

# Kansas Register

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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 4-12-21 through 4-18-21

Term	Rate
1-89 days	0.07%
3 months	0.01%
6 months	0.02%
12 months	0.07%
18 months	0.12%
2 years	0.17%

Scott Miller  
Director of Investments

Doc. No. 049035

State of Kansas

Water Authority

Notice of Meeting

The Kansas Water Authority (KWA) will have their meeting by webinar at 9:00 a.m. Monday, April 26, 2021. For additional meeting information or how to access the meeting, visit the Kansas Water Office website calendar at [www.kwo.ks.gov](http://www.kwo.ks.gov) or call 785-296-3185.

Katie Patterson-Ingels  
Communications Director

Doc. No. 049050

(Published in the Kansas Register April 15, 2021.)

North Central Regional Planning Commission

Notice to Bidders

Request for bids for a search and rescue trailer will be accepted by the North Central Regional Planning Commission (NCRPC) until 10:00 a.m. (CST) Friday, April 30,

2021, at 109 N. Mill St., Beloit, KS 67420, at which time they will be publicly opened and read aloud at the same address. Copies of the request for bid and project specifications can be accessed by going to <http://procurement.ncrpc.org/HS/projects.html> or by contacting the NCRPC at 785-738-2218 or [hlscoordinator@ncrpc.org](mailto:hlscoordinator@ncrpc.org). This action is being taken on behalf of the Southeast Kansas Regional Homeland Security Council. Estimated project value exceeds \$25,000.

Lisa Peters  
Homeland Security Coordinator  
Assistant Executive Director

Doc. No. 049037

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:

04/26/2021	EVT0007987	ITS Device Maintenance – KDOT
04/26/2021	EVT0007988	Pump Removal and Repairs – Neosho Wildlife Area
04/29/2021	EVT0007991	Guardrail Replacement Parts – KDOT
05/03/2021	EVT0007980	Agricultural Services – Ford County
05/04/2021	EVT0007998	Shooting Range – Hillsdale State Park
05/05/2021	EVT0007983	Streambank Stabilizations – Delaware River
05/07/2021	EVT0007951	Unemployment Insurance System
05/07/2021	EVT0007984	Streambank Stabilizations – Little Blue River
05/10/2021	EVT0007999	Battle Dress Utility
05/14/2021	EVT0007982	Streambank Stabilizations – Cottonwood River
05/17/2021	EVT0007986	Family Functional Therapy Services

(continued)

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>

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

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

Richard Beattie, Director  
Office of Procurement and Contracts

Doc. No. 049051

**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 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**

**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**  
**Department of Administration**  
**Office of Facilities and Property Management**

**Notice of Requested Architectural Services**

Notice is hereby given of the commencement of the selection process for architectural services for the renovation of Templin Hall at the University of Kansas, Lawrence. Services shall include: remodel existing restrooms throughout including the plumbing infrastructure. This will include replacement of plumbing fixtures, new paint, flooring, ceiling tile and grid, new restroom accessories, and new restroom lighting. The project will also include interior finish improvements, as add alternates (not in an order of priority), replace VCT flooring with LVT, replace all suite light fixtures, repaint all walls in units, replace all ceiling tile and grid in units, and replace the kitchenette cabinets and countertop as well as sink and faucet. Finally, the main electrical switchgear is to be replaced, and connections will need to be made to the new chilled water piping from the Lewis Hall district chilled water plant. Chilled water piping to Templin was part of a separate project. The estimated project construction budget is \$2,250,000.

An architectural/engineering program is available at <http://admin.ks.gov/offices/ofpm/dcc/arch-eng-programs>. For more information, contact Laura Gagliano at [lgagliano@ku.edu](mailto:lgagliano@ku.edu).

To be considered, one (1) PDF file of the following should be provided: State of Kansas Professional Qualifications DCC Forms 051-054, inclusive, and information regarding similar projects. These forms may be found at <http://admin.ks.gov/offices/ofpm/dcc/f-and-d>. State of Kansas Professional Qualifications DCC Form 050 for each firm and consultant should be provided at the end of each proposal. Please include your firm name, agency abbreviation, and an abbreviated project name in the title of the PDF document. Proposals should be less than 5 Mb and follow the current State Building Advisory Commission guidelines which can be found in Part B – Chapter 2 of the Building Design and Construction Manual at <http://www.admin.ks.gov/offices/ofpm/dcc/bdcm>. Paper copies and flash drives containing copies of the proposals are not required.

Proposals received after the date and time noted below will not be forwarded to the State Building Advisory

Commission for review. If you have questions, please call 785-296-0749. Proposals shall be emailed to [professional.qualifications@ks.gov](mailto:professional.qualifications@ks.gov) to the attention of Randy Riveland by 2:00 p.m. on or before April 30, 2021.

The State of Kansas, as a matter of public policy, encourages anyone doing business with the State of Kansas to take steps to discourage human trafficking. If prospective bidders/vendors/contractors have any policies or participate in any initiatives that discourage human trafficking, then the prospective bidder/vendor/contractor is encouraged to submit same as part of their bid response.

Frank Burnam, Director  
Office of Facilities and Property Management

Doc. No. 049049

**State of Kansas**  
**Department of Transportation**

**Notice of Applications**

The Kansas Department of Transportation (KDOT) Office of Public Transportation is now accepting applications for the Access, Innovation, and Collaboration Program. The funding in this program will include 5311 (General Public Transportation), 5310 (Enhanced Mobility of Seniors and Individuals with Disabilities), 5339 (Bus and Bus Facilities), and state public transportation funds.

The application and additional information are available on the KDOT Public Transportation website at <http://www.ksdot.org/burTransPlan/pubtrans/index.asp>.

Any potential applicants that do not have Internet access can request an application by contacting the KDOT Public Transit office at 785-296-7984.

All applications and proposals must be received to KDOT (address below) by 3:00 p.m. June 11, 2020. Applications received after the deadline will not be accepted.

Kansas Department of Transportation  
Office of Public Transportation  
700 SW Harrison St., 2nd Floor (Planning)  
Topeka, KS 66603-3745

If you have any questions please contact Cory Davis, Assistant Bureau Chief, at 785-296-7984.

Julie Lorenz  
Secretary

Doc. No. 049013

**State of Kansas**  
**Department of Transportation**

**Notice of Applications**

The Kansas Department of Transportation (KDOT) Office of Public Transportation is now accepting applications for operating assistance and proposals for capital purchases in accordance with the Federal Transit Administration (FTA) program U.S.C. 49-5311(f) – Intercity Bus.

The purpose of the U.S.C. 49-5311(f) program is to provide funds to support the intercity bus system and its purpose as a vital link between isolated rural communities and the rest of the nation. The goal of the U.S.C. 49-5311(f) program is to support the connection between

*(continued)*

nonurbanized areas and the larger regional or national system, meet the intercity travel needs of residents in nonurbanized areas, and support the infrastructure of the intercity bus network.

The application is available on the KDOT Public Transportation website at <http://www.ksdot.org/burTransPlan/pubtrans/index.asp>.

Proposals for capital purchases should include all appropriate bid documents, vehicle specifications, associated routes and justification for purchase, a capital investment plan (including information on vehicles that will be replaced), and any additional supporting documents.

Any potential applicants that do not have Internet access can request an application by contacting the KDOT Public Transit office at 785-296-7984.

All applications and proposals must be received to KDOT (address below) by 3:00 p.m. May 14, 2021. Applications received after the deadline will not be accepted.

Kansas Department of Transportation  
Office of Public Transportation  
700 SW Harrison St., 2nd Floor (Planning)  
Topeka, KS 66603-3745

If you have any questions please contact Rene Hart, Multi Modal Planner at [rene.hart@ks.gov](mailto:rene.hart@ks.gov).

Julie Lorenz  
Secretary

Doc. No. 049014

## State of Kansas

### Department of Transportation

#### Notice to Consulting Firms

The Kansas Department of Transportation (KDOT) is seeking to secure ready availability of surveying services on an as-needed basis by entering into up to ten contracts with qualified consulting engineering firms who may perform services, from time to time and on short notice, when KDOT does not have the personnel to perform the services. The services may require construction surveying, land surveying and calculations based on those surveys, as well as administration and recordkeeping associated with such services.

#### Schedule/Deadlines

Responses to this Request for Proposal (RFP) are due on or before 12:00 p.m. (CST) April 23, 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 5, 2021, after which time all firms that submitted will be notified of the ranking. Negotiations with up to ten of the most highly ranked firms to commence on or about May 19, 2021. An agreement should be in place on or about June 3, 2021.

#### Scope of Services to be Performed

Periodically, KDOT's personnel may be unable to perform surveying within the time frame required so it may be necessary to engage a consultant firm (with appropriate KDOT certification) on short notice under an as-needed agreement. The scope of services will generally consist of project surveying as well as accurate and timely documentation thereof, including submission of all docu-

mentation to KDOT. Thorough knowledge of, and compliance with the KDOT's *Standard Specifications for State Road and Bridge Construction, Construction Manual*, project specifications, and other relevant KDOT policies, procedures, and manuals, as well as KDOT documentation and recordkeeping requirements is essential.

#### Locations

KDOT sites, statewide, as needed.

#### Requirements

Interested firms must: (a) be prequalified by KDOT in category 301 Land Surveying and 302 Engineering Surveying; (b) have employees who are licensed in Kansas as professional surveyors and experienced in surveying; (c) submit a proposal according to the instruction detailed below. 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 "As-Needed Survey RFP – Firm Name." RFPs must be received by 12:00 p.m. (CST) April 23, 2021 for the consulting firm to be considered.

If a firm is not currently prequalified by KDOT but is interested in obtaining prequalification, then please view the requirements and categories at <http://www.ksdot.org/divengdes/prequal/default.asp>. For licensure and other requirements applicable to the practice of technical professions within the State of Kansas, please consult the website of the Kansas Board of Technical Professions at <http://www.ksbtp.ks.gov/>. All firms doing business with KDOT must be registered and in good standing under the laws of the State of Kansas and comply with applicable state and federal laws, rules and regulations.

#### Instructions for Proposal

No costs shall be contained in the proposal. The proposal must not exceed eight (8) pages total to address the pertinent topics. Please use the following naming convention for submittal... As-Needed Survey 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").

The proposal should address and include the following items:

- Provide internal policies and procedures of consultant's firm, if any, or established practices of consultant's firm which address how the consultant ensures its employees are properly trained, familiar with KDOT processes and procedures, and capable of correctly performing surveying services in an accurate and timely manner as well as create and maintain appropriate record keeping and documentation.
- Provide internal policies and procedures of consultant's firm, if any, or describe consultant's established practices to respond to poor or substandard performance of consultant's personnel in surveying and how instances of poor or substandard performance are addressed, rectified or otherwise corrected by consultant. Describe any recent (within last five years) instances of poor or otherwise substan-

dard performance problems, including those that have not been documented as part of a formal performance evaluation process of consultant or consultant's clients.

- Provide the names, qualifications and relevant recent experience of consultant's employees who are or will be proposed for performance of surveying. Along with the names of consultant personnel proposed for performing services, please also identify the KDOT districts where such consultant employee has previously worked.
- Provide organization chart identifying the titles, responsibilities, roles, and duties of each individual proposed to be utilized by consultant in performing services.

### Qualifications-Based Selection Process

RFPs will be evaluation based on the factors listed below, evenly weighted, to rank the most qualified firms. At KDOT's option, shortlisted firms may be interviewed by telephone conference call or asked to attend meetings or participate in other discussions with KDOT.

Evaluation factors: 1) the quality of the response to the RFP; 2) qualifications and experience of consultant employees proposed for services; 3) past performance history; and 4) ability and availability to perform services on short notice in one or more regional areas of the State of Kansas.

Up to ten of the highest ranked firms will be asked to enter into negotiations with KDOT for an as-needed agreement for services under which KDOT may request survey services via task or work orders over a period of four years, subject to a maximum cumulative aggregate amount of up to \$2 million. In the event KDOT cannot reach agreement with any of the highest ranked firms, it will terminate negotiations with such firms 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. KDOT intends to conclude or terminate negotiations on or before June 3, 2021.

### Contract Terms and Conditions

A standard as-needed 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. 049029

## 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

(continued)



- History of projects with similar tasks
- Availability of staff to meet schedule without over-time
- 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 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.

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”). Sub-consultants 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 for Aging and Disability Services  
Department of Health and Environment  
Division of Health Care Finance**

**Notice of Proposed Nursing Facility Medicaid  
Rates for State Fiscal Year 2022;  
Methodology for Calculating Rates, and  
Rate Justifications;  
Response to Written Comments;  
Notice of Intent to Amend the Medicaid State Plan**

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

As required by 42 U.S.C. 1396a(a)(13), as amended by Section 4711 of the Balanced Budget Act of 1997, P.L. No. 105-33, 101 Stat. 251, 507-08 (August 5, 1997), the Secretary of the Kansas Department for Aging and Disability Services (KDADS) is publishing the proposed Medicaid per diem rates for Medicaid-certified nursing facilities for State Fiscal Year 2022, the methodology underlying the establishment of the nursing facility rates, and the justifications for those rates. KDADS and DHCF are also providing notice of the state’s intent to submit amendments to the Medicaid State Plan to the U. S. Department of Health and Human Services’ Centers for Medicare and Medicaid Services (CMS) on or before September 30, 2021.

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

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

A. The following portions of the Kansas Medicaid State Plan maintained by DHCF are being revised:

1. Attachment 4.19D, Part I, Subpart C, Exhibit C-1, inclusive;

The text of the portions of the Medicaid State Plan identified above in section IA.1, but not the documents, authorities and the materials incorporated therein by reference, is reprinted in this notice. The Medicaid State Plan provisions set out in this notice appears in the version which the state currently intends to submit to CMS on or before September 30, 2021. The Medicaid State Plan amendment that the state ultimately submits to CMS may differ from the version contained in this notice.

Copies of the documents and authorities containing the state's rate-setting methodology are available upon written request. A request for copies will be treated as a request for public records under the Kansas Open Records Act, K.S.A. 45-215 et seq. The state may charge a fee for copies, in accordance with Executive Order 18-05. Written requests for copies should be sent to:

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

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

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

#### 1) Cost Reports

The Nursing Facility Financial and Statistical Report (MS2004) is the uniform cost report. It is included in Kansas Administrative Regulation (K.A.R.) 129-10-17. It organizes the commonly incurred business expenses of providers into three reimbursable cost centers (operating, indirect health care, and direct health care). Ownership costs (i.e., mortgage interest, depreciation, lease, and amortization of leasehold improvements) are reported but reimbursed through the real and personal proper-

ty fee. There is a non-reimbursable/non-resident related cost center so that total operating expenses can be reconciled to the providers' accounting records.

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

#### Calendar Year End Cost Reports

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

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

#### Projected Cost Reports

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

#### 2) Rate Determination

##### Rates for Existing Nursing Facilities

Medicaid rates for Kansas NFs are determined using a prospective, facility-specific rate-setting system. The rate is determined from the base cost data submitted by the provider. The current base cost data is the combined calendar year cost data from each available report submitted by the current provider during 2016, 2017, and 2018.

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

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

The allowable historic per diem cost is determined by dividing the allowable resident related expenses in each cost center by resident days. Before determining the per diem cost, each year's cost data is adjusted from the midpoint of that year to December 31, 2018. The resident days and inflation factors used in the rate determination will be explained in greater detail in the following sections.

The inflated allowable historic per diem cost for each cost center is then compared to the cost center upper pay-

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

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

There are add-ons to the allowable per diem rate. The add-ons consist of the incentive factor, the real and personal property fee, and per diems to cover costs not included in the cost report data. The incentive factor and real and personal property fee are explained in separate sections of this exhibit. The rate components are explained in separate subparts of Attachment 4.19D of the State Plan. The add-ons plus the allowable per diem rate equal the total per diem rate.

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

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

The cost information from the projected cost report and the first historic cost report covering the projected cost report period shall be adjusted to December 31, 2018. This adjustment will be based on the IHS Global Insight, National Skilled Nursing Facility Market Basket Without Capital Index (IHS Index). The IHS indices listed in the latest available quarterly publication will be used to adjust the reported cost data from the midpoint of the cost report period to December 31, 2018. The provider shall remain in new enrollment status until the base data period is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in new enrollment status.

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

The payment rate for the first 24 months of operation shall be based on the base cost data of the previous owner or provider. This base cost data shall include data from each calendar year cost report that was filed by the previous provider from 2016-2018. If base cost data is not available, the most recent calendar year data for the previous provider shall be used. Beginning with the first day of the 25th month of operation the payment rate shall be based on the historical cost data for the first calendar year submitted by the new provider.

All data used to set rates for facilities recognized as a change-of-provider shall be adjusted to December 31, 2018. This adjustment will be based on the IHS Index. The IHS indices listed in the latest available quarterly publication will be used to adjust the reported cost data from the midpoint of the cost report period to December 31, 2018. The provider shall remain in change-of-provider status until the base data period is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in change of provider status.

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

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

All cost data used to set rates for facilities reentering the program shall be adjusted to December 31, 2018. This adjustment will be based on the IHS Index. The IHS indices listed in the latest available quarterly publication will be used to adjust the reported cost data from the midpoint of the cost report period to December 31, 2018. The provider shall remain in reenrollment status until the base data period is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in reenrollment status.

#### **3) Quarterly Case Mix Index Calculation**

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

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

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

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for each Medicaid nursing facility shall be determined four times per year based on the assessment information available on the first day of each calendar quarter.

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

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

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

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

#### 4) Resident Days

##### Facilities with 60 beds or less

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

##### Facilities with more than 60 beds

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

number of licensed bed days during the cost report period(s) used to establish the base cost data is used as the total resident days in the rate calculation for the Operating cost center and the Indirect Health Care cost center less food and utilities. All licensed beds are required to be certified to participate in the Medicaid program.

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

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

#### 5) Inflation Factors

Inflation will be applied to the allowable reported costs from the calendar year cost report(s) used to determine the base cost data from the midpoint of each cost report period to December 31, 2018. The inflation will be based on the IHS Global Insight, CMS Nursing Home without Capital Market Basket index.

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

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

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

#### 6) Upper Payment Limits

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

##### Owner/Related Party/Administrator/Co-Administrator Limits

Since salaries and other compensation of owners are not subject to the usual market constraints, specific limits are placed on the amounts reported. First, amounts paid to non-working owners and directors are not an allowable cost. Second, owners and related parties who

perform resident related services are limited to a salary chart based on the Kansas Civil Service classifications and wages for comparable positions. Owners and related parties who provide resident related services on less than a full time basis have their compensation limited by the percent of their total work time to a standard work week. A standard work week is defined as 40 hours. The owners and related parties must be professionally qualified to perform services which require licensure or certification.

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

Schedule C is an array of non-owner administrator and co-administrator salaries. The schedule includes the calendar year 2018 historic cost reports in the database from all active nursing facility providers. The salary information in the array is not adjusted for inflation. The per diem data is calculated using an 85% minimum occupancy level for those providers in operation for more than 12 months with more than 60 beds. Schedule C for the owner/related party/administrator/co-administrator per diem compensation limit is the first schedule run during the rate setting.

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

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

Real and Personal Property Fee Limit

The property component of the reimbursement methodology consists of the real and personal property fee

that is explained in more detail in a later section. The upper payment limit is 105% of the median determined from a total resident day-weighted array of the property fees in effect April 1, 2021.

Cost Center Upper Payment Limits

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

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

Prior to the Schedule B arrays, the cost data on certain expense lines is adjusted from the midpoint of the cost report period to December 31, 2018. This will bring the costs reported by the providers to a common point in time for comparisons. The inflation will be based on the IHS Global Insight, CMS Nursing Home Without Capital Market Basket Index.

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

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

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

Direct Health Care Cost Center Limit

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

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

The statewide average CMI and facility cost report period CMI are used to set the upper payment limit for the

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Direct Health Care cost center. The limit is based on all facilities with a historic cost report in the database. There are three steps in establishing the base upper payment limit.

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

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

The final step in calculating the base Direct Health Care upper payment limit is to apply the percentage factor to the median cost. For example, if the median cost is \$80 and the upper payment limit is based on 130% of the median, then the upper payment limit for the statewide average CMI would be \$104 ( $D=130\% \times \$80$ ).

#### 7) Quarterly Case Mix Rate Adjustment

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

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

The Medicaid Acuity Adjustment is calculated semi-annually to account for changes in the Medicaid CMI. To illustrate this calculation, take the following situation: The facility's direct health care per diem cost is \$80.00, the Direct Health Care per diem limit is \$104.00, and these are both tied to a statewide average CMI of 1.000, and the facility's current Medicaid CMI is 0.9000. Since the per diem costs are less than the limit the Allowable Direct Health Care Cost is \$80.00, and this is matched with the statewide average CMI of 1.0000. To calculate the Medicaid Acuity Adjustment, first divide the Medicaid CMI by the statewide average CMI, then multiply the result by the Allow-

able Direct Health Care Cost. In this case that would result in \$72.00 ( $0.9000/1.0000 \times \$80.00$ ). Because the facility's current Medicaid CMI is less than the statewide average CMI the Medicaid Acuity Adjustment moves the direct health care per diem down proportionally. In contrast, if the Medicaid CMI for the next semi-annual adjustment rose to 1.1000, the Medicaid Acuity Adjustment would be \$88.00 ( $1.1000/1.0000 \times \$80.00$ ). Again the Medicaid Acuity Adjustment changes the Allowable Direct Health Care Per Diem Cost to match the current Medicaid CMI.

#### 8) Real and Personal Property Fee

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

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

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

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

#### 9) Incentive Factors

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



Nursing Facility Quality and Efficiency Incentive Factor:

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

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

Incentive Outcome	Incentive Add-Ons
CMI adjusted staffing ratio ≥ 75th percentile (5.80), or CMI adjusted staffing < 75th percentile but improved ≥ 10%	\$3.00 \$0.50
Staff retention rate ≥ 75th percentile, 67% Contracted labor < 10% of total direct health care labor costs or Staff retention rate < 75th percentile but increased ≥ 10% Contracted labor < 10% of total direct health care labor costs	\$2.50 \$0.50
Medicaid occupancy ≥ 65%	\$0.75
Quality Measures ≥ 75th percentile (670)	\$1.25
<b>Total Incentive Add-on Available</b>	<b>\$7.50</b>

The Culture Change/Person-Centered Care Incentive Program

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

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

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

Level & Per Diem Incentive	Summary of Required Nursing Home Action	Incentive Duration
Level 0 The Foundation \$0.50	Home completes the KCCI evaluation tool according to the application instructions. Home participates in all required activities noted in “The Foundation” timeline and workbook. Homes that do not complete the requirements will be dropped until they enroll to participate in the next fiscal year.	Available beginning July 1 of enrollment year. Incentive granted for one full fiscal year, contingent upon participation.
Level 1 Pursuit of Culture Change \$0.50	Homes should submit the KCCI evaluation tool (annually). Home submits an action plan addressing 4 PEAK 2.0 cores in Domains 1-4. The home self-reports progress on the action planned cores via phone conference with the PEAK team. The home may be selected for a random site visit. The home must participate in the random site visit, if selected, to continue incentive payment. Homes should demonstrate successful completion of 75% of core competencies selected. A home can apply for Levels 1 & 2 in the same year. Homes that do not achieve Level 2 with three consecutive years of participation at Level 1 may return to a Level 0 or sit out for two years depending on KDADS and KSU’s recommendation.	Available beginning July 1 of enrollment year. Incentive granted for one full fiscal year.
Level 2 Culture Change Achievement \$1.00	This is a bridge level to acknowledge achievement in Level 1. Homes may receive this level at the same time they are working on other PEAK core areas at Level 1. Homes may receive this incentive for up to 3 years. If Level 3 is not achieved at the end of the third year, homes may start back at Level 0 or 1 depending on KDADS and KSU’s recommendation.	Available beginning July 1 following confirmed completion of action plan goals. Incentive is granted for one full fiscal year.
Level 3 Person-Centered Care Home \$2.00	Demonstrates minimum competency as a person-centered care home (see KDADS full criteria). This is confirmed through a combination of the following: Demonstration of success in other levels of the program. Performing successfully on a Level 2 screening call with the KSU PEAK 2.0 team. Passing a full site visit.	Available beginning July 1 following confirmed minimum competency as a person-centered care home. Incentive is granted for one full fiscal year. Renewably bi-annually.

(continued)

Level & Per Diem Incentive	Summary of Required Nursing Home Action	Incentive Duration
Level 4 Sustained Person-Centered Care Home \$2.50	Homes earn person-centered care home award two consecutive years.	Available beginning July 1 following confirmation of the upkeep of minimum person-centered care competencies. Incentive is granted for two fiscal years. Renewable bi-annually.
Level 5 Person-Centered Care Mentor Home \$3.00	Homes earn sustained person-centered care home award and successfully engage in mentoring activities suggested by KDADS (see KDADS mentoring activities). Mentoring activities should be documented.	Available beginning July 1 following confirmation of mentor home standards. Incentive is granted for two fiscal years. Renewable bi-annually.

**Nursing Facility for Mental Health Quality and Efficiency Incentive Factor**

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

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

Providers may earn up to two incentive points for their case mix adjusted nurse staffing ratio. They will receive two points if their case-mix adjusted staffing ratio equals or exceeds 3.88, which is 120% of the statewide NFMH median of 3.23. They will receive one point if the ratio is less than 120% of the NFMH median but greater than or equal to 3.55, which is 110% of the statewide NFMH median. Providers with staffing ratios below 110% of the NFMH median will receive no points for this incentive measure.

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

NFMH providers may earn one point for low operating expense outcomes measures. The provider will earn one point if the per diem operating expenses are below \$26.11, or 90% of the statewide median of \$29.01.

NFMH providers may earn up to two points for the turnover rate outcomes measure. Providers with direct health care staff turnover equal to or below 41%,

the 75th percentile statewide, will earn two points as long as contracted labor costs do not exceed 10% of the provider’s total direct health care labor costs. Providers with direct health care staff turnover greater than 41% but equal to or below 75%, the 50th percentile statewide, will earn one point as long as contracted labor costs do not exceed 10% of the provider’s total direct health care labor costs.

Finally, NFMH providers may earn up to two points for the retention rate outcomes measure. Providers with staff retention rates at or above 76%, the 75th percentile statewide will earn two points. Providers with staff retention rates below 76% but at or above 67%, the 50th percentile statewide, will earn one point.

The table below summarizes the incentive factor outcomes and points:

Quality/Efficiency Outcome	Incentive Points
CMI adjusted staffing ratio ≥ 120% (3.88) of NF-MH median (3.23), or CMI adjusted staffing ratio between 110% (3.55) and 120%	2, or 1
Total occupancy ≤ 90%	1
Operating expenses < \$26.11, 90% of NF-MH median, \$29.01	1
Staff turnover rate ≤ 75th percentile, 41% Staff turnover rate ≤ 50th percentile, 75%	2, or 1
Contracted labor < 10% of total direct health care labor costs	
Staff retention ≥ 75th percentile, 76% Staff retention ≥ 50th percentile, 67%	2, or 1
<b>Total Incentive Points Available</b>	<b>8</b>

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

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

The survey and certification performance of each NF and NFMH provider will be reviewed quarterly to determine each provider’s eligibility for incentive factor payments. In order to qualify for an incentive, factor a home must not have received any health care survey deficiency of scope and severity level “H” or higher during the survey review period. Homes that receive “G” level deficiencies, but no “H” level or higher deficiencies, and that correct the “G” level deficiencies within 30 days of the survey, will be eligible to receive 50% of the calculated incentive factor. Homes that receive no deficiencies higher than scope and severity level “F” will be eligible to receive 100% of the calculated incentive factor. The survey and certification review period will be the 12-month period ending one quarter prior to the incentive eligibility review date. The following table lists the incentive eligibility review dates and corresponding review period end dates.

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

**10) Rate Effective Date**

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

**11) Retroactive Rate Adjustments**

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

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

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

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

**II. Medicaid Per Diem Rates for Kansas Nursing Facilities**

**A. Cost Center Limitations:** The state establishes the following cost center limitations which are used in setting rates effective July 1, 2021.

Cost Center	Limit Formula	Per Day Limit
Operating	110% of the Median Cost	\$39.13
Indirect Health Care	115% of the Median Cost	\$54.45
Direct Health Care	130% of the Median Cost	\$129.95
Real and Personal Property Fee	105% of the Median Fee	\$10.01

These amounts were determined according to the "Reimbursement Limitations" section. The Direct Healthcare Limit is calculated based on a CMI of 1.0314, which is the statewide average.

**B. Case Mix Index:** These proposed rates are based upon each nursing facility's Medicaid CMI calculated as the average of the quarterly Medicaid CMI averages with cutoff dates of January 1, 2021 and April 1, 2021. The CMI calculations use the July 1, 2014 Kansas Medicaid/Medikan CMI Table. In Section II.C below, each nursing facility's Medicaid average CMI is listed beside its per diem rate.

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

Facility Name	City	Daily Rate	Medicaid CMI
Village Manor	Abilene	196.68	0.9207
Alma Manor	Alma	173.66	0.8774
Life Care Center of Andover	Andover	163.81	1.0724
Victoria Falls SNF	Andover	184.69	1.0089
Anthony Community Care Center	Anthony	168.53	0.9184
Medicalodges Health Care Ctr Arkansas	Arkansas City	178.42	0.9840
Arkansas City Presbyterian Manor	Arkansas City	199.88	1.1782
Arma Operator. LLC	Arma	188.75	1.3896
Medicalodges Atchison	Atchison	219.07	1.1255
Atchison Senior Village	Atchison	218.30	0.9976
Dooley Center	Atchison	212.81	0.8343

Facility Name	City	Daily Rate	Medicaid CMI
Attica Long Term Care	Attica	206.22	0.8726
Good Samaritan Society-Atwood	Atwood	224.47	1.0756
Lake Point Nursing Center	Augusta	173.15	1.0451
Baldwin Healthcare and Rehab Center	Baldwin City	195.40	1.2559
Quaker Hill Manor	Baxter Springs	183.10	1.1186
Catholic Care Center Inc.	Bel Aire	223.09	1.1480
Belleville Healthcare Center	Belleville	183.08	1.2160
Mitchell County Hospital LTCU	Beloit	216.76	0.9268
Hilltop Lodge Health and Rehab	Beloit	216.25	1.2740
Bonner Springs Nursing and Rehab Center	Bonner Springs	175.03	1.1112
Hill Top House	Bucklin	227.09	0.9755
Buhler Sunshine Home, Inc.	Buhler	224.62	0.9765
Life Care Center of Burlington	Burlington	162.29	1.1014
Eastridge Nursing Home	Centralia	266.73	1.0903
Heritage Health Care Center	Chanute	178.90	1.2288
Diversicare of Chanute	Chanute	183.22	1.2107
Chapman Valley Manor	Chapman	170.82	0.8936
Cheney Golden Age Home Inc.	Cheney	183.85	1.0981
Cherryvale Care Center	Cherryvale	154.51	0.9579
Chetopa Manor	Chetopa	164.13	0.8497
The Shepherd's Center	Cimarron	205.96	0.8699
Medicalodges Clay Center	Clay Center	227.39	1.0680
Clay Center Presbyterian Manor	Clay Center	194.75	1.0108
Clearwater Nursing and Rehab	Clearwater	177.72	1.1080
Park Villa Nursing Home	Clyde	177.49	1.0990
Windsor Place	Coffeyville	190.44	1.1154
Medicalodges Coffeyville	Coffeyville	212.89	1.0779
Windsor Place at Iola, LLC	Coffeyville	183.16	1.0942
Colby Operator, LLC	Colby	178.30	1.2000
Prairie Senior Living Complex	Colby	227.63	0.9998
Pioneer Lodge	Coldwater	174.32	0.7966
Medicalodges Columbus	Columbus	205.19	1.1114
Mt Joseph Senior Village, LLC	Concordia	176.09	1.0785
Sunset Home, Inc.	Concordia	194.18	1.0340
Spring View Manor	Conway Springs	193.14	1.1201
Chase County Operator LLC	Cottonwood Falls	218.59	1.0818
Diversicare of Council Grove	Council Grove	177.53	1.1598
Hilltop Manor Nursing Center	Cunningham	164.57	0.9337
Westview of Derby	Derby	129.90	0.9144
Derby Health and Rehabilitation	Derby	209.24	1.1452
Hillside Village	DeSoto	186.84	0.9830
Trinity Manor	Dodge City	186.81	1.1605
Sunporch of Dodge City	Dodge City	191.23	0.8559
Manor of the Plains	Dodge City	216.22	1.0882
Downs Operator LLC	Downs	213.69	1.3185
Country Care Home	Easton	174.44	1.0408
Parkway Operator LLC	Edwardsville	193.90	1.1805
Kaw River Operator, LLC	Edwardsville	229.96	1.2503
Edwardsville Operator LLC	Edwardsville	179.96	0.8279
Lakepoint Nursing Center-El Dorado	El Dorado	173.87	0.9614
El Dorado Operator LLC	El Dorado	221.29	1.1529
Morton Co Senior Living Community	Elkhart	180.88	0.9975
Azria Health Woodhaven	Ellinwood	229.25	1.3226
Good Samaritan Society-Ellis	Ellis	182.84	1.0360
Good Sam Society-Ellsworth Village	Ellsworth	184.49	1.0339

(continued)



Facility Name	City	Daily Rate	Medicaid CMI	Facility Name	City	Daily Rate	Medicaid CMI
Emporia Presbyterian Manor	Emporia	205.96	1.0217	Riverbend Post Acute			
Holiday Resort	Emporia	172.21	1.0261	Rehabilitation	Kansas City	202.92	1.1767
Flint Hills Care and Rehab				Lifecare Center of Kansas City	Kansas City	173.93	0.9908
Center	Emporia	172.95	1.1647	Providence Place LTCU	Kansas City	239.09	1.2005
Enterprise Estates Nursing				Ignite Medical Resort	Kansas City	218.64	1.3967
Center, Inc	Enterprise	176.16	1.0160	Golden Oaks Healthcare, Inc.	Kansas City	237.70	1.1979
Eskridge Operator LLC	Eskridge	180.88	1.0029	The Wheatlands	Kingman	176.36	0.9767
Medicalodges Eudora	Eudora	196.45	1.1254	Medicalodges Kinsley	Kinsley	221.60	1.1032
Eureka Nursing Center	Eureka	173.92	1.0352	Kiowa District Manor	Kiowa	213.08	0.9398
Kansas Soldiers' Home	Fort Dodge	233.53	0.9633	Locust Grove Village	Lacrosse	200.86	1.0081
Medicalodges Fort Scott	Fort Scott	183.37	1.0378	High Plains Retirement Village	Lakin	228.07	0.9354
Fowler Residential Care	Fowler	220.99	0.9860	Lansing Operator LLC	Lansing	216.86	1.2925
Frankfort Community Care				Twin Oaks Health & Rehab	Lansing	222.75	1.2293
Home, Inc.	Frankfort	193.86	1.0006	Diversicare of Larned	Larned	158.52	1.0165
Medicalodges Frontenac	Frontenac	181.10	0.9923	Lawrence Presbyterian Manor	Lawrence	208.83	1.0099
Galena Nursing Home	Galena	190.26	1.2424	Brandon Woods at Alvarado	Lawrence	206.55	1.0384
Garden Valley				Pioneer Ridge Retirement			
Retirement Village	Garden City	187.44	1.2008	Community	Lawrence	211.19	1.0697
Ranch House Senior Living	Garden City	199.56	1.0675	Medicalodges Leavenworth	Leavenworth	196.14	1.1282
Recover Care Meadowbrook				The Healthcare Resort of			
Rehab, LLC	Gardner	293.32	1.4685	Leawood	Leawood	269.53	1.3776
Medicalodges Gardner	Gardner	183.25	0.8967	Delmar Gardens of Lenexa	Lenexa	175.53	1.0045
Anderson County Hospital	Garnett	215.99	0.8605	Lakeview Village	Lenexa	262.57	1.2390
Parkview Heights	Garnett	212.31	1.0434	Westchester Village of Lenexa	Lenexa	247.34	1.1593
Medicalodges Girard	Girard	181.97	1.0151	Leonardville Nursing Home	Leonardville	179.76	0.9399
The Nicol Home, Inc.	Glasco	165.25	0.8213	Wichita County Health Center	Leoti	260.32	0.8525
Medicalodges Goddard	Goddard	200.86	0.9466	Good Samaritan Society-Liberal	Liberal	184.31	1.1541
Bethesda Home	Goessel	209.97	0.9378	Wheatridge Park Care Center	Liberal	208.40	1.2451
Topside Manor, Inc.	Goodland	199.40	1.0545	Lincoln Park Manor, Inc.	Lincoln	200.67	0.9487
Medicalodges Great Bend	Great Bend	188.65	0.9782	Bethany Home Association	Lindsborg	222.12	1.0234
Great Bend Health and				Linn Community Nursing Home	Linn	175.04	1.0366
Rehab Center	Great Bend	195.59	1.0410	Sandstone Heights Nursing			
Halstead Health and Rehab				Home	Little River	242.01	1.0721
Center	Halstead	212.18	1.0492	Logan Manor Community			
Haviland Operator, LLC	Haviland	147.90	0.6712	Health Service	Logan	176.36	0.9870
Good Samaritan Society-Hays	Hays	206.37	1.1344	Louisburg Healthcare and			
Via Christi Village-Hays	Hays	194.27	1.0875	Rehab Center	Louisburg	191.18	1.3189
Diversicare of Haysville	Haysville	177.93	1.1967	Good Samaritan Society-Lyons	Lyons	196.59	1.0021
Legacy at Herington	Herington	176.05	1.1087	Meadowlark Hills Retirement			
Schowalter Villa	Hesston	241.94	1.0065	Community	Manhattan	234.00	1.0285
Maple Heights of Hiawatha	Hiawatha	146.51	0.9053	Stoneybrook Retirement			
Highland Healthcare and				Community	Manhattan	184.30	1.0200
Rehab Center	Highland	185.70	1.1612	Via Christi Village Manhattan,			
Dawson Place, Inc.	Hill City	181.06	0.9281	Inc.	Manhattan	198.57	1.0842
Salem Home	Hillsboro	203.46	1.0091	St. Luke Living Center	Marion	200.32	0.9060
Parkside Homes, Inc.	Hillsboro	197.41	0.9253	Riverview Estates, Inc.	Marquette	183.60	0.9011
Medicalodges Jackson County	Holton	207.27	1.0713	Cambridge Place	Marysville	173.30	1.0548
Mission Village Living Center	Horton	157.33	1.1337	McPherson Operator, LLC	McPherson	176.12	1.1937
Sheridan County Hospital	Hoxie	223.68	0.9675	The Cedars, Inc.	Mcpherson	217.51	1.0260
Pioneer Manor	Hugoton	208.94	0.8139	Meade District Hospital, LTCU	Meade	213.37	0.8825
Diversicare of Hutchinson	Hutchinson	197.81	1.2594	Merriam Gardens Healthcare			
Good Sam Society-Hutchinson				and Rehab	Merriam	220.60	1.2515
Village	Hutchinson	226.63	1.0750	Minneapolis Health and			
Hutchinson Operator, LLC	Hutchinson	180.47	1.2448	Rehabilitation	Minneapolis	170.68	1.1670
Wesley Towers	Hutchinson	246.53	1.0775	Minneola District Hospital-			
Medicalodges Independence	Independence	187.99	1.0262	LTCU	Minneola	218.63	0.8931
Montgomery Place Nursing				Bethel Home, Inc.	Montezuma	199.25	0.9692
Center, LLC	Independence	179.24	1.0403	Moran Manor	Moran	155.30	1.0465
Pleasant View Home	Inman	195.42	0.9512	Pine Village	Moundridge	208.95	1.0315
Stanton County Hospital-				Moundridge Manor, Inc.	Moundridge	206.75	0.8779
LTCU	Johnson	217.71	0.8860	Mt. Hope Nursing Center	Mt. Hope	193.71	1.0683
Valley View Senior Life	Junction City	199.61	1.0069	Villa Maria, Inc.	Mulvane	214.52	1.1192
Medicalodges Post Acute				Neodesha Operator LLC	Neodesha	197.57	1.2804
Care Center	Kansas City	188.93	1.0152	Ness County Hospital Dist.#2	Ness City	213.80	0.9211

Facility Name	City	Daily Rate	Medicaid CMI	Facility Name	City	Daily Rate	Medicaid CMI
Asbury Park	Newton	208.28	0.9344	Brighton Gardens of Prairie Village	Prairie Village	249.64	1.3623
Kansas Christian Home	Newton	210.52	1.0283	Grand Plains–Skilled Nursing	Pratt	138.15	1.0706
Newton Presbyterian Manor	Newton	223.11	1.0477	Pratt Operator, LLC	Pratt	158.98	1.1780
Bethel Care Center	North Newton	231.99	0.9589	Prairie Sunset Manor	Pretty Prairie	226.32	1.3576
Andbe Home, Inc.	Norton	177.75	0.9994	Protection Valley Manor	Protection	147.77	0.8080
Village Villa	Nortonville	185.17	1.1466	Gove County Medical Center	Quinter	234.28	0.9849
Logan County Manor	Oakley	236.67	1.1020	Richmond Healthcare and Rehab Center	Richmond	185.27	1.2945
Good Samaritan Society-Decatur Co.	Oberlin	214.73	0.9744	Fountainview Nursing and Rehab Center	Rose Hill	191.46	1.1030
Villa St. Francis Catholic Care Ctr.	Olathe	232.23	1.2106	Rossville Healthcare and Rehab Center	Rossville	188.32	1.2030
Azria Health at Olathe	Olathe	227.14	1.2163	Wheatland Nursing and Rehab Center	Russell	170.36	1.0296
Good Samaritan Society-Olathe	Olathe	225.75	1.0641	Russell Regional Hospital	Russell	239.07	0.9659
Evergreen Community of Johnson Count	Olathe	233.74	1.0107	Sabetha Nursing Center	Sabetha	166.82	1.0345
Aberdeen Village, Inc.	Olathe	245.78	1.1070	Apostolic Christian Home	Sabetha	178.88	0.9466
Nottingham Health & Rehab	Olathe	225.87	1.2211	Smoky Hill Rehabilitation Center	Salina	156.76	1.0110
The Healthcare Resort of Olathe	Olathe	246.59	1.3381	Kenwood View Health and Rehab Center	Salina	180.68	1.2829
Onaga Operator, LLC	Onaga	184.00	1.3348	Salina Windsor SNF OPCO, LLC	Salina	171.01	1.1008
Osage Nursing & Rehab Center	Osage City	180.19	1.0620	Pinnacle Park Nursing and Rehabilitation	Salina	163.96	1.2327
Life Care Center of Osawatomie	Osawatomie	188.02	1.3501	Salina Presbyterian Manor	Salina	183.85	1.0291
Parkview Care Center	Osborne	161.46	0.9992	Holiday Resort of Salina	Salina	191.35	1.0462
Hickory Pointe Care and Rehab Center	Oskaloosa	205.96	1.0622	Satanta Dist. Hosp. LTCU	Satanta	213.27	0.9224
Oswego Operator, LLC	Oswego	183.05	1.2572	Park Lane Nursing Home	Scott City	224.54	1.0059
Rock Creek of Ottawa	Ottawa	206.88	1.2620	Pleasant Valley Manor	Sedan	155.26	0.9399
Brookside Manor	Overbrook	164.00	1.0378	Diversicare of Sedgwick	Sedgwick	191.49	1.1747
Brookdale Overland Park	Overland Park	254.53	1.0706	Crestview Nursing and Residential Living	Seneca	167.63	1.0753
Garden Terrace at Overland Park	Overland Park	181.81	1.2263	Life Care Center of Seneca	Seneca	149.25	1.1210
KPC Promise Hospital of Overland Park	Overland Park	252.51	1.5856	Wallace County Community Center	Sharon Springs	229.44	1.0524
Overland Park Center for Rehab & HC	Overland Park	232.54	1.2290	Shawnee Gardens Healthcare and Rehab	Shawnee	183.60	1.3093
Villa Saint Joseph	Overland Park	226.01	1.0452	Sharon Lane Health and Rehabilitation	Shawnee	204.51	1.2311
Delmar Gardens of Overland Park	Overland Park	204.63	1.0818	Brookdale Rosehill	Shawnee	272.15	1.3543
Overland Park Nursing and Rehab	Overland Park	238.04	1.2217	Smith Center Operator, LLC	Smith Center	174.02	1.1789
Indian Creek Health and Rehab	Overland Park	206.89	1.1899	Sunporch of Smith County	Smith Center	196.56	0.8648
Village Shalom, Inc.	Overland Park	232.28	1.1387	Mennonite Friendship Manor, Inc.	South Hutchinson	209.91	1.0672
Tallgrass Creek, Inc.	Overland Park	213.76	1.2625	Spring Hill Operator LLC	Spring Hill	219.66	1.2299
Shawnee Post Acute Rehab Center	Overland Park	247.00	1.2406	Cheyenne County Village, Inc.	St. Francis	229.62	0.9991
Stratford Commons Rehab and HCC	Overland Park	249.80	1.2116	Leisure Homestead at St. John	St. John	182.02	0.9482
Colonial Village	Overland Park	229.69	1.1530	Community Hospital of Onaga, LTCU	St. Mary's	210.96	0.9610
ML-OP Oxford, LLC	Oxford	183.35	1.0526	Prairie Mission Retirement Village	St. Paul	165.08	1.0103
Medicalodges Paola	Paola	134.88	0.7310	Leisure Homestead at Stafford	Stafford	177.24	0.9346
North Point Skilled Nursing Center	Paola	196.90	1.0897	Sterling Village	Sterling	235.93	1.0466
Elmhaven East	Parsons	173.76	1.0036	Solomon Valley Manor	Stockton	207.07	1.0695
Parsons Presbyterian Manor	Parsons	216.94	1.0733	Legend Healthcare	Tonganoxie	180.40	1.0447
Good Samaritan Society-Parsons	Parsons	186.00	1.0044	Brewster Health Center	Topeka	232.47	1.0204
Peabody Operator, LLC	Peabody	155.06	1.0621	Topeka Presbyterian Manor Inc.	Topeka	239.73	1.1307
Access Mental Health	Peabody	130.00	0.6335	Legacy on 10th Ave.	Topeka	159.54	0.9920
Phillips County Retirement Center	Phillipsburg	197.52	1.0084	McCrite Plaza Health Center	Topeka	234.38	1.1900
Pittsburg Operator LLC	Pittsburg	202.13	1.1754	Rolling Hills Health Center	Topeka	201.95	1.1200
Medicalodges Pittsburg South	Pittsburg	190.99	1.0615	Topeka Center for Rehab and Healthcare	Topeka	199.45	1.4356
Via Christi Village Pittsburg, Inc.	Pittsburg	209.22	1.2636				
Rooks County Senior Services, Inc.	Plainville	206.50	1.0204				

(continued)

Facility Name	City	Daily Rate	Medicaid CMI
Tanglewood Nursing and Rehabilitation	Topeka	167.39	1.1396
Brighton Place West	Topeka	139.17	0.9586
Countryside Health Center	Topeka	109.84	0.7075
Providence Living Center	Topeka	126.65	0.8154
Brighton Place North	Topeka	117.00	0.7120
Aldersgate Village	Topeka	227.13	1.1068
Recover-Care Plaza West Care Center	Topeka	209.27	1.4012
Lexington Park Nursing and Post Acute	Topeka	224.85	1.0871
Top City Healthcare, Inc.	Topeka	228.46	1.2548
Greeley County Hospital, LTCU	Tribune	202.10	0.8508
Western Prairie Senior Living	Ulysses	205.68	0.9470
Valley Health Care Center	Valley Falls	155.99	0.6440
Trego Co. Lemke Memorial LTCU	Wakeeney	216.58	0.9477
Wakefield Operator LLC	Wakefield	233.24	1.3220
Good Samaritan Society-Valley Vista	Wamego	194.57	0.9974
The Centennial Homestead, Inc.	Washington	184.13	1.0505
Wathena Healthcare and Rehab Center	Wathena	184.13	1.3659
Coffey County Hospital	Waverly	202.16	0.9359
Wellington Operator LLC	Wellington	190.99	1.2186
Sumner Operator, LLC	Wellington	176.52	1.1887
Wellsville Manor	Wellsville	150.75	1.0683
Westy Community Care Home	Westmoreland	166.87	0.9549
Wheat State Manor	Whitewater	182.16	0.9150
Medicalodges Wichita	Wichita	187.64	0.9565
Meridian Rehab and Health Care Center	Wichita	152.62	1.0003
Kansas Masonic Home	Wichita	203.70	1.0450
Homestead Health Center, Inc.	Wichita	243.91	1.1689
Orchard Gardens LLC	Wichita	176.28	1.0908
Wichita Presbyterian Manor	Wichita	219.27	1.1367
Sandpiper Healthcare and Rehab Center	Wichita	164.21	1.2244
Lakepoint Wichita LLC	Wichita	186.63	1.1538
Wichita Center for Rehab and Healthcare	Wichita	201.24	1.3146
Legacy at College Hill	Wichita	164.20	1.0382
Seville Operator, LLC	Wichita	189.89	1.1938
Wichita Operator LLC	Wichita	219.44	1.3072
The Health Care Center at Larkfield Place	Wichita	221.90	1.1236
Life Care Center of Wichita	Wichita	195.58	1.1987
Family Health and Rehabilitation Center	Wichita	209.46	1.1430
Caritas Center	Wichita	211.39	0.7993
Regent Park Rehab and Healthcare	Wichita	230.82	1.1841
Avita Health and Rehab of Reeds Cove	Wichita	201.10	1.1358
Via Christi Village Ridge	Wichita	221.38	1.1876
Via Christi Village McLean, Inc.	Wichita	217.39	1.2043
Mount St Mary	Wichita	239.30	1.0560
Healthcare Resort of Wichita	Wichita	202.09	1.4178
Wilson Operator LLC	Wilson	217.47	1.3857
F W Huston Medical Center	Winchester	159.20	0.9524
Winfield Senior Living Community	Winfield	203.07	1.0246
Cumbernauld Village, Inc.	Winfield	225.50	0.9198
Winfield Rest Haven II LLC	Winfield	224.51	1.0541

Facility Name	City	Daily Rate	Medicaid CMI
Kansas Veterans' Home	Winfield	219.32	1.0406
Yates Operator, LLC	Yates Center	180.85	1.3818

### III. Justifications for the Rates

- The proposed rates are calculated according to the rate-setting methodology in the Kansas Medicaid State Plan and pending amendments thereto.
- The proposed rates are calculated according to a methodology which satisfies the requirements of K.S.A. 39-708c(x) and the DHCF regulations in K.A.R. Article 129-10 implementing that statute and applicable federal law.
- The State's analyses project that the rates:
  - Would result in payment, in the aggregate of 91.80% of the Medicaid day weighted average inflated allowable nursing facility costs state-wide; and
  - Would result in a maximum allowable rate of \$233.54 (for a CMI of 1.0314); with the total average allowable cost being \$195.25.
- Estimated annual aggregate expenditures in the Medicaid nursing facility services payment program will not change substantially as the FY 2021 reimbursement parameters are being continued.
- The state estimates that the rates will continue to make quality care and services available under the Medicaid State Plan at least to the extent that care and services are available to the general population in the geographic area. The state's analyses indicate:
  - Service providers operating a total of 318 nursing facilities and hospital-based long-term care units (representing 96.5% of all the licensed nursing facilities and long-term care units in Kansas) participate in the Medicaid program;
  - There is at least one Medicaid-certified nursing facility and/or nursing facility for mental health, or Medicaid-certified hospital-based long-term care unit in 99 of the 105 counties in Kansas;
  - The statewide average occupancy rate for nursing facilities participating in Medicaid is 77.74%;
  - The statewide average Medicaid occupancy rate for participating facilities is 60.11%; and
  - The rates would cover 93.11% of the estimated Medicaid direct health care costs incurred by participating nursing facilities statewide.
- Federal Medicaid regulations at 42 C.F.R. 447.272 impose an aggregate upper payment limit that states may pay for Medicaid nursing facility services. The state's analysis indicates that the methodology will result in compliance with the federal regulation.

### IV. Request for Comments; Request for Copies

The state Requests providers, beneficiaries and their representatives, and other concerned Kansas residents to review and comment on the proposed rates, the methodology used to calculate the proposed rates, the justi-



fications for the proposed rates, and the intent to amend the Medicaid State Plan. Persons and organizations wishing to submit comments must mail, deliver, or fax their signed, written comments before the close of business on May 17, 2021 to:

Georgianna Correll  
 Facility Program and Finance Director  
 Kansas Department for Aging and Disability Services  
 New England Building  
 503 S. Kansas Ave.  
 Topeka, KS 66603-3404  
 Fax: 785-296-0256

**V. Notice of Intent to Amend the Medicaid State Plan**

The state intends to submit Medicaid State Plan amendments to CMS on or before September 30, 2021.

Laura Howard  
 Secretary  
 Department for Aging and Disability Services

Sarah Fertig  
 Medicaid Director  
 Division of Health Care Finance

Doc. No. 049040

**State of Kansas**

**Department of Health and Environment**

**Public Notice of Proposed Permit Action**

The Kansas Department of Health and Environment (KDHE) is providing notice of its intent to issue a Resource Conservation and Recovery Act (RCRA) Hazardous Waste Management Permit to Great Plains Development Authority, the owner, and the Department of the Army, the operator of the facility. The facility, previously referred to as the Kansas Army Ammunition Plant, began operations in 1941 to load, assemble, and pack munitions for use in World War II. It is located at 21101 Scott Rd., Parsons, Kansas, and has EPA identification number KS0213820467.

The proposed permit will require Great Plains Development Authority and the Department of the Army (Permittees) to perform corrective action at previously identified releases, and any potential future corrective action that may be required for Solid Waste Management Units (SWMUs), Areas of Concern (AOCs), and/or Releases from the facility.

In October 1985, the State of Kansas received final authorization from the U.S. Environmental Protection Agency (EPA) to implement a hazardous waste management program in lieu of the federal program, except for those portions covered by the 1984 Hazardous and Solid Waste Amendments (HSWA). In September 2013, authority for the corrective action portion of the RCRA program was delegated to the State of Kansas.

The draft permit sets forth, in a concise document, the applicable requirements that KDHE will require the Permittees to comply with during the 10-year duration of the permit. The draft hazardous waste permit includes standard permit conditions, general facility conditions, and corrective action requirements for all Solid Waste Management Units and Areas of Concern.

The draft permit is being considered for issuance under authority of the Kansas Statutes Annotated (K.S.A.) 65-3430 *et seq.* and Kansas Administrative Regulations (K.A.R.) 28-31-4 through 28-31-279a. All data submitted by the Permittees and documents that support the permit conditions specified in the draft permit are part of the administrative record. Applicable regulations are found in 40 CFR Parts 124, 260 through 264, 268, and 270, as specified in this permit. All citations found in the draft permit to federal regulations are for the sake of convenience. Some modifications to federal regulations by applicable state regulations are noted in this permit, but all modifications to federal regulations by state regulations are incorporated. To the extent that state regulations exclude any sections of applicable federal regulations, those sections of federal regulations shall remain in effect but shall not be enforceable by the Secretary. In the instance of inconsistent language or discrepancies between permit conditions, state regulations, or federal regulations, state regulations shall govern.

State hazardous waste laws require that the public be given at least 45 days to review the administrative record for the draft permit prior to KDHE taking a final action. The purpose of having a public comment period is to ensure that interested parties have an opportunity to evaluate the conditions specified in the draft permit and to provide their input into the permit decision-making process. The administrative record, which contains the draft permit, the fact sheet, and all information pertaining to this permit action, is available for public review. All data submitted by the Permittees is part of the administrative record. Copies of the administrative record can be reviewed from April 19 through June 3, 2021, Monday through Friday, during normal business hours at the following locations:

Kansas Department of Health and Environment  
 Hazardous Waste Permits Section  
 1000 SW Jackson, Suite 320  
 Topeka, KS 66612  
 Contact: Maura O'Halloran  
 785-296-1609

Parsons Public Library  
 311 S. 17th St.  
 Parsons, KS 67357  
 620-421-5920

The administrative record can also be accessed on the KDHE website at [http://www.kdheks.gov/waste/pubnot\\_hw.html](http://www.kdheks.gov/waste/pubnot_hw.html).

As specified in 40 CFR 124.11, during the public comment period any interested person may request a public hearing in writing which states the nature of the issues proposed to be raised in a public hearing. In the event that a hearing is scheduled, advance notice of the date will be given to the public. The Secretary of KDHE will make the decision regarding the issuance of the permit after the close of the public comment period. The Secretary will consider all comments received during the comment period and the public hearing, if held.

When the final decision to issue or deny the permit is made, notice will be given to the applicant, all per-

*(continued)*

sons who submitted written comments, and those who requested notice of the final permit decision. If none of the comments received during the public comment period result in revision(s) to the draft permit, the permit will become effective immediately upon issuance of the final permit decision. If comments received during the public comment period result in revision(s), the permit will become effective 30 days after service of notice of the final decision to allow for public review of the revisions in accordance with 40 CFR 124.15 and K.A.R. 28-31-124(c)(8). Appeals of the final permit decision for the permit must be filed within 15 days after service of notice in accordance with K.S.A 65-3440 and K.S.A. 77-601 *et seq.*

Lee A. Norman, M.D.  
Secretary

Doc. No. 049048

**State of Kansas**

**Department of Health and Environment**

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

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

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

**Public Notice No. KS-AG-21-160/169**

**Pending Permits for Confined Feeding Facilities**

Name and Address of Applicant	Legal Description	Receiving Water
Burton Farms, Inc. Dan Burton 685 K-99 Hwy. Summerfield, KS 66541	SE/4 of Section 36 T01S, R09E Marshall County	Big Blue River Basin

Kansas Permit No. A-BBMS-S040

The proposed action is to modify and reissue an existing state permit for an expanding facility for 2,210 head (884 animal units) of Swine greater than 55 pounds and 1,070 head (107 animal units) of Swine less than or equal to 55 pounds for a total of 991.0 animal units. This permit is being modified to add a compost building. There is no change in the 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
Joe Kroeger 1397 Limestone Rd. Marysville, KS 66508	NE/4 of Section 6 T03S, R08E Marshall County	Big Blue River Basin

Kansas Permit No. A-BBMS-S020

The proposed action is to reissue an existing state permit for an existing facility for 500 head (200 animal units) of swine weighing more than 55 pounds, and 500 head (50 animal units) of swine weighing 55 pounds or less; for a total of 250 animal units of swine. There will be no change in the operation or permitted number of animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Kent Howell 11584 US-36 Hwy. Atwood, KS 67730	NE/4 of Section 23 T03S, R35W Rawlins County	Upper Republican River Basin

Kansas Permit No. A-URRA-B010

The proposed action is to reissue an existing state permit for an existing facility for 60 head (60 animal units) of cattle weighing more than 700 pounds and 60 head (30 animal units) of cattle weighing less than 700 pounds; for a maximum capacity of 120 head (90 animal units) of cattle. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Rock Creek Finishing Farms, LLC Steven J. Eichman 13075 Brush Creek Rd. Westmoreland, KS 66549	SE/4 of Section 28 T08S, R09E Pottawatomie County	Kansas River Basin

Kansas Permit No. A-KSPT-H001  
Federal Permit No. KS0091260

The proposed action is to reissue an existing NPDES permit for an existing facility for 4,980 head (1,992 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.

Name and Address of Applicant	Legal Description	Receiving Water
Diepenbrock Farms, Inc. Gary Diepenbrock 2953 Vista Rd. Lincolnton, KS 66858	N/2 of Section 10 T18S, R04E Marion County	Neosho River Basin

Kansas Permit No. A-NEMN-C002  
Federal Permit No. KS0090085

The proposed action is to reissue an existing NPDES permit for an existing facility for 6,500 head (6,500 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
F-R Ranch 2230 S. K-23 Hwy. Hoxie, KS 67740	SW/4 of Section 18 T06S, R27W Sheridan County	Solomon River Basin

Kansas Permit No. A-SOSD-B007

The proposed action is to reissue an existing state permit for an existing facility for 598 head (299 animal units) of cattle weighing 700 pounds or less. 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-21-007**

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

Name and Address of Registrant	Legal Description	County
Evan McGatlin 1223 Sunflower Rd. Greenleaf, KS 66743	SE/4 of Section 31 T03S, R04E	Washington

Name and Address of Applicant	Legal Description	Receiving Water
Betschart Livestock, Inc. Frantz Betschart 1270 CR-Y Ashland, KS 67831	SE/4 of Section 35 T33S, R24W Clark County	Cimarron River Basin

Kansas Permit No. A-CICA-B002

The proposed action is to reissue an existing state permit for an existing facility for 890 head (445 animal units) of cattle weighing 700 pounds or less and 500 head (50 animal units) of sheep/lambs/goats; for a total of 495 animal units. There will be no change in the operation or permitted number of animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Berk, Inc. Brad Berk 1978 Quail Rd. Concordia, KS 66901	NE/4 of Section 29 T06S, R02W Cloud County	Lower Republican River Basin

Kansas Permit No. A-LRCD-H002  
Federal Permit No. KS0093696

The proposed action is to approve an update to the Nutrient Management Plan (NMP) received for this existing facility currently permitted for 7,200 head (2,880 animal units) of cattle weighing greater than 700 pounds. The facility's NMP was updated to include a change in the application rate limitation for four fields. The fields' application rate limitations have become less restrictive than the previous NMP. There are no changes to the permit or in the permitted number of animal units. Only the updated portion of the Nutrient Management Plan is subject to comment. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Diamond Cattle Company Carmen Schmitt PO Box 47 Great Bend, KS 67530	SW/4 of Section 30 T21S, R09W Rice County	Lower Arkansas River Basin

Kansas Permit No. A-ARRC-C005  
Federal Permit No. KS0092746

The proposed action is to approve an update to the Nutrient Management Plan (NMP) received for this existing facility currently permitted for 4,000 head (4,000 animal units) of cattle weighing greater than 700 pounds. The facility's NMP was updated to include a change in the application rate limitation for two fields. The fields' application rate limitations have become less restrictive than the previous NMP. There are no changes to the permit or in the permitted number of animal units. Only the updated portion of the Nutrient Management Plan is subject to comment. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Bixenman Brothers Ron Bixenman 12515 S. Road 50 W Grainfield, KS 67737	N/2 of Section 2 T10S, R29W Sheridan County	Saline River Basin

Kansas Permit No. A-SASD-C003  
Federal Permit No. KS0098035

The proposed action is to approve an update to the Nutrient Management Plan (NMP) received for this existing facility currently permitted for 2,000 head (2,000 animal units) of cattle weighing greater than 700 pounds. The facility's NMP was updated to include a change in the Land Application Rate Methodology. There are no changes to the permit or in the permitted number of animal units. Only the updated portion of the Nutrient Management Plan is subject to comment. This facility has an approved Nutrient Management Plan on file with KDHE.

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 15, 2021, will be considered in the formulation of the final determination regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-21-160/169, KS-AG-R-21-007) 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. 049046

## State of Kansas

## Department of Health and Environment

## Request for Comments

The Kansas Department of Health and Environment (KDHE) has drafted the Kansas Section 401 of the Clean Water Act (CWA) water quality certification requested by Duane Hund on behalf of Hafenstine Construction Co. for public notice #2021-00219. The project will entail temporarily stockpiling gravel on gravel bars located within the stream channels as part of a commercial gravel excavation operation. There are a total of 18 sites on Rock Creek, Mill Creek, and its tributaries in Wabaunsee County where gravel would be excavated and stockpiled over the next five (5) years. A cumulative total of approximately 5,000 cubic yards of gravel would be excavated each year at these sites. The stated purpose of this project is to temporarily stockpile gravel to allow excess water to drain out before hauling it to a plant for processing.

The draft certification and additional information containing the link to the USACE Public Notice will be posted on the KDHE website at <https://www.kdheks.gov/nps/index.html> on or before April 15, 2021. 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](mailto:KDHE.NPS@ks.gov) by May 15, 2021 if they wish to have their comments considered in the formulation of final determinations regarding this public notice.

For more information, contact Amanda Reed, Chief, Watershed Management Section, Bureau of Environmental Field Services, KDHE at [Amanda.Reed@ks.gov](mailto:Amanda.Reed@ks.gov) or [KDHE.NPS@ks.gov](mailto:KDHE.NPS@ks.gov).

Lee A. Norman, M.D.  
Secretary

Doc. No. 049047

(Published in the Kansas Register April 15, 2021.)

## Kansas WorkforceONE

## Request for Comments

Kansas WIOA Region II has completed its regional plan and local plans for program years 2020-2024 as required by the Workforce Innovation and Opportunity Act of 2014, Section 107(d). The plan information is for three WIOA Local Workforce Areas I, IV, and V. The plan is available for review and public comment for 30-days through the close of business at 5:00 p.m. (CST) April 29, 2021. Please send any comments you have regarding the regional and/or local plan information in writing to Mary Ann Lawrence at [malaw528@aol.com](mailto:malaw528@aol.com). You can access the draft plans on [www.sekworks.org](http://www.sekworks.org), [https://workforce-ks.com/](http://https://workforce-ks.com/), [www.ksworkforceone.org](http://www.ksworkforceone.org), or you can request an electronic copy by emailing [malaw528@aol.com](mailto:malaw528@aol.com).

Mary Ann Lawrence, CEO  
PowerNotes, LLC

Doc. No. 049009

(Published in the Kansas Register April 15, 2021.)

## Southeast KANSASWORKS, Inc.

## Request for Comments

Southeast KANSASWORKS, Inc. (Local Area V) is publishing the Regional and Local Plan for the Workforce Innovation and Opportunity Act (WIOA) for public review and comment. The documents can be found at <https://sekworks.org/public-notices-2021/#> or by contacting Leanne Kehres at [leanne@sekworks.com](mailto:leanne@sekworks.com). Comments will be accepted until May 6, 2021 by submitting an email to [leanne@sekworks.org](mailto:leanne@sekworks.org) with the subject of WIOA Local and Regional Plan Comments. Technical questions can be submitted to [leanne@sekworks.org](mailto:leanne@sekworks.org) or by calling 620-208-6341.

Leanne Kehres  
Executive Director

Doc. No. 049041

(Published in the Kansas Register April 15, 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.

#### 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 15, 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:

*(continued)*

- 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 ties 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 Scouler 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 Scouler 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 Scouler Company, to be stockpiled as directed by a representative.

#### Non-Project Areas

The Scouler 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 15, 2021.)

**City of Leavenworth, Kansas**

**Summary Notice of Bond Sale**  
**\$9,635,000\***  
**General Obligation Bonds**  
**Series 2021-A**

**(General obligation bonds payable**  
**from unlimited ad valorem taxes)**

**Bids**

Subject to the Official Notice of Bond Sale and Preliminary Official Statement dated April 14, 2021, sealed, facsimile, and electronic bids will be received by the City Clerk of the City of Leavenworth, Kansas, (the “City” or the “Issuer”) on behalf of the governing body of the City in the case of sealed bids, at City Hall, 100 N. Fifth, Leavenworth, KS 66048, via facsimile at 913-651-7143, and in the case of electronic bids, via BIDCOMP/PARITY electronic bid submission system, until 10:00 a.m. (CST) Tuesday, April 27, 2021, for the purchase of \$9,635,000 principal amount of General Obligation Bonds, Series 2021-A (the “Bonds”). No bid of less than the entire par value of the Bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The Bonds will initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal of and interest on the Bonds will be made. Individual purchases of bonds will be made in book-entry form only. Purchasers will not receive certificates representing their interest in bonds purchased. The Bonds will be dated May 12, 2021, and will become due serially on September 1, in the years as follows:

Year	Principal Amount*	Year	Principal Amount*
2022	\$ 670,000	2030	\$ 770,000
2023	715,000	2031	775,000
2024	720,000	2032	445,000
2025	725,000	2033	450,000
2026	730,000	2034	460,000
2027	740,000	2035	465,000
2028	745,000	2036	475,000
2029	750,000		

The Bonds will be subject to mandatory and optional redemption prior to maturity as provided in the Official Notice of Bond Sale.

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

**Paying Agent and Bond Registrar**

The Kansas State Treasurer, Topeka, Kansas will be the Paying Agent and Bond Registrar.

**Good Faith Deposit**

Each bid shall be accompanied by a cashier’s or certified check drawn on a bank located in the United States of America, a wire transfer or a qualified financial surety bond in the amount of \$192,700 (2 percent of the principal amount of the Bonds).

**Delivery**

The Issuer will pay for printing the Bonds and will deliver the same properly prepared, executed and registered to the facilities of the Depository Trust Company, Jersey City, New Jersey, without cost to the successful bidder within 45 days after the date of sale.

**Assessed Valuation and Indebtedness**

The total assessed valuation of the taxable tangible property within the City for the year 2020 is \$257,658,783. The total general obligation indebtedness of the City following the issuance of the Bonds, the City’s General Obligation Refunding Bonds, Series 2021-B in the principal amount of \$3,310,000 and the City’s Temporary Notes, Series A2021, in the principal amount of \$1,400,000, is \$36,040,000 which excludes the City’s (1) Temporary Notes, Series A2018, in the aggregate principal amount of \$390,000; Temporary Notes, Series A2019, in the aggregate principal amount of \$6,040,000; and Temporary

*(continued)*

Notes, Series A2020, in the aggregate principal amount of \$1,400,000, all of which will be redeemed and paid with proceeds of the Bonds herein offered for sale and (2) General Obligation Bonds, Series 2013-A, in the aggregate principal amount of \$900,000; and General Obligation Refunding and Improvement Bonds, Series 2016-A, in the aggregate principal amount of \$2,345,000; all of which will be redeemed and paid with proceeds of the City's General Obligation Refunding Bonds, Series 2021-B, to be sold concurrently with the Bonds herein offered for sale. In accordance with the Municipal Advisor's agreement with the City, the Municipal Advisor will not submit a bid or participate in a group submitting a bid for the purchase of the Bonds.

#### Approval of Bonds

The Bonds will be sold subject to the legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the Bonds, will be furnished and paid for by the Issuer and delivered to the successful bidder as and when the Bonds are delivered.

#### Additional Information

Additional information regarding the Bonds may be obtained from the City Clerk, 913-684-0335, or from the City's Financial Advisor, Raymond James & Associates, Inc., Attn: Greg Vahrenberg, 1201 Walnut, 21st Floor, Kansas City, MO 64106, phone 816-391-4120, email [greg.vahrenberg@raymondjames.com](mailto:greg.vahrenberg@raymondjames.com).

Dated April 14, 2021.

City of Leavenworth, Kansas  
Carla K. Williamson, City Clerk  
City Hall  
100 N. Fifth St.  
Leavenworth, KS 66048  
913-684-0335

\* Subject to Change  
Doc. No. 049038

(Published in the Kansas Register April 15, 2021.)

### Unified School District No. 232, Johnson County, Kansas (De Soto)

#### Summary Notice of Bond Sale \$15,000,000\* General Obligation Improvement Bonds, Series 2021-A

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

#### Bids

Subject to the Notice of Bond Sale dated on or about April 26, 2021 (the "Notice"), email and electronic bids will be received on behalf of the Assistant Superintendent of Unified School District No. 232, Johnson County, Kansas (De Soto) (the "Issuer") in the case of email bids at [arteberryd@stifel.com](mailto:arteberryd@stifel.com), and in the case of electronic bids through PARITY® until 10:00 a.m. (CST) May 3, 2021, for the purchase of the above-referenced bonds (the "Bonds"). No bid of less than 100% of the principal

amount of the Bonds and accrued interest thereon to the date of delivery will be considered.

#### Bond Details

The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The Bonds will be dated June 3, 2021, and will become due on September 1 in the years as follows:

Year	Principal Amount*	Year	Principal Amount*
2022	\$2,500,000	2030	\$770,000
2023	2,500,000	2031	795,000
2024	615,000	2032	820,000
2025	640,000	2033	845,000
2026	665,000	2034	870,000
2027	695,000	2035	895,000
2028	720,000	2036	920,000
2029	750,000		

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

#### Book-Entry-Only System

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

#### Paying Agent and Bond Registrar

Treasurer of the State of Kansas, Topeka, Kansas.

#### Good Faith Deposit

Each bid shall be accompanied (in the manner set forth in the Notice) by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States of America or a wire transfer in Federal Reserve funds immediately available for use by the Issuer in the amount of 2% of the principal amount of the Bonds.

#### Delivery

The Issuer will pay for preparation of the Bonds and will deliver the same properly prepared, executed, and registered without cost to the successful bidder on or about June 3, 2021, to DTC for the account of the successful bidder.

#### Assessed Valuation and Indebtedness

The Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations for the year 2020 was \$677,049,802. The total general obligation indebtedness of the Issuer as of the Dated Date, including the Bonds being sold, is \$172,595,000.

#### Approval of Bonds

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

#### Additional Information

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



**Issuer – Good Faith Deposit Delivery Address**

USD 232, Johnson County, Kansas (De Soto)  
 Attn: Ken Larsen  
 35200 W. 91st St.  
 De Soto, KS 66018  
 913-667-6200, ext. 2444  
 Fax: 913-667-6201  
[klarsen@usd232.org](mailto:klarsen@usd232.org)

**Municipal Advisor – Email Bid Address**

Stifel, Nicolaus & Company, Inc.  
 Attn: David Arteberry  
 4801 Main St., Suite 530  
 Kansas City, MO 64112  
 816- 203-8733  
[arteberryd@stifel.com](mailto:arteberryd@stifel.com)

Dated April 15, 2021.

Wendy Denham  
 Board Clerk

\* Subject to change, see the Notice  
 Doc. No. 049045

**State of Kansas****Kansas Development Finance Authority****Notice of Hearing**

A public hearing will be held at 9:00 a.m. May 3, 2021, in the conference room of Kansas Development Finance Authority (the "Authority"), 534 S. Kansas Ave., Suite 800, Topeka, Kansas, on the proposed issuance by the Authority in one or more series of qualified 501(c)(3) revenue bonds (the "Bonds") in a principal amount not to exceed \$80,000,000. The Bonds will be issued pursuant to K.S.A. 74-8901 *et seq.* (the "Act") and two separate plans of financing for the benefit of Stormont-Vail Healthcare, Inc. (the "Corporation") for the following purposes: (1) to finance, refinance, and reimburse costs for the purchase, construction, furnishing, and equipping of health and related projects at certain facilities of the Corporation, in a principal amount not to exceed \$40,000,000 including (i) not to exceed \$13,000,000 for a new ambulatory medical services building located at 2902 SW Asbury Dr., Topeka, Kansas, (ii) not to exceed \$10,000,000 for expansion, renovation, and equipping at the Corporation's Cancer Center located at 1414 SW 8th Ave., Topeka, Kansas, (iii) not to exceed \$33,000,000 for a new ambulatory medical services building to be located at near the intersection of Research Park Dr. and N. Manhattan Ave., Manhattan, Kansas, and (iv) not to exceed an aggregate of \$20,000,000 for health care facilities and related improvements at the Corporation's main hospital campus, the principal address for which is 1500 SW 10th Ave., Topeka, Kansas, and additional locations of the Corporation's health facilities in the City of Topeka, including the following: 901 SW Garfield Ave.; 929 SW Mulvane St.; 1130 N. Kansas Ave.; 1615 SW 8th Ave.; 830 SW Mulvane St.; 909 SW Mulvane St.; 2601 SW 3rd Street (formerly SW E. Circle Dr. North); 2660 SW 3rd St.; 6650 SW Mission Valley Dr.; 3520 SW 6th; 720 SW Lane St.; 4100 SW 15th; 6725 SW 29th; 731 SW Mulvane; 3707 SW 6th; 823 SW Mulvane; 4505 NW Fielding Rd.; a two block area bound by SW

8th Ave., SW 10th Ave., SW Lane St., and SW Washburn Ave.; 830 SW Lane St.; as well as health facilities located in Manhattan, Kansas, including the following locations: 1829 College Ave.; 8301 Positano Dr.; and 1133 College Ave.; and (2) to refund \$39,325,000 outstanding principal amount of Health Facilities Revenue Bonds (Stormont-Vail HealthCare) Series 2013J issued by the Authority to finance, refinance, and reimburse costs for the purchase, construction, furnishing, and equipping of health and related projects at certain facilities of the Corporation, located at the Corporation's main hospital campus, and additional locations of the Corporation's health facilities in the City of Topeka, including the following: 901 SW Garfield Ave.; 929 SW Mulvane St.; 1130 N. Kansas Ave.; 825 SW Lane St.; 808 SW Washburn Ave. and 816 SW Washburn Ave.; 1615 SW 8th Ave.; 830 SW Mulvane St.; 909 SW Mulvane St.; 2601 SW E. Circle Dr. North; 2660 SW 3rd St.; 900 SW Washburn Ave.; 920 SW Washburn Ave.; 1414 SW 8th; 6650 SW Mission Valley Dr.; 3520 SW 6th; 720 SW Lane St.; 4100 SW 15th; 6725 SW 29th; 731 SW Mulvane; and 3707 SW 6th. The projects financed and refinanced by the Bonds will be owned and operated by the Corporation. The Corporation, at its discretion, may allocate up to the entire maximum principal amount of the Bonds to any of the above described projects in order to finance, or refinance, all, a part, or none, of the improvements at each such locations.

The Bonds will be limited obligations of the Authority, payable solely from revenues pledged by the Corporation, and will not constitute a general obligation or indebtedness of the State of Kansas or any political subdivision thereof, nor will the Bonds constitute an indebtedness for which the faith and credit and taxing powers of the State of Kansas are pledged, but the Bonds will be payable solely and only from revenues pledged by the Corporation in amounts sufficient to pay the principal of, interest and redemption premium, if any, on the Bonds.

As part of ongoing efforts to limit the spread of novel coronavirus in Kansas, interested individuals may participate in the public hearing via conference call. Please call toll free number 866-620-7326 and use conference identification number 159 722 1260 followed by # to join the conference.

All individuals who participate in the hearing, including those physically present and those joining the hearing via conference call, will be given an opportunity to express their views for or against the proposal to issue the Bonds, and all written comments previously filed with the Authority at its above referenced offices will be considered. Additional information regarding the Project may be obtained by contacting the Authority at the address of its offices shown above.

Rebecca E. Floyd  
 President

Doc. No. 049039

## State of Kansas

## Secretary of State

## Notice of Forfeiture

In accordance with Kansas statutes, the following business entities organized under the laws of Kansas and the foreign business entities authorized to do business in Kansas were forfeited during the month of March 2021 for failure to timely file an annual report and pay the annual report fee.

**Please Note:** The following list represents business entities forfeited in March. Any business entity listed may have filed for reinstatement and be considered in good standing. To check the status of a business entity go to the Kansas Business Center's Business Entity Search Station at <https://www.kansas.gov/bess/flow/main?execution=e2s4> (select Business Entity Database) or contact the Business Services Division at 785-296-4564.

## Domestic Business Entities

Achievement Services for Northeast Kansas, Inc., Atchison, KS  
 Apostolic Church International of Micronesia, Winfield, KS  
 Awesomanity Society, Fort Scott, KS  
 Beauty Without Burden, Inc., Kansas City, KS  
 Ben-Lee Processing, Inc., Atwood, KS  
 Bridge Atchison, Inc., Atchison, KS  
 Bulldog Backers a PTO, Inc., Olathe, KS  
 Choices Health Services, Inc., Kansas City, KS  
 Christian Care Outreach Association, Lenexa, KS  
 Coffey County Resource Council, Inc., Burlington, KS  
 Community Access Center, Inc., Independence, KS  
 Community Concerts of Liberal, Inc., Liberal, KS  
 Drewshub, Inc., Wichita, KS  
 Eudora = Mindful Cranium Connections Association, Eudora, KS  
 EV Power Corporation Oberlin, KS  
 Friends of the Department of Religious Studies at the University of Lawrence, KS  
 Gamma Omicron, Incorporated, Shawnee Mission, KS  
 GNX-Hosting, LLC, Olathe, KS  
 Heskett Farms, Inc., Hoxie, KS  
 High Plains Independence, Inc., Hays, KS  
 Hyde Parent-Teacher Organization, Inc., Wichita, KS  
 Jack's Creek Apartments, Inc., Kansas City, KS  
 Jahama, Enterprises, Inc., St. John, KS  
 Kansas City Telangana Cultural Association, Overland Park, KS  
 Kansas Commerce Center Owners' Association, Overland Park, KS  
 Kansas Congress of Parents & Teachers (Kansas PTA), Topeka, KS  
 Kansas History Day Foundation, Topeka, KS  
 Kansas Professional Grant Association (KPGA), Wichita, KS  
 Kansas State Veterinary Business Management Association, Manhattan, KS  
 Kansas University Organizing Project, Austin, TX  
 Kiddi Kollege Management Corporation, Overland Park, KS  
 Lawrence Civic Choir, Inc., Lawrence, KS  
 Lowry-Funston Post 1980, Veterans of Foreign Wars of the United States, Emporia, KS  
 Lyons Creek Enterprises, Inc., Junction City, KS  
 Madison Concert & Lectures Series, Inc., Madison, KS  
 Maize Central Elementary PTO Fund, Maize, KS  
 McPherson Area Home Educators of Kansas Club, Canton, KS  
 MEF2 Trucking, LLC, Bonner Springs, KS  
 Mending Hands, Inc., Wellington, KS  
 Mercy Kansas Communities, Inc., Chesterfield, MO  
 Midwest Policy Institute, Baldwin City, KS  
 Midwestern Agricultural Corporation, Salina, KS  
 My Neighbors Keeper KC Ltd., Bonner Springs, KS  
 North Redskins Music Boosters, Inc., Wichita, KS  
 Oasis of Peace Center, Inc., Garden City, KS  
 Olathe South Project Graduation, Inc., Olathe, KS  
 Performing Arts for Children, Inc., Topeka, KS

Pratt Lions Club, Inc., Pratt, KS  
 Project Graduation of Lawrence Charitable Foundation, Lawrence, KS  
 Pulse Camp, Inc., Kansas City, KS  
 Realsecondopportunity.org, Inc., Kansas City, MO  
 RHW, LLC, Louisburg, KS  
 Ross Hoener, Inc., Pratt, KS  
 Scher Construction, Inc., Kansas City, KS  
 Shideler Plaza Owners' Association, Inc., Topeka, KS  
 Sigma Phi Delta Fraternity, Manhattan, KS  
 SMNW Band Boosters, Inc., Shawnee, KS  
 Survivor Radio Foundation, Topeka, KS  
 Tandem Limited, Manhattan, KS  
 The Business Leadership Network of Sedgwick County, Inc., Wichita, KS  
 The Coffeyville Community College Foundation, Coffeyville, KS  
 The Farmer's Daughter Mercantile Co., Tribune, KS  
 The First Christian Church of Fort Scott, Kansas, Fort Scott, KS  
 The Word Church Kansas City, Kansas City, KS  
 True & Faithful Security Patrol, LLC, Olathe, KS  
 Unified School District #273 Endowment Association, Beloit, KS  
 Unitarian Universalist Congregation of Lawrence, Inc., Lawrence, KS  
 University of Kansas Solar Car Team, Lawrence, KS  
 Vision Volleyball Club, Hays, KS  
 Whole Happiness Foundation, Olathe, KS  
 Wild Sun Community Corporation, Overland Park, KS  
 Worshippers United Association, Olathe, KS

## Foreign Business Entities

Association of the United States Army, Wichita, KS  
 Austin Daniel Baier, P.C., Kansas City, MO  
 Bishop Sullivan Center, Inc., Kansas City, MO  
 College of St. Scholastica, Inc., Duluth, MN  
 Gold's St. Louis, LLC, Dallas, TX  
 Hanrahan Asphalt Paving Co., Inc., Grandview, MO  
 Immi Interiors Limited Liability Company, Kansas City, KS  
 Kansas City Repertory Theatre, Inc., Kansas City, MO  
 Kineth Hotel Corporation, North Liberty, IA  
 Mercy Health Southwest Missouri/Kansas Communities, Chesterfield, MO  
 Mercy Hospital Columbus, Chesterfield, MO  
 Mercy Hospital Joplin, Chesterfield, MO  
 National Interscholastic Cycling Association, Berkeley, CA  
 OAI, Inc., Chicago, IL  
 Phoenix Family Housing Corporation, Kansas City, MO  
 Pi Kappa Phi Properties, Inc., Charlotte, NC  
 Ripley Associates, LLC, Leawood, KS  
 Rural Services of Indiana, Inc., South Bend, IN  
 Selective Construction Services, LLC  
 Stephen P. Maslan & Co., Kansas City, MO  
 The Kansas City Metropolitan Lutheran Ministry, Kansas City, MO  
 Uptrend, LLC, Kansas City, MO

Scott Schwab  
 Secretary of State

Doc. No. 049036

## State of Kansas

## Legislative Administrative Services

## Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced April 1–7 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 310**, AN ACT concerning reapportionment; establishing the Kansas reapportionment commission; providing requirements for enactment of reapportionment plans, by Committee on Federal and State Affairs.

**SB 311**, AN ACT concerning sales taxation; relating to exemptions; providing an exemption for certain purchases and sales by the Johnson county Christmas bureau association; amending K.S.A. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

### Senate Resolutions

**SR 1718**, A RESOLUTION designating April 7, 2021, as Joey Weber Remembrance Day to honor Joey Weber's life and those who dedicate their lives to working with persons diagnosed with cognitive disabilities throughout Kansas, by Senator Billinger.

Doc. No. 049053

## 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 15, 2021.)

### House Substitute for Senate Bill No. 63

AN ACT concerning education; relating to student attendance; enacting the back to school act; requiring school districts to provide for a full-time, in person attendance option in school year 2020-2021.

WHEREAS, The provisions of this act shall be known as the back to school act.

Now, therefore:

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

Section 1. Notwithstanding any other provision of law to the contrary, on and after March 31, 2021, for school year 2020-2021, every school district in this state shall provide a full-time, in person attendance option for every student enrolled in kindergarten or grades one through 12 in such school district.

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

Doc. No. 049054

(Published in the Kansas Register April 15, 2021.)

### House Substitute for Senate Bill No. 99

AN ACT concerning motor vehicles; relating to the vehicle dealers and manufacturers licensing act; increasing the bonding requirement for vehicle dealers; providing for display show licenses; allowing for new vehicle dealers and manufacturers to participate in display shows; amending K.S.A. 2020 Supp. 8-2404 and 8-2435 and repealing the existing sections; also repealing K.S.A. 2020 Supp. 8-2435, as amended by section 1 of 2021 Senate Bill No. 33.

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

Section 1. On and after January 1, 2022, K.S.A. 2020 Supp. 8-2404 is hereby amended to read as follows: 8-2404. (a) No vehicle dealer shall engage in business in this state without obtaining a license as required by this act. Any vehicle dealer holding a valid license and acting as a vehicle salesperson shall not be required to secure a salesperson's license.

(b) No first stage manufacturer, second stage manufacturer, factory branch, factory representative, distributor branch or distributor repre-

sentative shall engage in business in this state without a license as required by this act, regardless of whether or not an office or other place of business is maintained in this state for the purpose of conducting such business.

(c) An application for a license shall be made to the director and shall contain the information provided for by this section, together with such other information as may be deemed reasonable and pertinent, and shall be accompanied by the required fee. The director may require in the application, or otherwise, information relating to the applicant's solvency, financial standing, or other pertinent matter commensurate with the safeguarding of the public interest in the locality in which the applicant proposes to engage in business, all of which may be considered by the director in determining the fitness of the applicant to engage in business as set forth in this section. The director may require the applicant for licensing to appear at such time and place as may be designated by the director for examination to enable the director to determine the accuracy of the facts contained in the written application, either for initial licensure or renewal thereof. Every application under this section shall be verified by the applicant.

(d) All licenses shall be granted or refused within 30 days after application is received by the director. All licenses, except licenses issued to salespersons, shall expire, unless previously suspended or revoked, on December 31 of the calendar year for which they are granted, except that where a complaint respecting the cancellation, termination or nonrenewal of a sales agreement is in the process of being heard, no replacement application shall be considered until a final order is issued by the director. Applications for renewals, except for renewals of licenses issued to salespersons, received by the director after February 15 shall be considered as new applications. All salespersons' licenses shall expire, unless previously suspended or revoked, on June 30 of the calendar year for which they are granted. Applications for renewals of salespersons' licenses received by the director after July 15 shall be considered as new applications. All licenses for supplemental places of business existing or issued on or after January 1, 1994, shall expire on December 31 of the calendar year for which they are granted, unless previously suspended or revoked.

(e) License fees for each calendar year, or any part thereof shall be as follows:

- (1) For new vehicle dealers, \$75;
- (2) for distributors, \$75;
- (3) for wholesalers, \$75;
- (4) for distributor branches, \$75;
- (5) for used vehicle dealers, \$75;
- (6) for first and second stage manufacturers, \$225 plus \$75 for each factory branch in this state;
- (7) for factory representatives, \$50;
- (8) for distributor representatives, \$50;
- (9) for brokers, \$75;
- (10) for lending agencies, \$50;
- (11) for first and second stage converters, \$50;
- (12) for salvage vehicle dealers, \$75;
- (13) for auction motor vehicle dealers, \$75;
- (14) for vehicle salesperson, \$25;
- (15) for insurance companies, \$75;
- (16) for vehicle crusher, \$75;
- (17) for vehicle recycler, \$75;
- (18) for scrap metal recycler, \$75;
- (19) for rebuilders, \$75; and
- (20) for salvage vehicle pool, \$75.

Any new vehicle dealer who is also licensed as a used vehicle dealer shall be required to pay only one \$75 fee for both licenses.

(f) Dealers may establish approved supplemental places of business within the same county of their licensure or, with respect to new vehicle dealers, within their area of responsibility as defined in their franchise agreement. Those doing so shall be required to pay a supplemental license fee of \$35. In addition to any other requirements, new vehicle dealers seeking to establish supplemental places of business shall also comply with the provisions of K.S.A. 8-2430 through 8-2432, and amendments thereto. A new vehicle dealer establishing a supplemental place of business in a county other than such dealer's county of licensure but within such dealer's area of responsibility as defined in such dealer's franchise agreement shall be licensed only to do business as a new motor vehicle dealer in new motor vehicles at such supplemental place of business. Original inspections by the division of a proposed established place of business shall be made at no charge except that a

(continued)

\$30 fee shall be charged by the division for each additional inspection the division must make of such premises in order to approve the same.

(g) The license of all persons licensed under the provisions of this act shall state the address of the established place of business, office, branch or supplemental place of business and must be conspicuously displayed therein. The director shall endorse a change of address on a license without charge if: (1) The change of address of an established place of business, office, branch or supplemental place of business is within the same county; or (2) the change of address of a supplemental place of business, with respect to a new vehicle dealer, is within such dealer's area of responsibility as defined in their franchise agreement. A change of address of the established place of business, office or branch to a different county shall require a new license and payment of the required fees but such new license and fees shall not be required for a change of address of a supplemental place of business, with respect to a new vehicle dealer, to a different county but within the dealer's area of responsibility as defined in their franchise agreement.

(h) Every salesperson, factory representative or distributor representative shall carry on their person a certification that the person holds a valid state license. The certification shall name the person's employer and shall be displayed upon request. An original copy of the state license for a vehicle salesperson shall be mailed or otherwise delivered by the division to the employer of the salesperson for public display in the employer's established place of business. When a salesperson ceases to be employed as such, the former employer shall mail or otherwise return the original copy of the employee's state license to the division. A salesperson, factory representative or distributor representative who terminates employment with one employer may file an application with the director to transfer the person's state license in the name of another employer. The application shall be accompanied by a \$12 transfer fee. A salesperson, factory representative or distributor representative who terminates employment, and does not transfer the state license, shall mail or otherwise return the certification that the person holds a valid state license to the division.

(i) If the director has reasonable cause to doubt the financial responsibility or the compliance by the applicant or licensee with the provisions of this act, the director may require the applicant or licensee to furnish and maintain a bond in such form, amount and with such sureties as the director approves, but such amount shall be not less than \$5,000 nor more than \$20,000, conditioned upon the applicant or licensee complying with the provisions of the statutes applicable to the licensee and as indemnity for any loss sustained by a retail or wholesale buyer or seller of a vehicle by reason of any act by the licensee constituting grounds for suspension or revocation of the license. Every applicant or licensee who is or applies to be a used vehicle dealer or a new vehicle dealer shall furnish and maintain a bond in such form, amount and with such sureties as the director approves, conditioned upon the applicant or licensee complying with the provisions of the statutes applicable to the licensee and as indemnity for any loss sustained by a retail or wholesale buyer or seller of a vehicle by reason of any act by the licensee in violation of any act which constitutes grounds for suspension or revocation of the license. The amount of such bond shall be ~~\$30,000~~ \$50,000. To comply with this subsection, every bond shall be a corporate surety bond issued by a company authorized to do business in the state of Kansas and shall be executed in the name of the state of Kansas for the benefit of any aggrieved retail or wholesale buyer or seller of a vehicle. The aggregate liability of the surety for all breaches of the conditions of the bond in no event shall exceed the amount of such bond. The surety on the bond shall have the right to cancel the bond by giving 30 days' notice to the director, and thereafter the surety shall be relieved of liability for any breach of condition occurring after the effective date of cancellation. Bonding requirements shall not apply to first or second stage manufacturers, factory branches, factory representatives or salespersons. Upon determination by the director that a judgment from a Kansas court of competent jurisdiction is a final judgment and that the judgment resulted from an act in violation of this act or would constitute grounds for suspension, revocation, refusal to renew a license or administrative fine pursuant to K.S.A. 8-2411, and amendments thereto, the proceeds of the bond on deposit or in lieu of bond provided by subsection (j), shall be paid. The determination by the director under this subsection is hereby specifically exempted from the Kansas administrative procedure act and the Kansas judicial review act. Any proceeding to enforce payment against a surety following a determination by the director shall be prosecuted by the judgment creditor named in the final judgment sought to be enforced. Upon a finding by the court in such enforcement proceeding that a surety has

wrongfully failed or refused to pay, the court shall award reasonable attorney fees to the judgment creditor.

(j) An applicant or licensee may elect to satisfy the bonding requirements of subsection (i) by depositing with the state treasurer cash, negotiable bonds of the United States or of the state of Kansas or negotiable certificates of deposit of any bank organized under the laws of the United States or of the state of Kansas. The amount of cash, negotiable bonds of the United States or of the state of Kansas or negotiable certificates of deposit of any bank organized under the laws of the United States or of the state of Kansas deposited with the state treasurer shall be in an amount of ~~no~~ not less than ~~\$30,000~~ \$50,000. When negotiable bonds or negotiable certificates of deposit have been deposited with the state treasurer to satisfy the bonding requirements of subsection (i), such negotiable bonds or negotiable certificates of deposit shall remain on deposit with the state treasurer for a period of not less than two years after the date of delivery of the certificate of title to the motor vehicle which was the subject of the last motor vehicle sales transaction in which the licensee engaged prior to termination of the licensee's license. In the event a licensee elects to deposit a surety bond in lieu of the negotiable bonds or negotiable certificates of deposit previously deposited with the state treasurer, the state treasurer shall not release the negotiable bonds or negotiable certificates of deposits until at least two years after the date of delivery of the certificate of title to the motor vehicle which was the subject of the last motor vehicle sales transaction in which the licensee engaged prior to the date of the deposit of the surety bond. The cash deposit or market value of any such securities shall be equal to or greater than the amount of the bond required for the bonded area and any interest on those funds shall accrue to the benefit of the depositor.

(k) No license shall be issued by the director to any person to act as a new or used dealer, wholesaler, broker, salvage vehicle dealer, auction motor vehicle dealer, vehicle crusher, vehicle recycler, rebuilder, scrap metal recycler, salvage vehicle pool, second stage manufacturer, first stage converter, second stage converter or distributor unless the applicant for the vehicle dealer's license maintains an established place of business which has been inspected and approved by the division. First stage manufacturers, factory branches, factory representatives, distributor branches, distributor representatives and lending agencies are not required to maintain an established place of business to be issued a license.

(l) Dealers required under the provisions of this act to maintain an established place of business shall own or have leased and use sufficient lot space to display vehicles at least equal in number to the number of dealer license plates the dealer has had assigned.

(m) A sign with durable lettering at least 10 inches in height and easily visible from the street identifying the established place of business shall be displayed by every vehicle dealer. Notwithstanding the other provisions of this subsection, the height of lettering of the required sign may be less than 10 inches as necessary to comply with local zoning regulations.

(n) If the established or supplemental place of business or lot is zoned, approval must be secured from the proper zoning authority and proof that the use complies with the applicable zoning law, ordinance or resolution must be furnished to the director by the applicant for licensing.

(o) An established or supplemental place of business, otherwise meeting the requirements of this act may be used by a dealer to conduct more than one business, provided that suitable space and facilities exist therein to properly conduct the business of a vehicle dealer.

(p) If a supplemental place of business is not operated on a continuous, year-round basis, the dealer shall give the department 15 days' notice as to the dates on which the dealer will be engaged in business at the supplemental place of business.

(q) Any vehicle dealer selling, exchanging or transferring or causing to be sold, exchanged or transferred new vehicles in this state must satisfactorily demonstrate to the director that such vehicle dealer has a bona fide franchise agreement with the first or second stage manufacturer or distributor of the vehicle, to sell, exchange or transfer the same or to cause to be sold, exchanged or transferred.

No person may engage in the business of buying, selling or exchanging new motor vehicles, either directly or indirectly, unless such person holds a license issued by the director for the make or makes of new motor vehicles being bought, sold or exchanged, or unless a person engaged in such activities is not required to be licensed or acts as an employee of a licensee and such acts are only incidentally performed. For the purposes of this section, engaged in the business of buying,

selling or exchanging new motor vehicles, either directly or indirectly, includes: (1) Displaying new motor vehicles on a lot or showroom; (2) advertising new motor vehicles, unless the person's business primarily includes the business of broadcasting, printing, publishing or advertising for others in their own names; or (3) regularly or actively soliciting or referring buyers for new motor vehicles.

(r) No person may engage in the business of buying, selling or exchanging used motor vehicles, either directly or indirectly, unless such person holds a license issued by the director for used motor vehicles being bought, sold or exchanged, or unless a person engaged in such activities is not required to be licensed or acts as an employee of a licensee and such acts are only incidentally performed. For the purposes of this section, engaged in the business of buying, selling or exchanging used motor vehicles, either directly or indirectly, includes: (1) Displaying used motor vehicles on a lot or showroom; (2) advertising used motor vehicles, unless the person's business primarily includes the business of broadcasting, printing, publishing or advertising for others in their own names; or (3) regularly or actively soliciting buyers for used motor vehicles.

(s) The director of vehicles shall publish a suitable Kansas vehicle salesperson's manual. Before a vehicle salesperson's license is issued, the applicant for an original license shall be required to pass a written examination based upon information in the manual. Thereafter, any salesperson licensee may be required to be re-tested at the discretion of the director based upon terms and conditions established by the director.

(t) No new license shall be issued nor any license renewed to any person to act as a salvage vehicle dealer until the division has received evidence of compliance with the junkyard and salvage control act as set forth in K.S.A. 68-2201 et seq., and amendments thereto.

(u) On and after the effective date of this act, no person shall act as a broker in the advertising, buying or selling of any new or used motor vehicle. Nothing herein shall be construed to prohibit a person duly licensed under the requirements of this act from acting as a broker in buying or selling a recreational vehicle as defined by K.S.A. 75-1212(f), and amendments thereto, when the recreational vehicle subject to sale or purchase is a used recreational vehicle ~~which~~ that has been previously titled and independently owned by another person for a period of 45 days or more, or is a new or used recreational vehicle repossessed by a creditor holding security in such vehicle.

(v) Nothing ~~herein~~ in this section shall be construed to prohibit a person not otherwise required to be licensed under this act from selling such person's own vehicle as an isolated and occasional sale.

Sec. 2. K.S.A. 2020 Supp. 8-2435 is hereby amended to read as follows: 8-2435. (a) (1) Upon proper application, on a form approved by the division of vehicles, the director of vehicles may authorize the display of new motor vehicles of a new vehicle dealer at a location other than the established or supplemental place of business of a motor vehicle dealer provided that the requirements of ~~subsections (i) and (ii) of K.S.A. 8-2404, and amendments thereto, (i) and (ii) and K.S.A. 8-2405, and amendments thereto,~~ (i) and (ii) and K.S.A. 8-2405, and amendments thereto, are satisfied by the motor vehicle dealer. A fee in the amount of \$15 shall be paid by an applicant for each application. No sales transactions, leases or test drives may occur at such display locations.

(2) (A) Upon proper application on a form approved by the division of vehicles, the director of vehicles may issue a license known as a temporary display show license to a sponsor of such display show that is responsible for organizing and operating the display show under such terms and conditions as the director may reasonably require. A fee in the amount of \$100 shall be paid by the sponsor applying for each application and each participant displaying vehicles shall pay a fee of \$35 to the sponsor. The sponsor shall remit all fees to the director. New vehicle dealers, first stage manufacturers, second stage manufacturers, first stage converters, second stage converters and distributors may attend and participate in the display of new motor vehicles under this subparagraph and may display vehicles without regard to geographical territorial assignment or relevant market area, as defined in K.S.A. 8-2430, and amendments thereto. New motor vehicle dealers participating in a display show may do so without the approval of any first stage manufacturer, second stage manufacturer, first stage converter, second stage converter or distributor who may not bar or treat such new vehicle dealer adversely for participating in a display show. No sales or lease transactions may occur at a display show, but test drives for purposes other than the sale or lease of a vehicle may be made to demonstrate the vehicle and its features.

(B) For purposes of this paragraph, "display show" means a display of new motor vehicles that does not fall under the description set forth in subsection (a)(1) or K.S.A. 8-2444(a), and amendments thereto.

(b) Authorization granted by the director under ~~this section~~ subsection (a)(1) shall be granted only to motor vehicle dealers licensed by the director and to no other person, natural or otherwise. The authorization shall be for a period not to exceed 15 consecutive days unless otherwise authorized by the director of vehicles. A sponsor under subsection (a)(2) is not required to be a licensed new vehicle dealer, but participating new vehicle dealers must be licensed motor vehicle dealers or the participant must be a first stage manufacturer, second stage manufacturer, first stage converter, second stage converter or distributor for such manufacturer or converter. Such type of participant is not required to be licensed to participate.

(c) Authorization to display under this section shall not be granted for events for which a temporary trade show license under K.S.A. 2020 Supp. 8-2444, and amendments thereto, would be required.

(d) The director may deny an application for a license under this section if the director:

(1) Has probable cause to believe that the applicant's request for a license should be made under the provisions of K.S.A. 2020 Supp. 8-2444, and amendments thereto; or

(2) the request for a license under this section is being made to avoid compliance with the provisions of K.S.A. 2020 Supp. 8-2444, and amendments thereto.

(e) The provisions of this section shall be a part of and supplemental to the vehicle dealers and manufacturers licensing act.

Sec. 3. K.S.A. 2020 Supp. 8-2435 is hereby repealed.

Sec. 4. On and after July 1, 2021, K.S.A. 2020 Supp. 8-2435, as amended by section 1 of 2021 Senate Bill No. 33, is hereby repealed.

Sec. 5. On and after January 1, 2022, K.S.A. 2020 Supp. 8-2404 is hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the Kansas register.

Doc. No. 049055

## State of Kansas

### Wildlife, Parks and Tourism Commission

#### Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted by the Wildlife, Parks and Tourism Commission at 6:30 p.m. Thursday, June 17, 2021, at the Great Plains Nature Center, 6232 E. 29th St. North, Wichita, Kansas, to consider the approval and adoption of the proposed regulations of the Kansas Department of Wildlife, Parks and Tourism.

A general discussion and workshop meeting on the business of the Wildlife, Parks and Tourism Commission will begin at 1:00 p.m. June 17, 2021 at the location listed above. The meeting will recess at approximately 5:00 p.m. and then resume at 6:30 p.m. at the same location for the regulatory hearing and more business. There will be public comment periods at the beginning of the afternoon and evening meeting for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete business matters, the Commission will reconvene at 9:00 a.m. June 18, 2021 at the location listed above.

Any individual with a disability may request accommodation in order to participate in the public meeting and may request the meeting materials in an accessible format. Requests for accommodation to participate in the meeting should be made at least five working days in advance of the meeting by contacting Sheila Kemmis, Commission Secretary, at 620-672-5911. Persons with a

(continued)



hearing impairment may call the Kansas Commission for the Deaf and Hard of Hearing at 1-800-432-0698 to request special accommodations.

This 60-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed administrative regulations.

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife, Parks and Tourism, 1020 S. Kansas Ave., Suite 200, Topeka, KS 66612 or to [sheila.kemmis@ks.gov](mailto:sheila.kemmis@ks.gov) if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

The regulations that will be heard during the regulatory hearing portion of the meeting are as follows:

**K.A.R. 115-3-1.** This permanent regulation sets legal equipment, taking methods and possession for game birds. The proposed changes would clean up unnecessary language due to a regulation review.

**Economic Impact Summary:** No substantial negative economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

**K.A.R. 115-4-4.** This permanent regulation sets legal equipment and taking methods for big game. The proposed amendments would allow for the use of blaze orange garments upon the head instead of a hat during firearms deer and elk seasons.

**Economic Impact Summary:** No substantial negative economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

**K.A.R. 115-8-1.** This permanent regulation sets hunting, furharvesting and discharge of firearms restrictions on various department lands and waters. This proposed amendment to the regulation would update the reference document in relation to hunting, fishing and furharvesting restrictions on various department lands and waters.

**Economic Impact Summary:** No substantial negative economic impact to the department, other state agencies,

small businesses, or individual members of the public is anticipated.

**K.A.R. 115-25-1.** This exempt regulation sets the open seasons, bag limit and possession limit for prairie chickens. The proposed version of the regulation would allow for a continuous season for prairie chickens, rather than split seasons.

**Economic Impact Summary:** No substantial negative economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

**K.A.R. 115-25-1a.** This exempt regulation sets the open seasons, bag limit and possession limit for quail. The proposed version of the regulation would allow for youths 17 and under to hunt in the youth season.

**Economic Impact Summary:** No substantial negative economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

**K.A.R. 115-25-1b.** This exempt regulation sets the open seasons, bag limit and possession limit for pheasant. The proposed version of the regulation would allow for youths 17 and under to hunt in the youth season.

**Economic Impact Summary:** No substantial negative economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

**K.A.R. 115-25-9a.** This exempt regulation sets the open seasons, bag limit and possession limit for deer on military subunits. This proposed version of the regulation sets deer seasons on military installations in the state and adjusts the dates from the previous season.

**Economic Impact Summary:** No substantial negative economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

Copies of the complete text of each regulation and its respective economic impact statement may be obtained by writing the chairman of the Commission at the address above, electronically on the department's website at <https://www.ksoutdoors.com>, or by calling 785-296-2281.

Gerald Lauber  
Chairman

Doc. No. 049044

**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
22-26-1	New (T)	V. 40, p. 161
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
22-26-13	New (T)	V. 40, p. 166
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**

Reg. No.	Action	Register
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**

Reg. No.	Action	Register
28-1-40	New (T)	V. 39, p. 1018

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
28-24-2	Amended	V. 39, p. 336
28-24-3	Amended	V. 39, p. 336
28-24-4	Amended	V. 39, p. 337
28-24-5	Amended	V. 39, p. 337
28-24-6	Amended	V. 39, p. 337
28-24-7	Amended	V. 39, p. 337
28-24-8	Amended	V. 39, p. 337
28-24-9	Amended	V. 39, p. 337
28-24-10	Amended	V. 39, p. 338
28-24-11	Amended	V. 39, p. 338
28-24-12	Amended	V. 39, p. 338
28-24-13	Amended	V. 39, p. 339
28-24-14	Amended	V. 39, p. 339
28-38-18	Revoked	V. 39, p. 1160
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
28-38-28	Revoked	V. 39, p. 1161
28-38-29	Revoked	V. 39, p. 1161
28-38-30	Revoked	V. 39, p. 1161
28-44-12	Amended	V. 39, p. 819
28-44-13	Amended	V. 39, p. 819
28-44-14	Amended	V. 39, p. 819
28-44-15	Amended	V. 39, p. 820
28-44-16	Amended	V. 39, p. 820
28-44-17	Amended	V. 39, p. 820
28-44-18	Amended	V. 39, p. 821
28-44-19	Amended	V. 39, p. 821
28-44-20	Amended	V. 39, p. 821
28-44-21	Amended	V. 39, p. 821
28-44-22	Amended	V. 39, p. 822
28-44-23	Amended	V. 39, p. 822
28-44-24	Amended	V. 39, p. 822
28-44-25	Amended	V. 39, p. 822
28-44-26	Amended	V. 39, p. 823
28-44-27	Amended	V. 39, p. 823
28-44-28	Revoked	V. 39, p. 824
28-44-29	Amended	V. 39, p. 824
28-44-30	New	V. 39, p. 825
28-44-31	New	V. 39, p. 825
28-65-1	Amended	V. 40, p. 318
28-65-2	Amended	V. 40, p. 318
28-65-3	Amended	V. 40, p. 318
28-65-4	Amended	V. 40, p. 319

**AGENCY 36: KANSAS DEPARTMENT OF TRANSPORTATION**

Reg. No.	Action	Register
36-45-1	New (T)	V. 39, p. 1104
36-45-1	New	V. 39, p. 1490
36-45-2	New (T)	V. 39, p. 1105
36-45-2	New	V. 39, p. 1491
36-45-3	New (T)	V. 39, p. 1105
36-45-3	New	V. 39, p. 1491
36-45-3	New (T)	V. 39, p. 1106
36-45-4	New	V. 39, p. 1491
36-45-5	New (T)	V. 39, p. 1106
36-45-5	New	V. 39, p. 1492
36-45-6	New (T)	V. 39, p. 1106

36-45-6	New	V. 39, p. 1492
36-45-7	New (T)	V. 39, p. 1106
36-45-7	New	V. 39, p. 1492
36-45-8	New (T)	V. 39, p. 1107
36-45-8	New	V. 39, p. 1493
36-45-10	New (T)	V. 39, p. 1108
36-45-10	New	V. 39, p. 1494

**AGENCY 40: INSURANCE DEPARTMENT**

Reg. No.	Action	Register
40-1-28	Amended	V. 40, p. 191
40-1-52	New	V. 40, p. 191

**AGENCY 60: BOARD OF NURSING**

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

**AGENCY 61: BOARD OF BARBERING**

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

**AGENCY 66: BOARD OF TECHNICAL PROFESSIONS**

Reg. No.	Action	Register
66-6-1	Amended	V. 39, p. 1425
66-6-10	Amended	V. 39, p. 1426
66-7-1	Amended	V. 39, p. 1427
66-8-3	Amended	V. 39, p. 1427
66-8-4	Amended	V. 39, p. 1427
66-9-5	Amended	V. 39, p. 1427
66-10-4	Amended	V. 39, p. 1427
66-10-9	Amended	V. 39, p. 1428
66-10-10b	Amended	V. 39, p. 1428
66-10-10c	New	V. 39, p. 1428
66-10-12	Amended	V. 39, p. 1428
66-10-13	Amended	V. 39, p. 1429
66-11-5	Amended	V. 39, p. 1429
66-14-1	Amended	V. 39, p. 1429
66-14-2	Amended	V. 39, p. 1430
66-14-3	Amended	V. 39, p. 1430
66-14-5	Amended	V. 39, p. 1430
66-14-6	Amended	V. 39, p. 1431
66-14-7	Amended	V. 39, p. 1431
66-14-8	Amended	V. 39, p. 1431
66-14-9	Amended	V. 39, p. 1431
66-14-10	Revoked	V. 39, p. 1431
66-14-11	Revoked	V. 39, p. 1431
66-14-12	Amended	V. 39, p. 1431
66-15-1	New	V. 39, p. 14

**AGENCY 68: BOARD OF PHARMACY**

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

**AGENCY 69: BOARD OF COSMETOLOGY**

Reg. No.	Action	Register
69-3-8	Amended (T)	V. 39, p. 1186
69-3-8	Amended	V. 39, p. 1583

**AGENCY 70: BOARD OF VETERINARY EXAMINERS**

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

**AGENCY 74: BOARD OF ACCOUNTANCY**

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

**AGENCY 82: STATE CORPORATION COMMISSION**

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

**AGENCY 86: REAL ESTATE COMMISSION**

Reg. No.	Action	Register
86-1-10	Amended	V. 39, p. 54
86-1-11	Amended	V. 39, p. 55
86-1-12	Amended	V. 39, p. 56
86-1-13	Revoked	V. 39, p. 56
86-1-16	Revoked	V. 39, p. 56
86-1-17	Amended	V. 39, p. 56
86-1-18	Revoked	V. 39, p. 56
86-3-6a	Revoked	V. 39, p. 56
86-3-7	Amended	V. 39, p. 56
86-3-10	Amended	V. 40, p. 497
86-3-18	Amended	V. 40, 497
86-3-20	Revoked	V. 39, p. 57
86-3-21	Revoked	V. 40, p. 498
86-3-22	Amended	V. 40, p. 498

**AGENCY 88: BOARD OF REGENTS**

Reg. No.	Action	Register
88-10-1	Revoked	V. 39, p. 1270
88-10-2	Revoked	V. 39, p. 1270
88-10-3	Revoked	V. 39, p. 1270
88-10-4	Revoked	V. 39, p. 1270
88-10-5	Revoked	V. 39, p. 1270
88-10-6	Revoked	V. 39, p. 1270
88-10-7	Revoked	V. 39, p. 1270
88-10-8	Revoked	V. 39, p. 1270
88-10-10	Revoked	V. 39, p. 1270
88-10-12	Revoked	V. 39, p. 1270
88-11-1	Revoked	V. 39, p. 1270
88-11-2	Revoked	V. 39, p. 1270
88-11-3	Revoked	V. 39, p. 1270
88-11-4	Revoked	V. 39, p. 1270
88-11-5	Revoked	V. 39, p. 1270
88-11-6	Revoked	V. 39, p. 1270
88-11-7	Revoked	V. 39, p. 1270
88-11-8	Revoked	V. 39, p. 1270
88-11-9	Revoked	V. 39, p. 1270
88-11-11	Revoked	V. 39, p. 1270
88-11-12	Revoked	V. 39, p. 1270
88-25-1	New	V. 39, p. 748
88-25-2	New	V. 39, p. 748
88-25-3	New	V. 39, p. 748
88-25-4	New	V. 39, p. 748
88-25-5	New	V. 39, p. 748
88-29-1	Revoked	V. 39, p. 1215
88-29-3	Amended	V. 39, p. 1215
88-29-11	Revoked	V. 39, p. 1216
88-29-12	Amended	V. 39, p. 1216
88-29-13	Amended	V. 39, p. 1216
88-29-14	Amended	V. 39, p. 1218
88-29-15	Amended	V. 39, p. 1218
88-29-16	Amended	V. 39, p. 1219
88-29-17	Amended	V. 39, p. 1220
88-29-18	Revoked	V. 39, p. 1221
88-29-19	Revoked	V. 39, p. 1221
88-29a-1	Amended	V. 39, p. 1221
88-29a-5	Amended	V. 39, p. 1223
88-29a-6	Amended	V. 39, p. 1223
88-29a-7	Amended	V. 39, p. 1223
88-29a-7a	Amended	V. 39, p. 1224

88-29a-9	Amended	V. 39, p. 1224
88-29a-10	Amended	V. 39, p. 1225
88-29a-11	Amended	V. 39, p. 1227
88-29a-18	Amended	V. 39, p. 1228
88-29a-19	Amended	V. 39, p. 1229
88-29b-1	Amended	V. 39, p. 1229
88-29b-3	Amended	V. 39, p. 1231
88-29b-5	Amended	V. 39, p. 1231
88-29b-6	Amended	V. 39, p. 1232
88-29b-7	Amended	V. 39, p. 1233
88-29b-7a	Amended	V. 39, p. 1234
88-29b-9	Amended	V. 39, p. 1234
88-29b-10	Amended	V. 39, p. 1235
88-29c-1	Amended	V. 39, p. 1236
88-29c-5	Amended	V. 39, p. 1238
88-29c-7	Amended	V. 39, p. 1238
88-29c-9	Amended	V. 39, p. 1238
88-29c-10	Amended	V. 39, p. 1239
88-29d-1	Amended	V. 39, p. 1240
88-29d-5	Amended	V. 39, p. 1241
88-29d-7	Amended	V. 39, p. 1242
88-29d-9	Amended	V. 39, p. 1242
88-29d-10	Amended	V. 39, p. 1243
88-30-1	Amended (T)	V. 39, p. 890
88-30-1	Amended	V. 39, p. 1269
88-30-2	Amended	V. 39, p. 1270

**AGENCY 92: DEPARTMENT OF REVENUE**

Reg. No.	Action	Register
92-19-47	Revoked	V. 40, p. 290
92-19-67	Revoked	V. 40, p. 290

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No.	Action	Register
100-6-2a	New	V. 40, p. 290
100-7-1	Amended	V. 39, p. 1359
100-76-6	Amended	V. 39, p. 1360
100-78-1	New (T)	V. 39, p. 250
100-78-1	New	V. 39, p. 570
100-78-2	New (T)	V. 39, p. 250
100-78-2	New	V. 39, p. 570

**AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES**

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

**AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES**

Reg. No.	Action	Register
109-3-3	Amended	V. 39, p. 30
109-3-4	Amended	V. 39, p. 31
109-5-1a	Amended	V. 39, p.32
109-11-1a	Amended	V. 39, p.32

**AGENCY 111: KANSAS LOTTERY**

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 *Kansas Register*. A list of regulations filed from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 *Kansas Register*. A list of regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 *Kansas Register*. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 *Kansas Register*. A list of regulations filed from 2008 through November 2009 can be found in the Vol. 28, No. 53, December

31, 2009 *Kansas Register*. A list of regulations filed from December 1, 2009, through December 21, 2011, can be found in the Vol. 30, No. 52, December 29, 2011 *Kansas Register*. A list of regulations filed from December 22, 2011, through November 6, 2013, can be found in the Vol. 32, No. 52, December 26, 2013 *Kansas Register*. A list of regulations filed from November 7, 2013, through December 31, 2015, can be found in the Vol. 34, No. 53, December 31, 2015 *Kansas Register*. A list of regulations filed from 2016 through 2017, can be found in the Vol. 36, No. 52, December 28, 2017 *Kansas Register*. A list of regulations filed from 2018 through 2019, can be found in the Vol. 38, No. 52, December 26, 2019 *Kansas Register*.

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

111-4-3641	New	V. 39, p. 1335
111-4-3642	New	V. 39, p. 1336
111-4-3643	New	V. 39, p. 1404
111-4-3644	New	V. 39, p. 1460
111-4-3645	New	V. 39, p. 1462
111-4-3646	New	V. 39, p. 1463
111-4-3647	New	V. 39, p. 1465
111-4-3648	New	V. 39, p. 1466
111-4-3649	New	V. 40, p. 40
111-4-3650	New	V. 40, p. 41
111-4-3651	New	V. 40, p. 192
111-4-3652	New	V. 40, p. 193
111-4-3653	New	V. 40, p. 194
111-4-3654	New	V. 40, p. 196
111-4-3655	New	V. 40, p. 197
111-4-3656	New	V. 40, p. 199
111-4-3657	New	V. 40, p. 427
111-5-223	Amended	V. 40, p. 428
111-5-245	New	V. 39, p. 577
111-5-246	New	V. 40, p. 429
111-9-223	New	V. 39, p. 625
111-9-224	New	V. 39, p. 867
111-15-1	Amended	V. 39, p. 1405
111-15-3	Amended	V. 39, p. 1080
111-15-4	Amended	V. 39, p. 1081
111-15-5	Amended	V. 39, p. 1081
111-15-6	Amended	V. 39, p. 1081
111-15-10	Amended	V. 39, p. 1082
111-19-72	Amended	V. 39, p. 64
111-19-73	New	V. 39, p. 64
111-19-74	New	V. 39, p. 65
111-19-75	New	V. 39, p. 65
111-19-76	New	V. 39, p. 74
111-19-77	New	V. 39, p. 578
111-19-78	New	V. 39, p. 579
111-19-79	New	V. 39, p. 580
111-19-80	New	V. 39, p. 626
111-19-81	New	V. 39, p. 626
111-19-82	New	V. 39, p. 868
111-19-83	New	V. 39, p. 868
111-19-84	New	V. 39, p. 868
111-19-85	New	V. 39, p. 869
111-19-86	New	V. 39, p. 870
111-19-87	New	V. 39, p. 901
111-19-88	New	V. 39, p. 901
111-19-89	New	V. 39, p. 1082
111-19-90	New	V. 39, p. 1115
111-19-91	New	V. 39, p. 1116
111-19-92	New	V. 39, p. 1116
111-19-93	New	V. 39, p. 1337
111-19-94	New	V. 39, p. 1405
111-19-95	New	V. 39, p. 1405
111-19-96	New	V. 39, p. 1406
111-19-97	New	V. 40, p. 42
111-19-98	New	V. 40, p. 43
111-19-99	New	V. 40, p. 44
111-19-100	New	V. 40, p. 200
111-19-101	New	V. 40, p. 430
111-301-4	Amended	V. 39, p. 534
111-301-5	Amended	V. 39, p. 534
111-301-6	Amended	V. 39, p. 535
111-301-43	Amended	V. 39, p. 537
111-301-60	Amended	V. 39, p. 66

111-301-62	Amended	V. 39, p. 67
111-301-64	Amended	V. 39, p. 538
111-301-66	Amended	V. 39, p. 538
111-301-72	New	V. 39, p. 1338
111-301-73	New	V. 39, p. 1338
111-301-74	New	V. 39, p. 1338
111-301-75	New	V. 39, p. 1338
111-301-76	New	V. 39, p. 1339
111-302-4	Amended	V. 39, p. 68
111-302-5	Amended	V. 39, p. 1082
111-305-5	Amended	V. 39, p. 539
111-305-6	Amended	V. 39, p. 539
111-401-253	New	V. 39, p. 69
111-401-254	New	V. 39, p. 69
111-401-255	New	V. 39, p. 71
111-501-71	Amended	V. 39, p. 1340
111-501-81	Amended	V. 39, p. 1340
111-501-105	Amended	V. 40, p. 430
111-501-107	Amended	V. 40, p. 431
111-501-108	Amended	V. 40, p. 431
111-501-109	Amended	V. 40, p. 431
111-501-149	New	V. 39, p. 72
111-501-150	New	V. 39, p. 72
111-501-151	New	V. 39, p. 73
111-501-152	New	V. 39, p. 73
111-501-153	New	V. 39, p. 74
111-601-4	Amended	V. 39, p. 1117
111-601-6	Amended	V. 39, p. 1117

**AGENCY 112: KANSAS RACING AND GAMING COMMISSION**

Reg. No.	Action	Register
112-105-1	Amended	V. 39, p. 251

**AGENCY 115: DEPARTMENT OF WILDLIFE, PARKS AND TOURISM**

Reg. No.	Action	Register
115-1-1	Amended	V. 40, p. 498
115-2-1	Amended	V. 39, p. 1525
115-4-2	Amended	V. 39, p. 617
115-4-4	Amended	V. 39, p. 618
115-4-4a	Amended	V. 39, p. 1527
115-4-6	Amended	V. 40, p. 500
115-5-1	Amended	V. 39, p. 1103
115-6-1	Amended	V. 39, p. 1103
115-7-3	Amended	V. 39, p. 1528
115-7-10	Amended	V. 39, p. 1528
115-14-12	Amended	V. 39, p. 1271
115-14-13	Amended	V. 39, p. 1273
115-14-14	Amended	V. 39, p. 1275
115-18-7	Revoked	V. 39, p. 1528
115-18-10	Amended	V. 39, p. 1528
115-18-12	Amended	V. 39, p. 1529

**AGENCY 129: DEPARTMENT OF HEALTH AND ENVIRONMENT—DIVISION OF HEALTH CARE FINANCE**

Reg. No.	Action	Register
129-6-103	Amended	V. 39, p. 1557
129-9-9	New (T)	V. 39, p. 647
129-9-9	New	V. 39, p. 1019
129-10-31	Amended	V. 39, p. 800

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