

# Kansas Register

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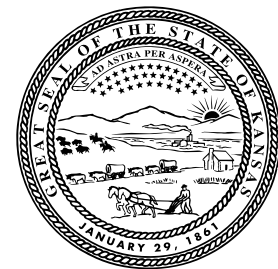
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## State of Kansas

**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 4-19-21 through 4-25-21**

<b>Term</b>	<b>Rate</b>
1-89 days	0.07%
3 months	0.01%
6 months	0.01%
12 months	0.06%
18 months	0.11%
2 years	0.17%

Scott Miller  
Director of Investments

Doc. No. 049057

## State of Kansas

**Kansas State University****Notice of Intent to Lease Land**

Public notice is hereby given, pursuant to K.S.A. 75-430a(d), that Kansas State University intends to lease land for the purpose of agricultural research. Kansas State University will lease approximately five acres located at the Kansas River Valley Experiment Field and within GPS coordinates 39.1163,-95.9282; 39.1162,-95.9223; 39.1209,-95.9224; and 39.1216,-95.9281. Specifications and further information are available by contacting Angela Patrick, Executive Assistant to the Vice President for University Operations, Kansas State University, 109 Dykstra Hall, Manhattan, KS 66506.

Cindy Bontrager  
Vice President for University Operations  
Chief Operating Officer

Doc. No. 049076

## State of Kansas

**Wichita State University****Notice of Intent to Lease Land and/or Building Space**

**Beginning Publication Date:** Vol. 41, No. 5, February 4, 2021  
**Ending Publication Date:** Vol. 41, No. 17, April 29, 2021

Public notice is hereby given that Wichita State University (WSU) intends to lease available land and building space located on WSU's main campus, WSU's Innovation Campus and on property owned by WSU adjacent to the main campus along both Hillside and 17th streets. The university will consider leasing such property and/or space to those 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, or otherwise provide supporting services and amenities to the campus community. Such projects could include, but not be limited to: (1) development of a partnership building to provide office and/or laboratory space to support education and

research, advance innovation, foster microenterprises, and/or lease to industry partnerships in any market that aligns with University programs; (2) child care facilities; (3) adult living and retirement facilities; (4) restaurants; (5) retail, grocery, or pharmacy establishments; (6) financial institutions; (7) event and/or performance center; and (8) parking garage. Because tenant development and/or use must be a good fit with the university's educational mission and available space, please be prepared to provide the following information: (1) name; (2) square footage of space needs and desired lease term and location; (3) equipment, design, or other special needs; (4) description of anticipated use; and (5) the anticipated benefits to the university, its students, and the WSU community (e.g. applied learning, joint research, faculty start-up, etc.). Additional information such as renderings, architectural and design plans, project timeline, and subcontractor list is encouraged. The university will consider serious proposals and inquiries from any financially qualified individual, group, organization, or company. If interested, please contact Wichita State University Property Manager Crystal Stegeman at [crystal.stegeman@wichita.edu](mailto: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  
Wichita State University

Doc. No. 048823

## 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 info: phone: 620-341-5134, fax: 620-341-6770, email: [purchaseorders@emporia.edu](mailto: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 info: phone: 785-628-4251, fax: 785-628-4046, email: [purchasing@fhsu.edu](mailto: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://www.k-state.edu/purchasing/rfq>. Due to Covid-19, Kansas  
(continued)

State University will not be accepting paper bids until further notice. Division of Financial Services/Purchasing, 2323 Anderson Ave., Kansas State University, Manhattan, KS 66506. Additional contact info: phone: 785-532-6214, fax: 785-532-5577, email: [kspurch@k-state.edu](mailto:kspurch@k-state.edu).

**Pittsburg State University** – Bid postings: <https://www.pittstate.edu/office/purchasing/>. Additional contact info: phone: 620-235-4169, email: [bstefanoni@pittstate.edu](mailto:bstefanoni@pittstate.edu). Mailing address: Pittsburg State University, Purchasing Office, 1701 S. Broadway, Pittsburg, KS 66762.

**University of Kansas** – Electronic bid postings: <http://www.procurement.ku.edu/>. Due to Covid-19, the University of Kansas will not be accepting paper bids until further notice. KU Purchasing Services, 1246 W. Campus Road, Room 30, Lawrence, KS 66045. Additional contact info: phone: 785-864-5800, fax: 785-864-3454, email: [purchasing@ku.edu](mailto:purchasing@ku.edu).

**University of Kansas Medical Center** – Bid postings: <http://www.kumc.edu/finance/purchasing/bid-opportunities.html>. Additional contact info: phone: 913-588-1117. 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 info: phone: 316-978-3080, fax: 316-978-3738, email: [purchasing.office@wichita.edu](mailto:purchasing.office@wichita.edu). Mailing address: Wichita State University, Office of Purchasing, 1845 Fairmount Ave., Campus Box 38, Wichita, KS 67260-0038.

Debbie Redeker  
Chair of Regents Purchasing Group  
Purchasing Director  
Emporia State University

Doc. No. 048393

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

**Notice to Bidders**

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

- 05/03/2021 EVT0008004 Steel Delineator and Sign Posts – KDOT
- 05/06/2021 EVT0007995 Water Well Improvements KDOT Rest Area
- 05/06/2021 EVT0008009 Boat Ramp Repairs East Shore – Cheney State Park
- 05/10/2021 EVT0008006 Asphalt Parking Lot Reconstruction – Osage City
- 05/12/2021 EVT0008013 Web System, CSO Assessment Database
- 05/18/2021 EVT0007964 Restoration Abandoned Wells
- 05/25/2021 EVT0008000 Nurse Consulting Services to the Kansas Medicaid Program
- 05/25/2021 EVT0008002 Prepaid Debit Cards

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

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

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

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

- 05/11/2021 A-014249 FHSU; Custer Hall – North Wing Roof Replacement
- 05/13/2021 A-014064 KSU; O.H. Kruse Feed Mill – Dust Control
- 05/13/2021 A-014173 FHSU; Akers Energy Center – Generator Replacement
- 05/20/2021 A-014212 KHP; Demolition of Innkeepers House

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. 049070

**State of Kansas**  
**Department of Health and Environment**

**Notice Concerning Proposed Kansas Air Quality Construction Permit**

Notice is hereby given that the Kansas Department of Health and Environment (KDHE) is soliciting comments regarding a proposed air quality construction permit. City of Iola Municipal Power Plant #2 has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300. Emissions of volatile organic compounds (VOC), particulate matter (PM), particulate matter with less than or equal to 10 microns in aerodynamic diameter (PM<sub>10</sub>), particulate matter with less than or equal to 2.5 microns in aerodynamic diameter (PM<sub>2.5</sub>), carbon monoxide (CO), oxides of nitrogen (NO<sub>x</sub>), oxides of sulfur (SO<sub>x</sub>), and hazardous air pollutants (HAPs) were evaluated during the permit review process.

City of Iola Municipal Power Plant #2, 2 W. Jackson, Iola, KS 66749, owns and operates a Municipal Power Plant located at 1300 S. Washington, Iola, KS 66749, at which the City of Iola proposes to install one (1) diesel-fuel fired stationary engine/generator set.

A copy of the proposed permit, permit application, all supporting documentation, and all information relied upon during the permit application review process are available for public review from the date of publication during normal business hours at the KDHE, Bureau of Air (BOA), 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366 and at the Southeast District Office, 308 W. 14th St., Chanute, KS 66720. To obtain or review the proposed permit and supporting documentation, contact Jonathan Tennis, 785-296-6024, at the central office of the KDHE or Caitlin Mills, 620-860-7235, at the Southeast District Office. The standard departmental cost will be assessed for any copies requested. The proposed permit, accompanied with supporting information, is available,

free of charge, at the KDHE BOA Public Notice website at <http://www.kdheks.gov/bar/publicnotice.html>.

Please direct written comments or questions regarding the proposed permit to Jonathan Tennis, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received no later than 12:00 p.m. Monday, May 24, 2021.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Jonathan Tennis, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366, no later than 12:00 p.m. Monday, May 24, 2021 in order for the Secretary of Health and Environment to consider the request.

Lee A. Norman, M.D.  
Secretary

Doc. No. 049058

**State of Kansas**

**Department of Health and Environment**

**Notice Concerning Proposed Kansas Air Quality Construction Permit**

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

Birla Carbon USA, Inc., 3500 S. Road S, Ulysses, KS 67880-8103, owns and operates a carbon black manufacturing facility located at 3500 S. Road S, Ulysses, KS 67880-8103, this proposed permit is intended to incorporate the requirements from a Consent Decree entered with the Kansas Department of Health and Environment (KDHE) and the U.S. Environmental Protection Agency (EPA), Case 6:17-CV-01661, on June 11, 2018.

A copy of the proposed permit, permit application, all supporting documentation, and all information relied upon during the permit application review process are available for public review from the date of publication during normal business hours at the KDHE, Bureau of Air (BOA), 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366 and at the Southwest District Office, 302 W. McArthur Rd., Dodge City, KS 67801. To obtain or review the proposed permit and supporting documentation, contact James Stewart, 785-296-6024, at the central office of the KDHE or Ethel Evans, 620-682-7940, at the Southwest District Office. The standard departmental cost will be assessed for any copies requested. The proposed permit, accompanied with supporting information, is available, free of charge, at the KDHE BOA Public Notice website at <http://www.kdheks.gov/bar/publicnotice.html>.

Please direct written comments or questions regarding the proposed permit to James Stewart, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received no later than 12:00 p.m. Monday, May 24, 2021.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to James Stewart, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366, no later than 12:00 p.m. Monday, May 24, 2021 in order for the Secretary of Health and Environment to consider the request.

Lee A. Norman, M.D.  
Secretary

Doc. No. 049062

**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-Q-21-027**

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
Meriden, City of PO Box 262 Meriden, KS 66512	Muddy Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-KS43-0001  
Federal Permit No. KS0046434

Legal Description: NE¼, SW¼, SE¼, S12, T10S, R16E, Jefferson County, Kansas

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a four-cell wastewater stabilization lagoon system. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, pH, ammonia, and E. coli. This NPDES discharging lagoon wastewater treatment facility has been reviewed for eligibility for the MDV for ammonia and has been determined to be eligible. Eligibility was determined through analysis of the facility's highest attainable condition (HAC) for ammonia

*(continued)*

and an Economic Eligibility Determination (EED) that assessed the impact of the cost of a new mechanical facility to the community's rate payers. The ammonia effluent limit was determined on 2/26/2021 by calculating the 99th percentile ammonia value from the facility's discharge monitoring reports resulting in an ammonia limit of 4.2 mg/L for this facility. The EED was completed on 3/4/2021.

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 May 22, 2021, will be considered in the formulation of the final determination regarding this public notice. Please refer to the appropriate Kansas document number (KS-Q-21-027) 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 Matthew Steele Ph.D., P.E., Section Chief, 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 Rachel Hammond, BEFS, Livestock Waste Management Section at 1000 SW Jackson St., Suite 430, Topeka, KS 66612, telephone 785-296-0076 or email at [kdhe.feedlots@ks.gov](mailto: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](mailto: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.kdheks.gov/feedlots>. Division of Environment offices are open from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

Lee A. Norman, M.D.  
Secretary

Doc. No. 049060

## State of Kansas

### Department of Transportation

#### Notice to Contractors

Electronic copies of the letting proposals and plans are available on the Kansas Department of Transportation (KDOT) website at <https://kdotapp.ksdot.org/Proposal/Proposal.aspx>. The website will allow the contractor to request approval from KDOT to bid as a prime contractor and be included on the "Bid Holders List," or to be included on the "Non-Bid Holders List" as a subcontractor/supplier. KDOT's approval is required to bid as a prime contractor. To bid as a prime contractor, KDOT needs to be notified of the intent to bid no later than the close of business on the Monday preceding the scheduled letting date. Failure to obtain prior approval to bid as a prime contractor on any projects listed below will be reason to reject your bid. The Secretary reserves the right to reject bids that do not comply with all requirements for preparing a bidding proposal as specified in the 2015 edition of the Kansas Department of Transportation *Standard Specifications for State Road and Bridge Construction*.

KDOT will only accept electronic internet proposals using the Bid Express website at <http://www.bidx.com> until 1:00 p.m. (CST) May 19, 2021. The KDOT bid letting will be conducted remotely by audio broadcast ONLY at 3:00 p.m. (CST) Wednesday, May 19, 2021. To join the conference call, dial 866-620-7326 and enter conference code 5895748207. KDOT has tested the process, but in the event of an unforeseen issue, KDOT will provide updates.

Each bidder shall certify that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This certification shall be in the form of a required contract provision provided by the state to each prospective bidder. Failure to complete the required contract provision and certify the completeness of the preceding statement when electronically signing the proposal will make the bid nonresponsive and not eligible for award consideration.

#### District One – Northeast

**Brown** – 73-7 KA-5696-01 – U.S. 73, bridge #014 over Union Pacific Railroad located approximately 10 miles north of the U.S. 36/U.S. 73 junction, and bridge #015 over local road located 10.2 miles north of the U.S. 36/U.S. 73 junction, bridge repair. (Federal Funds)

**Doniphan** – 36-22 KA-6009-01 – U.S. 36/K-238 interchange in Elwood, lighting. (Federal Funds)

**Douglas** – 10-23 KA-5683-01 – K-10, bridge #071 over the Wakarusa River located 7.05 miles east of the K-10/U.S. 59 junction, bridge repair. (Federal Funds)

**Johnson** – 435-46 KA-5681-01 – I-435, bridge #228 over I-435 located at the Renner Road/I-435 junction in Shawnee, bridge deck. (Federal Funds)

**Johnson** – 10-46 KA-5995-01 – Structure #046S0018, located over westbound K-10, approximately a quarter mile east of Renner Road, signing. (State Funds)

**Johnson** – 435-46 KA-6071-01 – I-435, from Midland Drive north to the Kansas River Bridge, milling and overlay, 3.0 miles. (Federal Funds)

**Johnson** – 35-46 KA-6074-01 – I-35, from 2.6 miles south of 151st Street north to 151st Street, overlay, 2.6 miles. (Federal Funds)

**Johnson** – 46 KA-6147-01 – I-435 and U.S. 69 in Johnson County, pavement marking, 3.9 miles. (Federal Funds)

**Riley** – 81 C-4989-01 – Bridge over Swede Creek located 4.2 miles east and 7.0 miles north of Randolph, bridge replacement, 0.3 mile. (Federal Funds)

**Shawnee** – 75-89 KA-6006-02 – U.S. 75 northbound, bridge #211 over 77th Street located 4.5 miles north of the Osage County line, bridge repair. (State Funds)

**Shawnee** – 70-89 KA-6073-01 – I-70, from the I-70/MacVicar Avenue junction east to the Polk Quincy Viaduct (Bridge #26), overlay, 2.0 miles. (State Funds)

**Wyandotte** – 70-105 KA-4946-01 – I-70, reinforced concrete box #534 over Mill Creek Drainage located 3.8 miles east of I-435, culvert, 0.1 mile. (State Funds)

**Wyandotte** – 70-105 KA-6072-01 – I-70, from approximately 1,500 feet west of 110th Street east to approximately 248 feet west of the edge wearing surfaces of bridges #211 and #212, milling and overlay, 1.3 miles. (Federal Funds)

**Statewide** – 106 KA-6155-01 – Storm sewer pipelines on I-435, K-5 and U.S. 59 at various locations in Wyandotte, Leavenworth, Jefferson, and Johnson counties, culvert. (State Funds)

#### District Two – North Central

**Chase** – 177-9 KA-5439-01 – K-177, bridge #032 over the Burlington Northern Santa Fe Railroad on K-177 located 4.0 miles north of the north city limits of Matfield Green, bridge replacement, 0.6 mile. (Federal Funds)

**Washington** – 36-101 KA-6159-01 – U.S. 36, from the east edge of wearing surface of bridge #050 over the Little Blue River east to the Washington/Marshall county line, sealing, 4.3 miles. (State Funds)

#### District Three – Northwest

**Decatur** – 09-20 KA-6149-01 – K-9, from the Sheridan/Decatur county line east 7.2 miles to the Norton/Decatur county line, milling and overlay, 7.2 miles. (State Funds)

**Gove** – 70-32 KA-6066-01 – I-70, beginning 4 miles east of K-211 highway east to the Gove/Trego county line, milling and overlay, 9.3 miles. (Federal Funds)

**Logan** – 25-55 KA-6151-01 – K-25, from approximately 375 feet south of the K-25/County Road 160 intersection (mile marker 145.48) east 11.4 miles to the north city limits of Russell Springs, milling and overlay, 11.4 miles. (State Funds)

**Phillips** – 383-74 KA-2372-03 – K-383, from the north edge of the wearing surface of bridge #051 over Prairie Dog Creek northeast to the K-383/U.S. 183 junction, grading and surfacing, 5.8 miles. (Federal Funds)

**Sheridan** – 09-90 KA-6152-01 – K-9, beginning at the K-9/K-123 junction east to the Sheridan/Decatur county line, milling and overlay, 6.4 miles. (State Funds)

**Sherman** – 70-91 KA-6068-01 – I-70, from approximately 512 feet east of K-253 highway east to the Sherman/Thomas county line, milling and overlay, 7.9 miles. (Federal Funds)

**Sherman** – 70-91 KA-6146-01 – I-70, from approximately a mile east of the I-70/K-27/U.S. 24B junction east 10 miles, milling and overlay, 10.0 miles. (State Funds)

**Thomas** – 70-97 KA-6069-01 – I-70, from the Sherman/Thomas county line east approximately 2,355 feet, milling and overlay, 0.4 mile. (Federal Funds)

**Wallace** – 27-100 KA-6153-01 – K-27, from the Greeley/Wallace county line north approximately a mile, milling and overlay, 1.0 mile. (State Funds)

#### District Four – Southeast

**Franklin** – 35-30 KA-6010-01 – I-35/U.S. 59 interchange in Ottawa, lighting. (Federal Funds)

#### District Five – South Central

**Comanche** – 17 C-4985-01 – Various minor collector routes, signing, 53.0 miles. (Federal Funds)

**Kiowa** – 54-49 KA-6167-01 – U.S. 54, from 1.0 mile east of the east Greensburg city limits east to the Kiowa/Pratt county line, milling and overlay, 13.7 miles. (State Funds)

**Reno** – 78 C-4977-01 – Major and minor collector roads east of K-14, signing, 238.0 miles. (Federal Funds)

Julie Lorenz  
Secretary

Doc. No. 049069

### State of Kansas

## Department of Transportation

### Notice to Consulting Firms

The Kansas Department of Transportation (KDOT) is seeking qualified consulting engineering firm(s) for the project listed below. Interested consulting firms must be prequalified by KDOT or otherwise demonstrate qualification in the following category: Category 111 Rail Systems Planning. Consultants may create a team to meet the prequalification requirements. A PDF must be emailed to David Lutgen, P.E., Contracts Engineer at [kdot.designcontracts@ks.gov](mailto:kdot.designcontracts@ks.gov). Responses are to be limited to eight pages, the subject line of the reply email and the file name must read "SDP 2021 RFP – Firm Name." Proposals must be received by 12:00 p.m. April 30, 2021 for the consulting firm to be considered.

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

### Background and Purpose of Project

The expansion of passenger rail service in South Central Kansas has been the subject of ongoing dialogue for decades.

(continued)

KDOT and a diverse group of stakeholders commissioned a Service Development Plan (SDP) in 2011 to investigate the viability of state-supported passenger rail service in the subject area. More specifically, the 2011 SDP evaluated a proposed extension to the existing Heartland Flyer passenger rail service, which provides daily service between Fort Worth, Texas and Oklahoma City, Oklahoma. This proposal would extend the existing Heartland Flyer from Oklahoma City, Oklahoma to Newton, Kansas, where it would then connect with the Southwest Chief, a national route on Amtrak's passenger rail network.

The 2011 SDP ultimately fell short due to funding constraints; however, there is renewed interest in exploring this service, primarily due to the potential of new funding sources and growing interest at the federal level for passenger rail services. The goal of this project is to (1) update and expand upon the 2011 SDP, (2) provide a fresh look into the feasibility of the service, and (3) provide the project partners a roadmap for implementation, should funding be made available. Key to this effort will be identifying all costs associated with implementation and a detailed plan for both deploying and operating the service.

#### Scope of Services to be Performed

The SDP update should include the necessary components, strategies, and guidance for future implementation of the Heartland Flyer Extension Service. This includes four main components: operations analysis, capital investment needs assessment, financial analysis, and implementation plan.

- An operations analysis should be conducted to outline detailed operating characteristics such as frequency, route-timing, station locations, intermodal connections, etc.
- The plan should identify all costs associated with infrastructure, rolling stock, station stop construction or renovation, and other enhancements related to the service as a component of the capital investment needs assessment.
- A financial analysis should be prepared to outline ridership and revenue forecasts along with potential funding mechanisms and cost sharing opportunities. Economic impacts and cost-benefit should also be considered.
- An integral element of the plan will be the identification of roles, responsibilities, and costs for implementation. This should consist of structures and methods for ongoing interaction between the states, railroad industry, service operator, local governments, and other state agencies.

It is expected that local units of government, BNSF, Amtrak, and Oklahoma Department of Transportation, among others will take part in the planning process. Ultimately, step-by-step guidance should be developed to direct the future deployment of the service if funding is made available.

#### Anticipated Schedule for Subsequent Events

Proposals are due by 12:00 p.m. (CST) April 30, 2021. Based on the qualifications submitted in the proposal and other information available to KDOT, on or about May 12,

2021 KDOT will select a firm. Negotiations with the selected firm will commence on or about May 19, 2021. Agreement in place and in effect June 16, 2021. Proposals are to be delivered via email to [kdot.designcontracts@ks.gov](mailto:kdot.designcontracts@ks.gov).

#### Instructions for Proposal

No costs shall be contained in the proposals. The proposals must not exceed eight (8) pages total to address the pertinent topics. Please use the following naming convention for submittal... SDP 2021 RFP – Firm Name. Proposals submitted will consist of the complete proposal and a completed and signed Special Attachment No. 7 ("Certificate of Final Indirect Costs"), a completed and signed Special Attachment No. 8 ("Tax Clearance Certificate"), and a completed and signed Special Attachment No. 10 ("Policy Regarding Sexual Harassment"). Subconsultants will need to complete these attachments as well. All these forms are attached to the original email announcement.

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

- Project manager
- History of projects with similar tasks
- Availability of staff to meet schedule without overtime
- Familiarity with KDOT policies and procedures
- Any subconsultant and their role (if any) that will be performing services on the project

#### Evaluation Factors

Proposals will be evaluated based on the factors listed below, evenly weighted, to rank the most qualified firm in order of preference as first, second, third, etc. Evaluation factors: 1) the quality and completeness of the response; 2) qualifications and experience of consultant rail planning personnel proposed for services; 3) proposed approach for review and analysis; 4) availability to perform the work; and 5) past performance history for similar projects/services. The highest ranked firm will be asked to enter into negotiations with KDOT for an agreement. In the event KDOT cannot reach agreement with the ranked firm, it will terminate negotiations with such firm and commence negotiations with the next highest ranked firm, and so on, until either agreement is reached for a satisfactory scope of services for a fair and reasonable price, or KDOT decides to pursue other alternatives.

#### Exhibits to this RFP

- Special Attachment No. 7 ("Certificate of Final Indirect Costs")
- Special Attachment No. 8 ("Tax Clearance Certificate")
- Special Attachment No. 10 ("Policy Regarding Sexual Harassment")

#### Contract Terms and Conditions

A standard KDOT agreement for engineering and technical services will be used for this project. Special Attachments for the Kansas "Tax Clearance Certificate," the "Certification of Final Indirect Costs," and the Special Attachment No. 10 ("Policy Regarding Sexual Harassment") will also eventually become attachments to the contract.



Questions about this RFP shall be sent by email to KDOT at [kdot.designcontracts@ks.gov](mailto:kdot.designcontracts@ks.gov).

Calvin E. Reed, P.E. Director  
Division of Engineering and Design

Doc. No. 049056

## State of Kansas

### Department of Transportation

#### Notice to Consulting Firms

The Kansas Department of Transportation (KDOT) is seeking qualified consulting engineering firm(s) for the project listed below. Interested consulting firms must: (a) be prequalified by KDOT or otherwise demonstrate qualification in the following categories: Category 212 Highway Design – Minor Facility and Category 222 Standard Span Bridge Design. Consultants may create a team to meet the prequalification requirements. A PDF must be emailed to David Lutgen, P.E., Contracts Engineer at [kdot.designcontracts@ks.gov](mailto:kdot.designcontracts@ks.gov). Responses are to be limited to eight pages, the subject line of the reply email and the file name must read “KA-6053-01 RFP – Firm Name.” RFPs must be received by 12:00 p.m. April 30, 2021 for the consulting firm to be considered.

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

#### Scope of Services to be Performed

- Project 50-78 KA-6053-01 – US-50 Sink Hole Investigation in Reno County, approximately 5.5 miles east of the east US-50/K-61 interchange
- Phase 1: Study Phase. Survey currently being completed by CFS. Study to be completed by November 2021
- Phase 2: Design. Tentatively scheduled for Fall 2023 letting

#### Anticipated Schedule for Subsequent Events

Request for Proposals (RFPs) are due by 12:00 p.m. (CST) on April 30, 2021. Evaluation and ranking of technical proposals on or about May 7, 2021 after which time all firms that submitted will be notified of the ranking. Negotiations with the most highly ranked firm to commence on or about May 19, 2021. Agreement in place and in effect June 3, 2021. RFPs are to be delivered via email to [kdot.designcontracts@ks.gov](mailto:kdot.designcontracts@ks.gov).

#### Instructions for Proposal

No costs shall be contained in the RFP. The RFP must not exceed eight (8) pages total to address the pertinent topics. Please use the following naming convention for submittal... KA-6053-01 RFP – Firm Name. RFPs submitted will consist of the proposal and a completed and

signed Special Attachment No. 7 (“Certificate of Final Indirect Costs”), a completed and signed Special Attachment No. 8 (“Tax Clearance Certificate”), and a completed and signed Special Attachment No. 10 (“Policy Regarding Sexual Harassment”). Subconsultants will need to complete these attachments as well. All these forms are attached to the original email announcement.

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

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

#### Evaluation Factors

RFPs will be evaluated based on the factors listed below, evenly weighted, to rank the most qualified firm in order of preference as first, second, third, etc. Evaluation factors: 1) the quality and completeness of the response; 2) qualifications and experience of consultant design personnel/manager proposed for services; 3) proposed project approach; 4) availability to respond to the work; and 5) past performance history for similar projects/services for KDOT. The highest ranked firm will be asked to enter into negotiations with KDOT for an agreement. In the event KDOT cannot reach agreement with the ranked firm, it will terminate negotiations with such firm and commence negotiations with the next highest ranked firm, and so on, until either agreement is reached for a satisfactory scope of services for a fair and reasonable price, or KDOT decides to pursue other alternatives.

#### Exhibits to this RFP

- Special Attachment No. 7 (“Certificate of Final Indirect Costs”)
- Special Attachment No. 8 (“Tax Clearance Certificate”)
- Special Attachment No. 10 (“Policy Regarding Sexual Harassment”)

#### Contract Terms and Conditions

A standard KDOT agreement for engineering and technical services will be used for this project. Special Attachments for the Kansas “Tax Clearance Certificate,” the “Certification of Final Indirect Costs,” and the Special Attachment No. 10 (“Policy Regarding Sexual Harassment”) will also eventually become attachments to the contract.

Questions about this RFP shall be sent by email to KDOT at [kdot.designcontracts@ks.gov](mailto:kdot.designcontracts@ks.gov).

Calvin E. Reed, P.E. Director  
Division of Engineering and Design

Doc. No. 049052

## State of Kansas

## Department of Transportation

## Notice to Consulting Firms

The Kansas Department of Transportation (KDOT) is seeking qualified consulting engineering firm(s) for the project listed below. Interested consulting firms must: (a) be prequalified by KDOT or otherwise demonstrate qualification in the following categories: Category 171 Environmental Documentation, Category 211 Major Highway Design and Category 221 Non-Standard Span Bridge Design. A PDF must be emailed to David Lutgen, P.E., Contracts Engineer at [kdot.designcontracts@ks.gov](mailto:kdot.designcontracts@ks.gov). Responses are to be limited to eight pages, the subject line of the reply email and the file name must read "KA-6016-01 RFP – Firm Name." RFPs must be received by 12:00 p.m. May 7, 2021 for the consulting firm to be considered.

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

**Scope of Services to be Performed**

Project 92-52 KA-6016001 – Replacement of the K-92 Centennial Bridge (Bridge #026 over the Missouri River and the Union Pacific Railroad) located in Leavenworth.

1. Design survey.
2. Public involvement.
3. Bridge design that follows the study that was completed in 2016. The study can be downloaded from KDOT's website at <https://www.ksdot.org/Assets/wwwksdotorg/bureaus/burRoadDesign/K92CentennialBridgeDocs/Route92CentennialBridgeStudy.pdf>.
4. An environmental assessment as a part of the NEPA process.
5. KDOT will be the lead agency. Missouri Department of Transportation will partner with this project.

**Key Dates**

- Plans to materials and research – December 2022
- Field check – October 2023
- Plans complete – June 2026

**Anticipated Schedule for Subsequent Events**

Request for Proposals (RFPs) are due by 12:00 p.m. (CST) May 7, 2021. Based on the qualifications submitted in the proposal and other information available to KDOT, on or about May 17, 2021 KDOT will shortlist three to five firms and notify all firms submitting proposals of the names of the shortlisted firms by return email. Thereafter, at KDOT's option, shortlisted firms will be interviewed through a virtual meeting. Interviews are tentatively planned for the week of June 7,

2021. Negotiations with the selected firm will commence on or about July 6, 2021. Agreement in place and in effect September 1, 2021. Proposals are to be delivered via email to [kdot.designcontracts@ks.gov](mailto:kdot.designcontracts@ks.gov).

**Instructions for Proposal**

No costs shall be contained in the RFP. The RFP must not exceed eight (8) pages total to address the pertinent topics. Please use the following naming convention for submittal...KA-6016-01 RFP – Firm Name. RFPs submitted will consist of the proposal and a completed and signed Special Attachment No. 7 ("Certificate of Final Indirect Costs"), a completed and signed Special Attachment No. 8 ("Tax Clearance Certificate"), and a completed and signed Special Attachment No. 10 ("Policy Regarding Sexual Harassment"). Subconsultants will need to complete these attachments as well. All these forms are attached to the original email announcement.

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

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

**Evaluation Factors**

RFPs will be evaluated based on the factors listed below, evenly weighted, to rank the most qualified firm in order of preference as first, second, third, etc. Evaluation factors: 1) the quality and completeness of the response; 2) qualifications and experience of consultant design personnel/manager proposed for services; 3) proposed project approach; 4) availability to respond to the work; and 5) past performance history for similar projects/services for KDOT.

**Exhibits to this RFP**

- Special Attachment No. 7 ("Certificate of Final Indirect Costs")
- Special Attachment No. 8 ("Tax Clearance Certificate")
- Special Attachment No. 10 ("Policy Regarding Sexual Harassment")

**Contract Terms and Conditions**

A standard KDOT agreement for engineering and technical services will be used for this project. Special Attachments for the Kansas "Tax Clearance Certificate," the "Certification of Final Indirect Costs," and the Special Attachment No. 10 ("Policy Regarding Sexual Harassment") will also eventually become attachments to the contract.

Questions about this RFP shall be sent by email to KDOT at [kdot.designcontracts@ks.gov](mailto:kdot.designcontracts@ks.gov).

Calvin E. Reed, P.E. Director  
Division of Engineering and Design

Doc. No. 049071

## State of Kansas

## Department of Transportation

## Notice to Consulting Firms

The Kansas Department of Transportation (KDOT) is seeking qualified consulting engineering firm(s) for the project listed below. Interested consulting firms must: (a) be prequalified by KDOT or otherwise demonstrate qualification in the following category: Category 111 Rail Systems Planning. Consultants may create a team to meet the prequalification requirements. A PDF must be emailed to David Lutgen, P.E., Contracts Engineer at [kdot.designcontracts@ks.gov](mailto:kdot.designcontracts@ks.gov). Responses are to be limited to eight pages, the subject line of the reply email and the file name must read "Rail Project Oversight Support RFP – Firm Name." Proposals must be received by 12:00 p.m. May 7, 2021 for the consulting firm to be considered.

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

**Background and Purpose of Project**

The Eisenhower Legacy Transportation Program, also known as IKE, has provided additional funding resources to many of KDOT's local programs. As a result, KDOT has seen an increase in funding options for railroad projects and an increased interest in railroad improvement programs. The result is an increase in awarded projects and the need for additional project oversight resources. Railroad improvement projects are currently being funded through the following programs: Rail Service Improvement Fund (RSIF), the new Short Line Rail Improvement Fund (SLRIF), Cost Share Program (CSP), and Economic Development Program (EDP). The Freight and Rail Unit is in need of project oversight resources to monitor existing and future projects.

**Scope of Services to be Performed**

KDOT is seeking proposals from qualified firms to assist KDOT with project oversight on rail infrastructure improvement projects. Project oversight will be coordinated with the KDOT Freight and Rail Unit and the railroad or shipper project sponsor and will consist of project tracking from project award through project completion. This will consist of a pre-construction review, coordination with the project sponsor and KDOT staff on project status updates, post-construction review, and project closeout. The review process does not include an engineering review of design documents. It is expected that the project sponsor will supply the necessary information, no site visits will be required. Each project review will result in a brief written report documenting the project phases and progress. Reviews will be submitted to the KDOT Freight and Rail Program manager within

two weeks of each review. A monthly coordination call to discuss project status will be required. It is anticipated that there will be, on average, 15-20 rail improvement projects per calendar year. In addition to the project reviews, the selected firm will also be asked for a limited amount of support for the Freight and Rail Unit with other non-project specific reporting requirements.

**Anticipated Schedule for Subsequent Events**

Proposals are due by 12:00 p.m. (CST) on May 7, 2021. Based on the qualifications submitted in the proposal and other information available to KDOT, on or about May 19, 2021, KDOT will select a firm for rail improvement project oversight. Negotiations with the selected firm will commence on or about June 1, 2021, with an agreement in place and in effect no later than August 1, 2021. Proposals are to be delivered via email to [kdot.designcontracts@ks.gov](mailto:kdot.designcontracts@ks.gov).

**Instructions for Proposal**

No costs shall be contained in the proposals. The proposals must not exceed four (4) pages total to address the pertinent topics. Please use the following naming convention for submittal...Rail Project Oversight Support RFP – Firm Name. Proposals submitted will consist of the complete proposal and a completed and signed Special Attachment No. 7 ("Certificate of Final Indirect Costs"), a completed and signed Special Attachment No. 8 ("Tax Clearance Certificate"), and a completed and signed Special Attachment No. 10 ("Policy Regarding Sexual Harassment"). Subconsultants will need to complete these attachments as well. All these forms are attached to the original email announcement.

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

- Project manager
- History of projects with similar tasks
- Availability of staff to meet schedule without overtime
- Familiarity with KDOT policies and procedures
- Any subconsultant and their role (if any) that will be performing services on the project

**Evaluation Factors**

Request for Proposals (RFPs) will be evaluated based on the factors listed below, evenly weighted, to rank the most qualified firm in order of preference as first, second, third, etc. Evaluation factors will include: 1) the quality and completeness of the response; 2) qualifications and experience of consultant for rail project oversight services; 3) availability to perform the work; and 4) past performance history for similar projects/services. The selected ranked firm will be asked to enter into negotiations with KDOT for an agreement. In the event KDOT cannot reach agreement with the selected firm, it will terminate negotiations with such firm and commence negotiations with the next highest ranked firm, and so on, until either agreement is reached for a satisfactory scope of services for a fair and reasonable price, or KDOT decides to pursue other alternatives.

(continued)

**Exhibits to this RFP**

- Special Attachment No. 7 (“Certificate of Final Indirect Costs”)
- Special Attachment No. 8 (“Tax Clearance Certificate”)
- Special Attachment No. 10 (“Policy Regarding Sexual Harassment”)

**Contract Terms and Conditions**

A standard KDOT agreement for engineering and technical services will be used for this project. Special Attachments for the Kansas “Tax Clearance Certificate,” the “Certification of Final Indirect Costs,” and the Special Attachment No. 10 (“Policy Regarding Sexual Harassment”) will also eventually become attachments to the contract.

Questions about this RFP shall be sent by email to KDOT at [kdot.designcontracts@ks.gov](mailto:kdot.designcontracts@ks.gov).

Calvin E. Reed, P.E. Director  
Division of Engineering and Design

Doc. No. 049073

**State of Kansas****Department of Transportation****Notice to Consulting Firms****Background and Purpose of Project**

The Kansas Department of Transportation (KDOT) is seeking a consultant to provide construction inspection services for project 35-70 KA-5693-01. Project 35-70 KA-5693-01 is bridge repair, machine preparation, patching, and concrete overlay. The project location is Bridge #003 on I-35 in Osage County, 1 mile northeast of the Coffey County line.

**Schedule/Deadlines**

Request for Proposals (RFPs) are due on or before 12:00 p.m. (CST) May 7, 2021, to be delivered via email to [kdot.designcontracts@ks.gov](mailto:kdot.designcontracts@ks.gov). Evaluation and ranking of submissions will occur on or about May 18, 2021, after which time all firms that submitted will be notified of the ranking. Negotiations with the most highly ranked firm to commence on or about May 25, 2021. An agreement should be in place on or about July 1, 2021. Project will be built in 2021. The contractor is expected to start the project around August 2, 2021, this start date could change based on contractor’s schedule.

**Scope of Services to be Performed**

The project manager/inspectors must be capable inspecting the whole project, which includes bridge repair, bridge patching, concrete bridge overlay, concrete plant, traffic control, CMS or AASHTOWare data entry, all project records, all project paperwork, and final paperwork, etc. Project records and paperwork including but not limited to: diary, pay quantities, certifications, sample identifications, change orders, pay estimates, monitoring subcontractor payments, and monitoring contractor’s payrolls, etc. Records and paperwork must be submitted accurately and timely. Anticipated staffing needs: provide project management and all inspectors as needed to ensure inspection and material testing for this project are done correctly. The number of required inspectors will fluctuate throughout the project depending on the contractor’s schedule and how they pursue the

work. Submit the name and information of the project manager. Construction is anticipated to be completed in 60-working days plus cleanup days. Provide all the equipment necessary to inspect and test materials.

**Instructions for Proposal**

No costs shall be contained in the RFP. The RFP must not exceed four (4) pages total (including any cover letter, index, etc.) and 2MB to address the pertinent topics. RFPs submitted will consist of the technical proposal and a completed and signed Special Attachment No. 7 (“Certificate of Final Indirect Costs”), a completed and signed Special Attachment No. 8 (“Tax Clearance Certificate”), and a signed Special Attachment No. 10 (“Policy Regarding Sexual Harassment”). Completed Special Attachments do not count against the four-page technical proposal submission. All these forms are attached to the original email announcement.

RFPs shall indicate the consultant’s ability to meet the project inspection needs described above. RFPs shall describe any processes or procedures, including best practices, that will be used to perform tasks and to produce the desired results described above under “Scope of Services to be Performed.” The RFP shall also include items such as:

- Project manager
- History of providing inspection services on similar projects
- Availability of staff
- Familiarity with KDOT standards and specifications
- Any subconsultant and their role in performing the services on the project
- Names, certifications, and experience of all inspectors that will be assigned to the project
- Anticipated time to close out project paperwork

**Evaluation Factors**

RFPs will be evaluated based on the factors listed below, evenly weighted, to rank the most qualified firm in order of preference as first, second, third, etc. Evaluation factors include:

1. How the consultant plans to meet the fluctuating inspection needs of the project;
2. Employee names (project manager), certifications, and qualifications proposed for services;
3. Past performance history on similar projects (list project numbers) for KDOT;
4. Anticipated time to close out project paperwork;
5. Proximity of inspectors to project;
6. Types of direct expenses anticipated (lodging, mileage, etc.).

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

**Exhibits to this Technical Proposal Request**

- Special Attachment No. 7 (“Certificate of Final Indirect Costs”)
- Special Attachment No. 8 (“Tax Clearance Certificate”)

- Special Attachment No. 10 (“Policy Regarding Sexual Harassment”)

### Contract Terms and Conditions

A standard KDOT project inspection agreement will be used for this project. Current rate factors will be used for compensation, and Special Attachments for the Kansas “Tax Clearance Certificate,” the “Certificate of Final Indirect Costs,” and the “Policy Regarding Sexual Harassment” will become attachments to the contract.

Questions about this request for proposals shall be sent via email to [kdot.designcontracts@ks.gov](mailto:kdot.designcontracts@ks.gov).

David Lutgen, P.E.  
Division of Engineering and Design

Doc. No. 049074

## State of Kansas

### Department of Transportation

#### Notice to Consulting Firms

#### Background and Purpose of Project

The Kansas Department of Transportation (KDOT) is seeking a consultant to provide construction inspection services for project 10-23 KA-5683-01. Project 10-23 KA-5683-01 is bridge repair, bridge painting, machine preparation, patching, and polymer overlay. The project location is Bridge #071 over the Wakarusa River on K-10 in Douglas County.

#### Schedule/Deadlines

Request for Proposals (RFPs) are due on or before 12:00 p.m. (CST) May 7, 2021, to be delivered via email to [kdot.designcontracts@ks.gov](mailto:kdot.designcontracts@ks.gov). Evaluation and ranking of submissions will occur on or about May 18, 2021, after which time all firms that submitted will be notified of the ranking. Negotiations with the most highly ranked firm to commence on or about May 25, 2021. An agreement should be in place on or about July 1, 2021. Project may be built in 2021 or in 2022. The Project early start date is July 6, 2021 and latest start is April 4, 2022.

#### Scope of Services to be Performed

The project manager/inspectors must be capable inspecting the whole project, which includes bridge repair, bridge painting, bridge patching, polymer bridge overlay, concrete plant, grading, HMA (commercial grade), traffic control, CMS or AASHTOWare data entry, all project records, all project paperwork, and final paperwork, etc. Project records and paperwork including but not limited to: diary, pay quantities, certifications, sample identifications, change orders, pay estimates, monitoring subcontractor payments, and monitoring contractor’s payrolls, etc. Records and paperwork must be submitted accurately and timely. Anticipated staffing needs: provide project management and all inspectors as needed to ensure inspection and material testing for this project are done correctly. The number of required inspectors will fluctuate throughout the project depending on the contractor’s schedule and how they pursue the work. Submit the name and information of the project manager. Construction is anticipated to be completed in 85-working days plus 20 cleanup days. Provide all the equipment necessary to inspect and test materials.

#### Instructions for Proposal

No costs shall be contained in the RFP. The RFP must not exceed four (4) pages total (including any cover letter, index, etc.) and 2MB to address the pertinent topics. RFPs submitted will consist of the technical proposal and a completed and signed Special Attachment No. 7 (“Certificate of Final Indirect Costs”), a completed and signed Special Attachment No. 8 (“Tax Clearance Certificate”), and a signed Special Attachment No. 10 (“Policy Regarding Sexual Harassment”). Completed Special Attachments do not count against the four-page technical proposal submission. All these forms are attached to the original email announcement.

RFPs shall indicate the consultant’s ability to meet the project inspection needs described above. RFPs shall describe any processes or procedures, including best practices, that will be used to perform tasks and to produce the desired results described above under “Scope of Services to be Performed.” The RFP shall also include items such as:

- Project manager
- History of providing inspection services on similar projects
- Availability of staff
- Familiarity with KDOT standards and specifications
- Any subconsultant and their role in performing the services on the project
- Names, certifications, and experience of all inspectors that will be assigned to the project
- Anticipated time to close out project paperwork

#### Evaluation Factors

RFPs will be evaluated based on the factors listed below, evenly weighted, to rank the most qualified firm in order of preference as first, second, third, etc. Evaluation factors include:

1. How the consultant plans to meet the fluctuating inspection needs of the project;
2. Employee names (project manager), certifications, and qualifications proposed for services;
3. Past performance history on similar projects (list project numbers) for KDOT;
4. Anticipated time to close out project paperwork;
5. Proximity of inspectors to project;
6. Types of direct expenses anticipated (lodging, mileage, etc.).

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

#### Exhibits to this Technical Proposal Request

- Special Attachment No. 7 (“Certificate of Final Indirect Costs”)
- Special Attachment No. 8 (“Tax Clearance Certificate”)
- Special Attachment No. 10 (“Policy Regarding Sexual Harassment”)

*(continued)*

### Contract Terms and Conditions

A standard KDOT project inspection agreement will be used for this project. Current rate factors will be used for compensation, and Special Attachments for the Kansas "Tax Clearance Certificate," the "Certificate of Final Indirect Costs," and the "Policy Regarding Sexual Harassment" will become attachments to the contract.

Questions about this request for proposals shall be sent via email to [kdot.designcontracts@ks.gov](mailto:kdot.designcontracts@ks.gov).

David Lutgen, P.E.  
Division of Engineering and Design

Doc. No. 049075

## State of Kansas

### Department of Transportation

#### Request for Qualifications

#### Background and Purpose of Project

The Kansas Department of Transportation (KDOT), Bureau of Transportation Planning's Access Management Unit is seeking assistance to provide technical and engineering services to assist the KDOT Access Management Unit (AMU) with tasks routinely performed by the AMU Staff with two (2) part-time engineers. Engineers will either be embedded at KDOT headquarters or will be located in the consultant's office.

#### Scope of Services to be Performed

The consultant engineer shall perform tasks and produce the deliverables as described. This person will act as project manager on assigned access management construction projects; review design plans as assigned by the special projects engineer; assist the special projects engineer with review of complex access permits and the review of comprehensive traffic impact studies (TIS) and basic TIS for consistency with applicable engineering guidelines and standards, and coordination of agency wide evaluation of these requests and specialized investigations; assist the special projects engineer with preparation of access planning instruments and special studies. Preference will be given to engineers with experience in traffic analysis including familiarity with traffic modeling and simulation. Experience with reviewing site drainage studies is also desired. This person must exhibit excellent communication both verbally and written with property developers, consultants, and local public agencies throughout the permitting process and construction projects. This person is a decision-maker and frequently makes independent decisions using strategic and engineering judgement. This is a part-time position for eight (8) to twelve (12) hours per week Monday-Friday, some travel for KDOT training or field visits may be required. Phone, computer, routine office supplies, and cubicle supplied for embedded engineer at KDOT headquarters. The term of this work is from June 2021 through May of 2023.

#### Schedule and Deadlines

- Qualifications/responses are due on or before 12:00 p.m. (CST) May 7, 2021 to be delivered via email to [kdot.designcontracts@ks.gov](mailto:kdot.designcontracts@ks.gov)
- Evaluations, shortlisting, and ranking of Request for Qualifications (RFQs) on or about the week of May

14, 2021 after which time all firms that submitted will be notified of the ranking and interview times

- Interviews the week of May 2017, 2021 after which time all firms that submitted will be notified of the final ranking
- Negotiations with the most highly ranked firm to commence on or about May 24, 2021
- Agreement/work order in place and in effect June 1, 2021
- Consultant engineer to begin June 14, 2021

#### Evaluation Factors

Shortlisting will be based on qualifications and experience of individuals detailed in resume. No more than ten (10) individuals will be shortlisted for interviews. The interviews will be the determining factor of preference and ranking of first, second, and third. The highest ranked firm will be asked to enter into negotiations with KDOT for an agreement. In the event KDOT cannot reach agreement with the ranked firms, it will terminate negotiations with such firm(s) and commence negotiations with the next highest ranked firm(s), and so on, until either agreement is reached for a satisfactory scope of services for a fair and reasonable price, or KDOT decides to pursue other alternatives.

#### Instructions for RFQ

Note: No costs shall be contained in the RFQ. The main text of consultant's RFQ must not exceed four (4) pages to address the topics listed below. Additional pages submitted for certifications required by KDOT do not count toward page limit. The RFQ submittal will consist of the RFQ and a completed and signed Special Attachment No. 7 ("Certificate of Final Indirect Costs"), a completed and signed Special Attachment No. 8 ("Tax Clearance Certificate"), and a completed and signed "Certification Individual or Company Not Currently Engaged in a Boycott of Israel." All these forms are attached to the original email announcement. RFQs shall address and include the following items:

- Project manager/engineer in charge
- Provide name(s), qualifications, education, training and expertise as well as prior relevant experience of consultant personnel, if any, intended to perform services

#### Contract Terms and Conditions

A standard KDOT agreement for embedding engineering services will be used for this project with Special Attachments for the Kansas "Tax Clearance Certificate," the "Certification of Final Indirect Costs," and the "Certification Individual or Company Not Currently Engaged in a Boycott of Israel."

Questions about this RFQ shall be sent by email to KDOT at [kdot.designcontracts@ks.gov](mailto:kdot.designcontracts@ks.gov).

Calvin E. Reed, P.E. Director  
Division of Engineering and Design

Doc. No. 049072

State of Kansas

Department of Transportation

Request for Comments

The Kansas Department of Transportation (KDOT) requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 21-24. The comprehensive list of projects being amended to the STIP may be viewed online at <http://www.ksdot.org/bureaus/burProgProjMgmt/stip/stip.asp>. The project list includes projects for counties, cities, and projects on the state highway system. In addition to this list of projects is Administrative Narrative Modification #3 for updates that have occurred in the Metropolitan Transportation Improvement Programs narrative section of the STIP.

The amendment of the STIP requires a public comment period of 14-days. To make comment on this STIP amendment, contact KDOT's Division of Program and Project Management, 2nd Floor Tower, 700 SW Harrison, Topeka, KS 66603-3754; phone 785-296-3254.

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Office of Public Affairs at 785-296-3585 (Voice/Hearing Impaired-711).

The comment period regarding the STIP amendment for these projects will conclude May 5th, 2021.

Julie Lorenz  
Secretary

Doc. No. 049059

(Published in the Kansas Register April 22, 2021.)

The Scoular Company

Request for Proposals

Interested parties are invited to submit a proposal to complete the below scope of repairs for the proposed The Scoular Company Goodland, Kansas project.

Scope of Work

The Scoular Company elevator track rehabilitation at Goodland, Kansas. Provide all necessary labor, equipment, and logistical services to supply all materials called for; complete all rehab and track construction work, ties, ballast, etc. The scope is further described as follows:

- West switch to west end of grain silos:
  - furnish labor, equipment, and materials to install 45 new 6"x8"x8'6" ties
- West end of silos to Main Street road crossing:
  - furnish labor, equipment, and materials to install 96 new 6"x8"x8'6" ties,
  - add new 1½" clean ballast, raise and tamp to proper height and cross-level
- East switch to Main Street road crossing:
  - furnish labor, equipment, and materials to install 111 new 6"x8"x8'6" ties
- Main Street crossing:
  - furnish labor, equipment, and materials to tear out and rebuild 65' crossing: remove existing cross ties,
  - cut grade 18" below top of rail

- install 39 new 6"x8"x8'6" ties
- reinstall existing rail and OTM using new track spikes and AREMA grade bolts, nuts, and washers
- add new 1½" clean ballast, rail and tamp to proper height and cross-level
- install new timber crossing panels

MSA and Roadway Worker Protection

Contractors must complete, and have on file, a current Master Services Agreement with The Scoular Company before work begins.

1. Contractors shall comply with all parts of 49 CFR Part 214 and 219 regarding FRA Roadway Worker Safety at all times. Men and equipment shall remain clear of the track unless they have gained Roadway Worker Protection from a qualified person.
2. Contractor, contractor employees, agents, and/or subcontractors must be enrolled and comply with the FRA 219 approved drug testing program.
3. Any subcontracted work will need to be approved prior to construction.

Work Windows

Impact to current railroad operations must be kept to a minimum. When work must take place that causes an active track to be taken out of service for the purposes of performing work that pertains to the project, the contractor must pre-arrange a defined work window with The Scoular Company. Contractor can anticipate a minimum work window of eight hours.

Standards

All standards referenced by the project plans and specifications, as well as all applicable AREMA standards, must be upheld during all phases of the project work, unless certain standards are excluded from the project with written approval. All rail shall be replaced at standard gauge of 56½."

Submittals

The following documents shall be submitted by the contractor as part of the project, at the times listed:

1. Schedule of Work – submitted with proposal
2. Certificate of Insurance – submitted prior to construction
3. Safety Plan – submitted prior to construction
4. Proof of Roadway Worker Training – submitted prior to construction
5. All contractors must recognize this is a federal contract and agree to comply with federal requirements such as the Davis-Bacon Act, "Buy America," and the Disadvantaged Business Enterprise (DBE), where applicable.

Other Responsibilities

1. Permits – contractor is responsible for all federal, state, and local permits required for the work.
2. Utilities – contractor is responsible to locate and protect site utilities.
3. Site Clean-up – contractor is responsible for proper site restoration and proper disposal of materials removed in accordance with all local, state, and federal laws.

(continued)

Insurance

Contractor shall purchase required coverage and submit for verification a Certificate of Insurance.

Materials

All materials shall meet the requirements found in the project plans and/or specifications as well as applicable AREMA requirements. Material storage is granted on railroad right of way to the contractor. However, no materials shall be stored closer than 15' from the centerline of any active track at any time. Material and equipment laydown areas and reclaimed materials stockpiling locations shall be discussed and further clarified at the pre-proposal meeting. All removed materials remain property of The Scoular Company, to be stockpiled as directed by a representative.

**Non-Project Areas**

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

**Pre-Construction Meeting**

The Scoular Company shall hold a pre-construction meeting at the project site to identify and mark ties that will be replaced.

**Project Completion**

All work pertaining to this project shall be completed by July 1, 2021.

**Submission of a Proposal**

All proposals must be submitted no later than April 30, 2021. All submitted proposals shall be reviewed by The Scoular Company. Please ensure your proposal includes all required information. All incomplete proposals shall be rejected. The structure of your proposal must be able to be clearly understood, all proposals shall provide the following line items and provide costs as required below:

1. Provide a total sum of all line items on the proposal
2. Mobilization and demobilization – lump sum
3. Material (supply), labor (install), and equipment for each line item
4. Tamp and regulate – lump sum
5. Performance bond (sum not less than amount of awarded contract) – lump sum
6. Clean up work site to completion – lump sum

**Work Reporting**

Daily work reports must be filled out and submitted to the designated Scoular representative. Weekly reports should include updates to project schedules, any delays, or any change in the scope of work. A detailed summary report must be submitted at the completion of the project.

Curtis Engel  
Vice President/General Manager

Doc. No. 049042

(Published in the Kansas Register April 22, 2021.)

**The Scoular Company****Request for Proposals**

Interested parties are invited to submit a proposal to complete the below scope of repairs for the proposed The Scoular Company Downs, Kansas project.

**Scope of Work**

The Scoular Company elevator track rehabilitation at Downs, Kansas. Provide all necessary labor, equipment, and logistical services to supply all materials called for; complete all rehab and track construction work, ties, ballast, etc. The scope is further described as follows:

- West House Track:
  - materials, labor, and equipment to install 61 new 6"x8"x8'6" ties (to break up clusters of defective ties and replace defective joint tie).
  - Provide and install one stick of 90# rail to fix dutchman and gapped joints
- East House Track:
  - materials, labor, and equipment to install 68 new 6"x8"x8'6" ties (to break up clusters of defective times and replace defective joint ties).
  - materials, labor, and equipment to tear out and rebuild 160' with the following:
    - cut grade 24" below top of rail
    - install and compact 6" of AB3
    - install geo grid geo tech to stabilize grade
    - install 92 new 6"x8"x8'6" new ties
    - reinstall all existing rail and OTM, construct using new track spikes
    - provide and install new 1½" clean ballast
    - raise and machine tamp track to proper height and cross-level
    - regulate track to top of tie.
- East Pass Track:
  - materials, labor, and equipment to install 56 new 6"x8"x8'6" ties (to break up clusters of defective ties and replace defective joint ties)
  - materials, labor, and equipment to tear out and rebuild 300' with the following:
    - cut grade 24" below top of rail
    - install and compact 6" of AB3
    - install geo grid geo tech to stabilize grade
    - install 171, new 6"x8"x8'6" new ties
    - furnish and install 90# rail and OTM, construct using new track spikes,
    - install new 1½" clean ballast
    - raise and machine tamp track to proper height and cross-level
    - regulate track to top of tie.
- West Pass Track:
  - materials, labor, and equipment to install 20 new 6"x8"x8'6" ties (to break up clusters of defective ties, replace defective joint ties, and correct gauge).

**MSA and Roadway Worker Protection**

Contractors must complete, and have on file, a current Master Services Agreement with The Scoular Company before work begins.



1. Contractors shall comply with all parts of 49 CFR Part 214 and 219 regarding FRA Roadway Worker Safety at all times. Men and equipment shall remain clear of the track unless they have gained Roadway Worker Protection from a qualified person.
2. Contractor, contractor employees, agents, and/or subcontractors must be enrolled and comply with the FRA 219 approved drug testing program.
3. Any subcontracted work will need to be approved prior to construction.

#### Work Windows

Impact to current railroad operations must be kept to a minimum. When work must take place that causes an active track to be taken out of service for the purposes of performing work that pertains to the project, the contractor must pre-arrange a defined work window with The Scoular Company. Contractor can anticipate a minimum work window of eight hours.

#### Standards

All standards referenced by the project plans and specifications, as well as all applicable AREMA standards, must be upheld during all phases of the project work, unless certain standards are excluded from the project with written approval. All rail shall be replaced at standard gauge of 56½."

#### Submittals

The following documents shall be submitted by the contractor as part of the project, at the times listed:

1. Schedule of Work – submitted with proposal
2. Certificate of Insurance – submitted prior to construction
3. Safety Plan – submitted prior to construction
4. Proof of Roadway Worker Training – submitted prior to construction
5. All contractors must recognize this is a federal contract and agree to comply with federal requirements such as the Davis-Bacon Act, "Buy America," and the Disadvantaged Business Enterprise (DBE), where applicable.

#### Other Responsibilities

1. Permits – contractor is responsible for all federal, state, and local permits required for the work.
2. Utilities – contractor is responsible to locate and protect site utilities.
3. Site Clean-up – contractor is responsible for proper site restoration and proper disposal of materials removed in accordance with all local, state, and federal laws.

#### Insurance

Contractor shall purchase required coverage and submit for verification a Certificate of Insurance.

#### Materials

All materials shall meet the requirements found in the project plans and/or specifications as well as applicable AREMA requirements. Material storage is granted on railroad right of way to the contractor. However, no materials shall be stored closer than 15' from the centerline of any active track at any time. Material and equipment laydown areas and reclaimed materials stockpiling

locations shall be discussed and further clarified at the pre-proposal meeting. All removed materials remain property of The Scoular Company, to be stockpiled as directed by a representative.

#### **Non-Project Areas**

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

#### **Pre-Construction Meeting**

The Scoular Company shall hold a pre-construction meeting at the project site to identify and mark ties that will be replaced.

#### **Project Completion**

All work pertaining to this project shall be completed by July 1, 2021.

#### **Submission of a Proposal**

All proposals must be submitted no later than April 30, 2021. All submitted proposals shall be reviewed by The Scoular Company. Please ensure your proposal includes all required information. All incomplete proposals shall be rejected. The structure of your proposal must be able to be clearly understood, all proposals shall provide the following line items and provide costs as required below:

1. Provide a total sum of all line items on the proposal
2. Mobilization and demobilization – lump sum
3. Material (supply), labor (install), and equipment for each line item
4. Tamp and regulate – lump sum
5. Performance bond (sum not less than amount of the contract as awarded) – lump sum
6. Clean up work site to completion – lump sum

#### **Work Reporting**

Daily work reports must be filled out and submitted to the designated Scoular representative. Weekly reports should include updates to project schedules, any delays, or any change in the scope of work. A detailed summary report must be submitted at the completion of the project.

Curtis Engel  
Vice President/General Manager

Doc. No. 049043

(Published in the Kansas Register April 22, 2021.)

### **City of Minneola, Kansas**

#### **Notice of Intent to Seek Private Placement General Obligation Bonds, Series 2021**

Notice is hereby given that the City of Minneola, Kansas (the "Issuer") proposes to seek a private placement of the above-referenced bonds (the "Bonds"). The maximum aggregate principal amount of the Bonds shall not exceed \$425,000. The proposed sale of the Bonds is in all respects subject to approval of a bond purchase agree-

*(continued)*

ment between the Issuer and the purchaser of the Bonds and the passage of an ordinance and adoption of a resolution by the governing body authorizing the issuance of the Bonds and the execution of various documents necessary to deliver the Bonds.

Dated April 6, 2021.

Brenda Stewart  
City Clerk

Doc. No. 049061

## State of Kansas

### Legislative Administrative Services

#### Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced April 8–14 during the 2021 session of the Kansas Legislature. Full text of bills, bill tracking, and other information may be accessed at <http://www.kslegislature.org/li/>.

#### Senate Bills

**SB 312**, AN ACT concerning elections; relating to bond law elections; time of election after notice; county election commissioners; eliminating the county residence requirement; county elections; ballots received by mail; obtaining missing signatures; repealing certain obsolete sections relating to the presidential preference primary; election-related contribution restrictions for certain corporations and stockholders; amending K.S.A. 10-120, 19-3419 and 19-3422 and K.S.A. 2020 Supp. 25-433 and repealing the existing sections; also repealing K.S.A. 25-222, 25-1709, 25-1710, 25-4506, 25-4507 and 25-4508 and K.S.A. 2020 Supp. 25-4502, 25-4503 and 25-4505, by Committee on Federal and State Affairs.

#### Senate Resolutions

**SR 1719**, A RESOLUTION congratulating and commending the Baldwin City High School girls wrestling team for winning the 2021 Kansas State High School Activities Association Division II State Wrestling Championship, by Senator Holland.

**SR 1720**, A RESOLUTION recognizing April as Child Abuse Prevention Month and growing a better tomorrow for all children together, by Senator McGinn.

#### Senate Concurrent Resolutions

**SCR 1613**, A CONCURRENT RESOLUTION relating to the adjournment of the Senate and House of Representatives for a period of time during the 2021 regular session of the legislature, by Senators Master-son, Wilborn and Sykes.

Doc. No. 049063

## State of Kansas

### Secretary of State

#### Certification of New State Laws

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

Scott Schwab  
Secretary of State

(Published in the Kansas Register April 22, 2021.)

### Senate Bill No. 24

AN ACT concerning municipalities; prohibiting any requirements that impact a customer's use of energy; relating to the retail provision of natural gas and propane; creating the Kansas energy choice act.

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

Section 1. (a) As used in this section:

(1) "Municipality" means any county, city, township or other political or taxing subdivision thereof, or any board, bureau, commission, committee, department, division or other agency thereof.

(2) "Utility service" means the retail provision of natural gas or propane.

(b) A municipality shall not impose any ordinance, resolution, code, rule, provision, standard, permit, plan or any other binding action that prohibits, discriminates against, restricts, limits, impairs, or has the effect thereof, an end use customer's use of a utility service.

(c) This section shall not be construed to restrict the ability of a municipality to limit an end use customer's use of a utility service if the end use customer is such municipality.

(d) This section shall be known and may be cited as the Kansas energy choice act.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

Doc. No. 049064

(Published in the Kansas Register April 22, 2021.)

### Senate Substitute for House Bill No. 2072

AN ACT concerning the state corporation commission; relating to certain public utilities; authorizing the securitization of certain generating facilities and qualified extraordinary costs; providing for the approval and issuance of securitized utility tariff bonds; enacting the utility financing and securitization act; amending K.S.A. 66-1239 and K.S.A. 2020 Supp. 84-9-109 and repealing the existing sections.

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

New Section 1. (a) Sections 1 through 14, and amendments thereto, shall be known and may be cited as the utility financing and securitization act.

(b) As used in sections 1 through 14, and amendments thereto:

(1) "Act" means the utility financing and securitization act.

(2) "Adjustment mechanism" means a formula-based rate adjustment, or true-up process approved by the commission for making, at least annually, expeditious periodic adjustments to securitized utility tariff charges, subject to timely commission review to confirm compliance, that customers are required to pay, as authorized in a financing order. The "adjustment mechanism" is utilized to make necessary corrections to adjust for over-collection or under-collection of such securitized utility tariff charges or otherwise to ensure the timely and complete payment of the securitized utility tariff bonds and all other financing costs and other required amounts and charges payable in connection with the securitized utility tariff bonds.

(3) "Ancillary agreement" means any bond, insurance policy, letter of credit, reserve account, surety bond, interest rate lock or swap arrangement, hedging arrangement, liquidity or credit support.

(4) "Assignee" means a corporation, limited liability company, general partnership, limited partnership, public authority, trust, financing entity or other entity to which a public utility assigns, sells or transfers, other than as security, all or a portion of its interest in, or right to, securitized utility tariff property.

(5) "Bondholder" means any holder or owner of a securitized utility tariff bond.

(6) "Code" means the Kansas uniform commercial code.

(7) "Commission" means the state corporation commission.

(8) "Electric public utility" means the same as defined in K.S.A. 66-101a, and amendments thereto, and includes a for-profit electric utility whose retail rates are subject to the jurisdiction of the commission.

"Electric public utility" does not include a cooperative that has opted to deregulate pursuant to K.S.A. 66-104d, and amendments thereto, or an electric utility owned by one or more such cooperatives.

(9) (A) "Energy transition costs," at the option of and upon application by an electric public utility, and as approved by the commission, includes:

(i) Any of the pretax costs that the electric public utility has incurred or will incur that are caused by, associated with or remain as a result of a retired, abandoned, to be retired or to be abandoned electric generating facility that is the subject of an application for a financing order filed under this act where such early retirement or abandonment is deemed reasonable and prudent by the commission through a final order issued by the commission. As used in this paragraph, "pretax costs," if determined reasonable by the commission and not inconsistent with a commission order granting predetermination under K.S.A. 66-1239, and amendments thereto, regarding retirement or abandonment of the subject generating facility, include, but are not limited to, the undepreciated investment in the retired or abandoned electric generating facility and any facilities ancillary thereto or used in conjunction therewith, costs of decommissioning and restoring the site of the electric generating facility, other applicable capital and operating costs, accrued carrying charges and deferred expenses. Such "pretax costs" shall be reduced by applicable tax benefits of accumulated and excess deferred income taxes, insurance, scrap and salvage proceeds and include the cost of retiring any existing indebtedness, fees, costs and expenses to modify existing debt agreements or for waivers or consents related to existing debt agreements; and

(ii) "pretax costs" that an electric public utility has previously incurred related to the retirement of such an electric generating facility occurring before the effective date of this act.

(B) "Energy transition costs" does not include any monetary penalty, fine or forfeiture assessed against an electric public utility by a governmental agency or court under a federal or state statute or rule or regulation.

(10) "Financing costs" includes, if authorized by the commission in a financing order, costs to issue, service, repay or refinance securitized utility tariff bonds, whether incurred or paid upon issuance of the securitized utility tariff bonds or over the life of the securitized utility tariff bonds, including:

(A) Principal, interest and acquisition, defeasance or redemption premiums payable on securitized utility tariff bonds;

(B) any payment required under an ancillary agreement and any amount required to fund or replenish a reserve account or other accounts established under the terms of any indenture, ancillary agreement or other financing documents pertaining to securitized utility tariff bonds;

(C) any other cost related to issuing, supporting, repaying, refunding and servicing securitized utility tariff bonds, including, but not limited to, servicing fees, accounting and auditing fees, trustee fees, legal fees, consulting fees, financial or structuring adviser fees, administrative fees, placement and underwriting fees, independent director and manager fees, capitalized interest, rating agency fees, stock exchange listing and compliance fees, security registration fees, filing fees, information technology programming costs and any other costs necessary to otherwise ensure the timely payment of securitized utility tariff bonds or other amounts or charges payable in connection with securitized utility tariff bonds, including costs related to obtaining the financing order;

(D) any taxes and license fees or other fees imposed on the revenues generated from the collection of the securitized utility tariff charges or otherwise resulting from the collection of securitized utility tariff charges, whether paid, payable or accrued;

(E) any state and local taxes, franchise fees, gross receipts and other taxes or similar charges, including commission assessment fees, whether paid, payable or accrued; and

(F) any costs of the commission needed to perform the commission's responsibilities under this act, including costs to engage counsel and a financial adviser.

(11) "Financing order" means an order from the commission pursuant to this act that authorizes the:

(A) Issuance of securitized utility tariff bonds in one or more series;

(B) imposition, collection and periodic adjustments of a securitized utility tariff charge;

(C) creation of securitized utility tariff property; and

(D) sale, assignment or transfer of securitized utility tariff property to an assignee.

(12) "Financing party" means bondholders and trustees, collateral agents, any party under an ancillary agreement or any other person acting for the benefit of bondholders.

(13) "Financing statement" means the same as defined in K.S.A. 84-9-102, and amendments thereto.

(14) "Natural gas public utility" means the same as defined in K.S.A. 66-1,200, and amendments thereto.

(15) "Nonbypassable" means that the payment of a securitized utility tariff charge may not be avoided by any existing or future retail customer including special contract customers as provided in section 2, and amendments thereto, located within a public utility service area, as such service area existed on the date of the financing order, or, if the financing order so provides, as such service area may be expanded, even if the customer elects to purchase electricity or natural gas from a supplier other than the electric or natural gas utility, or its successors or assignees, or receives retail electric or natural gas service from another electric or natural gas service from another electric or natural gas utility operating in the same service area.

(16) "Pledgee" means a financing party to which an electric or natural gas public utility, or its successors or assignees, mortgages, negotiates, pledges or creates a security interest or lien on all or any portion of its interest in or right to securitized utility tariff property.

(17) "Public utility" means an electric public utility or a natural gas public utility whose rates are subject to the jurisdiction of the commission.

(18) "Qualified extraordinary costs" includes, at the option of and upon application by a public utility and as approved by the commission, costs that the public utility has incurred before, on or after the effective date of this act of an extraordinary nature that would cause extreme customer rate impacts if recovered through customary rate-making, including, but not limited to, purchases of gas supplies, transportation costs, fuel and power costs, including carrying charges incurred during anomalous weather events.

(19) (A) "Securitized utility tariff bonds" means bonds, debentures, notes, certificates of participation, certificates of beneficial interest, certificates of ownership or other evidences of indebtedness or ownership that have a maturity date as determined reasonable by the commission, but not later than 32 years from the issue date, that are issued by an:

(i) Electric public utility or an assignee pursuant to a financing order, the proceeds of which are used directly or indirectly to recover, finance or refinance commission-approved energy transition costs and financing costs and that are secured by or payable from securitized utility tariff property; or

(ii) electric or natural gas public utility or assignee pursuant to a financing order, the proceeds of which are used directly or indirectly to recover, finance or refinance commission-approved qualified extraordinary costs and financing costs that are secured by or payable from securitized utility tariff property.

(B) If certificates of participation or ownership are issued, references in this section to principal, interest or premium shall be construed to refer to comparable amounts under those certificates.

(20) "Securitized utility tariff charge" means the amounts authorized by the commission to provide a source of revenue solely to repay, finance or refinance securitized utility tariff bonds and financing costs and that are nonbypassable charges imposed on, and part of all retail customer bills, including bills to special contract customers as provided in section 2, and amendments thereto, collected by an electric or natural gas public utility or its successors or assignees, or a collection agent, in full, separate and apart from the electric or natural gas public utility's base rates. "Securitized utility tariff charges" are paid by all existing or future retail customers receiving electrical or natural gas service from the public utility or its successors or assignees under commission-approved rate schedules or under special contracts, as provided in section 2, and amendments thereto, even if a retail customer elects to purchase electricity or natural gas from an alternative electricity or natural gas supplier following a fundamental change in regulation of public utilities in this state.

(21) "Securitized utility tariff costs" means either energy transition costs or qualified extraordinary costs.

(22) "Securitized utility tariff property" includes:

(A) All rights and interests of a public utility, its successor or assignee under a financing order, including the right to impose, bill, charge, collect and receive securitized utility tariff charges authorized under the financing order and to obtain periodic adjustments to such charges authorized under this section and as provided in the financing order; and

(continued)

(B) all revenues, collections, claims, rights to payments, payments, money or proceeds arising from the rights and interests specified in the financing order, regardless of whether such revenues, collections, claims, rights to payment, payments, money or proceeds are imposed, billed, received, collected or maintained together with or commingled with other revenues, collections, rights to payment, payments, money or proceeds.

(23) "Special contract" means the terms of a contract governing the supply of electricity that has been approved by the commission that is not included in generally applicable rate schedules.

(24) "Successor" means, with respect to any legal entity, another legal entity that succeeds by operation of law to the rights and obligations of the first legal entity pursuant to any bankruptcy, reorganization, restricting, other insolvency proceeding, merger, acquisition, consolidation or sale or transfer of assets, regardless of the reason such event occurs.

New Sec. 2. (a) (1) An electric public utility, in its sole discretion, may apply to the commission for a financing order as authorized by this act for the recovery of energy transition costs.

(2) In applying for the financing order, the electric public utility may file an application to issue securitized utility tariff bonds in one or more series, impose, charge and collect securitized utility tariff charges and create securitized utility tariff property related to the recovery of energy transition costs.

(3) Within 25 days after a complete application is filed, the commission shall establish a procedural schedule that requires the commission to issue a decision on the application not later than 135 days from the date a complete application was filed.

(4) The commission shall take final action to approve, approve subject to conditions the commission considers appropriate and that are authorized by this section or deny any application for a financing order in a final order issued in accordance with the commission's rules for addressing applications within 135 days of receiving a complete application as authorized by this act. Such final order shall be subject to judicial review in accordance with K.S.A. 66-118a through 66-118o, and amendments thereto, and shall be deemed as arising from a rate hearing pursuant to K.S.A. 66-118a(b), and amendments thereto.

(5) As a prerequisite of filing an application, an electric public utility shall have obtained an order from the commission under K.S.A. 66-1239, and amendments thereto, finding retirement or abandonment of the subject generating facility to be reasonable.

(b) (1) A public utility, in its sole discretion, may apply to the commission for a financing order as authorized by this act for the recovery of qualified extraordinary costs.

(2) In applying for the financing order, the public utility may file an application to issue securitized utility tariff bonds in one or more series, to impose, charge and collect securitized utility tariff charges and create securitized utility tariff property related to the recovery of qualified extraordinary costs.

(3) Within 25 days after a complete application is filed, the commission shall establish a procedural schedule that requires the commission to issue a decision on the application not later than 180 days from the date a complete application was filed.

(4) The commission shall take final action to approve, approve subject to conditions the commission considers appropriate and that are authorized by this section or deny any application for the recovery of qualified extraordinary costs and a financing order in a final order issued in accordance with the commission's rules for addressing applications within 180 days of receiving a complete application as authorized by this act. Such final order shall be subject to judicial review in accordance with K.S.A. 66-118a through 66-118o, and amendments thereto, and shall be deemed as arising from a rate hearing pursuant to K.S.A. 66-118a(b), and amendments thereto.

(c) The application shall include:

(1) (A) A description of the electric generating facility or facilities that the electric public utility has retired or abandoned, or proposes to retire or abandon, prior to the date that all undepreciated investment relating thereto has been recovered through rates and the reasons for undertaking such early retirement or abandonment. If the electric public utility is subject to a separate commission order or proceeding relating to such retirement or abandonment or as described in subsection (a)(5), the application shall include a description of the order or other proceeding; or

(B) a description of the qualified extraordinary costs that the public utility proposes to recover and how customary rate-making treatment of such costs would result in extreme customer rate impacts;

(2) a description of the securitized utility tariff costs that the applicant proposes to recover with the proceeds of the securitized utility tariff bonds;

(3) (A) an indicator of whether the public utility proposes to finance all or a portion of the securitized utility tariff costs using securitized utility tariff bonds. If the public utility proposes to finance a portion of the securitized utility tariff costs, the public utility shall identify the specific portion in the application;

(B) by electing not to finance all or any portion of such securitized utility tariff costs using securitized utility tariff bonds, a public utility shall not be deemed to waive its right to recover or request recovery of such costs pursuant to a separate proceeding with the commission;

(4) an estimate of the financing costs related to the securitized utility tariff bonds;

(5) an estimate of the securitized utility tariff charges necessary to recover the securitized utility tariff costs and all financing costs, the period for recovery of such costs and a description of the proposed financing structure, including the proposed scheduled final payment dates and final maturity of the securitized utility tariff bonds;

(6) the proposed methodology for allocating the revenue requirement for the securitized utility tariff charge among customer classes, including special contract customers, as provided in this section;

(7) a description of the nonbypassable securitized utility tariff charge required to be paid by all customers within the public utility's service area for recovery of securitized utility tariff costs and a proposed adjustment mechanism reflecting the allocation methodology referred to in paragraph (6);

(8) an estimate of the timing of the potential issuance of the securitized utility tariff bonds or series of bonds;

(9) (A) in an application relating to energy transition costs, a comparison between the net present value of the costs to customers that are estimated to result from the issuance of securitized utility tariff bonds and the costs that would result from the application of the traditional method of financing and recovering the undepreciated investment of facilities that may become energy transition costs from customers. The comparison shall demonstrate that the issuance of securitized utility tariff bonds and the imposition of securitized utility tariff charges are expected to provide net quantifiable rate benefits to customers or would avoid or mitigate rate impacts to customers; or

(B) in an application relating to qualified extraordinary costs, a comparison between the net present value of the costs to customers that are estimated to result from the issuance of securitized utility tariff bonds and the costs that would result from the application of traditional methods of financing and recovery of such qualified extraordinary costs. The comparison shall demonstrate that the issuance of securitized utility tariff bonds and the imposition of securitized utility tariff charges are expected to provide net quantifiable rate benefits to customers or would avoid or mitigate rate impacts to customers;

(10) (A) specify a future rate-making process to reconcile any difference between the securitized utility tariff costs financed by securitized utility tariff bonds and the final securitized utility tariff costs incurred by the public utility or the assignee;

(B) a statement that the reconciliation may affect the public utility's rates or any rider but shall not affect the securitized utility tariff bonds, the securitized utility tariff property or the associated securitized utility tariff charges paid by customers; and

(11) direct testimony and schedules supporting the application.

(d) Following notice and hearing on an application for a financing order, as required by rules and regulations adopted by the commission, the commission may issue a financing order if the commission finds that the:

(1) Securitized utility tariff costs described in the application are just and reasonable; and

(2) proposed issuance of securitized utility tariff bonds and the imposition and collection of securitized utility tariff charges are expected to provide net quantifiable rate benefits to customers when compared to the costs that would result from the application of the traditional method of financing and recovering the securitized utility tariff costs with respect to energy transition costs or that would avoid or mitigate rate impacts to customers.

(e) A financing order issued by the commission in response to an application filed by a public utility shall include the following elements:

(1) The amount of securitized utility tariff costs to be financed using securitized utility tariff bonds. The commission shall describe and estimate the amount of financing costs and securitized utility tariff costs that may be recovered through securitized utility tariff charges

and specify the period over which securitized utility tariff costs and financing costs may be recovered, that shall not be earlier than the date of the final legal maturity of securitized utility tariff bonds to be issued;

(2) (A) an approved customer billing mechanism for securitized utility tariff charges, including a specific methodology for allocating the necessary securitized utility tariff charges among the different customer classes including special contract customers and a finding that the resulting securitized utility tariff charges will be just and reasonable, except that the amount of securitized utility tariff charges allocated to special contract customers in connection with the securitization of energy transition costs shall not exceed the rate benefits from the retirement or abandonment of the subject electric utility generating assets that are assigned or allocated to special contract customers. The securitized utility tariff charges allocated to special contract customers as a result of a financing order regarding a retirement or abandonment shall be offset by net quantifiable rate benefits of at least the same amount. The initial allocation of securitized utility tariff charges shall remain in effect until the public utility files a general base rate proceeding; and

(B) once the commission's order regarding the general base rate proceeding becomes final, all subsequent applications of an adjustment mechanism regarding securitized utility tariff charges shall incorporate changes in the allocation of costs to customers as detailed in the commission's order from the public utility's most recent general base rate proceeding;

(3) a finding that the proposed issuance of securitized utility tariff bonds and the imposition and collection of a securitized utility tariff charge are expected to provide net quantifiable rate benefits to customers as compared to the traditional methods of financing and recovering securitized utility tariff costs from customers or would avoid or mitigate rate impacts to customers;

(4) an approved plan for the public utility, by means other than on the monthly bill, to provide information regarding the benefits of securitization obtained for customers through the financing order;

(5) a finding that the structuring, pricing and financing costs of the securitized utility tariff bonds are expected to result in the lowest securitized utility tariff charges, consistent with market conditions at the time the securitized utility tariff bonds are priced and the terms of the financing order;

(6) a requirement that, for so long as the securitized utility tariff bonds are outstanding and until all financing costs have been paid in full, the imposition and collection of securitized utility tariff charges authorized under a financing order shall be nonbypassable;

(7) an adjustment mechanism;

(8) a description of the securitized utility tariff property that is, or shall be, created in favor of a public utility, or its successors and assignees, and that shall be used to pay and secure the payment of securitized utility tariff bonds and all financing costs authorized in the financing order;

(9) a statement specifying the degree of flexibility to be afforded to the public utility in establishing the terms and conditions of the securitized utility tariff bonds, including, but not limited to, repayment schedules, expected interest rates and other financing costs;

(10) authorization for the applicant public utility to finance securitized utility tariff costs through the issuance of one or more series of securitized utility tariff bonds;

(11) a requirement that, after the final terms of an issuance of securitized utility tariff bonds have been established and before the issuance of securitized utility tariff bonds, the public utility determines the resulting initial securitized utility tariff charge is in accordance with the financing order and that such initial securitized utility tariff charge be final and effective upon the issuance of such securitized utility tariff bonds without further commission action so long as the securitized utility tariff charge is consistent with the financing order;

(12) a method of tracing funds collected as securitized utility tariff charges, or other proceeds of securitized utility tariff property, demonstrating that such method shall be deemed the method of tracing such funds and determining the identifiable cash proceeds of any securitized utility tariff property subject to a financing order under applicable law;

(13) a statement specifying a future rate-making process to reconcile any differences between the actual securitized utility tariff costs financed by securitized utility tariff bonds and the final securitized utility tariff costs incurred by the utility or assignee provided that any such reconciliation shall not affect the amount of securitized utility tariff bonds or the associated security tariff charges paid by customers;

(14) a procedure that allows the public utility to earn a return, at the cost of capital authorized from time to time by the commission in

the public utility's rate proceedings, on any moneys advanced by the public utility to fund reserves, if any, or capital accounts established under the terms of any indenture, ancillary agreement or other financing documents pertaining to the securitized utility tariff bonds;

(15) in a financing order granting authorization to recover energy transition costs by issuing securitized utility tariff bonds, a procedure for the treatment of accumulated deferred income taxes and excess deferred income taxes in connection with the retired or abandoned, or to be retired or abandoned, electric generating facility. The accumulated deferred income taxes, including excess deferred income taxes, shall be excluded from the rate base in future rate cases and the net tax benefits relating to amounts that will be recovered through issuance of securitized utility tariff bonds shall be credited to retail customers by reducing the amount of such securitized utility tariff bonds that would otherwise be issued. The customer credit shall include the net present value of the tax benefits calculated using a discount rate equal to the expected interest rate of the securitized utility tariff bonds for the estimated accumulated and excess deferred income taxes at the time of securitization, including timing differences created by the issuance of securitized utility tariff bonds amortized over the period of the bonds multiplied by the expected interest rate on such securitized utility tariff bonds;

(16) in the case of securitized utility tariff bonds issued to recover energy transition costs, provisions that specify the timing of rate-making and regulatory accounting actions required by the financing order to protect the interests of customers and the electric public utility, limited to the following requirements that, to the extent that the commission:

(A) Has issued an order granting predetermination under K.S.A. 66-1239, and amendments thereto, prescribing rate-making parameters or regulatory accounting for retirement or abandonment of the subject electric public utility generating assets, the electric public utility shall be permitted to implement and effectuate such rate-making parameters or regulatory accounting mechanisms; and

(B) has not issued an order granting predetermination under K.S.A. 66-1239, and amendments thereto, prescribing rate-making parameters or regulatory accounting to credit customers with the benefits from retirement of the subject electric public utility generating assets, and the commission shall address such matters in the financing order and customers shall receive the benefits as determined by the commission order simultaneously with the inception of the collection of securitized utility tariff charges;

(17) a date, not earlier than one year after the date that the financing order is no longer subject to appeal, when the authority to issue securitized utility tariff bonds granted in such financing order shall expire; and

(18) any other conditions that the commission deems appropriate and that are consistent with this section.

(f) A financing order issued to a public utility shall permit and may require the creation of the public utility's securitized utility tariff property that is conditioned upon the sale or other transfer of the securitized utility tariff property to an assignee and the pledge of the securitized utility tariff property to secure securitized utility tariff bonds.

(g) If the public utility has been issued a financing order, the public utility shall file with the commission, at least annually, an application or letter applying the adjustment mechanism based on estimates of consumption for each rate class and other mathematical factors and requesting administrative approval to make the applicable adjustments. The commission's review of the filing shall be limited to determining if any mathematical or clerical errors are present in the application of the adjustment mechanism relating to the appropriate amount of any over-collection or under-collection of securitized utility tariff charges and the amount of an adjustment. The adjustments shall ensure the recovery of revenue is sufficient to provide for the payment of principal, interest, acquisition, defeasance, financing costs or redemption premium and other fees, costs and charges with respect to the securitized utility tariff bonds approved under the financing order. Within 30 days after receiving a public utility's application or letter pursuant to this subsection, the commission shall either approve the application or letter or inform the public utility of any mathematical or clerical errors present in its calculation. If the commission informs the public utility of the presence of mathematical or clerical errors in its calculation, the public utility may correct its error and refile its request. The time frames previously described in this subsection shall apply to a refiled request.

(h) (1) Upon the transfer of the securitized utility tariff property to an assignee or the issuance of securitized utility tariff bonds authorized thereby, whichever occurs first, a financing order shall become irrevocable

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cable. Except for changes made pursuant to the adjustment mechanism authorized in this section, the commission shall not amend, modify or terminate the financing order by any subsequent action or reduce, impair, postpone, terminate or otherwise adjust securitized utility tariff charges approved in the financing order.

(2) After the issuance of a financing order, the public utility shall retain sole discretion regarding the decision to cause securitized utility tariff bonds to be issued.

(3) The commission, in a financing order and subject to the issuance advice letter process under paragraph (4), shall afford the public utility flexibility in establishing the terms and conditions for the securitized utility tariff bonds to accommodate changes in market conditions, including repayment schedules, interest rates, financing costs, collateral requirements, required debt service and other reserves and the ability of the public utility, at its option, to effect a series of issuances of securitized utility tariff bonds and correlated assignments, sales, pledges or other transfers of securitized utility tariff property. Any changes made under this subsection to terms and conditions for the securitized utility tariff bonds shall be in conformance with the financing order.

(4) As the actual structure and pricing of the securitized utility tariff bonds will be unknown at the time the financing order is issued, the public utility that intends to cause the issuance of such bonds shall provide to the commission, prior to the issuance of each series of bonds, an issuance advice letter following the determination of the final terms of such series of bonds not later than one day after the pricing of the securitized utility tariff bonds. The commission shall have the authority to designate a representative from commission staff, who may be advised by a financial adviser contracted with the commission, to observe all facets of the process undertaken by the public utility to place the securitized utility tariff bonds to market so the commission's representative can be prepared, if requested, to provide the commission with an opinion on the reasonableness of the pricing, terms and conditions of the securitized utility tariff bonds on an expedited basis. The form of such issuance advice letter shall be included in the financing order and shall indicate the final structure of the securitized utility tariff bonds and provide the best available estimate of total ongoing financing costs. The issuance advice letter shall report the initial securitized utility tariff charges and other information specific to the securitized utility tariff bonds to be issued, as the commission may require. Unless an earlier date is specified in the financing order, the public utility may proceed with the issuance of the securitized utility tariff bonds unless, prior to noon on the fourth business day after the commission receives the issuance advice letter, the commission issues a disapproval letter directing that the bonds as proposed shall not be issued and the basis for that disapproval. The financing order may provide such additional provisions relating to the issuance advice letter process as the commission considers appropriate and as are authorized by this section.

(5) In performing the responsibilities of this section, the commission may engage a financial adviser and counsel as the commission deems necessary. All expenses associated with such services shall be included as part of the financing costs of the securitized utility tariff bonds and shall be included in the securitized utility tariff charge.

(6) If a public utility's application for a financing order is denied or withdrawn, or for any reason securitized utility tariff bonds are not issued, any costs of retaining a financial adviser and counsel on behalf of the commission shall be paid by the applicant public utility and shall be eligible for full recovery by the public utility, including carrying costs, in the public utility's future rates.

(7) An adversely affected party may petition for judicial review of a financing order in accordance with K.S.A. 66-118a and 77-607, and amendments thereto.

(i) At the request of a public utility, the commission may commence a proceeding and issue a subsequent financing order that provides for refinancing, retiring or refunding securitized utility tariff bonds issued pursuant to the original financing order if the commission finds that the subsequent financing order satisfies all of the criteria specified in this section for a financing order. Effective upon retirement of the refunded securitized utility tariff bonds and the issuance of new securitized utility tariff bonds, the commission shall adjust the related securitized utility tariff charges accordingly.

(j) (1) A financing order remains in effect and securitized utility tariff property under the financing order continues to exist until securitized utility tariff bonds issued pursuant to the financing order have been paid in full or defeased and, in each case, all commission-approved financing costs of such securitized utility tariff bonds have been recovered in full.

(2) A financing order issued to a public utility remains in effect and unabated notwithstanding the reorganization, bankruptcy or other insolvency proceedings, merger or sale of the electric public utility or its successors or assignees.

New Sec. 3. (a) The commission shall not, in exercising its powers and carrying out its duties regarding any matter within its authority, consider the:

(1) Securitized utility tariff bonds issued pursuant to a financing order to be the debt of the public utility other than for federal and state income tax purposes;

(2) securitized utility tariff charges paid under the financing order to be the revenue of the public utility for any purpose; or

(3) securitized utility tariff costs or financing costs specified in the financing order to be the costs of the public utility.

(b) The commission shall not determine any action taken by a public utility that is consistent with the financing order to be unjust or unreasonable, and K.S.A. 66-1a01, and amendments thereto, shall not apply to the issuance of securitized utility tariff bonds.

(c) No public utility shall be required to file an application for a financing order under this section or otherwise utilize this section. The commission shall not order or otherwise directly or indirectly require a public utility to use securitized utility tariff bonds to recover securitized utility tariff costs or to finance any project, addition, plant, facility, extension, capital improvement, equipment or any other expenditure. After the issuance of a financing order, the public utility shall retain sole discretion regarding the decision to cause the securitized utility tariff bonds to be issued, including the right to defer or postpone such sale, assignment, transfer or issuance. Nothing shall prevent the public utility from abandoning the issuance of securitized utility tariff bonds under the financing order by filing with the commission a statement of abandonment and the reasons therefor.

(d) Securitized utility tariff bonds authorized under this act shall not be subject to K.S.A. 66-125, and amendments thereto.

(e) The commission shall not refuse to allow a public utility to recover securitized utility tariff costs in an otherwise permissible fashion, or refuse or condition authorization or approval of the issuance and sale by a public utility of securities or the assumption by the public utility of liabilities or obligations, solely because of the potential availability of securitized utility tariff bond financing.

(f) The commission shall not, directly or indirectly, utilize or consider the debt reflected by the securitized utility tariff bonds in establishing the public utility's capital structure used to determine any regulatory matter, including, but not limited to, the public utility's revenue requirement used to set its rates.

(g) The commission shall not, directly or indirectly, consider the existence of securitized utility tariff bonds or the potential use of securitized utility tariff bond financing in determining the public utility's authorized rate of return used to determine the public utility's revenue requirement used to set its rates.

(h) The commission shall not approve an application for a financing order associated with an asset retirement or abandonment if the application does not establish that the securitization of the specified retired or abandoned generating facility provides net quantifiable rate benefits to customers as required under this act.

New Sec. 4. The bills of a public utility that has obtained a financing order and caused securitized utility tariff bonds to be issued shall comply with the provisions of this section, except the failure of a public utility to comply with this section shall not invalidate, impair or otherwise affect any financing order, securitized utility tariff property, securitized utility tariff charge or securitized utility tariff bonds. The public utility shall:

(a) Explicitly reflect that a portion of the charges on such bill represents securitized utility tariff charges approved in a financing order issued to the public utility and, if the securitized utility tariff property has been transferred to an assignee, such bill shall include a statement to the effect that the assignee is the owner of the rights to the securitized utility tariff charges and that the public utility or other entity, if applicable, is acting as a collection agent or servicer for the assignee. The tariff applicable to the customer shall indicate the securitized utility tariff charge and the ownership of the charge; and

(b) include the securitized utility tariff charge on each customer's bill as a separate line item and include both the rate and the amount of the charge on each bill.

New Sec. 5. (a) All securitized utility tariff property specified in a financing order constitutes an existing, present intangible property

right or interest therein, notwithstanding that the imposition and collection of securitized utility tariff charges depends on the public utility to which the financing order is issued performing its servicing functions relating to the collection of securitized utility tariff charges and on future electricity or natural gas consumption. Such property exists:

(1) Regardless of whether revenues or proceeds arising from the property have been billed, have accrued or have been collected; and

(2) notwithstanding the fact that the value or amount of the property is dependent on the future provision of service to customers by the public utility or its successors or assignees and the future consumption of electricity or natural gas by customers.

(b) Securitized utility tariff property specified in a financing order shall exist until securitized utility tariff bonds issued pursuant to the financing order have been paid in full and all financing costs and other costs of such securitized utility tariff bonds have been recovered in full.

(c) All or any portion of securitized utility tariff property specified in a financing order issued to a public utility may be transferred, sold, conveyed or assigned to a successor or assignee that is wholly owned, directly or indirectly, by the public utility and created for the limited purpose of acquiring, owning or administering securitized utility tariff property or issuing securitized utility tariff bonds under the financing order. All or any portion of securitized utility tariff property may be pledged to secure securitized utility tariff bonds issued pursuant to the financing order, amounts payable to financing parties and to counterparties under any ancillary agreements and other financing costs. Any transfer, sale, conveyance, assignment, grant of a security interest in or pledge of securitized utility tariff property by a public utility, or an affiliate of the public utility, to an assignee to the extent previously authorized in a financing order shall not require the prior consent and approval of the commission.

(d) If a public utility defaults on any required remittance of securitized utility tariff charges arising from securitized utility tariff property specified in a financing order, a court, upon application by an interested party, and without limiting any other remedies available to the applying party, shall order the sequestration and payment of the revenues arising from the securitized utility tariff property to the financing parties or their assignees. Any such financing order shall remain in full force and effect notwithstanding any reorganization, bankruptcy or other insolvency proceedings with respect to the public utility or its successors or assignees.

(e) The interest of a transferee, purchaser, acquirer, assignee or pledgee in securitized utility tariff property specified in a financing order issued to a public utility, and in the revenue and collections arising from that property, is not subject to setoff, counterclaim, surcharge or defense by the public utility or any other person or in connection with the reorganization, bankruptcy or other insolvency of the public utility or any other entity.

(f) Any successor to a public utility, whether pursuant to any reorganization, bankruptcy or other insolvency proceeding or whether pursuant to any merger or acquisition, sale or other business combination, or transfer by operation of law, as a result of the public utility restructuring or otherwise, shall perform and satisfy all obligations of, and have the same rights under a financing order as, the public utility under the financing order in the same manner and to the same extent as the public utility, including collecting and paying to the person entitled to receive the revenues, collections, payments or proceeds of the securitized utility tariff property. Nothing in this section shall be construed to limit or impair any authority of the commission concerning the transfer or succession of interests of public utilities.

(g) Securitized utility tariff bonds shall be nonrecourse to the credit or any assets of the public utility other than the securitized utility tariff property specified in the financing order and any rights under any ancillary agreement.

New Sec. 6. (a) The creation, perfection, priority and enforcement of any security interest in securitized utility tariff property to secure the repayment of the principal and interest and other amounts payable in respect of securitized utility tariff bonds, amounts payable under any ancillary agreement and other financing costs are governed by this section and sections 8 and 9, and amendments thereto, and not by the provisions of the code, except as otherwise provided in this section and sections 8 and 9, and amendments thereto.

(b) A security interest in securitized utility tariff property is created, valid and binding at the latest of the time:

(1) The financing order is issued;

(2) a security agreement is executed and delivered by the debtor granting such security interest;

(3) the debtor has rights in such securitized utility tariff property or the power to transfer rights in such securitized utility tariff property; or

(4) when value is received for the securitized utility tariff property.

(c) The description of securitized utility tariff property in a security agreement is sufficient if the description refers to this section and the financing order creating the securitized utility tariff property. A security interest shall attach as provided in subsection (b) without physical delivery of collateral or other act.

(d) Upon filing of a financing statement with the office of the secretary of state, as provided in section 9, and amendments thereto, the security interest in securitized utility tariff property shall be perfected against all parties having claims of any kind in tort, contract or otherwise against the person granting the security interest and regardless of whether the parties have notice of the security interest. Without limitation, upon such filing, a security interest in the securitized utility tariff property shall be perfected against all claims of lien creditors and shall have priority over all competing security interests and other claims other than any security interest previously perfected in accordance with this section.

(e) The priority of a security interest in securitized utility tariff property is not affected by the commingling of securitized utility tariff charges with other amounts. A pledgee or secured party shall have a perfected security interest in the amount of all securitized utility tariff charges that are deposited in any cash or deposit account of the qualifying public utility in which securitized utility tariff charges have been commingled with other funds, and any other security interest that may apply to those funds shall be terminated when they are transferred to a segregated account for the assignee or a financing party.

(f) No application of the adjustment mechanism pursuant to section 2, and amendments thereto, shall affect the validity, perfection or priority of a security interest in or transfer of securitized utility tariff property.

(g) If a default occurs under securitized utility tariff bonds that are secured by a security interest in securitized utility tariff property, the financing parties or their representatives may exercise the rights and remedies available to a secured party under the code, including the rights and remedies available under part 6 of article 9 of the code, and amendments thereto, as if they were secured parties with a perfected and prior lien under the code. The commission may also order amounts arising from securitized utility tariff charges be transferred to a separate account for the financing parties' benefit, to which their lien and security interest shall apply. On application by or on behalf of the financing parties, the district court of the county where the public utility's headquarters is located shall order the sequestration and payment to such financing parties of revenues arising from the securitized utility tariff charges.

New Sec. 7. (a) Any sale, assignment or other transfer of securitized utility tariff property shall be an absolute transfer and true sale of, and not a pledge of or secured transaction relating to, the seller's right, title and interest in, to and under the securitized utility tariff property if the documents governing the transaction expressly state that the transaction is a sale or other absolute transfer other than for federal and state income tax purposes. For all purposes other than federal and state income tax purposes, the parties' characterization of a transaction as a sale of an interest in securitized utility tariff property shall be conclusive that the transaction is a true sale and that ownership has passed to the party characterized as the purchaser, regardless of whether the purchaser has possession of any documents evidencing or pertaining to such interest in securitized utility tariff property. A sale or similar transfer of an interest in securitized utility tariff property may occur only when:

(1) The financing order creating the securitized utility tariff property has become effective;

(2) the documents evidencing the transfer of securitized utility tariff property have been executed by the assignor and delivered to the assignee; and

(3) value is received for the securitized utility tariff property. After such a transaction, the securitized utility tariff property shall not be subject to any claims of the transferor or the transferor's creditors, other than creditors holding a prior security interest in the securitized utility tariff property perfected in accordance with section 6, and amendments thereto.

(b) The characterization of the sale, assignment or other transfer as an absolute transfer and true sale and the corresponding characterization of the property interest of the purchaser shall not be affected or impaired by the:

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(1) Commingling of funds from securitized utility tariff charges with other amounts;

(2) the retention by the seller of:

(A) A partial or residual interest, including an equity interest, in the securitized utility tariff property, whether direct or indirect or whether subordinate or otherwise; or

(B) the right to recover costs associated with taxes, franchise fees or license fees imposed on the collection of securitized utility tariff charges;

(3) any recourse that the purchaser may have against the seller;

(4) any indemnification rights, obligations or repurchase rights made or provided by the seller;

(5) the obligation of the seller to collect securitized utility tariff charges on behalf of an assignee;

(6) the transferor acting as the servicer of the securitized utility tariff charges or the existence of any contract that authorizes or requires the public utility, to the extent that any interest in securitized utility tariff property is sold or assigned, to contract with the assignee or any financing party so that the public utility will continue to operate the public utility system to provide service to the assignee's customers, collect amounts relating to the securitized utility tariff charges for the benefit and account of such assignee or financing party and account for and remit such amounts to or for the account of such assignee or financing party;

(7) the treatment of the sale, conveyance, assignment or other transfer for tax, financial reporting or other purposes;

(8) the granting or providing to bondholders a preferred right to the securitized utility tariff property or credit enhancement by the public utility or its affiliates with respect to such securitized utility tariff bonds; or

(9) any application of the adjustment mechanism as provided in section 2, and amendments thereto.

(c) Any right that a public utility has in the securitized utility tariff property before its pledge, sale or transfer or any other right created under this section or created in the financing order and assignable under this section or assignable pursuant to a financing order is property in the form of a contract right or a chose in action. Transfer of an interest in securitized utility tariff property to an assignee is enforceable only upon the latest of:

(1) The issuance of a financing order;

(2) the assignor having rights in such securitized utility tariff property or the power to transfer rights in such securitized utility tariff property to an assignee;

(3) the execution and delivery by the assignor of transfer documents in connection with the issuance of securitized utility tariff bonds; and

(4) the receipt of value for the securitized utility tariff property.

(d) An enforceable transfer of an interest in securitized utility tariff property to an assignee is perfected against all third parties, including subsequent judicial or other lien creditors, when a notice of that transfer has been given by the filing of a financing statement in accordance with section 9, and amendments thereto. The transfer is perfected against third parties as of the date of filing.

(e) The priority of a transfer perfected under this section is not impaired by any later modification of the financing order or securitized utility tariff property or by the commingling of funds arising from the securitized utility tariff property with other funds. Any other security interest that may apply to those funds, other than a security interest perfected under section 6, and amendments thereto, is terminated when they are transferred to a segregated account for the assignee or a financing party. If securitized utility tariff property has been transferred to an assignee or financing party, any proceeds of such property shall be held in trust for the assignee or financing party.

(f) The priority of conflicting interests of assignees in the same interest or rights in any securitized utility tariff property is determined as follows:

(1) Conflicting perfected security interests or rights of assignees rank according to priority in time of perfection. Priority dates from the time a filing covering the transfer is made in accordance with section 6, and amendments thereto;

(2) a perfected security interest or right of an assignee has priority over a conflicting unperfected security interest or right of an assignee; and

(3) a perfected security interest or right of an assignee has priority over a person who becomes a lien creditor after the perfection of such assignee's interest or right.

New Sec. 8. The description of securitized utility tariff property being transferred to an assignee in a sales agreement, purchase agreement or other transfer agreement, granted or pledged to a pledgee in a security agreement, pledge agreement or other security document or indicated in any financing statement is only sufficient if such description or indication refers to the financing order that created the securitized utility tariff property and states that the agreement or financing statement covers all or part of the property described in the financing order. This section applies to all purported transfers of, and all purported grants or liens or security interests in, securitized utility tariff property, regardless of whether the related sale agreement, purchase agreement, other transfer agreement, security agreement, pledge agreement or other security document was entered into or any financing statement was filed.

New Sec. 9. The secretary of state shall maintain any financing statement filed to perfect a sale or other transfer of securitized utility tariff property and any security interest in securitized utility tariff property in the same manner that the secretary of state maintains financing statements filed under the code to perfect a security interest in collateral owned by a transmitting utility. Except as otherwise provided in this section, all financing statements filed pursuant to this section shall be governed by the provisions regarding financing statements and the filing thereof under the code, including part 5 of article 9 of the code, and amendments thereto. A security interest in securitized utility tariff property may be perfected only by the filing of a financing statement in accordance with this section, and no other method of perfection shall be effective. Notwithstanding any provision of the code to the contrary, a financing statement filed pursuant to this section is effective until a termination statement is filed under the code, and no continuation statement is required to be filed to maintain its effectiveness. A financing statement filed pursuant to this section may indicate that the debtor is a transmitting utility, and without regard to whether the debtor is a public utility, an assignee or otherwise qualifies as a transmitting utility under the code. The failure to make such indication shall not impair the duration and effectiveness of the financing statement.

New Sec. 10. The law governing validity, enforceability, attachment, perfection, priority and exercise of remedies with respect to the transfer of an interest or right or the pledge or creation of a security interest in any securitized utility tariff property shall be the laws of this state.

New Sec. 11. Neither the state nor any of its political subdivisions, agencies or instrumentalities shall be liable on any securitized utility tariff bonds, and the bonds shall not be considered a debt or a general obligation of the state nor any political subdivisions, agencies or instrumentalities nor shall they be considered a special obligation or indebtedness of the state nor any of its political subdivisions, agencies or instrumentalities. An issue of securitized utility tariff bonds does not, directly, indirectly or contingently, obligate the state, nor any political subdivisions, agencies or instrumentalities of the state, to levy any tax or make any appropriation for payment of the securitized utility tariff bonds, other than in their capacity as consumers of electricity or natural gas. All securitized utility tariff bonds shall contain on the face thereof a statement to the following effect: "Neither the full faith and credit nor the taxing power of the State of Kansas is pledged to the payment of the principal of, or interest on, this bond."

New Sec. 12. The following entities may legally invest any sinking funds, moneys or other funds in securitized utility tariff bonds:

(a) Subject to applicable statutory restrictions on state or local investment authority, the state, units of local government, political subdivisions, public bodies and public officers, except for members of the commission and the commission's technical advisory and other staff, or board members and employees of the citizens' utility ratepayer board;

(b) banks and bankers, savings and loan associations, credit unions, trust companies, savings banks and institutions, investment companies, insurance companies, insurance associations and other persons carrying on a banking or insurance business;

(c) personal representatives, guardians, trustees and other fiduciaries; or

(d) all other persons authorized to invest in bonds or other obligations of a similar nature.

New Sec. 13. (a) The state and its agencies, including the commission, hereby pledge and agree with bondholders, the owners of the securitized utility tariff property and other financing parties that the state and its agencies shall not take any action listed in this section. This



subsection does not preclude limitation or alteration if full compensation is made by law for the full protection of the securitized utility tariff charges collected pursuant to a financing order and of the bondholders and any assignee or financing party entering into a contract with the public utility. The prohibited actions are as follows:

(1) Altering the provisions of this section that authorize the commission to create an irrevocable contract right or chose in action by the issuance of a financing order, to create securitized utility tariff property and to make the securitized utility tariff charges imposed by a financing order irrevocable, binding or nonbypassable charges for all existing and future retail customers within the service area of the public utility;

(2) taking or permitting any action that impairs or would impair the value of securitized utility tariff property or the security for the securitized utility tariff bonds or revises the securitized utility tariff costs for which recovery is authorized;

(3) impairing the rights and remedies of the bondholders, assignees and other financing parties in any way; or

(4) except for changes made pursuant to the adjustment mechanism authorized under this section, reducing, altering or impairing securitized utility tariff charges that are to be imposed, billed, charged, collected and remitted for the benefit of the bondholders, any assignee and any other financing parties until any and all principal, interest, premium, financing costs and other fees, expenses or charges incurred and any contracts to be performed in connection with the related securitized utility tariff bonds have been paid and performed in full.

(b) Any person or entity that issues securitized utility tariff bonds may include the language specified in this section in the securitized utility tariff bonds and related documentation.

(c) An assignee or financing party shall not be considered a public utility, an electric public utility, a natural gas public utility or person providing electric or natural gas service by virtue of engaging in the transactions described in this act.

(d) If there is a conflict between this act and any other law regarding the attachment, assignment, perfection, effect of perfection or priority of, assignment or transfer of or security interest in securitized utility tariff property, this section shall govern.

(e) If any provision of this act is held invalid or is invalidated, superseded, replaced, repealed or expires for any reason, such occurrence does not affect the validity of any action allowed under this section that is taken by a public utility, an assignee, a financing party, a collection agent or a party to an ancillary agreement, and any such action remains in full force and effect with respect to all securitized utility tariff bonds issued or authorized in a financing order issued under this section before the date that such provision is held invalid or is invalidated, superseded, replaced, repealed or expires for any reason.

New Sec. 14. A public utility has sole discretion to determine the method by which it expends or invests the proceeds received from the issuance of securitized utility tariff bonds. Nothing in this act shall be construed to restrict the ability of a public utility from investing the proceeds in infrastructure as the utility deems necessary for it to continue to meet its obligations of providing reasonably efficient and sufficient service pursuant to K.S.A. 66-101b and 66-1,201, and amendments thereto. If the public utility invests in infrastructure, the commission shall review these investments using its regular processes for consideration and rate-making determination of infrastructure investments. For electric public utilities, this review may take place as part of an application for predetermination filed pursuant to K.S.A. 66-1239, and amendments thereto, or for electric and natural gas public utilities, as part of any other rate-making process established by the commission pursuant to chapter 66 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 15. K.S.A. 66-1239 is hereby amended to read as follows: 66-1239. (a) As used in this section:

- (1) "Commission" means the state corporation commission;
- (2) "contract" means a public utility's contract for the purchase of electric power in the amount of at least \$5,000,000 annually;
- (3) "generating facility" means any electric generating plant or improvement to existing generation facilities;
- (4) "stake" means a public utility's whole or fractional ownership share or leasehold or other proprietary interest in a generating facility or transmission facility;
- (5) "public utility" ~~has the meaning provided by~~ means the same as defined in K.S.A. 66-104, and amendments thereto; and
- (6) "transmission facility" means: (A) Any existing line, and supporting structures and equipment, being upgraded for the transfer of

electricity with an operating voltage of 34.5 kilovolts or more of electricity; or (B) any new line, and supporting structures and equipment, being constructed for the transfer of electricity with an operating voltage of 230 kilovolts or more of electricity.

(b) (1) Prior to undertaking the construction of, or participation in, a transmission facility, a public utility may file with the commission a petition for a determination of the rate-making principles and treatment, as proposed by the public utility, that will apply to the recovery in wholesale or retail rates of the cost to be incurred by the public utility to acquire such public utility's stake in the transmission facility during the expected useful life of the transmission facility.

(2) The commission shall issue an order setting forth the rate-making principles and treatment that will be applicable to the public utility's stake in the transmission facility in all rate-making proceedings on and after such time as the transmission facility is placed in service or the term of the contract commences.

(3) The commission in all proceedings in which the cost of the public utility's stake in the transmission facility is considered shall utilize the rate-making principles and treatment applicable to the transmission facility.

(4) If the commission fails to issue a determination within 180 days of the date a petition for a determination of rate-making principles and treatment is filed, the rate-making principles and treatment proposed by the petitioning public utility will be deemed to have been approved by the commission and shall be binding for rate-making purposes during the useful life of the transmission facility.

(5) If the commission does not have jurisdiction to set wholesale rates for use of the transmission facility the commission need not consider rate-making principles and treatment for wholesale rates for the transmission facility.

(c) (1) Prior to undertaking the construction of, or participation in, a generating facility ~~or, prior to entering into a new contract; or prior to retiring or abandoning a generating facility, or within a reasonable time after retirement or abandonment if filing before retirement or abandonment is not possible under the circumstances,~~ a public utility may file with the commission ~~a petition~~ an application for a determination of the rate-making principles and treatment, as proposed by the public utility, that will apply to:

(A) Recovery in wholesale or retail rates of the cost to be incurred by the public utility to acquire such public utility's stake in the generating facility during the expected useful life of the generating facility or the recovery in rates of the contract during the term thereof; or

(B) reflection in wholesale or retail rates of the costs to be incurred and the cost savings to be achieved by the public utility in retiring or abandoning such public utility's stake in the generating facility, including, but not limited to, the reasonableness of such retirement or abandonment.

(2) Any utility seeking a determination of rate-making principles and treatment under subsection (c)(1) shall as a part of its filing submit the following information: (A) A description of the public utility's conservation measures; (B) a description of the public utility's demand side management efforts; (C) the public utility's ten-year generation and load forecasts; and (D) a description of all power supply alternatives considered to meet the public utility's load requirements.

(3) In considering the public utility's supply plan, the commission may consider if the public utility issued a request for proposal from a wide audience of participants willing and able to meet the needs identified under the public utility's generating supply plan, and if the plan selected by the public utility is reasonable, reliable and efficient.

(4) The commission shall issue an order setting forth the rate-making principles and treatment that will be applicable to the public utility's stake in the generating facility or to the contract in all rate-making proceedings on and after such time as the generating facility is:

- (A) Placed in service or the term of the contract commences; or
- (B) retired or abandoned.

(5) The commission in all proceedings in which the cost of the public utility's stake in the generating facility or the cost of the purchased power under the contract is considered shall utilize the rate-making principles and treatment applicable to the generating facility ~~or, contract or retired or abandoned generating facility.~~

(6) If the commission fails to issue a determination within 180 days of the date a petition for a determination of rate-making principles and treatment is filed, the rate-making principles and treatment proposed by the petitioning public utility will be deemed to have been approved by the commission and shall be binding for rate-making purposes during the useful life of the generating facility ~~or, during the term of~~

(continued)

the contract or during the period when the cost of the retired or abandoned generating facility is reflected in customer rates.

(d) The public utility shall have one year from the effective date of the determination of the commission to notify the commission whether it will construct or participate in the construction of the generating or transmission facility or, whether it will perform under terms of the contract or whether it will retire or abandon the generating facility.

(e) If the public utility notifies the commission within the one-year period that the public utility will not construct or participate in the construction of the generating or transmission facility or, that it will not perform under the terms of the contract or that it will not retire or abandon the generating facility, then the determination of rate-making principles pursuant to subsection (b) or (c) shall be of no further force or effect, shall have no precedential value in any subsequent proceeding, and there shall be no adverse presumption applied in any future proceeding as a result of such notification.

(f) If the public utility notifies the commission under subsection (d) that it will construct or participate in a generating facility or purchase power contract and subsequently does not, or that it will retire or abandon a generating facility and subsequently does not, it will be required to notify the commission immediately and file an alternative supply plan with the commission per pursuant to subsection (c) within 90 days.

Sec. 16. K.S.A. 2020 Supp. 84-9-109 is hereby amended to read as follows: 84-9-109. (a) **General scope of article.** Except as otherwise provided in subsections (c) and (d), this article applies to:

(1) A transaction, regardless of its form, that creates a security interest in personal property or fixtures by contract;

(2) an agricultural lien;

(3) a sale of accounts, chattel paper, payment intangibles, or promissory notes;

(4) a consignment;

(5) a security interest arising under K.S.A. 84-2-401, 84-2-505, ~~subsection (3) of 84-2-711(3) or subsection (5) of 84-2a-508(5)~~, and amendments thereto, as provided in K.S.A. 2020 Supp. 84-9-110, and amendments thereto; and

(6) a security interest arising under K.S.A. 84-4-201 or 84-5-118, and amendments thereto.

(b) **Security interest in secured obligation.** The application of this article to a security interest in a secured obligation is not affected by the fact that the obligation is itself secured by a transaction or interest to which this article does not apply.

(c) **Extent to which article does not apply.** This article does not apply to the extent that:

(1) A statute, regulation, or treaty of the United States preempts this article;

(2) another statute of this state expressly governs the creation, perfection, priority or enforcement of a security interest created by this state or a governmental unit of this state;

(3) a statute of another state, a foreign country, or a governmental unit of another state or a foreign country, other than a statute generally applicable to security interests, expressly governs creation, perfection, priority, or enforcement of a security interest created by the state, country, or governmental unit; or

(4) the rights of a transferee beneficiary or nominated person under a letter of credit are independent and superior under K.S.A. 84-5-114, and amendments thereto.

(d) **Inapplicability of article.** This article does not apply to:

(1) A landlord's lien, other than an agricultural lien;

(2) a statutory lien, or a lien given by statute or other rule of law for services or materials, but K.S.A. 2020 Supp. 84-9-333, and amendments thereto, applies with respect to priority of the lien;

(3) an assignment of a claim for wages, salary, or other compensation of an employee;

(4) a sale of accounts, chattel paper, payment intangibles, or promissory notes as part of a sale of the business out of which they arose;

(5) an assignment of accounts, chattel paper, payment intangibles, or promissory notes which is for the purpose of collection only;

(6) an assignment of a right to payment under a contract to an assignee that is also obligated to perform under the contract;

(7) an assignment of a single account, payment intangible, or promissory note to an assignee in full or partial satisfaction of a preexisting indebtedness;

(8) a transfer of an interest in or an assignment of a claim under a policy of insurance, other than an assignment by or to a health-care provider of a health-care-insurance receivable and any subsequent as-

signment of the right to payment, but K.S.A. 2020 Supp. 84-9-315 and 84-9-322, and amendments thereto, apply with respect to proceeds and priorities in proceeds;

(9) an assignment of a right represented by a judgment, other than a judgment taken on a right to payment that was collateral;

(10) a right of recoupment or set-off, but:

(A) K.S.A. 2020 Supp. 84-9-340, and amendments thereto, applies with respect to the effectiveness of rights of recoupment or set-off against deposit accounts; and

(B) K.S.A. 2020 Supp. 84-9-404, and amendments thereto, applies with respect to defenses or claims of an account debtor;

(11) the creation or transfer of an interest in or lien on real property, including a lease or rents thereunder, except to the extent that provision is made for:

(A) Liens on real property in K.S.A. 2020 Supp. 84-9-203 and 84-9-308, and amendments thereto;

(B) fixtures in K.S.A. 2020 Supp. 84-9-334, and amendments thereto;

(C) fixture filings in K.S.A. 2020 Supp. 84-9-501, 84-9-502, 84-9-512, 84-9-516 and 84-9-519, and amendments thereto; and

(D) security agreements covering personal and real property in K.S.A. 2020 Supp. 84-9-604, and amendments thereto;

(12) an assignment of a claim arising in tort, other than a commercial tort claim, but K.S.A. 2020 Supp. 84-9-315 and 84-9-322, and amendments thereto, apply with respect to proceeds and priorities in proceeds;

(13) an assignment of a deposit account in a consumer transaction, but K.S.A. 2020 Supp. 84-9-315 and 84-9-322, and amendments thereto, apply with respect to proceeds and priorities in proceeds;

(14) an assignment of rights in or under:

(A) A claim or right to receive benefits under any workers compensation, industrial accident or similar statute or regulation which provides benefits for occupational injury or illness; or

(B) a deferred payment or benefit arrangement that enables a participant to exclude or defer recognition of income for purposes of federal or state income taxation; or

(15) a transfer by a government or governmental agency or subdivision; or

(16) the creation, attachment, perfection, priority or enforcement of any sale, assignment of, pledge of, security interest in or other transfer of any interest in, right or portion of any interest or right in any securitized utility tariff property, as defined in section 1, and amendments thereto, except as otherwise provided in the utility financing and securitization act.

Sec. 17. K.S.A. 66-1239 and K.S.A. 2020 Supp. 84-9-109 are hereby repealed.

Sec. 18. This act shall take effect and be in force from and after its publication in the Kansas register.

Doc. No. 049065

(Published in the Kansas Register April 22, 2021.)

## House Bill No. 2126

AN ACT concerning adult care facilities; relating to civil liability for COVID-19 claims; providing immunity therefrom; modifying the definition of adult care facility; amending K.S.A. 2020 Supp. 60-5502, 60-5506 and 60-5508 and repealing the existing sections.

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

Section 1. K.S.A. 2020 Supp. 60-5502 is hereby amended to read as follows: 60-5502. As used in the COVID-19 response and reopening for business liability protection act, unless the context otherwise requires:

(a) "Adult care covered facility" means a "nursing facility," "assisted living facility" or "residential healthcare facility" as those terms are:

(1) An "adult care home" as defined in K.S.A. 39-923, and amendments thereto, except that "covered facility" includes a center approved by the centers for medicare and medicaid services as a program for all-inclusive care for the elderly (PACE) under 42 C.F.R. § 460 et seq., that provides services only to PACE participants;

(2) a "community mental health center" and a "crisis intervention center" as defined in K.S.A. 2020 Supp. 39-2002, and amendments thereto; and

(3) a "community service provider," a "community developmental disability organization" and an "institution" as defined in K.S.A. 2020 Supp. 39-1803, and amendments thereto.

(b) "COVID-19" means the novel coronavirus identified as SARS-CoV-2.

(c) "COVID-19 claim" means any claim for damages, losses, indemnification, contribution or other relief arising out of or based on exposure or potential exposure to COVID-19. "COVID-19 claim" includes a claim made by or on behalf of any person who has been exposed or potentially exposed to COVID-19, or any representative, spouse, parent, child or other relative of such person, for injury, including mental or emotional injury, death or loss to person, risk of disease or other injury, costs of medical monitoring or surveillance, or other losses allegedly caused by the person's exposure or potential exposure to COVID-19.

(d) "COVID-19 public health emergency" means the state of disaster emergency declared for the state of Kansas on March 12, 2020, any subsequent orders or amendments to such orders and any subsequent disaster emergency declared for the state of Kansas regarding the COVID-19 pandemic.

(e) "Disinfecting or cleaning supplies" includes, but is not limited to, hand sanitizers, disinfectants, sprays and wipes.

(f) "Healthcare provider" means a person or entity that is licensed, registered, certified or otherwise authorized by the state of Kansas to provide healthcare services in this state, including a hospice certified to participate in the Medicare program under 42 C.F.R. § 418 et seq. "Healthcare provider" does not include any entity licensed under chapter 39 of the Kansas Statutes Annotated, and amendments thereto.

(g) "Person" means an individual, for-profit or not-for-profit business entity, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or political subdivision, agency or instrumentality or any other legal or commercial entity.

(h) "Personal protective equipment" means coveralls, face shields, gloves, gowns, masks, respirators or other equipment designed to protect the wearer from the spread of infection or illness.

(i) "Product liability claim" means any strict liability, ordinary negligence or implied warranty claim or action brought for harm caused by the manufacture, production, making, construction, fabrication, design, formula, preparation, assembly, installation, testing, warnings, instructions, marketing, packaging, storage or labeling of the relevant product.

(j) "Public health directives" means any of the following that is required by law to be followed related to public health and COVID-19:

(1) State statutes, rules and regulations or executive orders issued by the governor pursuant to K.S.A. 48-925, and amendments thereto;

(2) federal statutes or regulations from federal agencies, including the United States centers for disease control and prevention and the occupational safety and health administration of the United States department of labor; or

(3) any lawful order or proclamation issued under authority of the Kansas emergency management act, and amendments thereto, by a board of county commissioners, the governing body of a city or a local health officer.

(k) "Qualified product" means: (1) Personal protective equipment used to protect the wearer from COVID-19 or the spread of COVID-19; (2) medical devices, equipment and supplies used to treat COVID-19, including products that are used or modified for an unapproved use to treat COVID-19 or prevent the spread of COVID-19; (3) medical devices, equipment or supplies utilized outside of the product's normal use to treat COVID-19 or to prevent the spread of COVID-19; (4) medications used to treat COVID-19, including medications prescribed or dispensed for offlabel use to attempt to combat COVID-19; (5) tests used to diagnose or determine immunity to COVID-19; (6) disinfecting or cleaning supplies; (7) clinical laboratory services certified under the federal clinical laboratory improvement amendments in section 353 of the public health service act, 42 U.S.C. § 263a; and (8) components of qualified products.

Sec. 2. K.S.A. 2020 Supp. 60-5506 is hereby amended to read as follows: 60-5506. (a) Notwithstanding any other provision of law, ~~an adult care a covered facility shall have an affirmative defense to is immune from liability in a civil action for damages, administrative fines or penalties for a COVID-19 claim if such facility:~~

(1) (A) ~~Was caused, by the facility's compliance with a statute or rule and regulation, to reaccept a resident who had been removed from the facility for treatment of COVID-19; or~~

(B) ~~treats a resident who has tested positive for COVID-19 in such facility in compliance with a statute or rule and regulation; and~~

(2) ~~is acting pursuant to and in substantial compliance with public health directives.~~

(b) ~~As used in this section, "public health directives" means any of the following that is required by law to be followed related to public health and COVID-19:~~

(1) ~~State statutes, rules and regulations or executive orders issued by the governor pursuant to K.S.A. 48-925, and amendments thereto; or~~

(2) ~~federal statutes or regulations from federal agencies, including the United States centers for disease control and prevention and the occupational safety and health administration of the United States department of labor if such facility was in substantial compliance with public health directives applicable to the activity giving rise to the cause of action when the cause of action accrued.~~

(b) ~~As used in this section, "public health directives" means any of the following that are required by law to be followed related to COVID-19:~~

(1) ~~State statutes or rules and regulations; or~~

(2) ~~federal statutes or regulations from federal agencies, including the United States centers for disease control and prevention and the occupational safety and health administration of the United States department of labor.~~

(c) ~~The provisions of this section shall not apply to civil liability when it is established that the act, omission or decision giving rise to the cause of action constituted gross negligence or willful, wanton or reckless conduct.~~

Sec. 3. K.S.A. 2020 Supp. 60-5508 is hereby amended to read as follows: 60-5508. (a) The provisions of K.S.A. 2020 Supp. 60-5504, 60-5505 and 60-5507, and amendments thereto, shall apply retroactively to any cause of action accruing on or after March 12, 2020.

(b) The provisions of K.S.A. 2020 Supp. 60-5503 and 60-5506, and amendments thereto, ~~and the amendments made to K.S.A. 2020 Supp. 60-5506 by section 2 of this act,~~ shall apply retroactively to any cause of action accruing on or after March 12, 2020, and prior to termination of the state of disaster emergency related to the COVID-19 public health emergency declared pursuant to K.S.A. 48-924, and amendments thereto.

Sec. 4. K.S.A. 2020 Supp. 60-5502, 60-5506 and 60-5508 are hereby repealed.

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

Doc. No. 049066

## State of Kansas

### Board of Healing Arts

#### Permanent Administrative Regulations

#### Article 6.—LICENSES

#### **100-6-2. Education and training requirements.** (a)

Each applicant for licensure by examination in medicine and surgery or osteopathic medicine and surgery who graduates from an accredited or unaccredited school of medicine on or after January 1, 2021 shall present to the board proof of completion of at least 36 months of a postgraduate training or residency training program. This program shall have been approved by the council on medical education of the American medical association, the American osteopathic association, or the substantial equivalent, as determined by the board, in the year in which the training took place.

(b) Each applicant for licensure by examination in medicine and surgery or osteopathic medicine and surgery who graduates from an accredited school of medicine before January 1, 2021 shall present proof of successful completion of at least 12 months of a postgraduate training or residency training program. This program shall have been approved by the council on medical education of the American medical association, the American osteopathic association, or the substantial equivalent, in the year in which the training took place.

(continued)

(c) Each applicant for licensure by examination in medicine and surgery or osteopathic medicine and surgery who graduates from an unaccredited school of medicine before January 1, 2021 shall present proof of successful completion of at least 36 months of a postgraduate training program or residency training program. This program shall have been approved by the council on medical education of the American medical association, the American osteopathic association, or the substantial equivalent, as determined by the board, in the year in which the training took place.

(d) Each applicant for licensure by examination in chiropractic who matriculates in chiropractic college on or after January 1, 2000 shall present proof of having received a baccalaureate degree from an accredited school or college. If the baccalaureate degree is granted by a chiropractic school or college, at least 90 semester hours applicable to the baccalaureate degree shall be earned at an accredited school or college, with none of these hours applying to the doctor of chiropractic degree. For purposes of this subsection, an "accredited school or college" shall meet the standards, or substantially equivalent standards as determined by the board, for accreditation of the higher learning commission. (Authorized by K.S.A. 65-2865; implementing K.S.A. 65-2873 and 65-2875; effective Jan. 1, 1966; amended Feb. 15, 1977; amended May 1, 1979; amended, T-86-44, Dec. 18, 1985; amended May 1, 1986; amended May 23, 1997; amended, T-100-11-5-99, Nov. 5, 1999; amended March 10, 2000; amended May 7, 2021.)

#### Article 8.—LICENSE BY ENDORSEMENT

**100-8-3. Endorsement licenses; active practice requirements.** (a) Each applicant seeking licensure by endorsement based on licensure and active practice in another state, the District of Columbia, another country, or a territory shall submit evidence showing that the applicant has been engaged in direct patient care during the 12 months immediately preceding submission of a completed application. This direct patient care shall consist of at least either of the following, or the substantial equivalent as determined by the board:

(1) At least one full day per week, or its equivalent, for at least 50 weeks; or

(2) a total of 400 hours.

(b) The totality of circumstances may be considered by the board in determining whether the applicant has been in active practice, including gaps in practice necessitated by military service or family leave taken due to the birth of a child of the applicant or the placement of a child for adoption or foster care with the applicant.

(c) The following shall not qualify as active practice:

(1) Patient care provided while the applicant is engaged in a training program, residency, or fellowship;

(2) employment that consists solely of research activities that would not otherwise be considered direct patient care; and

(3) employment that consists solely of administrative duties.

(d) An applicant's practice in any other state, the District of Columbia, another country, or a territory shall not qualify as active practice during the existence of any of the following conditions:

(1) The applicant's license is limited, suspended, or revoked in any other state, the District of Columbia, another country, or a territory or has been surrendered in any other state, the District of Columbia, another country, or a territory at the time of application.

(2) The applicant's authority to utilize controlled substances issued by any state, the District of Columbia, another country, a territory, or a federal agency has been surrendered as a result of the applicant's practice in any other state, the District of Columbia, another country, or a territory.

(3) The applicant is subject to an agreement for a limitation to or restriction of privileges at any medical care facility as a result of the applicant's practice in any other state, the District of Columbia, another country, or a territory.

(4) The applicant's membership on any professional staff or in any professional association or society has been surrendered while under investigation as a result of the applicant's practice in any other state. (Authorized by K.S.A. 65-2865; implementing K.S.A. 65-2833; effective May 7, 2021.)

#### Article 15.—LICENSE RENEWAL; CONTINUING EDUCATION

**100-15-4. Continuing education standards; definitions.** (a) "Continuing education" shall mean an activity designed to maintain, develop, or increase the knowledge, skills, and professional performance of persons licensed to practice a branch of the healing arts. Each continuing education activity shall have significant intellectual or practical content, shall be relevant to the branch of the healing arts for which the practitioner is licensed, and shall meet at least one of the following content requirements:

(1) Have a direct bearing on patient care;

(2) have a direct bearing on the person's ability to deliver patient care; or

(3) relate to the teaching, ethical, legal, or social responsibilities of a person licensed to practice the healing arts.

(b) "Category I" continuing education shall mean a continuing education activity that meets the requirements of subsection (a) and is presented by a person qualified by practical or academic experience, using any of the following methods:

(1) Lecture, which shall mean a discourse given before an audience for instruction;

(2) panel discussion, which shall mean the presentation of a number of views by several professional individuals on a given subject, with none of the views considered a final solution;

(3) workshop, which shall mean a series of meetings designed for intensive study, work, or discussion in a specific field of interest;

(4) seminar, which shall mean a directed advanced study or discussion in a specific field of interest;

(5) symposium, which shall mean a conference of more than a single session organized for the purpose of discussing a specific subject from various viewpoints and by various speakers; or

(6) any other structured, interactive, and formal learning method that the board deems to meet the requirements of subsection (a).

(c) "Category II" continuing education shall mean attendance at a lecture, panel discussion, workshop, seminar, symposium, college course, professional publication, in-service training, or professional activity that the board determines does not meet the requirements of category I, but that is in a health-related field indirectly related to healing arts skill and knowledge. Category II continuing education shall include the following:

- (1) Clinical consultations with other healing arts practitioners that contribute to a practitioner's education;
- (2) participation in activities to review the quality of patient care;
- (3) instructing healing arts and other health care practitioners;
- (4) patient-centered discussions with other health care practitioners;
- (5) participating in journal clubs;
- (6) using searchable electronic databases in connection with patient care activities; and
- (7) using self-instructional materials.

(d) "Category III" continuing education shall mean an internet or live continuing education activity that also meets the requirements of either a category I or category II continuing education activity and meets at least one of the following content requirements:

- (1) Acute or chronic pain management;
  - (2) the appropriate prescribing of opioids; or
  - (3) the use of prescription drug monitoring programs.
- (e) Credit for continuing education activities shall be awarded on the basis of one credit for each 50 minutes actually spent in attendance at a continuing education activity.

(f) Each instructor of a healing arts continuing education activity shall be awarded category I continuing education credit at the rate of one credit for each three hours of the instructor's first-time preparation of the presentation of a category I continuing education activity.

(g) For successful completion of a postbaccalaureate program awarding a degree in an area related to the healing arts, 25 credits of category I continuing education shall be awarded. A copy of the transcript shall be maintained as proof of successful completion of the program.

(h) For successful completion of one year of postgraduate training, 50 credits of category I continuing education credit shall be awarded. (Authorized by K.S.A. 65-2809 and 65-2865; implementing K.S.A. 65-2809; effective July 22, 2005; amended May 7, 2021.)

**100-15-5. Continuing education requirement.** (a)(1) Each person who is licensed to practice a branch of the healing arts and who is required to submit proof of completion of continuing education as a condition to renewing a license shall certify, on a form provided with the license renewal application, one of the following:

(A) During the 18-month period immediately preceding the license expiration date, the person completed at least 50 credits of continuing education, of which at least one credit shall be in category III, at least 20 credits shall be in category I, and the remaining credits shall be in category II.

(B) During the 30-month period immediately preceding the license expiration date, the person completed at least 100 credits of continuing education, of which at

least two credits shall be in category III, at least 40 credits shall be in category I, and the remaining credits shall be in category II.

(C) During the 42-month period immediately preceding the license expiration date, the person completed at least 150 credits of continuing education, of which at least three credits shall be in category III, at least 60 credits shall be in category I, and the remaining credits shall be in category II.

(2) The requirement specified in this subsection shall not apply to any person renewing a license for the first time.

(b) Each person who applies for conversion of an inactive or exempt license to a regular license or for reinstatement of a cancelled license and whose license has been inactive, exempt, or cancelled for a period of less than the two-year period immediately preceding the application for conversion shall certify, on a form provided with the conversion or reinstatement application, that the person completed at least 50 credits of continuing education, of which at least one credit shall be in category III, at least 20 credits shall be in category I, and the remaining credits shall be in category II.

(c) Any licensee may request that the board grant an extension of the time to complete the required continuing education if, during the 12-month period immediately preceding the license expiration date, the person experienced an undue hardship resulting from illness, injury, or other circumstance preventing the timely completion of continuing education. (Authorized by K.S.A. 65-2809 and K.S.A. 65-2865; implementing K.S.A. 65-2809; effective July 22, 2005; amended April 6, 2007; amended May 7, 2021.)

Tucker L. Poling  
Executive Director

Doc. No. 049068

## State of Kansas

### Kansas Lottery

#### Temporary Administrative Regulations

#### Article 4.—INSTANT GAMES AND DRAWINGS

**111-4-3658. "Cash In A Flash" instant ticket lottery game number 288.** (a) The Kansas lottery may conduct an instant winner lottery game entitled "Cash In A Flash." The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-3658.

(b) The "play and prize symbols" and "captions" for this game are as follows:

Play Symbols	Captions
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT

(continued)

9	NIN
10	TEN
11	ELEVN
12	TWELV
13	THRTN
14	FORTN
15	FIFTN
16	SIXTN
17	SVNTN
18	EGHTN
19	NINTN
20	TWNTY
21	TWYON
22	TWYTW
23	TWYTR
24	TWYFR
25	TWYFV
26	TWYSX
27	TWYSV
28	TWYET
29	TWYNI
30	THRTY
31	THYON
32	THYTW
33	THYTR
34	THYFR
35	THYFV
36	THYSX
37	THYSV
38	THYET
39	THYNI
40	FORTY
41	FRYON
42	FRYTW
43	FRYTR
44	FRYFR
45	FRYFV
46	FRYSX
47	FRYSV
48	FRYET
49	FRYNI
50	FIFTY

Symbol of a lightning bolt

**Captions**

**Prize Symbols**

FREE	TICKET
\$5 <sup>.00</sup>	FIVE\$
\$10 <sup>.00</sup>	TEN\$
\$20 <sup>.00</sup>	TWENTY
\$25 <sup>.00</sup>	TWENFIV
\$50 <sup>.00</sup>	FIFTY
\$100	ONEHUN
\$200	TWOHUN
\$500	FIVHUN
\$1,000	ONETHO
\$5,000	FIVTHO

\$75,000

75-THOU

**Bonus Play Symbols**

Symbol of a crown
Symbol of a star
Symbol of a pot of gold
Symbol of a melon
Symbol of a ring
Symbol of a bell
Symbol of a moneybag

**Captions**

CROWN
STAR
PTGOLD
MELN
RING
BELL
WIN\$100

(c) For this game, a play symbol shall appear in 57 play spots within the play area or areas.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 029.

(e) The price of instant tickets sold by a retailer for this game shall be \$10.00 each.

(f) "Cash In A Flash" is a key number match ticket with an instant reveal, cash bonus area and a multiplier feature. The player will scratch the play area to reveal six "WINNING NUMBERS" and 25 "YOUR NUMBERS" with a prize amount below each of the "YOUR NUMBERS." If a player matches any of the "YOUR NUMBERS" to any of the "WINNING NUMBERS," the player wins the prize shown below that number. If a player reveals a lightning bolt symbol, the player wins five times the prize amount shown. The player will scratch the "CASH BONUS" play area and if the player reveals a moneybag symbol, the player automatically wins \$100.

(g) Each ticket in this game may win up to 26 times.

(h) Approximately 420,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 240,000 tickets, and the same odds as were contained in the initial ticket order.

(i) The expected number and value of instant prizes in this game shall be as follows:

Get	Prize	Winners Per 420,000	Expected Value In Game
Free \$10 Ticket	Free Ticket	28,000	\$0.00
\$5 x 4	\$20	14,000	\$280,000.00
\$10 x 2	\$20	28,000	\$560,000.00
\$20	\$20	28,000	\$560,000.00
(\$10 x 2) + \$5	\$25	1,400	\$35,000.00
\$5 (5X)	\$25	1,750	\$43,750.00
\$25	\$25	1,575	\$39,375.00
(\$20 x 2) + \$10	\$50	350	\$17,500.00
\$25 x 2	\$50	350	\$17,500.00
\$5 x 10	\$50	350	\$17,500.00
\$10 (5X)	\$50	1,435	\$71,750.00
\$50	\$50	1,435	\$71,750.00
\$5 x 20	\$100	175	\$17,500.00
\$50 + (\$25 x 2)	\$100	525	\$52,500.00
\$25 x 4	\$100	525	\$52,500.00
\$10 x 10	\$100	350	\$35,000.00
\$20 (5X)	\$100	700	\$70,000.00
\$100 (BONUS)	\$100	280	\$28,000.00
\$100	\$100	420	\$42,000.00
\$200	\$200	70	\$14,000.00
\$10 x 20	\$200	175	\$35,000.00

\$20 (5X) + \$10 (5X)				
+ (\$5 (5X) x 2)	\$200	175	\$35,000.00	
(\$50 x 2) + (\$25 x 4)	\$200	70	\$14,000.00	
(\$20 x 5) + (\$10 x 10)	\$200	70	\$14,000.00	
\$100 + (\$50 x 4) + (\$25 x 4) + (\$10 x 10)	\$500	70	\$35,000.00	
\$100 (BONUS) + (\$50 x 2) + (\$25 x 2) + (\$20 x 4) + (\$10 x 17)	\$500	105	\$52,500.00	
\$50 x 10	\$500	70	\$35,000.00	
\$100 (5X)	\$500	105	\$52,500.00	
\$500	\$500	50	\$25,000.00	
\$100 (BONUS) + (\$100 x 4) + (\$50 x 4) + (\$25 x 4) + (\$20 x 7) + (\$10 x 6)	\$1,000	6	\$6,000.00	
\$100 x 10	\$1,000	6	\$6,000.00	
\$200 (5X)	\$1,000	6	\$6,000.00	
\$1,000	\$1,000	4	\$4,000.00	
\$1,000 + (\$500 x 6) + \$100 (BONUS) + (\$100 x 4) + (\$50 x 7) + (\$25 x 2) + (\$20 x 5)	\$5,000	3	\$15,000.00	
\$500 x 10	\$5,000	3	\$15,000.00	
\$1,000 (5X)	\$5,000	3	\$15,000.00	
\$5,000	\$5,000	2	\$10,000.00	
\$75,000	\$75,000	4	\$300,000.00	
Sub-Total:		110,617	\$2,700,625.00	
Player Loyalty Program			\$27,006.25	
Total:		110,617	\$2,727,631.25	

(j) The odds of winning a prize in this game are approximately one in 3.80. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710, and 74-8720; effective, T-111-4-5-21, March 10, 2021.)

**111-4-3659. "Lady Luck 7" instant ticket lottery game number 289.** (a) The Kansas lottery may conduct an instant winner lottery game entitled "Lady Luck 7." The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-3659.

(b) The "play and prize symbols" and "captions" for this game are as follows:

Play Symbols	Captions
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
8	EGT
9	NIN
10	TEN
11	ELEVN
12	TWELV
13	THRTN
14	FORTN
15	FIFTN
16	SIXTN
17	SVNTN
18	EGHTN
19	NINTN
20	TWNTY
21	TWYON
22	TWYTW

**\$50 BONUS**

Prize Symbols	Captions
FREE	TICKET
\$5 <sup>.00</sup>	FIVE\$
\$10 <sup>.00</sup>	TEN\$
\$20 <sup>.00</sup>	TWENTY
\$40 <sup>.00</sup>	FORTY
\$50 <sup>.00</sup>	FIFTY
\$70 <sup>.00</sup>	SVNTY
\$100	ONEHUN
\$140	ONEFRY
\$280	TWHNETY
\$500	FIVHUN
\$700	SVNHUN
\$1,400	14-HUN
\$7,000	SVNTHO
\$75,000	75-THOU

Play Symbols	Captions
Symbol of a heart	HEART
Symbol of a melon	MELN
Symbol of a ring	RING
Symbol of a cell phone	CELL
Symbol of a joker	JOKER
Symbol of a house	HOUSE
Symbol of a fortune cookie	COOKIE

(continued)

	Symbol of a bell	BELL	\$50	\$50	840	\$42,000
	Symbol of a chest	CHEST	\$10 (7X)	\$70	525	\$36,750
	Symbol of a four-leaf clover	CLOVER	\$50 (BONUS) + \$20	\$70	210	\$14,700
	Symbol of a horseshoe	SHOE	\$50 + \$20	\$70	315	\$22,050
	Symbol of \$50	WIN\$50	\$70	\$70	420	\$29,400
			\$5 x 20	\$100	280	\$28,000
			\$10 (7X) + (\$5 x 6)	\$100	350	\$35,000
<b>\$100 BONUS</b>	<b>Play Symbols</b>	<b>Captions</b>	\$50 (BONUS) + \$40 + \$10	\$100	105	\$10,500
	Symbol of grapes	GRPE	\$50 + \$40 + \$10	\$100	175	\$17,500
	Symbol of cherries	CHRY	\$100 (BONUS)	\$100	350	\$35,000
	Symbol of a bow	BOW	\$100	\$100	350	\$35,000
	Symbol of a map	MAP	\$70 + \$10 (7X)	\$140	280	\$39,200
	Symbol of a diamond	DIMND	\$20 (7X)	\$140	280	\$39,200
	Symbol of a camera	CAMERA	\$100 (BONUS) + (\$20 x 2)	\$140	70	\$9,800
	Symbol of a crown	CROWN	\$100 + (\$20 x 2)	\$140	140	\$19,600
	Symbol of a banana	BNNA	\$140	\$140	210	\$29,400
	Symbol of a hat	HAT	\$70 x 4	\$280	210	\$58,800
	Symbol of a star	STAR	\$100 + (\$10 (7X) x 2) + \$40	\$280	140	\$39,200
	Symbol of a key	KEY	\$140 x 2	\$280	70	\$19,600
	Symbol of \$100	WIN100	\$280	\$280	70	\$19,600
			\$50 (7X) + \$100 (BONUS) + \$50 (BONUS)	\$500	49	\$24,500
			\$20 x 25	\$500	35	\$17,500
			\$500	\$500	56	\$28,000
			\$100 (7X)	\$700	28	\$19,600
			\$700	\$700	28	\$19,600
			\$100 (BONUS) + (\$70 x 10) + \$50 (BONUS) + (\$50 x 5) + (\$40 x 5) + (\$20 x 5)	\$1,400	5	\$7,000
			\$140 x 10	\$1,400	4	\$5,600
			(\$280 x 4) + \$40 (7X)	\$1,400	5	\$7,000
			\$700 + (\$100 x 7)	\$1,400	4	\$5,600
			\$1,400	\$1,400	4	\$5,600
			\$100 (7X) x 10	\$7,000	4	\$28,000
			\$7,000	\$7,000	4	\$28,000
			\$75,000	\$75,000	4	\$300,000
			Sub-Total:		137,430	\$2,721,300
			Player Loyalty Program			\$27,213
			Total:		137,430	\$2,748,513

(c) For this game, a play symbol shall appear in 58 play spots within the play area or areas.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 029.

(e) The price of instant tickets sold by a retailer for this game shall be \$10.00 each.

(f) "Lady Luck 7" is a key number match ticket with an instant reveal, two bonus areas and a multiplier feature. The player will scratch the play area to reveal six "WINNING NUMBERS" and 25 "YOUR NUMBERS" with a prize amount below each of the "YOUR NUMBERS." If a player matches any of the "YOUR NUMBERS" to any of the "WINNING NUMBERS," the player wins the prize shown below that number. If a player reveals a 7X symbol, the player wins seven times the prize amount shown. The player will scratch the "\$50 BONUS" play area and if the player reveals a \$50 symbol, the player automatically wins \$50. The player will scratch the "\$100 BONUS" play area and if the player reveals a \$100 symbol, the player automatically wins \$100.

(g) Each ticket in this game may win up to 27 times.

(h) Approximately 420,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 240,000 tickets, and the same odds as were contained in the initial ticket order.

(i) The expected number and value of instant prizes in this game shall be as follows:

Get	Prize	Winners Per 420,000	Prize Cost
Free \$10 Ticket	Free Ticket	28,000	\$0
\$5 x 2	\$10	28,000	\$280,000
\$10	\$10	28,000	\$280,000
\$10 x 2	\$20	28,000	\$560,000
\$20	\$20	14,000	\$280,000
\$10 x 4	\$40	1,400	\$56,000
\$5 (7X) + \$5	\$40	1,750	\$70,000
\$40	\$40	1,400	\$56,000
\$40 + \$10	\$50	700	\$35,000
\$50 (BONUS)	\$50	560	\$28,000

(j) The odds of winning a prize in this game are approximately one in 3.06. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710, and 74-8720; effective, T-111-4-5-21, March 10, 2021.)

**111-4-3660. "Silverado" instant ticket lottery game number 280.** (a) The Kansas lottery may conduct an instant winner lottery game entitled "Silverado." The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-3660.

(b) The "play and prize symbols" and "captions" for this game are as follows:

Play Symbols	Captions
04	FOR
05	FIV
06	SIX
07	SEV
08	EGT
09	NIN
11	ELVN
12	TWLV
13	THRN
14	FRTN



16	SIXTN
17	SEVTN
18	EGTN
19	NINTN
21	TWYONE
22	TWYTWO
23	TWYTHR
24	TWYFOR
26	TWYSIX
27	TWYSEV
28	TWYEGT
29	TWYNIN
30	THRTY
31	THRONE
32	THRTWO
33	THRTHR
34	THRFOR
35	THRFIV
36	THRSIX
37	THRSEV
38	THREGT
39	THRNIN
40	FORTY
41	FRYONE
42	FRYTWO
43	FRYTHR
44	FRYFOR
45	FRYFIV
46	FRYSIX
47	FRYSEV
48	FRYEGT
49	FRYNIN
51	FTYONE
52	FTYTWO
53	FTYTHR
54	FTYFOR
55	FTYFIV
56	FTYSIX
57	FTYSEV
58	FTYEGT
59	FTYNIN
2X	DBL
3X	TPL
Chevrolet automobile logo	WIN

**Prize Symbols**

FREE
10 <sup>00</sup>
15 <sup>00</sup>
20 <sup>00</sup>
25 <sup>00</sup>
50 <sup>00</sup>
75 <sup>00</sup>
\$100
\$500
\$1000

**Captions**

TICKET
TEN\$
FIFTEEN
TWENTY
TWEN-FIV
FIFTY
SVTYFIV
ONE-HUN
FIVE-HUN
ONETHOU

\$2500
\$10000

TWF-HUN
10-THOU

(c) For this game, a play/prize symbol shall appear in 55 play spots within the play area or areas.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 029.

(e) The price of instant tickets sold by a retailer for this game shall be \$10.00 each.

(f) The "Silverado" ticket is a key number match game with an instant win and a multiplier feature. The player will scratch the play area to reveal five "WINNING NUMBERS" and 25 "YOUR NUMBERS" with a prize amount below each of the "YOUR NUMBERS." If the player matches any of the "YOUR NUMBERS" to any of the "WINNING NUMBERS," the player wins the prize shown below that number. If the player reveals a "2X" symbol, the player wins double the prize amount shown. If the player reveals a "3X" symbol, the player wins triple the prize amount shown. If the player reveals a Chevrolet automobile logo symbol, the player wins a 2021 Chevrolet Silverado vehicle plus \$10,000 cash. The vehicle and cash prize includes federal and state mandatory income withholding taxes and all initial taxes and fees for the vehicle. No cash option is available for the vehicle.

(g) Each ticket in this game may win up to 25 times.

(h) Approximately 300,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(i) The expected number and value of instant prizes in this game shall be as follows:

	Prize	Winners Per 300,000	Prize Cost
Free Ticket	Free Ticket	30,000	\$0
\$10	\$10	31,000	\$310,000
\$15	\$15	19,970	\$299,550
\$20	\$20	4,200	\$84,000
\$10 DBL	\$20	4,500	\$90,000
\$10 + \$10	\$20	4,000	\$80,000
\$25	\$25	4,675	\$116,875
\$10 + \$15	\$25	4,700	\$117,500
\$50	\$50	700	\$35,000
\$10 TPL + \$20	\$50	850	\$42,500
\$10 x 5	\$50	700	\$35,000
\$25 DBL	\$50	850	\$42,500
(\$20 x 2) + \$10	\$50	700	\$35,000
\$75	\$75	300	\$22,500
\$25 TPL	\$75	450	\$33,750
\$25 DBL + \$15 + \$10	\$75	450	\$33,750
(\$10 x 6) + \$15	\$75	320	\$24,000
\$100	\$100	150	\$15,000
\$20 TPL + \$25 + \$15	\$100	230	\$23,000
(\$15 x 4) + (\$10 x 4)	\$100	150	\$15,000
\$50 DBL	\$100	250	\$25,000
\$10 x 10	\$100	200	\$20,000
\$500	\$500	20	\$10,000
\$75 TPL + (\$50 x 3) + (\$20 x 3) + \$15 + \$50	\$500	25	\$12,500
(\$25 x 15) + (\$15 x 5) + (\$10 x 5)	\$500	20	\$10,000

(continued)

(\$10 x 9) + (\$25 x 7) + (\$20 x 3) + (\$50 x 2) + \$75	\$500	20	\$10,000
\$100 TPL + (\$50 x 3) + (\$25 x 2)	\$500	30	\$15,000
\$1,000	\$1,000	4	\$4,000
(\$75 x 3) + \$500 + (\$25 x 7) + \$100	\$1,000	4	\$4,000
\$500 DBL	\$1,000	6	\$6,000
(\$10 x 5)+(\$20 x 5)+(\$25 x 4) + (\$50 x 7)+(\$100 x 4)	\$1,000	6	\$6,000
\$2,500	\$2,500	3	\$7,500
\$1,000 + (\$100 x 10) + (\$50 x 10)	\$2,500	3	\$7,500
TRUCK + \$10,000 Cash	\$100,000	2	\$200,000
2nd Chance Drawing 2021 Silverado	\$100,000		\$100,000
2nd Chance Drawing Cash Prizes	\$32,000		\$32,000
Players Loyalty Program	\$19,440		\$19,440
TOTAL		109,488	\$1,943,865

(j) The odds of winning a prize in this game are approximately one in 2.74. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710, and 74-8720; effective, T-111-4-5-21, March 10, 2021.)

**Article 9.—PULL-TAB GAMES**

**111-9-225. “Fat Wallet” pull tab ticket lottery game number 281.** (a) The Kansas lottery may conduct a pull tab lottery game entitled “Fat Wallet.” The rules for this game are contained in K.A.R. 111-8-1 *et seq.* and K.A.R. 111-9-225.

(b) The play symbols for this game are as follows:

- Symbol of a wallet
- Symbol of a stack of cash
- Symbol of a purse
- Symbol of a dollar sign
- Symbol of a vault
- Symbol of a moneybag

(c) For this game, three play symbols shall appear under each of four tabs on the back of each ticket. On the front of each ticket shall appear a legend of all winning combinations using the play symbols for this game along with the corresponding prize amount for each combination, as follows: three symbols of a moneybag equal \$1.00; three symbols of a vault equal \$5.00; three symbols of a dollar sign equal \$10.00; three symbols of a purse equal \$25.00; three symbols of a stack of cash equal \$100.00; three symbols of a wallet equal \$1,000.00.

(d) The ticket numbers in each pack in this game shall start with 000 and end with 299.

(e) The price of pull tab tickets sold by a retailer for this game shall be \$1.00 each.

(f) All tabs on the back of each ticket are to be pulled open. For each combination of three play symbols matching the legend on the front of the ticket, the player wins the prize amount corresponding to each combination as shown in subsection (c) above. All winning combinations shall be within a single window in a horizontal line.

(g) Each ticket in the game may win up to four times.

(h) Approximately 2,400,000 tickets shall be ordered initially for this pull tab game. Additional ticket orders shall have the same prize structure, the same number of prizes per pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(i) The expected number and value of prizes in this

game shall be as follows: (See corresponding play symbol values in subsection (c) above.)

	Prize Amount	Winners Per 2,400,000	Prize Cost
\$1	\$1	432,000	\$432,000
\$5	\$5	79,200	\$396,000
\$1 + \$5	\$6	37,920	\$227,520
\$10	\$10	12,800	\$128,000
\$5 + \$10	\$15	3,040	\$45,600
\$5 + \$5 + \$5	\$15	3,200	\$48,000
\$25	\$25	1,520	\$38,000
\$10 + \$10 + \$5	\$25	1,680	\$42,000
\$10 + \$25	\$35	720	\$25,200
\$10 + \$10 + \$10 + \$5	\$35	880	\$30,800
\$100	\$100	360	\$36,000
\$1,000	\$1,000	24	\$24,000
Players Loyalty Program	\$14,880	1	\$14,880
TOTAL		573,345	\$1,488,000

(j) The overall odds of winning a prize in this game are approximately one in 4.19. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and 74-8720; effective, T-111-4-5-21, March 10, 2021.)

**Article 19.—SPECIFIC PLAYER LOYALTY CLUB RULES**

**111-19-102. PlayOn Fall Technology Package Give-away Drawing.** (a) The Kansas lottery may conduct a drawing entitled “PlayOn Fall Technology Package Give-away Drawing” in which three Kansas lottery players will win the prize package listed in subsection (d). The Kansas lottery will accept entries into the drawing beginning at 12:01 a.m. on May 3, 2021. Entry deadline for the drawing will be at 11:59 p.m. on August 1, 2021. The drawing will be conducted sometime after entry into the drawing has closed but before noon on August 5, 2021, at which time the winners will be announced.

(b) Only registered Kansas Lottery PlayOn (“PlayOn”) members may enter the drawing. PlayOn members must enter themselves into the drawing according to the terms and conditions of PlayOn. Entries shall not be accepted that are submitted by any method other than through PlayOn.

(c) A total of 1,205 player loyalty club points are required for a PlayOn member to enter once into the drawing for the Fall Technology Prize Package. A player may enter the drawing as many times as the player’s points allow.

(d) The procedures set forth in K.A.R. 111-18-5 for selecting winners and alternate winners shall be followed. The prize packages shall consist of the following:

- (1) Apple–12.9-inch iPad Pro (Latest Model) with Wi-Fi–128GB;
- (2) Apple–Magic Keyboard for 12.9-inch iPad Pro (3rd Generation 2018) (4th Generation);
- (3) Apple Pencil (2nd Generation);
- (4) Apple–AirPods Pro–White;
- (5) Apple–HomePod mini–Space Gray;
- (6) Apple TV 4K 64GB–Black;
- (7) Apple Watch Series 6 (GPS+Cellular) 44mm Graphite Stainless Steel Case with Graphite Milanese Loop–Silver;

- (8) AppleCare+ for iPad Pro–2-year plan;
- (9) MacBook Pro 13.3" Laptop–Apple M1 chip–8GB Memory–256GB SSD (Latest Model)–Space Gray;
- (10) AppleCare+ for MacBook Pro13"–3 Year Plan;
- (11) Apple–USB-C-to-USB Adapter–White;
- (12) Samsung–CHG9 Series C49HG90DMN 49" HDR LED Curved FHD Free Sync Monitor (DisplayPort, MiniDisplayPort, HDMI, USB)–Matte dark blue black;
- (13) Apple–iPhone 12 Pro Max5G 128GB–Gold;
- (14) Apple–MagSafe iPhone Charger–White;
- (15) Apple–iPhone 12 Pro MaxSilicone Case with MagSafe–Black;
- (16) \$500 cash; and
- (17) State and federal mandatory income withholding taxes shall be paid by the Kansas lottery. The prize package is valued at approximately \$11,045.

(e) The procedures set forth in K.A.R. 111-18-5 for contacting winners and the claiming of prizes shall be followed, except as follows: in this promotion the 10-day deadline for the winners to return their claim forms shall be 10 business days and commence with the date of the announcement of the winners. The Kansas lottery is not responsible for electronic malfunction or player error.

(f) In the event any prize awarded for this drawing is postponed, changed, or canceled in whole or in part, no cash prize substitutions or other compensation shall be provided.

(g) The Kansas lottery retains the right to substitute an alternate prize of approximate equal value.

(h) By entering the drawings, entrant agrees to PlayOn terms and conditions.

(i) Rules applicable to this online event drawing are contained in K.A.R. 111-19-102 and K.A.R. 111-18-1 *et seq.* (Authorized by K.S.A. 74-8710 and 74-8748; implementing K.S.A. 74-8710; effective, T-111-4-5-21, March 10, 2021.)

**111-19-103. Summer of Silverado Drawings.** (a) The Kansas lottery may conduct a promotional event entitled "Summer of Silverado Drawings." The promotional event shall consist of a series of three preliminary drawings and a grand prize giveaway event. In each preliminary drawing five alternates will also be drawn. The Kansas lottery will accept entries into the promotional event beginning at 12:01 a.m. the day Kansas lottery "Silverado" instant tickets are first offered for sale to the general public and ending at 11:59 p.m. on September 19, 2021. The grand prize giveaway event will be conducted at the Kansas Lottery Headquarters in Topeka, Kansas, on October 15, 2021, at a time to be determined by the Kansas Lottery. The grand prize giveaway event will be audio and video recorded.

(b) The specific ticket eligible for entry into the promotional event shall be a non-winning \$10 Kansas lottery instant game ticket from "Silverado," game number 280.

(c) A player shall enter the promotional event through the Kansas Lottery PlayOn program available at [www.kslottery.com](http://www.kslottery.com). The player shall follow the hyperlink specifically developed for the purpose of accessing the promotional event. The player may enter the required data from the entry ticket manually for entry into the promotional event. If the player does not enter the ticket data manually, the player may scan, if available, the

ticket to enter data to be used for entry into the promotional event using a mobile device and a downloaded Kansas Lottery PlayOn app. After the ticket data is successfully entered either manually or scanned using an app, the player will receive one entry into the promotional event.

(d) Three preliminary drawings will be conducted to select finalists in the grand prize giveaway, as follows:

(1) Entry deadline for the first preliminary drawing will be 11:59 p.m., July 18, 2021. The first preliminary drawing will be conducted sometime after entry into the drawing has closed but before noon on July 22, 2021, at which time four finalists will be announced;

(2) Entry deadline for the second preliminary drawing will be 11:59 p.m., August 22, 2021. The second preliminary drawing will be conducted sometime after entry into the drawing has closed but before noon on August 26, 2021, at which time four finalists will be announced; and

(3) Entry deadline for the third preliminary drawing will be 11:59 p.m., September 19, 2021. The third preliminary drawing will be conducted sometime after entry into the drawing has closed but before noon on September 22, 2021. Two finalists will be announced sometime after the entry in the drawing has closed but before noon on September 22, 2021.

(e) The grand prize winner in the promotional event shall receive a 2021 Chevrolet Silverado, \$10,000 cash, federal and state mandatory income withholding taxes and all initial taxes and fees for the vehicle. No cash option is available.

(f) The finalists in the promotional event who are not awarded the grand prize, shall each receive a secondary prize, subject to federal and state mandatory income withholding taxes, as follows:

- (1) Three will win \$1,500 cash;
- (2) Three will win \$2,500 cash;
- (3) Two will win \$5,000 cash; and
- (4) One will win \$10,000 cash.

(g) All prizes are subject to lottery validation, set-offs, and deductions authorized by law.

(h) Any entries not selected as finalists shall remain eligible to be selected as a finalist in any subsequent drawing.

(i) There is no limit on the number of non-winning tickets a person may enter. If a person is selected as a finalist in any drawing, the finalist shall not be eligible to be selected as a finalist in any subsequent drawing(s).

(j) On each day the preliminary finalists are announced, the procedures set forth in K.A.R. 111-18-5 for contacting the finalists shall be followed, except:

(1) In this promotion the 10-day deadline for the finalists to return their claim forms shall be business days and commence with the date of the announcement of finalists; and,

(2) In this promotion the third preliminary finalists shall have five business days to return their claim form commencing on the date the finalist was announced.

(k) In addition to becoming finalists in the grand prize giveaway, the ten finalists selected in the three preliminary drawings shall also each receive the following:

(continued)

(1) One night accommodations at a hotel selected by the Kansas Lottery for two adults, including all hotel taxes and fees; and,

(2) \$200 cash.

(l) If, due to circumstances related to safety or security, the executive director of the Kansas Lottery reasonably determines that changes need to be made to the dates of the drawing(s) or the drawing procedure, any changes will be posted on the Kansas Lottery's website, [www.kslottery.com](http://www.kslottery.com) prior to said changes becoming effective.

(m) The winner of the grand prize and winners of the secondary prizes in the promotional event will be determined as follows:

(1) The 10 finalists of the promotional event or their proxies, will present themselves to Kansas Lottery officials;

(2) The Kansas Lottery will present oversized identical mock up keys that are roughly two feet by eighteen inches in size. Hidden signage that is not identifiable until the reveal will be displayed inside each key. The signage inside nine of the keys will indicate a cash value for one of the secondary prizes. The signage inside one of the keys will indicate a vehicle for the grand prize;

(3) In the same order as their names were drawn during the preliminary drawings, the finalists or designated proxy shall come forward, one-by-one, and select a key of his or her choice but shall not at that time reveal the signage inside the key. After all 10 finalists and/or proxies have selected a key the finalists will be given a signal to simultaneously reveal their prizes. Each finalist shall receive the prizes described in (e) and (f) above according to the signage inside the key that they selected.

(n) Following the determination of the grand prize winner and secondary prize winners, a claim form will be mailed or given to each finalist of the respective prize won. Each finalist shall then have until 5:00 p.m. on the tenth day following the presentation or mailing of a claim form to the finalist, whichever is applicable, to present the fully-executed claim form to lottery headquarters. If the tenth day following the mailing of a claim form to the finalist falls on a weekend or holiday, the deadline shall be extended to the next business day. If the grand prize winner cannot be located or is declared ineligible, or fails to timely present a fully-executed claim form to lottery headquarters, the Kansas Lottery will conduct a random drawing at Lottery headquarters on a date and time determined by the executive director of the Kansas Lottery for the purpose of determining an alternate grand prize winner. The names of the remaining finalists in the grand prize giveaway event shall be placed into the random drawing to determine an alternate grand prize winner. The drawing shall place the remaining finalists in order from number 1 through 9 to be used in the order drawn as alternates for the grand prize. The alternate grand prize winner shall retain their secondary prize awarded as a finalist. An alternate grand prize winner shall have until 5:00 p.m. on the tenth day following mailing of a claim form to the alternate grand prize winner to present the fully-executed claim form to Lottery headquarters. If the tenth day following the mailing of a claim form to an alternate grand prize winner falls on a weekend or holiday, the deadline shall be extended to the next busi-

ness day. If an alternate grand prize winner cannot be located or is declared ineligible, or fails to timely present a fully-executed claim form to Lottery headquarters, the grand prize will be awarded to the next finalist selected in the drawing for alternate grand prize winners. The alternate grand prize winner process shall be repeated until the grand prize is properly claimed or until such time as no alternate finalists remain, whichever occurs first.

(o) A finalist may complete a form provided by the Kansas Lottery to designate a proxy to participate in the grand prize giveaway event on behalf of the finalist. If a finalist uses a proxy during the grand prize giveaway event, the finalist in the grand prize giveaway event shall be the winner of the prize selected by his or her proxy. Any person acting as proxy for a finalist shall not be entitled to any prize.

(p) Prior to the grand prize giveaway event, Kansas Lottery security personnel shall record and certify in writing to the event manager the name of any individual serving as proxy on a finalist's behalf at the grand prize giveaway event. Prior to the grand prize giveaway event the event manager shall confirm that the finalist's name correctly corresponds with the designated proxy individual's name.

(q) Upon completion of the drawings and grand prize giveaway event, the security official and the event manager shall issue a report to the executive director, certifying whether the names of the prize winners are correct, and whether to the best of their knowledge the procedures required by these rules were followed in selecting the prize winners.

(r) Rules applicable to this promotion are contained in K.A.R. 111-19-103 and K.A.R. 111-18-1 *et seq.* (Authorized by K.S.A. 74-8710 and 74-8748; implementing K.S.A. 74-8710; effective, T-111-4-5-21, March 10, 2021.)

#### Article 601. — SOUTHEAST GAMING ZONE

**111-601-35. Table characteristics.** (a) Craps is played at a large rectangular shaped table with rounded corners or at a small table designed for a single dealer. Each craps table is surrounded by a vertical wall. The inside of the vertical wall is covered with a rubber-like material. A mirror is placed opposite the boxperson's position to allow the boxperson and table games supervisors or higher ranking casino official to verify payoffs, change, and wagers.

(b) A cloth table layout covering the table has areas for all possible bets that can be made.

(c) The large table layout is divided in half and both halves are imprinted the same. The small table layout approximates half a large table layout and shall have a maximum of eight player positions.

(d) For each half of a large table open for play there is a dealer, and for the entire table one employee that is the stickperson who is positioned at the center across from the dealer or dealers. On the small table a single dealer shall act as the dealer, stickperson and boxperson.

(e) At the large table a boxperson, floor supervisor or higher ranking casino official sits in between the location for the two dealers. The small table shall be supervised by a casino floor supervisor or higher ranking casino official.

(f) If both halves of a large table are open for play, the players are able to play on either half of the table along the far side away from the stickperson and the dealers. If only half of the large table is open for play, the players are only able to play on the open half of the table along the far side away from the stickperson and the dealer. On a small table, players may play at any open player position at the table.

(g) A table layout approved by the Kansas lottery will be used. (Authorized by K.S.A. 74-8710 and 74-8748; implementing K.S.A. 74-8710; effective, T-111-2-2-17, Nov. 9, 2016; amended, T-111-4-5-21, March 10, 2021.)

Stephen W. Durrell  
Executive Director

Doc. No. 049067

**INDEX TO ADMINISTRATIVE REGULATIONS**

This index lists in numerical order the new, amended, and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2009 Volumes of the *Kansas Administrative Regulations* and the 2020 Supplement of the *Kansas Administrative Regulations*. Regulations can also be found at [http://www.sos.ks.gov/pubs/pubs\\_kar.aspx](http://www.sos.ks.gov/pubs/pubs_kar.aspx).

**AGENCY 4: DEPARTMENT OF AGRICULTURE**

Reg. No.	Action	Register
4-8-13	Amended	V. 40, p. 320
4-8-14a	Amended	V. 40, p. 320
4-8-27	Amended	V. 40, p. 320
4-8-28	Amended	V. 40, p. 320
4-8-29	Amended	V. 40, p. 320
4-8-30	Amended	V. 40, p. 320
4-8-31	Amended	V. 40, p. 320
4-8-32	Amended	V. 40, p. 320
4-8-33	Amended	V. 40, p. 320
4-8-34	Amended	V. 40, p. 321
4-8-35	Amended	V. 40, p. 321
4-8-36	Amended	V. 40, p. 321
4-8-37	Amended	V. 40, p. 321
4-8-38	Amended	V. 40, p. 321
4-8-39	Amended	V. 40, p. 321
4-8-40	Amended	V. 40, p. 321
4-8-41	Revoked	V. 40, p. 321
4-8-42	Revoked	V. 40, p. 321
4-8-43	Revoked	V. 40, p. 321
4-8-44	New	V. 40, p. 321
4-8-45	New	V. 40, p. 322
4-8-46	New	V. 40, p. 322
4-8-47	New	V. 40, p. 322
4-8-48	New	V. 40, p. 322
4-34-1	Amended	V. 40, p. 191
4-34-22	New	V. 39, p. 1578
4-34-23	New	V. 39, p. 1579
4-34-24	New	V. 39, p. 1580
4-34-25	New	V. 39, p. 1581
4-34-26	New	V. 39, p. 1581
4-34-27	New	V. 39, p. 1581
4-34-28	New	V. 39, p. 1582
4-34-29	New	V. 39, p. 1582
4-34-30	New	V. 39, p. 1583

**AGENCY 7: SECRETARY OF STATE**

Reg. No.	Action	Register
7-48-1	New	V. 40, p. 263

**AGENCY 9: DEPARTMENT OF AGRICULTURE—DIVISION OF ANIMAL HEALTH**

Reg. No.	Action	Register
9-2-35	New	V. 39, p. 1358
9-3-9	Amended	V. 39, p. 1359

**AGENCY 10: KANSAS BUREAU OF INVESTIGATION**

Reg. No.	Action	Register
10-24-1	New (T)	V. 39, p. 732
10-24-1	New	V. 39, p. 1074
10-24-2	New (T)	V. 39, p. 732
10-24-2	New	V. 39, p. 1074
10-24-3	New (T)	V. 39, p. 732
10-24-3	New	V. 39, p. 1075

**AGENCY 11: DEPARTMENT OF AGRICULTURE—DIVISION OF CONSERVATION**

Reg. No.	Action	Register
11-9-5	Amended	V. 40, p. 427

**AGENCY 16: ATTORNEY GENERAL**

Reg. No.	Action	Register
16-14-1	Amended	V. 39, p. 1155
16-14-10	Amended	V. 39, p. 1155
16-14-11	Amended	V. 39, p. 1155
16-19-1	New	V. 39, p. 208
16-19-2	New	V. 39, p. 208
16-19-3	New	V. 39, p. 208
16-20-1	New (T)	V. 39, p. 462
16-20-1	New	V. 39, p. 1075

**AGENCY 17: OFFICE OF THE STATE BANK COMMISSIONER**

Reg. No.	Action	Register
17-23-9	Revoked	V. 39, p. 146

**AGENCY 21: HUMAN RIGHTS COMMISSION**

Reg. No.	Action	Register
21-40-10	Revoked	V. 40, p. 265
21-41-1	Revoked	V. 40, p. 265
21-41-2	Amended	V. 40, p. 265
21-41-3	Amended	V. 40, p. 265
21-41-4	Revoked	V. 40, p. 265
21-41-6	Amended	V. 40, p. 265
21-41-8	Amended	V. 40, p. 265
21-41-10	Amended	V. 40, p. 265
21-41-11	Revoked	V. 40, p. 265

**AGENCY 22: STATE FIRE MARSHAL**

Reg. No.	Action	Register
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22-26-2	New (T)	V. 40, p. 162
22-26-3	New (T)	V. 40, p. 163
22-26-4	New (T)	V. 40, p. 163
22-26-5	New (T)	V. 40, p. 164
22-26-6	New (T)	V. 40, p. 164
22-26-7	New (T)	V. 40, p. 164

22-26-8	New (T)	V. 40, p. 164
22-26-9	New (T)	V. 40, p. 164
22-26-10	New (T)	V. 40, p. 165
22-26-11	New (T)	V. 40, p. 165
22-26-12	New (T)	V. 40, p. 165
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22-26-14	New (T)	V. 40, p. 166
22-26-15	New (T)	V. 40, p. 167
22-26-16	New (T)	V. 40, p. 167

**AGENCY 26: DEPARTMENT FOR AGING AND DISABILITY SERVICES**

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26-38-1	New	V. 39, p. 1155
26-38-2	New	V. 39, p. 1156
26-38-3	New	V. 39, p. 1157
26-38-4	New	V. 39, p. 1157
26-38-5	New	V. 39, p. 1157
26-38-6	New	V. 39, p. 1158
26-38-7	New	V. 39, p. 1158
26-38-8	New	V. 39, p. 1159
26-38-9	New	V. 39, p. 1160
26-38-10	New	V. 39, p. 1160
26-38-11	New	V. 39, p. 1160

**AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT**

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28-1-40	New	V. 39, p. 1384
28-1-41	New (T)	V. 39, p. 1018
28-1-41	New	V. 39, p. 1384
28-1-42	New (T)	V. 39, p. 1018
28-1-42	New	V. 39, p. 1384
28-1-43	New (T)	V. 39, p. 1018
28-1-43	New	V. 39, p. 1385
28-1-44	New (T)	V. 39, p. 1019
28-1-44	New	V. 39, p. 1385
28-15-52	Amended	V. 39, p. 171
28-15-53	Amended	V. 39, p. 171
28-19-719	Revoked	V. 39, p. 1459
28-19-720	Amended	V. 39, p. 1459
28-24-1	Amended	V. 39, p. 336
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28-24-14	Amended	V. 39, p. 339
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28-38-19	Revoked	V. 39, p. 1160
28-38-20	Revoked	V. 39, p. 1160
28-38-21	Revoked	V. 39, p. 1160
28-38-22	Revoked	V. 39, p. 1161
28-38-23	Revoked	V. 39, p. 1161

28-38-26	Revoked	V. 39, p. 1161	66-6-10	Amended	V. 39, p. 1426	88-10-3	Revoked	V. 39, p. 1270
28-38-28	Revoked	V. 39, p. 1161	66-7-1	Amended	V. 39, p. 1427	88-10-4	Revoked	V. 39, p. 1270
28-38-29	Revoked	V. 39, p. 1161	66-8-3	Amended	V. 39, p. 1427	88-10-5	Revoked	V. 39, p. 1270
28-38-30	Revoked	V. 39, p. 1161	66-8-4	Amended	V. 39, p. 1427	88-10-6	Revoked	V. 39, p. 1270
28-44-12	Amended	V. 39, p. 819	66-9-5	Amended	V. 39, p. 1427	88-10-7	Revoked	V. 39, p. 1270
28-44-13	Amended	V. 39, p. 819	66-10-4	Amended	V. 39, p. 1427	88-10-8	Revoked	V. 39, p. 1270
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28-44-15	Amended	V. 39, p. 820	66-10-10b	Amended	V. 39, p. 1428	88-10-12	Revoked	V. 39, p. 1270
28-44-16	Amended	V. 39, p. 820	66-10-10c	New	V. 39, p. 1428	88-11-1	Revoked	V. 39, p. 1270
28-44-17	Amended	V. 39, p. 820	66-10-12	Amended	V. 39, p. 1428	88-11-2	Revoked	V. 39, p. 1270
28-44-18	Amended	V. 39, p. 821	66-10-13	Amended	V. 39, p. 1429	88-11-3	Revoked	V. 39, p. 1270
28-44-19	Amended	V. 39, p. 821	66-11-5	Amended	V. 39, p. 1429	88-11-4	Revoked	V. 39, p. 1270
28-44-20	Amended	V. 39, p. 821	66-14-1	Amended	V. 39, p. 1430	88-11-5	Revoked	V. 39, p. 1270
28-44-21	Amended	V. 39, p. 821	66-14-2	Amended	V. 39, p. 1430	88-11-6	Revoked	V. 39, p. 1270
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28-44-25	Amended	V. 39, p. 822	66-14-7	Amended	V. 39, p. 1431	88-11-11	Revoked	V. 39, p. 1270
28-44-26	Amended	V. 39, p. 823	66-14-8	Amended	V. 39, p. 1431	88-11-12	Revoked	V. 39, p. 1270
28-44-27	Amended	V. 39, p. 823	66-14-9	Amended	V. 39, p. 1431	88-25-1	New	V. 39, p. 748
28-44-28	Revoked	V. 39, p. 824	66-14-10	Revoked	V. 39, p. 1431	88-25-2	New	V. 39, p. 748
28-44-29	Amended	V. 39, p. 824	66-14-11	Revoked	V. 39, p. 1431	88-25-3	New	V. 39, p. 748
28-44-30	New	V. 39, p. 825	66-14-12	Amended	V. 39, p. 1431	88-25-4	New	V. 39, p. 748
28-44-31	New	V. 39, p. 825	66-15-1	New	V. 39, p. 14	88-25-5	New	V. 39, p. 748
28-65-1	Amended	V. 40, p. 318	<b>AGENCY 68: BOARD OF PHARMACY</b>			88-29-1	Revoked	V. 39, p. 1215
28-65-2	Amended	V. 40, p. 318	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	88-29-3	Amended	V. 39, p. 1215
28-65-3	Amended	V. 40, p. 318	68-2-5	Amended	V. 39, p. 105	88-29-11	Revoked	V. 39, p. 1216
28-65-4	Amended	V. 40, p. 319	68-5-16	Amended	V. 39, p. 106	88-29-12	Amended	V. 39, p. 1216
<b>AGENCY 36: KANSAS DEPARTMENT OF TRANSPORTATION</b>			<b>AGENCY 69: BOARD OF COSMETOLOGY</b>			88-29-13	Amended	V. 39, p. 1216
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	88-29-14	Amended	V. 39, p. 1218
36-45-1	New (T)	V. 39, p. 1104	69-3-8	Amended (T)	V. 39, p. 1186	88-29-15	Amended	V. 39, p. 1218
36-45-1	New	V. 39, p. 1490	69-3-8	Amended	V. 39, p. 1583	88-29-16	Amended	V. 39, p. 1219
36-45-2	New (T)	V. 39, p. 1105	<b>AGENCY 70: BOARD OF VETERINARY EXAMINERS</b>			88-29-17	Amended	V. 39, p. 1220
36-45-2	New	V. 39, p. 1491	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	88-29-18	Revoked	V. 39, p. 1221
36-45-3	New (T)	V. 39, p. 1105	70-5-1	Amended	V. 39, p. 1495	88-29-19	Revoked	V. 39, p. 1221
36-45-3	New	V. 39, p. 1491	<b>AGENCY 74: BOARD OF ACCOUNTANCY</b>			88-29a-1	Amended	V. 39, p. 1221
36-45-4	New (T)	V. 39, p. 1106	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	88-29a-5	Amended	V. 39, p. 1223
36-45-4	New	V. 39, p. 1491	74-1-3	Amended	V. 38, p. 1337	88-29a-6	Amended	V. 39, p. 1223
36-45-5	New (T)	V. 39, p. 1106	<b>AGENCY 82: STATE CORPORATION COMMISSION</b>			88-29a-7	Amended	V. 39, p. 1223
36-45-5	New	V. 39, p. 1492	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	88-29a-7a	Amended	V. 39, p. 1224
36-45-6	New (T)	V. 39, p. 1106	82-4-3a	Amended (T)	V. 39, p. 1188	88-29a-9	Amended	V. 39, p. 1224
36-45-6	New	V. 39, p. 1492	82-4-3a	Amended	V. 39, p. 1608	88-29a-10	Amended	V. 39, p. 1225
36-45-7	New (T)	V. 39, p. 1106	82-4-30a	Amended (T)	V. 39, p. 1383	88-29a-11	Amended	V. 39, p. 1227
36-45-7	New	V. 39, p. 1492	82-4-30a	Amended	V. 40, p. 160	88-29a-18	Amended	V. 39, p. 1228
36-45-8	New (T)	V. 39, p. 1107	<b>AGENCY 86: REAL ESTATE COMMISSION</b>			88-29a-19	Amended	V. 39, p. 1229
36-45-8	New	V. 39, p. 1493	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	88-29b-1	Amended	V. 39, p. 1229
36-45-10	New (T)	V. 39, p. 1108	86-1-10	Amended	V. 39, p. 54	88-29b-3	Amended	V. 39, p. 1231
36-45-10	New	V. 39, p. 1494	86-1-11	Amended	V. 39, p. 55	88-29b-5	Amended	V. 39, p. 1231
<b>AGENCY 40: INSURANCE DEPARTMENT</b>			86-1-12	Amended	V. 39, p. 56	88-29b-6	Amended	V. 39, p. 1232
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40-1-28	Amended	V. 40, p. 191	86-1-16	Revoked	V. 39, p. 56	88-29b-7a	Amended	V. 39, p. 1234
40-1-52	New	V. 40, p. 191	86-1-17	Amended	V. 39, p. 56	88-29b-9	Amended	V. 39, p. 1234
<b>AGENCY 60: BOARD OF NURSING</b>			86-1-18	Revoked	V. 39, p. 56	88-29b-10	Amended	V. 39, p. 1235
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60-11-116	Amended	V. 39, p. 1021	86-3-7	Amended	V. 39, p. 56	88-29c-5	Amended	V. 39, p. 1238
60-11-119	Amended	V. 39, p. 1022	86-3-10	Amended	V. 40, p. 497	88-29c-7	Amended	V. 39, p. 1238
60-13-110	Amended	V. 39, p. 1022	86-3-18	Amended	V. 40, 497	88-29c-9	Amended	V. 39, p. 1238
60-16-101	Amended	V. 39, p. 12	86-3-20	Revoked	V. 39, p. 57	88-29c-10	Amended	V. 39, p. 1239
60-16-103	Amended	V. 39, p. 12	86-3-21	Revoked	V. 40, p. 498	88-29d-1	Amended	V. 39, p. 1240
60-16-104	Amended	V. 39, p. 13	86-3-22	Amended	V. 40, p. 498	88-29d-5	Amended	V. 39, p. 1241
<b>AGENCY 61: BOARD OF BARBERING</b>			<b>AGENCY 88: BOARD OF REGENTS</b>			88-29d-7	Amended	V. 39, p. 1242
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<b>AGENCY 66: BOARD OF TECHNICAL PROFESSIONS</b>			88-10-2	Revoked	V. 39, p. 1270	88-30-1	Amended (T)	V. 39, p. 890
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66-6-1	Amended	V. 39, p. 1425	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	88-30-2	Amended	V. 39, p. 1270
<b>AGENCY 68: BOARD OF PHARMACY</b>			92-19-47	Revoked	V. 40, p. 290	<b>AGENCY 92: DEPARTMENT OF REVENUE</b>		
<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	92-19-67	Revoked	V. 40, p. 290	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
68-2-5	Amended	V. 39, p. 105	<b>AGENCY 100: BOARD OF HEALING ARTS</b>			<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
68-5-16	Amended	V. 39, p. 106	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>			



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