurance coverage if the applicant renders professional clinical services as an APRN, unless the APRN meets one of the exceptions listed in K.S.A. 65-1130 as amended by S Sub for HB 2279. The economic impact to the Board of Nursing is expenditure costs to update our licensing software to have the ability to document the proof of national certification and proof of malpractice insurance (approximately \$30,000). There may be an economic impact for the applicants for APRN licensure who do not currently have national certification and malpractice insurance, as they will need to obtain both. There is no economic impact on business or the general public. It is estimated access to healthcare will increase for the citizens of Kansas.

K.A.R. 60-11-104. Functions of the advanced practice registered nurse in the role of nurse practitioner. The proposed regulation deletes the "based on authoriza-

tion for collaborative practice" language for practicing as a nurse practitioner licensed in Kansas. There is no economic impact difference to the Board of Nursing for these proposed revisions. There is no economic impact on businesses or the general public. It is estimated access to healthcare will increase for the citizens of Kansas.

**K.A.R. 60-11-104a. Prescription orders.** Language was stricken about the need for a written protocol approved by the responsible physician. Language was added to include that APRNs are allowed to prescribe. There is no economic impact difference to the Board of Nursing for these proposed revisions.

K.A.R. 60-11-105. Functions of the advanced practice registered nurse in the role of nurse-midwife. The language "based on the authorization for collaborative practice" was stricken since the legislation eliminated the need for a collaborative agreement for a nurse-midwife to practice. There is no economic impact difference to the Board of Nursing for this proposed revision. It is estimated access to healthcare will increase for the citizens of Kansas.

K.A.R. 60-11-107. Functions of the advanced practice registered nurse in the role of clinical nurse specialist. The language "based on the authorization for collaborative practice" was stricken since the legislation eliminated the need for a collaborative agreement for a clinical nurse specialist to practice. There is no economic impact difference to the Board of Nursing for this proposed revision. It is estimated access to healthcare will increase for the citizens of Kansas.

K.A.R. 60-11-113. License renewal. Language was added that states for any APRN whose initial licensure is before July 1, 2023, the APRN may submit evidence of APRN certification at the time of license renewal. Language was also added that states an APRN shall provide proof of malpractice insurance coverage when renewing the license if the APRN renders professional clinical services, unless the APRN meets one of the exceptions listed in K.S.A. 65-1130 as amended by S Sub for HB 2279. There will be an economic impact for any APRNs that must have malpractice insurance and do not presently have it.

Carol Moreland Executive Administrator

Doc. No. 050277

#### State of Kansas

# Department of Health and Environment

# Notice of Hearing on Proposed Administrative Regulation

The Kansas Department of Health and Environment (KDHE), Division of Public Health, Bureau of Family Health, will conduct a public hearing at 11:00 a.m. Friday, September 9, 2022, in Room 530, Curtis State Office Building, 1000 SW Jackson, Topeka, Kansas, to consider the adoption of proposed amended maternal and child health regulation K.A.R. 28-4-114, regarding the application process and licensee requirements for day care homes and group day care homes for children.

A summary of the proposed regulation and estimated economic impact follows:

# **Summary of Regulation:**

**K.A.R. 28-4-114. Applicant; licensee.** Updates infant age in day care homes and group day care homes from under 18 months to under 12 months of age. Revises licensing capacities for one and two providers. Updates the age for maximum number of children in care from under 11 years to under 16 years of age.

## **Economic Impact:**

Cost to the agency: The proposed amended regulation will require staff time to update the agency handbook, "Kansas Laws and Regulations for Licensing Day Care Homes and Group Day Care Homes for Children." The costs for the update of the handbook and printing will be absorbed in the ongoing KDHE budget.

Cost to licensees: The proposed amended regulation has no implementation or compliance costs to child care licensees.

Costs to other governmental agencies or units: The proposed amended regulation applies to local units of government, including cities and counties, that operate a day care home or group day care home. For those licensees, there are no implementation or compliance costs.

A detailed economic impact is provided in the economic impact statement that is available from the designated KDHE contact staff person or at the KDHE Child Care Licensing website, as listed below.

The time period between the publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purpose of receiving written public comments on the proposed regulation. All interested parties may submit written comments prior to 5:00 p.m. on the day of the hearing to Amber Sellers, Kansas Department of Health and

Environment, Bureau of Family Health, Administration and Policy, 1000 SW Jackson, Suite 200, Topeka, KS 66612-1274, by email to Amber.Sellers@ks.gov, or by fax to 785-559-4244. Interested parties are encouraged to participate in the public hearing by submitting written comments.

During the hearing, all interested parties will be given a reasonable opportunity to present their views orally on the proposed regulation as well as an opportunity to submit their written comments. It is requested that each individual giving oral comments also provide a written copy of the comments for the record. In order to give each individual an opportunity to present their views, it may be necessary for the hearing officer to request that each presenter limit an oral presentation to an appropriate time frame.

Complete copies of the proposed regulation and the corresponding economic impact statement may be obtained from the KDHE Child Care Licensing website at https://www.kdhe.ks.gov/280/Child-Care-Licensing or by contacting Amber Sellers at Amber.Sellers@ks.gov, 785-296-8238, or fax 785-559-4244. Questions pertaining to the proposed regulation should be directed to Amber Sellers at the contact information above.

Any individual with a disability may request accommodation in order to participate in the public hearing and (continued)

may request the proposed regulation and the economic impact statement 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 Amber Sellers.

Janet Stanek Secretary

Doc. No. 050276

# **State of Kansas**

# Department of Health and Environment

# Notice of Hearing on Proposed Administrative Regulations

The Kansas Department of Health and Environment (KDHE), Division of Public Health, Bureau of Family Health, will conduct a public hearing at 9:00 a.m. Friday, September 9, 2022, in Room 530, Curtis State Office Building, 1000 SW Jackson, Topeka, Kansas, to consider the adoption of proposed amended maternal and child health regulations K.A.R. 28-4-520 and 28-4-521, regarding the start and implementation of the Kansas Birth Defects Program.

A summary of the proposed regulations and estimated economic impact follows:

**Summary of Regulations:** 

**K.A.R. 28-4-520. Definitions.** Removes behavioral disorders from the definition of abnormal condition. Removes outdated ICD-9 references and defined ICD-9 codes. Adds the defined term notifiable condition. Removes the defined term primary diagnosis.

K.A.R. 28-4-521. Reporting notifiable conditions. Changes the reporting of abnormal conditions and congenital anomalies to the reporting only of notifiable conditions. Removes reporting requirements, method of reporting, and removal of reported information. Adopts department document "Kansas Birth Defects Surveillance Reporting Manual."

## **Economic Impact:**

Cost to the agency: The proposed regulations will not result in increased costs to the agency.

Cost to the public and regulated community: The proposed regulations will not result in increased costs to the public and regulated community.

Costs to other governmental agencies or units: The proposed regulations will not result in increased costs to other governmental agencies or units.

A detailed economic impact is provided in the economic impact statement that is available from the designated KDHE contact staff person or at the Kansas Birth Defects Program website, as listed below.

The time period between the publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to 5:00 p.m. on the day of the hearing to Alyson Dalrymple, Kansas Department of Health and Environment, Bureau of Family Health, Screening and Surveillance Section, 1000 SW Jackson, Suite 220, Topeka, KS 66612, by email

to alyson.dalrymple@ks.gov, or by fax to 785-559-4280. Interested parties are encouraged to participate in the public hearing by submitting written comments.

During the hearing, all interested parties will be given a reasonable opportunity to present their views orally on the proposed regulations as well as an opportunity to submit their written comments. It is requested that each individual giving oral comments also provide a written copy of the comments for the record. In order to give each individual an opportunity to present their views, it may be necessary for the hearing officer to request that each presenter limit an oral presentation to an appropriate time frame.

Complete copies of the proposed regulations and the corresponding economic impact statement may be obtained from the Kansas Birth Defects Program website at <a href="https://www.kdhe.ks.gov/678/Birth-Defects-Program">https://www.kdhe.ks.gov/678/Birth-Defects-Program</a>, or by contacting Alyson Dalrymple at alyson.dalrymple@ks.gov, 785-296-6134, or fax 785-559-4280. Questions pertaining to the proposed regulations should be directed to Alyson Dalrymple at the contact information above.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and the economic impact statement 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 Alyson Dalrymple.

Janet Stanek Secretary

Doc. No. 050275

#### State of Kansas

# **Board of Accountancy**

## Permanent Administrative Regulation

# Article 2.—CPA EXAM APPLICATION AND EDUCATION REQUIREMENTS

- **74-2-7. Concentration in accounting.** (a) The "concentration in accounting" courses required to qualify for admission to the certified public accountant examination shall be as follows:
- (1) At least 42 semester credit hours in business and general education courses, including the following:
- (A) A macroeconomics course, a microeconomics course, and one upper-division economics course;
- (B) at least two courses in the legal aspects of business or business law;
  - (C) college algebra or higher-level math course;
  - (D) statistics and probability theory course;
- (E) information systems and applications course, which shall be equivalent to at least a 200-level course;
  - (F) finance course;
  - (G) management and administration course;
  - (H) marketing course; and
- (I) production, operations research, or applications of quantitative techniques to business problems course;
- (2) at least 11 semester credit hours in courses in written and oral communications;

- (3) at least 30 semester credit hours in courses in accounting theory and practice, including the following:
- (A) Financial accounting and reporting for business organizations course, which may include any of the following:
  - (i) Intermediate accounting course;
  - (ii) advanced accounting course; or
  - (iii) accounting theory course;
- (B) managerial accounting beyond an introductory
- (C) auditing course concentrating on auditing standards generally accepted in the United States as issued by the AICPA auditing standards board or the PCAOB,
  - (D) U.S. income tax course; and
- (E) accounting systems beyond an introductory computer course; and
- (4) commencing January 1, 2024 for all initial examination applicants, a course in data analytics for business or accounting, which shall be equivalent to at least a 200-level course.
- (b) The following types of credits awarded by a college or university approved by the board shall be accepted by the board for purposes of determining compliance with subsection (a), if the credits are related to those areas specified in subsection (a):
  - (1) Credit for advanced placement;
  - (2) credit by examination;
  - (3) credit for military education; and
  - (4) credit for competency gained through experience.

Credits recognized by the board pursuant to this subsection shall not exceed a total of six semester hours.

- (c) Credit for courses taken for pass-fail credit shall be accepted by the board for purposes of determining compliance with subsection (a) and shall be limited to a total of six semester hours, unless the applicant demonstrates to the satisfaction of the board that the awarded grade of "pass" is equivalent to a 3.0 grade point on a grading scale of 0.0 to 4.0.
- (d) Credit shall not be allowed for any course that is only audited.
- (e) Credit shall not be allowed for any course for which credit has already been received.
- (f) Any credits earned for an accounting internship may count toward the overall 150-hour education requirement, but these credits shall not be acceptable in satisfaction of the required concentration in accounting
- (g) Credits earned for CPA exam review courses shall not be acceptable in satisfaction of the required concentration in accounting courses. However, these credits may be used toward the overall 150-hour education requirement.
- (h) Not to exceed a total of six hours, up to three hours of course requirements specified in paragraph (a)(1), (a) (2), or (a)(3) may be waived by the board, upon the applicant's demonstration of compelling circumstances and upon receipt of satisfactory verification that the applicant has otherwise met the requirements. (Authorized by K.S.A. 1-202 and K.S.A. 2021 Supp. 1-302a; implementing K.S.A. 2021 Supp. 1-302a; effective Jan. 1, 1973; amended Feb. 15, 1977; amended May 1, 1978; amended May

1, 1979; amended July 22, 1991; amended Sept. 25, 1998; amended Jan. 11, 2008; amended May 25, 2012; amended March 21, 2014; amended Feb. 19, 2016; amended Jan. 26, 2018; amended July 15, 2022.)

> Susan L. Somers **Executive Director**

Doc. No. 050291

#### State of Kansas

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

## Article 6.—MEDICAL ASSISTANCE PROGRAM— CLIENTS' ELIGIBILITY FOR PARTICIPATION

129-6-103. Determined eligibles; income standards. (a) Independent living arrangements.

- (1) The income standard for each person in an independent living arrangement shall be based on the total number of persons in the assistance plan as defined in K.A.R. 129-6-41 or 129-6-42.
- (2) The income standards for independent living may also be used if an applicant or recipient meets either of the following conditions:
- (A) Enters a medicaid-approved facility, except that this paragraph shall not apply if only one spouse in a married couple enters an institutional living arrangement: or
- (B) is absent from the home for medical care for a period not to exceed the month in which the person left the home and the two months following to allow for maintaining the applicant's or recipient's independent living arrangements.
- (3) Except as specified in paragraphs (a)(4) through (13), the following table shall be used to determine the income standard for persons in an independent living arrangement.

#### Persons in Independent Living (per month) 3 \$475 \$475 \$480

The income standard for additional persons shall be the sum of the basic standard for a similar public assistance family and the maximum state shelter standard in accordance with K.A.R. 30-4-101.

- (4) In determining eligibility for pregnant women under K.A.R. 129-6-71 and for infants under K.A.R. 129-6-72(b), the income standard shall be 166 percent of the official federal poverty-level income guidelines.
- (5) In determining eligibility for young children under K.A.R. 129-6-72(c), the income standard shall be 149 percent of the official federal poverty-level income guidelines.
- (6) In determining eligibility for older children under K.A.R. 129-6-72(d), the income standard shall be 133 percent of the official federal poverty-level income guidelines.
- (7) In determining eligibility for poverty-level medicare beneficiaries under K.A.R. 129-6-86, the income standard shall be 100 percent of the official federal poverty-level income guidelines.

- (8) In determining eligibility for working disabled individuals under K.A.R. 129-6-87, the income standard shall be 200 percent of the official federal poverty-level income guidelines.
- (9) In determining eligibility for low-income medicare beneficiaries under K.A.R. 129-6-86, the income standard shall be 120 percent of the official federal poverty-level income guidelines.
- (10) In determining eligibility for expanded low-income medicare beneficiaries under K.A.R. 129-6-86, the income standard shall be 120 to 135 percent of the official federal poverty-level income guidelines, subject to available federal funding.
- (11) In determining eligibility for disabled individuals with earned income under K.A.R. 129-6-88, the income standard shall be 300 percent of the official federal poverty-level income guidelines.
- (12) In determining eligibility for persons in the medikan program under K.A.R. 129-6-95, the income standard shall be \$250 for a single individual and \$325 for a married couple.
- (13) In determining eligibility for persons in long-term care arrangements in accordance with K.A.R. 129-6-54(d) (1), the income standard shall be 300 percent of the pay-

ment standard for one person in the SSI program. For calendar year 2013, the income standard shall be \$2,130, and this amount shall be increased at the beginning of each calendar year by any cost-of-living adjustment made to the SSI payment standard.

- (b) Institutional living arrangements. For each person residing in an institutional setting, the monthly income standard for purposes of determining the client obligation shall be \$62, except as specified in paragraph (a)(2).
- (c) Home- and community-based services arrangements. For each person in the HCBS program, including any person in the PACE program who is in a noninstitutional living arrangement in accordance with K.A.R. 129-6-83(b), the monthly income standard for purposes of determining the client obligation shall be 300 percent of the payment standard for one person in the SSI program. (Authorized by and implementing K.S.A. 65-1,254 and 75-7403; effective, T-129-10-31-13, Nov. 1, 2013; effective Feb. 28, 2014; amended Jan. 1, 2021; amended July 15, 2022.)

Reg No

Janet Stanek Secretary

Register

Doc. No. 050292

# INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended, and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2009 Volumes of the *Kansas Administrative Regulations* and the 2021 Supplement of the *Kansas Administrative Regulations*. Regulations can also be found at http://www.sos.ks.gov/pubs/pubs\_kar.aspx.

# AGENCY 1: DEPARTMENT OF ADMINISTRATION

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1-18-2	Revoked	V. 40, p. 1490
A CENCY 4: DEPARTMENT OF		

# AGENCY 4: DEPARTMENT OF AGRICULTURE

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4-8-27	Amended	V. 40, p. 320
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4-8-41	Revoked	V. 40, p. 321
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4-34-24	Amended (T)	V. 40, p. 1322
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#### AGENCY 9: DEPARTMENT OF AGRICULTURE – DIVISION OF ANIMAL HEALTH

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# AGENCY 10: BUREAU OF INVESTIGATION

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10-22-1	Amended	v. 41, p. 132

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# AGENCY 17: OFFICE OF THE STATE BANK COMMISSIONER

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21-41-11	Revoked	V. 40, p. 265

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22-26-2	New (T)	V. 40, p. 1035
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22-26-8	New	V. 40, p. 1447	28-51-102	Revoked	V. 41, p. 873	86-3-18	Amended	V. 40, 497
22-26-9	New (T)	V. 40, p. 1038	28-51-103	Amended	V. 41, p. 873	86-3-21	Revoked	V. 40, p. 498
22-26-9	New	V. 40, p. 1447	28-51-104	Amended	V. 41, p. 875	86-3-22	Amended	V. 40, p. 498
22-26-10	New (T)	V. 40, p. 1038	28-51-105	Amended	V. 41, p. 876	ACENC	Y 88: BOARD O	E DECENITS
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28-18-4	Amended	V. 40, p. 1186	60-2-105	Amended	V. 40, p. 1713	88-29b-9	Revoked	V. 41, p. 85
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100-28a-16	Amended	V. 40, p. 1097
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109-11-4a	Amended	V. 40, p. 1726
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AGENCY 111: KANSAS LOTTERY			

#### AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. A list of regulations filed from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. A list of regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 Kansas Register. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 Kansas Register. A list of regulations filed from 2008 through November 2009 can be found in the Vol. 28, No. 53, December 31, 2009 Kansas Register. A list of regulations filed from December 1, 2009, through December 21, 2011, can be found in the Vol. 30, No. 52, December 29, 2011 Kansas Register. A list of regulations filed from December 22, 2011, through November 6, 2013, can be found in the Vol. 32, No. 52, December 26, 2013 Kansas Register. A list of regulations filed from November 7, 2013, through December 31, 2015, can be found in the Vol. 34, No. 53, December 31, 2015 Kansas Register. A list of regulations filed from 2016 through 2017, can be found in the Vol. 36, No. 52, December 28, 2017 Kansas Register. A list of regulations filed from 2018 through 2019, can be found in the Vol. 38, No. 52, December 26, 2019 Kansas Register. A list of regulations filed from 2020 through 2021, can be found in the Vol. 40, No. 52, December 30, 2021 Kansas Register.

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Action	Register			
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111-5-248	New	V. 41, p. 502
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111-19-2a	Amended	V. 41, p. 503
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111-501-126	Amended	V. 41, p. 1130
111-501-127	Amended	V. 41, p. 1131
111-501-154	New	V. 41, p. 1132
111-501-155	New	V. 41, p. 1132

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#### **AGENCY 115: DEPARTMENT OF** WILDLIFE AND PARKS

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

#### **AGENCY 117: REAL ESTATE** APPRAISAL BOARD

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117-8-3	Amended	V. 40, p. 920

### **AGENCY 132: 911** COORDINATING COUNCIL

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

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