

Kansas Register

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Register Office:
1st Floor, Memorial Hall
785-368-8095
Fax 785-296-8577
kansasregister@ks.gov



Published by
Scott Schwab
Secretary of State
1st Floor, Memorial Hall
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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 6-15-20 through 6-21-20	
Term	Rate
1-89 days	0.08%
3 months	0.08%
6 months	0.14%
12 months	0.17%
18 months	0.18%
2 years	0.19%

Scott Miller
Director of Investments

Doc. No. 048217

State of Kansas

Department of Labor

Notice of Maximum and Minimum Weekly Benefit Amounts

Each year, in accordance with K.S.A. 44-704 of the Kansas Employment Security Law, the maximum and minimum weekly benefit amounts payable to unemployment insurance claimants are recalculated. For SFY 2021, new claims filed on or after July 1, 2020 and before July 1, 2021, the maximum weekly benefit amount will be \$503 and the minimum weekly benefit amount will be \$125.

Delía García
Secretary of Labor

Doc. No. 048227

State of Kansas

Wichita State University

Notice of Intent to Lease Land and/or Building Space

Public notice is hereby given that Wichita State University (WSU) intends to lease available land and building space. 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 as restaurants, retail establishments, financial institutions, etc.). Because tenant 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.). The university will consider serious offers and inquiries from any financially qual-

ified individual, group, organization, or company. If interested, please contact Vice President for Research & Technology Transfer, Dr. John Tomblin, john.tomblin@wichita.edu or Property Manager Crystal Stegeman, 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. 047620

State of Kansas

Wichita State University

Notice of Intent to Lease Real Property

Public notice is hereby given that Wichita State University (WSU) is interested in entering into a long-term ground lease, subject to all required state approvals, for approximately 1.4 acres of property located at 1741 and 1755 N. Hillside. The university is interested in leasing such property to any individual, organization, or entity whose presence on campus would advance the university's applied learning vision or its mission as an educational, cultural, and economic driver for Kansas and the greater public good and providing retail, restaurant, and service centers that would be desirable and beneficial to the international student community. The university intends to lease this property for any period of time up to 65 years, but extended terms and renewal options would be considered. Interested tenants must be willing to provide the university an option to lease back improved office/classroom/lab space up to 11,000 square feet. Interested tenants must be a good fit with the university's educational mission and identify anticipated benefits to the university, its students, and the WSU community (i.e. applied learning, joint research, faculty start-up, WSU curriculum or program support, etc.), and must agree to the essential ground lease terms and restrictive covenants. Interested tenants will be evaluated on: financial stability and strength, proposal terms, demonstrated benefit to WSU and the community, design concepts, and proposed use. Rental rate may be negotiated based on square foot of leased ground or leasable square foot of the building. The university will consider serious offers and inquiries with detailed proposal terms from any financially qualified individual, group, organization, or company and such offers will be considered until a selection is made or this notice is withdrawn. If interested, please contact University Property Manager Crystal Stegeman at crystal.stegeman@wichita.edu. This publication is being published pursuant to K.S.A. 75-430a(d), to the extent applicable.

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

Doc. No. 047955

State of Kansas

Wichita State University

Notice of Intent to Lease Real Property

Public notice is hereby given that Wichita State University (WSU) intends to directly lease, and indirectly sublease through its affiliate corporation Wichita State Innovation Alliance, Inc., subject to all required state approvals, for the private development of one or more partnership buildings. This private development shall be located west of Oliver, between 17th and 18th Streets, on the Wichita State University main campus. The university is interested in leasing such ground to any individual, organization, or entity whose presence on campus would advance the university's applied learning vision or its mission as an educational, cultural, and economic driver for Kansas and the greater public good, and specifically an emphasis on supporting and growing advanced laboratories for research, testing, and innovation in data infrastructure/storage, video surveillance storage, IOT, security, analytics, visualization/modeling, and machine learning/AI. The university intends to lease such ground for any period of time up to sixty-five years, but extended terms and renewal options would be considered. Interested tenants must be willing to be a good fit with the university's educational mission and identify anticipated benefits to the university, its students, and the WSU community (i.e. applied learning, joint research, faculty start-up, WSU curriculum or program support, etc.), and must agree to the essential ground lease terms and restrictive covenants. Interested tenants will be evaluated on: proposal terms, demonstrated benefit to WSU, design concepts, financial stability, and proposed use. Rental rate shall be assessed per leased or leasable square foot of the building but is negotiable based on term of lease and benefit to the university. The university will consider serious offers and inquiries with detailed proposal terms from any financially qualified individual, group, organization, or company and such offers will be considered until a selection is made or this notice is withdrawn. If interested, please contact Associate Vice President for Industry Engagement and Applied Learning, Tonya Witherspoon at tonya.witherspoon@wichita.edu or University Property Manager Crystal Stegeman at crystal.stegeman@wichita.edu. This publication is being published pursuant to K.S.A. 75-430a(d), to the extent applicable.

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

Doc. No. 047956

State of Kansas

Department of Health and Environment

Notice Concerning Kansas/Federal Water Pollution Control Permits and Applications

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 17, 28-18a-1 through 33, 28-16-150 through 154, 28-46-7, and the au-

thority 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-20-122

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

Name and Address of Applicant	Owner of Property Where Facility Will Be Located	Legal Description	Receiving Water
Summit Producers Company 292 Quivira Rd. Marquette, KS 67464	J-Six Enterprises, LLC 604 Nemaha St. Seneca, KS 66538	SE/4 of Section 9 T18S, R05W McPherson County	Smoky Hills River Basin
Kansas Permit No. A-SHMP-H001			

This is notification KDHE has received a complete permit application for the operation of a swine waste management facility capable of housing 7,078 head (2,831.2 animal units) of swine weighing more than 55 pounds each, and 8,720 head (872 animal units) of swine weighing less than 55 pounds each, for a total of 3,703.2 animal units. The complete application can be viewed at the office of the McPherson County Clerk, the KDHE District Office in Salina, Kansas or the KDHE Main Office in Topeka, KS. A permit to operate the proposed swine waste management system will not be issued without additional public notice.

Public Notice No. KS-AG-20-123/126

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Summit Producers Company Daniel and Jennifer Gerety 604 Nemaha St. Seneca, KS 66538	SE/4 of Section 9 T18S, R05W McPherson County	Smoky Hill River Basin
Kansas Permit No. A-SHMP-H001 Federal Permit No. KS0086291		

The proposed action is to modify the current State/NPDES permit for an existing facility. Modifications to the permit will be to construct a berm over the emergency spillway to increase the storage capacity of the existing wastewater retention structure. There are no other changes to the permit. Only the portions of the permit being modified are subject to comment.

Name and Address of Applicant	Legal Description	Receiving Water
Syracuse Dairy, LLC - Webber Dairy Jay Houtsma 751 SE CR 36 Syracuse, KS 67878	E/2 of Section 17, E/2 of Section 20 and W/2 of Section 21 T26S, R37W Kearny County	Cimarron River Basin

Kansas Permit No. A-CIKE-D001
Federal Permit No. KS0100323

This is a renewal permit for an existing facility for a maximum permitted capacity of 5,500 head (7,700 animal units) of mature dairy cows and 10,500 head (10,500 animal units) of dairy heifers weighing greater than 700 pounds. There is no increase in the permitted number of animal units. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Stigge Farms Alan Stigge 211 D St. Washington, KS 66968	SW/4 of Section 32 T02S, R03E Washington County	Big Blue River Basin

Kansas Permit No. A-BBWS-B013

This is a renewal permit for an existing confined animal feeding facility with a maximum capacity of 800 head (800 animal units) of cattle weighing more than 700 pounds. The facility consists of open dirt lots, two sedimentation basins, and two designed grass filter strips. There will be 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
Michael T. Wilson 419 1000 Ave. Carlton, KS 67448	NE/4 of Section 21 and SW/4 of Section 15 T15S, R01E Dickinson County	Smoky Hill River Basin

Kansas Permit No. A-SHDK-S017

This is a renewal permit for an existing confined animal feeding facility with a maximum capacity of 882 head (352.8 animal units) of swine more than 55 pounds, 450 head (45 animal units) of swine 55 pounds or less, 560 head (560 animal units) of beef cattle more than 700 pounds, and 50 head (25 animal units) of beef cattle less than 700 pounds, for a total of 982.8 animal units. The facility consists of 5 enclosed swine buildings, 1 hoop building, 1 sedimentation basin, two earthen wastewater retention structures, and open dirt lots. There will be 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.

Public Notice No. KS-AG-R-20-009

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

Name and Address of Registrant	Legal Description	County
Matthew D. and Nichole D. Hensley 871 Four Mile Rd. Council Grove, KS 66846	W/2 of the SE/4 of the NW/4 of Section 02 T17S, R08E	Morris

Public Notice No. KS-Q-20-101/105

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

Name and Address of Applicant	Receiving Stream	Type of Discharge
McCall, Inc. 615 McCall Rd. Manhattan, KS 66502	Kansas River via Unnamed Tributary	Process Wastewater

Kansas Permit No. I-KS38-CO01
Federal Permit No. KS0091286

Facility Name: McCall Pattern Company

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility primarily manufactures, warehouses and distributes sewing and craft patterns. Two separate cooling systems are at use. The proposed permit contains generic language to protect the waters of the state.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Mid-States Materials, LLC PO Box 236 Topeka, KS 66601	Kansas River via South Cedar Creek via Unnamed Tributary	Process Wastewater

Kansas Permit No. i-KS11-PO03
Federal Permit No. KS0101672

Legal Description: SW¼, S34, T8S, R16E, Jackson County, Kansas

Facility Name: Denison Quarry

The proposed action is to issue a new State/NPDES permit for a new facility. This facility is engaged in a limestone quarrying operation with some washing. Outfall 001A1 consists of stormwater runoff, pit water and possibly some treated wash water, treated by a sedimentation pond. Outfalls 001A1, 002A1, and 003A1 consists of stormwater runoff. In compliance with Kansas and federal law, KDHE has approved an antidegradation review for this new facility for increased concentrations and mass of some pollutants to the receiving stream. The water quality of the receiving stream will not be lowered below the quality necessary to support existing designated uses. The proposed permit contains limits for total suspended solids.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Mid-States Materials, LLC PO Box 236 Topeka, KS 66601	Solomon River via North Fork Solomon River via Unnamed Tributary	Process Wastewater

Kansas Permit No. I-SO16-PO01
Federal Permit No. KS0101681

Legal Description: S20, T5S, R18W, Phillips County, Kansas

Facility Name: Glade Quarry

The proposed action is to issue a new State/NPDES permit for a new facility. This facility is engaged in a limestone quarrying operation with some washing. Outfalls 001A1, 002A1, 003A1 and 004A1 consist of stormwater runoff. Outfall 002A1 consists of stormwater runoff, pit water and possibly treated wash water, treated by a sedimentation pond. In compliance with Kansas and federal law, KDHE has approved an antidegradation review for this new facility for increased concentrations and mass of some pollutants to the receiving stream. The water quality of the receiving stream will not be lowered below the quality necessary to support existing designated uses. The proposed permit contains limits for total suspended solids.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Mid-States Materials, LLC PO Box 236 Topeka, KS 66601	Kansas River via Clarks Creek via Unnamed Tributary	Process Wastewater

Kansas Permit No. I-KS80-PO03
Federal Permit No. KS0101745

(continued)

Legal Description: NW¼, S14, T14S, R5E, Morris County, Kansas

Facility Name: Skiddy Quarry

The proposed action is to issue a new State/NPDES permit for a new facility. This facility is engaged in a limestone quarrying operation with some washing. Outfalls 001A1, 002A1, 003A1, and 004A1 consist of stormwater runoff. Outfall 001A1 consists of stormwater runoff, pit water and possibly treated wash water, treated by a sedimentation pond. In compliance with Kansas and federal law, KDHE has approved an antidegradation review for this new facility for increased concentrations and mass of some pollutants to the receiving stream. The water quality of the receiving stream will not be lowered below the quality necessary to support existing designated uses. The proposed permit contains limits for total suspended solids.

Name and Address of Applicant	Receiving Stream	Type of Discharge
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Wamego, City of PO Box 86 Wamego, KS 66547	Kansas River	Treated Domestic Wastewater
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Kansas Permit No. M-KS74-0002

Federal Permit No. KS0092266

Legal Description: SW¼, SE¼, NW¼, S10, T10S, R10E,
Pottawatomie County, Kansas

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a mechanical plant consisting of an Aeromod extended aeration activated sludge treatment plant, with aerobic sludge digestion, sludge belt filter press, and UV disinfection of effluent. The proposed permit contains a schedule of compliance as a result of Order No. 19-E-17 BOW from KDHE. A total maximum daily load for total phosphorus has been adopted in the Kansas Surface Water Quality Standards, including a Waste Load Allocation for this facility, in order to achieve compliance for total phosphorus mass loading limits and to complete improvements to the facility. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, pH, ammonia, E. coli and total phosphorus, as well as monitoring for total Kjeldahl nitrogen, nitrate + nitrite, total nitrogen, and flow.

Persons wishing to comment on the draft documents and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments considered in the decision-making process. Comments should be submitted to the attention of the Livestock Waste Management Section for agricultural related draft documents or applications, or to the Technical Services Section for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612-1367.

All comments regarding the draft documents or application notices received on or before July 18, 2020, will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-20-122/126, KS-AG-R-20-009, KS-Q-20-101/105) and name of the applicant/permittee when preparing comments.

After review of any comments received during the public notice period, the Secretary of Health and Environment will issue 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).

All draft documents/applications and the supporting information including any comments received are on file and may be inspected at the offices of the Kan-

sas Department of Health and Environment, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, Kansas. 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. 048225

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:

06/25/2020	EVT0007446	Various Aggregate
07/02/2020	EVT0007422	KHP Uniform components/ Garments
07/07/2020	EVT0007426	Prize Ribbons, Rosettes, Banners Plaques
07/08/2020	EVT0007447	Cosmetology Services

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>

07/09/2020	A-014108	Norton Correctional Facility Power Plant TPO Reroof
07/14/2020	A-014104	Winfield Correctional Facility Administration and Grounds TPO Reroof
07/14/2020	A-014105	Winfield Correctional Metal Roof Retrofit

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. 048228

State of Kansas

Department of Transportation

Notice to Consulting Firms

The Kansas Department of Transportation (KDOT) is seeking a qualified consulting engineering firm, which must be prequalified in category 311 Geotechnical Engineering Services, for the project listed below. A PDF must be emailed to David Lutgen, P.E., Contracts Engi-

neer at kdot.designcontracts@ks.gov. Responses are to be limited to four pages, the subject line of the reply email and the file name must read "KA-3887-01 – Firm Name." RFPs must be received by 12:00 p.m. June 26, 2020 for the consulting firm to be considered. View categories at <http://www.ksdot.org/divengdes/prequal/default.asp>.

Project

KA-3887-01 – Replace existing Br. No. 096-116, K-55 over Arkansas River 7.63 miles east of U.S. 81. Project letting date is October 2021.

Scope of Services

Geology investigation for replacement bridge; provide a comprehensive bridge foundation geology report that meet FHWA and LRFD guidelines; provide foundation recommendations for HP10x42 and HP12x53; provide drilled shaft information for the possible use of drilled shafts at the piers in addition to pile footings. Preliminary strength I limit state load for drilled shaft piers is 900 kips. Consultant services to be complete by August 7, 2020.

Anticipated Schedule for Subsequent Events

- Evaluation and ranking of proposals on or about June 30, 2020, 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 July 5, 2020.
- Agreement in place and in effect July 12, 2020.

Instructions for Proposal

No costs shall be contained in the Request for Proposal (RFP). The RFP must not exceed four (4) pages total to address the pertinent topics. Please use the following naming convention for submittal... KA-3887-01 – 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.

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

- Project manager/engineer in charge.
- History of projects with similar tasks.
- Availability of staff to meet schedule without 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

Technical proposals will be evaluated on the basis of 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 to the RFP; 2) qualifications and experience of consultant personnel/manager proposed for services; 3) proposed approach for design; and 4) 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.

Ron Seitz, P.E., Director
Division of Engineering and Design

Doc. No. 048215

State of Kansas

Department of Transportation

Notice to Consulting Firms

The Kansas Department of Transportation (KDOT) is seeking a consulting firm for the project listed below. Interested consulting firms must be prequalified by KDOT or otherwise demonstrate qualification in category 212 Highway Design – Minor Facility and must submit a Letter of Interest (LOI) on or before 12:00 p.m. July 3, 2020 to David Lutgen, P.E., Contracts Engineer for KDOT at kdot.designcontracts@ks.gov, with the subject line reading Passing Lane Bundles_FIRM NAME. A PDF (2Mb maximum size) of the interest and experience responses are limited to four pages.

If a firm is not currently prequalified by KDOT a LOI 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.

Project

KDOT Passing Lanes Bundles

West Bundle

50-29 KA-5780-01	US-50 Ford County: East of Spearville
50-24 KA-5779-01	US-50 Edwards County: Between Offerle and Kinsley

(continued)

54-49 KA-5783-01	US-54 Kiowa County: Between Greensburg and Haviland
54-49 KA-5785-01	US-54 Kiowa County: Between Ford/Kiowa County line and Mullinville
54-76 KA-5784-01	US-54 Pratt County: Between Wellsford and Cullison

East Bundle

50-40 KA-1827-05	US-50: From 5 miles east of US-50/RS-305 junction, east for 0.8 mile
169-67 KA-5789-01	US-169 Neosho County: Between Wilson/Montgomery County line and Thayer
169-67 KA-5788-01	US-169 Neosho County: Between K-47 and Earlton
400-37 KA-5790-01	US-400 Greenwood County: Between Piedmont and Severy
400-11 KA-2375-10	US-400: From 4.1 miles east of US-400/K-7 junction, east for 2 miles
50-106 KA-5787-01	US-50 Harvey/Marion Counties: West of Peabody

The Kansas DOT is seeking consultant services to prepare construction drawings for the extensions or additions of passing lanes for the projects listed above. Design surveys are currently in progress for all projects and will be provided by KDOT. One consulting firm will be selected for each bundle of projects.

Instructions for LOI

The main text of consultant's LOI must not exceed four (4) pages to address the topics listed below. LOI's shall address and include the following items:

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

Qualifications-Based Selection Process

No cost or pricing information shall be submitted with the LOI and will not be considered in the selection process to shortlist or rank proposals. Based on the qualifications submitted in the LOI and other information available to KDOT, on or about July 15, 2020 KDOT will shortlist three to five firms and notify all firms submitting LOIs of the names of the shortlisted firms by return email. Thereafter, KDOT will issue a Request for Proposal (RFP) to the shortlisted firms soliciting a technical proposal. 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. Technical proposals will be evaluated on the basis of the factors listed below, evenly weighted, to rank the most qualified firm in order of preference as first, second and third: 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 a contract, with compensation provisions for payment of actual direct costs plus fixed fee, subject to an upper limit of compensation. In the event KDOT cannot reach agreement with the highest ranked firm, it will terminate negotiations

with such firm and commence negotiations with the next highest ranked firm, and so on, until either agreement is reached for a satisfactory scope of services for a fair and reasonable price, or KDOT decides to pursue other alternatives.

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. Being selected as a prime or subconsultant firm on these passing lane projects does not preclude the firm from being the prime program management consultant (PMC) or subconsultant for the Eisenhower Legacy Transportation Program (IKE) or the prime PMC or subconsultant for the US-69 expansion project 69-46 KA-5700-01.

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

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

Questions can be submitted to David Lutgen, P.E., Contracts Engineer at kdot.designcontracts@ks.gov.

David Lutgen, P.E.
Contracts Engineer

Doc. No. 048229

State of Kansas

Department of Transportation

Request for Proposals

Background and Purpose of Project

The Kansas Department of Transportation (KDOT) is seeking a consultant to provide construction inspection services for project 35-30 KA 5559-01. The project is located on I-35 from 9.084 miles north of the Osage/Franklin County line north to 8.468 miles north of the south U.S. 59/I-35 junction in Franklin County.

Schedule/Deadlines

Request for Proposals (RFPs) are due on or before 12:00 p.m. (CST) June 26, 2020, to be delivered via email to kdot.designcontracts@ks.gov. Evaluation and ranking of submissions will occur on or about July 7, 2020, 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 July 14, 2020. An agreement should be in place on or about July 28, 2020. The contractor is expected to start the project around the end of July 2020 but no later than August 20, 2020.

Scope of Services to be Performed

The project manager/inspectors must be capable inspecting the whole project, which includes HMA plant, HMA roadway, traffic control, grading, PCCP pavement patching and guardrail remove and reconstruct, CMS or AASHTOWare data entry, all project records, all project paperwork, and final paperwork, etc. Project records and paperwork including but not limited to: diary, pay quantities, certifications, sample identifications, change orders, pay estimates, monitoring subcontractor payments, and monitoring contractor’s payrolls, etc. Records and paperwork must be submitted accurately and timely. Anticipated staffing needs: provide project management and all inspectors as needed to ensure inspection and material testing for this project are done correctly. KDOT will provide testing equipment for the HMA plant, which the plant inspector must pick up and set up. The number of required inspectors will fluctuate throughout the project depending on the contractor’s schedule and how they pursue the work. Submit the names and information of the project manager and the inspection staff. Construction is anticipated to be completed within 110 working days and then cleanup time. The work may not be completed this season and may be suspended for the winter and resume in spring/summer of 2021. Provide all the equipment necessary to inspect and test materials.

Instructions for Proposal

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

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

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

Evaluation Factors

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

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

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

Exhibits to this Technical Proposal Request

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

Contract Terms and Conditions

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

Questions about this request for proposals shall be sent via email to kdot.designcontracts@ks.gov.

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

Doc. No. 048212

State of Kansas

Department of Transportation

Request for Proposals

Background and Purpose of Project

The Kansas Department of Transportation (KDOT) is seeking a consultant to provide construction inspection services for project 106 KA 4744-02. The project is located on U.S. 75 in Shawnee County, K-30 in Wabaunsee County, U.S. 24 in Shawnee County, and K-4 in Shawnee County.

Schedule/Deadlines

Request of Proposals RFPs are due on or before 12:00 p.m. (CST) June 26, 2020, to be delivered via email to kdot.designcontracts@ks.gov. Evaluation and ranking of submissions will occur on or about July 7, 2020, 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 July 14, 2020. An agreement should be in place on or about July 28, 2020. The contractor should start the project between the middle of August 2020 and March 2021.

(continued)

Scope of Services to be Performed

The project manager/inspectors must be capable inspecting the whole project, which includes highway signing, traffic control, CMS or AASHTOWare data entry, all project records, all project paperwork, and final paperwork, etc. Project records and paperwork including but not limited to: diary, pay quantities, certifications, sample identifications, change orders, pay estimates, monitoring subcontractor payments, and monitoring contractor's payrolls, etc. Records and paperwork must be submitted accurately and timely. Anticipated staffing needs: provide project management and all inspectors, except as noted above, as needed to ensure inspection and material testing for this project are done correctly. The number of required inspectors will fluctuate throughout the project depending on the project needs. Submit the names and information of the project manager. Construction is anticipated to be completed within 110 working days and then cleanup time. Provide all the equipment necessary to inspect and test materials.

Instructions for Proposal

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

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

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

Evaluation Factors

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

1. How the consultant plans to meet the fluctuating inspection needs of the project;
2. Employee names (project manager), certifications, and qualifications proposed for services;
3. Proximity of inspectors to project;
4. Past performance history on similar projects (list project numbers) for KDOT;

5. Types of direct expenses anticipated (lodging, mileage, etc.);
6. Anticipated time to close out project paperwork.

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

Exhibits to this Technical Proposal Request

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

Contract Terms and Conditions

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

Questions about this request for proposals shall be sent via email to kdot.designcontracts@ks.gov.

David Lutgen, P.E.

Division of Engineering and Design

Doc. No. 048213

State of Kansas

Department of Transportation

Request for Proposals

Background and Purpose of Project

The Kansas Department of Transportation (KDOT) is seeking a consultant to provide construction inspection services for projects 106 KA 4744-03 and 106 KA 4744-04. The 106 KA 4744-03 project is located on K-99, K-138 and K-185 in Wabaunsee County. The 106 KA 4744-04 project is located on, K-30 in Wabaunsee County, I-70 in Riley, Wabaunsee, and Shawnee Counties, from the Geary/Riley County line east to the KTA Toll Plaza in Topeka.

Schedule/Deadlines

Request for Proposals (RFPs) are due on or before 12:00 p.m. (CST) June 26, 2020, to be delivered via email to kdot.designcontracts@ks.gov. Evaluation and ranking of submissions will occur on or about July 7, 2020, 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 July 14, 2020. An agreement should be in place on or about July 28, 2020. The contractor should start the project between November 2020 and April 2021.

Scope of Services to be Performed

The project manager/inspectors must be capable inspecting the whole project, which includes highway signing, traffic control, CMS or AASHTOWare data entry, all project records, all project paperwork, and final paperwork, etc. Project records and paperwork including but

not limited to: diary, pay quantities, certifications, sample identifications, change orders, pay estimates, monitoring subcontractor payments, and monitoring contractor's payrolls, etc. Records and paperwork must be submitted accurately and timely. Anticipated staffing needs: provide project management and all inspectors, except as noted above, as needed to ensure inspection and material testing for this project are done correctly. The number of required inspectors will fluctuate throughout the project depending on the project needs. Submit the names and information of the project manager. Construction is anticipated to be completed within approximately 110 tied working days and then cleanup time. Provide all the equipment necessary to inspect and test materials.

Instructions for Proposal

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

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

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

Evaluation Factors

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

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

The highest ranked firm will be asked to enter into negotiations with KDOT for an agreement. In the event KDOT cannot reach agreement with the highest ranked

firm, it will terminate negotiations with such firm and commence negotiations with the next highest ranked firm, and so on, until either agreement is reached for a satisfactory scope of services for a fair and reasonable price, or KDOT decides to pursue other alternatives.

Exhibits to this Technical Proposal Request

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

Contract Terms and Conditions

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

Questions about this request for proposals shall be sent via email to kdot.designcontracts@ks.gov.

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

Doc. No. 048214

State of Kansas

Department of Transportation

Request of Comments

The Kansas Department of Transportation (KDOT) requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 20-23. The comprehensive list of project(s) being amended to the STIP may be viewed online at: <http://www.ksdot.org/bureaus/burProgProjMgmt/stip/stip.asp>. The project list includes projects for counties, cities, and projects on the state highway system.

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

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

The comment period regarding the STIP amendment for these projects will conclude July 1st, 2020.

Julie Lorenz
Secretary

Doc. No. 048219

(Published in the Kansas Register June 18, 2020.)

Linn County, Kansas

Request for Bids

The Board of Commissioners of Linn County, Kansas is accepting bids for the provision of ambulance services in Linn County. Bids will be accepted until 10:00 a.m., July 20, 2020.

(continued)

For a copy of the bid criteria or questions about the bidding procedure, please contact the Linn County Clerk, PO Box 350, 315 Main St., Mound City, KS, 66056, DLamb@LinnCountyKS.com or 913-795-2668.

Linn County reserves the right to reject any or all bids.

David Lamb
Clerk

Doc. No. 048223

(Published in the Kansas Register June 18, 2020.)

City of Maple Hill, Kansas

Notice of Intent to Seek Private Placement General Obligation Bonds, Series 2020A

Notice is hereby given that the City of Maple Hill, Kansas (the "Issuer"), proposes to seek a private placement of the above-referenced general obligation bonds (the "Bonds"). The maximum aggregate principal amount of the Bonds shall not exceed \$900,000. The proposed sale of the Bonds is in all respects subject to approval of a bond purchase agreement between the Issuer and the purchaser of the Bonds and the adoption of an ordinance and resolution by the governing body of the Issuer authorizing the issuance of the Bonds and the execution of various documents necessary to deliver the Bonds.

Dated June 18, 2020.

Lynn Hoobler
City Clerk

Doc. No. 048220

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, August 20, 2020, at North Central Kansas Technical College, 3033 U.S. 24, Beloit, 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 1:30 p.m., August 20, 2020 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. August 21, 2020 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 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 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. To provide all parties with an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

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

K.A.R. 115-5-1. This permanent regulation establishes the legal equipment, taking methods, and general provisions for furbearers and coyotes. The proposed changes to the regulation include allowing the use of artificial light, night vision equipment and thermal imaging equipment for hunting coyotes under certain conditions, times and locations.

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

K.A.R. 115-6-1. This permanent regulation establishes the application, authority, possession of furs, records, and revocation regarding the fur dealer license. The proposed amendments would allow a department-approved electronic record system for fur dealers.

Economic Impact Summary: No substantial 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 www.ksoutdoors.com, or by calling 785-296-2281.

Gerald Lauber
Chairman

Doc. No. 048221

State of Kansas

Board of Regents

Notice of Hearing on Proposed Administrative Regulations

The Kansas Board of Regents will conduct a public hearing to consider the revocation of K.A.R. 88-10-1, K.A.R. 88-10-2, K.A.R. 88-10-3, K.A.R. 88-10-4, K.A.R. 88-10-5, K.A.R. 88-10-6, K.A.R. 88-10-7, K.A.R. 88-10-8,

K.A.R. 88-10-10, K.A.R. 88-10-12, K.A.R. 88-11-1, K.A.R. 88-11-2, K.A.R. 88-11-3, K.A.R. 88-11-4, K.A.R. 88-11-5, K.A.R. 88-11-6, K.A.R. 88-11-7, K.A.R. 88-11-8, K.A.R. 88-11-9, K.A.R. 88-11-11, K.A.R. 88-11-12. The hearing will be held at 10:00 a.m. August 18, 2020, in the Kansas Board of Regents Boardroom, 1000 SW Jackson St., Suite 520, Topeka, KS 66612.

This 60-day notice of the public hearing shall constitute a public comment period for receiving written public comments on the proposed revocation of the regulations. All interested parties may submit comments prior to the hearing to Renee Burlingham at the Kansas Board of Regents' above address, by phone to 785-430-4239, or via email to rburlingham@ksbor.org. All interested parties will be given a reasonable opportunity to present their views orally on the proposed revocation of the regulations during the hearing. To provide all parties with an opportunity to present their views, it may be necessary to request each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Renee Burlingham through the contact information listed above. Individuals with hearing and/or speech disabilities may contact the Kansas Relay Center at 800-766-3777 for communication accommodations.

Copies of the proposed regulations and the economic impact statement may be found at <http://www.kansasregents.org/about/rules-regulations> or by contacting Renee Burlingham.

A summary of the proposed regulations and the economic impact statement of the regulation follows: The revocation of these regulations will not enhance or restrict business activities. It will clarify that the Kansas Board of Regents Voluntary Retirement Plan is administered pursuant to the state statutes and the written Voluntary Plan document. This will be beneficial to plan participants and participating companies because it eliminates the regulations, which were not updated in 2005 despite a major revision to the governing statutes, K.S.A. 74-4925 and K.S.A. 74-4925(b).

Blake Flanders
President and CEO

Doc. No. 048222

State of Kansas

Board of Regents

Notice of Hearing on Proposed Administrative Regulations

The Kansas Board of Regents will conduct a public hearing to consider the amendment of K.A.R. 88-30-1, and K.A.R. 88-30-2. The hearing will be held at 1:00 p.m. August 18, 2020, in the Kansas Board of Regents Boardroom, 1000 SW Jackson St., Suite 520, Topeka, KS 66612.

This 60-day notice of the public hearing shall constitute a public comment period for receiving written pub-

lic comments on the proposed amendments to the regulations. All interested parties may submit comments prior to the hearing to Renee Burlingham at the Kansas Board of Regents' above address, by phone to 785-430-4239, or via email to rburlingham@ksbor.org. All interested parties will be given a reasonable opportunity to present their views orally on the proposed amendments to the regulations during the hearing. To provide all parties with an opportunity to present their views, it may be necessary to request each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Renee Burlingham through the contact information listed above. Individuals with hearing and/or speech disabilities may contact the Kansas Relay Center at 800-766-3777 for communication accommodations.

Copies of the proposed regulations and the economic impact statement may be found at <http://www.kansasregents.org/about/rules-regulations> or by contacting Renee Burlingham.

A summary of the proposed regulations and the economic impact statements for the regulations follows: K.A.R. 88-30-1 defines terms that are used in the Board's student health insurance regulations and currently defines a "student" who would be eligible for coverage under the Board's plans to exclude any student who is enrolled in only online/distance education courses. With the COVID-19 stay-at-home orders and the need to avoid group activities, the six state universities have suspended in-person classes and at this time there is no certainty as to when those in-person classes might resume or what they might look like. The Board is therefore seeking to amend the definition to allow continued coverage for students who wish to take advantage of the Board's plans. The proposed amendment to K.A.R. 88-30-1 would suspend the eligibility requirement that students not be entirely online or receive instruction by distance education only, beginning with the upcoming plan year, August 1, 2020, during any semester when the institution at which the student is enrolled has eliminated or substantially restricted in-person class options. The amendment has been limited to apply only during such times, thus minimizing the cost and impact of the amendment. There will be no economic impact on other public agencies or private businesses as a result of this regulation and the regulation will neither enhance or restrict business activities and growth.

A temporary version of this amendment is also being sought to cover the period between August 1 and the effective date of this permanent amendment.

K.A.R. 88-30-2 currently allows students to elect coverage for student only, student/spouse, student/dependents, or student/spouse/dependents. The proposed amendment would allow the Board of Regents the flexibility to determine for any plan year whether to offer dependent coverage or not, based on what makes the

(continued)

most sense for the continued viability of the plan. If such coverage is offered, students would be able to elect it; if such coverage is not offered, students would not be able to elect it. The only businesses, sectors, public utility ratepayers, individual, or local governments that would be affected by the proposed rule and regulation are the student health insurance provider and possibly other providers that might pick up the dependent coverage, students (and their dependents) who choose to elect coverage under the plan, and the state universities, which pay a percentage of the student-only coverage for eligible graduate students. The impact could be positive or negative, depending on a variety of variables. There will be no economic impact on other public agencies or private businesses as a result of this regulation and the regulation will neither enhance or restrict business activities and growth other than as discussed previously.

Blake Flanders
President and CEO

Doc. No. 048224

State of Kansas

Attorney General

Notice of Hearing on Proposed Administrative Regulation

A public hearing will be conducted at 9:00 a.m. August 18, 2020 in Memorial Hall Auditorium, 120 SW 10th Ave., 2nd Floor, Topeka, Kansas, to consider the adoption of proposed rule and regulation, K.A.R. 16-20-1, of the Office of the Attorney General, on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to the Legal Opinions and Government Counsel Division, Office of the Kansas Attorney General, 120 SW 10th Ave., 2nd Floor, Topeka, KS 66612 or by email to philip.michael@ag.ks.gov. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulation during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Philip Michael at 785-368-8402 (or TYY 1-800-766-3777). The public entrance to Memorial Hall is accessible. Handicapped parking is located in front of Memorial Hall.

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

A copy of the proposed regulation and the Economic Impact Statement for the proposed regulation can be viewed at www.ag.ks.gov/regulation-hearings.

K.A.R. 16-20-1—Compliance with the Kansas open meetings act during an emergency declaration. Establishes requirements public bodies and agencies shall follow to comply with the provisions of the Kansas Open Meetings Act (K.S.A. 75-4317 et seq., and amendments thereto) during an emergency declaration made pursuant to K.S.A. 48-924(a) through (c), and amendments thereto, or other emergency declaration lawfully declared pursuant to applicable emergency-powers provisions of local, state or federal law. No economic impact is anticipated.

Derek Schmidt
Attorney General

Doc. No. 048226

State of Kansas

Board of Healing Arts

Notice of Hearing on Proposed Administrative Regulation

A public hearing will be conducted at 9:30 a.m. Wednesday, August 19, 2020, in the board room at the Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level – Suite A, Topeka, Kansas, to consider a proposed regulation related to designated examinations for medicine and surgery and osteopathic medicine and a limit of attempts.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the regulation. All interested parties may submit comments prior to the hearing to Tucker Poling, General Counsel, at the Board of Healing Arts at the address above, or via email to KSBHA_HealingArts@ks.gov. All interested parties will be given a reasonable opportunity to present their views, orally or in writing, concerning the proposed regulation during the public hearing. In order to provide all parties with an opportunity to present their views, it may be necessary to request each participant limit any oral presentations to five minutes.

Copies of the proposed regulation and the Economic Impact Statement for the proposed regulation may be obtained from the Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level – Suite A, Topeka, KS 66612, on the agency website at <http://www.ksbha.org/public-information/publicinformation.shtml>, by contacting Lee-Ann Hunter-Roach at 785-296-4502, or by emailing the agency at KSBHA_HealingArts@ks.gov.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation being considered and the economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Sheila Rice at 785-296-8558 or at Sheila.Rice@ks.gov. Individuals with hearing and/or speech disabilities may contact the Kansas Relay Center at 800-766-3777 for communication accommodations. Handicapped parking is located on 8th Street and

in the building's parking garage. From the street, both the west entrance to the building on Jackson Street and the north entrance on 8th Street are accessible.

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

K.A.R. 100-7-1. Designated examinations for medicine and surgery and osteopathic medicine and surgery; limitation on attempts.

This regulation revision deals with examination requirements for the purpose of evaluating applicants for licensure in medicine and surgery. This revision, along with several others, has been the subject of communications over several years in regard to the need to update the healing arts regulations and bring them into more consistency with standard practices and educational programs in the industry. This process involved representatives from the University of Kansas School of Medicine, the Kansas Medical Association, and other stakeholders. Further, it should be noted that the Board of Healing Arts is comprised of medical practitioners, business owners, and members of the public. Further, the agency intends to comply with all public hearing requirements involved in the promulgation process.

Tucker Poling
Acting Executive Director

Doc. No. 048230

State of Kansas

Department of Health and Environment

Permanent Administrative Regulations

**Article 44.—PETROLEUM
PRODUCTS STORAGE TANKS**

28-44-12. General provisions. (a) The following changes shall be made to any provision in 40 C.F.R. part 280 that is adopted by reference in these regulations:

(1) "The United States" shall be replaced with "the state of Kansas."

(2) "Environmental protection agency," "implementing agency," and "EPA" shall be replaced with "department" except as follows:

(A) "Environmental protection agency" shall not be replaced with "department" when used in 40 C.F.R. 280.103(b)(1) in the second sentence of the trust agreement.

(B) "Implementing agency" shall not be replaced with "department" when used in the following sections:

(i) 280.12 as stated in the definition of "implementing agency"; and

(ii) 280.92 as stated in the definition of "director of the implementing agency."

(C) "EPA" shall not be replaced with "department" when used in the following sections:

(i) 280.92 as stated in the definition of "director of implementing agency";

(ii) 280.92 as stated in the definition of "legal defense cost";

(iii) 280.95(b)(1)(i) through (iii);

(iv) 280.95(d) as stated in the "Letter from Chief Financial Officer";

(v) 280.103(b)(1); and

(vi) appendix III.

(3) "Administrator," "regional administrator," and "director" shall be replaced with "secretary" except as follows:

(A) In 40 C.F.R. 280.92 in the definition of "director of the implementing agency," "regional administrator" shall not be replaced with "secretary."

(B) In 40 C.F.R. 280.92 in the definition of "director of the implementing agency," the first occurrence of the word "director" shall not be replaced.

(4) "Federal register" shall be replaced with "Kansas register."

(5) "Must" shall be replaced with "shall."

(6) "Will" shall be replaced with "shall."

(7) "October 13, 2015" shall be replaced with "the effective date of these regulations."

(8) "October 13, 2018" shall be replaced with "October 13, 2021," except in 40 C.F.R. 280.36(a) as adopted in K.A.R. 28-44-19.

(b) Each owner or operator, or both, shall be assessed penalty fees by the department for noncompliance. The penalty fees shall be in addition to the required registration and permit fees specified in these regulations.

(c) Any UST license may be suspended or revoked if the requirements specified in K.A.R. 28-44-21 and K.A.R. 28-44-22 are not met. If any license is suspended or revoked, the licensee shall meet the requirements established by the secretary as provided in the order issuing the suspension or revocation to be considered for reinstatement or renewal.

(d) The fees required by these regulations shall be submitted in the form of a check, money order, or electronic payment made payable to the Kansas department of health and environment. (Authorized by and implementing K.S.A. 65-34,105; effective Nov. 26, 1990; amended July 6, 2020.)

28-44-13. Program scope. The provisions of 40 C.F.R. 280.10 and 280.11, dated July 1, 2015, as amended by 80 fed. reg. 41624-41625 (2015) and effective on October 13, 2015, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-34,105; effective Nov. 26, 1990; amended July 6, 2020.)

28-44-14. Definitions. (a) Each of the terms defined in this regulation, as used in these regulations, shall have the meaning specified in this regulation.

(b)(1) The terms and definitions in the following federal regulations are hereby adopted by reference:

(A) 40 C.F.R. 280.12 and 280.92, dated July 1, 2015, as amended by 80 fed. reg. 41625-41627 and 41640-41641 (2015) and effective on October 13, 2015; and

(B) 40 C.F.R. 280.250, published at 80 fed. reg. 41667 (2015) and effective on October 13, 2015.

(2) If the same term is defined differently both in K.S.A. 65-34,100 et seq. and amendments thereto or these regulations and in any federal regulation adopted by reference in these regulations, the definition prescribed in the Kansas statutes or these regulations shall control.

(c)(1) "Drop ticket" shall mean a bill of lading, invoice, or similar document that reflects fuel delivery by a pe-

(continued)

roleum transport company to a specific facility and includes the deliverer's name, the delivery date, and the quantity delivered.

(2) "EPA" shall mean United States environmental protection agency.

(3) "Installation" shall mean the work involved in placing a UST system or any part of a UST system in the ground, including excavation, tank placement, line placement, backfilling, and preparing a UST to be placed into service.

(4) "License" shall mean a document issued by the department to a qualified individual or contractor authorizing the person to engage in the business of installing, removing, modifying, upgrading, repairing, or testing underground storage tanks. A license specifies the types of services that the individual or contractor is qualified to perform.

(5) "Out-of-service," when used to describe a UST or UST system, shall mean that the UST or UST system is removed from use as a permitted UST or UST system storing a regulated substance.

(6) "Overfill" shall mean to supply a UST with more fuel than the UST can contain.

(7) "Site assessment" shall mean a determination of the presence or absence of petroleum contamination in areas where a release from a UST or UST system could have occurred or is suspected. This term shall include UST and UST system inspection in addition to the collection and analysis of samples from the areas surrounding and beneath the UST and UST system.

(8) "Storage tank operation" shall mean the use, storage, filling, or dispensing of petroleum contained in a UST or UST system.

(9) "These regulations" shall mean article 44 of the department's regulations.

(10) "UST remover" shall mean a type of underground storage tank contractor. (Authorized by and implementing K.S.A. 65-34,105; effective Nov. 26, 1990; amended July 6, 2020.)

28-44-15. Application for installation or modification of an underground storage tank. (a) Each owner shall obtain an installation or modification permit from the department before installing or modifying a UST or UST system. The application requirements and procedures for installation or modification of a UST or UST system shall be those specified in the department's "Kansas storage tank program document," dated July 22, 2019, which is hereby adopted by reference.

(b) Each owner shall submit a nonrefundable installation application fee of \$100.00 for each tank. The installation application fee for a new UST shall include the registration fee and the first year's operating permit fee as required by K.A.R. 28-44-17. (Authorized by K.S.A. 65-34,105; implementing K.S.A. 65-34,105 and 65-34,106; effective Nov. 26, 1990; amended July 6, 2020.)

28-44-16. Underground storage tank systems: design, construction, installation, modification, and notification. (a) C.F.R. adoptions. The provisions of 40 C.F.R. 280.20, 280.21, and 280.22 and appendix III to part 280, dated July 1, 2015, as amended by 80 fed. reg. 41627-41630 and 41677 (2015) and effective on October 13, 2015,

are hereby adopted by reference, with the following changes to the sections specified:

(1) In 280.20(a)(2)(iv), "in writing" shall be added after "or according to guidelines established by the implementing agency."

(2) In 280.20(a)(5), (b)(4), and (c)(2)(i), "in writing" shall be added after "determined by the implementing agency."

(3) In 280.20(b)(2)(iv), "in writing" shall be added after "or guidelines established by the implementing agency."

(4) In 280.20(c)(3), "may not" shall be replaced with "shall not."

(5)(A) 280.20(e)(1) shall be replaced with the following:

"(e)(1) Each owner or operator of a new UST system shall ensure that an installer licensed by the department certifies that the UST system has been properly installed."

(B) 280.20(e)(2) shall be replaced with the following:

"(e)(2) Each owner or operator shall provide the completed manufacturer's installation checklist and installation certification to the department with the UST registration notification form as required by K.A.R. 28-44-17."

(C) 280.20(e)(3) through (6) shall be deleted.

(6) In 280.22(a), the last sentence shall be replaced with the following sentences: "Owners shall use the form provided by the department in accordance with paragraph (c) of this section. The form is available from the department upon request."

(7) 280.22(b) shall be replaced with the following:

"(b) Within 30 days of acquisition, any person who assumes ownership of a regulated underground storage tank system, except as described in paragraph (a) of this section, shall submit notice of the ownership change to the department using forms provided by the department upon request."

(8) 280.22(c) shall be replaced with the following:

"(c) Owners shall use forms provided by the department upon request in lieu of forms set forth in appendix I and appendix II of this part. The information prescribed in appendix I and appendix II shall be collected on forms provided by the department."

(b) UST system requirements. The UST system requirements shall be those specified in the department's "Kansas storage tank program document," as adopted in K.A.R. 28-44-15.

(c) Verification. Each owner or operator shall submit verification of each installation or modification not later than 30 days after completion of the installation or modification. The verification shall be submitted to the department on forms provided by the department. (Authorized by and implementing K.S.A. 65-34,105; effective Nov. 26, 1990; amended July 6, 2020.)

28-44-17. Underground storage tank registration and operating permit. (a) Registration of each UST shall include notice of UST existence. Each owner or operator shall submit notice to the department and include the registration documentation specified in the department's "Kansas storage tank program document," as adopted in K.A.R. 28-44-15.

(b) Each owner of a UST shall remit a nonrefundable registration fee of \$20.00 for each tank, which shall be submitted to the department with the registration notification form provided by the department.

(c) Each owner shall be assessed a penalty fee of \$50.00 for each tank if the owner fails to submit the completed registration notification form within seven days of either of the following:

- (1) Bringing a UST or UST system into use; or
- (2) assuming ownership of a regulated UST or UST system.

(d) Each owner or operator shall submit an annual operating permit fee of \$25.00 for each tank before April 30 of each year. The operating permit requirements shall be those specified in the department's "Kansas storage tank program document," as adopted in K.A.R. 28-44-15.

(e) Each owner who fails to secure all necessary annual operating permits for each facility before April 30 of each year shall be assessed a penalty fee of \$50.00 for each tank. Each owner shall be assessed an additional penalty fee of \$100.00 for each tank if the owner fails to secure all necessary operating permits before August 1 of each year.

(f) An annual operating permit shall not be issued by the department until all permit fees and applicable penalty fees have been paid.

(g) No owner or operator shall operate a regulated UST system unless a valid operating permit issued by the department is displayed at the facility and is visible to the public. (Authorized by and implementing K.S.A. 65-34,105 and 65-34,106; effective Nov. 26, 1990; amended July 6, 2020.)

28-44-18. Registration of nonregulated underground storage tanks. (a) Any owner or operator of a nonregulated tank may register that tank with the department for the purpose of qualifying the owner or operator to participate in the petroleum storage tank release trust funds. Each registration shall be submitted to the department with the following information on a form provided by the department:

- (1) Owner's name, address, and telephone number;
- (2) facility address or location;
- (3) tank operating status;
- (4) tank age;
- (5) tank capacity;
- (6) UST system construction details; and
- (7) type of each regulated substance stored.

(b) Voluntary registration of each nonregulated UST shall not bring the owner or operator under the mandatory provisions of the Kansas storage tank act, K.S.A. 65-34,101 et seq. and amendments thereto. (Authorized by and implementing K.S.A. 65-34,105; effective Nov. 26, 1990; amended July 6, 2020.)

28-44-19. General operating requirements. (a) The provisions of 40 C.F.R. 280.30, 280.31, 280.32, 280.33, and 280.34, dated July 1, 2015, as amended by 80 fed. reg. 41630-41632 (2015) and effective on October 13, 2015, are hereby adopted by reference, with the following changes to the sections specified:

(1) In 280.31(b)(1), "or according to another reasonable time frame established by the implementing agency" shall be deleted.

(2) In 280.31(c), the cathodic protection inspection date of "every 60 days" shall be replaced with an inspection date of "every 30 days."

(3) In 280.32(b)(2), "in writing" shall be added after "Use another option determined by the implementing agency."

(4) In 280.33(b), "may" shall be replaced with "shall."

(5) In 280.33(c), the second sentence shall be replaced with the following: "Non-corrodible pipes and fittings shall be replaced or repaired in accordance with the manufacturer's specifications."

(6) In 280.33(d), "in writing" shall be added after "or according to requirements established by the implementing agency."

(7) In 280.33(d)(3), "in writing" shall be added after "determined by the implementing agency."

(8)(A) In 280.34, "Section 9005 of Subtitle I of the Solid Waste Disposal Act, as amended" shall be replaced with "K.S.A. 65-34,108, as amended."

(B) In 280.34(b), the following changes shall be made:

(i) The word "and" shall be deleted from the end of paragraph (b)(8).

(ii) The period at the end of paragraph (b)(9) shall be replaced with "; and".

(iii) The following paragraph shall be added after paragraph (b)(9):

"(10) The drop tickets for the preceding 12 months."

(b) The provisions of 40 C.F.R. 280.35 and 280.36, published at 80 fed. reg. 41632-41633 (2015) and effective on October 13, 2015, are hereby adopted by reference, with the following changes to the sections specified:

(1) In 280.35(a)(1)(ii)(C), "in writing" shall be added after "requirements determined by the implementing agency."

(2) In 280.36(a)(3), "in writing" shall be added after "developed by the implementing agency."

(c) The general operating requirements shall be those specified in the department's "Kansas storage tank program document," as adopted in K.A.R. 28-44-15. (Authorized by and implementing K.S.A. 65-34,105; effective Nov. 26, 1990; amended July 6, 2020.)

28-44-20. Underground storage tank contractor licensing. (a) Each person installing, removing, or testing a UST or UST system shall be licensed in Kansas.

(b) Each person applying for a new UST contractor license shall submit the following to the department:

(1) A completed application on a form provided by the department; and

(2) a nonrefundable licensing fee of \$200.00 for a license effective for two years from the initial licensing date.

(c) Upon completion of the initial two years of licensure, each applicant for renewal of a UST contractor license shall submit the following to the department:

(1) A completed application on a form provided by the department; and

(2) a nonrefundable annual renewal fee of \$100.00. (Authorized by and implementing K.S.A. 65-34,105; effective Nov. 26, 1990; amended July 6, 2020.)

28-44-21. Underground storage tank installer and remover licensing. (a) Any individual may apply for one or a combination of licenses. The requirements for an installer license and a remover license shall be those specified in the department's "Kansas storage tank program document," as adopted in K.A.R. 28-44-15.

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(b)(1) For each initial license, each applicant shall submit a nonrefundable license fee of \$100.00. Each initial license shall be effective for two years from the initial licensing date.

(2) For license renewal, each individual shall submit a nonrefundable annual renewal fee of \$50.00 for the 12-month period beginning on the effective date of each renewal license. (Authorized by and implementing K.S.A. 65-34,105; effective Nov. 26, 1990; amended July 6, 2020.)

28-44-22. Underground storage tank tester licensing. (a) No individual shall test a UST system unless that individual is licensed as required by this regulation. The requirements for a tester license shall be those specified in the department's "Kansas storage tank program document," as adopted in K.A.R. 28-44-15.

(b) Each individual who applies for any kind of tester license shall submit the following to the department:

(1) For each initial license, a nonrefundable licensing fee of \$100.00 for each license effective for two years from the initial licensing date; and

(2) for each license renewal, a nonrefundable annual renewal fee of \$50.00. The fee shall cover a 12-month period beginning on the effective date of the renewal of each license.

(c) Any license application may be denied or any license issued may be suspended or revoked for any UST or UST system tester license pursuant to these regulations if the applicant or licensee meets any of the following conditions:

(1) Has fraudulently or deceptively obtained or attempted to obtain a license;

(2) has failed at any time to meet the qualifications for a license or comply with any provision or requirement of these regulations; or

(3) has failed to submit to the department a copy of each UST or UST system test performed on a regulated tank in the state of Kansas. (Authorized by and implementing K.S.A. 65-34,105; effective Nov. 26, 1990; amended July 6, 2020.)

28-44-23. Release detection. The provisions of 40 C.F.R. 280.40, 280.41, 280.42, 280.43, 280.44, and 280.45, dated July 1, 2015, as amended by 80 fed. reg. 41633-41636 (2015) and effective on October 13, 2015, are hereby adopted by reference, with the following changes:

(a) In 40 C.F.R. 280.40(a)(3), "in writing" shall be added after "or requirements determined by the implementing agency."

(b) In 40 C.F.R. 280.41, paragraph (a)(1)(i) shall be deleted.

(c) The following paragraph shall be added after 40 C.F.R. 280.43(a)(6):

"(7) Each standby generator tank of any size and each waste oil UST with a capacity of 2,000 gallons or less shall be exempt from the inventory control requirements of this section."

(d) In 40 C.F.R. 280.43(b)(5), "may not" shall be replaced with "shall not."

(e) The following paragraph shall be added after 40 C.F.R. 280.43(e)(7):

"(8) The provisions of 40 C.F.R. 280.43(e) shall apply only to field-constructed tanks and airport hydrant fuel

distribution systems. Each owner or operator previously approved for vapor monitoring for other USTs governed by these regulations shall use an approved release detection method beginning not later than October 13, 2021."

(f) In 40 C.F.R. 280.43, paragraph (f) shall be deleted.

(g) In 40 C.F.R. 280.43, paragraph (i)(2) shall be replaced with the following:

"(i)(2) If another method is proposed, the owner and operator shall demonstrate that the method can detect a release as effectively as any of the methods allowed in paragraphs (c) through (h) of this section. The owner and operator shall provide information to be reviewed by the department concerning the size of release that the method can detect and the frequency and reliability with which it can be detected. The owner and operator shall comply with any approval conditions to ensure the protection of human health and the environment."

(h) Each occurrence of the following phrases shall be deleted:

(1) ", or for another reasonable period of time determined by the implementing agency"; and

(2) ", or for another reasonable time period determined by the implementing agency."

(Authorized by and implementing K.S.A. 65-34,105; effective Nov. 26, 1990; amended July 6, 2020.)

28-44-24. Release reporting, investigation, and confirmation. The provisions of 40 C.F.R. 280.50, 280.51, 280.52, and 280.53, dated July 1, 2015, as amended by 80 fed. reg. 41636-41637 (2015) and effective on October 13, 2015, are hereby adopted by reference with the following changes:

(a) Each occurrence of the following phrases shall be deleted:

(1) ", or another reasonable period specified by the implementing agency";

(2) ", or another reasonable time period specified by the implementing agency";

(3) ", or another reasonable time period established by the implementing agency"; and

(4) ", or another reasonable amount specified by the implementing agency."

(b) In 40 C.F.R. 280.51, "in writing" shall be added after "When required by the implementing agency."

(c) In 40 C.F.R. 280.52, "in writing" shall be added after "or another procedure approved by the implementing agency." (Authorized by and implementing K.S.A. 65-34,105; effective Nov. 26, 1990; amended July 6, 2020.)

28-44-25. Release response and corrective action for UST systems. The provisions of 40 C.F.R. 280.60, 280.61, 280.62, 280.63, 280.64, 280.65, 280.66, and 280.67, dated July 1, 2015, as amended by 80 fed. reg. 41637-41639 (2015) and effective on October 13, 2015, are hereby adopted by reference with the following changes:

(a) The phrase "in writing" shall be added after each occurrence of the phrase "unless directed to do otherwise by the implementing agency."

(b) Each occurrence of the following phrases shall be deleted:

(1) "or within another reasonable period of time determined by the implementing agency";

(2) ", or within another reasonable period of time determined by the implementing agency,"; and

(3) "or another reasonable period of time determined by the implementing agency."

(c) In 40 C.F.R. 280.63(b), "in writing" shall be added after "or in a format and according to the schedule required by the implementing agency."

(d) In 40 C.F.R. 280.64, "in writing" shall be added after "to the maximum extent practicable as determined by the implementing agency."

(e)(1) In 40 C.F.R. 280.65(a)(4), "in writing" shall be added after "The implementing agency requests an investigation."

(2) In 40 C.F.R. 280.65(b), "in writing" shall be added after "or in accordance with a schedule established by the implementing agency."

(f)(1) In 40 C.F.R. 280.66(a), "in writing" shall be added after "according to a schedule and format established by the implementing agency" and after "as determined by the implementing agency."

(2) In 40 C.F.R. 280.66, paragraph (b) shall be replaced with the following paragraph:

"(b) Owners and operators shall not begin implementation of the corrective action plan until the department has determined that implementation of the plan would adequately protect human health, safety, and the environment. The following factors shall be considered in making this determination:"

(3) In 40 C.F.R. 280.66(c), "in writing" shall be added after "or as directed by the implementing agency" and after "in accordance with a schedule and in a format established by the implementing agency."

(4) In 40 C.F.R. 280.66(d)(2), "in writing" shall be added after "conditions imposed by the implementing agency."

(g)(1) In 40 C.F.R. 280.67(a), the first sentence shall be replaced with the following sentence: "For each confirmed release that requires a corrective action plan, public notice provided by the department shall be designed to reach those members directly affected by the release and the planned corrective action."

(2) In 40 C.F.R. 280.67, paragraph (b) shall be replaced with the following paragraph:

"(b) Site release information and decisions concerning the corrective action plan shall be made available to the public for inspection upon request to the department."

(3) In 40 C.F.R. 280.67, paragraph (d) shall be replaced with the following paragraph:

"(d) If an approved corrective action plan implemented by the party or parties performing corrective action does not achieve the established cleanup levels in the plan and termination of that plan is under consideration by the department, the public shall receive notice in compliance with paragraph (a) of this section." (Authorized by and implementing K.S.A. 65-34,105; effective Nov. 26, 1990; amended July 6, 2020.)

28-44-26. Out-of-service UST systems and closure.

(a) The provisions of 40 C.F.R. 280.70, 280.71, 280.72, 280.73, and 280.74, dated July 1, 2015, as amended by 80 fed. reg. 41639-41640 (2015) and effective on October 13, 2015, are hereby adopted by reference, with the following changes:

(1) The phrase "in writing" shall be added after each occurrence of "in a manner approved by the implementing agency" and "when directed by the implementing agency."

(2) In 40 C.F.R. 280.70(c), "in writing" shall be added after "unless the implementing agency provides."

(3)(A) In 40 C.F.R. 280.71(a), "or within another reasonable time period determined by the implementing agency" shall be deleted.

(B) In 40 C.F.R. 280.71(b), "in writing" shall be added after "or closed in place in a manner approved by the implementing agency."

(C) The following sentence shall be added at the end of 40 C.F.R. 280.71(b): "Within 15 days of permanent closure, each owner or operator shall ensure that each contractor submits the completed permanent tank abandonment form to the department."

(4) In 40 C.F.R. 280.72(a), the third sentence shall be deleted.

(5) In 40 C.F.R. 280.73, "based on the totality of the circumstances" shall be added after "in the judgment of the implementing agency."

(b) The results of each site assessment shall be prepared and signed by an individual qualified to perform a site assessment in accordance with standard industry practices and the applicable requirements of the state board of technical professions. (Authorized by and implementing K.S.A. 65-34,105; effective Nov. 26, 1990; amended July 6, 2020.)

28-44-27. Financial responsibility. The provisions of 40 C.F.R. 280.90, 280.91, 280.93 through 280.99, and 280.102 through 280.115, dated July 1, 2015, as amended by 80 fed. reg. 41640, 41641-41648, and 41649-41662 (2015) and effective on October 13, 2015, are hereby adopted by reference, with the following changes to the sections specified:

(a) In 280.94(b), "Attorney(s) General of the state(s) in which the tanks are located" shall be replaced with "State Attorney General or attorneys within the department reviewing guarantees or surety bonds as Special Assistant Attorney(s) General."

(b)(1) In 280.95, the first sentence in paragraph (f) shall be replaced with the following sentence: "When directed by the secretary in writing, the owner or operator, and/or guarantor shall submit reports of financial condition."

(2) In 280.95(g), "written" shall be added before "notification by the Director of the implementing agency."

(c)(1) In 280.96(b), "in writing" shall be added after "If the Director of the implementing agency notifies the guarantor."

(2) In 280.96(d), "written" shall be added before "instructions from the Director of the implementing agency."

(d)(1) In 280.97(b)(1), "in writing" shall be added after each occurrence of "Whenever requested by [a Director of an implementing agency]."

(2) In 280.97, paragraph (c) shall be replaced with the following paragraph:

"(c) Each insurance endorsement or certificate language shall be worded with the language specified in paragraph (b) of this subsection or shall be amended to evidence the coverage of corrective action by the underground petroleum storage tank release trust fund by submitting a statement of eligibility in accordance with K.S.A. 65-34,115, and amendments thereto. Amendments

(continued)

shall reflect the standards specified in K.S.A. 65-34,114, and amendments thereto."

(e)(1) In 280.98(b), in the fourth paragraph of the "Performance Bond," "written" shall be added after "the Director of the state implementing agency's."

(2) In 280.98(b), in the third and fourth paragraphs under subsection (e) of the "Performance Bond," "written" shall be added before "notification" and "instructions."

(3) In 280.98(d), "written" shall be added before "instructions."

(f)(1) In 280.99(b) in the "Irrevocable Standby Letter of Credit," "may not" shall be replaced with "shall not."

(2) In 280.99(c), "written" shall be added before "instructions."

(g) In 280.102, paragraph (f) shall be replaced with the following paragraph:

"(f) Within 60 days after receiving a request from the owner or operator for release of funds as specified in paragraph (d) or (e) of this section, the trustee shall release funds to the owner or operator as instructed by the secretary in writing."

(h)(1) In 280.103(b)(1) in the paragraph immediately following the title "Section 3. Establishment of Fund," "written" shall be added before "instruction."

(2) In 280.103(b)(1), "Section 4. Payment for ['Corrective Action' and/or 'Third-Party Liability Claims']," the first indented sentence shall be replaced with the following sentence: "The Trustee shall make payments from the fund as directed by [the Director of the implementing agency]."

(3) In 280.103(b)(1) in the second sentence following the title "Section 4. Payment for ['Corrective Action' and/or 'Third-Party Liability Claims']," "may not" shall be replaced with "shall not."

(4) In 280.103, paragraph (c) shall be replaced with the following paragraph:

"(c) When instructed by the secretary in writing, the trustee shall refund the balance of the standby trust fund to the provider of financial assurance if the secretary determines that no additional corrective action costs or third-party liability claims will occur as a result of a release covered by the financial assurance mechanism for which the standby trust fund was established."

(i)(1) In 280.104(a) in the third sentence, "may not" shall be replaced with "shall not."

(2) In 280.104(f), the first sentence shall be replaced with the following sentence: "When directed by the secretary in writing, the local government owner or operator, or local government guarantor shall submit reports of financial condition."

(3) In 280.104(h), "written" shall be added after "within 30 days of."

(j)(1) In 280.105(e), the first sentence shall be replaced with the following sentence: "When directed by the secretary in writing, the local government owner or operator shall submit reports of financial condition."

(2) In 280.105(f), "written" shall be added after "within 30 days of."

(k)(1) In 280.106(c)(1) and (c)(2), "in writing" shall be added after "as directed by the Director of the implementing agency."

(2) In 280.106(d), each occurrence of "upon instructions" shall be replaced with "upon written instructions."

(l)(1) In 280.107 in the first paragraph, the text "may not" shall be replaced with "shall not."

(2) In 280.107(b) in the last sentence, "may not" shall be replaced with "shall not."

(m)(1) In 280.109(a)(1), "may not" shall be replaced with "shall not."

(2) In 280.109(a)(2), each occurrence of "may not" shall be replaced with "shall not."

(n) In 280.110, paragraph (c) shall be replaced with the following paragraph:

"(c) When directed by the secretary, the owner or operator shall submit evidence of financial assurance as described in 40 C.F.R. 280.111(b) or other compliance information relevant to this subpart."

(o)(1) In 280.112, paragraph (a) shall be replaced with the following paragraph:

"(a) Except as specified in paragraph (d) of this section, the guarantor, surety, or institution issuing a letter of credit shall place the amount of funds stipulated by the secretary in writing, up to the limit of funds provided by the financial assurance mechanism, into the standby trust if:"

(2) In 280.112(b), the first sentence shall be replaced with the following: "A standby trust may be drawn on by the secretary when:"

(3) In 280.112(c), the second sentence shall be replaced with the following sentence: "Third party liability claims shall be paid in the order in which the secretary receives certifications under paragraph (b)(2)(i) of this section and valid court orders under paragraph (b)(2)(ii) of this section."

(4) In 280.112(d), "in writing" shall be added after "as directed by the Director."

(p) In 280.113, "is no longer required" shall be replaced with "shall no longer be required."

(q) In 280.115(a) in the first sentence, "written" shall be added before "instruction." (Authorized by and implementing K.S.A. 65-34,105; effective Nov. 26, 1990; amended July 6, 2020.)

28-44-28. (Authorized by and implementing K.S.A. 65-34,105; effective Nov. 22, 1993; revoked July 6, 2020.)

28-44-29. Aboveground storage tank operating permit. (a) Before an operating permit for an aboveground storage tank may be obtained or renewed, each owner shall comply with the following requirements:

(1) Each aboveground storage tank shall be registered with the department pursuant to K.S.A. 65-34,104, and amendments thereto. The registration application shall be submitted on forms provided by the department and shall include the following information:

- (A) Owner's name, address, and telephone number;
- (B) facility address or location;
- (C) tank status;
- (D) tank age;
- (E) tank capacity;
- (F) storage tank construction details; and
- (G) type of regulated substance stored.

(2) Each owner or operator shall pay to the department a nonrefundable annual registration fee of \$10.00 for each aboveground storage tank before December 31 of each year.

(3) A penalty fee of \$50.00 shall be charged for each tank if the owner or operator does not submit the required fees before December 31 of each year.

(b) A regulated substance shall not be placed in an aboveground storage tank unless a valid operating permit is displayed at the facility and is visible to the public. (Authorized by and implementing K.S.A. 65-34,105 and 65-34,106; effective Nov. 22, 1993; amended July 6, 2020.)

28-44-30. Operator training and requirements. (a) The provisions of 40 C.F.R. 280.240, 280.241, 280.242, 280.243, 280.244, and 280.245, published at 80 fed. reg. 41666-41667 (2015) and effective on October 13, 2015, are hereby adopted by reference with the following changes to the sections specified:

(1) In 280.242, the following changes shall be made:

(A) In the second sentence, "or comparable examination" shall be deleted.

(B) In paragraph (a), the following text shall be deleted: "either" and "or pass a comparable examination in accordance with paragraph (e) of this section."

(C) After paragraph (a)(2), the following text shall be added:

"Each class A operator of a facility or group of facilities shall reside or be stationed within four hours of each managed facility to respond to emergencies as needed."

(D) In paragraph (b), the following text shall be deleted: "either" and "or pass a comparable examination, in accordance with paragraph (e) of this section."

(E) In paragraph (c), the first sentence shall be replaced with the following sentence: "Each designated Class C operator shall be trained by a Class A or Class B operator in accordance with paragraphs (c)(1) and (2) of this section and complete a training program in accordance with paragraphs (c)(1) and (2) of this section."

(F) Paragraph (e) shall be deleted.

(2) In the first sentence of 280.244, "in writing" shall be added after "determined by the implementing agency."

(b) Each class A operator, each class B operator, and each class C operator shall complete the training and testing required in the department's "Kansas storage tank program document," as adopted in K.A.R. 28-44-15. (Authorized by and implementing K.S.A. 65-34,105; effective July 6, 2020.)

28-44-31. UST systems with field-constructed tanks and airport hydrant fuel distribution systems. The provisions of 40 C.F.R. 280.251 and 280.252, published at 80 fed. reg. 41667-41669 (2015) and effective on October 13, 2015, are hereby adopted by reference, with the following changes to the sections specified:

(a) In 280.251, paragraph (b) shall be replaced with the following paragraphs:

"(b)(1) Each owner of an existing, out-of-service UST system with field-constructed tanks (FCTs) and airport hydrant fuel distribution systems (AHFDSs) shall submit to the department a one-time registration of UST system existence on a form provided by the department. This form shall be submitted to the department not later than 60 days after the effective date of these regulations, or upon discovery.

"(2) Each owner or operator of an active, in use UST system with FCTs and AHFDSs shall comply with the registration notification and operating permit requirements specified in K.A.R. 28-44-17. Each owner or operator of these UST systems shall demonstrate financial responsibility as required by K.A.R. 28-44-27 at the time of submission of the registration notification form."

(b)(1) In 280.252(b)(1)(ii)(B), "in writing" shall be added after "another method determined by the implementing agency."

(2) In 280.252(d)(1) and (d)(2), "in writing" shall be added after "approved by the implementing agency."

(3) In 280.252(d)(1)(vi), the last sentence shall be replaced with the following sentence: "The owner and operator shall submit data showing the size of release that the method can detect, and the frequency and reliability of detection for the department's consideration."

(4) In 280.252(d)(2)(i)(B), the table titled "Phase In For Piping Segments \geq 100,000 Gallons In Volume" shall be replaced with the list titled "Phase-in testing for piping segments greater than or equal to 100,000 gallons in volume" on page 8 of the department's "Kansas storage tank program document," as adopted in K.A.R. 28-44-15.

(5) In 280.252(d)(2)(iv), the last sentence shall be replaced with the following sentence: "The owner and operator shall provide information to be reviewed by the department concerning the size of release that the method can detect and the frequency and reliability with which it can be detected."

(6) In 280.252(e), the following changes shall be made:

(A) The phrase "in writing" shall be added after "When directed by the implementing agency."

(B) The phrase "based on the totality of the circumstances" shall be added after "in the judgment of the implementing agency." (Authorized by and implementing K.S.A. 65-34,105; effective July 6, 2020.)

Lee A. Norman
Secretary

Doc. No. 048218

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 2019 Supplement of the *Kansas Administrative Regulations*. Regulations can also be found at http://www.sos.ks.gov/pubs/pubs_kar.aspx.

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AGENCY 7: SECRETARY OF STATE

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109-3-4	Amended	V. 39, p. 31
109-5-1	Amended	V. 38, p. 153
109-5-1a	Amended	V. 39, p.32
109-8-1	Amended	V. 38, p. 153
109-8-2	Amended	V. 38, p. 154
109-11-1a	Amended	V. 39, p.32
109-11-6a	Amended	V. 38, p. 154

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
111-4-3595	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	111-401-255	New	V. 39, p. 71	115-5-4	Amended	V. 38, p. 542
111-4-3606	New	V. 39, p. 574	111-501-71	Amended	V. 39, p. 71	115-6-1	Amended	V. 38, p. 543
111-4-3607	New	V. 39, p. 576	111-501-81	Amended	V. 39, p. 71	115-7-1	Amended	V. 38, p. 1409
111-4-3608	New	V. 39, p. 621	111-501-149	New	V. 39, p. 72	115-7-3	Amended	V. 38, p. 1410
111-4-3609	New	V. 39, p. 623	111-501-150	New	V. 39, p. 72	115-7-4	Amended	V. 38, p. 1410
111-4-3610	New	V. 39, p. 624	111-501-151	New	V. 39, p. 73	115-7-10	Amended	V. 38, p. 1411
111-5-245	New	V. 39, p. 577	111-501-152	New	V. 39, p. 73	115-8-1	Amended	V. 38, p. 543
111-9-223	New	V. 39, p. 625	111-501-153	New	V. 39, p. 74	115-8-13a	New	V. 38, p. 1169
111-19-72	Amended	V. 39, p. 64	111-601-6	Amended	V. 39, p. 540	115-9-5	Amended	V. 38, p. 375
111-19-73	New	V. 39, p. 64	AGENCY 112: KANSAS RACING AND GAMING COMMISSION			115-9-9	Amended	V. 38, p. 1411
111-19-74	New	V. 39, p. 65	Reg. No.	Action	Register	115-11-2	Amended	V. 38, p. 127
111-19-75	New	V. 39, p. 65	112-105-1	Amended	V. 39, p. 251	115-13-4	Amended	V. 38, p. 544
111-19-76	New	V. 39, p. 74	AGENCY 115: DEPARTMENT OF WILDLIFE, PARKS AND TOURISM			115-15-1	Amended	V. 38, p. 1412
111-19-77	New	V. 39, p. 578	Reg. No.	Action	Register	115-15-2	Amended	V. 38, p. 1413
111-19-78	New	V. 39, p. 579	115-2-1	Amended	V. 38, p. 1089	115-18-6a	Amended	V. 38, p. 1414
111-19-79	New	V. 39, p. 580	115-2-3	Amended	V. 38, p. 370	115-20-7	Amended	V. 38, p. 545
111-19-80	New	V. 39, p. 626	115-2-4	Amended	V. 38, p. 371	AGENCY 128: DEPARTMENT OF COMMERCE – KANSAS ATHLETIC COMMISSION		
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111-301-5	Amended	V. 39, p. 534	115-4-2	Amended	V. 39, p. 617	128-6-8	New	V. 38, p. 1198
111-301-6	Amended	V. 39, p. 535	115-4-4	Amended	V. 39, p. 618	AGENCY 129: DEPARTMENT OF HEALTH AND ENVIRONMENT – DIVISION OF HEALTH CARE FINANCE		
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111-301-62	Amended	V. 39, p. 67	115-5-1	Amended	V. 38, p. 541	129-10-31	Amended	V. 39, p. 800
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Secretary of State
1st Floor, Memorial Hall
120 SW 10th Ave.
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