



Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

Board of Nursing

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 2 p.m. Thursday, December 13, in Room 108 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed changes in three existing rules and regulations relating to reinstatement of certification for advance practice nurses, nurse anesthesia school approval requirements, and reinstatement of authorization for nurse anesthesia.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written comments on the proposed amended rules and regulations. All interested parties may submit written comments prior to the hearing to the executive administrator of the Board of Nursing, Room 551-S, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views, orally or in writing, concerning the adoption of the proposed regulations during the hearing. Phone comments will be taken by calling (785) 296-0445 at 2 p.m. the day of the hearing. In order to give all persons an opportunity to present their views, it may be necessary to request each participant to limit any oral presentations to five minutes. A summary of the proposed regulations and the economic impact follows.

K.A.R. 60-11-116. Reinstatement of certification. This is clarification language for the requirements for reinstatement certification for any nurse practitioner, clinical nurse specialist or nurse midwife whose Kansas certification has lapsed. This regulation also clarifies the requirements for reinstatement for nurse anesthetist. There is no economic impact for the State Board of Nurs-

ing, other governmental entities, private business or individuals.

K.A.R. 60-13-103. School approval requirements. This regulation updates the standards required for schools of nurse anesthesia to be approved by Board of Nursing. The school would meet standards II and IV contained in the Standards for Accreditation of Nurse Anesthesia Educational Programs of the Council on Accreditation of Anesthesia Educational Programs, published in 1994 and revised in 1999. There is no economic impact for the State Board of Nursing, other governmental entities, private business or individuals.

K.A.R. 60-13-110. Reinstatement of authorization. For reinstatement of a lapsed authorization for nurse anesthetist, this regulation will increase the number of years to accumulate 1,000 hours of nurse anesthesia practice in another jurisdiction from two to five years. There is no economic impact for the State Board of Nursing, other governmental entities, private business or individuals.

A copy of each of the proposed regulations and associated economic impact statement may be obtained by accessing the Kansas State Board of Nursing's Web site at www.ksbn.org or by contacting the executive administrator at the address above, (785) 296-5752, prior to the date of hearing.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting the State Board of Nursing.

Mary Blubaugh, MSN, RN
Executive Administrator

Doc. No. 027157

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State of Kansas

Legislature
Interim Committee Schedule

The following committee meetings have been scheduled during the period of October 15-28. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. When available, agendas can be found at <http://skyways.lib.ks.us/ksleg/KLRD/klrd.html>.

Date	Room	Time	Committee	Agenda
October 15-18	Tour of Eastern Kansas		Biennial tour for Senate Ways and Means Committee; House Appropriations Committee; Joint Committee on State Building Construction; Legislative Post Audit	15th: Topeka and Manhattan. 16th: Cottonwood Falls, El Dorado and Wichita. 17th: Wichita, Emporia, Overland Park and Kansas City. 18th: Kansas City area.
October 18	Wichita	10:00 a.m.	Special Committee on Judiciary	Tour of Drug Court in Wichita.
October 18	519-S	10:00 a.m.	Special Committee on	18th: Shortline railroad income tax credits; investment service company apportionment; update re HB 2219; agricultural land use value public hearing; local sales tax on natural gas. 19th: Professional employer organizations; streamlined sales tax public hearing.
October 19	519-S	9:00 a.m.	Assessment and Taxation	
October 22	123-S	11:00 a.m.	Legislative Coordinating Council	Legislative matters.
October 22	231-N	10:00 a.m.	Special Committee on	Agenda not available.
October 23	231-N	9:00 a.m.	Commercial and Financial Institutions/Insurance	
October 22	519-S	10:00 a.m.	Special Committee on Energy	Hearings on Equus Beds Groundwater Management District issue.
October 23	519-S	9:00 a.m.		
October 23	123-S	10:00 a.m.	Joint Committee on Pensions, Investments and Benefits	23rd: a.m.—KPERs reports; p.m.—Actuary reports. 24th: a.m.—KPERs asset allocation.
October 24	123-S	9:00 a.m.		
October 24	514-S	10:00 a.m.	Legislative Budget Committee	24th: Agency monthly expenditure to date report—Dept. of Wildlife and Parks; Economic Development Initiatives Fund (EDIF) block grants; Higher Education Coordination Act (1999 SB 345) 25th: Maximizing federal funds.
October 25	514-S	9:00 a.m.		
October 24	519-S	10:00 a.m.	Legislative Educational Planning Committee	Agenda not available.
October 25	519-S	9:00 a.m.		Review of KPC issues and public hearing via video conference (in Landon State Office Building) from 5-7 p.m.
October 24	526-S	2:00 p.m.	Central Payment Center Oversight Commission	
October 25	Canceled		Joint Committee on Economic	
October 26	Canceled		Development	

Jeff Russell
Director of Legislative
Administrative Services

State of Kansas

Kansas Sentencing Commission

Notice of Meeting

The Kansas Sentencing Commission will meet from 1:30 to 3:30 p.m. Thursday, November 1, in the Senate Room of the Jayhawk Tower, 700 S.W. Jackson, Topeka. For further information, call (785) 296-0923.

Barbara Tombs
Executive Director

Doc. No. 027122

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, October 25, in the offices of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the Kansas Development Finance Authority to issue its Agricultural Development Revenue Bonds for the projects numbered below in the respective maximum principal amount. The bonds will be issued to assist the respective borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond of acquiring the project or for the purpose of refunding a bond previously issued to finance the project. The projects shall be located as shown:

Project No. 000506—Maximum Principal Amount: \$59,040. Owner/Operator: Troy and Karla Harvey. Description: Acquisition of 80 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is located at the Northeast Quarter of Section 31, Township 31, Range 20, Comanche County, Kansas, approximately 6 miles north, 2 miles west and .5 mile north of Protection.

Project No. 000509—Maximum Principal Amount: \$45,685.28. Owner/Operator: Steven Mitchell. Description: Acquisition of 148 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is located at Section 11, Township 6 South, Range 3 West of the 6th PM, Cloud County, Kansas, approximately 1 mile south on paved road starting at the east end of 11th Street in Concordia and .5 mile south on gravel road.

Project No. 000510—Maximum Principal Amount: \$63,000. Owner/Operator: Darin L. Harvey. Description: Acquisition of 80 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is located at Northeast Quarter of Section 31, Township 31, Range 20, Comanche County, Kansas, approximately 6 miles north, 2 miles west and .5 mile north of Protection.

Each bond, when issued, will be a limited obligation of the Kansas Development Finance Authority and will not constitute a general obligation or indebtedness of the State of Kansas or any political subdivision thereof, including the Authority, nor will it be an indebtedness for which the faith and credit and taxing powers of the State of Kansas are pledged. Each bond will be payable solely from amounts received from the respective borrower, the obligation of which will be sufficient to pay the principal

of, interest and redemption premium, if any, on each bond when it becomes due.

All individuals who appear at the hearing will be given an opportunity to express their views, and all written comments previously filed with the Authority at its offices at 555 S. Kansas Ave., Suite 202, Topeka, 66603, will be considered. Additional information regarding the projects may be obtained by contacting the Authority.

Any individual affected by any of the above-described projects may, at or prior to the hearing, file a written request with the Authority that a local hearing be held on the proposal to issue a bond to finance said project. A local hearing, if requested, would be conducted in the county where the project in question is located.

Jack H. Brier
President

Doc. No. 027156

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is proposing to revise the *State of Kansas Implementation Plan for the Attainment and Maintenance of National Ambient Air Quality Standards, Sec. E* (SIP, Sec. E). This portion of the SIP defines the state's commitment to conduct ambient air monitoring for criteria pollutants to assure attainment and maintenance of National Ambient Air Quality Standards. This revision is being made to ensure that the SIP includes ambient air monitoring for fine particulate matter (PM_{2.5}) and accurately reflects Title 40 of the Code of Federal Regulations, Part 58, Section 20 (40 CFR 58.20).

This proposed revision does not include any rulemaking action and will not impose new duties, obligations or costs on any member of the public. This notice is provided for the purpose of informing the public of this proposed activity and to provide an opportunity for interested parties to offer additional relevant information and comments to the Kansas Department of Health and Environment. Details concerning this revision can be obtained by contacting Scott Weir, Kansas Department of Health and Environment, Bureau of Air and Radiation, (785) 291-3272.

Interested persons may submit comments to the Kansas Department of Health and Environment, Bureau of Air and Radiation, Attention: Scott Weir, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. Comments must be received by the Bureau of Air and Radiation not later than the close of business November 13 to assure full consideration prior to adoption of this proposed revision into the SIP.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 027138

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Kaneb Pipe Line Operating Partnership, L.P. has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Kaneb Pipe Line Operating Partnership, L.P., Wichita, owns and operates a refined petroleum products bulk terminal located at 3300 E. Ave. G, Reno County.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, and at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Rasha Allen, (785) 296-1693, at the KDHE central office, or David Butler, (316) 337-6020, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Rasha Allen, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received by the close of business November 12.

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 Connie Carreno, Bureau of Air and Radiation, not later than the close of business November 12 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA 45-day review period. If the EPA waives its 45-day review period, the 60-day public petition period will start directly after the 30-day public comment period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this

notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 027152

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. 2000 Supp. 12-1675(b)(c)(d), and K.S.A. 75-4201(l) and 75-4209(a)(1)(B).

Effective 10-8-01 through 10-14-01	
Term	Rate
1-89 days	2.48%
3 months	2.21%
6 months	2.22%
1 year	2.39%
18 months	2.55%
2 years	2.85%

Derl S. Treff
Director of Investments

Doc. No. 027134

State of Kansas

Social and Rehabilitation Services

Notice of Alteration of Agenda for Hearing
on Proposed Administrative Regulations

The Department of Social and Rehabilitation Services has previously scheduled a public hearing on various administrative regulation adoptions for 10 a.m. Thursday, November 15, in the basement auditorium of the Docking State Office Building, 915 S.W. Harrison, Topeka. The public hearing will continue concerning the department's proposed revisions to its Article 5—Provider Participation, Scope of Services and Requirements for the Medicaid (Medical Assistance) Program regulations, K.A.R. 30-5-76 and K.A.R. 30-5-100.

The commission is withdrawing revisions to its Article 6—Medical Assistance Program - Clients' Eligibility for Participation regulations, K.A.R. 30-6-88, 30-6-103, 30-6-107, 30-6-109 and 30-6-112, from consideration at this time for examination at a later date.

A notice of public hearing was published for these regulation revisions in the September 13, 2001 Kansas Register.

Janet Schalansky
Secretary of Social and
Rehabilitation Services

Doc. No. 027119

State of Kansas

**Department of Health
and Environment**

Request for Comments

The Kansas Department of Health and Environment is proposing to issue a five-year permit to the Chanute Municipal Power Plant #2 (Chanute #2) pursuant to Title IV (Acid Deposition Control) of the Federal Clean Air Act and implementing regulations found at 40 CFR Parts 72 through 78. The effective date of the permit is from January 1, 2002 through October 28, 2004.

One turbine affected by this permit action, identified as Chanute #2 unit 14 located at 1415 N. Garfield Road, Chanute, and operated by the City of Chanute, would receive 0 allowances (respectively) for each year from 2002 through 2004. Each allowance authorizes the turbine to emit up to one ton of sulfur dioxide during or after each of the years specified above. Chanute #2 proposes to comply with the Acid Rain Program emission requirements by holding enough allowances to cover all sulfur dioxide emissions. Issuance of this permit would not affect the responsibility of Chanute #2 to meet all other existing local, state and federal sulfur dioxide emission requirements.

The designated representative for Chanute #2 is Larry Gates.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, and at the KDHE Southeast District Office, 1500 W. 7th, Chanute. To obtain or review the proposed permit and supporting documentation, contact Rick Bolfig, (785) 296-1576, at the KDHE central office, or Lynelle Stranghoner, (620) 431-2390, at the KDHE Southeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Rick Bolfig, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. Written comments must be received by the close of business November 12 in order to be considered in formulating a final permit decision.

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 Connie Carreno, Bureau of Air and Radiation, not later than the close of business November 12 in order for the Secretary of Health and Environment to consider the request.

Clyde Graeber
Secretary of Health
and Environment

Doc. No. 027144

State of Kansas

**Department of Health
and Environment**

Request for Comments

The Kansas Department of Health and Environment is proposing to issue a five-year permit to the West Gardner Generating Station (West Gardner) pursuant to Title IV (Acid Deposition Control) of the Federal Clean Air Act and implementing regulations found at 40 CFR Parts 72 through 78. The effective term of the permit is for five years commencing with each affected unit's monitor certification deadline.

Four turbines affected by this permit action, identified as West Gardner units 1, 2, 3 and 4 located at latitude 38°47'16"N : longitude 94°59'7"W, Gardner, Johnson County, operated by the Great Plains Power, Kansas City, Missouri, would receive 0, 0, 0 and 0 allowances (respectively) for each year of the effective term of the permit. Each allowance authorizes the turbines to emit up to one ton of sulfur dioxide during or after each of the years specified above. West Gardner proposes to comply with the Acid Rain Program emission requirements by holding enough allowances to cover all sulfur dioxide emissions. Issuance of this permit would not affect the responsibility of West Gardner to meet all other existing local, state and federal sulfur dioxide emission requirements.

The designated representative for West Gardner is Marcus Jackson.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, and at the Johnson County Environmental Department, 11180 Thompson Ave., Lenexa. To obtain or review the proposed permit and supporting documentation, contact Rick Bolfig, (785) 296-1576, at the KDHE central office, or Mike Boothe, (913) 492-0402, at the Johnson County Environmental Department. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Rick Bolfig, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. Written comments must be received by the close of business November 12 in order to be considered in formulating a final permit decision.

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 Connie Carreno, Bureau of Air and Radiation, not later than the close of business November 12 in order for the Secretary of Health and Environment to consider the request.

Clyde Graeber
Secretary of Health
and Environment

Doc. No. 027142

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is proposing to issue a five-year permit to the Leavenworth Energy Facility (Leavenworth) pursuant to Title IV (Acid Deposition Control) of the Federal Clean Air Act and implementing regulations found at 40 CFR Parts 72 through 78. The effective term of the permit is for five years commencing with each affected unit's monitor certification deadline.

Two turbines affected by this permit action, identified as Leavenworth units A-001 and A-002 located at latitude 39°15'59" : longitude 95°01'16", Leavenworth County, operated by the Duke Energy Leavenworth, Houston, Texas, would receive 0 and 0 allowances (respectively) for each year of the effective term of the permit. Each allowance authorizes the turbines to emit up to one ton of sulfur dioxide during or after each of the years specified above. Leavenworth proposes to comply with the Acid Rain Program emission requirements by holding enough allowances to cover all sulfur dioxide emissions. Issuance of this permit would not affect the responsibility of Leavenworth to meet all other existing local, state and federal sulfur dioxide emission requirements.

The designated representative for Leavenworth is Steven F. Gilliland.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, and at the KDHE Northeast District Office, 800 W. 24th, Lawrence. To obtain or review the proposed permit and supporting documentation, contact Rick Bolfig, (785) 296-1576, at the KDHE central office, or Pat Simpson, (785) 842-4600, at the KDHE Northeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Rick Bolfig, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. Written comments must be received by the close of business November 12 in order to be considered in formulating a final permit decision.

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 Connie Carreno, Bureau of Air and Radiation, not later than the close of business November 12 in order for the Secretary of Health and Environment to consider the request.

Clyde Graeber
Secretary of Health
and Environment

Doc. No. 027141

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is proposing to issue a five-year permit to the Paola Peaking Station (Paola) pursuant to Title IV (Acid Deposition Control) of the Federal Clean Air Act and implementing regulations found at 40 CFR Parts 72 through 78. The effective term of the permit is for five years commencing with each affected unit's monitor certification deadline.

Eight turbines affected by this permit action, identified as Paola units 1, 2, 3, 4, 5, 6, 7 and 8 located at latitude 38°31'52.5"N : longitude 94°54'12.7"W, Paola, Miami County, and operated by the Great Plains Power, Kansas City, Missouri, would receive 0, 0, 0, 0, 0, 0, 0 and 0 allowances (respectively) for each year of the effective term of the permit. Each allowance authorizes the turbines to emit up to one ton of sulfur dioxide during or after each of the years specified above. Paola proposes to comply with the Acid Rain Program emission requirements by holding enough allowances to cover all sulfur dioxide emissions. Issuance of this permit would not affect the responsibility of Paola to meet all other existing local, state and federal sulfur dioxide emission requirements.

The designated representative for Paola is Marcus Jackson.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, and at the KDHE Northeast District Office, 800 W. 24th, Lawrence. To obtain or review the proposed permit and supporting documentation, contact Rick Bolfig, (785) 296-1576, at the KDHE central office, or Pat Simpson, (785) 842-4600, at the KDHE Northeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Rick Bolfig, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. Written comments must be received by the close of business November 12 in order to be considered in formulating a final permit decision.

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 Connie Carreno, Bureau of Air and Radiation, not later than the close of business November 12 in order for the Secretary of Health and Environment to consider the request.

Clyde Graeber
Secretary of Health
and Environment

Doc. No. 027145

**State of Kansas
Advisory Committee on Hispanic Affairs**

Notice of Meeting

The Kansas Advisory Committee on Hispanic Affairs, an entity within the Kansas Department of Human Resources, will conduct an Advisory Board meeting from 3 to 5 p.m. Friday, October 26, at the Center of Grace, 520 S. Harrison, Olathe. The purpose of the meeting is to discuss issues concerning the Hispanic community and activities of board members and to generate new ideas on ways to help the Hispanic community. The public is invited to attend.

Tina DeLaRosa
Executive Director

Doc. No. 027135

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

**Notice Concerning Kansas
Water Pollution Control Permits**

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 15, 28-18a-1 through 32, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared and/or permit applications have been received for discharges to the waters of the United States and the State of Kansas for the class of discharges described below.

The determinations for permit content are based on staff review, applying the appropriate standards, regulations and effluent limitations of the State of Kansas and the EPA, and when issued will result in a State Water Pollution Control Permit and National Pollutant Discharge Elimination System Authorization subject to certain conditions.

All Kansas Department of Health and Environment district office addresses and telephone numbers are listed below.

Public Notice No. KS-AG-01-330/336

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Douglas Rengstorf 292 Arrowhead Road Bremen, KS 66412	SE/4 of Section 5, T1S, R6E, Marshall County	Big Blue River Basin

Kansas Permit No. A-BBMS-S025

This is a permit renewal for an existing facility for 500 head (200 animal units) of swine greater than 55 pounds, 75 head (75 animal units) of cattle greater than 700 pounds and 75 (37.5 animal units) of cattle less than 700 pounds, for a total of 312.5 animal units.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: The manure/waste management plan most recently approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Francis Taphorn 862 14th Marysville, KS 66508	NW/4 of Section 8, T2S, R8E, Marshall County	Big Blue River Basin

Kansas Permit No. A-BBMS-S001

This is a permit renewal for an existing facility for 850 head (340 animal units) of swine greater than 55 pounds.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: The manure/waste management plan most recently approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Steven Cox Associates LLC (Cox's Valley View Farms Inc.) 504 W. 1500 Road Long Island, KS 67647	NW/4 of Section 32, T1S, R20W, Phillips County	Upper Republican River Basin

Kansas Permit No. A-URPL-H003 Federal Permit No. KS0115746

This is a new permit for an existing facility that is converting most of its nursery/finisher operations to gestation/farrowing, resulting in a decrease in capacity from 8,980 head of swine (2,632 animal units) to 8,238 head (2,131.2 animal units) consisting of 4,358 head (1,743.2 animal units) of swine weighing over 55 pounds and 3,880 head (388 animal units) of swine weighing 55 pounds or less.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Harris Farm & Ranch HC 2, Box 40 Tribune, KS 67879	NE/4 of Section 3, T19S, R41W, Greeley County	Upper Arkansas River Basin

Kansas Permit No. A-UAGL-C002 Federal Permit No. KS0089346

This is a renewal permit for an existing facility for 3,000 head (3,000 animal units) of beef cattle.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Daryl Benteman 146 Cyclone Lane Waterville, KS 66548	SE/4 of Section 23, T5S, R5E, Washington County	Big Blue River Basin

Kansas Permit No. A-BBWS-S051

This is a new permit and change of ownership for an existing facility for a maximum of 602 head of swine weighing greater than 55 pounds (240.8 animal units) and 530 head of swine weighing less than 55 pounds (53 animal units), for a total of 1,132 head (293.8 animal units).

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Keith and Donna Olson 278 S. 1000 Road Alta Vista, KS 66834-9407	SW/4 of Section 10, T14S, R8E, Morris County	Neosho River Basin

Kansas Permit No. A-NEMR-M003

This is a permit renewal for an existing facility for a maximum of 40 head (56 animal units) of dairy cows and 20 head of replacement

heifers (10 animal units), for a total of 60 head (66 animal units) of dairy livestock.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Wolf Dairy c/o Noble Wolf 17790 N.W. Shumway Burns, KS 66840	S/2 of Section 36, T22S, R4E, Marion County	Walnut River Basin

Kansas Permit No. A-WAMN-M002

This is a permit renewal for an existing facility for 160 head (224 animal units) of dairy cows.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Public Notice No. KS-01-141/144

Name and Address of Applicant	Waterway	Type of Discharge
Little River, City of 320 Main St. P.O. Box 126 Little River, KS 67457	Little Arkansas River	Treated Domestic Wastewater

Kansas Permit No. M-LA10-0002 Federal Permit No. KS0085758

Legal: SW¹/₄, S16, T19S, R6W, Rice County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, fecal coliform and pH. Monitoring for ammonia also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Madison, City of 217 S. Third P.O. Box 347 Madison, KS 66860	Verdigris River	Treated Domestic Wastewater

Kansas Permit No. M-VE26-0002 Federal Permit No. KS0093858

Legal: SE¹/₄, S7, T22S, R12E, Greenwood County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and fecal coliform also will be required. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator to achieve compliance with its NPDES permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Stafford, City of 112 W. Broadway P.O. Box 280 Stafford, KS 67578	N. Fork Ninescaw River via Dooleyville Creek	Treated Domestic Wastewater

Kansas Permit No. M-AR84-0001 Federal Permit No. KS0028231

Legal: SE¹/₄, S18, T24S, R11W, Stafford County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and fecal coliform also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Sterling, City of 114 N. Broadway Sterling, Kansas 67579	Cow Creek via Bull Creek	Treated Domestic Wastewater

Kansas Permit No. M-AR85-0001 Federal Permit No. KS0024783

Legal: SW¹/₄, S22, T21S, R8W, Rice County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, fecal coliform and pH. Monitoring for ammonia also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Public Notice No. KS-ND-01-022/023

Name and Address of Applicant	Legal Location	Type of Discharge
Chicken Mary's Restaurant 1133 E. 600 Ave. Pittsburg, KS 66762	NW ¹ / ₄ , S35, T29S, R25E, Crawford County	Nonoverflow

Kansas Permit No. C-NE57-NO04

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. This facility has a one-cell wastewater stabilization lagoon. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator to achieve compliance with its NPDES permit. Discharge of wastewater from this treatment facility to the surface waters of the State of Kansas is prohibited by this permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Legal Location	Type of Discharge
Larry Finn 414 E. 10th St. Pittsburg, KS 66762	NW ¹ / ₄ , S20, T31S, R25E, Cherokee County	Nonoverflow

Kansas Permit No. C-NE57-NO06

Facility Name: L. Finn Bar & Dance Hall

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. This facility has a two-cell wastewater stabilization lagoon system. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator to achieve compliance with its NPDES permit. Discharge of wastewater from this treatment facility to the surface waters of the State of Kansas is prohibited by this permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Persons wishing to comment on or object to the draft permits and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments or objections considered in the decision making process. Comments or objections should be submitted to the attention of Shonda Domme for agricultural permits or applications, or to the permit clerk for all other permits, at

(continued)

the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367.

All comments regarding the draft permit or application notice postmarked or received on or before November 10 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-01-330/336, KS-01-141/144, KS-ND-01-022/023) and name of applicant/application as listed when preparing comments.

If no objections are received during the public notice period regarding any proposed permit, the Secretary of Health and Environment will issue the final determination regarding issuance or denial of the proposed permit. If response to this notice indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC). Media coordination for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

For agricultural permits and applications, a copy of the permit application, supporting documentation and a KDHE-developed fact sheet, if appropriate, is available for review at the appropriate district office:

Northwest District Office, 2301 E. 13th,
Hays, 67601-2651, (785) 625-5664

North Central District Office, 2501 Market Place,
Salina, 67401-7699, (785) 827-9639

Northeast District Office, 800 W. 24th,
Lawrence, 66046-4417, (785) 842-4600

Southwest District Office, 302 W. McArtor Road,
Dodge City, 67801-6098, (316) 225-0596

South Central District Office, 130 S. Market, 6th Floor,
Wichita, 67202-3802, (316) 337-6020

Southeast District Office, 1500 W. 7th,
Chanute, 66720, (316) 431-2390

Application information and components of plans and specifications for all new facilities and for expansions of existing swine facilities may be reviewed on the Internet at <http://www.kdhe.state.ks.us/feedlots/stindex.html>.

For all other proposed permits, the draft permit(s), including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received and other information, are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water.

Division of Environment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays. These documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 027151

(Published in the Kansas Register October 11, 2001.)

Pratt Community College Pratt County, Kansas

Notice of Intent to Issue Revenue Bonds

Notice is hereby given that the Board of Trustees of the Pratt Community College, Pratt County, Kansas, duly adopted a resolution on October 8, 2001, declaring necessary and authorizing improvements to the Student Dormitory System (the system), comprised of constructing and equipping a 36-suite, 72-bed space student housing facility, including two commons areas, a laundry facility and a kitchenette, all on the campus of Pratt Community College, Pratt, Kansas (the project), at an estimated cost of \$1,485,000, including financing costs, under the authority of K.S.A. 76-6a13 to 76-6a25, inclusive, as amended and supplemented (the act).

Notice is further given that the resolution authorizes the issuance and sale of system revenue bonds of the college in an amount of not to exceed \$1,485,000, such bonds to be used to pay the costs of the project, including financing costs. In the resolution, the board expressly reserved the right to determine, by subsequent resolution, the exact principal amount of revenue bonds to be issued for the project, provided that the board shall not issue bonds in excess of \$1,485,000 for such purposes unless the board gives further notice of such additional bonds, as provided by the act.

Notice is further given that unless an action to contest the legality of the proposed revenue bonds of the college shall be filed in a court of law within 30 days of the date of publication of this notice, the right to contest the legality of any revenue bonds issued in compliance with the aforesaid resolution and other proceedings duly and legally had and taken by the board prior to the date of publication of this notice, and the right to contest the validity of the provisions of such proceedings, shall cease to exist, and no court shall thereafter have the authority to inquire into such matters. After the expiration of said 30 days from the date of publication of this notice, no one shall have any right to commence an action contesting the validity of such revenue bonds or the provisions of such proceedings of the board, all such revenue bonds shall be conclusively presumed to be legal, and no court shall thereafter have the authority to inquire into such matters.

Dated October 8, 2001.

Board of Trustees
Pratt Community College
Pratt County, Kansas
By Ken Brown
Chairperson, Board of Trustees
Attest: Elizabeth Bible
Secretary of the Board

Doc. No. 027154

State of Kansas

State Records Board

Notice of Meeting

The Kansas State Records Board will meet at 10 a.m. Thursday, October 18, at the Kansas History Center, 6425 S.W. 6th Ave., Topeka. The board will consider requests from state agencies submitting proposals for retention and disposition of noncurrent government records. In addition, general administrative matters and other business will be discussed.

Patricia A. Michaelis
State Archivist

Doc. No. 027149

State of Kansas

Board of Adult Care Home Administrators

Notice of Meetings

The Board of Adult Care Home Administrators will meet at 1 p.m. Friday, October 26, in Classroom A of the Wheatland Habilitation Center, Kansas Neurological Institute, 21st and Oakley, Topeka. The board also will meet at 9:30 a.m. Friday, December 14, in Classroom B of the Wheatland Habilitation Center. For additional information, call (785) 296-0056.

Lesa Roberts, Director
Health Occupations Credentialing

Doc. No. 027153

State of Kansas

Department of Administration
Division of Purchases

Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, 66612, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 296-2377 for additional information:

Monday, October 22, 2001

04114

Department of Wildlife and Parks—Furnish and Install Fish Kettles

04115

Department of Wildlife and Parks—Demolishing of Existing Building and Construct New Metal Building, Blue Rapids

04116

Department of Wildlife and Parks—Construct Boat Ramp, El Dorado State Park, El Dorado

Tuesday, October 23, 2001

04069

Statewide—Windsor Spare Parts

04135

University of Kansas Medical Center—Paint Sundry Items

04120

Department of Wildlife and Parks—All Labor and Materials to Renovate Campsites, Cedar Point Campground, Milford State Lake, Milford

04128

Topeka Correctional Facility—Furnish and Install Freezer/Cooler

04131

Topeka Correctional Facility—Laundry Equipment

04133

Department of Transportation—Truss Shelter, Various Locations

04134

Kansas State University—Agricultural Tractor, Hays

04136

Topeka Correctional Facility—Heating and A/C Units

04139

Kansas State University—Fuel Oil

Thursday, October 25, 2001

04148

University of Kansas Medical Center—Video Conferencing System

Tuesday, October 30, 2001

A-9052

Parsons State Hospital and Training Center—Electrical Service Modifications, Various Locations

A-9267

Kansas Neurological Institute—Water Main and Fire Hydrant Replacement

04110

Kansas State University—Asbestos Abatement and Removal Services

Request for Proposals

Wednesday, October 31, 2001

04129

Intelligent Character Recognition (ICR) Replacement Software, Hardware and Consulting Services for the Department of Revenue

Thursday, November 1, 2001

04119

Kansas Youth Leadership Services for the Department of Transportation

Wednesday, November 14, 2001

04138

Document Management, Imaging and Workflow for the Kansas Insurance Department

John T. Houlihan
Director of Purchases

Doc. No. 027155

State of Kansas

Legislative Division of Post Audit

Invitation for Bids

Sealed bid proposals in response to a Legislative Division of Post Audit invitation for bids on audit work will be received until 9 a.m. Wednesday, October 24. The invitation covers the performance audit of the state's system for controlling Medicaid fraud and abuse-review and evaluation of the system.

A copy of the invitation for bids may be obtained from the Legislative Division of Post Audit, 800 S.W. Jackson, Suite 1200, Topeka, 66612, (785) 296-3792.

Barbara J. Hinton
Legislative Post Auditor

Doc. No. 027139

State of Kansas

State Conservation Commission

Notice of Meeting

The State Conservation Commission will conduct a telephone conference at 8 a.m. Thursday, October 18. Individuals may attend by reporting to the executive director's office in Suite 500, 109 S.W. 9th, Topeka. A copy of the agenda may be obtained by contacting Cathy Greene at the address above, (785) 296-3600. If special accommodations are needed, contact the agency at least three days in advance of the meeting date.

Tracy Streeter
Executive Director

Doc. No. 027143

(Published in the Kansas Register October 11, 2001.)

Summary Notice of Bond Sale
City of Fort Scott, Kansas
\$340,000

Taxable General Obligation Bonds
Series B, 2001

(General obligation bonds payable from unlimited ad valorem taxes)

Bids

Subject to the notice of bond sale dated September 18, 2001, written bids will be received by the director of finance of the City of Fort Scott, Kansas (the issuer), on behalf of the governing body at City Hall, 1 E. Third, Fort Scott, KS 66701, until 3:30 p.m. October 23, 2001, for the purchase of \$340,000 principal amount of Taxable General Obligation Bonds, Series B, 2001. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated November 1, 2001, and will become due on October 1 in the years as follows:

Table with 2 columns: Year, Principal Amount. Rows for years 2002-2006 with corresponding principal amounts.

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning April 1, 2002.

Optional Book-Entry-Only System

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$6,800 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about November 20, 2001, to DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States as may be specified by the successful bidder, or elsewhere at the expense of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2001 is \$40,728,660. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold but excluding temporary notes to be retired in conjunction therewith, is \$6,906,263.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the director of finance, (620) 223-0550, fax (620) 223-8100; or from the financial advisor, George K. Baum & Company, 100 N. Main, Suite 810, Wichita, KS 67202, Attention: Charles M. Bouilly, (316) 264-9351, fax (316) 264-9374.

Dated September 18, 2001.

City of Fort Scott, Kansas

Doc. No. 027137

State of Kansas

Department of Administration

Public Notice

Under requirements of K.S.A. 2000 Supp. 65-34,117(c), records of the Division of Accounts and Reports show the unobligated balances are \$2,105,158.30 in the underground petroleum storage tank release trust fund and \$808,625.78 in the aboveground petroleum storage tank release trust fund at September 30, 2001.

Joyce Glasscock
Acting Secretary of Administration

Doc. No. 027148

State of Kansas

Kansas Lottery

Temporary Administrative
Regulations

Article 4.—INSTANT GAMES AND DRAWINGS

111-4-1867. Method of entry. (a) Entry into the "Heat Wave Harley-Davidson Drawing" to be conducted on March 15, 2002, shall be accomplished as follows:

(1) Obtain a valid "Heat Wave Harley-Davidson" Kansas instant lottery ticket;

(2) Determine if the ticket is a winning ticket in accordance with "Heat Wave Harley-Davidson" instant game rules. If the ticket is a winning ticket, it is not eligible for the "Heat Wave Harley-Davidson Drawing" and shall be redeemed in accordance with the instant game rules;

(3) If the ticket is a valid non-winning ticket, the ticket is eligible for the drawing and the holder of the ticket may enter the "Heat Wave Harley-Davidson Drawing."

(4) The holder of the non-winning ticket must complete the information form on the back of the ticket in a legible manner. Only one name shall appear on a non-winning ticket entered.

(5) A receptacle or drum shall be available and entries may be made at the Kansas lottery selling location at the Kansas speedway racetrack during selling hours on September 27, September 28, September 29, and September 30, 2001. Kansas lottery security shall secure said entries until the drawing.

(6) Entries may also be mailed with proper postage affixed to "Heat Wave Harley-Davidson Drawing," c/o Kansas lottery, P. O. Box 3561, Topeka, Kansas 66601-3561. Mailed entries must be received by morning mail pickup on March 12, 2002. More than one entry may be mailed in one envelope.

(7) The holder of the ticket is not required to personally attend the "Heat Wave Harley-Davidson Drawing" or be present at the time of the drawing to be determined a winner;

(8) The drawing will be conducted at the approximate time listed in K.A.R. 111-4-1865.

(b) There is no limit on the number of entries a person may make, but a person may only win one time.

(c) All eligible non-winning tickets which are mailed and received by the morning mail pickup in Topeka, Kansas, on Tuesday, March 12, 2002, and all tickets deposited

into the receptacle or drum as set forth in K.A.R. 111-4-1867(a)(5), shall be entered into the "Heat Wave Harley-Davidson Drawing."

(d) Eligible entrants in the "Heat Wave Harley-Davidson Drawing" must be 18 years of age or older.

(e) Completing the information form on the non-winning ticket and entering the ticket into the drawing constitutes authorization to publicly identify the person whose entry is drawn. (Authorized by and implementing K.S.A. 2000 Supp. 74-8710, as amended by L. 2001, Ch. 24, §6; effective, T-111-8-23-01, Aug. 17, 2001; amended, T-111-9-27-01, Sept. 26, 2001.)

111-4-1869. Selection of winners. The following process shall be used for the selection of winners in the "Heat Wave Harley-Davidson Drawing":

(a) Kansas lottery personnel shall pick up all properly mailed envelopes containing "Heat Wave Harley-Davidson Drawing" entries at the United States Post Office in Topeka, Kansas, with final pick up on Tuesday, March 12, 2002.

(b) Lottery personnel shall transport the mail to the mail room where the envelopes will be opened and the ticket(s) contained therein stored in a secure location until immediately prior to the drawing, at which time all tickets will be placed into the drawing receptacle or drum, along with all entries received at the Kansas speedway pursuant to K.A.R. 111-4-1867(a)(5).

(c) The drawing shall be held at the lottery headquarters in a place accessible to the public and open for public attendance with lottery security personnel present. The drawing shall be audio and video taped.

(d) At the start of the Friday, March 15, 2002, drawing, lottery security personnel shall present the receptacle or drum to the person designated by the executive director to perform the drawing. The receptacle or drum for the "Heat Wave Harley-Davidson Drawing" shall contain all eligible entries. The designated individual shall then unseal the receptacle or drum, and using the bare-arm technique, while looking away, remove two tickets, one at a time, from the receptacle or drum and mark them in order drawn, 1 and 2. The person whose name appears on each of the entries shall be the winner of the prize identified in K.A.R. 111-4-1866, subject to validation by the lottery as set forth in these rules.

(e) After two tickets have been drawn and each entry has been verified as valid by lottery security, two more entries will be drawn, one at a time, to serve as alternate entries. The alternate entries will be marked in order drawn, 1A and 2A. The alternate ticket entries will be used only if the original winners cannot be located or are declared ineligible, or fail to present a fully executed claim form to lottery headquarters by 5:00 p.m. on the forty-fifth day following the drawing. The alternates will be used, if necessary, in the order drawn.

(f) The Kansas lottery security official present shall review each ticket drawn to determine the validity of the entry into the "Heat Wave Harley-Davidson Drawing" in accordance with these regulations. If it is a valid entry and the name is legible, the event manager and the security person present shall record the name of the winner.

(continued)

Each winner shall be given or sent a prize claim form to be completed and returned to the lottery within 45 days of the drawing.

(g) If the entry is determined to be ineligible, it shall be discarded by the security person present and another entry drawn. This procedure will be repeated until valid selections are obtained.

(h) Non-winning "Heat Wave Harley-Davidson Drawing" entry tickets are eligible for all drawings.

(i) All "Heat Wave Harley-Davidson Drawing" tickets remaining in the drum or receptacle on March 15, 2002, after the winners have been selected and certified, and all entries not received in compliance with these rules shall be destroyed pursuant to K.A.R. 111-3-34. (Authorized by and implementing K.S.A. 2000 Supp. 74-8710, as amended by L. 2001, Ch. 24, §6; effective, T-111-8-23-01, Aug. 17, 2001; amended, T-111-9-25-01, Sept. 12, 2001; amended, T-111-9-27-01, Sept. 26, 2001.)

Ed Van Petten
Executive Director

Doc. No. 027133

State of Kansas

Department of Administration

Permanent Administrative Regulations

Article 18.—MAXIMUM ALLOWANCE FOR MILEAGE FOR USE OF A PRIVATELY OWNED CONVEYANCE FOR PUBLIC PURPOSES

1-18-1a. Mileage rates. (a) Subject to the provisions of subsection (d), each employee who has been authorized to use a privately owned conveyance to engage in official business for an agency shall be entitled to reimbursement for the use of that conveyance at a rate established in accordance with K.S.A. 75-3203a, and amendments thereto. Notice of the mileage reimbursement rates established in accordance with K.S.A. 75-3203a, and amendments thereto, shall be published in an informational circular by the division of accounts and reports.

(b) In addition to the mileage allowance authorized under subsection (a) of this regulation, the employee may be reimbursed for the following expenses:

- (1) Parking fees when on an official trip;
- (2) toll road and toll bridge costs; and
- (3) airplane landing and tie-down fees.

(c) When an employee travels by privately owned airplane, reimbursement may be made for one round trip in a privately owned automobile or for local transportation charged in travel under these conditions:

- (1) Between the official station or domicile and the airport in the city in which the official station or domicile is located; and
- (2) between the airport in the destination city and the place of official business.

(d) Exceptions to the mileage rates established in accordance with K.S.A. 75-3203a, and amendments thereto, shall be as follows.

(1) If a mode of transportation is available and is less costly than transportation by privately owned convey-

ance, mileage payments for use of a privately owned conveyance shall be limited to the cost of that other mode of transportation.

(2) An agency may pay a specified mileage rate that is lower than the rate established in accordance with K.S.A. 75-3203a, and amendments thereto, if an employee's travel is not required by the agency and the employee is informed of the specified rate in advance of the travel.

(3) For employees of the state of Kansas only, any state employee choosing to use a privately owned automobile when a state-owned or state-leased vehicle, as defined by K.A.R. 1-17-1, is available for use shall be reimbursed at the central motor pool rate for compact cars, except under either of the following conditions:

(A) The employee's agency head or the agency head's designee determines that the use of a state-owned or state-leased vehicle would be more expensive than the use of the employee's privately owned automobile.

(B) The employee has a disability that requires the use of a privately owned vehicle that is specially equipped. (Authorized by and implementing K.S.A. 75-3203, as amended by L. 2001, Ch. 109, Sec. 2, and 75-3203a, as amended by L. 2001, Ch. 109, Sec. 3; effective May 1, 1979; amended, E-80-10, July 11, 1979; amended May 1, 1980; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended, T-83-19, July 1, 1982; amended May 1, 1983; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended, T-85-46, Dec. 19, 1984; amended, T-86-7, April 1, 1985; amended May 1, 1985; amended, T-86-7, May 1, 1985; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended, T-89-1, Jan. 7, 1988; amended Oct. 1, 1988; amended, T-1-2-28-90, March 1, 1990; amended April 23, 1990; amended, T-1-11-14-90, Nov. 14, 1990; amended Jan. 7, 1991; amended July 12, 1993; amended, T-1-6-28-95, June 28, 1995; amended Aug. 4, 1995; amended, T-1-7-1-96, July 1, 1996; amended Oct. 18, 1996; amended, T-1-7-1-97, July 1, 1997; amended Aug. 8, 1997; amended July 1, 1998; amended, T-1-3-18-99, April 1, 1999; amended June 24, 1999; amended, T-1-7-7-00, July 15, 2000; amended Nov. 3, 2000; amended, T-1-7-2-01, July 2, 2001; amended Oct. 26, 2001.)

Article 45.—MOTOR VEHICLE PARKING ON CERTAIN STATE-OWNED OR OPERATED PROPERTY IN SHAWNEE COUNTY

1-45-1. General provisions. (a) The following definitions shall apply to these regulations.

(1) The term "motor vehicle" shall have the meaning prescribed by K.S.A. 8-126, and amendments thereto.

(2) "Person" shall mean either of the following:

(A) The individual, partnership, corporation, association, or governmental body to whom a motor vehicle is registered as provided in K.S.A. 8-127, and amendments thereto; or

(B) a person who has the lawful possession of a motor vehicle as provided in a lease entered into for valuable consideration, including the individual or state agency to which a state-owned or state-operated motor vehicle is assigned in accordance with K.S.A. 75-4601 et seq., and amendments thereto, and article 17 of these regulations.

(3) The term "state agency" shall have the meaning prescribed by K.S.A. 75-4112, and amendments thereto.

(b) Except as otherwise expressly indicated in these regulations, no person shall park a motor vehicle, or permit that person's motor vehicle to be parked, upon any state-owned or state-operated property in Shawnee county, Kansas, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted, unless the motor vehicle plainly displays a unique parking permit issued and approved by the secretary authorizing that motor vehicle to be parked at a location prescribed by these regulations.

(c) These regulations shall not apply to state-owned or state-operated property in Shawnee county, Kansas, under the jurisdiction and control of the department of corrections, the Kansas neurological institute, the juvenile justice authority, the state highway shops and laboratory, and the Kansas national guard, and to facilities governed by Article 46 of these regulations. (Authorized by and implementing K.S.A. 75-3706, 75-4506; effective May 1, 1979; amended Oct. 26, 2001.)

1-45-7. Fees and charges. (a)(1) Effective January 1, 2002, the parking permit fee, where required, shall be as follows, except as provided in K.A.R. 1-45-7a:

- (A) Reserved spaces.
 - (i) State agencies\$17.50 per month
 - (ii) state employees\$8.08 per biweekly fee period
- (B) Nonreserved spaces.
 - (i) State agencies\$15.00 per month
 - (ii) state employees\$6.92 per biweekly fee period

(2) Effective January 1, 2007, the parking permit fee, where required, shall be as follows, except as provided in K.A.R. 1-45-7a:

- (A) Reserved spaces.
 - (i) State agencies\$25.00 per month
 - (ii) state employees\$11.54 per biweekly fee period
- (B) Nonreserved spaces.
 - (i) State agencies\$20.00 per month
 - (ii) state employees\$9.24 per biweekly fee period

(3) A parking permit fee shall not be required for any vehicle in the state vanpool or for any carpool that has three or more state employees as passengers.

(b) Parking permit fees shall be paid in advance. The fee shall not be prorated, and no refunds shall be made for any unused portions of a fee period. The payment of permit fees shall be a continuing obligation until terminated in writing by either party to a parking contract.

(c) Metered spaces in designated visitor parking areas shall be charged at the rate of \$.60 per hour. (Authorized by K.S.A. 75-3706, 75-4506; implementing K.S.A. 75-4506; effective May 1, 1979; amended May 1, 1981; amended, T-87-17, July 1, 1986; amended May 1, 1987; amended Nov. 22, 1996; amended Oct. 26, 2001.)

1-45-7a. Parking fees for state parking garage. (a) "State parking garage" means the parking garage located on Jackson avenue between 10th and 11th streets that is owned by the Topeka public building commission and operated by the state of Kansas.

(b)(1) Notwithstanding the provisions of K.A.R. 1-45-7, the following parking fees shall apply during the fiscal year beginning July 1, 2001, to state agencies and state employees with parking contracts for the state parking garage:

- (A) State employees ... \$20.77 per biweekly fee period
 - (B) state agencies\$45.00 per month
- (2) On July 1 of fiscal year 2003, the parking fees established under paragraph (b)(1) shall be increased by 2%. On July 1 of each subsequent fiscal year through fiscal year 2031, the parking fees from the prior fiscal year shall be increased by an additional 2%.

(3) Each state employee who enters into a parking contract for the state parking garage shall pay the biweekly parking fee by payroll deduction, except for any fee periods or portion of a fee period before the payroll deduction application is processed.

(c) If space in the state parking garage is made available to members of the public either for monthly parking permits or for short-term parking, the following parking fees shall apply to members of the public:

(A) Members of the public with a parking permit shall pay a monthly rate established under the terms of the parking permit contract.

(B) Members of the public without a parking permit shall be charged parking fees at the rate of \$.60 per hour or \$5.00 per day.

(d) No refunds shall be made for any unused portions of a month or fee period. The payment of parking fees shall be a continuing obligation until terminated in writing by either party to a parking contract. (Authorized by K.S.A. 75-3706, 75-4506, and 75-4507; implementing K.S.A. 75-4506; effective, T-1-7-2-01, July 2, 2001; effective Oct. 26, 2001.)

Joyce Glasscock
Acting Secretary of Administration

Doc. No. 027146

State of Kansas
Department of Revenue
Permanent Administrative
Regulations

Article 52.—MOTOR VEHICLE DRIVERS' LICENSES

92-52-9. Definition of moving violation. (a) "Moving violation" means a conviction for violating any of the following:

(1) Any of the following Kansas statutes, and amendments thereto:

- (A) K.S.A. 8-235;
- (B) K.S.A. 8-237;
- (C) K.S.A. 8-262;
- (D) K.S.A. 8-287;
- (E) K.S.A. 8-296;
- (F) K.S.A. 8-1507 through K.S.A. 8-1511;
- (G) K.S.A. 8-1514 through K.S.A. 8-1524;
- (H) K.S.A. 8-1526 through K.S.A. 8-1531a;
- (I) K.S.A. 8-1535;
- (J) K.S.A. 8-1539 through K.S.A. 8-1540;
- (K) K.S.A. 8-1545 through K.S.A. 8-1546;
- (L) K.S.A. 8-1548 through K.S.A. 8-1560b;
- (M) K.S.A. 8-1561 through K.S.A. 8-1563;
- (N) K.S.A. 8-1565 through K.S.A. 8-1567;
- (O) K.S.A. 8-1568;

(continued)

- (P) K.S.A. 8-1574 through K.S.A. 8-1576;
- (Q) K.S.A. 8-1578a;
- (R) K.S.A. 8-1580 through K.S.A. 8-1581;
- (S) K.S.A. 8-1584;
- (T) K.S.A. 8-1599;
- (U) K.S.A. 8-1703;
- (V) K.S.A. 8-1725;
- (W) K.S.A. 21-3405; or

(X) any other Kansas statute that specifically provides that conviction for a violation of such statute is a moving violation;

(2) any similar municipal ordinance or county resolution in this state; or

(3) any similar statute, municipal ordinance, or regulation in another state.

(b) Nothing in this regulation shall be construed to prevent the division of vehicles from recording on individual driving records other administrative actions or convictions relating to vehicles. (Authorized by K.S.A. 8-249; implementing K.S.A. 2000 Supp. 8-255, as amended by L. 2001, Ch. 200, § 2; effective, E-82-26, Dec. 16, 1981; effective May 1, 1982; amended June 1, 1992; amended, T-92-7-2-01, July 2, 2001; amended Oct. 26, 2001.)

92-52-9a. Moving violations; suspension or restriction of driving privileges. (a) If a person commits one or more moving violations on three separate occasions within a 12-month period, excluding the violations specified in K.S.A. 8-254, K.S.A. 8-285, and K.S.A. 8-291, and amendments thereto, then a warning notice shall be mailed by the division to the person advising the person that an additional violation may result in restricted driving privileges.

(b) If a person commits one or more moving violations on four separate occasions within a 12-month period, excluding the violations specified in K.S.A. 8-254, K.S.A. 8-285, and K.S.A. 8-291, and amendments thereto, then the person's license shall be restricted by the division for 30 days to driving under the circumstances provided in K.S.A. 8-292, and amendments thereto. The person shall be advised by the division that an additional violation may result in suspended driving privileges.

(c) If a person commits one or more moving violations on five separate occasions within a 12-month period, excluding the violations specified in K.S.A. 8-254, K.S.A. 8-285, and K.S.A. 8-291, and amendments thereto, then the person's license shall be suspended by the division for 90 days.

(d) If a person commits one or more moving violations on six or more separate occasions within a 12-month period, excluding the violations specified in K.S.A. 8-254, K.S.A. 8-285, and K.S.A. 8-291, and amendments thereto, then an order suspending the person's license for one year shall be issued by the division. (Authorized by K.S.A. 2000 Supp. 8-234b, K.S.A. 8-249; implementing K.S.A. 2000 Supp. 8-255, as amended by L. 2001, Ch. 200, § 2; effective June 1, 1992; amended, T-92-7-2-01, July 2, 2001; amended Oct. 26, 2001.)

Stephen S. Richards
Secretary of Revenue

Doc. No. 027136

State of Kansas

Office of the Securities Commissioner

Permanent Administrative
Regulations

Article 3.—LICENSING; BROKER-DEALERS
AND AGENTS

81-3-1. Requirements and registration procedures for broker-dealers and agents. A broker-dealer or agent may register under the act if the commissioner finds that the applicant is qualified, has sufficient training or knowledge of the securities business, is of good repute, and otherwise satisfies the requirements of the act and regulations thereunder. (a) General provisions.

(1) Each applicant shall be at least 18 years of age. If the applicant is not an individual, then the directors, officers, or managing partners of the applicant shall be at least 18 years of age.

(2) An agent shall not register in association with more than one broker-dealer or issuer at any one time, unless management and control of the broker-dealers or issuers are substantially identical.

(b) Application requirements.

(1) A person may apply for registration or renewal through the CRD system or other electronic filing system approved by the commissioner. A person shall file any application that is not made through the CRD system in the form as set forth in K.A.R. 81-2-1(c) or as otherwise prescribed by the commissioner. Each applicant shall include the following with the application:

(A) The filing fee specified in K.A.R. 81-3-2; and

(B) proof of successful completion of the examination requirements of subsection (c) of this regulation.

(2) Each application that has been on file for a period of six months without any action taken by the applicant shall be considered withdrawn.

(3) Each application by a broker-dealer for registration or renewal shall include a current list of the addresses of all branch offices and the names of all branch managers.

(c) Examination requirements.

(1) An applicant for registration as an agent shall be required to have completed the series 63 or series 66 examination with a score of 70% or better, and one other examination approved by the commissioner and required for registration with the NASD.

(2) The examination requirement may be waived by the commissioner for an applicant who has previously passed the required written examinations and whose last effective registration was not more than two years before the date of the filing of the present registration application.

(3) Additional examination requirements may be imposed by the commissioner, or any applicant or class of applicants may be exempted from examination requirements, for good cause shown.

(d) Financial responsibility. The financial statements required below shall include a statement of financial condition and notes to the statement of financial condition presented in conformity with generally accepted accounting principles. Unless otherwise permitted, an independ-

ent certified public accountant shall audit the financial statements in accordance with generally accepted auditing standards. Financial statements of broker-dealers shall include disclosure of net capital or shall be accompanied by a supplemental schedule of net capital, in compliance with the requirements of subsection (e) below.

(1) Financial statements of applicants. Each applicant for original registration as a broker-dealer shall file either of the following:

(A) Audited financial statements for a date or period ending within 30 days before the date of filing; or

(B) audited financial statements for the applicant's last fiscal year, along with interim financial statements that may be unaudited for a date or period ending within 30 days before the date of filing.

(2) Annual reports. At the time an application for registration is filed, each broker-dealer shall notify the commissioner of the date on which the broker-dealer's fiscal year ends. Each broker-dealer currently registered shall make and maintain an annual report containing audited financial statements and the net capital amount for the broker-dealer's most recent fiscal year. A broker-dealer shall file the annual audit report with the commissioner within five days of a request by the commissioner. Any broker-dealer violating the terms of this regulation may be subject to suspension of registration by emergency order.

For purposes of uniformity, a copy of audited financial statements in compliance with SEC rule 17a-5(d), 17 C.F.R. 240.17a-5(d), as in effect on April 1, 2001 and hereby adopted by reference, when filed as required above, shall be deemed to comply with this regulation.

(3) Required records. Each registered broker-dealer shall maintain and preserve records in compliance with SEC rule 17a-3, 17 C.F.R. 240.17a-3, as in effect on April 1, 2001, and SEC rule 17a-4, 17 C.F.R. 240.17a-4, as in effect on April 1, 2001, both of which are adopted by reference.

(e) Minimum net capital requirements.

(1) Each broker-dealer shall comply with SEC rule 15c3-1, 17 C.F.R. 240.15c3-1, as in effect on April 1, 2001; SEC rule 15c3-2, 17 C.F.R. 240.15c3-2, as in effect on April 1, 2001; and SEC rule 15c3-3, 17 C.F.R. 240.15c3-3, as in effect on April 1, 2001, all of which are hereby adopted by reference.

(2) Each registered broker-dealer shall comply with SEC rule 17a-11, 17 C.F.R. 240.17a-11, as in effect on April 1, 2001 and hereby adopted by reference, and shall simultaneously file with the commissioner copies of notices and reports required by that rule.

(f) Confirmations. At or before completion of each transaction with a customer, the broker-dealer shall give or send to the customer a written notification that is in conformity with SEC rule 10b-10, 17 C.F.R. 240.10b-10, as in effect on April 1, 2001 and hereby adopted by reference.

(g) Effective date of registration and updating requirements.

(1) A registration shall become effective upon approval by the commissioner.

(2) Each registrant shall immediately notify the commissioner in writing of any material change in any infor-

mation, exhibits or schedules submitted, or circumstances disclosed in its last prior application. The registrant shall file a correcting amendment at the time of the occurrence or discovery of the changes. Material changes shall include the following:

(A) Change in firm name, ownership, management or control of a broker-dealer, or a change in any of its partners, officers or persons in similar positions, or its business address, or the creation or termination of a branch office in Kansas;

(B) change in type of entity, general plan or character of a broker-dealer's business, method of operation, or type of securities in which it is dealing or trading;

(C) insolvency, dissolution or liquidation, or a material adverse change or impairment of working capital, or non-compliance with the minimum net capital required above;

(D) termination of business or discontinuance of those activities as a broker-dealer or agent;

(E) the filing of a criminal charge or civil action against a registrant, or a partner or officer, in which a fraudulent, dishonest, or unethical act is alleged, or a violation of a securities law is involved; or

(F) entry of an order or proceeding by any court or administrative agency against a registrant denying, suspending, or revoking a registration, or threatening to do so, or enjoining the registrant from engaging in or continuing any conduct or practice in the securities business.

(h) Expiration, renewal, withdrawal, and termination.

(1) All registrations shall expire on December 31, and all applications for renewal shall be filed not later than the deadline established by CRD.

(2) When an agent's association with a broker-dealer or issuer is discontinued or terminated, the broker-dealer or issuer shall file a notice of termination. If the agent commences employment with another broker-dealer or issuer, that broker-dealer or issuer shall file an original application for registration, except that an agent registered through the CRD system may comply with the requirements of this subsection through participation in the temporary agent transfer program.

(3) Termination of a broker-dealer's or issuer's registration for any reason shall automatically constitute cancellation of all associated agents' registrations.

(4) If any broker-dealer desires to withdraw and terminate registration or registration is terminated by the commissioner, that broker-dealer shall immediately file a completed form BDW.

(i) Denial, suspension, and revocation. "Dishonest and unethical practices" under K.S.A. 17-1254, and amendments thereto, shall be defined to include the following statements of policy, all of which are hereby adopted by reference:

(1) The NASAA statement of policy titled "dishonest or unethical business practices," as adopted by NASAA on April 23, 1983;

(2) the NASAA statement of policy titled "fraudulent and unethical sales practices—manipulative conduct," as amended by NASAA on April 29, 1992; and

(3) the NASAA statement of policy titled "statement of policy regarding dishonest or unethical business practices

(continued)

by broker-dealers and agents in connection with investment company shares," as adopted by NASAA on April 28, 1997. (Authorized by K.S.A. 2000 Supp. 17-1270; implementing K.S.A. 2000 Supp. 17-1254 and K.S.A. 2000 Supp. 17-1270; effective Jan. 1, 1966; amended, E-70-15, Feb. 4, 1970; amended Jan. 1, 1971; amended, E-77-40, Aug. 12, 1976; amended Feb. 15, 1977; amended May 1, 1987; amended Oct. 7, 1991; amended June 28, 1993; amended May 31, 1996; amended Oct. 26, 2001.)

81-3-2. Broker-dealer and agent; registration fees.

(a) The fee for initial registration or renewal of the registration of each broker-dealer shall be \$200.

(b) The fee for initial registration or renewal of the registration of each agent shall be \$50. (Authorized by K.S.A. 2000 Supp. 17-1270; implementing K.S.A. 2000 Supp. 17-1254; effective, E-82-24, Dec. 9, 1981; effective May 1, 1982; amended, T-87-41, Dec. 8, 1986; amended May 1, 1987; amended, T-81-9-12-88, Sept. 12, 1988; amended Oct. 25, 1988; amended Jan. 15, 1990; amended Oct. 7, 1991; amended Dec. 19, 1997; amended Oct. 26, 2001.)

81-3-3. (Authorized by K.S.A. 1992 Supp. 17-1270(f); implementing K.S.A. 17-1253; effective, T-87-28, Oct. 1, 1986; effective May 1, 1987; amended June 28, 1993; revoked Oct. 26, 2001.)

81-3-5. Sales of securities at financial institutions.

(a) Definitions. For purposes of this regulation, the following definitions shall apply:

(1) "Affiliate" means a company that controls, is controlled by, or is under common control with a broker-dealer as defined in conduct rule 2720 of the NASD, as in effect on September 14, 2001, which is hereby adopted by reference.

(2) "Broker-dealer services" means the investment banking or securities business as defined in article I of the NASD bylaws, as in effect on September 14, 2001, which is hereby adopted by reference.

(3) "Financial institution" means any federal-chartered or state-chartered bank, savings and loan association, savings bank, credit union, and any service corporation of these institutions located in Kansas.

(4) "Networking arrangement" and "brokerage affiliate arrangement" mean a contractual or other arrangement between a broker-dealer and a financial institution pursuant to which the broker-dealer conducts broker-dealer services on the premises of the financial institution where retail deposits are taken.

(b) Applicability. This regulation shall apply exclusively to broker-dealer services conducted by any broker-dealer on the premises of a financial institution where retail deposits are taken. This regulation shall not alter or abrogate a broker-dealer's obligations to comply with other applicable laws or regulations that may govern the operations of broker-dealers and their agents, including supervisory obligations. This regulation shall not apply to broker-dealer services provided to nonretail customers.

(c) Standards for broker-dealer conduct. No broker-dealer shall conduct broker-dealer services on the premises of a financial institution where retail deposits are taken unless the broker-dealer complies initially and continuously with the following requirements:

(1) Setting. Broker-dealer services shall be conducted in a physical location distinct from the area in which the financial institution's retail deposits are taken. In all situations, the broker-dealer shall identify its services in a manner that clearly distinguishes those services from the financial institution's retail deposit-taking activities. The broker-dealer's name shall be clearly displayed in the area in which the broker-dealer conducts its broker-dealer services.

(2) Networking and brokerage affiliate arrangements and program management. Networking and brokerage affiliate arrangements shall be governed by a written agreement that sets forth the responsibilities of the parties and the compensation arrangements. Networking and brokerage affiliate arrangements shall stipulate that supervisory personnel of the broker-dealer and representatives of state securities authorities, where authorized by state law, will be permitted access to the financial institution's premises where the broker-dealer conducts broker-dealer services in order to inspect the books and records and other relevant information maintained by the broker-dealer with respect to its broker-dealer services. The broker-dealer shall be responsible for ensuring that the networking and brokerage affiliate arrangement clearly outlines the duties and responsibilities of all parties.

(3) Customer disclosure and written acknowledgment.

(A) At or before the time that a customer's securities brokerage account is opened by a broker-dealer on the premises of a financial institution where retail deposits are taken, the broker-dealer shall perform the following:

(i) Disclose, orally and in writing, that the securities products purchased or sold in a transaction with the broker-dealer are not insured by the federal deposit insurance corporation ("FDIC"), are not deposits or other obligations of the financial institution and are not guaranteed by the financial institution, and are subject to investment risks, including possible loss of the principal invested; and

(ii) make reasonable efforts to obtain from each customer during the account opening process a written acknowledgment of the disclosures required by paragraph (c)(3)(A)(i).

(B) If broker-dealer services include any written or oral representations concerning insurance coverage other than FDIC insurance coverage, then clear and accurate written or oral explanations of the coverage shall also be provided to the customers when these representations are first made.

(4) Communications with the public.

(A) All of the broker-dealer's written confirmations and account statements shall indicate clearly that the broker-dealer services are provided by the broker-dealer.

(B) Recommendations by a broker-dealer concerning nondeposit investment products with a name similar to that of the financial institution shall occur only pursuant to a sales program designed to minimize the risk of customer confusion.

(C) Advertisements and sales literature.

(i) Advertisements and sales literature that announce the location of a financial institution where broker-dealer services are provided by the broker-dealer, or that are

distributed by the broker-dealer on the premises of a financial institution, shall disclose that the securities products are not insured by the FDIC, are not deposits or other obligations of the financial institution and are not guaranteed by the financial institution, and are subject to investment risks, including possible loss of the principal invested.

(ii) To comply with the requirements of paragraph (c)(4)(C)(i), the following logo format disclosures may be used by a broker-dealer in advertisements and sales literature, including material published or designed for use in radio or television broadcasts, automated teller machine screens, billboards, signs, posters, and brochures, if these disclosures are displayed in a conspicuous manner: "not FDIC insured," "no bank guarantee," and "may lose value."

(iii) If the omission of the disclosures required by paragraph (c)(4)(C)(i) would not cause the advertisement or sales literature to be misleading in light of the context in which the material is presented, the disclosures shall not be required with respect to messages contained in radio broadcasts of 30 seconds or less; signs, including banners and posters, when used only as location indicators; and electronic signs, including billboard-type signs that are electronic, time and temperature signs, and ticker tape signs. However, the requirements of paragraph (c)(4)(C)(i) shall apply to messages contained in other media, including television, on-line computer services, and automated teller machines.

(5) Notification of termination. The broker-dealer shall promptly notify the financial institution if any agent of the broker-dealer who is employed by the financial institution is terminated for cause by the broker-dealer. (Authorized by K.S.A. 2000 Supp. 17-1270; implementing K.S.A. 2000 Supp. 17-1254 and K.S.A. 2000 Supp. 17-1270; effective Oct. 26, 2001.)

Article 4.—REGISTRATION OF SECURITIES

81-4-3. (Authorized by K.S.A. 17-1270(f); implementing K.S.A. 17-1270(f); effective Nov. 12, 1991; revoked Oct. 26, 2001.)

Article 5.—EXEMPTIONS

81-5-7. Exchange exemption. (a) The following securities shall be exempt under K.S.A. 17-1261(g), and amendments thereto:

(1) A security listed or approved for listing upon notice of issuance on any of the following:

- (A) The Chicago stock exchange;
- (B) the Chicago board options exchange;
- (C) tier I of the Philadelphia stock exchange;
- (D) tier I of the Pacific stock exchange; or
- (E) tier II of the Pacific stock exchange;

(2) any other security of the issuer of the listed security that is of senior or substantially equal rank to the listed security;

(3) a security issuable under rights or warrants so listed; and

(4) a warrant or right to purchase or subscribe to any security listed above in paragraphs (a)(1) through (3).

(b) Securities described as small-cap or emerging companies by an exchange named under subsection (a) shall not be exempt under K.S.A. 17-1261(g), and amendments thereto.

(c) When deemed necessary to protect the public interest, the exemption for a specific security or category of securities may be disallowed by order of the commissioner. (Authorized by K.S.A. 2000 Supp. 17-1270; implementing K.S.A. 2000 Supp. 17-1261(g); effective, T-87-28, Oct. 1, 1986; amended May 1, 1987; amended Oct. 24, 1994; amended May 31, 1996; amended Oct. 26, 2001.)

Article 14.—INVESTMENT ADVISERS AND INVESTMENT ADVISER REPRESENTATIVES

81-14-1. Requirements and registration procedures for investment advisers and investment adviser representatives. An investment adviser or investment adviser representative may register under the act if the commissioner finds that the applicant is qualified, has sufficient training or knowledge of the securities business, is of good repute, and otherwise satisfies the requirements of the act and regulations thereunder.

(a) General provisions.

(1) Each applicant shall be at least 18 years of age. If the applicant is not an individual, then the directors, officers, or managing partners of the applicant shall be at least 18 years of age.

(2) Each applicant shall be registered or qualified to engage in business as an investment adviser or investment adviser representative in the state of the applicant's principal place of business.

(b) Application requirements for investment advisers.

(1) Initial application. The application for initial registration as an investment adviser under the act shall be made by completing form ADV in accordance with the form instructions and by filing the form with the investment adviser registration depository ("IARD") operated by the NASD. The application for initial registration shall also include the following items:

(A) Proof of compliance by the investment adviser with the examination requirements of subsection (e);

(B) financial statements, if required by subsection (f); and

(C) the fee required by K.A.R. 81-14-2.

(2) Annual renewal. The application for annual renewal registration as an investment adviser shall be filed with the IARD. The application for annual renewal registration shall include the fee required by K.A.R. 81-14-2.

(3) Updates and amendments.

(A) The investment adviser shall file with IARD, in accordance with the instructions in form ADV, any amendments to the investment adviser's form ADV. An amendment shall be considered to be filed promptly if the amendment is filed within 30 days of the event that requires the filing of the amendment.

(B) Within 90 days after the end of an investment adviser's fiscal year, the investment adviser shall file with the IARD an annual updating amendment to form ADV.

(c) Application requirements for investment adviser representatives.

(continued)

(1) Initial application. The application for initial registration as an investment adviser representative under the act shall be made by completing form U-4 in accordance with the form instructions and by filing the form U-4 with the IARD, except as otherwise provided by order of the commissioner. The application for initial registration shall include the following items:

(A) Proof of compliance by the investment adviser representative with the examination requirements of subsection (e); and

(B) the fee required by K.A.R. 81-14-2.

(2) Annual renewal. The application for annual renewal registration as an investment adviser representative shall be filed with the IARD. The application for annual renewal registration shall include the fee required by K.A.R. 81-14-2.

(3) Updates and amendments. An investment adviser representative shall be under a continuing obligation to update the information required by form U-4 as changes occur. Each investment adviser representative and any associated investment adviser shall file promptly with the IARD any amendments to the representative's form U-4. An amendment shall be considered to be filed promptly if the amendment is filed within 30 days of the event that requires the filing of the amendment.

(d) Completion of filing. An application for initial or renewal registration shall not be considered filed for purposes of K.S.A. 17-1254 and amendments thereto until the required fee and all required submissions have been received by the commissioner or the IARD. Each application that has been on file for a period of six months without any action taken by the applicant shall be considered withdrawn.

(e) Examination requirements.

(1) General requirements. Each individual applying to be registered as an investment adviser or investment adviser representative under the act shall provide the commissioner with proof of obtaining a passing score on either of the following:

(A) The series 65 uniform investment adviser law examination; or

(B) the series 7 general securities representative examination and the series 66 uniform combined state law examination.

(2) Requirements for individuals registered on January 1, 2000. An individual who was registered as an investment adviser or investment adviser representative in any jurisdiction in the United States on January 1, 2000, shall not be required to satisfy the examination requirements for continued registration, except under either of the following conditions:

(A) If the commissioner requires examinations for any individual found to have violated any state or federal securities law; or

(B) if the commissioner requires examinations for any individual whose registration has lapsed, as specified in paragraph (e)(3).

(3) Lapsed registration. If an individual has met the examination requirements of paragraph (e)(1) but has not been registered as an agent or investment adviser representative in any jurisdiction for the previous two years, the individual shall be required to comply with the ex-

amination requirements of paragraph (e)(1) again before applying for registration.

(4) Waivers. The examination requirement may be waived or modified by the commissioner for good cause shown, and the examination requirement shall not apply to an individual who currently holds one of the following professional designations:

(A) Certified financial planner (CFP), awarded by the certified financial planner board of standards, inc.;

(B) chartered financial consultant (ChFC), awarded by the American college, Bryn Mawr, Pennsylvania;

(C) personal financial specialist (PFS), awarded by the American institute of certified public accountants;

(D) chartered financial analyst (CFA), awarded by the institute of chartered financial analysts;

(E) chartered investment counselor (CIC), awarded by the investment counsel association of America, inc.; or

(F) any other professional designation that the commissioner may by regulation or order recognize.

(f) Financial reporting requirements for investment advisers.

(1) Each registered investment adviser who has custody of client funds or securities, and each registered investment adviser who requires payment of advisory fees six months or more in advance and in excess of \$1,200 per client, shall make and maintain a balance sheet dated the last day of the investment adviser's fiscal year. Each balance sheet shall meet both of the following requirements:

(A) It shall be audited by an independent certified public accountant in accordance with generally accepted auditing standards.

(B) It shall be accompanied by a report of the independent auditor containing an unqualified opinion that the balance sheet is a fair presentation of the investment adviser's financial position and is made in conformity with generally accepted accounting principles.

(2) The balance sheet and report required by this regulation shall be prepared within 90 days following the end of the investment adviser's fiscal year, and the balance sheet and report shall be filed with the commissioner within five days after a request by the commissioner. Failure to file the balance sheet and report within five days after a request by the commissioner shall constitute grounds for suspension of registration by emergency order.

(g) Expiration, renewal, withdrawal, and termination.

(1) All registrations shall expire on December 31, and all applications for renewal shall be filed not later than the deadline established by the IARD.

(2) When an investment adviser representative's association with an investment adviser is discontinued or terminated, the investment adviser shall immediately file a form U-5 with the IARD. If the investment adviser representative commences association with another investment adviser, that investment adviser shall file an original application for registration for the investment adviser representative.

(3) If an investment adviser desires to withdraw from registration or if registration is terminated by the commissioner, the investment adviser shall immediately file a form ADV-W with the IARD. The form ADV-W shall

be completed in accordance with the instructions to the form.

(4) Termination of an investment adviser's registration for any reason shall automatically constitute cancellation of the registration of each investment adviser representative that is affiliated with the investment adviser. (Authorized by K.S.A. 2000 Supp. 17-1270; implementing K.S.A. 2000 Supp. 17-1254 and K.S.A. 2000 Supp. 17-1270; effective Oct. 26, 2001.)

81-14-2. Investment advisers, investment adviser representatives, and federal covered advisers; registration fees. (a) The fee for initial registration or renewal of the registration of an investment adviser shall be \$100.

(b) The fee for initial registration or renewal of the registration of an investment adviser representative shall be \$50.

(c) The fee for an initial notice filing or a renewal notice filing for a federal covered adviser, as required by K.S.A. 17-1254 and amendments thereto, shall be \$100. (Authorized by K.S.A. 2000 Supp. 17-1270; implementing K.S.A. 2000 Supp. 17-1254; effective Oct. 26, 2001.)

81-14-3. Investment adviser contracts. Any registered investment adviser may enter into, extend, or renew any investment advisory contract made in compliance with SEC rule 205-3 under the federal investment advisers act of 1940, 17 C.F.R. 275.205-3, as in effect on April 1, 2001, which is hereby adopted by reference. (Authorized by K.S.A. 2000 Supp. 17-1270; implementing K.S.A. 2000 Supp. 17-1253; effective Oct. 26, 2001.)

81-14-4. Recordkeeping requirements for investment advisers. (a) Definitions. For purposes of this regulation, the following definitions shall apply:

(1) "Control" means the power to exercise a controlling influence over the management or policies of a company, unless the power is solely the result of an official position with the company. Any person who owns beneficially, either directly or through one or more controlled companies, more than 25 percent of the voting securities of a company shall be presumed to control the company.

(2) "Discretionary power" shall not include discretion regarding the price or the time at which a transaction is to be effected if the client has directed or approved the purchase or sale of a definite amount of a particular security before the order is given by the investment adviser.

(3) "Investment supervisory services" means the giving of continual advice about the investment of funds on the basis of each client's individual needs.

(4) "Solicitor" means any person or entity who, for compensation, acts as an agent of an investment adviser in referring potential clients.

(b) Except as otherwise provided in subsection (j) of this regulation, every investment adviser registered or required to be registered under the act shall make and keep true, accurate, and current all of the following books, ledgers, and records:

(1) Each investment adviser shall maintain a journal or journals, including cash receipts and disbursements records, and any other records of original entry forming the basis of entries in any ledger.

(2) Each investment adviser shall maintain general and auxiliary ledgers or other comparable records reflecting

asset, liability, equity, capital, income, and expense accounts.

(3)(A) Each investment adviser shall maintain memoranda concerning orders, instructions, modifications, or cancellations, including the following:

(i) A memorandum of each order given by the investment adviser for the purchase or sale of any security;

(ii) any instruction received by the investment adviser from the client concerning the purchase, sale, receipt, or delivery of a particular security; and

(iii) any modification or cancellation of any such order or instruction.

(B) Each memorandum shall show the following information:

(i) The terms and conditions of the order, instruction, modification, or cancellation;

(ii) the name of the person connected with the investment adviser who recommended the transaction to the client and the name of the person who placed the order;

(iii) the account for which the order, instruction, modification, or cancellation was entered;

(iv) the date of entry; and

(v) the bank, broker, or dealer by or through whom it was executed, if appropriate.

(C) Orders entered pursuant to the exercise of discretionary power shall be so designated.

(4) Each investment adviser shall maintain all checkbooks, bank statements, canceled checks, and cash reconciliations.

(5) Each investment adviser shall maintain all bills or statements, paid or unpaid, relating to the adviser's business as an investment adviser.

(6) Each investment adviser shall maintain all trial balances, financial statements, and internal audit working papers relating to the adviser's business as an investment adviser. For purposes of this paragraph, "financial statements" shall mean a balance sheet, an income statement, a cash flow statement, and a statement of changes in stockholders' equity, and each shall be prepared in accordance with generally accepted accounting principles.

(7)(A) Each investment adviser shall maintain originals of all written communications received and copies of all written communications sent by the investment adviser relating to the following:

(i) Any recommendation made or proposed to be made and any advice given or proposed to be given;

(ii) any receipt, disbursement, or delivery of funds or securities; and

(iii) the placing or execution of any order to purchase or sell any security.

(B) The investment adviser shall not be required to keep any unsolicited market letters and other similar communications of general public distribution not prepared by or for the investment adviser.

(C) If the investment adviser sends any notice, circular, or other advertisement offering any report, analysis, publication, or other investment advisory service to more than 10 persons, the investment adviser shall not be required to keep a record of the names and addresses of the persons to whom it was sent. However, if the notice, circular, or advertisement is distributed to persons

(continued)

named on any list, the investment adviser shall retain with the copy of the notice, circular, or advertisement a memorandum describing the list and its source.

(8) Each investment adviser shall maintain a list or other record of all accounts that identifies the accounts in which the adviser is vested with any discretionary power with respect to the funds, securities, or transactions of any client.

(9) Each investment adviser shall maintain a copy of all powers of attorney and other evidence of the granting of any discretionary authority by any client to the investment adviser.

(10) Each investment adviser shall maintain a copy in writing of each agreement entered into by the adviser with any client, and all other written agreements otherwise relating to the adviser's business as an investment adviser.

(11) Each investment adviser shall maintain a file containing a copy of each notice, circular, advertisement, newspaper article, investment letter, bulletin, or other communication that the adviser circulates or distributes, directly or indirectly, including by electronic media, to two or more persons who are not connected with the investment adviser. If the notice, circular, advertisement, newspaper article, investment letter, bulletin, or other communication recommends the purchase or sale of a specific security and does not state the reasons for the recommendation, the file shall contain a memorandum of the investment adviser indicating the reasons for the recommendation.

(12) (A) For purposes of paragraph (b)(12), the term "advisory representative" shall mean any of the following:

(i) Any partner, officer, or director of the investment adviser;

(ii) any employee who participates in any way in the determination of which recommendations shall be made;

(iii) any employee who, in connection with the employee's duties, obtains any information concerning which securities are being recommended before the effective dissemination of the recommendations; or

(iv) any person in a control relationship to the investment adviser, any affiliated person of a controlling person, or any affiliated person of an affiliated person who obtains information concerning securities recommendations being made by the investment adviser before the effective dissemination of the recommendations.

(B) Each investment adviser shall maintain a record of every transaction in a security, except as provided in paragraph (b)(12)(E), in which the adviser or any advisory representative of the adviser has, or by reason of any transaction acquires, any direct or indirect beneficial ownership. Each record shall state the following:

(i) The title and amount of the security involved;

(ii) the date and nature of the transaction, including whether it is a purchase, sale, or other acquisition or disposition;

(iii) the price at which the transaction was effected; and

(iv) the name of the broker-dealer or bank with or through whom the transaction was effected.

(C) The record may contain a statement declaring that the reporting or recording of any transaction shall not be

construed as an admission that the investment adviser or advisory representative has any direct or indirect beneficial ownership in the security.

(D) A transaction shall be recorded not later than 10 days after the end of the calendar quarter in which the transaction was effected.

(E) A record shall not be required for either of the following:

(i) Any transaction effected in an account over which neither the investment adviser nor any advisory representative of the investment adviser has any direct or indirect influence or control; or

(ii) any transaction in a security that is a direct obligation of the United States.

(F) An investment adviser shall not be deemed to have violated the provisions of paragraph (b)(12) because of the failure to record securities transactions of any advisory representative if the adviser establishes that it instituted adequate procedures and used reasonable diligence to obtain promptly reports of all transactions required to be recorded.

(13) (A) For purposes of this paragraph (b)(13), the term "advisory representative," when used in connection with a company primarily engaged in a business or businesses other than advising investment advisory clients, shall mean either of the following:

(i) Any partner, officer, director, or employee of the investment adviser who participates in any way in the determination of which recommendations shall be made, or whose functions or duties relate to the determination of which securities are being recommended before the effective dissemination of the recommendations; or

(ii) any person in a control relationship to the investment adviser, any affiliated person of a controlling person, or any affiliated person of an affiliated person who obtains information concerning securities recommendations being made by the investment adviser before the effective dissemination of the recommendations or of the information concerning the recommendations.

For purposes of this paragraph (b)(13), an investment adviser shall be deemed to be "primarily engaged in a business or businesses other than advising investment advisory clients" if, for each of its most recent three fiscal years or for the period of time since organization, whichever is less, the investment adviser derived, on an unconsolidated basis, more than 50 percent of total sales and revenues, and more than 50 percent of income or loss before income taxes and extraordinary items, from other business or businesses that did not primarily involve the giving of investment advice.

(B) Notwithstanding the provisions of paragraph (b)(12), if the investment adviser is primarily engaged in a business or businesses other than advising investment advisory clients, the adviser shall maintain a record of every transaction in a security, except as provided in paragraph (b)(13)(E), in which the adviser or any advisory representative of the adviser has, or by reason of any transaction acquires, any direct or indirect beneficial ownership. The record shall state the following:

(i) The title and amount of the security involved;

(ii) the date and nature of the transaction, including whether it is a purchase, sale, or other acquisition or disposition;

(iii) the price at which the transaction was effected; and
(iv) the name of the broker-dealer or bank with or through whom the transaction was effected.

(C) The record may also contain a statement declaring that the reporting or recording of any transaction shall not be construed as an admission that the investment adviser or advisory representative has any direct or indirect beneficial ownership in the security.

(D) Each transaction shall be recorded not later than 10 days after the end of the calendar quarter in which the transaction was effected.

(E) A record shall not be required for either of the following:

(i) Any transaction effected in an account over which neither the investment adviser nor any advisory representative of the investment adviser has any direct or indirect influence or control; or

(ii) any transaction in a security that is a direct obligation of the United States.

(F) An investment adviser shall not be deemed to have violated the provisions of paragraph (b)(13) because of the failure to record securities transactions of any advisory representative if the investment adviser establishes that the adviser instituted adequate procedures and used reasonable diligence to obtain promptly reports of all transactions required to be recorded.

(14)(A) Each investment adviser shall maintain the following records:

(i) A copy of each written statement and each amendment or revision given or sent to any client or prospective client of the adviser in accordance with the provisions of K.A.R. 81-14-5(c);

(ii) any summary of material changes that is required by part 2 of form ADV but is not contained in the written statement; and

(iii) a record of the date that each written statement, each amendment or revision to the written statement, and each summary of material changes was given or offered to any client or prospective client who subsequently became a client.

(B) Each investment adviser shall make and keep a memorandum describing any legal or disciplinary event listed in item 8 of part 2A or item 3 of part 2B of form ADV and presumed to be material, if the event involved the investment adviser or any of its supervised persons and is not disclosed in the written statements described in paragraph (b)(14)(A). The memorandum shall explain the investment adviser's determination that the presumption of materiality is overcome and shall discuss the factors described in those items.

(15) (A) Each investment adviser shall maintain the following documents for each client that was obtained for the adviser by means of a solicitor to whom a cash fee was paid by the investment adviser:

(i) Evidence of any written agreement in which the investment adviser agrees to pay a fee to the solicitor;

(ii) a signed and dated acknowledgment of receipt from the client evidencing the client's receipt of the investment adviser's disclosure statement and the written disclosure statement of the solicitor; and

(iii) a copy of the solicitor's written disclosure statement.

(B) The written agreement, acknowledgment, and solicitor disclosure statement shall satisfy the requirements of paragraph (b)(15)(A) if the documents are in compliance with K.A.R. 81-14-5(d).

(16) Each investment adviser shall maintain all accounts, books, internal working papers, and any other records or documents that are necessary to form the basis for or demonstrate the calculation of the performance or rate of return of all managed accounts or securities recommendations in any notice, circular, advertisement, newspaper article, investment letter, bulletin, or other communication that the investment adviser circulates or distributes, directly or indirectly, including electronic media, to two or more persons other than persons connected with the investment adviser. With respect to the performance of managed accounts, the retention of all account statements, if they reflect all debits, credits, and other transactions in a client's account for the period of the statement, and the retention of all worksheets necessary to demonstrate the calculation of the performance or rate of return of all managed accounts, shall satisfy the requirements of this paragraph.

(17) Each investment adviser shall maintain a file containing a copy of all communications received or sent regarding any litigation involving the investment adviser or any investment adviser representative or employee, and regarding any customer or client complaint.

(18) Each investment adviser shall maintain written information about each investment advisory client that is the basis for making any recommendation or providing any investment advice to the client.

(19) Each investment adviser shall maintain written procedures to supervise the activities of employees and investment adviser representatives that are reasonably designed to achieve compliance with the act and these regulations.

(20) Each investment adviser shall maintain a file containing a copy of each document, other than any notice of general dissemination, that was filed with or received from any state or federal agency or self-regulatory organization and that pertains to the registrant or its investment adviser representatives. The file shall contain all applications, amendments, renewal filings, and correspondence.

(21) Each investment adviser shall retain copies, with signatures of the investment adviser's appropriate signatory and the investment adviser representative, of each initial form U-4 and each amendment to the disclosure reporting pages.

(c) If an investment adviser subject to subsection (b) has custody or possession of securities or funds of any client, the records required to be made and kept by the investment adviser shall include the following:

(1) A journal or other record for the accounts showing all purchases, sales, receipts, and deliveries of securities, including certificate numbers, and all other debits and credits to the accounts;

(2) a separate ledger account for each client showing all purchases, sales, receipts, and deliveries of securities, the date and price of each purchase and sale, and all debits and credits;

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(3) copies of confirmations of all transactions effected by or for the account of any client; and

(4) a record for each security in which any client has a position that shows the name of each client having any interest in each security, the amount or interest of each client, and the location of each security.

(d) Every investment adviser subject to subsection (b) who renders any investment supervisory or management service to any client shall, with respect to the portfolio being supervised or managed and to the extent that the information is reasonably available to or obtainable by the investment adviser, perform the following:

(1) Make and keep true, accurate, and current records showing separately for each client the securities purchased and sold, and the date, amount, and price of each purchase and sale; and

(2) make and keep true, accurate, and current information from which the investment adviser can promptly furnish the name of each client, and the current amount or interest of the client, for each security in which any client has a current position.

(e) Any books or records required by this regulation may be maintained by the investment adviser so that the identity of any client to whom the investment adviser renders investment supervisory services is indicated by numerical or alphabetical code or a similar designation.

(f) Every investment adviser subject to subsection (b) of this regulation shall preserve the following records in the manner prescribed:

(1) All books and records required to be made under the provisions of subsection (b) through paragraph (d)(1), except for books and records required to be made under the provisions of paragraphs (b)(11) and (b)(16) through (b)(20), shall be maintained and preserved in an easily accessible place for a period of not less than five years from the end of the fiscal year during which the last entry was made on the record. The records shall be maintained during the first two years in the principal office of the investment adviser.

(2) Partnership articles and any amendments, articles of incorporation, charters, minute books, and stock certificate books of the investment adviser and any predecessor shall be maintained in the principal office of the investment adviser until termination of the enterprise, and then preserved in an easily accessible place until at least three years after termination of the enterprise.

(3) Books and records required to be made under the provisions of paragraphs (b)(11) and (b)(16) shall be maintained and preserved in an easily accessible place for a period of not less than five years from the end of the fiscal year during which the investment adviser last published or otherwise disseminated, directly or indirectly, the notice, circular, advertisement, newspaper article, investment letter, bulletin, or other communication, including by electronic media. The records shall be maintained during the first two years in the principal office of the investment adviser.

(4) Books and records required to be made under the provisions of paragraphs (b)(17) through (b)(20) shall be maintained and preserved in an easily accessible place for a period of not less than five years from the end of the fiscal year during which the last entry was made on the

record, with the first two years in the principal office of the investment adviser, or for the time period during which the investment adviser was registered or required to be registered in this state, whichever is less.

(5) Notwithstanding other record preservation requirements of this regulation, the following records or copies shall be maintained, for the periods described in this subsection, at the business location of the investment adviser from which the customer or client is being provided or has been provided with investment advisory services:

(A) Records required to be preserved under paragraphs (b)(3), (b)(7) through (b)(10), (b)(14), (b)(15), (b)(17) through (b)(19), and subsections (c) and (d); and

(B) the records or copies required under paragraphs (b)(11) and (b)(16) that identify the name of the investment adviser representative providing investment advice from that business location, or that identify the business location's physical address, mailing address, electronic mailing address, or telephone number.

(g) Before ceasing to conduct or discontinuing business as an investment adviser, each investment adviser subject to subsection (b) shall arrange for and be responsible for the preservation of the books and records required to be maintained and preserved under this regulation for the remainder of each period specified in this regulation, and shall notify the commissioner in writing of the exact address where the books and records will be maintained.

(h) The records required by this regulation may be maintained and preserved by photograph on film. An investment adviser may also maintain and preserve records on computer tape, disk, or other computer storage medium if, in the ordinary course of the adviser's business, the records are created by the adviser on electronic media or received by the adviser solely on electronic media or by electronic data transmission. In whatever form, the records shall be maintained and preserved for the time required by this regulation. If records are produced or reproduced by photographic film or computer storage medium, the investment adviser shall meet the following criteria:

(1) Arrange the records and index the films or computer storage media to permit the immediate location of any particular record;

(2) be ready at all times to promptly provide a facsimile enlargement of film, a computer printout, or a copy of the computer storage medium that the commissioner by its examiners or other representatives may request;

(3) store, separately from the original, one other copy of each film or computer storage medium for the time required;

(4) with respect to records stored on computer storage medium, maintain procedures for maintenance and preservation of, and access to, records in order to reasonably safeguard these records from loss, alteration, or destruction; and

(5) with respect to records stored on photographic film, at all times have facilities available for immediate, easily readable projection of the film and for producing easily readable facsimile enlargements.

(i) Any book or other record made, kept, maintained, and preserved in compliance with SEC rule 17a-3, 17 C.F.R. 240.17a-3, and SEC rule 17a-4, 17 C.F.R. 240.17a-4,

both of which are adopted by reference in K.A.R. 81-3-1, that is substantially the same as the book or other record required to be made, kept, maintained, and preserved under this regulation, shall be deemed to comply with this regulation.

(j) Every investment adviser that is registered or required to be registered in this state and that has its principal place of business in a state other than this state shall be exempt from the requirements of this regulation, if the investment adviser is licensed in that state and is in compliance with that state's recordkeeping requirements. (Authorized by K.S.A. 2000 Supp. 17-1270; implementing K.S.A. 2000 Supp. 17-1254 and K.S.A. 2000 Supp. 17-1270; effective Oct. 26, 2001.)

81-14-5. Ethical standards, disclosure requirements, and prohibited practices of investment advisers and investment adviser representatives. (a) "Dishonest and unethical practices," under K.S.A. 17-1254(m)(7) and amendments thereto, shall include the practices described in NASAA model rule 102a-1, "unethical business practices of investment advisers and federal covered advisers," as in effect on September 14, 2001, which is hereby adopted by reference.

(b) Disclosure of financial condition and disciplinary history.

(1) Definitions. For purposes of this subsection, the following definitions shall apply:

(A) "Found" means determined or ascertained by adjudication or consent in a final self-regulatory organization proceeding, administrative proceeding, or court action.

(B) "Investment-related" means pertaining to securities, commodities, banking, insurance, or real estate, including acting as or being associated with a broker, dealer, investment company, investment adviser, government securities broker or dealer, municipal securities dealer, bank, savings and loan association, commodities broker or dealer, or fiduciary.

(C) "Involved" means acting or aiding, abetting, causing, counseling, commanding, inducing, conspiring with or failing reasonably to supervise another in doing an act.

(D) "Management person" means a person with power to exercise, directly or indirectly, a controlling influence over the management or policies of an investment adviser which is a company or to determine the general investment advice given to clients.

(E) "Self-regulatory organization" means any national securities or commodities exchange, registered association, or registered clearing agency.

(2) It shall constitute an "act, practice or course of business which operates or would operate as a fraud or deceit" upon another person under K.S.A. 17-1253 and amendments thereto for any investment adviser registered or required to be registered under the act to fail to disclose to any client or prospective client all material facts with respect to either of the following:

(A) A financial condition of the investment adviser that is reasonably likely to impair its ability to meet contractual commitments to any client, if the investment adviser has discretionary authority, express or implied, or custody over client funds or securities or requires prepay-

ment of advisory fees of more than \$500 from any client six months or more in advance; or

(B) a legal or disciplinary event that is material to an evaluation of the investment adviser's integrity or ability to meet contractual commitments to clients.

(3) It shall constitute a rebuttable presumption that the following legal or disciplinary events involving the investment adviser or a management person of the investment adviser are material to an evaluation of the adviser's integrity for a period of 10 years from the time of the event, unless the legal or disciplinary event was resolved in the investment adviser's or management person's favor or was subsequently reversed, suspended, or vacated:

(A) A criminal or civil action in a court of competent jurisdiction resulting in any of the following:

(i) The individual was convicted of a felony or misdemeanor, or is the named subject of a pending criminal proceeding, for a crime involving an investment-related business or fraud, false statements, omissions, wrongful taking of property, bribery, forgery, counterfeiting, extortion, or crimes of a similar nature;

(ii) the individual was found to have been involved in a violation of an investment-related statute or regulation; or

(iii) the individual was the subject of any order, judgment, or decree permanently or temporarily enjoining the person or otherwise limiting the person from engaging in any investment-related activity;

(B) any administrative proceedings before any federal or state regulatory agency resulting in any of the following:

(i) The individual was found to have caused an investment-related business to lose its authorization to do business; or

(ii) the individual was found to have been involved in a violation of an investment-related statute or regulation and was the subject of an order by the agency denying, suspending, or revoking the authorization of the person to act in, or barring or suspending the person's association with, an investment-related business, or otherwise significantly limiting the person's investment-related activities; and

(C) any self-regulatory organization proceeding resulting in either of the following:

(i) The individual was found to have caused an investment-related business to lose its authorization to do business; or

(ii) the individual was found to have been involved in a violation of the self-regulatory organization's rules and was the subject of an order by the self-regulatory organization barring or suspending the person from association with other members, expelling the person from membership, fining the person more than \$2,500, or otherwise significantly limiting the person's investment-related activities.

(4) The information required to be disclosed by paragraph (b)(2) shall be disclosed to clients before further investment advice is given to the clients. The information shall be disclosed to prospective clients not less than 48 hours before entering into any written or oral investment advisory contract, or no later than the time of entering

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into the contract if the client has the right to terminate the contract without penalty within five business days after entering into the contract.

(5) For purposes of calculating the 10-year period during which events shall be presumed to be material under paragraph (b)(3), the date of a reportable event shall be the date on which the final order, judgment, or decree was entered, or the date on which any rights of appeal from preliminary orders, judgments, or decrees lapsed.

(6) Compliance with this subsection shall not relieve any investment adviser from any other disclosure requirement under any federal or state law.

(c) Brochure delivery requirements.

(1) Definitions. For purposes of this subsection, the following definitions shall apply:

(A) "Current brochure" and "current brochure supplement" mean the most recent versions of the brochure or brochure supplements, including all sticker amendments.

(B) "Entering into," in reference to an investment advisory contract, shall not include an extension or renewal unless it involves a material change to the contract.

(C) "Sponsor" of a wrap fee program means an investment adviser that is compensated under a wrap fee program for sponsoring, organizing, or administering the program, or for selecting or providing advice to clients regarding the selection of other investment advisers in the program.

(D) "Wrap fee program" means an advisory program under which a specified fee or fees, not based directly upon transactions in a client's account, is charged for investment advisory services and the execution of client transactions. The investment advisory services may include portfolio management or advice concerning the selection of other investment advisers.

(2) General requirements. Unless otherwise provided in this subsection, an investment adviser registered or required to be registered under the act shall provide to each client and prospective client a firm brochure and one or more supplements as required by this subsection. The brochure and supplements shall contain all information required by part 2 of form ADV and any other information that the commissioner may require.

(3) Offer and delivery requirements.

(A) Each investment adviser shall deliver a current firm brochure to each client or prospective client. Each investment adviser shall also deliver current brochure supplements for each investment adviser representative who will provide advisory services to the client. For purposes of this subsection, an investment adviser representative shall be deemed to provide advisory services to a client if the investment adviser representative will do any of the following:

(i) Regularly communicate investment advice to the client;

(ii) formulate investment advice for assets of the client;

(iii) make discretionary investment decisions for assets of the client; or

(iv) sell investment advisory services or solicit, offer, or negotiate for the sale of investment advisory services.

(B) The documents required in paragraph (c)(3)(A) shall be delivered to the client not less than 48 hours before entering into any investment advisory contract with

the client or prospective client, or at the time of entering into a contract if the advisory client has a right to terminate the contract without penalty within five business days after entering into the contract.

(C) An investment adviser shall, at least once a year, without charge, deliver or offer in writing to deliver to each of its clients the current brochure and any current brochure supplements required by this subsection. If a client accepts the written offer, the investment adviser shall send the current brochure and supplements to that client within seven days after the investment adviser is notified of the acceptance.

(4) Delivery to limited partners. If the investment adviser is the general partner of a limited partnership, the manager of a limited liability company, or the trustee of a trust, then for purposes of this subsection the investment adviser shall treat each of the partnership's limited partners, the company's members, or the trust's beneficial owners as a client. For purposes of this subsection, a limited liability partnership or limited liability limited partnership shall be deemed to be a limited partnership.

(5) Wrap fee program brochures.

(A) If the investment adviser is a sponsor of a wrap fee program, then the brochure required to be delivered to a client or prospective client of the wrap fee program shall be a wrap fee brochure containing all information required by form ADV. Any additional information in a wrap fee brochure shall be limited to information applicable to wrap fee programs that the investment adviser sponsors.

(B) The investment adviser shall not be required to offer or deliver a wrap fee brochure to the client or prospective client of the wrap fee program if another sponsor of the wrap fee program offers or delivers a wrap fee program brochure containing all the information that the investment adviser's wrap fee program brochure is required to contain.

(C) A wrap fee brochure shall not take the place of any brochure supplements that the investment adviser is required to deliver under paragraph (c)(3)(A).

(6) Delivery of updates and amendments. The investment adviser shall amend its brochure and any brochure supplements and deliver the amendments to clients promptly when information contained in the brochure or brochure supplements becomes materially inaccurate. The instructions to part 2 of form ADV contain updating and delivery instructions that the investment adviser shall follow. An amendment shall be considered to be delivered promptly if the amendment is delivered within 30 days of the event that requires the filing of the amendment.

(7) Multiple brochures. If an investment adviser renders substantially different types of investment advisory services to different clients, the investment adviser may provide them with different brochures, if each client receives all applicable information about services and fees. The brochure delivered to a client may omit any information required by part 2A of form ADV if this information is applicable only to a type of investment advisory service or fee that is not rendered or charged, or proposed to be rendered or charged, to that client or prospective client.

(8) Other disclosure obligations. Nothing in this subsection shall relieve any investment adviser from any obligation to disclose any information to its advisory clients or prospective advisory clients pursuant to any state or federal law.

(d) Prohibition of cash payment for client solicitations. It shall be unlawful for any investment adviser registered or required to be registered under the act to pay a cash fee, directly or indirectly, to a solicitor with respect to solicitation activities unless the solicitation arrangement satisfies all of the requirements of paragraphs (d)(2) through (d)(7) of this regulation.

(1) Definitions. For the purposes of this subsection, the following definitions shall apply:

(A) "Client" includes any prospective client.

(B) "Impersonal advisory services" means investment advisory services provided solely by means of any of the following:

(i) Written materials or oral statements which do not purport to meet the objectives or needs of specific individuals or accounts;

(ii) statistical information containing no expression of opinion as to the investment merits of a particular security; or

(iii) any combination of the foregoing services.

(C) "Solicitor" means any person or entity who, for compensation, directly or indirectly solicits any client for, or refers any client to, an investment adviser.

(2) The investment adviser shall be properly registered under the act.

(3) The solicitor shall not be a person who meets any of the following conditions:

(A) Is subject to an order by any regulatory body that censures or places limitations on the person's activities, or that suspends or bars the person from association with an investment adviser;

(B) was convicted within the previous 10 years of any felony or misdemeanor involving the purchase or sale of any security, the taking of a false oath, the making of a false report, bribery, perjury, burglary, larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion, misappropriation of funds or securities, or conspiracy to commit any such act;

(C) has been found to have engaged in the willful violation of any provision of these regulations, the act, the federal securities act of 1933, the federal securities exchange act of 1934, the federal investment company act of 1940, the federal investment advisers act of 1940, the federal commodity exchange act, the federal rules under any of these federal acts, or the rules of the municipal securities rulemaking board; or

(D) is subject to an order, judgment, or decree whereby the person has been convicted anytime during the preceding 10-year period of any crime that is punishable by imprisonment for one or more years or a substantially equivalent crime by a foreign court of competent jurisdiction.

(4) The cash fee shall be paid pursuant to a written agreement to which the investment adviser is a party.

(5) The cash fee shall be paid to a solicitor only under any of the following circumstances:

(A) The cash fee is paid to the solicitor with respect to solicitation activities for the provision of impersonal advisory services only;

(B) the cash fee is paid to a solicitor who is a partner, officer, director, or employee of the investment adviser, or a partner, officer, director, or employee of a person who controls, is controlled by, or is under common control with the investment adviser, if the status of the solicitor as a partner, officer, director, or employee of the investment adviser or other person, and any affiliation between the investment adviser and the other person, is disclosed to the client at the time of the solicitation or referral; or

(C) the cash fee is paid to a solicitor other than a solicitor specified in paragraphs (d)(5)(A) or (B) above, if all of the following conditions are met:

(i) The written agreement required by paragraph (d)(4) describes the solicitation activities to be engaged in by the solicitor on behalf of the investment adviser and the compensation to be received, contains an undertaking by the solicitor to perform his duties under the agreement in a manner consistent with the instructions of the investment adviser and the provisions of the act and the regulations thereunder, and requires the solicitor, at the time of any solicitation activities for which compensation is paid or to be paid by the investment adviser, to provide the client with a current copy of the investment adviser's written disclosure statement required under the brochure delivery requirements of subsection (c) and a separate written disclosure document described in paragraph (d)(6).

(ii) The investment adviser receives from the client, before or when entering into any written or oral investment advisory contract with the client, a signed and dated acknowledgment of receipt of the investment adviser's written disclosure statement and the solicitor's written disclosure document.

(iii) The investment adviser makes a bona fide effort to ascertain whether the solicitor has complied with the written agreement required by paragraph (d)(4), and the investment adviser has a reasonable basis for believing that the solicitor has so complied.

(6) The separate written disclosure document required to be furnished by the solicitor to the client shall contain the following information:

(A) The name of the solicitor;

(B) the name of the investment adviser;

(C) the nature of the relationship, including any affiliation, between the solicitor and the investment adviser;

(D) a statement that the solicitor will be compensated for the solicitation services by the investment adviser;

(E) the terms of the compensation arrangement, including a description of the compensation paid or to be paid to the solicitor; and

(F) the amount in addition to the advisory fee that the client will be charged for the costs of the solicitor's services, and the differential among clients, if any, with respect to the amount or level of advisory fees charged by the investment adviser if the differential is attributable to the existence of any arrangement pursuant to which the investment adviser has agreed to compensate the solicitor

(continued)

for soliciting clients for, or referring clients to, the investment adviser.

(7) Nothing in this subsection shall be deemed to relieve any person of any fiduciary or other obligation to which a person may be subject under any law.

(e) Agency cross transactions.

(1) For the purposes of this subsection, "agency cross transaction for an advisory client" shall mean a transaction in which a person acts as an investment adviser in relation to a transaction in which the investment adviser, or any person controlling, controlled by, or under common control with the investment adviser, including an investment adviser representative, acts as a broker-dealer for both the advisory client and another person on the other side of the transaction. A person acting in this capacity shall be required to be registered as a broker-dealer in this state unless excluded from the definition broker-dealer under K.S.A. 17-1252 and amendments thereto.

(2) An investment adviser shall not effect an agency cross transaction for an advisory client unless all of the following conditions are met:

(A) The advisory client executes a written consent prospectively authorizing the investment adviser to effect agency cross transactions for the client.

(B) Before obtaining this written consent from the client, the investment adviser makes full written disclosure to the client that, with respect to agency cross transactions, the investment adviser will act as broker-dealer for both parties to the transaction, receive commissions from both parties, and have a potentially conflicting division of loyalties and responsibilities.

(C) At or before the completion of each agency cross transaction, the investment adviser sends the client a written confirmation. The written confirmation shall include all of the following information:

- (i) A statement of the nature of the transaction;
- (ii) the date the transaction took place;
- (iii) an offer to furnish, upon request, the time when the transaction took place; and
- (iv) the source and amount of any other remuneration the investment adviser received or will receive in connection with the transaction.

In the case of a purchase in which the investment adviser was not participating in a distribution, or a sale in which the investment adviser was not participating in a tender offer, the written confirmation may state whether the investment adviser has received or will receive any other remuneration and that the investment adviser will furnish the source and amount of remuneration to the client upon the client's written request.

(D) At least annually, the investment adviser sends each client a written disclosure statement identifying the total number of agency cross transactions during the period since the date of the last disclosure statement and the total amount of all commissions or other remuneration that the investment adviser received or will receive in connection with agency cross transactions for the client during the period.

(E) Each written disclosure and confirmation required by this subsection includes a conspicuous statement that the client may revoke the written consent required under

paragraph (e)(2)(A) of this regulation at any time by providing written notice to the investment adviser.

(F) No agency cross transaction is effected in which the same investment adviser recommended the transaction to both any seller and any purchaser.

(3) Nothing in this subsection shall be construed to relieve an investment adviser or investment adviser representative from acting in the best interests of the client, including fulfilling fiduciary duties with respect to the best price and execution for the particular transaction for the client, nor shall this subsection relieve any investment adviser or investment adviser representative of any other disclosure obligations imposed by the act or the regulations under the act.

(4) Any violation of paragraph (e)(2) shall be deemed an "act, practice or course of business which operates or would operate as a fraud or deceit" upon another person under K.S.A. 17-1253 and amendments thereto. (Authorized by K.S.A. 2000 Supp. 17-1270; implementing K.S.A. 2000 Supp. 17-1253 and K.S.A. 2000 Supp. 17-1254; effective Oct. 26, 2001.)

31-14-6. Electronic filing for investment advisers and investment adviser representatives. (a) Designated entity. The investment adviser registration depository ("IARD") operated by the NASD shall be authorized to receive and store filings and collect related fees from investment advisers and investment adviser representatives on behalf of the commissioner.

(b) Electronic filing. Unless otherwise required by this regulation, all investment adviser and investment adviser representative applications, amendments, reports, notices, related filings and fees required to be filed with the commissioner pursuant to the act and these regulations shall be filed electronically with and transmitted to the IARD.

(1) Electronic signatures. When a signature is required on any filing to be made through the IARD, the applicant or a duly authorized officer of the applicant shall affix an electronic signature to the filing by typing the individual's name in the appropriate field and submitting the filing to the IARD. Submission of a filing in this manner shall constitute a legal signature by any individual whose name is typed on the filing.

(2) When filed. Solely for purposes of a filing made through the IARD, a document shall be considered filed with the commissioner when all fees are received and the filing is accepted by the IARD on behalf of the commissioner.

(c) Exception to electronic filing. Any documents or fees required to be filed with the commissioner that are not permitted to be filed with or cannot be accepted by the IARD shall be filed directly with the commissioner.

(d) Hardship exemptions.

(1) Temporary hardship exemption.

(A) Criterion for exemption. Investment advisers registered or required to be registered under the act who experience unanticipated technical difficulties that prevent submission of an electronic filing to IARD may request a temporary hardship exemption from the requirements to file electronically.

(B) Application for exemption. To apply for a temporary hardship exemption, the investment adviser shall file

a written request with the securities administrator in the state where the investment adviser's principal place of business is located. The request shall be submitted in a form approved by the securities administrator, and it shall be filed no later than one business day after the due date for the filing that is the subject of request. The investment adviser shall also submit the filing that is the subject of the request in electronic format to IARD no later than seven business days after the filing was due.

(C) Effective date—upon filing. If the request is in proper form, the temporary hardship exemption shall be deemed effective upon receipt by the securities administrator. Multiple temporary hardship exemption requests within the same calendar year may be disallowed by the securities administrator.

(2) Continuing hardship exemption.

(A) Criterion for exemption. A continuing hardship exemption shall be granted only if the investment adviser is able to demonstrate that the electronic filing requirements of this regulation are prohibitively burdensome.

(B) Application for exemption. To apply for a continuing hardship exemption, the investment adviser shall file a written request with the securities administrator in the state where the investment adviser's principal place of business is located. The request shall be submitted in a form approved by the securities commissioner, and it shall be filed no later than 20 business days before the due date for the filing that is the subject of the request. If the investment adviser's principal place of business is located in Kansas and the request is filed with the commissioner in a form approved by the commissioner, the request shall be either granted or denied by the commissioner within 10 business days after the filing of the request.

(C) Effective date—upon approval. The exemption shall be effective upon approval by the securities administrator in the state where the investment adviser's principal place of business is located. The time period of the exemption shall be no longer than one year after the date on which the request is filed. If the securities administrator approves the request, the investment adviser shall, no later than five business days after the exemption approval date, submit filings to the IARD in paper form, along with the appropriate processing fees, for the period of time for which the exemption is granted.

(3) Recognition of exemption. The decision to grant or deny a request for a hardship exemption shall be made by the securities administrator in the state where the investment adviser's principal place of business is located, and the decision shall be adhered to by the commissioner.

(e) Transition to electronic filing.

(1) Form ADV. On or before October 1, 2001, each investment adviser registered or required to be registered under the act shall submit its form ADV electronically with the IARD unless it has been granted a hardship exemption under subsection (d).

(2) Form U-4. On or before October 1, 2001, or such later date as set by the commissioner by order, each investment adviser shall submit form U-4 electronically with the IARD for each investment adviser representative under the investment adviser's supervision who is registered or required to be registered under the act, unless the invest-

ment adviser has been granted a hardship exemption under subsection (d).

(3) Other documents. After an investment adviser submits form ADV electronically with the IARD, the investment adviser shall file all documents electronically except as otherwise provided by this regulation. (Authorized by and implementing K.S.A. 2000 Supp. 17-1254(p) and K.S.A. 2000 Supp. 17-1270b; effective Oct. 26, 2001.)

81-14-7. Notice filing requirements for federal covered advisers. (a) Initial notice filing. The notice filing for a federal covered adviser pursuant to K.S.A. 17-1254(e) and amendments thereto shall be filed on form ADV with the investment adviser registration depository ("IARD") operated by the NASD. A notice filing of a federal covered adviser shall be deemed filed when the fee required by K.A.R. 81-14-2 and the form ADV are filed with and accepted by the IARD on behalf of the commissioner.

(b) Part 2 of form ADV. Until the IARD accepts the electronic filing of part 2 of form ADV, part 2 shall be deemed by the commissioner to be filed if a federal covered adviser provides part 2 to the commissioner within five business days of a request by the commissioner.

(c) Renewal notice filing. The annual renewal of the notice filing for a federal covered adviser pursuant to K.S.A. 17-1254(e) and amendments thereto shall be filed with the IARD. The renewal of the notice filing for a federal covered adviser shall be deemed filed when the fee required by K.A.R. 81-14-2 is filed with and accepted by the IARD on behalf of the commissioner.

(d) Updates and amendments. Each federal covered adviser shall file with the IARD, in accordance with the instructions in the form ADV, any amendments to the federal covered adviser's form ADV. (Authorized by and implementing K.S.A. 2000 Supp. 17-1254(e); effective Oct. 26, 2001.)

81-14-8. Investment adviser representatives; persons employed by or associated with federal covered advisers. The term "investment adviser representative," as defined in K.S.A. 17-1252(m) and amendments thereto, shall not include a person employed by or associated with a federal covered adviser unless both of the following conditions are met:

(a) The person has a "place of business" in Kansas, as that term is defined in SEC rule 203A-3(b), 17 C.F.R. 275.203A-3(b), as in effect on April 1, 2001 and hereby adopted by reference.

(b)(1) The person is an "investment adviser representative" as that term is defined in SEC rule 203A-3(a), 17 C.F.R. 275.203A-3(a), as in effect on April 1, 2001 and hereby adopted by reference; or

(b)(2) the person solicits, offers, or negotiates for the sale of or sells investment advisory services on behalf of a federal covered adviser, and the person is not a "supervised person" as that term is defined under the federal investment advisers act of 1940, section 202(a)(25), 15 U.S.C. 80b-2(a)(25), as in effect on July 8, 1997 and hereby adopted by reference. (Authorized by K.S.A. 2000 Supp. 17-1270; implementing K.S.A. 2000 Supp. 17-1252(m)(2); effective Oct. 26, 2001.)

David Brant
Kansas Securities Commissioner

Doc. No. 027112

State of Kansas

Department of Corrections

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9 a.m. Friday, December 14, in the Department of Corrections' main conference room, fourth floor, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed new Kansas Department of Corrections administrative regulations K.A.R. 44-13-306 and 44-13-307. At the same hearing, proposed amendments to the following Kansas Department of Corrections administrative regulations also will be considered:

K.A.R. 44-12-103, 44-12-105, 44-12-106, 44-12-107, 44-12-201, 44-12-202, 44-12-203, 44-12-204, 44-12-205, 44-12-210, 44-12-303, 44-12-305, 44-12-306, 44-12-307, 44-12-309, 44-12-310, 44-12-312, 44-12-313, 44-12-314, 44-12-318, 44-12-321, 44-12-325, 44-12-327, 44-12-328, 44-12-401, 44-12-501, 44-12-503, 44-12-504, 44-12-505b, 44-12-601, 44-12-602, 44-12-702, 44-12-801, 44-12-902, 44-12-1002, 44-12-1306, 44-12-1307; and

K.A.R. 44-13-101, 44-13-105, 44-13-106, 44-13-201, 44-13-201b, 44-13-202, 44-13-401, 44-13-402, 44-13-403, 44-13-404, 44-13-405a, 44-13-406, 44-13-408, 44-13-409, 44-13-501, 44-13-502a, 44-13-506, 44-13-507, 44-13-508, 44-13-509, 44-13-601, 44-13-603, 44-13-610, 44-13-701, 44-13-702, 44-13-703, 44-13-704, 44-13-706, 44-13-707; and

K.A.R. 44-15-101, 44-15-101a, 44-15-102, 44-15-201; and
K.A.R. 44-16-102 and 44-16-105.

In addition, the proposed revocation of the following Kansas Department of Corrections administrative regulations will be considered:

K.A.R. 44-12-320, 44-12-326; and

K.A.R. 44-13-104, 44-13-302a, 44-13-304, 44-13-401a, 44-13-705; and

K.A.R. 44-14-101, 44-14-102, 44-14-201, 44-14-202, 44-14-301, 44-14-302, 44-14-303, 44-14-304, 44-14-305, 44-14-306, 44-14-307, 44-14-308, 44-14-309, 44-14-310, 44-14-311, 44-14-312, 44-14-313, 44-14-314, 44-14-315, 44-14-316, 44-14-317, 44-14-318; and

K.A.R. 44-16-103, 44-16-104, 44-16-106, 44-16-107 and 44-16-108.

This 60-day notice constitutes a public comment period for the purpose of receiving written public comments on the proposed new regulations, as well as the proposed amendments and revocations of existing regulations.

All interested parties may submit written comments prior to the hearing to Linden G. Appel, Deputy Chief Legal Counsel, Kansas Department of Corrections, 4th Floor, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1284. All interested parties will be given a reasonable opportunity at the hearing to present their views orally on the adoption of the proposed regulations. In order to give all parties an opportunity to express their views, it may be necessary to request each participant to limit oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations, amendments, revocations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Linden Appel at (785) 296-4508, TTY (785) 368-8157, or fax (785) 296-0014. Handicapped parking is located at the south end of the Landon State Office Building, and the north entrance to the building, which is the public access entrance, is accessible to individuals with disabilities.

The new regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and their economic impact follows.

K.A.R. 44-13-306. Inmate responsibilities. This regulation provides that it is the responsibility of an inmate charged with a disciplinary offense to read the disciplinary report and any associated documents, or in the event that the inmate is illiterate, to notify the staff member serving the report of that fact so that the report and any associated documents may then be read to the inmate. It further provides that the inmate is required to submit the names of any witnesses whom the inmate wishes to call at the hearing, together with a summary of the testimony expected from the witness, on an authorized form, within 48 hours of service of the report. Finally, it provides that an inmate may waive the right to call witnesses on the form, and that an illiterate inmate is to be provided assistance by staff in completing the witness form, including any waiver of witnesses.

Adoption of this regulation may have a slight economic impact upon the Department of Corrections, chiefly through savings realized by reduction of overtime salaries paid to staff non-party witnesses whose appearances may now be reduced due to the requirement for pre-hearing witness request submissions. It will have no economic impact upon inmates, other governmental agencies, or private businesses and citizens.

K.A.R. 44-13-307. Administrative review of requests for witnesses; denial of requests; issuance of summons; voluntary nature of witness appearance. This regulation provides for administrative review of the requests for witnesses submitted by inmates pursuant to K.A.R. 44-13-306, setting forth criteria for denial of such requests, requiring that denials must be documented and the inmate informed of same in a timely manner, and that any appearance by a witness summoned at the request of either the inmate defendant or the charging officer is voluntary, in contrast to witnesses summoned on the hearing officer's own motion.

Adoption of this regulation may have a slight economic impact upon the Department of Corrections, chiefly through savings of overtime salaries paid in connection with appearances of staff as non-party witnesses at disciplinary hearings. It will have no economic impact upon inmates, other governmental agencies, or private businesses and citizens.

The amendments to existing regulations also are proposed on a permanent basis. A summary of the proposed amendments and their economic impact follows.

K.A.R. 44-12-103 is amended by addition of language prohibiting inmates from piercing their bodies, or those of other inmates, unless performed by a facility medical officer with written permission from the warden.

K.A.R. 44-12-105 is amended by addition of language prohibiting inmates from engaging in certain unsanitary practices in regard to bodily fluids and waste.

K.A.R. 44-12-106 is amended by addition of language permitting use of beard nets as a sanitary measure for inmates assigned to work in facility food services.

K.A.R. 44-12-107, 44-12-201, 44-12-202, 44-12-205, 44-12-210, 44-12-321, 44-12-325, 44-12-602, 44-12-702, 44-12-801 and 44-12-1002 are all amended by deletion of either or both the terms "institution" and "principal administrator," and their replacement, respectively, by the terms "facility" and "warden."

K.A.R. 44-12-203 is amended by addition of language prohibiting theft of services.

K.A.R. 44-12-204, 44-12-205, 44-12-303, 44-12-305, 44-12-309, 44-12-310, 44-12-318, 44-12-503 and 44-12-902 are all amended by addition of language permitting disposition of charged violations of these regulations by resort to the summary disposition procedure set forth at K.A.R. 44-13-201b.

K.A.R. 44-12-306 is amended by deletion of references to specific parties as the subjects of prohibited threats or intimidation, in favor of a prohibition against threats or intimidation directed towards any person or organization.

K.A.R. 44-12-307 is amended by addition of language prohibiting inmates from avoiding directives, orders and requests from supervisors, so as to include any individual, rather than only a uniformed officer or KDOC employee, who is lawfully considered a supervisor of inmates.

K.A.R. 44-12-312 is amended by addition of language that prohibits inmates from possessing more than a reasonable quantity of over-the-counter medications available through inmate canteens or by distribution by authorized staff members.

K.A.R. 44-12-313 is amended by addition of language specifying certain representations or descriptions, i.e., of homosexuality, bestiality and child pornography, as included in the definition of obscenity, thereby expressly bringing possession of such representations or descriptions within the prohibitions of this regulation.

K.A.R. 44-12-314 is amended by addition of language prohibiting sexual intercourse by inmates with any other person, regardless of consent by the other party.

K.A.R. 44-12-327 is amended by addition of language prohibiting interference with physical restraints in the act of being applied by staff to an inmate.

K.A.R. 44-12-328 is amended by addition of language to include contract employees and those of any other organization in charge of or supervising an inmate, as individuals with whom inmates are forbidden to cultivate personal friendships or like familiarity.

K.A.R. 44-12-401 is amended by deletion of the word "counseling" and its replacement by the word "treatment," in the list of activities included in the term "work," in this regulation concerned with discipline of

inmates in regard to their performance of work assignments.

K.A.R. 44-12-501 is amended by deletion of the alternative phraseology, "or alter" in reference to prohibited conduct by inmates in regard to inmate movement passes.

K.A.R. 44-12-504 is amended by elevating the seriousness of the offense from Class II to Class I, thereby invoking a range of more severe penalties.

K.A.R. 44-12-505b is amended by addition of language prohibiting intake of food items in violation of a medical restriction.

K.A.R. 44-12-601 is amended by addition of language permitting inmates to receive printed matter included as part of a first class letter not exceeding one ounce in total weight, and also by addition of language referring to and incorporating the definition of obscene materials set forth in K.A.R. 44-12-313.

K.A.R. 44-12-902 is amended by addition of language that recognizes and defines the category of so-called "nuisance contraband," making its possession a minor, Class III offense.

K.A.R. 44-12-1306 is amended by adding language that provides for collection of restitution upon any subsequent readmission to a correctional facility, and by technical changes of a stylistic nature in the portion of the regulation dealing with the procedures necessary for consideration of restitution as a possible penalty in an inmate disciplinary case.

K.A.R. 44-12-1307 is amended by addition of language that expressly makes it and its criteria applicable to imposition and collection of restitution, and secondly, by deletion of reference to an inmate's ability to purchase hygiene items as a limiting factor for imposition or collection of fines and restitution.

K.A.R. 44-13-101, 44-13-105, 44-13-106, 44-13-201, 44-13-401, 44-13-402, 44-13-403, 44-13-405a, 44-13-406, 44-13-408, 44-13-501, 44-13-506, 44-13-507, 44-13-601, 44-13-603, 44-13-610, 44-13-701, 44-13-703 and 44-13-704 are to be amended by deletion of either or both of the terms "institution" and "principal administrator," and their replacement, respectively, by the terms "facility" and "warden."

K.A.R. 44-13-101 is further amended in the following respects: (1) by deletion of current language relating to disciplinary procedures to be used by contract work release centers; (2) by modification of the provisions concerning legal representation and staff assistance to inmate in disciplinary hearings; (3) by deletion of all language subdividing the disciplinary hearing into three stages labeled "A," "B" and "C," in favor of a cross-reference to applicable regulations elsewhere in Article 13; (4) by a change in the cross-reference to the regulation authorizing appointment of disciplinary hearing officers by the warden; (5) by deletion of a provision for use of a "representative of the institution" to assist the reporting officer in certain cases; (6) by deletion of a portion of the provision concerning the contents of the disciplinary case log maintained at each facility, in favor of a cross-reference to the applicable regulation elsewhere in Article 13; (7) by addition of language authorizing the granting of

(continued)

recesses in disciplinary hearings; and (8) by deletion of language referring to "all stages" of a disciplinary hearing in connection with the requirement of making a summary record.

K.A.R. 44-13-105 is amended by addition of language concerning the authority of the warden to appoint hearing officers.

K.A.R. 44-13-201 is amended in four respects in addition to the nomenclature changes summarized in the first paragraph of this statement. Those four amendments are as follows: (1) by adding language that extends the time period for service of disciplinary reports in the case of inmates who allegedly commit a disciplinary infraction and are then transferred to another facility, prior to being served with the disciplinary report. The amendment would lengthen the time period for service of the disciplinary report in such cases by denoting the date of arrival of the report at the receiving facility as the date on which the computation of the 48-hour period for service of the report commences; (2) by adding language that currently appears in K.A.R. 44-13-404 (presence of inmate and presence of charging officer at disciplinary hearings; officer statements in lieu of testimony) in regard to authority for an investigation into an allegation of a disciplinary violation and the evidentiary use of such an investigative report; (3) by adding language giving the shift supervisor performing an administrative review of the disciplinary report express authority to make or direct appropriate amendments to the report; and (4) by deleting a reference to Class II and Class III disciplinary offenses in subsection (f) of this regulation, dealing with oral warnings or reprimands in lieu of issuance of a disciplinary report or other documentation of the incident.

K.A.R. 44-13-201b is amended by striking the references to Class III offenses and replacing them with the generic phraseology "designated as eligible for summary judgment procedures." It is further amended by increasing the present penalties that may result from a summary judgment citation, and in adding the new penalty option of an order for restitution up to \$10 in value. Finally, it is amended by providing that no evidence other than perishable items shall be seized or confiscated in connection with a summary judgment citation.

K.A.R. 44-13-202 is amended by deletion of two provisions concerning amendment of disciplinary charges, and by adding language naming the correctional officials with authority to amend a disciplinary charge, i.e., the disciplinary administrator, the hearing officer and the warden.

K.A.R. 44-13-401 is amended by adding language now appearing in K.A.R. 44-13-401a, so as to consolidate the two regulations, which both deal with scheduling the disciplinary hearing. The latter regulation is to be revoked. The transferred language provides for advance written notice of the hearing not less than 24 hours before the hearing to the inmate, to be given by the disciplinary administrator or warden's designee.

K.A.R. 44-13-402 is amended in a number of regards, as follows: (1) by deleting current provisions establishing the so-called "automatic" and for-cause-shown grounds for continuances and limiting the continuance so granted to five working days; (2) by deleting a provision permit-

ting hearings to be held prior to the expiration of a continuance if the inmate is due to be released on conditional release or postrelease supervision; (3) by adding new language permitting continuances or recesses of reasonable length to be granted by the disciplinary administrator or hearing officer for cause shown; (4) by deleting the descriptive phrase "Topeka correctional" as an adjectival modifier for a facility where an inmate might be transferred for diagnostic evaluation; (5) by deleting language requiring the granting of continuances made in advance of the hearing if they comply with the requirements for requesting same; (6) by striking language requiring that all time limits established by the rules and regulations for the disciplinary process shall be complied with; (7) by striking language permitting extensions of time limits to be obtained from the secretary's designee on the basis of an inmate's transfer to another location; (8) by giving authority to the warden of the sending facility to grant an extension of a disciplinary case up to ten working days in the event of the inmate's transfer, and deleting language requiring the sending facility warden to apply for such an extension; and (9) by adding language expressly providing authority to the hearing officer to declare a discretionary recess of appropriate and reasonable length.

K.A.R. 44-13-403 is amended in a number of regards, as follows: (1) by deleting language identifying three stages in the disciplinary hearing process; (2) by deleting present terminology of "counsel substitute" and replacing it with "staff assistance"; (3) by adding the term "staff assistant" to subsection (d), dealing with representation or assistance for an inmate who is not present at the hearing; (4) by adding new language requiring the hearing officer to determine both motions on the merits of the charge(s) and motions for summoning of additional witnesses, at the beginning of the hearing, as well as new language explicitly requiring the hearing officer to advise the inmate of certain procedural rights and applicable penalties; (5) by modifying language dealing with the taking of pleas in light of deletion of the designation of stages in the hearing; (6) by making certain technical and grammatical changes to subsections (g), (h) and (i), and by deleting the requirement that the inmate's unit team file be made available to the hearing officer in assessing the appropriate penalty for an inmate convicted of a disciplinary offense; (7) by adding language to explicitly grant authority to the hearing officer to compel attendance of witnesses that the hearing officer determines are necessary for a full determination of the truth of the matters involved in the charge(s), and by incorporation of language now found in K.A.R. 44-13-304(b) delineating the hearing officer's role in asking questions of the witnesses; (8) by transferring language now found in subsection (r) of this regulation concerning the outline for reception of evidence and closing arguments to subsection (l) (1); (9) by adding language requiring the hearing officer to complete a credibility assessment form in the instance of receiving confidential testimony outside the presence of the accused inmate; (10) by deleting general language concerning the powers of the hearing officer, and adding language that witness requests made at the hearing for the first time shall not be permitted absent findings of exceptional circumstances outside the control of the inmate and

that the testimony would most likely affect the outcome of the hearing, with the hearing officer required to inform the inmate of any witness deemed to be waived by failure of the inmate to make a timely request; (11) by deleting language in present subsection (p) concerning the duties of the hearing officer in taking testimony and determining the truth or falsity of the charge(s); and (12) by making other changes throughout this regulation that are technical or grammatical in nature.

K.A.R. 44-13-404 is amended by adding language clarifying that telephone testimony may be taken in class I cases in the event of transfer of the accused inmate to another facility prior to the hearing, by making certain grammatical and stylistic changes, and by deletion of current subsections (e) and (f), due to their transfer and incorporation in K.A.R. 44-13-201, as explained above.

K.A.R. 44-13-405a is amended by making certain grammatical and stylistic changes, by adding the adjectival modifier "non-party" before the word "witness" in subsection (d) concerning admission of affidavits in lieu of personal appearance of the witness, adding new language to the same subsection clarifying that party witnesses falling under provisions of K.A.R. 44-13-404 governing class II and III cases may nonetheless submit a written statement under oath as provided therein, and deletion of current subsections (e) and (f) dealing with treatment of requests for individual witnesses who are neither inmates nor employees.

K.A.R. 44-13-406 is amended by making certain grammatical and stylistic changes, by deleting provisions relating to imposition of minimum and maximum terms of penalties expressed in number of days, and by deleting a provision permitting hearing officers to make recommendations concerning classification, housing or assignment to the inmate's unit team.

K.A.R. 44-13-408 is amended by deletion of certain language concerning both representation of an accused inmate by legal counsel and the furnishing of assistance to the inmate by staff members. It is replaced by language recognizing a limited right to representation by legal counsel in the instance of class I or II charge(s) that may result in prosecution of the inmate for a felony, and for inmates who are physically or mentally incapable of communicating with others. Counsel may either be appointed from the staff of Legal Services for Prisoners, Inc., or may be privately retained by the inmate. Other current limitations on appearance of private counsel are eliminated. The term "counsel substitute" is discarded in favor of "staff assistant," as being more descriptive of the nature of the role of a staff member appointed to assist an inmate under the limited circumstances outlined in the amendment, i.e., if the inmate is either illiterate in the English language or otherwise incapable of effectively collecting facts and presenting a defense to the charge(s).

K.A.R. 44-13-409 is amended by deletion of language requiring that conviction of a disciplinary offense be supported by "clear and convincing" evidence, and its replacement by language requiring proof by a "preponderance of the evidence."

K.A.R. 44-13-501 is amended by elimination of a parenthetical reference to other Article 13 regulations deemed to be unnecessary, and the update of nomencla-

ture explained above in the first paragraph of this summary.

K.A.R. 44-13-502a is amended by deletion of a parenthetical reference to other Article 13 regulations deemed unnecessary, by addition of references to other Article 13 regulations detailing due process requirements that must be documented by an adequate hearing record, and by making certain grammatical and stylistic changes throughout the regulation.

K.A.R. 44-13-506 is amended to increase the time for preparation of the case record from seven to ten working days, to make certain grammatical and stylistic changes, and to change the time for service of a statement documenting extenuating reasons for failure to meet the case preparation deadline from time of completion of preparation to time of completion of administrative review of the case by the warden.

K.A.R. 44-13-507 is amended by making stylistic and grammatical changes, and by updating nomenclature as explained in the first paragraph of this summary.

K.A.R. 44-13-508 is amended by deleting a parenthetical reference to other Article 13 regulations deemed to be unnecessary, by adding the word "report," in regard to the document sometimes known simply as the "case disposition," and by adding language that no reference to a dismissed case is to appear in an inmate's file.

K.A.R. 44-13-509 is amended by deleting the adjective "principal" before the word "administrator" and replacing it with the adjective "disciplinary," in regard to responsibility for keeping a log of all disciplinary reports at the facility, and by adding the language "any disciplinary report" in regard to record keeping for voided, dismissed or otherwise terminated reports.

K.A.R. 44-13-601 and 44-13-603 are amended by making stylistic and grammatical changes, and by updating nomenclature.

K.A.R. 44-13-610 is amended by deleting language concerning dormancy of assessed but unpaid fines upon an inmate's release, and its replacement by language that inmates are not required to pay fines while released from incarceration. Further, nomenclature updates are made.

K.A.R. 44-13-701, 44-13-702, 44-13-703 and 44-13-704 are amended by a reordering of the contents of these four regulations in terms of the regulation number assigned to the subject matter of each regulation. The contents of K.A.R. 44-13-704 (administrative review) have been deleted, and transferred instead to regulation number 44-13-701. The contents of K.A.R. 44-13-703 (appeal on the record to the principal administrator of the institution or facility in class III cases) have been deleted and transferred instead to regulation number 44-13-702. The contents of K.A.R. 44-13-701 (appeal on the record to secretary of corrections in class I and II offense cases only) have been deleted and transferred instead to K.A.R. 44-13-703, and the contents of K.A.R. 44-13-702 (secretary of corrections final review on appeal) have been deleted and transferred instead to regulation number 44-13-704.

K.A.R. 44-13-701, 44-13-702, 44-13-703, 44-13-704 and 44-13-706 are all amended in terms of the nomenclature changes explained in the first paragraph of this summary.

(continued)

K.A.R. 44-13-701 (to be renumbered as 44-13-703) also is amended in several other regards, as follows: (1) by deleting language in present subsection (b) stating that the unit team initiates the appeal at the request of the inmate, and that the unit team provides assistance to the inmate in preparing the appeal; (2) by adding language to present subsection (b) that requires the unit team of an inmate filing an appeal to instead ensure that all data necessary to correctly identify and log the appeal is forwarded to the disciplinary administrator; (3) by deleting language in present subsection (d), paragraph (3) requiring that a copy of any appeal paperwork filed shall be sent to the facility's legal counsel within two working days, in favor of new language instead requiring that said copy be sent promptly; (4) by deleting references to facility deputy directors as officials to be included in the appeals process in subsection (d), paragraph (3); (5) by adding language explicitly stating that filing of responsive argument on behalf of the facility is at the discretion of legal counsel; and (6) by deleting language in subsection (d), paragraph (3) that requires facility legal counsel to return responsive argument to the disciplinary administrator within five working days of receipt of same by legal counsel.

K.A.R. 44-13-702 (to be renumbered as 44-13-703) is amended by deleting current language of 10 calendar days for completion of review of an appeal by the secretary, and substituting for it 15 working days, by addition of reference to the secretary's designee as an individual empowered to undertake review and decision of disciplinary appeals, and by addition of language explicitly providing for another disposition of the appeal, i.e., remand of the case record to the disciplinary administrator for the purpose of supplementation of the record and then return of the record to the secretary for further review.

K.A.R. 44-13-704 (to be renumbered as 44-13-701) is amended by addition of language explicitly stating that the warden may remand a case to the disciplinary administrator for supplementation of the record and to then consider it anew.

K.A.R. 44-13-706 is amended by deleting language referring to Article 14 of Chapter 44 of the Kansas Administrative Regulations coupled with its replacement by language instead referring to internal management policies and procedures of the Secretary of Corrections, by deletion of language providing that the disciplinary hearing officer is to receive recommendations for suspension of a portion of a sentence of disciplinary segregation from the administrative segregation review board, as well as deletion of language providing that the hearing officer then decides such recommendations.

K.A.R. 44-13-707 is amended by deletion of two portions of the current language of the harmless error/plain error rule concerning just what portion of the disciplinary process is subject to the rule, and identity of the prosecuting party as the facility, rather than the state.

K.A.R. 44-15-101 is amended by adding language including offenders supervised on conditional release and postrelease supervision as individuals included within the meaning of the term "inmate," as employed in the remainder of Article 15, the grievance procedure for all

individuals in the Department of Corrections' legal custody. It is further amended by updating nomenclature; by expressly providing that there are three, rather than only two, levels of fact-finding and review within the grievance procedure; and by making certain stylistic and grammatical changes.

K.A.R. 44-15-101a is amended by updating nomenclature pertaining to the chief executive official at each prison, and the term used to refer to prisons, as well as making certain other stylistic and grammatical changes.

K.A.R. 44-15-102 is amended by expressly providing that informal resolution efforts by the inmate's unit team, or the parolee's parole officer, are the first step or level in the grievance procedure, by updating nomenclature as explained above, by deletion of a procedure calling for posting of grievances challenging policies or practices of the correctional facility or Department of Corrections for the purpose of soliciting comments from other inmates and staff, by expressly providing that appeals of adverse grievance determinations by wardens or parole directors are to be sent through U.S. mail to the Department of Corrections central office in Topeka, and by making certain stylistic and grammatical changes.

K.A.R. 44-15-201 is amended by updating nomenclature as explained above, and by making certain stylistic and grammatical changes.

K.A.R. 44-16-102 is amended by deleting language delegating authority to establish procedures for reporting of inmate property loss or damage to the principal administrator, i.e., warden of each facility, in favor of new language providing that such procedures are to be established by internal management policies and procedures of the Secretary of Corrections; by changing the time-frame for filing a claim of loss or damage to property from 15 calendar days to 15 working days; and by making certain stylistic and grammatical changes.

K.A.R. 44-16-105 is amended by making certain stylistic and grammatical changes, and by striking a reference to K.A.R. 44-16-102 in favor of using a more general reference to applicable internal management policies and procedures.

The Department of Corrections may experience a slight increase in collection of restitution for damage to, or loss of, state property by inmates, as a result of the proposed amendment of K.A.R. 44-12-1306 detailed above, and also may experience slight savings in facility staff overtime salary payments as a result of streamlining the disciplinary process, particularly in the area of summoning and appearance of staff witnesses at disciplinary hearings, as set forth in proposed new regulations K.A.R. 44-13-306 and 44-13-307, and as set forth in the proposed amendments of K.A.R. 44-13-403. The potential economic impact of these changes cannot be readily quantified.

Inmates may be subjected to a slight increase in restitution payments as a result of the proposed amendment of K.A.R. 44-12-1306. However, this potential increase cannot be readily quantified.

Finally, the department's contract health care provider (currently, Prison Health Services, Inc.) may realize a slight savings in health care costs over a term of years as a result of the proposed amendment of K.A.R. 44-12-505b

detailed above. The potential economic impact of this change cannot be readily quantified.

No economic impact upon any party is anticipated in regard to any other proposed amendment in Articles 12 through 16 of Chapter 44 of the Kansas Administrative Regulations.

The following regulations are to be revoked:

K.A.R. 44-12-320 and 44-12-326; and

K.A.R. 44-13-104, 44-13-302a, 44-13-304, 44-13-401a, 44-13-705; and

K.A.R. 44-14-101, 44-14-102, 44-14-201, 44-14-202, 44-14-301, 44-14-302, 44-14-303, 44-14-304, 44-14-305, 44-14-306, 44-14-307, 44-14-308, 44-14-309, 44-14-310, 44-14-311, 44-14-312, 44-14-313, 44-14-314, 44-14-315, 44-14-316, 44-14-317, 44-14-318; and

K.A.R. 44-16-103, 44-16-104, 44-16-106, 44-14-107 and 44-16-108.

No economic impact upon any party is anticipated in regard to any of these proposed revocations of existing regulations.

A complete copy of the proposed new regulations, amendments and revocations of existing regulations, and complete economic impact statements may be obtained by contacting Linden G. Appel, Kansas Department of Corrections, 4th Floor, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1284, (785) 296-4508, TTY (785) 368-8157, between 8 a.m. and 5 p.m. Monday through Friday.

Charles E. Simmons
Secretary of Corrections

Doc. No. 027121

INDEX TO ADMINISTRATIVE REGULATIONS

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through			91-37-2	Amended	V. 20, p. 724	93-6-4	Amended	V. 20, p. 452, 453
91-1-106m	Revoked	V. 19, p. 1437, 1438	91-37-3	Amended	V. 20, p. 724	AGENCY 99: DEPARTMENT OF AGRICULTURE—DIVISION OF WEIGHTS AND MEASURES		
91-1-107a	Revoked	V. 19, p. 1438	91-37-4	Amended	V. 20, p. 724	Reg. No.	Action	Register
91-1-108a	Revoked	V. 19, p. 1438	91-40-1			99-26-1	Amended	V. 19, p. 840
91-1-108b	Revoked	V. 19, p. 1438	through			99-27-1	Amended	V. 19, p. 840
91-1-108c	Revoked	V. 19, p. 1438	91-40-5	New	V. 19, p. 685-691	AGENCY 100: BOARD OF HEALING ARTS		
91-1-109a	Revoked	V. 19, p. 1438	91-40-2	Amended	V. 20, p. 541	Reg. No.	Action	Register
91-1-110a	Revoked	V. 19, p. 1438	91-40-7			100-6-2	Amended	V. 19, p. 241
91-1-110c	Revoked	V. 19, p. 1438	through			100-7-1	Amended	V. 19, p. 1044
91-1-111a	Revoked	V. 19, p. 1438	91-40-12	New	V. 19, p. 692-695	100-10a-1	Amended	V. 19, p. 241
91-1-112c	Revoked	V. 19, p. 1438	91-40-7	Amended	V. 20, p. 541	100-10a-3	Amended	V. 19, p. 241
91-1-112d	Revoked	V. 19, p. 1438	91-40-9	Amended	V. 20, p. 542	100-11-1	Amended	V. 19, p. 1190
91-1-113b	Revoked	V. 19, p. 1438	91-40-10	Amended	V. 20, p. 542	100-15-1	Amended	V. 20, p. 1093
91-1-114a	Revoked	V. 19, p. 1438	91-40-16			100-22-3	New	V. 19, p. 571
91-1-115a	Revoked	V. 19, p. 1438	through			100-27-1	New	V. 20, p. 773
91-1-117a	Revoked	V. 19, p. 1438	91-40-19	New	V. 19, p. 695-697	100-28a-1		
91-1-118a	Revoked	V. 19, p. 1438	91-40-17	Amended	V. 20, p. 543	through		
91-1-119a			91-40-18	Amended	V. 20, p. 544	100-28a-16	New (T)	V. 20, p. 247-251
through			91-40-21	New	V. 19, p. 697	100-28a-1		
91-1-119g	Revoked	V. 19, p. 1438, 1439	91-40-22	New	V. 19, p. 697	through		
91-1-120	Revoked	V. 19, p. 1439	91-40-24			100-28a-16	New	V. 20, p. 774-778
91-1-121	Revoked	V. 19, p. 1439	through			100-29-7	Amended	V. 19, p. 1547
91-1-122	Revoked	V. 19, p. 1439	91-40-31	New	V. 19, p. 698-700	100-49-4	Amended	V. 19, p. 1190
91-1-123a	Revoked	V. 19, p. 1439	91-40-27	Amended	V. 20, p. 544	100-54-4	Amended	V. 19, p. 1547
91-1-125	Revoked	V. 19, p. 1439	91-40-33			100-55-1		
91-1-127a	Revoked	V. 19, p. 1439	through			through		
91-1-128b	Revoked	V. 19, p. 1439	91-40-39	New	V. 19, p. 700-702	100-55-9	Amended	V. 19, p. 1017-1020
91-1-129a	Revoked	V. 19, p. 1439	91-40-33	Amended	V. 20, p. 544	100-55-4	Amended	V. 19, p. 1547
91-1-130	Revoked	V. 19, p. 1439	91-40-36	Amended	V. 20, p. 545	100-55-11	New	V. 19, p. 1020
91-1-131	Revoked	V. 19, p. 1439	91-40-37	Amended	V. 20, p. 545	100-60-1	Revoked (T)	V. 20, p. 251
91-1-132a	Revoked	V. 19, p. 1439	91-40-38	Amended	V. 20, p. 545	100-60-1	Revoked	V. 20, p. 778
91-1-135a	Revoked	V. 19, p. 1439	91-40-41			100-60-2	Revoked (T)	V. 20, p. 251
91-1-137a	Revoked	V. 19, p. 1439	through			100-60-2	Revoked	V. 20, p. 778
91-1-138a	Revoked	V. 19, p. 1439	91-40-48	New	V. 19, p. 702-704	100-60-4	Revoked (T)	V. 20, p. 251
91-1-140a	Revoked	V. 19, p. 1439	91-40-50			100-60-4	Revoked	V. 20, p. 778
91-1-141	Revoked	V. 19, p. 1439	through			100-60-5	Revoked (T)	V. 20, p. 251
91-1-143	Revoked	V. 19, p. 1439	91-40-53	New	V. 19, p. 705, 706	100-60-5	Revoked	V. 20, p. 778
91-1-144	Revoked	V. 19, p. 1439	91-40-52	Amended	V. 20, p. 545	100-60-6	Revoked (T)	V. 20, p. 251
91-1-145	Revoked	V. 19, p. 1439	91-40-53	Amended	V. 20, p. 546	100-60-6	Revoked	V. 20, p. 251
91-1-146a	Amended	V. 19, p. 1593	91-41-1			100-60-6	Revoked	V. 20, p. 779
91-1-146e	Amended	V. 19, p. 1593	through			100-60-8		
91-1-148a	Revoked	V. 19, p. 1439	91-41-4	New (T)	V. 20, p. 137	through		
91-1-149	Revoked	V. 19, p. 1439	91-41-1			100-60-15	Revoked (T)	V. 20, p. 251
91-1-150	Revoked	V. 19, p. 1439	through			100-60-8		
91-1-153	Revoked	V. 19, p. 1439	91-41-4	New	V. 20, p. 546, 547	through		
91-1-200			AGENCY 92: DEPARTMENT OF REVENUE					
through			Reg. No.	Action	Register	100-60-8		
91-1-211	New	V. 19, p. 1439-1449	92-9-8	Revoked	V. 20, p. 1124	100-6-15	Revoked	V. 20, p. 779
91-5-14	Amended	V. 20, p. 108	92-12-66	Revoked	V. 20, p. 1124	through		
91-12-22	Revoked	V. 19, p. 680	92-12-66a	New	V. 20, p. 1124	100-6-15	Revoked	V. 20, p. 779
91-12-23	Revoked	V. 19, p. 680	92-15-6	Amended	V. 20, p. 1126	100-60-10	Amended	V. 19, p. 571
91-12-24a	Revoked	V. 19, p. 680	92-19-4a	Revoked	V. 20, p. 1126	100-60-13	Amended	V. 19, p. 572
91-12-25	Revoked	V. 19, p. 680	92-19-4b	New	V. 20, p. 1126	100-69-5	Amended	V. 19, p. 1547
91-12-27	Revoked	V. 19, p. 680	92-19-16a	New	V. 20, p. 1128	AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD		
91-12-28	Revoked	V. 19, p. 680	92-19-24	Amended	V. 20, p. 1129	Reg. No.	Action	Register
91-12-30			92-19-33	Amended	V. 20, p. 1129	102-1-3	Revoked	V. 19, p. 1681
through			92-19-64	Revoked	V. 20, p. 1129	102-1-3a	New	V. 19, p. 1681
91-12-33	Revoked	V. 19, p. 680	92-19-64a	New	V. 20, p. 1129	102-1-5	Revoked	V. 19, p. 1683
91-12-35			92-19-73	Amended	V. 20, p. 1130	102-1-5a	New	V. 19, p. 1683
through			92-19-75	Revoked	V. 20, p. 1130	102-1-12	Amended	V. 19, p. 1684
91-12-42	Revoked	V. 19, p. 680, 681	92-25-1	Amended	V. 20, p. 1130	102-1-15	Amended	V. 19, p. 1686
91-12-44			92-51-33	Revoked	V. 20, p. 1130	102-1-17	New	V. 19, p. 1687
through			92-51-40	Revoked	V. 20, p. 1580	102-1-18	New	V. 19, p. 1687
91-12-69	Revoked	V. 19, p. 681	92-51-50	Revoked	V. 20, p. 1130	102-1-19	New	V. 20, p. 572
91-12-71			92-51-51	Revoked	V. 20, p. 1130	102-2-1a	Amended	V. 19, p. 1192
through			92-51-52	Revoked	V. 20, p. 1130	102-2-2a	Amended	V. 19, p. 1194
91-12-74	Revoked	V. 19, p. 682	92-51-54	Revoked	V. 20, p. 1130	102-2-3	Amended	V. 19, p. 1194
91-22-1a	New	V. 19, p. 682	92-51-55	Revoked	V. 20, p. 1131	102-2-4a	Amended	V. 19, p. 1195
91-22-2	Amended	V. 19, p. 683	92-52-9	Amended (T)	V. 20, p. 1124	102-2-5	Amended	V. 19, p. 1196
91-22-3	Revoked	V. 19, p. 683	92-52-9a	Amended (T)	V. 20, p. 1188	102-2-7	Amended	V. 19, p. 1196
91-22-4	Amended	V. 19, p. 683	92-53-1			102-2-8	Amended	V. 19, p. 1198
91-22-5a	Amended	V. 19, p. 683	through			102-2-11	Amended	V. 19, p. 1200
91-22-7	Amended	V. 19, p. 683	92-53-7	Revoked	V. 20, p. 1131	102-2-12	Amended	V. 19, p. 1201
91-22-8	Revoked	V. 19, p. 683	92-54-1			102-2-13	New	V. 19, p. 1202
91-22-9	Amended	V. 19, p. 683	through			102-2-14	New	V. 19, p. 1202
91-22-10			92-54-5	Revoked	V. 20, p. 1131	102-2-15	New	V. 20, p. 572
through			AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION					
91-22-18	Revoked	V. 19, p. 684	Reg. No.	Action	Register	102-3-1a	Amended	V. 19, p. 1202
91-22-19	Amended	V. 19, p. 684	93-1-1			102-3-2	Amended	V. 19, p. 1204
91-22-21	Revoked	V. 19, p. 684	through			102-3-5a	Amended	V. 19, p. 1205
91-22-22	Amended	V. 19, p. 684	93-1-4	Revoked	V. 20, p. 452	102-3-7a	Amended	V. 19, p. 1206
91-22-23	Revoked	V. 19, p. 684	93-4-6	Amended	V. 20, p. 452	102-3-14	New	V. 19, p. 1207
91-22-24	Revoked	V. 19, p. 684				102-3-15	New	V. 19, p. 1207

102-3-16	New	V. 20, p. 572
102-4-1a	Amended	V. 19, p. 1208
102-4-2	Amended	V. 19, p. 1209
102-4-4a	Amended	V. 19, p. 1209
102-4-5a	Amended	V. 19, p. 1211
102-4-7a	Amended	V. 19, p. 1211
102-4-14	New	V. 19, p. 1212
102-4-15	New	V. 19, p. 1213
102-4-16	New	V. 20, p. 572
102-5-1	Amended	V. 19, p. 1213
102-5-2	Amended	V. 19, p. 1214
102-5-4a	Amended	V. 19, p. 1215
102-5-5	Amended	V. 19, p. 1216
102-5-7a	Amended	V. 19, p. 1216
102-5-13	New	V. 19, p. 1218
102-5-14	New	V. 19, p. 1218
102-5-15	New	V. 20, p. 572

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-1	Amended	V. 19, p. 2022
108-1-3	New	V. 19, p. 68

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-2-2	Amended	V. 19, p. 1949
109-5-1	Amended	V. 19, p. 1749
109-5-4	Amended	V. 19, p. 1750
109-6-2	Amended	V. 19, p. 1750
109-6-3	New	V. 19, p. 1751
109-7-1	Amended	V. 19, p. 1751
109-10-1	Amended	V. 19, p. 1751
109-11-6	Amended	V. 19, p. 1753
109-13-1	Amended	V. 19, p. 1754

AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING

Reg. No.	Action	Register
110-4-1	Amended (T)	V. 20, p. 934
110-4-1	Amended	V. 20, p. 1392
110-6-1	Amended	V. 20, p. 177
110-6-1a	Amended	V. 20, p. 178
110-6-2	Amended	V. 20, p. 178
110-6-3	Amended	V. 20, p. 178
110-6-4	Amended	V. 20, p. 179
110-6-5	Amended	V. 20, p. 180
110-7-1	through	
110-7-4	Revoked	V. 20, p. 1426
110-7-5	New	V. 20, p. 1426
110-7-6	New	V. 20, p. 1426
110-7-8	New	V. 20, p. 1426
110-7-9	New	V. 20, p. 1426
110-7-10	New	V. 20, p. 1426

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. The regulations listed below were published after December 31, 2000.

Reg. No.	Action	Register
111-2-4	Amended	V. 20, p. 1094
111-2-119	through	
111-2-124	New	V. 20, p. 416-419
111-2-120	Amended	V. 20, p. 1094
111-2-124	Amended	V. 20, p. 1343
111-2-125	New	V. 20, p. 573
111-2-126	New	V. 20, p. 573

111-2-127	Amended	V. 20, p. 937
111-2-128	New	V. 20, p. 1188
111-2-129	New	V. 20, p. 1343
111-2-130	New	V. 20, p. 1394
111-3-12	Amended	V. 20, p. 40
111-3-35	Amended	V. 20, p. 1189
111-4-1795	through	
111-4-1813	New	V. 20, p. 40-47
111-4-1801	Amended	V. 20, p. 1095
111-4-1803	Amended	V. 20, p. 1095
111-4-1805a	New	V. 20, p. 1095
111-4-1814	through	
111-4-1823	New	V. 20, p. 419-427
111-4-1818	Amended	V. 20, p. 575
111-4-1824	New	V. 20, p. 575
111-4-1825	through	
111-4-1839	New	V. 20, p. 937-942
111-4-1828	Amended	V. 20, p. 1096
111-4-1832	Amended	V. 20, p. 1344
111-4-1840	through	
111-4-1844	New	V. 20, p. 1096-1100
111-4-1845	through	
111-4-1850	New	V. 20, p. 1189-1193
111-4-1849	Amended	V. 20, p. 1344
111-4-1851	New	V. 20, p. 1345
111-4-1852	New	V. 20, p. 1346
111-4-1853	New	V. 20, p. 1347
111-4-1854	through	
111-4-1870	New	V. 20, p. 1395-1405
111-4-1864	Amended	V. 20, p. 1569
111-4-1866	Amended	V. 20, p. 1570
111-4-1869	Amended	V. 20, p. 1571
111-4-1871	New	V. 20, p. 1571
111-4-1872	New	V. 20, p. 1572
111-4-1873	New	V. 20, p. 1572
111-5-23	Amended	V. 20, p. 428
111-5-24	Amended	V. 20, p. 428
111-5-27	Amended	V. 20, p. 429
111-7-123	Amended	V. 20, p. 48
111-7-134	Amended	V. 20, p. 429
111-7-152	Amended	V. 20, p. 49
111-7-158	through	
111-7-162	New	V. 20, p. 577
111-7-159	Amended	V. 20, p. 1101
111-7-162	Amended	V. 20, p. 944
111-7-163	through	
111-7-170	New	V. 20, p. 1101-1103
111-7-165	Amended	V. 20, p. 1194
111-8-101	through	
111-8-126	New	V. 20, p. 1573-1579
111-9-111	New	V. 20, p. 1406
111-9-112	Amended	V. 20, p. 1579

AGENCY 112: KANSAS RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-4-1	Amended	V. 20, p. 765
112-7-19	Amended	V. 20, p. 547
112-7-21	Amended	V. 19, p. 118
112-10-38	Amended	V. 19, p. 119
112-11-20	Amended	V. 20, p. 945
112-18-21	Amended	V. 19, p. 1308
112-18-22	Amended	V. 19, p. 119

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 20, p. 1499
115-2-2	Amended	V. 19, p. 1875
115-2-3	Amended	V. 19, p. 1875
115-2-4	Amended	V. 20, p. 1499
115-3-1	Amended	V. 20, p. 766
115-3-2	Amended	V. 20, p. 767
115-4-1	Revoked	V. 20, p. 767
115-4-2	New	V. 20, p. 767
115-4-3	Revoked	V. 20, p. 768
115-4-4	New	V. 20, p. 768
115-4-5	Revoked	V. 20, p. 769
115-4-6	Amended	V. 19, p. 1140
115-4-7	through	
115-4-10	Revoked	V. 20, p. 769
115-4-11	Amended	V. 20, p. 769
115-4-12	Revoked	V. 20, p. 770
115-4-13	Amended	V. 20, p. 770
115-7-1	Amended	V. 19, p. 1876
115-8-1	Amended	V. 20, p. 1061
115-8-4	Amended	V. 20, p. 1500
115-8-5	Revoked	V. 20, p. 1061
115-8-8	Amended	V. 20, p. 1061
115-8-12	Amended	V. 20, p. 1062
115-8-16	Revoked	V. 20, p. 1062
115-8-18	Revoked	V. 20, p. 1062
115-8-20	Amended	V. 20, p. 1062
115-8-21	Amended	V. 20, p. 1062
115-13-1	Amended	V. 20, p. 1500
115-13-2	Amended	V. 20, p. 1500
115-13-5	Amended	V. 20, p. 1501
115-14-2	Amended	V. 20, p. 1501
115-14-3	Amended	V. 20, p. 1502
115-14-5	Amended	V. 20, p. 1502
115-14-6	Amended	V. 20, p. 1502
115-14-7	Revoked	V. 20, p. 1502
115-14-9	Amended	V. 20, p. 1502
115-14-10	Amended	V. 20, p. 1503
115-18-5	Revoked	V. 20, p. 1504
115-18-8	Amended	V. 20, p. 1504
115-18-9	Amended	V. 20, p. 1504
115-18-10	Amended	V. 19, p. 1474
115-18-13	Amended	V. 19, p. 1475
115-18-14	Amended	V. 20, p. 1504
115-18-16	New	V. 19, p. 1475
115-18-17	New	V. 20, p. 1062
115-20-1	Amended	V. 20, p. 1063
115-20-2	Amended	V. 20, p. 1063

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-6-3	Amended	V. 20, p. 862
117-6-4	New	V. 20, p. 863
117-7-1	Amended	V. 20, p. 863
117-8-1	Amended	V. 20, p. 1020
117-9-1	Amended	V. 19, p. 41

AGENCY 118: STATE HISTORICAL SOCIETY

Reg. No.	Action	Register
118-5-1	through	
118-5-10	New (T)	V. 20, p. 1492-1495

AGENCY 125: AGRICULTURAL REMEDIATION BOARD

Reg. No.	Action	Register
125-1-1	through	
125-1-9	New (T)	V. 20, p. 1496-1498

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