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Rates/Notices

State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 12-1675(b)(c)(d) and K.S.A. 12-1675a(g).

Effective 4-19-21 through 4-25-21

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

Cindy Bontrager
Chief Operating Officer

Doc. No. 049076

State of Kansas

Kansas State University

Notice of Intent to Lease Land

Public notice is hereby given, pursuant to K.S.A. 75-430a(d), that Kansas State University intends to lease land for the purpose of agricultural research. Kansas State University will lease approximately five acres located at the Kansas River Valley Experiment Field and within GPS coordinates 39.1163,-95.9282; 39.1162,-95.9223; 391209,-95.9224; and 39.1216;-95.9281. Specifications and further information are available by contacting Angela Patrick, Executive Assistant to the Vice President for University Operations, Kansas State University, 109 Dykstra Hall, Manhattan, KS 66506.

Cindy Bontrager
Vice President for University Operations

Doc. No. 049076

State of Kansas

Wichita State University

Notice of Intent to Lease Land and/or Building Space

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

Public notice is hereby given that Wichita State University (WSU) intends to lease available land and building space located on WSU’s main campus, WSU’s Innovation Campus and on property owned by WSU adjacent to the main campus along both Hillside and 17th streets. The university will consider leasing such property and/or space to those whose presence on campus would advance the university’s applied learning vision or its mission as an educational, cultural, and economic driver for Kansas and the greater public good, or otherwise provide supporting services and amenities to the campus community. Such projects could include, but not be limited to: (1) development of a partnership building to provide office and/or laboratory space to support education and research, advance innovation, foster microenterprises, and/or lease to industry partnerships in any market that aligns with University programs; (2) child care facilities; (3) adult living and retirement facilities; (4) restaurants; (5) retail, grocery, or pharmacy establishments; (6) financial institutions; (7) event and/or performance center; and (8) parking garage. Because tenant development and/or use must be a good fit with the university’s educational mission and available space, please be prepared to provide the following information: (1) name; (2) square footage of space needs and desired lease term and location; (3) equipment, design, or other special needs; (4) description of anticipated use; and (5) the anticipated benefits to the university, its students, and the WSU community (e.g., applied learning, joint research, faculty start-up, etc.). Additional information such as renderings, architectural and design plans, project timeline, and subcontractor list is encouraged. The university will consider serious proposals and inquiries from any financially qualified individual, group, organization, or company. If interested, please contact Wichita State University Property Manager Crystal Stegeman at crystal.stegeman@wichita.edu. This publication is being published pursuant to K.S.A. 75-430a(d), to the extent applicable.

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

Doc. No. 048823

State of Kansas

Board of Regents Universities

Notice to Bidders

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


Kansas State University – Bid postings: https://www.k-state.edu/purchasing/ rfq. Due to Covid-19, Kansas State University Purchasing Office, 601 Park St., Sheridan Hall 318, Hays, KS 67601.
State University will not be accepting paper bids until further notice. Division of Financial Services/Purchasing, 2323 Anderson Ave., Kansas State University, Manhattan, KS 66506. Additional contact info: phone: 785-532-6214, fax: 785-532-5577, email: kspurch@k-state.edu.


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

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

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

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

State of Kansas

Department of Administration
Office of Procurement and Contracts

Notice to Bidders

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

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

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

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

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

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

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

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

Richard Beattie, Director
Office of Procurement and Contracts

Doc. No. 049070

State of Kansas

Department of Health and Environment

Notice Concerning Proposed Kansas Air Quality Construction Permit

Notice is hereby given that the Kansas Department of Health and Environment (KDHE) is soliciting comments regarding a proposed air quality construction permit. City of Iola Municipal Power Plant #2 has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300. Emissions of volatile organic compounds (VOC), particulate matter (PM), particulate matter with less than or equal to 10 microns in aerodynamic diameter (PM10), particulate matter with less than or equal to 2.5 microns in aerodynamic diameter (PM2.5), carbon monoxide (CO), oxides of nitrogen (NOX), oxides of sulfur (SOX), and hazardous air pollutants (HAPs) were evaluated during the permit review process.

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

A copy of the proposed permit, permit application, all supporting documentation, and all information relied upon during the permit application review process are available for public review from the date of publication during normal business hours at the KDHE, Bureau of Air (BOA), 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366 and at the Southeast District Office, 308 W. 14th St., Chanute, KS 66720. To obtain or review the proposed permit and supporting documentation, contact Jonathan Tennis, 785-296-6024, at the central office of the KDHE or Caitlin Mills, 620-860-7235, at the Southeast District Office. The standard departmental cost will be assessed for any copies requested. The proposed permit, accompanied with supporting information, is available,
Please direct written comments or questions regarding the proposed permit to Jonathan Tennis, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received no later than 12:00 p.m. Monday, May 24, 2021.

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

Lee A. Norman, M.D.
Secretary

State of Kansas
Department of Health and Environment

Notice Concerning Proposed Kansas Air Quality Construction Permit

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

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

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

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

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

Lee A. Norman, M.D.
Secretary

Public Notice No. KS-Q-21-027

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

<table>
<thead>
<tr>
<th>Name and Address of Applicant</th>
<th>Receiving Stream</th>
<th>Type of Discharge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meriden, City of PO Box 262</td>
<td>Muddy Creek via Unnamed Tributary</td>
<td>Treated Domestic Wastewater</td>
</tr>
<tr>
<td>Meriden, KS 66512</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kansas Permit No. M-KS43-0001</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Permit No. KS0046434</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Legal Description: NE¼, SW¼, SE¼, S12, T10S, R16E, Jefferson County, Kansas</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a four-cell wastewater stabilization lagoon system. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, pH, ammonia, and E. coli. This NPDES discharging lagoon wastewater treatment facility has been reviewed for eligibility for the MDV for ammonia and has been determined to be eligible. Eligibility was determined through analysis of the facility’s highest attainable condition (HAC) for ammonia (continued)
and an Economic Eligibility Determination (EED) that assessed the impact of the cost of a new mechanical facility to the community’s rate payers. The ammonia effluent limit was determined on 2/26/2021 by calculating the 99th percentile ammonia value from the facility’s discharge monitoring reports resulting in an ammonia limit of 4.2 mg/L for this facility. The EED was completed on 3/4/2021.

Persons wishing to comment on or object to the draft documents and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment (KDHE) if they wish to have the comments or objections considered in the decision-making process. All written comments regarding the draft documents, application or registration notices received on or before May 22, 2021, will be considered in the formulation of the final determination regarding this public notice. Please refer to the appropriate Kansas document number (KS-Q-21-027) and name of the applicant/permittee when preparing comments.

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

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

All draft documents/applications and the supporting information including any comments received are on file and may be inspected at the offices of the KDHE. For agricultural related draft documents or applications an appointment can be scheduled, or copies requested by contacting Rachel Hammond, BEFS, Livestock Waste Management Section at 1000 SW Jackson St., Suite 430, Topeka, KS 66612, telephone 785-296-0076 or email at kdhe.feedlots@ks.gov. For all other proposed permits or actions an appointment can be scheduled, or copies requested by contacting Christopher Zwiener, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612, telephone 785-296-3056 or email at Christopher.Zwiener@ks.gov. These documents are available upon request at the copying cost assessed by KDHE. Application information and components of plans and specifications for all new and expanding swine facilities are available at http://www.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

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State of Kansas
Department of Transportation

Notice to Contractors

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

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

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

District One – Northeast

Brown – 73-7 KA-5696-01 – U.S. 73, bridge #014 over Union Pacific Railroad located approximately 10 miles north of the U.S. 36/U.S. 73 junction, and bridge #015 over local road located 10.2 miles north of the U.S. 36/U.S. 73 junction, bridge repair. (Federal Funds)
Doniphan – 36-22 KA-6009-01 – U.S. 36/K-238 interchange in Elwood, lighting. (Federal Funds)
Douglas – 10-23 KA-5683-01 – K-10, bridge #071 over the Wakarusa River located 7.05 miles east of the K-10/U.S. 59 junction, bridge repair. (Federal Funds)
Johnson – 435-46 KA-5681-01 – I-435, bridge #228 over I-435 located at the Renner Road/I-435 junction in Shawnee, bridge deck. (Federal Funds)
Johnson – 10-46 KA-5995-01 – Structure #046S0018, located over westbound K-10, approximately a quarter mile east of Renner Road, signing. (State Funds)
Johnson – 435-46 KA-6071-01 – I-435, from Midland Drive north to the Kansas River Bridge, milling and overlay, 3.0 miles. (Federal Funds)

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

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

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

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

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

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

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

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

District Two – North Central

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

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

District Three – Northwest

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

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

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

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

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

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

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

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

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

District Four – Southeast

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

District Five – South Central

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

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

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

Julie Lorenz
Secretary

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

Department of Transportation

Notice to Consulting Firms

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

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

Background and Purpose of Project

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

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

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

**Scope of Services to be Performed**

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

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

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

**Anticipated Schedule for Subsequent Events**

Proposals are due by 12:00 p.m. (CST) April 30, 2021. Based on the qualifications submitted in the proposal and other information available to KDOT, on or about May 12, 2021 KDOT will select a firm. Negotiations with the selected firm will commence on or about May 19, 2021. Agreement in place and in effect June 16, 2021. Proposals are to be delivered via email to kdot.designcontracts@ks.gov.

**Instructions for Proposal**

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

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

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

**Evaluation Factors**

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

**Exhibits to this RFP**

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

**Contract Terms and Conditions**

A standard KDOT agreement for engineering and technical services will be used for this project. Special Attachments for the Kansas “Tax Clearance Certificate,” the “Certification of Final Indirect Costs,” and the Special Attachment No. 10 (“Policy Regarding Sexual Harassment”) will also eventually become attachments to the contract.
Questions about this RFP shall be sent by email to KDOT at kdot.designcontracts@ks.gov.

Calvin E. Reed, P.E. Director
Division of Engineering and Design
Doc. No. 049056

State of Kansas
Department of Transportation

Notice to Consulting Firms

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

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

Scope of Services to be Performed

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

Anticipated Schedule for Subsequent Events

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

Instructions for Proposal

No costs shall be contained in the RFP. The RFP must not exceed eight (8) pages total to address the pertinent topics. Please use the following naming convention for submittal... KA-6053-01 RFP – Firm Name. RFPs submitted will consist of the proposal and a completed and signed Special Attachment No. 7 (“Certificate of Final Indirect Costs”), a completed and signed Special Attachment No. 8 (“Tax Clearance Certificate”), and a completed and signed Special Attachment No. 10 (“Policy Regarding Sexual Harassment”). Subconsultants will need to complete these attachments as well. All these forms are attached to the original email announcement.

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

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

Evaluation Factors

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

Exhibits to this RFP

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

Contract Terms and Conditions

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

Questions about this RFP shall be sent by email to KDOT at kdot.designcontracts@ks.gov.

Calvin E. Reed, P.E. Director
Division of Engineering and Design
Doc. No. 049052
State of Kansas  
Department of Transportation  

Notice to Consulting Firms

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

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

Scope of Services to be Performed

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

1. Design survey.
2. Public involvement.
3. Bridge design that follows the study that was completed in 2016. The study can be downloaded from KDOT’s website at https://www.ksdot.org/Assets/wwwksdotorg/bureaus/burRoadDesign/K92CentennialBridgeDocs/Route92CentennialBridge-Study.pdf.
4. An environmental assessment as a part of the NEPA process.
5. KDOT will be the lead agency. Missouri Department of Transportation will partner with this project.

Key Dates

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

Anticipated Schedule for Subsequent Events

Request for Proposals (RFPs) are due by 12:00 p.m. (CST) May 7, 2021. Based on the qualifications submitted in the proposal and other information available to KDOT, on or about May 17, 2021 KDOT will shortlist three to five firms and notify all firms submitting proposals of the names of the shortlisted firms by return email. Thereafter, at KDOT’s option, shortlisted firms will be interviewed through a virtual meeting. Interviews are tentatively planned for the week of June 7, 2021. Negotiations with the selected firm will commence on or about July 6, 2021. Agreement in place and in effect September 1, 2021. Proposals are to be delivered via email to kdot.designcontracts@ks.gov.

Instructions for Proposal

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

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

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

Evaluation Factors

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

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.

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

Department of Transportation

Notice to Consulting Firms

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

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

Background and Purpose of Project

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

Scope of Services to be Performed

KDOT is seeking proposals from qualified firms to assist KDOT with project oversight on rail infrastructure improvement projects. Project oversight will be coordinated with the KDOT Freight and Rail Unit and the railroad or shipper project sponsor and will consist of project tracking from project award through project completion. This will consist of a pre-construction review, coordination with the project sponsor and KDOT staff on project status updates, post-construction review, and project closeout. The review process does not include an engineering review of design documents. It is expected that the project sponsor will supply the necessary information, no site visits will be required. Each project review will result in a brief written report documenting the project phases and progress. Reviews will be submitted to the KDOT Freight and Rail Program manager within two weeks of each review. A monthly coordination call to discuss project status will be required. It is anticipated that there will be, on average, 15-20 rail improvement projects per calendar year. In addition to the project reviews, the selected firm will also be asked for a limited amount of support for the Freight and Rail Unit with other non-project specific reporting requirements.

Anticipated Schedule for Subsequent Events

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

Instructions for Proposal

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

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

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

Evaluation Factors

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

Calvin E. Reed, P.E. Director
Division of Engineering and Design
Doc. No. 049073

State of Kansas
Department of Transportation

Notice to Consulting Firms

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

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

Scope of Services to be Performed
The project manager/inspectors must be capable inspecting the whole project, which includes bridge repair, bridge patching, concrete bridge overlay, concrete plant, traffic control, CMS or AASHTOWare data entry, all project records, all project paperwork, and final paperwork, etc. Project records and paperwork including but not limited to: diary, pay quantities, certifications, sample identifications, change orders, pay estimates, monitoring subcontractor payments, and monitoring contractor’s payrolls, etc. Records and paperwork must be submitted accurately and timely. Anticipated staffing needs: provide project management and all inspectors as needed to ensure inspection and material testing for this project are done correctly. The number of required inspectors will fluctuate throughout the project depending on the contractor’s schedule and how they pursue the work. Submit the name and information of the project manager. Construction is anticipated to be completed in 60-working days plus cleanup days. Provide all the equipment necessary to inspect and test materials.

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

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

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

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

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

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

Exhibits to this Technical Proposal Request
- Special Attachment No. 7 (“Certificate of Final Indirect Costs”)
- Special Attachment No. 8 (“Tax Clearance Certificate”)

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Kansas Register  Notices
Vol. 40, No. 16, April 22, 2021
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 subcontractor and their role in performing the services on the project
- Names, certifications, and experience of all inspectors that will be assigned to the project
- Anticipated time to close out project paperwork

Evaluation Factors

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

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

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

Exhibits to this Technical Proposal Request

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

(continued)
Contract Terms and Conditions

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

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

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

State of Kansas
Department of Transportation
Request for Qualifications

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

Scope of Services to be Performed
The consultant engineer shall perform tasks and produce the deliverables as described. This person will act as project manager on assigned access management construction projects; review design plans as assigned by the special projects engineer; assist the special projects engineer with review of complex access permits and the review of comprehensive traffic impact studies (TIS) and basic TIS for consistency with applicable engineering guidelines and standards, and coordination of agency wide evaluation of these requests and specialized investigations; assist the special projects engineer with preparation of access planning instruments and special studies. Preference will be given to engineers with experience in traffic analysis including familiarity with traffic modeling and simulation. Experience with reviewing site drainage studies is also desired. This person must exhibit excellent communication both verbally and written with property developers, consultants, and local public agencies throughout the permitting process and construction projects. This person is a decision-maker and frequently makes independent decisions using strategic and engineering judgement. This is a part-time position for eight (8) to twelve (12) hours per week Monday-Friday, some travel for KDOT training or field visits may be required. Phone, computer, routine office supplies, and cubicle supplied for embedded engineer at KDOT headquarters. The term of this work is from June 14, 2021 after which time all firms that submitted will be notified of the ranking and interview times

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

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

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

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

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

Questions about this RFQ shall be sent by email to KDOT at kdot.designcontracts@ks.gov.

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

Doc. No. 049075

Doc. No. 049072

Vol. 40, No. 16, April 22, 2021
The Scoular Company

Request for Proposals

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

Scope of Work

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

- West switch to west end of grain silos:
  - furnish labor, equipment, and materials to install 45 new 6”x8”x8’6” ties
- West end of silos to Main Street road crossing:
  - furnish labor, equipment, and materials to install 96 new 6”x8”x8’6” ties,
  - add new 1½” clean ballast, rail and tamp to proper height and cross-level
- East switch to Main Street road crossing:
  - furnish labor, equipment, and materials to install 111 new 6”x8”x8’6” ties
- Main Street crossing:
  - furnish labor, equipment, and materials to tear out and rebuild 65’ crossing: remove existing cross ties,
  - cut grade 18” below top of rail
  - install 39 new 6”x8”x8’6” ties
  - reinstall existing rail and OTM using new track spikes and AREMA grade bolts, nuts, and washers
  - add new 1½” clean ballast, rail and tamp to proper height and cross-level
  - install new timber crossing panels

MSA and Roadway Worker Protection

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

1. Contractors shall comply with all parts of 49 CFR Part 214 and 219 regarding FRA Roadway Worker Safety at all times. Men and equipment shall remain clear of the track unless they have gained Roadway Worker Protection from a qualified person.

2. Contractor, contractor employees, agents, and/or subcontractors must be enrolled and comply with the FRA 219 approved drug testing program.

3. Any subcontracted work will need to be approved prior to construction.

Work Windows

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

Standards

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

Submittals

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

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

Other Responsibilities

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

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

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

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

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

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

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

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

Curtis Engel
Vice President/General Manager

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

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

- West House Track:
  - materials, labor, and equipment to install 61 new 6"x8"x8'6" ties (to break up clusters of defective ties and replace defective joint tie).
  - Provide and install one stick of 90# rail to fix dutchman and gapped joints

- East House Track:
  - materials, labor, and equipment to install 68 new 6"x8"x8'6" ties (to break up clusters of defective times and replace defective joint ties).
  - materials, labor, and equipment to tear out and rebuild 160’ with the following:
    - cut grade 24” below top of rail
    - install and compact 6” of AB3
    - install geo grid geo tech to stabilize grade
    - install new 6"x8"x8'6" new ties
    - reinstall all existing rail and OTM, construct using new track spikes
    - provide and install new 1½” clean ballast
    - raise and machine tamp track to proper height and cross-level
    - regulate track to top of tie.

- East Pass Track:
  - materials, labor, and equipment to install 56 new 6"x8"x8'6" ties (to break up clusters of defective ties and replace defective joint ties).
  - materials, labor, and equipment to tear out and rebuild 300’ with the following:
    - cut grade 24” below top of rail
    - install and compact 6” of AB3
    - install geo grid geo tech to stabilize grade
    - install new 6"x8"x8'6” new ties
    - furnish and install 90# rail and OTM, construct using new track spikes
    - install new 1½” clean ballast
    - raise and machine tamp track to proper height and cross-level
    - regulate track to top of tie.

- West Pass Track:
  - materials, labor, and equipment to install 20 new 6"x8"x8'6” ties (to break up clusters of defective ties, replace defective joint ties, and correct gauge.

MSA and Roadway Worker Protection
Contractors must complete, and have on file, a current Master Services Agreement with The Scoular Company before work begins.
1. Contractors shall comply with all parts of 49 CFR Part 214 and 219 regarding FRA Roadway Worker Safety at all times. Men and equipment shall remain clear of the track unless they have gained Roadway Worker Protection from a qualified person.

2. Contractor, contractor employees, agents, and/or subcontractors must be enrolled and comply with the FRA 219 approved drug testing program.

3. Any subcontracted work will need to be approved prior to construction.

**Work Windows**

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

**Standards**

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

**Submittals**

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

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

**Other Responsibilities**

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

**Insurance**

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

**Materials**

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

**Non-Project Areas**

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

**Pre-Construction Meeting**

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

**Project Completion**

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

**Submission of a Proposal**

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

1. Provide a total sum of all line items on the proposal
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5. Performance bond (sum not less than amount of the contract as awarded) – lump sum
6. Clean up work site to completion – lump sum

**Work Reporting**

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

Curtis Engel
Vice President/General Manager

City of Minneola, Kansas

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

Notice is hereby given that the City of Minneola, Kansas (the “Issuer”) proposes to seek a private placement of the above-referenced bonds (the “Bonds”). The maximum aggregate principal amount of the Bonds shall not exceed $425,000. The proposed sale of the Bonds is in all respects subject to approval of a bond purchase agree-
ment between the Issuer and the purchaser of the Bonds and the passage of an ordinance and adoption of a resolu-
tion by the governing body authorizing the issuance of the Bonds and the execution of various documents neces-
sary to deliver the Bonds.

Dated April 6, 2021.

Brenda Stewart
City Clerk

Doc. No. 049061

State of Kansas

Legislative Administrative Services

Legislative Bills and Resolutions Introduced

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

Senate Bills

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

Senate Resolutions

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

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

Senate Concurrent Resolutions

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

Doc. No. 049063

State of Kansas

Secretary of State

Certification of New State Laws

I, Scott Schwab, Secretary of State of the State of Kan-
sas, do hereby certify that each of the following bills is a complete copy of the original enrolled bill now on file in

my office.

Scott Schwab
Secretary of State

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Vol. 40, No. 16, April 22, 2021
“Electric public utility” does not include a cooperative that has opted to deregulate pursuant to K.S.A. 66-104d, and amendments thereto, or an electric utility owned by one or more such cooperatives.

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

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

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

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

(C) “Financing order” means an order from the commission pursuant to section 2, and amendments thereto, regarding the approval of a financing order so provides, as such service area existed on the date of the financing order, or, if the financing order so provides, as such service area may be expanded, even if the customer elects to purchase electricity or natural gas from a supplier other than the electric or natural gas utility, or its successors or assignees, or receives retail electric or natural gas service from another electric or natural gas utility operating in the same service area.

(D) “Pledgee” means a financing party to which an electric or natural gas public utility whose rates are subject to the jurisdiction of the commission, costs that the public utility has incurred before, on or after the effective date of this act of an extraordinary nature that would cause extreme customer rate impacts if recovered through customary rate-making or rate-setting, but not limited to, purchases of gas supplies, transportation costs, fuel and power costs, including carrying charges incurred during anomalous weather events.

(14) “Natural gas public utility” means an electric public utility owned by one or more such cooperatives.

“Securitized utility tariff property” includes:

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

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

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

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

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

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

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

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

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

(C) creation of securitized utility tariff property; and

(D) sale, assignment or transfer of securitized utility tariff property to an assignee.
(B) all revenues, collections, claims, rights to payments, payments, money or proceeds arising from the rights and interests specified in the financing order, regardless of whether such revenues, collections, claims, rights to payments, money or proceeds are imposed, billed, received, collected or maintained together with or commingled with other revenues, collections, rights to payment, payments, money or proceeds.

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

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

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

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

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

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

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

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

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

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

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

(c) The application shall include:

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

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

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

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

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

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

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

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

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

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

(B) in an application relating to qualified extraordinary costs, a comparison between the net present value of the costs to customers that are estimated to result from the issuance of securitized utility tariff bonds and the costs that would result from the application of traditional methods of financing and recovery of such qualified extraordinary costs.

The comparison shall demonstrate that the issuance of securitized utility tariff bonds and the imposition of securitized utility tariff charges are expected to provide net quantifiable rate benefits to customers or would avoid or mitigate rate impacts to customers; or

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

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

(11) direct testimony and schedules supporting the application.

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

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

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

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

(1) The amount of securitized utility tariff costs to be financed using securitized utility tariff bonds. The commission shall describe and estimate the amount of financing costs and securitized utility tariff charges that may be recovered through securitized utility tariff charges.
and specify the period over which securitized utility tariff costs and financing costs may be recovered, that shall not be earlier than the date of the final legal maturity of securitized utility tariff bonds to be issued; (21) an approved customer billing mechanism for securitized utility tariff charges, including a specific methodology for allocating the necessary securitized utility tariff charges among the different customer classes including special contract customers and a finding that the resulting securitized utility tariff charges will be just and reasonable, except that the amount of securitized utility tariff charges allocated to special contract customers in connection with the securitization of energy transition costs shall not exceed the rate benefits from the retirement or abandonment of the subject electric utility generating assets that are assigned or allocated to special contract customers. The securitized utility tariff charges allocated to special contract customers as a result of a financing order regarding a retirement or abandonment shall be offset by net quantifiable rate benefits of at least the same amount. The initial allocation of securitized utility tariff charges shall remain in effect until the public utility files a general base rate proceeding; and

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

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

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

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

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

(7) an adjustment mechanism;

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

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

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

(11) a requirement that, after the final terms of an issuance of securitized utility tariff bonds have been established and before the issuance of securitized utility tariff bonds, the public utility determines the amount of securitized utility tariff charges allocated to special contract customers as a result of a financing order relating to the appropriate amount of any over-collection or under-collection of securitized utility tariff charges; the commission shall address such matters in the financing order and customers shall receive the benefits as determined by the commission order simultaneously with the inception of the collection of securitized utility tariff charges;

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

(f) A financing order issued to a public utility shall permit and may require the creation of the public utility’s securitized utility tariff property, subject to any conditions imposed by the commission as a result of the commission’s mandatory duties imposed by law.

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

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

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

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

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

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

(6) an adjustment mechanism;

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

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

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

(10) a requirement that, after the final terms of an issuance of securitized utility tariff bonds have been established and before the issuance of securitized utility tariff bonds, the public utility determines the amount of securitized utility tariff charges allocated to special contract customers as a result of a financing order relating to the appropriate amount of any over-collection or under-collection of securitized utility tariff charges; the commission shall address such matters in the financing order and customers shall receive the benefits as determined by the commission order simultaneously with the inception of the collection of securitized utility tariff charges;

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

(h) A financing order issued to a public utility shall permit and may require the creation of the public utility’s securitized utility tariff property, subject to any conditions imposed by the commission as a result of the commission’s mandatory duties imposed by law.
cable. Except for changes made pursuant to the adjustment mechanism authorized in this section, the commission shall not amend, modify or terminate the financing order by any subsequent action or reduce, impair, postpone, terminate or otherwise adjust securitized utility tariff charges approved in the financing order.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

New Sec. 5. (a) All securitized utility tariff property specified in a financing order constitutes an existing, present intangible property
right or interest therein, notwithstanding that the imposition and collection of securitized utility tariff charges depends on the public utility to which the financing order is issued performing its servicing functions relating to the securitized utility tariff charges and on future electricity or natural gas consumption. Such property exists:

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

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

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

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

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

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

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

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

New Sec. 7. (a) Any sale, assignment or other transfer of securitized utility tariff property shall be an absolute transfer and true sale of, and not a pledge of or secured transaction relating to, the seller's right, title and interest in, to and under the securitized utility tariff property. The description of securitized utility tariff property in a security agreement is sufficient if the description refers to this section and the financing order creating the securitized utility tariff property. A security agreement is sufficient if the description refers to this section and the financing order creating the securitized utility tariff property. A security interest shall attach as provided in subsection (b) without physical delivery of collateral or other act.

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

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

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

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

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(continued)
(1) Commingling of funds from securitized utility tariff charges with other amounts;
(2) the retention by the seller of:
(A) a partial or residual interest, including an equity interest, in the securitized utility tariff property, whether direct or indirect or whether subordinate or otherwise; or
(B) the right to recover costs associated with taxes, franchise fees or license fees imposed on the collection of securitized utility tariff charges;
(3) any recourse that the purchaser may have against the seller;
(4) any indemnification rights, obligations or repurchase rights made or provided by the seller;
(5) the obligation of the seller to collect securitized utility tariff charges on behalf of an assignee;
(6) the transferor acting as the servicer of the securitized utility tariff charges or the existence of any contract that authorizes or requires the public utility to operate the public utility system to provide service to the assignee's customers, collect amounts relating to the securitized utility tariff charges for the benefit and account of such assignee or financing party and account for and remit such amounts to or for the account of such assignee or financing party;
(7) the treatment of the sale, conveyance, assignment or other transfer for tax, financial reporting or other purposes;
(8) the granting or providing to bondholders a preferred right to the securitized utility tariff property or credit enhancement by the public utility or its affiliates with respect to such securitized utility tariff bonds; or
(9) any application of the adjustment mechanism as provided in section 2, and amendments thereto.

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

(1) The issuance of a financing order;
(2) the assignor having rights in such securitized utility tariff property or the power to transfer rights in such securitized utility tariff property to an assignee;
(3) the execution and delivery by the assignor of transfer documents in connection with the issuance of securitized utility tariff bonds; and
(4) the receipt of value for the securitized utility tariff property.

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

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

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

(1) Conflicting perfected security interests or rights of assignees rank according to priority in time of perfection. Priority dates from the time a filing covering the transfer is made in accordance with section 6, and amendments thereto;
(2) a perfected security interest or right of an assignee has priority over a conflicting unperfected security interest or right of an assignee; and
(3) a perfected security interest or right of an assignee has priority over a person who becomes a lien creditor after the perfection of such assignee’s interest or right.

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

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

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

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

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

(a) Subject to applicable statutory restrictions on state or local investment authority, the state, units of local government, political subdivisions, public bodies and public officers, except for members of the commission and the commission’s technical advisory and other staff, or board members and employees of the citizens’ utility ratepayer board, banks and bankers, savings and loan associations, credit unions, trust companies, savings banks and institutions, investment companies, insurance companies, insurance associations and other persons carrying on a banking or insurance business;

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

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

New Sec. 13. (a) The state and its agencies, including the commission, hereby pledge and agree with bondholders, the owners of the securitized utility tariff property and other financing parties that the state and its agencies shall not take any action listed in this section. This
subsection does not preclude limitation or alteration if full compensation is made by law for the full protection of the securitized utility tariff charges collected pursuant to a financing order and of the bondholders and any assignee or financing party entering into a contract with the public utility. The prohibited actions are as follows:

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

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

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

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

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

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

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

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

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

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

(1) “Commission” means the state corporation commission;

(2) “contract” means a public utility’s contract for the purchase of electric power in the amount of at least $5,000,000 annually;

(3) “generating facility” means an electric generating plant or improvement to an existing generating facility;

(4) “stake” means a public utility’s whole or fractional ownership share or leasehold or other proprietary interest in a generating facility or transmission facility;

(5) “public utility” has the meaning provided by K.S.A. 66-104, and amendments thereto; and

(6) “transmission facility” means (A) Any existing line, and supporting structures and equipment, being upgraded for the transfer of electricity with an operating voltage of 34.5 kilovolts or more of electricity; or (B) any new line, and supporting structures and equipment, being constructed for the transfer of electricity with an operating voltage of 230 kilovolts or more of electricity.

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

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

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

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

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

(c) (1) Prior to undertaking the construction of, or participation in, a generating facility, a public utility may file with the commission a petition for a determination of the rate-making principles and treatment, as proposed by the public utility, that will apply to:

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

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

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

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

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

(A) Placed in service or the term of the contract commences; or

(B) retired or abandoned.

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

(6) If the commission fails to issue a determination within 180 days of the date a petition for a determination of rate-making principles and treatment is filed, the rate-making principles and treatment proposed by the petitioning public utility will deemed to have been approved by the commission and shall be binding for rate-making purposes during the useful life of the generating facility, during the term of (continued)
the contract or during the period when the cost of the retired or abandoned generating facility is reflected in customer rates.

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

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

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

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

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

(2) an agricultural lien;

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

(4) a consignment;

(5) a security interest arising under K.S.A. 42-2-401, 42-2-505, subsection (c) of section 42-2-711(3) or subsection (b) of 42-2a-508(a), and amendments thereto, as provided in K.S.A. 2020 Supp. 84-9-110, and amendments thereto;

(6) a security interest arising under K.S.A. 44-4-201 or 44-5-118, and amendments thereto.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) a transfer of an interest in or an assignment of a claim under a policy of insurance, other than an assignment by or to a health-care provider of a health-care-insurance receivable and any subsequent assignment of the right to payment, but K.S.A. 2020 Supp. 84-9-315 and 84-9-322, and amendments thereto, apply with respect to proceeds and priorities in proceeds.

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

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

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

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

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

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

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

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

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

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

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

(14) an assignment of rights in or under:

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

(B) A deferred payment or benefit arrangement that enables a participant to transfer or defeaiderider definition of income for purposes of federal or state income taxation;

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

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

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

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

Doc. No. 049065

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

House Bill No. 2126

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

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

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

(a) “Adult care facility” means a “nursing facility,” “assisted living facility” or “residential healthcare facility” as those terms are defined in K.S.A. 39-923, and amendments thereto. An “adult care home” as defined in K.S.A. 39-923, and amendments thereto, except that “covered facility” includes a center approved by the centers for medicare and medicaid services as a program for all-inclusive case for the elderly (PACE) under 42 C.F.R. § 460 et seq., that provides services only to PACE participants;

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

(3) a “community service provider,” a “community developmental disability organization” and an “institution” as defined in K.S.A. 2020 Supp. 39-1803, and amendments thereto.
(b) “COVID-19” means the novel coronavirus identified as SARS-CoV-2.

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

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

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

(f) “Healthcare provider” means a person or entity that is licensed, registered, certified or otherwise authorized by the state of Kansas to provide healthcare services in this state, including a hospice certified to participate in the medicare program under 42 C.F.R. § 418 et seq.

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

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

(1) State statutes or rules and regulations;

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

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

Sec. 3. K.S.A. 2020 Supp. 60-5506 is hereby amended to read as follows: 60-5508. (a) The provisions of K.S.A. 2020 Supp. 60-5504, 60-5505 and 60-5507, and amendments thereto, shall apply retroactively to any cause of action accruing on or after March 12, 2020.

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

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

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

Doc. No. 049066

State of Kansas

Board of Healing Arts

Permanent Administrative Regulations

Article 6.—LICENSES

100-6-2. Education and training requirements. (a) Each applicant for licensure by examination in medicine and surgery or osteopathic medicine and surgery who graduates from an accredited or unaccredited school of medicine on or after January 1, 2021 shall present to the board proof of completion of at least 36 months of a postgraduate training or residency training program. This program shall have been approved by the council on medical education of the American medical association, the American osteopathic association, or the substantial equivalent, as determined by the board, in the year in which the training took place.

(b) Each applicant for licensure by examination in medicine and surgery or osteopathic medicine and surgery who graduates from an accredited school of medicine before January 1, 2021 shall present proof of successful completion of at least 12 months of a postgraduate training or residency training program. This program shall have been approved by the council on medical education of the American medical association, the American osteopathic association, or the substantial equivalent, in the year in which the training took place.
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(c) Each applicant for licensure by examination in medicine and surgery or osteopathic medicine and surgery who graduates from an unaccredited school of medicine before January 1, 2021 shall present proof of successful completion of at least 36 months of a postgraduate training program or residency training program. This program shall have been approved by the council on medical education of the American medical association, the American osteopathic association, or the substantial equivalent, as determined by the board, in the year in which the training took place.

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

Article 8.—LICENSE BY ENDORSEMENT

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

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

(2) a total of 400 hours.

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

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

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

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

(3) employment that consists solely of administrative duties.

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

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

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

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

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

Article 15.—LICENSE RENEWAL; CONTINUING EDUCATION

100-15-1. Continuing education standards; definitions. (a) “Continuing education” shall mean an activity designed to maintain, develop, or increase the knowledge, skills, and professional performance of persons licensed to practice a branch of the healing arts. Each continuing education activity shall have significant intellectual or practical content, shall be relevant to the branch of the healing arts for which the practitioner is licensed, and shall meet at least one of the following content requirements:

(1) Have a direct bearing on patient care;

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

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

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

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

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

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

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

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

(6) any other structured, interactive, and formal learning method that the board deems to meet the requirements of subsection (a).
(c) “Category II” continuing education shall mean attendance at a lecture, panel discussion, workshop, seminar, symposium, college course, professional publication, in-service training, or professional activity that the board determines does not meet the requirements of category I, but that is in a health-related field indirectly related to healing arts skill and knowledge. Category II continuing education shall include the following:
1. Clinical consultations with other healing arts practitioners that contribute to a practitioner’s education;
2. Participation in activities to review the quality of patient care;
3. Instructing healing arts and other health care practitioners;
4. Patient-centered discussions with other health care practitioners;
5. Participating in journal clubs;
6. Using searchable electronic databases in connection with patient care activities; and
(d) “Category III” continuing education shall mean an internet or live continuing education activity that also meets the requirements of either a category I or category II continuing education activity and meets at least one of the following content requirements:
1. Acute or chronic pain management;
2. The appropriate prescribing of opioids; or
3. The use of prescription drug monitoring programs.
(e) Credit for continuing education activities shall be awarded on the basis of one credit for each 50 minutes actually spent in attendance at a continuing education activity.
(f) Each instructor of a healing arts continuing education activity shall be awarded category I continuing education credit at the rate of one credit for each three hours of the instructor’s first-time preparation of the presentation of a category I continuing education activity.
(g) For successful completion of a postbaccalaureate program awarding a degree in an area related to the healing arts, 25 credits of category I continuing education shall be awarded. A copy of the transcript shall be maintained as proof of successful completion of the program.
(h) For successful completion of one year of postgraduate training, 50 credits of category I continuing education credit shall be awarded. (Authorized by K.S.A. 65-2809 and 65-2865; implementing K.S.A. 65-2809; effective July 22, 2005; amended April 6, 2007; amended May 7, 2021.)

100-15-5. Continuing education requirement. (a)(1) Each person who is licensed to practice a branch of the healing arts and who is required to submit proof of completion of continuing education as a condition to renewing a license shall certify, on a form provided with the license renewal application, one of the following:
(A) During the 18-month period immediately preceding the license expiration date, the person completed at least 50 credits of continuing education, of which at least one credit shall be in category III, at least 20 credits shall be in category I, and the remaining credits shall be in category II.
(B) During the 30-month period immediately preceding the license expiration date, the person completed at least 100 credits of continuing education, of which at least two credits shall be in category III, at least 40 credits shall be in category I, and the remaining credits shall be in category II.
(C) During the 42-month period immediately preceding the license expiration date, the person completed at least 150 credits of continuing education, of which at least three credits shall be in category III, at least 60 credits shall be in category I, and the remaining credits shall be in category II.

(2) The requirement specified in this subsection shall not apply to any person renewing a license for the first time.
(b) Each person who applies for conversion of an inactive or exempt license to a regular license or for reinstatement of a cancelled license and whose license has been inactive, exempt, or cancelled for a period of less than the two-year period immediately preceding the application for conversion shall certify, on a form provided with the conversion or reinstatement application, that the person completed at least 50 credits of continuing education, of which at least one credit shall be in category III, at least 20 credits shall be in category I, and the remaining credits shall be in category II.
(c) Any licensee may request that the board grant an extension of the time to complete the required continuing education if, during the 12-month period immediately preceding the license expiration date, the person experienced an undue hardship resulting from illness, injury, or other circumstance preventing the timely completion of continuing education. (Authorized by K.S.A. 65-2809 and K.S.A. 65-2865; implementing K.S.A. 65-2809; effective July 22, 2005; amended April 6, 2007; amended May 7, 2021.)

Tucker L. Poling
Executive Director

State of Kansas

Kansas Lottery

Temporary Administrative Regulations

Article 4.—INSTANT GAMES AND DRAWINGS

111-4-3658. “Cash In A Flash” instant ticket lottery game number 288. (a) The Kansas lottery may conduct an instant winner lottery game entitled “Cash In A Flash.” The rules for this game are contained in K.A.R. 111-3-1 et seq. and 111-4-3658.
(b) The “play and prize symbols” and “captions” for this game are as follows:

<table>
<thead>
<tr>
<th>Play Symbols</th>
<th>Captions</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>TWO</td>
</tr>
<tr>
<td>3</td>
<td>THR</td>
</tr>
<tr>
<td>4</td>
<td>FOR</td>
</tr>
<tr>
<td>5</td>
<td>FIV</td>
</tr>
<tr>
<td>6</td>
<td>SIX</td>
</tr>
<tr>
<td>7</td>
<td>SVN</td>
</tr>
<tr>
<td>8</td>
<td>EGT</td>
</tr>
</tbody>
</table>

(continued)
Symbol of a lightning bolt

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

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

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

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

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

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

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

<table>
<thead>
<tr>
<th>Get Prize</th>
<th>Prize Winners Per 420,000</th>
<th>Expected Value In Game</th>
</tr>
</thead>
<tbody>
<tr>
<td>Free $10 Ticket</td>
<td>28,000</td>
<td>$0.00</td>
</tr>
<tr>
<td>$5 x 4</td>
<td>14,000</td>
<td>$280,000.00</td>
</tr>
<tr>
<td>$10 x 2</td>
<td>28,000</td>
<td>$560,000.00</td>
</tr>
<tr>
<td>$20</td>
<td>28,000</td>
<td>$560,000.00</td>
</tr>
<tr>
<td>($10 x 2) + $5</td>
<td>1,400</td>
<td>$35,000.00</td>
</tr>
<tr>
<td>$5 (5X)</td>
<td>1,750</td>
<td>$43,750.00</td>
</tr>
<tr>
<td>$25</td>
<td>1,575</td>
<td>$39,375.00</td>
</tr>
<tr>
<td>($20 x 2) + $10</td>
<td>1,400</td>
<td>$35,000.00</td>
</tr>
<tr>
<td>$25</td>
<td>1,435</td>
<td>$71,750.00</td>
</tr>
<tr>
<td>$50</td>
<td>1,435</td>
<td>$71,750.00</td>
</tr>
<tr>
<td>$10 x 10</td>
<td>350</td>
<td>$35,000.00</td>
</tr>
<tr>
<td>$20 (5X)</td>
<td>700</td>
<td>$70,000.00</td>
</tr>
<tr>
<td>$100 (BONUS)</td>
<td>280</td>
<td>$28,000.00</td>
</tr>
<tr>
<td>$100</td>
<td>420</td>
<td>$42,000.00</td>
</tr>
<tr>
<td>$200</td>
<td>70</td>
<td>$14,000.00</td>
</tr>
<tr>
<td>$500</td>
<td>175</td>
<td>$35,000.00</td>
</tr>
</tbody>
</table>
The odds of winning a prize in this game are approximately one in 3.80. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710, and 74-8720; effective, T-111-4-5-21, March 10, 2021.)

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

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

<table>
<thead>
<tr>
<th>Play Symbols</th>
<th>Captions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>ONE</td>
</tr>
<tr>
<td>2</td>
<td>TWO</td>
</tr>
<tr>
<td>3</td>
<td>THR</td>
</tr>
<tr>
<td>4</td>
<td>FOR</td>
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<tr>
<td>5</td>
<td>FIV</td>
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<td>6</td>
<td>SIX</td>
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<td>7</td>
<td>EGT</td>
</tr>
<tr>
<td>8</td>
<td>NIN</td>
</tr>
<tr>
<td>9</td>
<td>TEN</td>
</tr>
<tr>
<td>10</td>
<td>ELEVN</td>
</tr>
<tr>
<td>11</td>
<td>TWELV</td>
</tr>
<tr>
<td>12</td>
<td>THRNTN</td>
</tr>
<tr>
<td>13</td>
<td>FORTN</td>
</tr>
<tr>
<td>14</td>
<td>FIFTN</td>
</tr>
<tr>
<td>15</td>
<td>SIXTN</td>
</tr>
<tr>
<td>16</td>
<td>SVNTN</td>
</tr>
<tr>
<td>17</td>
<td>EGHTN</td>
</tr>
<tr>
<td>18</td>
<td>NINTN</td>
</tr>
<tr>
<td>19</td>
<td>TWNTY</td>
</tr>
<tr>
<td>20</td>
<td>TWYON</td>
</tr>
<tr>
<td>21</td>
<td>TWYTW</td>
</tr>
</tbody>
</table>

$50 BONUS

<table>
<thead>
<tr>
<th>Play Symbols</th>
<th>Captions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Symbol of a heart</td>
<td>HEART</td>
</tr>
<tr>
<td>Symbol of a melon</td>
<td>MELN</td>
</tr>
<tr>
<td>Symbol of a ring</td>
<td>RING</td>
</tr>
<tr>
<td>Symbol of a cell phone</td>
<td>CELL</td>
</tr>
<tr>
<td>Symbol of a Joker</td>
<td>JOKER</td>
</tr>
<tr>
<td>Symbol of a House</td>
<td>HOUSE</td>
</tr>
<tr>
<td>Symbol of a fortune cookie</td>
<td>COOKIE</td>
</tr>
</tbody>
</table>

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

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

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

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

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

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

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

<table>
<thead>
<tr>
<th>Get</th>
<th>Prize</th>
<th>Winners Per</th>
<th>Prize Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Free $10 Ticket</td>
<td>Free Ticket</td>
<td>28,000</td>
<td>$0</td>
</tr>
<tr>
<td>$5 x 2</td>
<td>$10</td>
<td>28,000</td>
<td>$280,000</td>
</tr>
<tr>
<td>$10</td>
<td>$10</td>
<td>28,000</td>
<td>$280,000</td>
</tr>
<tr>
<td>$10 x 2</td>
<td>$20</td>
<td>28,000</td>
<td>$560,000</td>
</tr>
<tr>
<td>$20</td>
<td>$20</td>
<td>14,000</td>
<td>$280,000</td>
</tr>
<tr>
<td>$10 x 4</td>
<td>$40</td>
<td>1,400</td>
<td>$560,000</td>
</tr>
<tr>
<td>$5 (7X) + $5</td>
<td>$40</td>
<td>1,750</td>
<td>$70,000</td>
</tr>
<tr>
<td>$40</td>
<td>$40</td>
<td>1,400</td>
<td>$560,000</td>
</tr>
<tr>
<td>$40 + $10</td>
<td>$50</td>
<td>700</td>
<td>$35,000</td>
</tr>
<tr>
<td>$50 (BONUS)</td>
<td>$50</td>
<td>560</td>
<td>$28,000</td>
</tr>
</tbody>
</table>

Sub-Total: 137,430 $2,721,300
Player Loyalty Program $27,213
Total: 137,430 $2,748,513

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

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

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

<table>
<thead>
<tr>
<th>Play Symbols</th>
<th>Captions</th>
</tr>
</thead>
<tbody>
<tr>
<td>04</td>
<td>FOR</td>
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<tr>
<td>05</td>
<td>FIV</td>
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<tr>
<td>06</td>
<td>SIX</td>
</tr>
<tr>
<td>07</td>
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<td>09</td>
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<td>TWLV</td>
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<tr>
<td>13</td>
<td>THRN</td>
</tr>
<tr>
<td>14</td>
<td>FRTN</td>
</tr>
</tbody>
</table>

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

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

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

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

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

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

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

<table>
<thead>
<tr>
<th>Get</th>
<th>Prize</th>
<th>Winners Per</th>
<th>Prize Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Free $10 Ticket</td>
<td>Free Ticket</td>
<td>28,000</td>
<td>$0</td>
</tr>
<tr>
<td>$5 x 2</td>
<td>$10</td>
<td>28,000</td>
<td>$280,000</td>
</tr>
<tr>
<td>$10</td>
<td>$10</td>
<td>28,000</td>
<td>$280,000</td>
</tr>
<tr>
<td>$10 x 2</td>
<td>$20</td>
<td>28,000</td>
<td>$560,000</td>
</tr>
<tr>
<td>$20</td>
<td>$20</td>
<td>14,000</td>
<td>$280,000</td>
</tr>
<tr>
<td>$10 x 4</td>
<td>$40</td>
<td>1,400</td>
<td>$560,000</td>
</tr>
<tr>
<td>$5 (7X) + $5</td>
<td>$40</td>
<td>1,750</td>
<td>$70,000</td>
</tr>
<tr>
<td>$40</td>
<td>$40</td>
<td>1,400</td>
<td>$560,000</td>
</tr>
<tr>
<td>$40 + $10</td>
<td>$50</td>
<td>700</td>
<td>$35,000</td>
</tr>
<tr>
<td>$100 BONUS</td>
<td>$50</td>
<td>560</td>
<td>$28,000</td>
</tr>
</tbody>
</table>
(c) For this game, a play/prize symbol shall appear in 55 play spots within the play area or areas.
(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 029.
(e) The price of instant tickets sold by a retailer for this game shall be $10.00 each.
(f) The “Silverado” ticket is a key number match game with an instant win and a multiplier feature. The player will scratch the play area to reveal five “WINNING NUMBERS” and 25 “YOUR NUMBERS” with a prize amount below each of the “YOUR NUMBERS.” If the player matches any of the “YOUR NUMBERS” to any of the “WINNING NUMBERS,” the player wins the prize shown below that number. If the player reveals a “2X” symbol, the player wins double the prize amount shown. If the player reveals a “3X” symbol, the player wins triple the prize amount shown. If the player reveals a Chevrolet automobile logo symbol, the player wins a 2021 Chevrolet Silverado vehicle plus $10,000 cash. The vehicle and cash prize includes federal and state mandatory income withholding taxes and all initial taxes and fees for the vehicle. No cash option is available for the vehicle.
(g) Each ticket in this game may win up to 25 times.
(h) Approximately 300,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.
(i) The expected number and value of instant prizes in this game shall be as follows:

<table>
<thead>
<tr>
<th>Prize</th>
<th>Winners Per 300,000</th>
<th>Prize Cost</th>
</tr>
</thead>
<tbody>
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<td>Free Ticket</td>
<td>30,000</td>
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<tr>
<td>$10</td>
<td>31,000</td>
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<td>$15</td>
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<td>$299,550</td>
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<tr>
<td>$10 DBL</td>
<td>4,500</td>
<td>$90,000</td>
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<tr>
<td>$10 + $10</td>
<td>4,000</td>
<td>$80,000</td>
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<td>$25</td>
<td>4,675</td>
<td>$116,875</td>
</tr>
<tr>
<td>$10 + $15</td>
<td>4,700</td>
<td>$117,500</td>
</tr>
<tr>
<td>$50</td>
<td>700</td>
<td>$35,000</td>
</tr>
<tr>
<td>$10 TPL + $20</td>
<td>700</td>
<td>$42,500</td>
</tr>
<tr>
<td>$10 x 5</td>
<td>700</td>
<td>$35,000</td>
</tr>
<tr>
<td>$25 DBL</td>
<td>850</td>
<td>$42,500</td>
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<tr>
<td>($20 x 2) + $10</td>
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<td>$35,000</td>
</tr>
<tr>
<td>$75</td>
<td>300</td>
<td>$22,500</td>
</tr>
<tr>
<td>$25 TPL</td>
<td>450</td>
<td>$33,750</td>
</tr>
<tr>
<td>$25 DBL + $15 + $10</td>
<td>450</td>
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<tr>
<td>($10 x 6) + $15</td>
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<td>250</td>
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<tr>
<td>$100</td>
<td>200</td>
<td>$20,000</td>
</tr>
<tr>
<td>$500</td>
<td>20</td>
<td>$10,000</td>
</tr>
<tr>
<td>$75 TPL + ($50 x 3) + ($20 x 3) + $15 + $50</td>
<td>25</td>
<td>$12,500</td>
</tr>
<tr>
<td>($25 x 15) + ($15 x 5) + ($10 x 5)</td>
<td>20</td>
<td>$10,000</td>
</tr>
</tbody>
</table>

(continued)
Players Loyalty Program

$19,440

2nd Chance Drawing Cash Prizes

Silverado

$32,000

Players Loyalty Program

$19,440

TOTAL

109,488

$1,943,865

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

Article 9.—PULL-TAB GAMES

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

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

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

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

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

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

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

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

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

(i) The expected number and value of prizes in this game shall be as follows: (See corresponding play symbol values in subsection (c) above.)

<table>
<thead>
<tr>
<th>Prize Amount</th>
<th>Winners Per 2,400,000 Prize Cost</th>
</tr>
</thead>
</table>
| $1           | $1.00                            | $1,432,000
| $5           | $5.00                            | $7,200
| $1 + $5      | $6.00                            | $37,920
| $10          | $10.00                           | $128,000
| $5 + $10     | $15.00                           | $3,040
| $5 + $5 + $5 | $15.00                           | $3,200
| $25          | $25.00                           | $1,520
| $10 + $10 + $5 | $25.00                           | $1,680
| $10 + $25    | $35.00                           | $720
| $10 + $10 + $10 + $5 | $35.00 | $880
| $100         | $100.00                          | $360
| $1,000       | $1,000.00                        | $24,000
| Players Loyalty Program | $14,880 | $1,488,000

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

Article 19.—SPECIFIC PLAYER LOYALTY CLUB RULES

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

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

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

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

(1) Apple—12.9-inch iPad Pro (Latest Model) with Wi-Fi–128GB;
(2) Apple—Magic Keyboard for 12.9-inch iPad Pro (3rd Generation 2018) (4th Generation);
(3) Apple Pencil (2nd Generation);
(4) Apple—AirPods Pro–White;
(5) Apple—HomePod mini–Space Gray;
(6) Apple TV 4K 64GB–Black;
(7) Apple Watch Series 6 (GPS+Cellular) 44mm Graphite Stainless Steel Case with Graphite Milanese Loop–Silver;
promotional event. If the player does not enter the ticket data from the entry ticket manually for entry into the kslottery.com. The player shall follow the hyperlink instant game ticket from "Silverado," game number 280.

The grand prize giveaway event will be conducted sometime after entry into the drawing has closed but before noon on July 22, 2021, at which time four finalists will be announced;

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

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

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

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

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

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

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

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

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

(1) In this promotion the 10-day deadline for the finalists to return their claim forms shall be extended, but before noon on the date of the announcement of the winners. The Kansas lottery is not responsible for electronic malfunction or player error.

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

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

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

(i) Rules applicable to this online event drawing are contained in K.A.R. 111-19-102 and K.A.R. 111-18-1 et seq. (Authorized by K.S.A. 74-8710 and 74-8748; implementing K.S.A. 74-8710; effective, T-111-4-5-21, March 10, 2021.)
(1) One night accommodations at a hotel selected by the Kansas Lottery for two adults, including all hotel taxes and fees; and,

(2) $200 cash.

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

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

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

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

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

(n) Following the determination of the grand prize winner and secondary prize winners, a claim form will be mailed or given to each finalist of the respective prize won. Each finalist shall then have until 5:00 p.m. on the tenth day following the presentation or mailing of a claim form to the finalist, whichever is applicable, to present the fully-executed claim form to Lottery headquarters. If the tenth day following the mailing of a claim form to the finalist falls on a weekend or holiday, the deadline shall be extended to the next business day. If an alternate grand prize winner cannot be located or is declared ineligible, or fails to timely present a fully-executed claim form to Lottery headquarters, the grand prize will be awarded to the next finalist selected in the drawing for alternate grand prize winners. The alternate grand prize winner process shall be repeated until the grand prize is properly claimed or until such time as no alternate finalists remain, whichever occurs first.

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

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

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

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

Article 601.—SOUTHEAST GAMING ZONE

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

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

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

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

(e) At the large table a boxperson, floor supervisor or higher ranking casino official sits in between the location for the two dealers. The small table shall be supervised by a casino floor supervisor or higher ranking casino official.
(f) If both halves of a large table are open for play, the players are able to play on either half of the table along the far side away from the stickperson and the dealers. If only half of the large table is open for play, the players are only able to play on the open half of the table along the far side away from the stickperson and the dealer. On a small table, players may play at any open player position at the table.

INDEX TO ADMINISTRATIVE REGULATIONS

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

AGENCY 4: DEPARTMENT OF AGRICULTURE

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<td>V. 39, p. 1583</td>
</tr>
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</table>

AGENCY 9: DEPARTMENT OF AGRICULTURE—DIVISION OF ANIMAL HEALTH

<table>
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<th>Reg. No.</th>
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<td>9-2-35</td>
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<td>9-3-9</td>
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AGENCY 10: KANSAS BUREAU OF INVESTIGATION

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<td>10-24-1</td>
<td>New (T)</td>
<td>V. 39, p. 732</td>
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<tr>
<td>10-24-2</td>
<td>New</td>
<td>V. 39, p. 1074</td>
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<td>10-24-3</td>
<td>New</td>
<td>V. 39, p. 732</td>
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<td>10-24-3</td>
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<td>V. 39, p. 1075</td>
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AGENCY 11: DEPARTMENT OF AGRICULTURE—DIVISION OF CONSERVATION

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<tr>
<td>11-9-5</td>
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<td>V. 40, p. 427</td>
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</table>

AGENCY 16: ATTORNEY GENERAL

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<td>16-14-1</td>
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<td>16-14-10</td>
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<td>V. 39, p. 1155</td>
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<td>16-14-11</td>
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<td>V. 39, p. 1155</td>
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<tr>
<td>16-19-1</td>
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<td>V. 39, p. 208</td>
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<td>V. 39, p. 208</td>
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<td>16-20-1</td>
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<td>V. 39, p. 462</td>
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<td>16-20-1</td>
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<td>V. 39, p. 1075</td>
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AGENCY 17: OFFICE OF THE STATE BANK COMMISSIONER

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<td>17-23-9</td>
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AGENCY 21: HUMAN RIGHTS COMMISSION

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<td>Amended</td>
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AGENCY 22: STATE FIRE MARSHAL

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<td>22-26-1</td>
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<td>V. 40, p. 161</td>
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<td>22-26-2</td>
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<td>V. 40, p. 162</td>
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<td>22-26-3</td>
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<td>V. 40, p. 163</td>
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<td>22-26-4</td>
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<td>V. 40, p. 163</td>
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<td>V. 40, p. 164</td>
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<td>22-26-6</td>
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<td>V. 40, p. 164</td>
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<tr>
<td>22-26-7</td>
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<td>V. 40, p. 164</td>
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</table>

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

Stephen W. Durrell
Executive Director

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100-6-2a New V. 40, p. 290
100-7-1 Amended V. 39, p. 1539
100-76-6 Amended V. 39, p. 1360
100-75-1 New (T) V. 39, p. 250
100-78-1 New V. 39, p. 570
100-78-2 New (T) V. 39, p. 250
100-78-2 New V. 39, p. 570

AGENCY 105: BOARD OF INDIGENTS’ DEFENSE SERVICES

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

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No. Action Register
109-3-3 Amended V. 39, p. 30
109-3-4 Amended V. 39, p. 31
109-14 Amended V. 39, p. 111
109-11a Amended V. 39, p. 32

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1998 through 2000 can be found in the Vol. 39, 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.

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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
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111-4-3606 New V. 39, p. 574
111-4-3607 New V. 39, p. 576
111-4-3608 New V. 39, p. 621
111-4-3609 New V. 39, p. 623
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111-4-3612 New V. 39, p. 855

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