

Kansas Register

Vol. 42, No. 49

December 7, 2023

Pages 1417-1434



In this issue ...

Page

Legislative Branch

Legislative Administrative Services
Interim Committee Schedule.....1419

Rates

Pooled Money Investment Board
Notice of Investment Rates.....1419
Secretary of State
Code Mortgage Rate for December 2023.....1419

Notices

Kansas Water Authority
Notice of Meeting.....1419
Kansas Governor’s Grants Program
Notice of Available Grant Funding from the Federal Byrne State Crisis
Intervention Program.....1419
Wichita State University
Notice of Intent to Lease Real Property.....1420
Notice of Intent to Lease Real Property.....1420
Kansas Department of Administration – Office of Procurement and Contracts
Notice to Bidders for State Purchase.....1421
Kansas State Board of Regents Universities
Notice to Bidders for University Purchase.....1421
The Scouler Company
Notice to Bidders for Goodland, Kansas Downtown Facility Rail Yard
Construction Project.....1422
Notice to Bidders for Goodland, Kansas Elevator A Rail Yard
Construction Project.....1423
Kansas Department of Health and Environment
Notice Concerning Proposed Air Quality Class I Operating Permit Renewal
for Natural Gas Pipeline Company of America – Compressor Station 104.....1424
Notice of Clean Water Act Section 401 Water Quality Certification for
Wildhorse River Works, Inc.....1424
Notice Concerning Water Pollution Control Permits and Applications.....1425

Executive Branch

Office of the Governor
Executive Directive No. 23-578, Authorizing Expenditure of Federal Funds.....1427

Regulations

Office of the State Fire Marshal
Notice of Hearing on Proposed Administrative Regulations.....1427
Kansas Department of Health and Environment
Permanent Administrative Regulations.....1428

Index to administrative regulations.....1431

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

© Kansas Secretary of State 2023. Reproduction of the publication in its entirety or for commercial purposes is prohibited without prior permission. Official enactments of the Kansas Legislature and proposed and adopted administrative regulations of state agencies may be reproduced in any form without permission.

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

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



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

Cover Artwork: Christmas Tree
Photo by Todd Caywood

State of Kansas

Legislative Administrative Services

Interim Committee Schedule

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

Date	Room	Time	Committee	Agenda
Dec. 6	112-N	9:00 a.m.	Special Committee on Civil Asset Forfeiture	http://www.kslegislature.org/li/b2023_24/committees/ctte_spc_2023_special_committee_on_civil_asset_f_1/documents/agenda/weeklyinterim/20231206.pdf
Dec. 12	144-S	9:30 a.m.	Joint Committee on State Building Construction	http://www.kslegislature.org/li/b2023_24/committees/ctte_jt_bldg_constr_1/documents/agenda/weeklyinterim/20231212.pdf
Dec. 12	546-S	1:30 p.m.	Joint Committee on Legislative Post Audit	https://www.kslpa.org/wp-content/uploads/2023/12/Draft-LPAC-Agenda-12_12_2023.pdf
Dec. 13	582-N	9:30 a.m.	Joint Committee on Special Claims Against the State	http://www.kslegislature.org/li/b2023_24/committees/ctte_jt_clms_agnst_1/documents/agenda/weeklyinterim/20231213.pdf

Tom Day
 Director
 Legislative Administrative Services

Doc. No. 051695

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 12-4-23 through 12-10-23	
Term	Rate
1-89 days	5.33%
3 months	5.30%
6 months	5.30%
12 months	5.15%
18 months	4.86%
2 years	4.66%

Joel Oliver
 Executive Director
 Chief Investment Officer
 Pooled Money Investment Board

Doc. No. 051688

State of Kansas

Secretary of State

Notice of Code Mortgage Rate for December 2023

Pursuant to the provisions of K.S.A. 16a-1-301, Section 11, the code mortgage rate during the period of December 1-31, 2023, is 12 percent. The reference rate referred to in

the definition of “code mortgage rate” set forth in K.S.A. 16a-1-301(11)(b)(i) is discontinued, has become impractical to use, and/or is otherwise not readily ascertainable from the Federal Home Loan Mortgage Corporation.

Scott Schwab
 Secretary of State

Doc. No. 051691

State of Kansas

Kansas Water Authority

Notice of Meeting

The Kansas Water Authority will meet Wednesday, December 13, 2023, at Cook Theatre, 2221 Campus Dr., Concordia, Kansas. More information is available at <http://kwo.ks.gov>.

Kristin Kaipust
 Strategic Communications Coordinator
 Kansas Water Office

Doc. No. 051697

State of Kansas

Kansas Governor’s Grants Program

Notice of Available Grant Funding

The Kansas Byrne State Crisis Intervention Program Advisory Board (SCIP Advisory Board) establishes the guidelines for the Federal Byrne State Crisis Intervention *(continued)*

Program (SCIP) grant program. The SCIP Solicitation outlines the funding priorities for organizations applying for SCIP grant funds. The funds are intended to assist state, local, and tribal efforts to prevent or reduce gun violence and violent crime. Eligible applicants for SCIP funding include units of state and local government; courts, Native American Tribes; and nonprofit, community, and faith-based organizations, including underserved and culturally specific populations.

Priority will be given to applications clearly supporting the Kansas SCIP Plan (Plan) and submitting a complete application. A copy of the Plan and the SCIP Solicitation, may be downloaded at [https://grants.ks.gov/grant-programs/federal-byrne-state-crisis-intervention-program-\(scip\)](https://grants.ks.gov/grant-programs/federal-byrne-state-crisis-intervention-program-(scip)).

All grant applications must be submitted by email to kggpapp@ks.gov by 11:59 p.m. January 5, 2024. For more information, contact the Kansas Governor's Grants Program at 785-291-3205 or at kggp@ks.gov.

Julienne Maska
Administrator
Kansas Governor's Grants Program

Doc. No. 051690

State of Kansas

Wichita State University

Notice of Intent to Lease Real Property

Public notice is hereby given that Wichita State University (WSU), directly or through its affiliate corporation Wichita State Innovation Alliance, Inc., intends to lease, subject to all required state approvals, up to 1.22 acres of real property located on the northwest corner of the intersection of Fountain Avenue and 21st Street North, directly adjacent to the Wichita State University campus. This location would be designated for private development committed to supporting broadband infrastructure and Internet exchanges. The university is interested in leasing such ground to any individual, organization, or entity whose presence would advance WSU's vision or its mission as an educational, cultural, and economic driver for Kansas and the greater public good. WSU intends to lease such space for a mutually agreeable period of time, but extended terms and renewal options would be considered. Interested tenants must be willing to be a good fit with WSU's educational mission and identify anticipated benefits to the university, its students, and the surrounding community (i.e. applied learning, joint research, faculty start-up, WSU curriculum or program support, community benefit commitments, etc.), and must agree to the essential ground lease terms and restrictive covenants. Interested tenants will be evaluated on: proposal terms, demonstrated benefit to WSU and the surrounding community, design concepts, financial stability, and proposed use. Interested tenants will be responsible for all costs associated with the development and ongoing maintenance costs of any improvements. Rental rate shall be based on fair market value and negotiable based on term of lease, purpose/use of the improvement, and benefit to WSU. WSU will consider serious offers and inquiries

from any financially qualified individual, group, organization. If interested, please contact Property Manager Crystal Stegeman at crystal.stegeman@wichita.edu. This publication is being published pursuant to K.S.A. 75-430a(d), to the extent applicable.

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

Doc. No. 051654

State of Kansas

Wichita State University

Notice of Intent to Lease Real Property

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

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

Doc. No. 051655

State of Kansas

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

Notice to Bidders

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

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

12/27/2023	EVT0009481	Newborn Screening Follow-Up Data System – KDHE
12/28/2023	EVT0009485	Janitorial Services – South Haven, KS – KHP
12/29/2023	EVT0009482	Janitorial Services – DDS Office – Topeka, KS – KDCF
01/05/2024	EVT0009487	Law Enforcement Liaison – KDOT
01/09/2024	EVT0009496	Actuarial Services for Self-Insurance Fund – KDOL
01/10/2024	EVT0009484	Investigation and Potential Litigation Within the Drug Manufacturer Industry – Office of the Attorney General
01/10/2024	EVT0009492	New Office Building – Farlington Fish Hatchery – KDWP
01/11/2024	EVT0009486	Court Reporting Services – Kansas Judicial Branch
01/15/2024	EVT0009450	Dump Trucks – KDOT

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

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

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

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

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

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

Todd Herman
Director
Office of Procurement and Contracts

Doc. No. 051700

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: 620-341-5137, email: purchaseorders@emporia.edu. Mailing address: Emporia State University Purchasing, Campus Box 4021, 1 Kellogg Cir., Emporia, KS 66801.

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

Kansas State University – Bid postings: <https://bidportal.ksu.edu>. Effective August 1, 2023, all bids, quotes, or proposals must be submitted via the Kansas State University Bid Portal at <https://bidportal.ksu.edu>. Division of Financial Services/Purchasing, 2323 Anderson Ave., Kansas State University, Manhattan, KS 66506. Additional contact information, phone: 785-532- 6214, email: kspurch@k-state.edu.

Pittsburg State University – Bid postings: <https://www.pittstate.edu/office/purchasing>. Additional contact info: phone: 620-235-4167, email: swburke@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/>. The University of Kansas exclusively uses the online eBid tool and will no longer accept paper responses unless otherwise specified in a solicitation. Additional contact information, email: purchasing@ku.edu. Mailing address: University of Kansas, Procurement Department, 1246 W. Campus Road Room 20, Lawrence, KS 66045.

University of Kansas Medical Center – Electronic bid postings: <https://www.kumc.edu/finance/supply-chain/bid-opportunities.html>. Additional contact information, phone: 913-588-1117, email: hunkemoore@kumc.edu. The University of Kansas Medical Center accepts only electronic bids.

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

Chris Robinson
Director
Purchasing and Contract Services
Kansas State University

Doc. No. 051386

(Published in the Kansas Register December 7, 2023.)

The Scoular Company

Notice to Bidders

The Scoular Company is seeking bidders for a rail yard construction project at their facility in Goodland, Kansas (Downtown Facility) (Project No. 91-RA-3324-22). Interested bidders should contact Brad Perry at bperry@scoular.com to request bid package. The bid package will include site layout, track plan, and track construction specifications. Bid packages for the project will be sent to all interested bidders on or about December 22, 2023.

Scope of Work

The work consists of the following items:

- Add approximately 1,970 track feet of rail construction, base plates, and joint bars.
- Shifting approximately 1,971 track feet of rail.

Contractor supplies all other track materials, but not limited to, new ties, new bolts, new prime spikes, balast, new derail, new turnouts, and OTM. This project is the recipient of a KDOT State Rail Service Improvement Fund program grant and the contract for work will be directly with The Scoular, which reserves the right to reject any or all bids. Questions regarding the project should be directed to Brad Perry.

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. Workers 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.

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 they so choose. 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.

Project Completion

All work pertaining to this project shall be completed by June 1, 2024.

Submission of a Proposal

All proposals must be submitted no later than February 18, 2022. 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.

Brad Perry
Facility Engineering Manager
The Scoular Company

Doc. No. 051692

(Published in the Kansas Register December 7, 2023.)

The Scoular Company

Notice to Bidders

The Scoular Company is seeking bidders for a rail yard construction project at their facility in Goodland, Kansas (Elevator A) (Project No. 91-RA-3312-22). Interested bidders should contact Brad Perry at bperry@scoular.com to request a bid package. The bid package will include site layout, track plan, and track construction specifications. Bid packages for the project will be sent to all interested bidders on or about December 22, 2023.

Scope of Work

The work consists of the following items:

- Add approximately 1,089 track feet of rail construction, base plates, and joint bars.

Contractor supplies all other track materials, but not limited to, new ties, new bolts, new prime spikes, ballast, new derail, new turnouts, and OTM. This project is the recipient of a KDOT State Rail Service Improvement Fund program grant and the contract for work will be directly with The Scoular, which reserves the right to reject any or all bids. Questions regarding the project should be directed to Brad Perry.

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. Workers 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.

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 they so choose. 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.

(continued)

Project Completion

All work pertaining to this project shall be completed by June 1, 2024.

Submission of a Proposal

All proposals must be submitted no later than February 18, 2022. 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.

Brad Perry
Facility Engineering Manager
The Scoular Company

Doc. No. 051693

State of Kansas**Department of Health and Environment****Notice Concerning Proposed Kansas Air Quality Class I Operating Permit Renewal**

Notice is hereby given that the Kansas Department of Health and Environment (KDHE) is soliciting comments regarding a proposed air quality operating permit. Natural Gas Pipeline Company of America – Compressor Station 104 has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et al. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards, and requirements applicable to each source; and the monitoring, record keeping, and reporting requirements applicable to each source as of the effective date of permit issuance.

Natural Gas Pipeline Company of America – Compressor Station 104, 21372 US-77 Hwy. Beatrice, NE 68310, owns and operates the Natural Gas Great Bend Compressor Station located at 846 NW 40 Rd., Great Bend, KS 67530.

A copy of the proposed permit, permit application, all supporting documentation, and all information relied upon during the permit application review process are available for public review during normal business hours of 8:00 a.m. to 5:00 p.m. at the KDHE, Bureau of Air (BOA), 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366 and at the Northwest District Office, 2301 E. 13th

St., Hays, KS 67601. To obtain or review the proposed permit and supporting documentation, contact Laura Chavira Molina, 785-296-1691, at the central office of the KDHE or Byron Dotson, 785-261-6117, at the Northwest District Office. The standard departmental cost will be assessed for any copies requested. The proposed permit, accompanied with supporting information, is available, free of charge, at the KDHE BOA Public Notice website at <https://www.kdhe.ks.gov/413/Public-Notices>.

Please direct written comments or questions regarding the proposed permit to Laura Chavira Molina, 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, January 8, 2024.

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 Laura Chavira Molina, KDHE BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366, no later than 12:00 p.m. Monday, January 8, 2024, in order for the Secretary of Health and Environment to consider the request.

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

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

Janet Stanek
Secretary

Department of Health and Environment

Doc. No. 051689

State of Kansas**Department of Health and Environment****Notice of Water Quality Certification**

The Kansas Department of Health and Environment (KDHE) has drafted a water quality certification per Section 401 of the Clean Water Act (CWA) requested by Wildhorse River Works, Inc. representing Mr. John Fassnacht per Public Notice No. NWK-2023-674-675-676 Fassnacht Farms Streambank Rehabilitation projects - <https://www.nwk.usace.army.mil/Media/Public-Notices/>. The applicant proposes to rehabilitate three different sites totaling

3,405 feet of the eroding left descending streambank of the Delaware River located in Atchison County, Kansas. This project will require the placement of 3,978 tons of limestone rock and will be placed in the Delaware River to reduce erosion along the riverbanks. All disturbed areas will be seeded and mulched with native grasses, trees, and shrubs. It is estimated that 22 rock weirs or vanes and 1,260 feet of longitudinal peaked stone-toe protection (LPSTP) will be placed in the river and along the edge of water. Following placement of the structures, the eroding riverbank will be regraded to a three-foot horizontal to one-foot vertical slope and planted with a combination of native plant materials.

The draft certification and additional information containing the link to the USACE Public Notice will be posted on the KDHE website at <https://www.kdhe.ks.gov/1095/Section-401-Water-Quality-Certification> on or before December 7, 2023. Persons wishing to comment on the referenced draft document must submit their comments in writing by email to the Kansas Department of Health and Environment at KDHE.NPS@ks.gov by January 7, 2023, if they wish to have their comments considered in the formulation of final determinations for 401 regarding this public notice.

For more information, contact Scott Satterthwaite, Watershed Management Section, Bureau of Environmental Field Services, KDHE at Scott.Satterthwaite@ks.gov.

Janet Stanek
Secretary

Department of Health and Environment

Doc. No. 051699

State of Kansas

Department of Health and Environment

Public 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.

Las acciones propuestas con respecto a los documentos preliminares se basan en la revisión del personal, aplicando los estándares, regulaciones y limitaciones de efluentes apropiados del estado de Kansas y de la Agencia de Protección Ambiental de Estados Unidos. La acción

final resultará en la emisión de una Autorización Federal del Sistema Nacional de Eliminación de Descargas de Contaminantes y un permiso de Control de Contaminación del Agua de Kansas, sujeto a ciertas condiciones, revocación y reemisión del permiso designado o terminación del permiso designado. Si desea obtener más información en español o tiene otras preguntas, por favor, comuníquese con el Coordinador de No Discriminación al 785-296-5156 o en KDHE.NonDiscrimination@ks.gov.

Public Notice No. KS-AG-23-341/350

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Strathman Farms, LLC Richard and Roger Strathman A Rd. Baileyville, KS 66404	NW/4 of Section 18 & SW/4 of Section 07 T03S, R11E Nemaha County	Big Blue River Basin

Kansas Permit No. A-BBNM-B004

The proposed action is to modify and reissue the existing state permit for a facility for a proposed maximum capacity of 999 head (999 animal units) of cattle weighing greater than 700 pounds. This represents an increase in the permitted animal units from the previous permit. This permit is also being modified to include an additional proposed pen area and extension of sediment basin. The use of the three (3) confinement buildings will be heavily reduced. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Pheasant Ridge Finishers, LLC - High Ridge Farm 4123 AA Rd. Plains, KS 67869	N/2 of Section 16 T34S, R30W Meade County	Cimarron River Basin

Kansas Permit No. A-CIME-H002
Federal Permit No. KS0088200

The proposed action is to modify and reissue an existing NPDES permit for a facility for 3,850 head (1,540 animal units) of swine weighing more than 55 pounds. There will be three modifications to the permit. First, land application of swine wastes control will shift from the facility to 100% of the swine waste being exported to and applied by other nearby entities. Second, the primary method for the disposal of routine mortalities from burial to rendering. Third, the facility is required to notify KDHE within 30 days of the effective date of the permit to provide the name of the person that will be the designated facility operator. Only the *Mortality Management, Land Application, and Schedule of Compliance* sections of the draft permit are open for comments. There is no change in the permitted number of animal units, waste management structures, or the footprint of the facility from the previous permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Pheasant Ridge Finishers, LLC - South Ridge Farm 3100 AA Rd. Plains, KS 67869	S/2 of Section 08 T34S, R30W Meade County	Cimarron River Basin

Kansas Permit No. A-CIME-H003
Federal Permit No. KS0089044

The proposed action is to reissue an existing NPDES permit for an existing facility for 6,080 head (2,432 animal units) of swine weighing more than 55 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Nutrient Management Plan on file with KDHE.

(continued)

Name and Address of Applicant Legal Description Receiving Water

Pheasant Ridge Finishers, LLC - West Ridge Farm
22218 Road 11
Kismet, KS 67859

Kansas Permit No. A-CISW-H008
Federal Permit No. KS0093581

The proposed action is to reissue an existing NPDES permit for an existing facility for 3,360 head (1,344 animal units) of swine weighing more swine weighing more than 55 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant Legal Description Receiving Water

Stephens Farms, Inc.
1551 CR 32
Menlo, KS 67753

Kansas Permit No. A-SOTH-C002
Federal Permit No. KS0115614

The proposed action is to reissue an existing NPDES permit for an existing facility for 2,999 head (2,999 animal units) of cattle weighing more than 700 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant Legal Description Receiving Water

J&N Ranch, LLC - F. Morgan Feedyard and J&N Ranch Sale Barn
25332 Wolcott Rd.
Leavenworth, KS 66048

Kansas Permit No. A-MOLV-B001

The proposed action is to reissue an existing state permit for an existing facility for 606 head (606 animal units) of cattle weighing more than 700 pounds, or up to 999 head (449.5 animal units) of cattle weighing 700 pounds or less, or up to 999 head of cattle regardless of weight provided the total animal unit value does not exceed 606 animal units, and 2 head (4 animal units) of horses. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant Legal Description Receiving Water

Molitor, LLC - Newton Livestock
1728 Cow Palace Rd.
Newton, KS 67114

Kansas Permit No. A-LAHV-L001

The proposed action is to reissue an existing state permit for an existing livestock buying and transfer station that operates one to two days a week. The station processes a maximum of 750 head (75 animal units) of sheep and goats per month. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant Legal Description Receiving Water

Jarold Koehn
185 290th Rd.
Durham, KS 67438

Kansas Permit No. A-NEMM-B024

The proposed action is to reissue an existing state permit for an existing facility for 330 head (330 animal units) of cattle weighing greater than 700 pounds and 660 head (330 animal units) of cattle weighing 700 pounds or less for a maximum capacity of 660 animal units. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant Legal Description Receiving Water

Eagle Ridge
524 17th Rd.
Haddam, KS 66944

Kansas Permit No. A-LRWS-S028

The proposed action is to reissue an existing state permit for an existing facility for 1,370 head (548 animal units) of swine weighing greater than 55 pounds and 1,400 head (140 animal units) of swine weighing 55 pounds or less; for a total of 688 animal units of swine. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant Legal Description Receiving Water

Rose Farms
Dewayne Rose
870 29th Rd.
Mahaska, KS 66955

Kansas Permit No. A-BBWS-B014

The proposed action is to reissue an existing state permit for an existing facility for 990 head (990 animal units) of cattle more than 700 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Public Notice No. KS-AG-R-23-027

Per Kansas Statutes Annotated 65-171d, the following registration has been received for a proposed facility:

Name and Address of Registrant Legal Description County

Talley Feedlot
Wade P. Talley
2313 96th Rd.
Sabetha, KS 66534

Public Notice No. KS-EG-23-013

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

Name and Address of Applicant

Cargill, Inc.
PO Box 1403
Hutchinson, KS 67504

Permit No. KS-03-155-O23

Legal Description: Sec 20, T23S, R05W

Well I.D.	Location
O-1	38.03536789, -97.8933150
O-2	38.0353689, -97.8922039
O-3	38.03537089, -97.8901364
O-4	38.03537191, -97.8890254
O-5	38.03537309, -97.8877407

The proposed action is to issue a new State/NPDES permit for a new facility. The facility is a salt solution mining facility. Injection is to be made into the Hutchinson Salt member of the Wellington formation. Freshwater shall be injected into and saturated brine withdrawn from wells O-1, O-2, O-3, and O-4. O-5 is the access well to drill the horizontal borehole to connect the production wells in this gallery and shall only be used for the purpose of brine withdrawal. The top of the cavity shall be no shallower than 250 feet below land surface. Mining shall not extend into the upper 50 feet of the salt deposit. The proposed permit contains generic language to protect the waters of the state.

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 January 6, 2024, will be considered in the formulation of the final determination regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-23-341/350, KS-AG-R-23-027, KS-EG-23-013) and name of the applicant/permittee when preparing comments.

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

Comments or objections for agricultural related draft documents, permit applications, registrations or actions should be submitted to the attention of Casey Guccione, 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 Andrew Bowman at the KDHE Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612.

All draft documents/applications and the supporting information including any comments received are on file and may be inspected at the offices of the KDHE. For agricultural related draft documents or applications an appointment can be scheduled, or copies requested by contacting Mirina Landry at 1000 SW Jackson St., Suite 430, Topeka, KS 66612, telephone 785-296-0076 or email at kdhe.feedlots@ks.gov. Las preguntas o comentarios por escrito deben dirigirse a Erich Glave, Director, Bureau of Environmental Field Services en KDHE: 1000 SW Jackson St., Suite 430, Topeka, KS 66612-1367; por correo electrónico: kdhe.feedlots@ks.gov; por teléfono: 785-296-6432. For all other proposed permits or actions an appointment can be scheduled, or copies requested by contacting Neal Niceswanger, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612, telephone 785-296-6804 or email at Neal.Niceswanger@ks.gov. These documents are available upon request at the copying cost assessed by KDHE. Application information and components of plans and specifications for all new and

expanding swine facilities are available at <http://www.kdhe.ks.gov/livestock>. Division of Environment offices are open from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

Janet Stanek
Secretary

Department of Health and Environment

Doc. No. 051698

State of Kansas

Office of the Governor

Executive Directive No. 23-578

Authorizing Expenditure of Federal Funds

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

Pursuant to the authority of the Attorney General of the Office of the Attorney General to receive and expend federal funds, and pursuant to the authority granted the Governor by Section 193 of Chapter 82 of *The 2023 Session Laws of Kansas*, approval is hereby granted to the Office of the Attorney General for expenditure in FY 2024 of monies in the federal fund entitled "SUID Case Registry."

Pursuant to the authority of the Chairperson of the State Corporation Commission to receive and expend federal funds, and pursuant to the authority granted the Governor by Section 193 of Chapter 82 of the *The 2023 Session Laws of Kansas*, approval is hereby granted to the State Corporation Commission for expenditure in FY 2024 of monies in the federal fund entitled "Energy Efficiency Conservation Block Grant Fund."

Pursuant to the authority of the Secretary of the Department of Wildlife and Parks to receive and expend federal funds, and pursuant to the authority granted the Governor by Section 193 of Chapter 82 of *The 2023 Session Laws of Kansas*, approval is hereby granted to the Department of Wildlife and Parks for expenditure in FY 2024 of monies in the federal fund entitled "FHT RAISE Grant Federal Fund."

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

Dated November 27, 2023.

Laura Kelly
Governor

Doc. No. 051694

State of Kansas

Office of the State Fire Marshal

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted by the Office of the State Fire Marshal (OSFM) at 9:00 a.m. Thursday, February 8, 2024, in the Kansas Department of Transportation Auditorium Room 04A, 4th Floor, Eisenhower State
(continued)

Office Building, 700 SW Harrison St, Topeka, KS 66603, regarding the proposed amendment of K.A.R. 22-18-2, 22-18-3, and 22-8-5. These are regulations supporting the Fire Safety and Prevention Act within Educational Occupancies; and Application and Drawings for Liquid Petroleum gas containers.

K.A.R. 22-18-2. Fire drills, tornado drills, and crisis drills in public and private educational institutions. OSFM proposes to amend this regulation, changing it to match current statutory requirements of educational institutions when conducting fire, tornado, and crisis drills.

K.A.R. 22-18-3. Construction requirements for school buildings. OSFM proposes to amend this regulation, changing it to match the codes adopted by reference in K.A.R. 22-1-3.

K.A.R. 22-8-5. Application and drawings. OSFM proposes to amend this regulation, changes include organization of subsections and removing the \$35.00 review fee for applications for liquid petroleum gas containers.

The Office of the State Fire Marshal does not anticipate any significant economic or environmental impact on governmental agencies or units or the general public because of the changes to these regulations. Copies of the proposed regulations and the Economic Impact Statement may be found online at <https://firemarshal.ks.gov/158/Statutes-Regulations>, or by contacting Brenda McNorton at brenda.mcnorton@ks.gov.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written comments from the public on the proposed regulations. All interested parties may submit written public comments prior to the hearing to Brenda McNorton, Office of the State Fire Marshal, 800 SW Jackson St., Suite 104, Topeka, KS 66612, or via email at brenda.mcnorton@ks.gov. Additionally, interested parties wanting to participate remotely may contact Brenda McNorton at brenda.mcnorton@ks.gov to obtain remote access information.

All interested parties will be given a reasonable opportunity to present their views, either orally, in writing, or both, concerning the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodations in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Brenda McNorton at 785-296-3401 or via email at brenda.mcnorton@ks.gov. Individuals with hearing and/or speech disabilities may contact the Kansas Relay Center at 1-800-766-3777 for communication accommodations. Disabled parking is located north of the Eisenhower State Office Building in state parking lot 8B. The north entrance to the Eisenhower State Office Building is accessible.

Mark Engholm
State Fire Marshal
Office of the State Fire Marshal

Doc. No. 051696

State of Kansas

Department of Health and Environment

Permanent Administrative Regulations

Article 34.—HOSPITALS

28-34-145. Definitions. As used in K.A.R. 28-34-145 through 28-34-152, each of the following terms shall have the meaning specified in this regulation:

(a) "Accrediting survey" means an inspection conducted by an accrediting organization approved by the centers for medicare and medicaid services.

(b) "Administrator" means an individual who is appointed by the governing body to act on behalf of a rural emergency hospital in the overall management of a rural emergency hospital.

(c) "Applicant" means a person who has applied for a license but who has not yet been granted a license to operate a rural emergency hospital.

(d) "Change of ownership" means any transaction that results in a change of control over the capital assets of a rural emergency hospital.

(e) "Critical access hospital" has the meaning specified for "critical access hospital" in K.S.A. 2022 Supp. 65-468, and amendments thereto.

(f) "General hospital" has the meaning specified for "general hospital" in K.S.A. 65-425, and amendments thereto.

(g) "Governing body" means the individual or individuals who comprise the legal administrative structure of a rural emergency hospital and direct how business shall be conducted.

(h) "Licensee" means a person that has been granted a license to operate a rural emergency hospital.

(i) "Licensing agency" means Kansas department of health and environment.

(j) "Licensure survey" means an inspection conducted by surveyors of the licensing agency of any licensee to verify each rural emergency hospital's compliance with state statutes and the requirements specified in K.A.R. 28-34-146 through 28-34-152.

(k) "Person" means any individual, firm, partnership, corporation, company, association, or joint-stock association, and the legal successor of the individual, firm, partnership, corporation, company, association, or joint-stock association.

(l) "Rural emergency hospital" and "REH" have the meaning specified for "rural emergency hospital" in K.S.A. 2022 Supp. 65-483, and amendments thereto.

(m) "Rural emergency hospital services" has the meaning specified for "rural emergency hospital services" in K.S.A. 2022 Supp. 65-483, and amendments thereto.

(n) "Secretary" has the meaning specified for "secretary" in K.S.A. 65-483, and amendments thereto. (Authorized by and implementing K.S.A. 2022 Supp. 65-487; effective, T-28-9-29-23, Sept. 29, 2023; effective Dec. 22, 2023.)

28-34-146. Application process. (a) Any person wanting to operate a rural emergency hospital shall meet the eligibility requirements pursuant to K.S.A. 2022

Supp. 65-484, and amendments thereto, and shall file an application on a form provided by the licensing agency at least 90 days before the admission of patients.

(b) Each applicant for a license to operate a rural emergency hospital shall submit all of the following information to the licensing agency:

(1) An action plan for initiating rural emergency hospital services, including a transition plan that lists the specific services that the rural emergency hospital transitioning from a critical access hospital shall retain, modify, add, or discontinue;

(2) a description of services the rural emergency hospital may provide on an outpatient basis;

(3) a description of how the rural emergency hospital will use payments provided to the rural emergency hospital by the centers for medicare and medicaid services;

(4) a written verification from county and municipal authorities showing that the rural emergency hospital complies with all local codes and ordinances, including all building, fire, and zoning requirements;

(5) a written verification from the Kansas office of the state fire marshal showing that the rural emergency hospital building complies with all applicable fire codes and regulations;

(6) a plan for the removal of biomedical waste and human tissue from the rural emergency hospital; and

(7) a transfer agreement with a medicare certified level I or level II trauma center.

(c) The granting of a license to any applicant may be denied by the secretary if the applicant is not in compliance with all applicable laws and regulations. (Authorized by and implementing K.S.A. 2022 Supp. 65-487; effective, T-28-9-29-23, Sept. 29, 2023; effective Dec. 22, 2023.)

28-34-147. Licensing procedure; renewals. (a)(1) No earlier than 90 days before but not later than 30 days before the renewal date, each licensee wishing to renew a license shall submit an application to renew the license to the licensing agency on a form provided by the licensing agency.

(2) The licensing agency shall approve the application for renewal after the licensing agency has verified that the licensee is in compliance with the requirements specified in K.A.R. 28-34-146 through 28-34-152.

(3) A license previously issued shall be renewed after the licensee has filed an annual report. The annual report shall be filed not later than 60 days after the beginning of each calendar year. The annual report shall include information regarding the following:

(A) Administration and ownership;

(B) classification;

(C) special care services;

(D) outpatient and emergency room services; and

(E) staff personnel.

(b) New construction, alterations, or renovations that provide space for patient services or patient room shall not be used until authorization has been received from the licensing agency. The licensing agency may give authorization orally or by telephone and shall provide the rural emergency hospital with written confirmation of the authorization.

(c) If the rural emergency hospital is found to be non-compliant with the requirements specified in K.A.R.

28-34-146 through 28-34-152, the licensing agency shall notify the licensee, in writing, of each violation and require that a plan of correction be submitted before a license is issued or renewed. The plan of correction shall state specifically what corrective action shall be taken and the date on which the plan of correction shall be accomplished.

(d) If during the term of the current license the rural emergency hospital is surveyed by an accrediting organization approved by the centers for medicare and medicaid services, the licensee shall submit the survey report to the licensing agency. As a result of the accrediting survey, any licensee may be subject to an additional licensing survey at the secretary's discretion.

(e) The licensing agency shall verify compliance of the rural emergency hospital with the requirements specified in K.A.R. 28-34-146 through 28-34-152 in at least one of the following ways:

(1) A statement of the administrator or an authorized staff member; or

(2) on-site observations by licensing agency surveyors.

(f) If a licensed general hospital or critical access hospital applies for and receives licensure as a rural emergency hospital, the rural emergency hospital shall retain its original state license as a general hospital or critical access hospital. The original state license of the rural emergency hospital shall remain inactive and the reporting requirements of the general hospital or critical access hospital shall be waived while the rural emergency hospital license is in effect. (Authorized by and implementing K.S.A. 2022 Supp. 65-487; effective, T-28-9-29-23, Sept. 29, 2023; effective Dec. 22, 2023.)

28-34-148. Terms of a license; amendments. (a) Each rural emergency hospital license shall be effective for one year following the date of issuance.

(b) Each license shall be valid for the licensee and the address specified on the license. When an initial, renewed, or amended license becomes effective, all previous rural emergency hospital licenses granted to licensee at the same address shall become invalid.

(c) Only one physical location shall be described in each license.

(d) Any applicant may withdraw the application for a license.

(e) Any licensee may submit, at any time, a request to close the rural emergency hospital permanently and to surrender the license. Unless notified by the licensee in writing, if a licensee closes a rural emergency hospital and surrenders the license, any state general hospital license or state critical access hospital license that the licensee also holds shall be surrendered to the licensing agency.

(f) If a rural emergency hospital is closed, any license granted for that rural emergency hospital shall become void.

(g) Each licensee shall submit a request for an amended license to the licensing agency within 30 days after either of the following:

(1) A change of ownership by purchase or by lease; or

(2) a change in the name or address.

(continued)

(h) If a licensee that also holds a state-issued license as a general hospital or a critical access hospital submits a request for an amended license for a rural emergency hospital, the licensee shall ensure that the amendment to the license does not affect the status of the state-issued license for a general hospital or a critical access hospital. (Authorized by and implementing K.S.A. 2022 Supp. 65-487; effective, T-28-9-29-23, Sept. 29, 2023; effective Dec. 22, 2023.)

28-34-149. Rural emergency hospital services. Each rural emergency hospital shall provide only services pursuant to K.S.A. 65-483, and amendments thereto. (Authorized by and implementing K.S.A. 2022 Supp. 65-487; effective, T-28-9-29-23, Sept. 29, 2023; effective Dec. 22, 2023.)

28-34-150. Conditions of participation. (a) The following sections of 42 C.F.R., part 485, subpart E, as in effect on January 1, 2023, are hereby adopted by reference:

- (1) 485.508;
- (2) 485.510;
- (3) 485.512;
- (4) 485.514;
- (5) 485.516;
- (6) 485.520;
- (7) 485.522;
- (8) 485.524;
- (9) 485.526;
- (10) 485.528;
- (11) 485.530;
- (12) 485.532;
- (13) 485.534;
- (14) 485.536;
- (15) 485.538; and
- (16) 485.540.

(b) The following changes shall be made to the sections specified:

- (1) 485.516(c) shall be deleted.
- (2) In 485.524(d)(1)(i), the text “including an osteopathic practitioner recognized under section 1101(a)(7) of the Act” shall be deleted.
- (3) In 485.524(d)(3)(i)(B), the text “including an osteopathic practitioner recognized under section 1101(a)(7) of the Act” shall be deleted.
- (4) In 485.524(d)(3)(i)(E), the text “as defined in § 410.69(b) of this chapter” shall be deleted.
- (5) In 485.524(d)(3)(i)(F), the text “as defined in § 410.69(b) of this chapter” shall be deleted.

(6) In 485.524(d)(3)(i)(G), the text “as described in § 413.85 or §§ 413.76 through 413.83 of this chapter” shall be deleted.

(7) 485.524(d)(3)(ii) shall be deleted.

(8) 485.524(d)(4) shall be deleted.

(9) 485.524(d)(5) shall be deleted.

(10) 485.526(e) shall be deleted.

(11) 485.526(f) shall be deleted.

(12) 485.526(g) shall be deleted.

(13) In 485.534(b)(3), the text “in accordance with §§ 489.100, 489.102, and 489.104 of this chapter” shall be deleted.

(14) In 485.534(g), the term “CMS” shall be replaced with “CMS and the licensing agency.”

(15) In 485.536, the term “CMS” shall be replaced with “CMS and the licensing agency.”

(16) 485.540(d) shall be replaced with the following text: “If the REH utilizes an electronic medical records system or other electronic administrative system, the REH shall submit an attestation of the REH’s conformance with 45 C.F.R. 170.205(d)(2) to the licensing agency. Then the REH shall demonstrate that:”

(c) All outside references contained in the adoptions in (a)(2), (3), (4) and (5) of this regulation shall refer to those versions adopted in this regulation. (Authorized by and implementing K.S.A. 2022 Supp. 65-487; effective, T-28-9-29-23, Sept. 29, 2023; effective Dec. 22, 2023.)

28-34-151. Construction standards. Each rural emergency hospital construction, including new buildings and additions or alterations to existing buildings, shall be in accordance with the requirements specified in K.A.R. 28-34-32b. (Authorized by and implementing K.S.A. 2022 Supp. 65-487; effective, T-28-9-29-23, Sept. 29, 2023; effective Dec. 22, 2023.)

28-34-152. Laboratory services. Each rural emergency hospital shall provide laboratory services in accordance with the requirements specified in K.A.R. 28-34-11. (Authorized by and implementing K.S.A. 2022 Supp. 65-487; effective, T-28-9-29-23, Sept. 29, 2023; effective Dec. 22, 2023.)

Janet Stanek
Secretary

Department of Health and Environment

Doc. No. 051701

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended, and revoked administrative regulations with a future effective date and the *Kansas Register* issue in which the regulation can be found. A complete listing and the complete text of all currently effective regulations required to be published in the *Kansas Administrative Regulations* can be found at https://www.sos.ks.gov/pubs/pubs_kar.aspx.

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-2-1	Amended	V. 42, Issue 47
4-2-8a	New	V. 42, Issue 47
4-2-8b	New	V. 42, Issue 47
4-2-9a	New	V. 42, Issue 47
4-2-9b	New	V. 42, Issue 47
4-2-14	Amended	V. 42, Issue 47
4-7-716	Amended	V. 42, Issue 47

AGENCY 10: BUREAU OF INVESTIGATION

Reg. No.	Action	Register
10-21-1	Amended	V. 42, Issue 47
10-21-3	Amended	V. 42, Issue 47
10-21-4	Amended	V. 42, Issue 47
10-21-5	Amended	V. 42, Issue 47
10-21-6	Amended	V. 42, Issue 47

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-34-135	New (T)	V. 42, Issue 41
28-34-146	New (T)	V. 42, Issue 41
28-34-147	New (T)	V. 42, Issue 41
28-34-148	New (T)	V. 42, Issue 41
28-34-149	New (T)	V. 42, Issue 41
28-34-150	New (T)	V. 42, Issue 41
28-34-151	New (T)	V. 42, Issue 41
28-34-152	New (T)	V. 42, Issue 41

AGENCY 40: INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-53	New	V. 42, Issue 24
40-2-14a	Revoked	V. 42, Issue 42

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-20-33	New (T)	V. 42, Issue 42

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-19-200	Revoked	V. 42, Issue 47
92-19-201	Revoked	V. 42, Issue 47
92-19-202	Revoked	V. 42, Issue 47
92-19-203	Revoked	V. 42, Issue 47

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 *Kansas Register*. A list of regulations

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

Reg. No.	Action	Register
111-2-329	New	V. 41, Issue 40
111-4-3547	Amended	V. 42, Issue 33
111-4-3681	Amended	V. 41, Issue 6
111-4-3695	New	V. 41, Issue 6
111-4-3696	New	V. 41, Issue 6
111-4-3697	New	V. 41, Issue 6
111-4-3698	New	V. 41, Issue 6
111-4-3699	New	V. 41, Issue 6
111-4-3700	New	V. 41, Issue 6
111-4-3701	New	V. 41, Issue 6
111-4-3702	New	V. 41, Issue 6
111-4-3703	New	V. 41, Issue 9
111-4-3704	New	V. 41, Issue 9
111-4-3705	New	V. 41, Issue 9
111-4-3706	New	V. 41, Issue 9
111-4-3707	New	V. 41, Issue 9
111-4-3708	Amended	V. 41, Issue 19
111-4-3709	Amended	V. 41, Issue 19
111-4-3710	New	V. 41, Issue 19
111-4-3711	New	V. 41, Issue 19
111-4-3712	New	V. 41, Issue 19
111-4-3713	Amended	V. 41, Issue 29
111-4-3714	New	V. 41, Issue 29
111-4-3715	New	V. 41, Issue 24
111-4-3716	New	V. 41, Issue 24
111-4-3717	New	V. 41, Issue 24
111-4-3718	New	V. 41, Issue 29
111-4-3719	New	V. 41, Issue 29
111-4-3720	New	V. 41, Issue 29
111-4-3721	New	V. 41, Issue 29
111-4-3722	New	V. 41, Issue 29
111-4-3723	New	V. 41, Issue 33
111-4-3724	New	V. 41, Issue 33
111-4-3725	New	V. 41, Issue 33
111-4-3726	New	V. 41, Issue 33
111-4-3727	New	V. 41, Issue 40
111-4-3728	New	V. 41, Issue 44
111-4-3729	New	V. 41, Issue 44
111-4-3730	New	V. 41, Issue 51
111-4-3731	New	V. 41, Issue 51
111-4-3732	New	V. 41, Issue 51
111-4-3733	New	V. 41, Issue 51
111-4-3734	New	V. 41, Issue 51
111-4-3735	New	V. 41, Issue 51
111-4-3736	New	V. 41, Issue 51
111-4-3737	New	V. 41, Issue 51

111-4-3738	New	V. 41, Issue 51
111-4-3739	New	V. 41, Issue 51
111-4-3740	New	V. 42, Issue 7
111-4-3741	New	V. 42, Issue 15
111-4-3742	New	V. 42, Issue 15
111-4-3743	New	V. 42, Issue 18
111-4-3744	New	V. 42, Issue 22
111-4-3745	New	V. 42, Issue 22
111-4-3746	New	V. 42, Issue 22
111-4-3747	New	V. 42, Issue 22
111-4-3748	New	V. 42, Issue 22
111-4-3749	New	V. 42, Issue 28
111-4-3750	New	V. 42, Issue 28
111-4-3751	New	V. 42, Issue 33
111-4-3752	New	V. 42, Issue 33
111-4-3753	New	V. 42, Issue 33
111-4-3754	New	V. 42, Issue 33
111-4-3755	New	V. 42, Issue 33
111-4-3756	New	V. 42, Issue 33
111-4-3757	New	V. 42, Issue 33
111-4-3758	New	V. 42, Issue 33
111-4-3759	New	V. 42, Issue 33
111-4-3760	New	V. 42, Issue 33
111-4-3761	New	V. 42, Issue 41
111-4-3762	New	V. 42, Issue 42
111-4-3763	New	V. 42, Issue 46
111-4-3764	New	V. 42, Issue 46
111-4-3765	New	V. 42, Issue 46
111-5-230	Amended	V. 42, Issue 18
111-5-248	New	V. 41, Issue 12
111-5-249	New	V. 42, Issue 15
111-9-229	New	V. 41, Issue 12
111-9-230	New	V. 41, Issue 12
111-9-231	New	V. 41, Issue 51
111-9-232	New	V. 41, Issue 51
111-15-1	Amended	V. 42, Issue 28
111-15-3	Amended	V. 42, Issue 33
111-18-2	Amended	V. 42, Issue 33
111-18-3	Amended	V. 42, Issue 33
111-18-5	Amended	V. 42, Issue 33
111-18-8	New	V. 41, Issue 29
111-19-2a	Amended	V. 41, Issue 12
111-19-121	New	V. 41, Issue 9
111-19-122	New	V. 41, Issue 9
111-19-123	New	V. 41, Issue 12
111-19-124	New	V. 41, Issue 24
111-19-125	New	V. 41, Issue 24
111-19-126	New	V. 41, Issue 29
111-19-127	New	V. 41, Issue 29
111-19-128	New	V. 41, Issue 29
111-19-129	New	V. 41, Issue 29
111-19-130	New	V. 41, Issue 29
111-19-131	New	V. 41, Issue 33
111-19-132	New	V. 41, Issue 33
111-19-133	New	V. 41, Issue 40
111-19-134	New	V. 41, Issue 44
111-19-135	New	V. 41, Issue 44
111-19-136	New	V. 41, Issue 44
111-19-137	Amended	V. 41, Issue 51
111-19-138	New	V. 41, Issue 51
111-19-139	New	V. 41, Issue 51
111-19-140	New	V. 41, Issue 51
111-19-141	New	V. 41, Issue 51
111-19-142	New	V. 42, Issue 21
111-19-143	New	V. 42, Issue 11
111-19-144	New	V. 42, Issue 11
111-19-145	New	V. 42, Issue 15
111-19-146	New	V. 42, Issue 15
111-19-147	New	V. 42, Issue 15
111-19-148	New	V. 42, Issue 15
111-19-149	New	V. 42, Issue 18
111-19-150	New	V. 42, Issue 18
111-19-151	New	V. 42, Issue 18
111-19-152	New	V. 42, Issue 18
111-19-153	New	V. 42, Issue 22
111-19-154	New	V. 42, Issue 22

111-19-155	New	V. 42, Issue 28	111-501-158	New	V. 42, Issue 41	112-201-8	New (T)	V. 42, Issue 44
111-19-156	New	V. 42, Issue 28	111-501-159	New	V. 42, Issue 41	112-201-9	New (T)	V. 42, Issue 44
111-19-157	New	V. 42, Issue 28	111-501-160	New	V. 42, Issue 41	112-201-10	New (T)	V. 42, Issue 44
111-19-158	New	V. 42, Issue 28	111-501-161	New	V. 42, Issue 41	112-201-11	New (T)	V. 42, Issue 44
111-19-159	New	V. 42, Issue 28	111-501-162	New	V. 42, Issue 41	112-201-12	New (T)	V. 42, Issue 44
111-19-160	New	V. 42, Issue 33	111-601-51	New	V. 42, Issue 11	112-201-13	New (T)	V. 42, Issue 44
111-19-161	Amended	V. 42, Issue 41	111-601-52	New	V. 42, Issue 11	112-201-14	New (T)	V. 42, Issue 44
111-19-162	New	V. 42, Issue 41	111-601-53	New	V. 42, Issue 11	112-201-15	New (T)	V. 42, Issue 44
111-19-163	New	V. 42, Issue 41	111-601-54	New	V. 42, Issue 11	112-201-16	New (T)	V. 42, Issue 44
111-19-164	New	V. 42, Issue 41	111-601-55	New	V. 42, Issue 11	112-201-17	New (T)	V. 42, Issue 44
111-19-165	New	V. 42, Issue 42	111-701-1	New	V. 41, Issue 35	112-201-18	New (T)	V. 42, Issue 44
111-19-166	New	V. 42, Issue 46	111-701-20	New	V. 41, Issue 35	112-201-19	New (T)	V. 42, Issue 44
111-302-4	Amended	V. 42, Issue 18	111-701-30	New	V. 41, Issue 35	112-201-20	New (T)	V. 42, Issue 44
111-501-6	Amended	V. 42, Issue 42	111-701-31	New	V. 41, Issue 35	112-201-21	New (T)	V. 42, Issue 44
111-501-19	Amended	V. 42, Issue 42	111-701-32	New	V. 41, Issue 35	112-201-22	New (T)	V. 42, Issue 44
111-501-20	Amended	V. 42, Issue 42	111-701-33	New	V. 41, Issue 35	112-201-23	New (T)	V. 42, Issue 44
111-501-45a	New	V. 41, Issue 51	111-701-34	New	V. 41, Issue 35	112-202-1	New (T)	V. 42, Issue 44
111-501-69	Amended	V. 42, Issue 41	111-701-35	New	V. 41, Issue 35	112-202-2	New (T)	V. 42, Issue 44
111-501-106	Amended	V. 42, Issue 41	111-701-36	New	V. 41, Issue 35	112-203-1	New (T)	V. 42, Issue 44
111-501-107	Amended	V. 42, Issue 41	111-701-50	New	V. 41, Issue 35	112-203-2	New (T)	V. 42, Issue 44
111-501-108	Amended	V. 42, Issue 41	111-701-60	New	V. 41, Issue 35	112-203-3	New (T)	V. 42, Issue 44
111-501-109	Amended	V. 42, Issue 41	111-701-70	New	V. 41, Issue 35	112-203-4	New (T)	V. 42, Issue 44
111-501-121	Amended	V. 42, Issue 41				112-203-5	New (T)	V. 42, Issue 44
111-501-122	Amended	V. 41, Issue 29				112-203-6	New (T)	V. 42, Issue 44
111-501-123	Amended	V. 41, Issue 24				112-203-7	New (T)	V. 42, Issue 44
111-501-124	Amended	V. 41, Issue 24				112-203-8	New (T)	V. 42, Issue 44
111-501-125	Amended	V. 41, Issue 24				112-204-1	New (T)	V. 42, Issue 44
111-501-126	Amended	V. 42, Issue 42				112-204-2	New (T)	V. 42, Issue 44
111-501-127	Amended	V. 41, Issue 24				112-204-3	New (T)	V. 42, Issue 44
111-501-148a	New	V. 41, Issue 51				112-204-4	New (T)	V. 42, Issue 44
111-501-154	Amended	V. 42, Issue 41				112-204-5	New (T)	V. 42, Issue 44
111-501-155	Amended	V. 42, Issue 41				112-204-6	New (T)	V. 42, Issue 44
111-501-156	New	V. 42, Issue 41				112-204-7	New (T)	V. 42, Issue 44
111-501-157	New	V. 42, Issue 41						

AGENCY 112 RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-201-1	New (T)	V. 42, Issue 44
112-201-2	New (T)	V. 42, Issue 44
112-201-3	New (T)	V. 42, Issue 44
112-201-4	New (T)	V. 42, Issue 44
112-201-5	New (T)	V. 42, Issue 44
112-201-6	New (T)	V. 42, Issue 44
112-201-7	New (T)	V. 42, Issue 44

Kansas Register
Secretary of State
1st Floor, Memorial Hall
120 SW 10th Ave.
Topeka, KS 66612-1594
