

Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

Historic Sites Board of Review

Notice of Meeting

The Kansas Historic Sites Board of Review will meet at 9 a.m. Saturday, August 26, in classrooms A and B in the Kansas Museum of History on the grounds of the Kansas History Center, 6425 S.W. 6th Ave., Topeka. The board will evaluate the following properties for the National Register of Historic places and/or the Register of Historic Kansas Places.

National Register of Historic Places

- Mullen Court Apartments, 1140-1150 N. Topeka Ave., Wichita, Sedgwick County
- Trinity Lutheran Church, 320 N. Cedar St., Abilene, Dickinson County
- Cather Farm, Beloit vicinity, Mitchell County
- Shirley Opera House, 503 Main St., Atwood, Rawlins County
- Seneca Hand Dug Water Well, 301 N.11th St., Seneca, Nemaha County
- Brown House, 222 S. Jefferson St., Junction City, Geary County
- Raymond Community House, 301 S. Osage, Girard, Crawford County
- Gem Building, 506-510 S.W. 10th, Topeka, Shawnee County

- Constitution Hall — Topeka, 427-429 S. Kansas Ave., Topeka, Shawnee County

Register of Historic Kansas Places

- Matrot Castle, 6425 S.W. Huntoon, Topeka, Shawnee County
- Sells Brothers Building, 303-305 S. Kansas Ave., Topeka, Shawnee County
- Washington and Julia Marlatt Homestead, 1600 College Ave., Manhattan, Riley County
- Plymouth Congregational Church, 925 Vermont St., Lawrence, Douglas County
- Dutton-Thomas-Soule Farm, 7925 Sunflower Road, De Soto vicinity, Johnson County
- Michigan Building, 206 E. Douglas Ave., Wichita, Sedgwick County

Persons requiring special accommodations should contact Wendy Huggins at the Cultural Resources Division, Kansas State Historical Society, 6425 S.W. 6th Ave., Topeka, 66615-1099, (785) 272-8681, ext. 240, by August 16 to discuss the nature of the disability and what the Kansas State Historical Society may do to ensure participation in the activity.

Jennie Chin
Executive Director

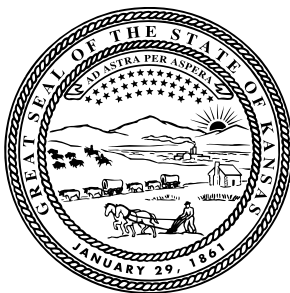
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State of Kansas

Kansas Judicial Council

Notice of Meetings

The Kansas Judicial Council, its advisory committees, and the Commission on Judicial Performance will meet according to the following schedule at the Kansas Judicial Center, 301 S.W. 10th Ave., Topeka:

Date	Committee	Time	Location
Aug. 11	Commission on Judicial Performance	9:30 a.m.	Room 259
Aug. 11	Legal Forms	9:30 a.m.	Room 269
Aug. 18	Municipal Court Manual	9:30 a.m.	Room 269
Aug. 18	PIK Criminal	9:30 a.m.	Room 259
Aug. 25	Judicial Council	9:00 a.m.	Room 259

Aug. 25	Juvenile Offender/Child in Need of Care	9:30 a.m.	Room 269
Sept. 8	Commission on Judicial Performance	9:30 a.m.	Room 259
Sept. 8	End of Life Decisions	9:30 a.m.	Room 275
Sept. 8	Legal Forms	9:30 a.m.	Room 269
Sept. 15	Administrative Procedure	9:30 a.m.	Room 275
Sept. 15	PIK Criminal	9:30 a.m.	Room 269
Sept. 15	Probate Law	9:30 a.m.	Room 259
Sept. 22	Family Law	9:30 a.m.	Room 269
Sept. 22	Juvenile Offender/Child in Need of Care	9:30 a.m.	Room 259
Sept. 29	Municipal Court Manual	9:30 a.m.	Room 259

Hon. Donald L. Allegrucci
Chair

Doc. No. 033429

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of August 7-18. 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://kslegislature.org/klrd>.

Date	Room	Time	Committee	Agenda
Aug. 7	123-S	10:00 a.m.	Legislative Budget Committee	Overview of pay plan and other state employee issues, report on state vehicles, updates on Level V and VI group home issues, veterans' service organization grant program, Dept. of Revenue tax collections, social welfare deferrals and audits, and state general fund finances.
Aug. 8	123-S	9:00 a.m.		
Aug. 7	514-S	1:30 p.m. (note time change)	At-Risk Education Council	Committee discussion of final report.
Aug. 7	526-S	10:00 a.m.	Joint Committee on Information Technology	Review agency technology plans.
Aug. 8	526-S	9:00 a.m.		
Aug. 9	123-S	10:00 a.m.	Joint Committee on State Building Construction	9th: Leases, leasing shared services, KU building projects, Board of Regents rehabilitation and repair funds distribution, and five-year capital improvement plans for Comm. on Veterans' Affairs and Insurance Dept.
Aug. 10	Manhattan	9:00 a.m.		10th: Tour KSU — campus deferred maintenance and Biosecurity Research Institute, and tour Dept. of Wildlife and Parks' Tuttle Creek State Park and Rocky Ford.
Aug. 10			Joint Committee on Corrections and Juvenile Justice Oversight	Meetings cancelled.
Aug. 11	KSU Campus	10:00 a.m.	Joint Committee on Kansas Security	Overview and tour of Biosecurity Research Institute.
Aug. 17	241-N	9:00 a.m.	Kansas Criminal Justice Recodification, Rehabilitation, and Restoration Committee	
Aug. 18	241-N	9:00 a.m.		

Jeffrey M. Russell
Director of Legislative
Administrative Services

Doc. No. 033448

State of Kansas

Department of Commerce

Request for Comments

The Kansas Department of Commerce is requesting comments to a proposed modification to the two-year Strategic State Plan for Title I of the Workforce Investment Act and the Wagner-Peyser Act for the period July 1, 2005 — June 30, 2007. This plan documents the Governor's vision and goals for the Kansas workforce development system, as well as the strategies, policies, activities and measures of success for this system. The plan will be modified to incorporate the following:

1. Minimum standards for certification of Workforce Centers within a statewide workforce delivery system;
2. Corrective Action Plan to address underlying performance problems to achieve at least 80 percent of the state-negotiated levels of performance for Older Youth Credential Rate; and
3. Twelve waivers to give the state flexibility to use existing federal employment and training funds to respond quickly to labor market challenges as they arise:
 - Competitively Identifying Eligible Providers of Youth Activities
 - Eliminating Certain Performance Reports
 - Eliminating Twelve-Month Follow-Up for Youth Participants
 - Flexibility in Providing Ten Youth Program Elements
 - Increasing Employer Reimbursement for On-the-Job Training
 - Increasing Wagner-Peyser Funds Set Aside by the Governor
 - Minimizing Documentation for Incumbent Worker Training Programs
 - Individual Training Accounts for Older Youth
 - Tracking Entrepreneurial Training Performance at the State Level Only
 - Using Capitalization Funds for Small Business Entrepreneurial/Micro Enterprise Training
 - Utilizing Dislocated Worker/Rapid Response Funds for Statewide Activities
 - Waiving Subsequent Eligibility Determinations for Training Providers

The proposed modifications will be submitted to the U.S. Department of Labor to become effective immediately upon approval. To request a copy of the plan modification in regular print, large print or alternative format, contact Linda J. Weaver, Kansas Department of Commerce, 1000 S.W. Jackson, Suite 100, Topeka, 66612, (785) 296-2159, TTY (785) 296-3487, or lweaver@kansascommerce.com.

Comments must be received by 5 p.m. Friday, September 1. Comments may be submitted by any of the following methods:

- E-mail: Comments may be submitted by e-mail to lweaver@kansascommerce.com (enter *State Plan Modification #2* in the subject line of the message).

- Fax: Comments of five pages or less may be submitted by fax to (785) 291-3512 (this is not a toll-free number).
- Postal mail: Comments may be submitted by postal mail to Linda J. Weaver at the address above.

Howard R. Fricke
Secretary of Commerce

Doc. No. 033449

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the Bureau of Construction and Maintenance, KDOT, Topeka, or at the Eisenhower State Office Building, fourth floor west wing, 700 S.W. Harrison, Topeka, until 2 p.m. August 16 and then publicly opened.

District One—Northeast

Johnson—35-46 KA-0630-01 — 95th Street over I-35, bridge repair. (State Funds)

Johnson-Wyandotte-Leavenworth—7-106 KA-0401-01 — K-7, from 127th Street in Olathe to the south city limits of Lansing, 23.5 miles, signing. (State Funds)

Lyon—56 K-9176-01 — Logan Avenue from K-99/K-57 to Exchange Street in Emporia, 0.3 mile, grading and surfacing. (State Funds)

Osage—75-70 KA-0629-01 — County road over U.S. 75, bridge repair. (State Funds)

Pottawatomie—75 C-3993-01 — County road 2 miles north and 0.5 mile east of Olsburg, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

Shawnee—89 KA-0778-01 — Various locations on I-70, K-4 and U.S. 40, 7.2 miles, pavement marking. (Federal Funds)

Shawnee—24-89 K-7431-02 — U.S. 24 bridge over the Union Pacific Railroad 6.2 miles southeast of Silver Lake, bridge overlay. (State Funds)

Wabaunsee—70-99 KA-0525-01 — I-70 bridges, 0.3 mile east of K-138, bridge repair. (State Funds)

District Two—Northcentral

Geary—77-31 KA-0181-01 — U.S. 77, Farnum Creek bridges at Milford Lake, bridge repair. (State Funds)

McPherson—135-59 KA-0599-01 — Local road bridge over I-135 in McPherson County, bridge repair. (State Funds)

Saline—70-85 K-6779-01 — I-70, 0.6 mile west of County Route 1050 east to the Saline-Dickinson county line, 6.5 miles, grading, bridge and surfacing. (Federal Funds)

District Three—Northwest

Sherman—91 C-4166-01 — County road 1.5 miles north of Goodland then north 0.3 mile, grading and surfacing. (Federal Funds)

Thomas—97 C-4316-01 — Willow Street from Franklin Avenue to Country Club Drive in Colby, 0.5 mile, grading and surfacing. (Federal Funds)

Smith—36-92 KA-0534-01 — U.S. 36 bridge, one mile south of Lebanon, bridge repair. (State Funds)

District Four—Southeast

Chautauqua—10 C-3948-01 — County road 2 miles north and 2 miles east of Peru, 0.1 mile, grading, bridge and surfacing. (Federal Funds)

Cherokee—7-11 KA-0356-01 — K-7 from the junction of U.S. 69 north to the Cherokee-Crawford county line, 11.1 miles, overlay. (State Funds)

Franklin—35-30 KA-0770-01 — I-35 from the Osage-Franklin county line northeast to the Eisenhower Road interchange at Ottawa, 14.2 miles, pavement marking. (Federal Funds)

Miami—61 C-4190-01 — 303rd Street from Plum Creek Road to Lookout Road, 2.2 miles, grading and surfacing. (Federal Funds)

Osage—35-70 KA-0769-01 — I-35, 0.3 mile east of the east junction of K-31 northeast to the Osage-Franklin county line, 4.9 miles, pavement marking. (Federal Funds)

District Five—Southcentral

Butler—54-8 KA-0777-01 — U.S. 54, Andover Road east to the west city limits of Augusta, 8 miles, pavement patching. (State Funds)

Reno—50-78 K-7409-01 — U.S. 50 from the junction of K-96 east 2.4 miles, grading, bridge and surfacing. (Federal Funds)

Reno—50-78 K-8257-01 — East junction of the K-96/U.S. 50 interchange in South Hutchinson, 0.3 mile, interchange reconstruction. (Federal Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone because of race, age, religion, color, sex, handicap or national origin in the award of contracts.

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid.

This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the projects may be examined at the office of the respective county clerk or at the KDOT district office responsible for the work.

Deb Miller
Secretary of Transportation

Doc. No. 033420

State of Kansas**Abstracters' Board of Examiners****Notice of Examination**

An examination for persons desiring to secure registration and become subject to license to engage in the business of making, compiling or completing and selling abstracts of title to real estate in Kansas will be conducted by the Abstracters' Board of Examiners at 8 a.m. Friday, September 1, at the Riney Student Center, Pratt Community College, Pratt.

In order to take the exam, an application and \$70 examination fee (\$40 for retakes) must be submitted before August 24 to the executive secretary of the Abstracters' Board of Examiners, P.O. Box 549, Hugoton, 67951. For more information, contact Glen McQueen at (620) 544-2311.

Glen R. McQueen
Executive Secretary

Doc. No. 033458

State of Kansas**Department of Transportation****Notice to Consulting Engineers**

The Kansas Department of Transportation is seeking qualified consulting engineering firms in the area of Intelligent Transportation Systems to perform ITS-related work in the areas of research, planning, design, deployment, integration, management and operations on an as-needed basis, according to guidelines provided by KDOT's Bureau of Transportation Planning, ITS Unit. Two or three firms will be selected for this work.

A response may be submitted by e-mail to neil@ksdot.org, or seven signed copies of the response can be mailed to Neil Rusch, P.E., Assistant to the Director, Division of Engineering and Design, KDOT, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754. Responses shall be limited to four pages. Responses must be received in Room 1084-West by 5 p.m. August 31 for the consulting engineering firm to be considered.

From the firms expressing interest, the Consultant Selection Committee will select a list of the most highly qualified and invite them to attend an individual interview conference. At this time, the consulting firms can more thoroughly discuss their experience related to the types of projects at hand and will be expected to discuss, in some detail, their approach to these projects and the personnel to be assigned to the projects. Firms not selected to be short-listed will be notified by letter.

The Consultant Negotiating Committee, appointed by the Secretary of Transportation, will conduct the discussions with the firms invited to the individual interview conferences. The committee will select the firms to perform the professional services required for completing ITS projects. After the selection of the firms, the remaining firms will be notified by letter of the outcome.

Examples of project areas that KDOT could assign to ITS on-call consultants are as follows:

(continued)

- Kansas City Scout Project Expansions
- Commercial Vehicle Operations ITS/CVISN
- ITS Communications
- ITS Software Integration
- Advanced Traveler Information Systems
- Statewide ITS Operations and Management
- Statewide Traffic Operations Center Pilot
- Transit ITS
- Maintenance Fleet ITS
- Work Zone/Special Event Management
- Statewide Architecture Maintenance
- ITS Research

Details on the KDOT ITS Program can be found at:

<http://kdot1.ksdot.org/public/kdot/burtransplan/burovr/intransy.html>

It is KDOT's policy to use the following criteria as the basis for selection of the consulting engineering firms:

1. Size and professional qualifications;
2. experience of staff;
3. location of firm with respect to proposed project;
4. work load of firm; and
5. firm's performance record.

Deb Miller
Secretary of Transportation

Doc. No. 033436

State of Kansas

Attorney General

Opinion 2006-12

Constitution of the United States—Legislative Powers—Powers of Congress; Power to Regulate Commerce; Whether State Legislation Establishing Residency Requirements for Micro-brewery Licenses Violates the Dormant Commerce Clause.

Amendments to the Constitution of the United States—Amendment 21—Repeal of Intoxicating Liquor Amendment; Violation of State Laws Prohibited; Whether State Legislation Establishing Residency Requirements for Micro-brewery Licenses is Authorized by the 21st Amendment.

Intoxicating Liquors and Beverages—Licensing and Related Provisions; City Option—Qualifications for Licensure; Licensure of Nonresidents; Application of Residency Requirements to Stockholders of Corporations Seeking Micro-brewery Licenses. Representative Jim Yonally, 16th District, Overland Park, June 21, 2006.

In light of all of the legislative and judicial activity in this arena over the past ten years, it is our opinion that a court would now find the residency requirements for corporations seeking micro-brewery licenses to be unconstitutional, in violation of the dormant Commerce Clause. Accordingly, contrary conclusions expressed in Attorney General Opinion No. 95-57 are hereby withdrawn. Cited herein: K.S.A. 2005 Supp. 41-311; 41-311b; 41-313; 41-319; L. 2001, Ch. 55. JLM

Opinion 2006-13

Cities and Municipalities—Miscellaneous Provisions—Employee Benefits Contribution Fund in Certain Tax-

ing Subdivisions; Tax Levy; Use of Proceeds; Establishment of Employee Benefits Contribution Fund for Library Employees. Michael R. O'Neal, Counsel, Girard Public Library, Hutchinson, July 7, 2006.

Pursuant to K.S.A. 12-16,102, which authorizes a taxing subdivision to create an employee benefits contribution fund for a political subdivision on whose behalf it levies taxes, it is the governing body of the taxing subdivision that determines the amount of the annual tax, not the governing body of the political subdivision for which the fund was created. Cited herein: K.S.A. 12-1218; 12-1220; 12-16,102; 13-14a02; 13-14,100; 14-10a02; K.S.A. 2005 Supp. 44-505c; K.S.A. 44-710e. MF

Opinion 2006-14

Cities and Municipalities—Buildings, Structures and Grounds—Definitions; Permissible Use of STAR Bonds; Developer's Financial Advisor Contract and Bond Counsel Fees. Representative Kenny A. Wilk, 42nd District, Lansing, July 19, 2006.

Fees paid to financial consultants for services that are determined necessary to implement a redevelopment project are generally permissible costs for which proceeds of full faith and credit tax increment bonds may be utilized. However, if the redevelopment project is financed with special obligation bonds payable from the state and local sales, use and transient guest taxes listed in K.S.A. 2005 Supp. 12-1774(a)(1)(D) and (a)(1)(G), payment of such fees from such bond proceeds would not be permissible, but only if the financial advisor or consultant involved represents the business or businesses considering locating in the redevelopment district. Likewise, fees paid for bond counsel services and for bond placement that are determined necessary to implement a redevelopment project are generally permissible costs for which proceeds of the bonds may be utilized, but any bond origination fee charged by the city pursuant to K.S.A. 12-1742, and amendments, may not be paid for using such bond proceeds. Cited herein: K.S.A. 12-1742; 12-1770; K.S.A. 2005 Supp. 12-1770a; 12-1774. JLM

Opinion 2006-15

Roads and Bridges—General Provisions—Laying Out and Opening Roads; Viewers; Notice of View; Duties of County Surveyor; Viewing, Surveying, Laying Out, Altering or Vacating Road. Leonard L. Buddenbohm, Atchison County Counselor, Atchison, July 21, 2006.

Neither K.S.A. 68-104 nor 68-106 requires a survey or the assistance of a surveyor prior to a county taking action to vacate a county road in every instance. However such a survey may be required if the actual location of the public road being vacated is not known or is at issue, or may discretionarily be performed if a county wishes to provide abutting landowners or the general public with additional or actual notice as to the precise site of the vacated road. Cited herein: K.S.A. 19-212; 19-1420; K.S.A. 2005 Supp. 68-101, as amended by L. 2006, Ch. 76, § 1; K.S.A. 68-102; 68-102a; 68-104; 68-106; 68-116; K.S.A. 2005 Supp. 68-124. TMB

Phill Kline
Attorney General

Doc. No. 033432

State of Kansas

Secretary of State

Code Mortgage Rate for August

Pursuant to the provisions of K.S.A. 2005 Supp. 16a-1-301, Section 11, the code mortgage rate during the period of August 1, 2006 through August 31, 2006, is 12 percent.

Ron Thornburgh
Secretary of State

Doc. No. 033444

State of Kansas

Secretary of State

Usury Rate for August

Pursuant to the provisions of K.S.A. 2005 Supp. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate (except where the note or contract for deed permits adjustment of the interest rate, the term of the loan or the amortization schedule) executed during the period of August 1, 2006 through August 31, 2006, is 7.97 percent.

Ron Thornburgh
Secretary of State

Doc. No. 033443

State of Kansas

Attorney General

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 1 p.m. Tuesday, October 10, in Room A of the SRS Learning Center, 2600 S.W. East Circle Drive South, Topeka, to consider the adoption by the Attorney General of proposed rules and regulations, K.A.R. 16-11-1 through 16-11-7, implementing the Personal and Family Protection Act, L. 2006, Ch. 32, as amended by L. 2006, Ch. 210. These regulations are proposed for adoption on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Attorney General (c/o Julene Miller), 2nd Floor, Memorial Hall, 120 S.W. 10th Ave., Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request 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 Judy Miles at (785) 296-2215. Handicapped parking is located immediately to the south of the building.

Copies of the regulations and their economic impact statements may be obtained by contacting the Attorney General's Office. A summary of the proposed regulations and their economic impact follows:

K.A.R. 16-11-1. Definitions. This regulation defines terms used throughout this set of regulations or in the Personal and Family Protection Act.

K.A.R. 16-11-2. Instructor certification standards. This regulation establishes the qualifications and requirements for certification as an instructor eligible to teach a weapons training course that will qualify successful participants (who also meet all other legal requirements) to obtain a license to carry a concealed handgun.

K.A.R. 16-11-3. Weapons safety and training course; instructors. This regulation requires certified instructors to use the weapons training and safety courses, examinations and shooting proficiency requirements approved by the Attorney General in K.A.R. 16-11-4. It also sets forth requirements for the instructor to document which trainees have successfully completed the instructor's training course.

K.A.R. 16-11-4. Weapons safety and training course. This regulation sets forth those weapons and safety training courses that have been approved by the Attorney General and establishes the criteria for determining successful completion of such courses.

K.A.R. 16-11-5. Application procedure. This regulation addresses the application process for obtaining a license including time parameters, securing fingerprints and obtaining a criminal history background check.

K.A.R. 16-11-6. Renewal of license; requalification weapons safety and training course. This regulation sets forth the training course requirements necessary for renewal of a license to carry a concealed handgun and requirements for the instructor to document which trainees have successfully completed the instructor's requalification course.

K.A.R. 16-11-7. Signs. This regulation sets forth the requirements for signs to prohibit the bringing of a concealed handgun into a building or facility.

These regulations implement the Personal and Family Protection Act, passed by the Legislature in the 2006 session. The Act authorizes eligible persons to carry certain concealed weapons upon application for and receipt of a license from the Attorney General, and sets certain fees for an initial license, license renewals, late license renewals, duplicate licenses and instructor certification. Licensees and/or certified instructors will bear these costs. The cost to private business and governmental agencies for signage could be anywhere from de minimus to substantial, depending on the number of signs ordered and the materials chosen.

Phill Kline
Attorney General

Doc. No. 033433

State of Kansas

Secretary of State**Executive Appointments**

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. A complete listing of Kansas state agencies, boards and commissions, and county officials are included in the Kansas Directory, which is available on the Secretary of State's Web site at www.kssos.org. The following appointments were recently filed with the Secretary of State:

**Greeley County Commissioner,
District 3**

Fred Crotinger, Route 1, Box 117, Tribune, 67879. Succeeds Alan Waggoner, resigned.

**Harvey County Commissioner,
District 1**

George A. "Chip" Westfall, 101 Windward Drive, Newton, 67114. Succeeds Kenneth Meier, deceased.

**Nemaha County Commissioner,
District 1**

Gary L. Scoby, 2112 Deer Run Trail, Sabetha, 66534. Succeeds Leo L. Bindel, deceased.

State Board of Accountancy

Jeffrey S. Bottenberg, 1421 S.W. MacVicar Ave., Topeka, 66604. Term expires July 31, 2009. Reappointed.

Virginia A. Powell, 2795 S.W. Jewell, Topeka, 66611. Term expires July 31, 2009. Reappointed.

Capitol Area Plaza Authority

Ben E Vidricksen, 1314 Sunrise Drive, Salina, 67401. Term expires June 30, 2009. Reappointed.

State Board of Cosmetology

Marian M. Brown, 3305 Yellowstone Drive, Lawrence, 66047. Term expires June 30, 2009. Reappointed.

Rogene Handlon, 9550 S.W. 69th, Auburn, 66402. Term expires June 30, 2009. Reappointed.

Ruth M. Plinsky, 1028 S.W. Western Ave., Topeka, 66604. Term expires June 30, 2009. Reappointed.

State Highway Advisory Commission

Bryce L. Cole, 1200 E. 8th St., Goodland, 67735. Term expires January 31, 2008. Succeeds Jeffery Mason, resigned.

Kansas Humanities Council

Mary L. Holbrook, 11101 W. 119th Terrace, Shawnee Mission, 66213. Term expires June 30, 2009. Reappointed.

**Kansas Statewide Independent
Living Council**

Shari J. Coatney, 8225 Dorn Road, Thayer, 66776. Term expires August 17, 2009. Succeeds Lou Ann Kibbee.

Donald Dew, 139 W. 2nd St., Box 181, Gorham, 67640. Term expires August 17, 2009. Succeeds June Campbell.

Julia Fonseca, 3905 S.W. Mission Court, Topeka, 66614. Term expires August 17, 2009. Succeeds Brenda Eddy.

Douglas K. Polson, 13319 W. 103rd Terrace, Lenexa, 66215. Term expires August 17, 2009. Succeeds Barbara Bohm.

Morris W. Taylor, 3777 Woodview Drive, Topeka, 66610. Term expires August 19, 2009. Reappointed.

**Advisory Council on
Intergovernmental Relations**

Warren C. Hixon, 129 W. 23rd Ave., Hutchinson, 67502. Term expires June 30, 2010. Succeeds Laverne Courtney.

Sandi M. Kinser, 1201 Spruce, Concordia, 66901. Term expires June 30, 2010. Reappointed.

Patrick Lawless Jr., 1114 N. 14th St., Osage City, 66523. Term expires June 30, 2010. Succeeds Mike Boehm.

Matt Traster, 1010 N. Arapahoe St., Ulysses, 67880. Term expires June 30, 2010. Reappointed.

Joan Wagnon, Secretary of Revenue, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. Term expires June 30, 2010. Reappointed.

**Kansas Council for Interstate
Adult Offender Supervision**

JaLynn, Copp, 3407 N.W. Hickory Ridge Lane, Topeka, 66618. Term expires June 30, 2010. Reappointed.

Christopher N. Cowger, 6125 Brookfield Circle, Topeka, 66614. Term expires June 30, 2010. Reappointed.

Ellen Mitchell, 3052 Ashley Lane, Salina, 67401. Term expires June 30, 2010. Reappointed.

State Board of Mortuary Arts

Berry W. Bedene, 501 N. 4th, Arma, 66712. Term expires July 31, 2009. Reappointed.

Charles R. Smith, 6931 Santa Fe Drive, Overland Park, 66204. Term expires July 31, 2009. Reappointed.

Melissa A. Wangemann, Secretary of State's Office, 1st Floor, Memorial Hall, 120 S.W. 10th Ave., Topeka, 66612. Term expires July 31, 2009. Reappointed.

**Northeast Kansas Regional
Library System**

Marilyn Daniels, 20815 175th St., Tonganoxie, 66086. Term expires June 30, 2009. Reappointed.

Shirley Davies, 1430 125th Road, Atchison, 66002. Term expires June 30, 2009. Succeeds Robert Nourie.

Nina J. Flax, 29843 S. Indian Hills, Osage City, 66523. Term expires June 30, 2010. Succeeds Kathy Boyce.

Linda Funk, 14629 206th St., Nortonville, 66060. Term expires June 30, 2009. Reappointed.

Cathy Holthaus, 986 136th Road, Seneca, 66538. Term expires June 30, 2009. Succeeds Melinda Wenger.

Jessica Karns, 20975 R Road, Holton, 66436. Term expires June 30, 2010. Succeeds Emily Stoll.

Lois Larson, 1619 U.S. 73 Highway, Hiawatha, 66434. Term expires June 30, 2009. Reappointed.

Dora M. McCooles, 12805 State Highway 7, Atchison, 66002. Term expires June 30, 2010. Succeeds Terry Slatery.

Carole J. Mitchell, 888 N. 1886 Road, Lecompton, 66050. Term expires June 30, 2009. Reappointed.

Jean Trail, 34135 W. 255th, Paola, 66071. Term expires June 30, 2009. Succeeds Janet Rockers.

Melinda Walker, 2029 Rock Creek Road, Ottawa, 66067. Term expires June 30, 2009. Succeeds Patsy Vining.

**Board of Examiners
in Optometry**

Douglas D. Ayer, O.D., 904 State St., Larned, 67550. Term expires June 30, 2009. Succeeds William Hefner, resigned.

**Persian Gulf War Veterans
Health Initiative Board**

Marc A. Kline, 627 N.E. Forest St., Topeka, 66616. Term expires June 30, 2009. Reappointed.

Gary J. Prescott II, 8607 Parkmont Drive, Wichita, 67207. Term expires June 30, 2009. Reappointed.

Michael J. Ryan, 3405 Treesmill Circle, Manhattan, 66503. Term expires June 30, 2009. Succeeds Deborah Rose.

**Kansas Pet Animal
Advisory Board**

Linda K. Constable, 11601 S.W. 48th Terrace, Topeka, 67144. Term expires June 30, 2009. Reappointed.

Karla Hartlep, 312 E. 5th St., Newton, 67114. Term expires June 30, 2009. Succeeds Kimberly Janzen.

Michael D. Ward, 1019 Evans, Garden City, 67846. Term expires June 30, 2009. Reappointed.

Radiologic Technology Council

Keith E. Burgess, 3915 E. 95th Ave., Hutchinson, 67502. Term expires July 1, 2010. Reappointed.

**Kansas Supreme Court
Nominating Commission**

Carolyn B. Bird, 1395 Noose Road, Hays, 67601. Term expires June 30, 2010. Succeeds Debbie Nordling.

State Board of Technical Professions

Vincent Mancini, P.O. Box 699, Sublette, 67877. Term expires June 30, 2010. Succeeds Joe Vanderweide.

Kenneth J. Vaughn, 5603 W. 77th Terrace, Prairie Village, 66208. Term expires June 30, 2010. Reappointed.

**Unmarked Burial Sites
Preservation Board**

Michael Finnegan, 3204 Claflin Road, Manhattan, 66506. Term expires July 15, 2009. Reappointed.

Ron Thornburgh
Secretary of State

Doc. No. 033434

(Published in the Kansas Register August 3, 2006.)

Fall River Watershed Joint District

Notice to Contractors

Sealed bids for the construction of a 40,000 cubic yard detention dam, Site #I-13 in Greenwood County, will be received by the Fall River Watershed Joint District at Central Kansas Engineering Consultants (CKEC), 17 W. 5th Ave., Emporia, 66801, until 5 p.m. August 17, or hand delivered to the Emprise Bank Conference Room, Eureka (no telephone/fax submissions), and submitted immediately prior to bid opening at 7 p.m. August 17. A copy of the bid documents and the plans and specifications can be reviewed at and obtained from the CKEC office, (620) 343-6621. A \$50 nonrefundable deposit will be assessed for each set of plans requested.

Dustin W. Ochs, P.E.
Project Manager

Doc. No. 033447

**State of Kansas
State Conservation Commission**

Notice to Contractors

Sealed bids for the construction of an 8,000 cubic yard detention dam, Site 222 in Woodson County, will be received by the Cherry-Plum Creeks Watershed Joint District No. 17 at Central Kansas Engineering Consultants (CKEC), 17 W. 5th Ave., Emporia, 66801, until 5 p.m. August 31, or may be hand delivered to the Woodson County USDA Service Center, Yates Center (no telephone/fax submissions), and submitted immediately prior to bid opening. Bids will be opened at 9 a.m. September 1. A copy of the invitation for bids and the plans and specifications can be reviewed at and obtained from the CKEC office, (620) 343-6621. A \$50 nonrefundable deposit will be required for each set of plans requested.

Greg A. Foley
Executive Director

Doc. No. 033450

(Published in the Kansas Register August 3, 2006.)

**Statutory Notice of Bond Sale
Unified School District No. 270
Rooks County, Kansas (Plainville)
\$3,460,000**

**General Obligation School Bonds
Series 2006-A
Dated August 15, 2006**

Bids

Bids will be received by the undersigned, superintendent of Unified School District No. 270, Rooks County, Kansas (Plainville) (the issuer), on behalf of the Board of Education at the address hereinafter set forth, until 2 p.m. Monday, August 14, 2006, for the purchase of all of the \$3,460,000 principal amount of General Obligation School Bonds, Series 2006-A, of the issuer. All bids will be publicly opened and read at said time and place and will be

(continued)

acted upon by the Board of Education at 7 p.m. on the date of sale. No oral or auction bids will be considered. No bid of less than the par value of the bonds and accrued interest thereon to the date of delivery of the bonds will be considered.

Bids may be submitted by mail, delivered in person or telefaxed to the undersigned. Telefax transmissions must be sent to the following number: (785) 434-7404. The issuer assumes no responsibility or liability for inaccurate bids submitted through the telefax, including garbled transmissions, or the inability of a bidder to access the telefax number prior to the indicated sale time.

Electronic bids will be accepted through Bidcomp/Parity (PARITY) electronic bid submission system. For purposes of the electronic bidding process, the time as maintained by PARITY shall constitute the official time with respect to all bids submitted to PARITY. Each bidder shall be solely responsible for making the necessary arrangements to access PARITY for the purpose of submitting its electronic bid in a timely manner and in compliance with the requirements of this notice of bond sale. If any provisions in this notice of bond sale conflict with information provided by PARITY, this notice of bond sale will control. Further information about PARITY, including any fee charged and registration requirements, may be obtained from i-Deal, LLC, 1359 Broadway, 2nd Floor, New York, NY 10018, Customer Support, (212) 849-5000. The issuer is using the services of PARITY solely as a communication mechanism to conduct the electronic bidding for the bonds. PARITY is not an agent of the issuer.

Bond Details

The bonds will be issued in book-entry form only. The bonds will be issued in the denomination of \$5,000 or any integral multiple thereof, will be dated August 15, 2006, and will become due on September 1 in each of the years as follows:

September 1	Principal Amount
2007	\$ 75,000
2008	110,000
2009	120,000
2010	125,000
2011	130,000
2012	135,000
2013	145,000
2014	150,000
2015	160,000
2016	165,000
2017	175,000
2018	180,000
2019	190,000
2020	200,000
2021	210,000
2022	215,000
2023	225,000
2024	240,000
2025	250,000
2026	260,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as here-

inafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2007.

Delivery and Payment

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 August 30, 2006, through the facilities of the Depository Trust Company in New York, New York. The successful bidder will be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity and a certificate regarding the completeness and accuracy of the official statement. Payment for the bonds must be made in Federal Reserve funds, immediately subject to use by the issuer.

Optional Municipal Bond Insurance

The issuer will apply for municipal bond insurance relating to the bonds. If approved, the bonds may be purchased with or without this insurance at the option of the successful bidder. All expenses associated with the purchase of this insurance (including any rating agency fees) will be the responsibility of the successful bidder. The insurance policy, if purchased, will insure timely payment of the principal and interest on the bonds.

Good Faith Deposit

A good faith deposit in the form of a certified or cashier's check or financial surety bond in the amount of \$69,200 must accompany each bid for the bonds.

Costs

The school district will pay the cost of printing the bonds and the expense of all legal services, including the opinion of Kutak Rock LLP, Kansas City, Missouri, bond counsel, approving the legality of the bonds and the exclusion of the interest thereon (with specified minor exceptions) from federal and Kansas gross income taxes.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the issuer as of November 30, 2005, is \$37,816,226. The total general obligation bond indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$3,460,000.

Additional Information

A complete notice of bond sale, preliminary official statement and bid forms approved by the school district will be mailed to all interested parties. Bidders may be required to be qualified in a manner established by the school district before submitting a bid. Additional information regarding the bonds may be obtained from the financial advisor, George K. Baum & Company, 4801 Main St., Kansas City, MO 64112, Attention: David Arteberry, (816) 474-1100.

Unified School District No. 270
Rooks County, Kansas (Plainville)
By: Beth Reust, Superintendent
111 W. Mill
Plainville, KS 67663-2296
(785) 434-4678

State of Kansas

Kansas State University-Salina

Notice to Bidders

Kansas State University-Salina is selling a 1996 Oldsmobile Ciera SL Sedan four-door by sealed bid. The bid deadline date, vehicle description and pictures can be viewed on the university Web site at <http://www.sal.ksu.edu/campusoffices/business/bid-items/index.html>.

For more information, contact Pete Morris at (785) 826-2605.

Pete Morris
 Director of Fiscal Affairs, Grants &
 Contracts and Information Systems

50,000	2012
55,000	2013
55,000	2014
55,000	2015
60,000	2016
65,000	2017
65,000	2018
70,000	2019
70,000	2020
75,000	2021
75,000	2022
80,000	2023
85,000	2024
90,000	2025
95,000	2026

Doc. No. 033446

(Published in the Kansas Register August 3, 2006.)

Summary Notice of Bond Sale
City of Hesston, Kansas
\$1,278,000
General Obligation Bonds
Series 2006

Details of the Sale

Subject to the terms and requirements of the official notice of bond sale dated July 10, 2006, of the city of Hesston, Kansas, bids to purchase the city's General Obligation Bonds, Series 2006, will be received at the office of the city's financial advisor, Ranson Financial Consultants, L.L.C., 200 W. Douglas, Suite 600, Wichita, KS 67202, on behalf of the governing body of the city, or by telefacsimile at (316) 265-5403, until 2 p.m. Monday, August 14, 2006. The bids will be considered by the governing body at its meeting at 6 p.m. on the sale date.

No oral or auction bids for the bonds shall be considered, and no bids for less than 98.5 percent of the total principal amount of the bonds and accrued interest to the date of delivery shall be considered.

Good Faith Deposit

Each bidder must submit a good faith deposit in the form of a certified or cashier's check made payable to the order of the city or a financial surety bond in an amount equal to 2 percent of the principal amount of the bonds.

Details of the Bonds

The bonds are dated September 1, 2006, and will be issued as registered bonds in the denomination of \$5,000 or any integral multiple thereof, except for one bond in the denomination of \$3,000 maturing September 1, 2007. Interest on the bonds is payable semiannually on March 1 and September 1 of each year, beginning March 1, 2007. Principal of the bonds becomes due on September 1 in the years and amounts as shown below:

Maturity Schedule

Principal Amount	Maturity Date
\$43,000	2007
45,000	2008
45,000	2009
50,000	2010
50,000	2011

Payment of Principal and Interest

The Kansas State Treasurer will serve as the bond registrar and paying agent for the bonds.

Book-Entry Option

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through the Depository Trust Company, New York, New York (DTC), at the bidder's expense.

Delivery of the Bonds

The city will prepare the bonds at its expense and will deliver the registered bonds to the successful bidder, on or about September 1, 2006, at such bank or trust company or other qualified depository in the contiguous United States, specified by the successful bidder. Delivery elsewhere shall be made at the expense of the successful bidder.

Legal Opinion

The bonds will be sold subject to the legal opinion of Triplett, Woolf & Garretson, LLC, Wichita, Kansas, bond counsel, whose fees will be paid by the city.

Financial Matters

The city's current assessed valuation for purposes of calculating statutory debt limitations is \$26,833,563. As of September 1, 2006, the city's total outstanding general obligation debt (including the bonds) is \$5,555,000, which excludes temporary notes outstanding in the amount of \$1,358,425 that will be retired out of the proceeds of the bonds herein offered for sale. The city's total indebtedness that is subject to debt limitation, as of September 1, 2006, will be \$2,357,272.50, which is 8.78 percent of the assessed valuation of the city.

Additional Information

For additional information, contact the city clerk at the address and telephone number shown below or the financial advisor, John Haas, Ranson Financial Consultants, LLC, 200 W. Douglas, Suite 600, Wichita, KS 67202, (316) 264-3400.

City of Hesston, Kansas
 By Dennis D. Nichols
 City Clerk
 City Hall, 115 E. Smith
 Hesston, KS 67062
 (620) 327-4412
 Fax (620) 327-4595

Doc. No. 033439

(Published in the Kansas Register August 3, 2006.)

**Summary Notice of Bond Sale
City of Abilene, Kansas
\$300,000
General Obligation Bonds
Series 2006**

Details of the Sale

Subject to the terms and requirements of the official notice of bond sale dated July 31, 2006, of the city of Abilene, Kansas, bids to purchase the city's General Obligation Bonds, Series 2006, will be received at the office of the city clerk at City Hall, 419 Broadway, Abilene, KS 67410, or by telefacsimile at (785) 263-2552, until 2 p.m. Monday, August 14, 2006. The bids will be considered by the governing body at its meeting at 4 p.m. on the sale date.

No oral or auction bids for the bonds shall be considered, and no bids for less than 100 percent of the total principal amount of the bonds and accrued interest to the date of delivery shall be considered.

Good Faith Deposit

Each bidder must submit a good faith deposit in the form of a certified or cashier's check made payable to the order of the city or a financial surety bond in an amount equal to 2 percent of the principal amount of the bonds.

Details of the Bonds

The bonds are dated September 1, 2006, and will be issued as registered bonds in the denomination of \$5,000 or any integral multiple thereof. Interest on the bonds is payable semiannually on March 1 and September 1 of each year, beginning March 1, 2008. Principal of the bonds becomes due on September 1 in the years and amounts as shown below:

Maturity Schedule

Principal Amount	Maturity Date
\$10,000	2008
25,000	2009
30,000	2010
30,000	2011
30,000	2012
30,000	2013
35,000	2014
35,000	2015
35,000	2016
40,000	2017

Payment of Principal and Interest

The Kansas State Treasurer will serve as the bond registrar and paying agent for the bonds.

Book-Entry Bonds

The bonds will be issued and registered under a book-entry-only system administered by the Depository Trust Company, New York, New York (DTC).

Delivery of the Bonds

The city will prepare the bonds at its expense and will deliver the registered bonds to the successful bidder, on or about September 12, 2006, at such bank or trust company or other qualified depository in the contiguous United States, specified by the successful bidder. Delivery

elsewhere shall be made at the expense of the successful bidder.

Legal Opinion

The bonds will be sold subject to the legal opinion of Triplett, Woolf & Garretson, LLC, Wichita, Kansas, bond counsel, whose fees will be paid by the city.

Financial Matters

The city's current assessed valuation for purposes of calculating statutory debt limitations is \$42,922,342. As of September 1, 2006, the city's total outstanding general obligation debt (including the bonds) is \$3,635,000, which excludes temporary notes outstanding in the amount of \$395,000 that will be retired out of the proceeds of the bonds herein offered for sale.

Additional Information

For additional information, contact the city clerk at the address and telephone number shown below.

City of Abilene, Kansas
By Penny L. Soukup
City Clerk
City Hall, 419 Broadway
Abilene, KS 67410
(785) 263-2550
Fax (785) 263-2552

Doc. No. 034438

(Published in the Kansas Register August 3, 2006.)

City of Wichita, Kansas

Notice to Bidders

The city of Wichita will receive bids at the Purchasing Office, 455 N. Main, 12th Floor, Wichita, 67202, until 10 a.m. Friday, September 8, for the following project:

**(KDOT Project No. 87N-0187-01/472-84396/246126)
(OCA Code 715710)
KDOT-Bridge**

11th Street Bridge over the Wichita Drainage Canal

Plans and specifications for this project will be available August 9. Requests for the bid documents and plans should be directed to City Blue Print at (316) 265-6224 or Marty Murphy at (316) 268-4488. Other questions should be directed to the respective design engineer, (316) 268-4501.

All bids received will thereafter be publicly opened, read aloud, and considered by the Board of Bids and Contracts. All work is to be done under the direction and supervision of the city manager and according to plans and specifications on file in the office of the city engineer. Bidders are required to enclose a bid bond in the amount of 5 percent with each bid as a guarantee of good faith. The Wichita City Council reserves the right to reject any and all bids.

The successful bidder may contact Kim Pelton at (316) 268-4499 for extra sets of plans and specifications.

Marty Murphy
Administrative Aide
City of Wichita—Engineering

Doc. No. 033441

State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 12-1675(b)(c)(d), 75-4201(l) and 75-4209(a)(1)(B).

Effective 7-31-06 through 8-6-06

Term	Rate
1-89 days	5.25%
3 months	5.05%
6 months	5.14%
1 year	5.11%
18 months	5.04%
2 years	4.99%

Derl S. Treff
Director of Investments

Doc. No. 033428

(Published in the Kansas Register August 3, 2006.)

**Sedgwick County, Kansas
Shawnee County, Kansas**

Notice of Hearings on Proposed Bond Issuance

Public notice is hereby given that Sedgwick County, Kansas, and Shawnee County, Kansas (jointly, the issuers), will conduct public hearings at the following times and locations with respect to the proposed issuance of not to exceed \$250,000,000 of single family mortgage revenue bonds:

Date: August 16
Time: 9 a.m.
Location: Sedgwick County Courthouse
Commission Meeting Room, 3rd Floor
525 N. Main, Wichita

Date: August 17
Time: 9 a.m.
Location: Shawnee County Courthouse
200 S.E. 7th St., Topeka

The bonds will be issued in multiple series, and the proceeds thereof and other unavailable funds will be utilized to (i) refund a portion of certain previously issued single family mortgage revenue bonds of the issuers; (ii) purchase home mortgage loans or securities backed by home mortgage loans made to persons and families of low and moderate income (first-time homebuyers) residing within the unincorporated areas of Sedgwick County and Shawnee County and within the corporate limits of certain cities and the unincorporated areas of certain counties in Kansas that enter into cooperation agreements with either of the issuers (the program area); and/or (iii) provide funds to be loaned to persons and families of low and moderate income residing within the program area to be applied to the payment of closing costs or down-payment in connection with a home mortgage loan.

All persons having an interest in the subject matter of the hearing will be given an opportunity to be heard at the times and places specified above. Written comments

also may be submitted to the issuers, c/o Sedgwick County Clerk, County Courthouse, 525 N. Main, Wichita, 67203; or c/o Shawnee County Clerk, County Courthouse, 200 S.E. 7th St., Topeka, 66603.

Any mortgage lending institution interested in providing mortgage origination in connection with the home mortgage loans should contact Charles M. Bouilly, George K. Baum & Company, 100 N. Main, Wichita, 67202.

Dated July 28, 2006.

Sedgwick County, Kansas
Shawnee County, Kansas

Doc. No. 033437

State of Kansas

**Department of Health
and Environment**

Request for Bids

Sealed bids for lead hazard reduction at the following properties will be received by the Kansas Department of Health and Environment until 2 p.m. on the date indicated. For more information, call (785) 296-1519:

**August 11, 2006
264-07-35**

Project Lead Safe KCK

- Property #1 2121 N. 33rd St.
Kansas City, KS 66104
- Property #2 2553 Everett
Kansas City, KS 66102
- Property #3 4023 Silver
Kansas City, KS 66106
- Property #4 8423 Ann
Kansas City, KS 66112
- Property #5 7703 Oakland
Kansas City, KS 66112
- Property #6 1012 Waverly
Kansas City, KS 66104
- Property #7 1876 N. 32nd St.
Kansas City, KS 66104
- Property #8 864 Troup
Kansas City, KS 66101
- Property #9 3068 N. 12th St.
Kansas City, KS 66104
- Property #10 3013 Parkwood
Kansas City, KS 66104

Contractors will be required to attend a walkthrough of each property in order to be eligible to respond to the Invitation for Bid. For times and actual locations, call (913) 262-0796 or go to the following Web site: http://www.unleadedks.com/contractor_info.html.

The above-referenced bid documents may be downloaded at the Web site listed above.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 033431

State of Kansas

Department of Health and Environment

Notice Concerning Kansas/Federal Water Pollution Control Permits and Applications

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 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, various draft water pollution control documents (permits, notices to revoke and reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

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

Public Notice No. KS-AG-06-261/262
Application(s) for New or Expansion of Existing Swine Facilities

Name and Address of Applicant	Owner of Property Where Facility Will Be Located	Receiving Water
Zenith Project, LLC 2375 Ave. D Geneseo, KS 67444	Dr. Steven C. Henry 320 N.E. 14th St. Abilene, KS 67410	Little Arkansas River Basin

Kansas Permit No. A-LARC-S005

This is an application for modification of the current permit. The facility is planning to add a farrowing room to the end of the existing farrowing barn. The addition will increase the maximum capacity by 440 head of swine weighing more than 55 pounds and 420 head of swine weighing 55 pounds or less. The new capacities will be 1,866 large swine and 2,220 small swine for a new capacity of 968.4 animal units. A permit will not be issued without additional public notice.

Name and Address of Applicant	Owner of Property Where Facility Will Be Located	Receiving Water
Daniel R. Compton 1671 Mulberry Road Hiawatha, KS 66434	Daniel R. Compton 1671 Mulberry Road Hiawatha, KS 66434	Missouri River Basin

Kansas Permit No. A-MOBR-S043

This is an application for a permit for construction of a new swine facility for a maximum capacity of 2,400 head (960 animal units) of swine greater than 55 pounds. The facility will consist of two enclosed buildings each housing 1,200 head of swine on a slotted floor. All manure and wastewater will drop to a concrete pit beneath the floor. A new or modified permit will not be issued without additional public notice.

Public Notice No. KS-AG-06-263/266
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Hole In One Holsteins Gary Mies 21707 W. 4th St. North Goddard, KS 67052	NE/4 of Section 24, T27S, R03W, Sedgwick County	Lower Arkansas River Basin

Kansas Permit No. A-ARSG-M015

This is a renewal permit for an expanding facility from 80 head (112 animal units) to 150 head (210 animal units) of dairy cattle. A new earthen wastewater retention structure will be built to collect runoff from the lots and washwater from the milking parlor.

Name and Address of Applicant	Legal Description	Receiving Water
Parks Pasture Pork Darrell D. Parks 1001 E. 26th Ave. Manhattan, KS 66502	NW/4 of Section 26 & SE/4 of Section 23, T10S, R08E, Riley County	Kansas River Basin

Kansas Permit No. A-KSRL-S006

This is a renewal permit with modification for an existing facility for 365 head (146 animal units) of swine weighing more than 55 pounds and 200 head (20 animal units) of swine weighing 55 pounds or less, for a total of 565 head (166 animal units) of swine. Modification to permit is to reflect actual animal count and existing facility operations.

Name and Address of Applicant	Legal Description	Receiving Water
Dan Schletzbaum 14821 318 Road Atchison, KS 66002	SW/4 of Section 07, T05S, R20E, NE/4 of Section 13, T05S, R19E, Atchison County	Missouri River Basin

Kansas Permit No. A-MOAT-S002

This is a renewal permit for an existing facility for a maximum of 400 head (160 animal units) of swine weighing more than 55 pounds and 325 head (32.5 animal units) of swine weighing 55 pounds or less, for a total of 192.5 animal units.

Name and Address of Applicant	Legal Description	Receiving Water
Meade County Feeders, LLC, Site 1 Matthew Welsh, Manager 10096 18 Road Meade, KS 67864	W/2 of Section 23, T31S, R28W, Meade County	Cimarron River Basin

Kansas Permit No. A-CIME-C002 Federal Permit No. KS0115886

This is a modification of the existing permit for a 2,000-head increase in the permitted capacity. There will be no new construction. The stocking rate of the pens will be increased. The new permitted capacity will be 12,000 head (12,000 animal units).

Public Notice No. KS-06-100/109

Name and Address of Applicant	Waterway	Type of Discharge
Carbondale, City of 234 Main St. Carbondale, KS 66414	Wakarusa River via Camp Creek via Strowbridge Creek via Unnamed Tributary	Process Wastewater

Kansas Permit No. I-KS07-PO03 Federal Permit No. KS0098574

Legal: NE¼, NE¼, SW¼, S21, T14S, R16E, Osage County

Facility Name: Carbondale Water Treatment Plant

Facility Description and Notice of Variance: The proposed action is to issue a new permit for a wastewater discharge from a water treatment plant. This is a potable water treatment plant treating surface water. Sludge from the two clarifiers, filter-to-waste, filter backwash

and miscellaneous drains are routed to one of two clay-lined lagoon cells. The estimated flow of wastewater to the lagoon system is about 0.031 mgd. The permittee has requested a variance from the 10-foot separation distance requirement from the bottom of the proposed lagoon to groundwater. The variance to K.A.R. 28-16-162 will allow the construction of a new two-cell replacement lagoon system as part of the public water supply facility upgrades. The separation distance from the bottom of the proposed lagoon system and groundwater is one foot. The proposed plan is to install a French Drain to the south and west side of the lagoon to channel the groundwater around the lagoon. The department has determined that the quality of the water being routed to the lagoon is as good as or better than that of the groundwater beneath the lagoon and, therefore, does not pose a negative environmental effect on such groundwater. The proposed permit includes limits for total suspended solids and pH as well as monitoring for total residual chlorine. Contained in the permit is a schedule of compliance requiring the permittee to obtain the services of a laboratory or become KDHE-field certified to field-test for total residual chlorine and pH. 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
Cimarron, City of P.O. Box 467 Cimarron, KS 67835	Arkansas River	Treated Domestic Wastewater

Kansas Permit No. M-UA07-0002 Federal Permit No. KS0091791
 Facility Description: S½, SE¼, NW¼, S12, T26S, R28W, Gray County

Facility Description: The proposed action is to reissue an existing permit for an existing facility treating primarily domestic wastewater. The proposed permit contains limits for biochemical oxygen demand, total suspended solids and fecal coliform. Monitoring for ammonia, fluoride, total recoverable selenium, sulfate and pH 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
Great Bend, City of P.O. Box 1168 Great Bend, KS 67530	Arkansas River	Treated Domestic Wastewater

Kansas Permit No. M-UA16-0001 Federal Permit No. KS0038491
 Facility Description: N½, SW¼, SW¼, S35, T19S, R13W, Barton County

Facility Description: The proposed action is to reissue an existing permit for an existing facility treating primarily domestic wastewater. This facility consists of two primary clarifiers, activated sludge extended aeration, post-aeration system, sludge anaerobic digestion, sludge drying beds and a UV disinfection facility. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform, dissolved oxygen and pH. Monitoring for total phosphorus, nitrate, nitrite, total Kjeldahl nitrogen, total nitrogen, chlorides, sulfates, total recoverable selenium and effluent flow also will be required. The permittee is required to perform a chronic whole effluent toxicity (WET) test annually as well as a priority pollutant scan once during the term of the permit. Contained in the permit is a schedule of compliance requiring the permittee to conduct a study to assess the cost and feasibility of nutrient removal by this facility. The report is to be completed within two years of the effective date of the 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 water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Jefferson County Commissioners 6766 Lake Ridge Parkway Ozawkie, KS 66070	Perry Lake via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-KS56-0004 Federal Permit No. KS0093807
 Facility Description: NE¼, SE¼, SE¼, S23, T10S, R17E, Jefferson County
 Facility Name: Jefferson County S.D. #7 (Lake Ridge Estates)

Facility Description: The proposed action is to reissue an existing permit for an existing facility treating primarily domestic wastewater. The proposed permit contains limits for biochemical oxygen demand, total suspended solids and fecal coliform as well as monitoring for ammonia and pH. 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
Kansas Turnpike Authority 3939 S.W. Topeka Blvd. Topeka, KS 66609	Stranger Creek via Nine Mile Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. C-KS31-0002 Federal Permit No. KS0053694
 Facility Description: N½, NE¼, SE¼, S12, T12S, T20E, Leavenworth County

Facility Name: Lawrence Service Area
 Facility Description: The proposed action is to reissue an existing permit for an existing facility treating primarily domestic wastewater. The proposed permit contains limits for biochemical oxygen demand, total suspended solids and fecal coliform. Monitoring for ammonia, total recoverable zinc and pH 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
Leavenworth County Commission 300 Walnut, Suite 007 Leavenworth, KS 66048	Kansas River via Wolf Creek	Treated Domestic Wastewater

Kansas Permit No. M-KS06-0003 Federal Permit No. KS0087157
 Facility Description: NE¼, S25, T11S, R22E, Leavenworth County

Facility Description: The proposed action is to reissue an existing permit for an existing facility treating primarily domestic wastewater. The proposed permit contains limits for biochemical oxygen demand, total suspended solids and fecal coliform. Monitoring for ammonia, total recoverable copper, cell water level and pH 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
Longton, City of P.O. Box 18 Longton, KS 67352	Elk River via Hitchen Creek	Treated Domestic Wastewater

Kansas Permit No. M-VE25-0001 Federal Permit No. KS0046019
 Facility Description: SE¼, NE¼, NE¼, S3, T31S, R12E, Elk County

Facility Description: The proposed action is to reissue an existing permit for an existing facility treating primarily domestic wastewater. The proposed permit contains limits for biochemical oxygen demand and total suspended solids. Monitoring for ammonia, fecal coliform and pH 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
Thayer, City of P.O. Box 157 Thayer, KS 66776	Chetopa Creek via Little Chetopa Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-VE35-0001 Federal Permit No. KS0026450
 Facility Description: NE¼, NW¼, S30, T29S, R18E, Neosho County

Facility Description: The proposed action is to reissue an existing permit for an existing facility treating primarily domestic wastewater. The proposed permit contains limits for biochemical oxygen demand and total suspended solids. Monitoring for ammonia, fecal coliform and pH also will be required. The permit requirements are pursuant

(continued)

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
Tyro, City of P.O. Box 247 Tyro, KS 67364	Little Caney River via Onion Creek via Fawn Creek	Treated Domestic Wastewater

Kansas Permit No. M-VE37-OO01 Federal Permit No. KS0081264
 Facility Description: SE¼, SE¼, SW¼, S31, T34S, R15E, Montgomery County

Facility Description: The proposed action is to reissue an existing permit for an existing facility treating primarily domestic wastewater. The proposed permit contains limits for biochemical oxygen demand and total suspended solids. Monitoring for ammonia, fecal coliform, pH, and total recoverable copper and zinc 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
Unified School District #348 P.O. Box 67 Baldwin City, KS 66006	Wakarusa River via Coal Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-KS82-OO01 Federal Permit No. KS0095630
 Facility Description: SE¼, SE¼, SW¼, S10, T14S, R20E, Douglas County U.S.D. #348 Vinland Elementary School

Facility Description: The proposed action is to reissue an existing permit for an existing facility treating primarily domestic wastewater. The proposed permit contains limits for biochemical oxygen demand, total suspended solids and fecal coliform as well as monitoring for ammonia and pH. 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-06-019

Name and Address of Applicant	Legal Location	Type of Discharge
St. Paul Church of God in Christ c/o Pastor Wayne Franklin 1431 S.W. Auburn Road Topeka, KS 66615	SE¼, NE¼, NE¼, S2, T12S, R14E, Shawnee County	Nonoverflowing

Kansas Permit No. C-KS72-NO20 Federal Tracking No. KSJ000164

Facility Description: The proposed action is to reissue an existing permit for operation of an existing nonoverflowing lagoon wastewater treatment facility. This facility is considered a temporary treatment system. Connection to a city, county or other public sewer system shall be required when service becomes available and the lagoon shall be properly abandoned. 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 oversee the operation of this lagoon system. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited by this permit.

Public Notice No. KS-EG-06-031/041

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

Name and Address of Applicant
Basic Chemicals Company, LLC P.O. Box 12283 Wichita, KS 67277-2283
Facility Location: Wichita, Kansas

Well and Permit Number	Location
J-77 KS-03-173-218	2224 feet from south line and 3783 feet from west line of Section 19-29-02W, Sedgwick County, KS (NE-NW-SE)
J-78 KS-03-173-219	2434 feet from south line and 1230 feet from west line of Section 19-29-02W, Sedgwick County, KS (NW-NE-SE)
J-79 KS-03-173-220	2000 feet from south line and 1230 feet from west line of Section 19-29-02W, Sedgwick County, KS (NW-NE-SE)
J-80 KS-03-173-221	2000 feet from south line and 1670 feet from west line of Section 19-29-02W, Sedgwick County, KS (NE-NW-SE)
J-81 KS-03-173-222	2434 feet from south line and 1670 feet from west line of Section 19-29-02W, Sedgwick County, KS (NE-NW-SE)
J-82 KS-03-173-223	1380 feet from south line and 2160 feet from west line of Section 19-29-02W, Sedgwick County, KS (SW-NW-SE)
J-83 KS-03-173-224	1650 feet from south line and 2070 feet from west line of Section 19-29-02W, Sedgwick County, KS (SW-NW-SE)
J-84 KS-03-173-225	1380 feet from south line and 1860 feet from west line of Section 19-29-02W, Sedgwick County, KS (SW-NW-SE)
J-85 KS-03-173-226	1100 feet from south line and 2070 feet from west line of Section 19-29-02W, Sedgwick County, KS (NW-SW-SE)
J-86 KS-03-173-227	1210 feet from south line and 2040 feet from west line of Section 19-29-02W, Sedgwick County, KS (NW-SW-SE)
J-87 KS-03-173-228	1560 feet from south line and 2400 feet from west line of Section 19-29-02W, Sedgwick County, KS (SW-NW-SE)

Facility Description: The proposed action is to reissue the permits for Class III salt solution mining wells at the locations described above. The fluids to be injected consist of fresh water and unsaturated brine. Injection is to be made into the Hutchinson Salt member of the Wellington formation. The top of the cavity shall not be shallower than 250 below land formation. Mining shall not extend into the upper 40 feet of the salt member. The maximum operational injection pressure is not to exceed 80 pounds per square inch at the wellhead. The monitoring and operation of these wells shall meet the requirements that apply to Class III injection wells under K.A.R. 28-43-1 through 28-43-11 and the Kansas Underground Injection Control Regulations, K.A.R. 28-46-1 through 28-46-52.

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

All comments regarding the draft documents or application notices received on or before September 2 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-06-261/266, KS-06-100/109, KS-ND-06-019, KS-EG-06-031/041) and name of the applicant/permittee when preparing comments.

After review of any comments received during the public notice period, the Secretary of Health and Environment will issue a determination regarding final agency action on each draft document/application. If response to any draft document/application indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC).

All draft documents/applications and the supporting information including any comments received are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water. These documents are available upon request at the copying cost assessed by KDHE. Application information and components of plans and specifications for all new and expanding swine facilities are available on the Internet at <http://www.kdhe.state.ks.us/feedlots>. Division of Environment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 033440

State of Kansas

**Department of Administration
Division of Purchases**

Notice to Bidders

Sealed bids for items listed will be received by the Director of Purchases until 2 p.m. on the date indicated. For more information, call (785) 296-2377:

- 08/15/2006 09462 RFI — New OEM and Compatible Cartridges
- 08/15/2006 09655 Abandoned Well Plugging — Buffalo III
- 08/15/2006 09657 Consultant Services — Inmate Calling Services
- 08/16/2006 09660 Tape Library-Backup Software — Furnish and Install
- 08/16/2006 09663 Boat Ramp Parking Lot and Road
- 08/18/2006 09652 Refuse Collection Services
- 08/22/2006 09665 Load Cell Calibrating System — Furnish/Install
- 09/15/2006 09624 Cross Training for Law Enforcement

The above-referenced bid documents may be downloaded at the following Web site:

<http://da.state.ks.us/purch/rfq/>

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

<http://da.state.ks.us/purch/adds/default.htm>

Contractors wishing to bid on the projects listed below must be prequalified. For more information about the prequalification process or to obtain the following bid documents, call (785) 296-8899:

- 08/22/2006 A-010216 Tuckpoint/Waterproof — Roth Building, Kansas School for the Deaf
- 08/24/2006 A-010221 Reroof Storeroom Building and Ash Cottage Building, Parsons State Hospital and Training Center

Chris Howe
Director of Purchases

Doc. No. 033453

(Published in the Kansas Register August 3, 2006.)

Heartland Works, Inc.

Request for Proposals

Heartland Works, Inc. is accepting proposals for the purchase, installation and maintenance of software that will serve as an economic analysis tool. To receive a request for proposal, including all specifications, contact the Heartland Works office at 610 S.W. 10th Ave., Suite 210, Topeka, 66612-1616, (785) 234-0500. Bids must be received not later than 5 p.m. Friday, August 18. Heartland Works, Inc. welcomes all interested companies to submit a proposal.

Nancy Leonard
Executive Assistant

Doc. No. 033445

(Published in the Kansas Register August 3, 2006.)

City of Lenexa, Kansas

Notice to Bidders

Sealed bids for **Lackman Road Improvements, 105th Street to 107th Street** will be accepted by the city of Lenexa, Kansas, at the Planning Department, Lenexa City Hall, 12350 W. 87th St. Parkway, Lenexa, 66215, until 3:30 p.m. August 14, at which time bids will be publicly opened and read aloud at the Lenexa City Hall. Any bid received after the designated closing time will not be considered and will be returned unopened.

All bids shall be submitted to the Planning Department customer service staff (main level of City Hall) in sealed envelopes addressed to the City of Lenexa, Kansas, Attention: City Clerk, and marked "Bid for: Lackman Road Improvements, 105th Street to 107th Street." Copies of plans, specifications, bidding documents and other contract documents are on file at the Public Works Department (lower level), Lenexa City Hall.

Bidders desiring contract documents for use in preparing bids may obtain a set of such documents at the address above upon payment of \$150, which amount is non-refundable.

In lieu of picking up plans and specifications at Lenexa City Hall, bidders may download plans and specs free of charge from the city of Lenexa's Web site @ <http://www.ci.lenexa.ks.us/publicworks/index.html>.

Note: Davis-Bacon wage rates apply to this project.

Contractors should read and be fully familiar with all contract documents including addenda before submitting a bid. In submitting a bid, the bidder warrants that it has read the contract documents and is fully familiar therewith and that it has visited the site of the work to fully inform itself as to all existing conditions and limitations, and shall include in its bid a sum to cover the cost of all items of the work as specified in the contract documents.

No oral telegraphic, telephonic proposals or alterations will be considered. Facsimile transmissions will not be accepted.

The following items must be included in the sealed envelope with the bid:

(continued)

- a. Bid Form;
- b. 5% Bid Security—Bid Bond, Cashier's Check or Certified Check (see below).

Each bidder shall file with its bid a bid bond, a cashier's check or a certified check drawn on an acceptable bank, made payable to the city of Lenexa, Kansas, in an amount equal to 5 percent of the total bid, which shall be retained by city of Lenexa, Kansas, until a contract for the project has been executed. Bid bonds will be returned to the bidders, with the exception of the best and lowest and second best and second lowest responsible bidders, within 21 days after their bids are rejected. The bid deposit of the lowest and the second lowest responsible bidders will be returned when the performance bond, maintenance bond and statutory bond, each in an amount equal to 100 percent of the contract amount, required insurance certificates and other required documents shall have been furnished and the contract documents have been executed by the successful bidder.

In the event the low bidder is unable to execute the contract, for whatever reason, within the time provided in the notice of award, the city may annul the notice of award and the bid deposit may be forfeited, and the city shall exercise its legal prerogatives, including, but not limited to, enforcement of its rights as to the bid security or specific performance.

The city reserves the right to accept or reject any and all bids and to waive any technicalities or irregularities therein. Bids may be modified or withdrawn by written request of the bidder received in the office of the city clerk prior to the time and date for bid opening.

All bidders agree that rejection shall create no liability on the part of the city because of such rejection, and the filing of any bid in response to this notice shall constitute an agreement of the bidder to these conditions.

A pre-bid conference will be held at 8:30 a.m. August 8 in the executive conference room, main level, Lenexa City Hall.

Mary Sue Fry, City Clerk
City of Lenexa, Kansas

Doc. No. 033373

(Published in the Kansas Register August 3, 2006.)

City of Lenexa, Kansas

Notice to Bidders

Sealed bids for **Rebid of Coon Creek Trail** will be accepted by the city of Lenexa, Kansas, at the Planning Department, Lenexa City Hall, 12350 W. 87th St. Parkway, Lenexa, 66215, until 9:30 a.m. August 25, at which time bids will be publicly opened and read aloud at the Lenexa City Hall. Any bid received after the designated closing time will not be considered and will be returned unopened.

All bids shall be submitted to the Planning Department customer service staff (main level of City Hall) in sealed envelopes addressed to the City of Lenexa, Kansas, Attention: City Clerk, and marked "Bid for: Rebid of Coon Creek Trail." Copies of plans, specifications, bidding doc-

uments and other contract documents are on file at the Public Works Department (lower level), Lenexa City Hall.

Bidders desiring contract documents for use in preparing bids may obtain a set of such documents at the address above upon payment of \$150, which amount is non-refundable.

In lieu of picking up plans and specifications at Lenexa City Hall, bidders may download plans and specs free of charge from the city of Lenexa's Web site at <http://www.ci.lenexa.ks.us/publicworks/index.html>.

Contractors should read and be fully familiar with all contract documents including addenda before submitting a bid. In submitting a bid, the bidder warrants that it has read the contract documents and is fully familiar therewith and that it has visited the site of the work to fully inform itself as to all existing conditions and limitations, and shall include in its bid a sum to cover the cost of all items of the work as specified in the contract documents.

No oral telegraphic, telephonic proposals or alterations will be considered. Facsimile transmissions will not be accepted.

The following items must be included in the sealed envelope with the bid:

- a. Bid Form;
- b. 5% Bid Security—Bid Bond, Cashier's Check or Certified Check (see below).

Each bidder shall file with its bid a bid bond, a cashier's check or a certified check drawn on an acceptable bank, made payable to the city of Lenexa, Kansas, in an amount equal to 5 percent of the total bid, which shall be retained by city of Lenexa, Kansas, until a contract for the project has been executed. Bid bonds will be returned to the bidders, with the exception of the best and lowest and second best and second lowest responsible bidders, within 21 days after their bids are rejected. The bid deposit of the lowest and the second lowest responsible bidders will be returned when the performance bond, maintenance bond and statutory bond, each in an amount equal to 100 percent of the contract amount, required insurance certificates and other required documents shall have been furnished and the contract documents have been executed by the successful bidder.

In the event the low bidder is unable to execute the contract, for whatever reason, within the time provided in the notice of award, the city may annul the notice of award and the bid deposit may be forfeited, and the city shall exercise its legal prerogatives, including, but not limited to, enforcement of its rights as to the bid security or specific performance.

The city reserves the right to accept or reject any and all bids and to waive any technicalities or irregularities therein. Bids may be modified or withdrawn by written request of the bidder received in the office of the city clerk prior to the time and date for bid opening.

All bidders agree that rejection shall create no liability on the part of the city because of such rejection, and the filing of any bid in response to this notice shall constitute an agreement of the bidder to these conditions.

A pre-bid conference will be held at 10 a.m. August 17 in the Public Works conference room, lower level, Lenexa City Hall.

Mary Sue Fry, City Clerk
City of Lenexa, Kansas

Doc. No. 033452

State of Kansas

Board of Regents

Permanent Administrative
RegulationsArticle 3.—GUIDELINES FOR THE
DETERMINATION OF RESIDENCY
FOR FEE PURPOSES

88-3-8. Military personnel. (a) Each person in the military service and that person's spouse and dependents shall be accorded the resident fee privilege while enrolled in any institution governed by the state board of regents if that person resides in Kansas, regardless of that person's duty-station assignment.

(b) If a person in the military service who otherwise meets the requirements of subsection (a) is reassigned from a Kansas duty-station to a duty-station outside the state, the resident fee privilege shall be extended to that person's spouse and dependents if they continue to reside in Kansas. If a person in the military service who otherwise meets the requirements of subsection (a) has never had a duty-station assignment in Kansas and does not continue to reside in Kansas, that person's spouse and dependents shall not continue to be eligible for the resident fee privilege.

(c) This regulation shall not be construed to prevent a person in the military service from acquiring or retaining a bona fide residence in Kansas. (Authorized by K.S.A. 76-730; implementing K.S.A. 2005 Supp. 76-729, K.S.A. 76-730; effective, E-71-35, Aug. 20, 1971; effective Jan. 1, 1972; amended, E-76-50, Oct. 10, 1975; amended, E-77-5, March 19, 1976; amended Feb. 15, 1977; amended May 1, 1986; amended Nov. 18, 1991; amended Aug. 18, 2006.)

Reginald L. Robinson
President and CEO

Doc. No. 033454

State of Kansas

Office of the Securities Commissioner

Permanent Administrative
Regulations

Article 2.—FILING, FEES AND FORMS

81-2-1. Forms and adoptions by reference. (a) Forms. Whenever any of these regulations requires the filing of any of the following forms, the filer shall use the form as issued or approved by the administrator:

(1) Uniform forms:

FORM	TITLE
ADV	Uniform application for investment adviser registration
ADV-W	Notice of withdrawal from registration as investment adviser
BD	Uniform application for broker-dealer registration
BDW	Uniform request for broker-dealer withdrawal
BR	Uniform branch office registration form

D	Notice of sale of securities
NF	Uniform investment company notice filing
U-1	Uniform application to register securities
U-2	Uniform consent to service of process
U-2A	Uniform form of corporate resolution
U-4	Uniform application for securities industry registration or transfer
U-5	Uniform termination notice for securities industry registration
U-7	Disclosure document
U-SB	Uniform surety bond form
	Model accredited investor exemption uniform notice of transaction

(2) Kansas forms:

FORM TITLE

KSC-1	Sales report or renewal application
KSC-15	Solicitation of interest form for issuers organized or based in Kansas

(3) SEC forms:

FORM TITLE

1-A	Regulation A offering statement under the securities act of 1933
SB-2	Registration statement under the securities act of 1933

(b) Federal statutes. The following federal statutes, as in effect on July 1, 2005, are hereby adopted by reference:

(1) Sections 2, 3(a)(11), and 17 of the securities act of 1933, 15 U.S.C. §§ 77b, 77c(a)(11), and 77q;

(2) sections 9 and 10 of the securities exchange act of 1934, 15 U.S.C. §§ 78i and 78j;

(3) sections 203(b), 204A, 205, and 215 of the investment advisers act of 1940, 15 U.S.C. §§ 80b-3(b), 80b-4a, 80b-5, and 80b-15;

(4) sections 3(c)(10)(B) and 5(a)(1) of the investment company act of 1940, 15 U.S.C. §§ 80a-3(c)(10)(B) and 80a-5(a)(1); and

(5) section 6f of the commodity exchange act, 7 U.S.C. § 6f.

(c) SEC rules and regulations. The following rules and regulations of the securities and exchange commission, as in effect on July 1, 2005, are hereby adopted by reference:

(1) 17 C.F.R. 210.2-02;

(2) rule 134, 17 C.F.R. 230.134;

(3) regulation A, 17 C.F.R. 230.251 through 230.263;

(4) rules 501(a), 504, 505, and 506 of regulation D, 17 C.F.R. 230.501(a), 230.504, 230.505, and 230.506;

(5) rule 8c-1, 17 C.F.R. 240.8c-1;

(6) rule 10b-10, 17 C.F.R. 240.10b-10;

(7) rule 15c2-1, 17 C.F.R. 240.15c2-1;

(8) rules 15c3-1, 15c3-2, and 15c3-3, 17 C.F.R. 240.15c3-1, 240.15c3-2, and 240.15c3-3;

(9) rules 17a-3, 17a-4, and 17a-5, 17 C.F.R. 240.17a-3, 240.17a-4, and 240.17a-5;

(10) rule 17a-11, 17 C.F.R. 240.17a-11;

(11) regulation M, 17 C.F.R. 242.100 through 242.105;

(12) regulation SHO, 17 C.F.R. 242.200 through 242.203;

(13) regulation FD, 17 C.F.R. 243.100 through 243.103;

(14) rule 205-3(d), 17 C.F.R. 275.205-3; and

(15) rule 206(4)-1, 17 C.F.R. 275.206(4)-1.

(continued)

(d) NASD and New York stock exchange rules and bylaws. The following rules and bylaws, as in effect on July 1, 2005, are hereby adopted by reference:

- (1) Article I of the NASD bylaws;
- (2) the NASD "conduct rules (2000-3000)"; and
- (3) rule 472 of the New York stock exchange, "communications with the public." (Authorized by K.S.A. 2005 Supp. 17-12a605(a); implementing K.S.A. 2005 Supp. 17-12a608; 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, T-86-38, Dec. 11, 1985; amended May 1, 1986; amended May 1, 1987; amended, T-88-29, Aug. 19, 1987; amended May 1, 1988; amended March 25, 1991; amended Oct. 7, 1991; amended April 17, 1995; amended May 31, 1996; amended Dec. 19, 1997; amended Aug. 18, 2006.)

Article 3.—LICENSING; BROKER-DEALERS AND AGENTS

81-3-1. Registration procedures for broker-dealers and agents. (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) Registration requirements for broker-dealers.

(1) Initial application.

(A) CRD filing requirements. Each applicant for initial registration as a broker-dealer shall complete form BD in accordance with the form instructions and shall file the form with the CRD. Each applicant shall include the following with the application:

- (i) The filing fee specified in K.A.R. 81-3-2;
- (ii) any reasonable fee charged by the NASD for filing through the CRD system; and
- (iii) a current list of the addresses of all branch offices and the names of all branch managers.

(B) Direct filing requirements. Each applicant for initial registration as a broker-dealer shall file with the administrator audited financial statements for a date or period ending within 30 days before the date of filing, or audited financial statements for the applicant's last fiscal year and interim financial statements that may be unaudited for a date or period ending within 30 days before the date of filing. The financial statements shall include a statement of financial condition and notes to the statement of financial condition presented in conformity with generally accepted accounting principles. The financial statements shall also include disclosure of net capital or shall be accompanied by a supplemental schedule of net capital, as required by K.A.R. 81-3-7. Unless otherwise permitted, an independent certified public accountant shall audit the financial statements in accordance with generally accepted auditing standards.

(2) Effective date of registration. Each registration shall become effective the 45th day after a completed application is filed unless approved earlier by the administrator.

If the administrator or the administrator's staff has given written notice of deficiencies in the application, the application shall not be considered complete until an amendment is filed to resolve the deficiencies.

(3) Expiration and annual renewal of registration. Each broker-dealer registration shall expire on December 31, and each application for renewal of registration shall be filed with the CRD not later than the deadline established by the CRD. Each application for renewal of registration shall include the filing fee specified in K.A.R. 81-3-2 and any reasonable fee charged by the NASD for filing through the CRD system. Each applicant for renewal shall also file with the administrator, on or before December 31, a current list of the addresses of all branch offices and the names of all branch managers.

(4) Updates and amendments. Each registered broker-dealer shall promptly file an amendment to form BD, in accordance with the instructions to form BD, whenever there is any material change in any information, exhibits, or schedules submitted, or circumstances disclosed in its last filed form BD. 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 an amendment. Material changes shall include the following:

(A) 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; a change of business address; or the creation or termination of a branch office in Kansas;

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

(C) insolvency, dissolution, liquidation, or a material adverse change or impairment of working capital, or non-compliance with the minimum net capital as required by K.A.R. 81-3-7;

(D) termination of business or discontinuance of activities as a brokerdealer;

(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) the 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.

(5) Withdrawal and termination of registration.

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

(B) If a broker-dealer desires to withdraw and terminate registration or registration is terminated by the administrator, the broker-dealer shall immediately file a completed form BDW with the CRD.

(c) Registration requirements for agents.

(1) Initial application. Each applicant for registration as an agent shall complete form U-4 in accordance with the form instructions. The form shall be filed electronically with the CRD, except that a paper filing may be accepted by the administrator for an agent who is associated solely

with an issuer. Each application for initial registration shall include the following items:

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

(B) any reasonable fee charged by the NASD for filing through the CRD system; and

(C) proof of completion of the series 63 or series 66 examination with a passing score, in addition to successful completion of one other examination approved by the administrator and required for registration with the NASD. This examination requirement may be waived by the administrator 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. Additional examination requirements may be imposed by the administrator, or any applicant or class of applicants may be exempted from examination requirements, for good cause shown.

(2) Effective date of registration.

(A) Initial registration. Each registration shall become effective the 45th day after a completed application is filed unless the application is approved earlier by the administrator. If the administrator or the administrator's staff has given written notice of deficiencies in the application, the application shall not be considered complete until an amendment is filed to resolve the deficiencies.

(B) Transfer of employment or association. If an agent terminates employment by or association with a broker-dealer and begins employment by or association with another broker-dealer, and the second broker-dealer files an application for registration for the agent within 30 days after the termination, the application shall become effective in accordance with K.S.A. 17-12a408(b) and amendments thereto.

(3) Expiration and annual renewal of registration. Each agent registration shall expire on December 31, and each application for renewal of registration shall be filed not later than the deadline established by the CRD. Each application for renewal of registration shall include the filing fee specified in K.A.R. 81-3-2 and any reasonable fee charged by the NASD for filing through the CRD system.

(4) Updates and amendments. Each agent's employing or associated broker-dealer or issuer shall promptly file an amendment to form U-4, in accordance with the instructions to form U-4, whenever there is any material change in any information, exhibits, or schedules submitted, or circumstances disclosed in the agent's last filed 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 an amendment. Material changes shall include any change in the registrant's name, residential address, office of employment address, and matters disclosed in the "disclosure questions" portion of form U-4.

(5) Withdrawal and termination of registration.

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

(B) If an agent's employment by or association with a broker-dealer or issuer is discontinued or terminated, the broker-dealer or issuer shall file a notice of termination within 30 days. If the agent commences employment by

or association with another broker-dealer or issuer, that broker-dealer or issuer shall file an original application for registration.

(C) Termination of a broker-dealer's or issuer's registration for any reason shall automatically constitute cancellation of all associated agents' registrations. (Authorized by K.S.A. 2005 Supp. 17-12a406 and 17-12a605(a); implementing K.S.A. 2005 Supp. 17-12a406, 17-12a407, and 17-12a408; 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; amended Aug. 18, 2006.)

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.

(c) The CRD shall be authorized to receive and store filings and collect related fees from broker-dealers and agents on behalf of the administrator. (Authorized by K.S.A. 2005 Supp. 17-12a605(a); implementing K.S.A. 2005 Supp. 17-12a410; 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; amended Aug. 18, 2006.)

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 adopted by reference in K.A.R. 81-2-1.

(2) "Broker-dealer services" means the investment banking or securities business as defined in article I of the NASD bylaws, which is adopted by reference in K.A.R. 81-2-1.

(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.

(continued)

(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.

(d) "Dishonest or unethical practices," as used in K.S.A. 17-12a412(d)(13) and amendments thereto, shall include any conduct that violates subsection (c). (Authorized by K.S.A. 2005 Supp. 17-12a605(a); implementing K.S.A. 2005 Supp. 17-12a412; effective Oct. 26, 2001; amended Aug. 18, 2006.)

81-3-6. Dishonest or unethical practices of broker-dealers and agents. (a) Unethical conduct. "Dishonest or unethical practices," as used in K.S.A. 17-12a412(d)(13) and amendments thereto, shall include the conduct prohibited in this regulation.

(b) Fraudulent conduct. "An act, practice, or course of business that operates or would operate as a fraud or deceit," as used in K.S.A. 17-12a501(3) and amendments thereto, shall include the conduct prohibited in paragraphs (e)(9)(A), (9)(B), (10), (11), (14) through (18), (20), (21), (24), and (27), paragraphs (f)(1) through (6), and subsection (g).

(c) General standard of conduct. A person registered as a broker-dealer or agent under the act shall not fail to observe high standards of commercial honor and just and equitable principles of trade in the conduct of the person's business.

(d) Conduct rules: NASD, New York stock exchange, and SEC. A person registered as a broker-dealer or agent under the act shall not fail to comply with each of the following rules and laws, as adopted by reference in K.A.R. 81-2-1:

(1) The NASD "conduct rules (2000-3000)";

(2) rule 472 of the New York stock exchange, "communications with the public";

(3) section 17 of the securities act of 1933, 15 U.S.C. § 77q;

(4) sections 9 and 10 of the securities exchange act of 1934, 15 U.S.C. §§ 78i and 78j;

(5) SEC regulation M, 17 C.F.R. 242.100 through 242.105;

(6) SEC regulation SHO, 17 C.F.R. 242.200 through 242.203; and

(7) SEC regulation FD, 17 C.F.R. 243.100 through 243.103.

(e) Prohibited conduct: sales and business practices. Each person registered as a broker-dealer or agent under the act shall refrain from the following practices in the conduct of the person's business. For purposes of this subsection, a security shall include any security as defined by K.S.A. 17-12a102, and amendments thereto, including a federal covered security as defined by K.S.A. 17-12a102, and amendments thereto, or section 2 of the securities act of 1933, 15 U.S.C. § 77b, as adopted by reference in K.A.R. 81-2-1.

(1) Delays in delivery or payment. A broker-dealer shall not engage in a pattern of unreasonable and unjustifiable delays in the delivery of securities purchased by any of the broker-dealer's customers or in the payment upon request of free credit balances reflecting completed transactions of any of its customers.

(2) Excessive trading. A broker-dealer or agent shall not induce trading in a customer's account that is excessive in size or frequency in view of the financial resources and character of the account.

(3) Unsuitable recommendations. A broker-dealer or agent shall not recommend to a customer the purchase, sale, or exchange of any security without reasonable grounds to believe that the transaction or recommendation is suitable for the customer based upon reasonable inquiry concerning the customer's investment objectives, financial situation and needs, and any other relevant information known by the broker-dealer or agent.

(4) Unauthorized trading. A broker-dealer or agent shall not execute a transaction on behalf of a customer without authorization to do so.

(5) Improper use of discretionary authority. A broker-dealer or agent shall not exercise any discretionary power in effecting a transaction for a customer's account without first obtaining written discretionary authority from the customer, unless the discretionary power relates solely to the time or price for the execution of orders.

(6) Failure to obtain margin agreement. A broker-dealer or agent shall not execute any transaction in a margin account without securing from the customer a properly executed written margin agreement promptly after the initial transaction in the account.

(7) Failure to segregate. A broker-dealer shall not hold securities carried for the account of any customer that

have been fully paid for or that are excess margin securities, unless the securities are segregated and identified by a method that clearly indicates the interest of the customer in those securities.

(8) Improper hypothecation. A broker-dealer shall not hypothecate a customer's securities without having a lien on the securities unless the broker-dealer has secured from the customer a properly executed written consent, except as permitted by SEC rule 8c-1, 17 C.F.R. 240.8c-1, or SEC rule 15c2-1, 17 C.F.R. 240.15c2-1, as adopted by reference in K.A.R. 81-2-1.

(9) Unreasonable charges. A broker-dealer or agent shall not engage in any of the following conduct:

(A) Entering into a transaction with or for a customer at a price not reasonably related to the current market price of the security;

(B) receiving an unreasonable commission or profit; or
(C) charging unreasonable and inequitable fees for services performed, including the collection of monies due for principal, dividends, or interest; exchange or transfer of securities; appraisals; safekeeping or custody of securities; and other miscellaneous services related to the broker-dealer's securities business.

(10) Failure to timely deliver prospectus. A broker-dealer or agent shall not fail to furnish to a customer purchasing securities in an offering, no later than the date of confirmation of the transaction, either a final prospectus or a preliminary prospectus and an additional document that together include all information set forth in the final prospectus.

(11) Contradicting prospectus. A broker-dealer or agent shall not contradict or negate the importance of any information contained in a prospectus or any other offering materials with the intent to deceive or mislead.

(12) Non-bona fide offers. A broker-dealer shall not offer to buy from or sell to any person any security at a stated price, unless the broker-dealer is prepared to purchase or sell at the price and under the conditions that are stated at the time of the offer to buy or sell.

(13) Misrepresentation of market price. A broker-dealer shall not represent that a security is being offered to a customer "at the market" or at a price relevant to the market price, unless the broker-dealer knows or has reasonable grounds to believe that a market for the security exists other than a market made, created, or controlled by the broker-dealer, any person for whom the broker-dealer is acting or with whom the broker-dealer is associated in the distribution of securities, or any person controlled by, controlling, or under common control with the broker-dealer.

(14) Market manipulation. A broker-dealer or agent shall not effect any transaction in, or induce the purchase or sale of, any security by means of any manipulative, deceptive, or fraudulent device, practice, plan, program, design, or contrivance, including the following:

(A) Effecting any transaction in a security that involves no change in its beneficial ownership;

(B) entering an order or orders for the purchase or sale of any security with the knowledge that an order or orders of the same security for substantially the same volume, time, and price have been or will be entered for the

(continued)

purpose of creating a false or misleading appearance of active trading in the security or a false or misleading appearance with respect to the market for the security. However, nothing in this paragraph shall prohibit a broker-dealer from entering bona fide agency cross transactions for the broker-dealer's customers;

(C) effecting, alone or with one or more other persons, a series of transactions in any security creating actual or apparent active trading in the security or raising or depressing the price of the security for the purpose of inducing the purchase or sale of the security by others;

(D) engaging in general solicitation and using aggressive, high-pressure, or deceptive marketing tactics to affect the market price of the security; and

(E) using fictitious or nominee accounts.

(15) Guarantees against loss. A broker-dealer shall not guarantee a customer against loss in any securities account of the customer carried by the broker-dealer or in any securities transaction effected by the broker-dealer.

(16) Deceptive advertising. A broker-dealer or agent shall not use any advertising or sales presentation in a manner that is deceptive or misleading, including the following:

(A) Using words, pictures, or graphs in an advertisement, brochure, flyer, or display to present any nonfactual data or material; any conjecture, unfounded claims or assertions, or unrealistic claims or assertions; or any information that supplements, detracts from, supersedes or defeats the purpose or effect of any prospectus or disclosure; and

(B) publishing or circulating, or causing to be published or circulated, any notice, circular, advertisement, newspaper article, investment service, or communication of any kind that purports to report any transaction as a purchase or sale of any security unless the broker-dealer or agent believes that the transaction was a bona fide purchase or sale of the security or that purports to quote the bid price or asked price for any security unless the broker-dealer or agent believes that the quotation represents a bona fide bid for or offer of the security.

(17) Failure to disclose conflicts of interest. A broker-dealer shall not fail to disclose to any customer that the broker-dealer is controlled by, controlling, affiliated with, or under common control with the issuer of a security that is offered or sold to the customer. The disclosure shall be made before entering into any contract with or for the customer for the purchase or sale of the security, and if the disclosure is not made in writing, the disclosure shall be supplemented by the giving or sending of written disclosure before the completion of the transaction.

(18) Withholding securities. A broker-dealer shall not fail to make a bona fide public offering of all of the securities allotted to the broker-dealer for distribution, whether acquired as an underwriter, as a selling group member, or from a member participating in the distribution as an underwriter or selling group member, by engaging in conduct including the following:

(A) Parking or withholding securities; and

(B) transferring securities to a customer, another broker-dealer, or a fictitious account with the understanding that those securities will be returned to the broker-dealer or the broker-dealer's nominees.

(19) Failure to respond to customer. A broker-dealer shall not fail or refuse to furnish a customer, upon reasonable request, information to which the customer is entitled, or to respond to a formal written request or complaint.

(20) Misrepresenting the possession of nonpublic information. A broker-dealer or agent shall not falsely lead a customer to believe that the broker-dealer or agent is in possession of material, nonpublic information that would impact the value of a security.

(21) Contradictory recommendations. A broker-dealer or agent shall not engage in a pattern or practice of making contradictory recommendations to different investors of similar investment objectives for some to sell and others to purchase the same security, at or about the same time, if not justified by the particular circumstances of each investor.

(22) Lending, borrowing, or maintaining custody. An agent shall not lend or borrow money or securities from a customer, or act as a custodian for money, securities, or an executed stock power of a customer.

(23) Selling away. An agent shall not effect a securities transaction that is not recorded on the regular books or records of the broker-dealer that the agent represents, unless the transaction is authorized in writing by the broker-dealer before the execution of the transaction.

(24) Fictitious account information. An agent shall not establish or maintain an account containing fictitious information.

(25) Unauthorized profit-sharing. An agent shall not share directly or indirectly in the profits or losses in the account of any customer without the written authorization of the customer and the broker-dealer that the agent represents.

(26) Commission splitting. An agent shall not divide or otherwise split the agent's commissions, profits, or other compensation from the purchase or sale of securities with any person who is not also registered as an agent for the same broker-dealer or a broker-dealer under direct or indirect common control.

(27) Misrepresenting solicited transactions. A broker-dealer or agent shall not mark any order ticket or confirmation as unsolicited if the transaction was solicited.

(28) Failure to provide account statements. A broker-dealer or agent shall not fail to provide to each customer, for any month in which activity has occurred in a customer's account and at least every three months, a statement of account that contains a value for each over-the-counter non-NASDAQ equity security in the account based on the closing market bid on a date certain, if the broker-dealer has been a market maker in the security at any time during the period covered by the statement of account.

(f) Prohibited conduct: over-the-counter transactions. A broker-dealer or agent shall not engage in the following conduct in connection with the solicitation of a purchase or sale of an over-the-counter, unlisted non-NASDAQ equity security:

(1) Failing to disclose to a customer, at the time of solicitation and on the confirmation, any and all compensation related to a specific securities transaction to be paid

to the agent, including commissions, sales charges, and concessions;

(2) in connection with a principal transaction by a broker-dealer that is a market maker, failing to disclose to a customer, both at the time of solicitation and on the confirmation, the existence of a short inventory position in the broker-dealer's account of more than three percent of the issued and outstanding shares of that class of securities of the issuer;

(3) conducting sales contests in a particular security;

(4) failing or refusing to promptly execute sell orders after a solicited purchase by a customer in connection with a principal transaction;

(5) soliciting a secondary market transaction if there has not been a bona fide distribution in the primary market;

(6) engaging in a pattern of compensating an agent in different amounts for effecting sales and purchases in the same security; and

(7) failing to promptly provide the most current prospectus or the most recently filed periodic report filed under section 13 of the securities exchange act of 1934 when requested to do so by the customer.

(g) Prohibited conduct: designated security transactions.

(1) Except as specified in paragraph (g)(2), a broker-dealer or agent shall not engage in the following conduct in connection with the solicitation of a purchase of a designated security:

(A) Failing to disclose to the customer the bid and ask price at which the broker-dealer effects transactions of the security with individual retail customers, as well as the price spread in both percentage and dollar amounts at the time of solicitation and on the trade confirmation documents; and

(B) failing to include with the confirmation a written explanation of the bid and ask price in a form that substantially complies with part II of the NASAA statement of policy titled "fraudulent and unethical sales practices—manipulative conduct," as amended by NASAA on April 29, 1992 and hereby adopted by reference, or in an equivalent form approved by the administrator.

(2) Exceptions. Paragraph (g)(1) shall not apply to the following transactions:

(A) Transactions in which the price of the designated security is five dollars or more, exclusive of costs or charges. However, if the designated security is a unit composed of one or more securities, the unit price divided by the number of components of the unit other than warrants, options, rights, or similar securities shall be five dollars or more, and any component of the unit that is a warrant, option, right, or similar securities, or a convertible security shall have an exercise price or conversion price of five dollars or more;

(B) transactions that are not recommended by the broker-dealer or agent;

(C) transactions by a broker-dealer whose commissions, commission equivalents, and markups from transactions in designated securities during each of the immediately preceding three months, and during 11 or more of the preceding 12 months, did not exceed five percent of its total commissions, commission-equivalents,

and markups from transactions in securities during those months and who has not executed principal transactions in connection with the solicitation to purchase the designated security that is the subject of the transaction in the immediately preceding 12 months; and

(D) any transaction or transactions that, upon prior written request or upon the administrator's own motion, the administrator conditionally or unconditionally exempts as not encompassed within the scope of paragraph (g)(1).

(h) Prohibited conduct: investment company shares.

(1) A broker-dealer or agent shall not engage in the following conduct in connection with the solicitation of a purchase or sale of investment company shares:

(A) Failing to adequately disclose to a customer all sales charges, including asset-based and contingent deferred sales charges, that could be imposed with respect to the purchase, retention, or redemption of investment company shares;

(B) stating or implying to a customer, either orally or in writing, that the shares are sold without a commission, are "no load," or have "no sales charge" if there is associated with the purchase of the shares a front-end charge; a contingent deferred sales charge; an SEC rule 12b-1 fee or a service fee that in total exceeds .25 percent of average net fund assets per year; or, in the case of closed-end investment company shares, underwriting fees, commissions, or other offering expenses;

(C) failing to disclose to a customer any relevant sales charge discount on the purchase of shares in dollar amounts at or above a breakpoint, or failing to disclose any relevant letter of intent feature, if available, that will reduce the sales charges;

(D) recommending to a customer the purchase of a specific class of investment company shares in connection with a multiclass sales charge or fee arrangement without reasonable grounds to believe that the sales charge or fee arrangement associated with the class of shares is suitable and appropriate based on the customer's investment objectives, financial situation, other securities holdings, and the associated transaction or other fees;

(E) recommending to a customer the purchase of investment company shares that results in the customer's simultaneously holding shares in different investment company portfolios having similar investment objectives and policies without reasonable grounds to believe that the recommendation is suitable and appropriate based on the customer's investment objectives, financial situation, other securities holdings, and any associated transaction charges or other fees;

(F) recommending to a customer the liquidation or redemption of investment company shares for the purpose of purchasing shares in a different investment company portfolio having similar investment objectives and policies without reasonable grounds to believe that the recommendation is suitable and appropriate based on the customer's investment objectives, financial situation, other securities holdings, and any associated transaction charges or other fees;

(G) stating or implying to a customer the fund's current yield or income without disclosing the fund's average an-

(continued)

nual total return, as stated in the fund's most recent form N-1A filed with the SEC, for one-year, five-year, and 10-year periods and without fully explaining the difference between current yield and total return. However, if the fund's registration statement under the securities act of 1933 has been in effect for less than one, five, or 10 years, the time during which the registration statement was in effect shall be substituted for the periods otherwise prescribed;

(H) stating or implying to a customer that the investment performance of an investment company portfolio is comparable to that of a savings account, certificate of deposit, or other bank deposit account without disclosing to the customer the fact that the shares are not insured or otherwise guaranteed by the FDIC or any other government agency and the relevant differences regarding risk, guarantees, fluctuation of principal or return or both, and any other factors that are necessary to ensure that the comparisons are fair, complete, and not misleading;

(I) stating or implying to a customer the existence of insurance, credit quality, guarantees, or similar features regarding securities held, or proposed to be held, in the investment company's portfolio without disclosing to the customer the other kinds of relevant investment risks, including interest rate, market, political, liquidity, and currency exchange risks, that could adversely affect investment performance and result in loss or fluctuation of principal notwithstanding the creditworthiness of the portfolio securities;

(J) stating or implying to a customer that the purchase of shares shortly before an ex dividend date is advantageous to the customer unless there are specific, clearly described tax or other advantages to the customer, or stating or implying that a distribution of long-term capital gains by an investment company is part of the income yield from an investment in the shares; and

(K) making projections of future performance, statements not warranted under existing circumstances, or statements based upon nonpublic information.

(2) In connection with the solicitation of investment company shares, the delivery of a prospectus shall not be dispositive that the broker-dealer or agent has given the customer full and fair disclosure or has otherwise fulfilled the duties specified in this subsection. (Authorized by K.S.A. 2005 Supp. 17-12a605(a); implementing K.S.A. 2005 Supp. 17-12a412(d)(13), as amended by L. 2006, Ch. 47, § 6, and 17-12a501(3); effective Aug. 18, 2006.)

81-3-7. Supervisory, financial reporting, record-keeping, net capital, and operational requirements for broker-dealers. (a) Supervision.

(1) Annual review. Each broker-dealer shall conduct a review, at least annually, of the businesses in which it engages. The review shall be reasonably designed to assist in detecting and preventing violations of and achieving compliance with the act, these regulations, and other applicable laws, regulations, and rules of self-regulatory organizations.

(2) Supervisory procedures. Each broker-dealer shall establish and maintain supervisory procedures that shall be reasonably designed to assist in detecting violations of, preventing violations of, and achieving compliance

with the act, these regulations, and other applicable laws, regulations, and rules of self-regulatory organizations. In determining whether supervisory procedures are reasonably designed, relevant factors including the following may be considered by the administrator:

- (A) The firm's size;
- (B) the organizational structure;
- (C) the scope of business activities;
- (D) the number and location of offices;
- (E) the nature and complexity of products and services offered;
- (F) the volume of business done;
- (G) the number of agents assigned to a location;
- (H) the presence of an on-site principal at a location;
- (I) the specification of the office as a non-branch location; and
- (J) the disciplinary history of the registered agents.

(3) Supervision of non-branch offices. The procedures established and the reviews conducted shall provide sufficient supervision at remote offices to ensure compliance with all applicable securities laws and regulations and self-regulatory organization rules. Based on the factors specified in paragraph (a)(2), certain non-branch offices may require more frequent reviews or more stringent supervision.

(4) Failure to supervise. If a broker-dealer fails to comply with this subsection, the broker-dealer shall be deemed to have "failed to reasonably supervise" its agents under K.S.A. 17-12a412(d)(9), and amendments thereto.

(b) Annual reports. Each broker-dealer registered under the act shall make and maintain an annual report for the broker-dealer's most recent fiscal year.

(1) Filing. Each broker-dealer shall file the annual report with the administrator within five days of a request by the administrator or the administrator's staff.

(2) Contents of annual report. Each annual report shall contain financial statements that include the following:

(A) A statement of financial condition and notes to the statement of financial condition presented in conformity with generally accepted accounting principles; and

(B) disclosure of the broker-dealer's net capital, which shall be calculated in accordance with subsection (c).

(3) Auditing. Unless otherwise permitted, an independent certified public accountant shall audit the financial statements in accordance with generally accepted auditing standards.

(4) Recognition of federal standards. 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 adopted by reference in K.A.R. 81-2-1, shall be deemed to comply with paragraphs (b)(2) and (b)(3).

(c) Books and records. Each registered broker-dealer shall maintain and preserve records 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, which are adopted by reference in K.A.R. 81-2-1.

(d) Minimum net capital requirements.

(1) Each broker-dealer registered under the act shall comply with the following SEC rules, as adopted by reference in K.A.R. 81-2-1:

- (A) SEC rule 15c3-1, 17 C.F.R. 240.15c3-1;

(B) SEC rule 15c3-2, 17 C.F.R. 240.15c3-2; and

(C) SEC rule 15c3-3, 17 C.F.R. 240.15c3-3.

(2) Each registered broker-dealer shall comply with SEC rule 17a-11, 17 C.F.R. 240.17a-11, as adopted by reference in K.A.R. 81-2-1, and shall simultaneously file with the administrator copies of notices and reports required by that rule.

(e) 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 conforms with SEC rule 10b-10, 17 C.F.R. 240.10b-10, as adopted by reference in K.A.R. 81-2-1. (Authorized by K.S.A. 2005 Supp. 17-12a411 and 17-12a605(a); implementing K.S.A. 2005 Supp. 17-12a411, 17-12a412(d)(9), and 17-12a605(c); effective Aug. 18, 2006.)

Article 14.—INVESTMENT ADVISERS AND INVESTMENT ADVISER REPRESENTATIVES

81-14-1. Registration procedures for investment advisers and investment adviser representatives. (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.

(3) Each registered investment adviser shall maintain registration under the act for at least one investment adviser representative.

(b) Application requirements for investment advisers.

(1) Initial application.

(A) IARD filing requirements. Each applicant for initial registration as an investment adviser shall complete part I of form ADV in accordance with the form instructions and shall file the form with the IARD. In addition, the applicant shall submit to the IARD the fee required by K.A.R. 81-14-2 and any reasonable fee charged by the NASD for filing through the IARD system.

(B) Direct filing requirements. Each applicant for initial registration as an investment adviser shall file the following documents with the administrator:

(i) Part II of form ADV and any applicable schedules and brochures;

(ii) the proposed client contract written in accordance with K.A.R. 81-14-3 and 81-14-5(d)(13);

(iii) a privacy policy written in accordance with K.A.R. 81-14-5(d)(12)(B); and

(iv) financial statements, if required by K.A.R. 81-14-9(c).

(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 and any reasonable fee charged by the NASD for filing through the IARD system.

(3) Updates and amendments.

(A) Each 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.

(1) Initial application. Each applicant for initial registration as an investment adviser representative under the act shall complete form U-4 in accordance with the form instructions and shall file the form U-4 with the CRD, except as otherwise provided by order of the administrator. 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);

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

(C) any reasonable fee charged by the NASD for filing through the CRD system.

(2) Annual renewal. The application for annual renewal registration as an investment adviser representative shall be filed with the CRD. The application for annual renewal registration shall include the fee required by K.A.R. 81-14-2 and any reasonable fee charged by the NASD for filing through the CRD system.

(3) Updates and amendments. Each 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 CRD 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) Effective date of registration.

(1) Initial registration. Each registration shall become effective on the 45th day after the completed application is filed, unless the application is approved earlier by the administrator. However, if the administrator or the administrator's staff has notified the applicant of deficiencies in the application, the application shall not be considered complete until an amendment is filed to resolve the deficiencies.

(2) Transfer of employment or association. If an investment adviser representative terminates employment by or association with an investment adviser registered under the act or a federal covered investment adviser who has filed a notice under K.S.A. 17-12a405, and amendments thereto, and begins employment by or association with another investment adviser registered under the act or a federal covered investment adviser who has filed a notice under K.S.A. 17-12a405, and amendments thereto, and the successor investment adviser or federal covered investment adviser files an application for registration for the investment adviser representative within 30 days after the termination, then the application shall become effective in accordance with K.S.A. 17-12a408(b), and amendments thereto.

(continued)

(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 administrator 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 administrator requires examinations for any individual found to have violated any state or federal securities law; or

(B) if the administrator 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 examination requirements of paragraph (e)(1) again before applying for registration.

(4) Waivers. The examination requirement may be waived or modified by the administrator for good cause shown, and the examination requirement shall not apply to any 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 administrator may by regulation or order recognize.

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

(1) Each registration shall expire on December 31, and each application for renewal shall be filed not later than the deadline established by the IARD or CRD.

(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 CRD. If the investment adviser representative commences association with another investment adviser, that investment adviser shall file an initial 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 admin-

istrator, 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.

(5) Each application that has been on file for six months without any action taken by the applicant shall be considered withdrawn. (Authorized by K.S.A. 2005 Supp. 17-12a406 and 17-12a605(a); implementing K.S.A. 2005 Supp. 17-12a406, 17-12a407, and 17-12a408; effective Oct. 26, 2001; amended Aug. 18, 2006.)

81-14-2. Investment advisers, investment adviser representatives, and federal covered investment 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 investment adviser shall be \$100. (Authorized by K.S.A. 2005 Supp. 17-12a605(a); implementing K.S.A. 2005 Supp. 17-12a410; effective Oct. 26, 2001; amended Aug. 18, 2006.)

81-14-3. (Authorized by K.S.A. 2000 Supp. 17-1270; implementing K.S.A. 2000 Supp. 17-1253; effective Oct. 26, 2001; revoked Aug. 18, 2006.)

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. Each 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, each 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 memoranda of the following:

(i) 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 an 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 the transaction was executed, if appropriate.

(C) Each order 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 prepared in accordance with generally accepted accounting principles, an income statement, a cash flow statement, and a net worth computation if a net worth computation is required by K.A.R. 81-14-9.

(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 the notice, circular, or advertisement was sent. However, if the notice, circular, or advertisement is distributed to persons 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

(continued)

(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 promptly obtain 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 promptly obtain reports of all transactions required to be recorded.

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

(A) 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. 81-14-10(b);

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

(C) 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.

(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(f).

(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 the original 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 filed on behalf of an investment adviser representative. The copies shall be made available for inspection upon request by the administrator or the administrator's staff.

(22) If the adviser inadvertently held or obtained a client's securities or funds and returned them to the client within three business days or has forwarded third-party checks within 24 hours, the adviser shall keep the following records relating to the inadvertent custody:

(A) The issuer, type of security and series, and date of issue;

(B) for debt instruments, the denomination, interest rate, and maturity date;

(C) the certificate number, including alphabetical prefix or suffix;

(D) the name in which the securities are registered, the date given to the adviser, the date sent to the client or

sender, the form of delivery to the client or sender, and a copy of proof of delivery to the client or sender; and

(E) the mail confirmation number, if applicable, or confirmation by the client or sender of the return of the funds or securities.

(23) If an investment adviser obtains possession of securities that are acquired from the issuer in a transaction or series of transactions that meets the requirements of the exception from custody under K.A.R. 81-14-9(b)(2)(B), the adviser shall keep the following records:

(A) A record showing the issuer's or current transfer agent's name, address, phone number, and other applicable contact information pertaining to the party responsible for recording client interests in the securities; and

(B) a copy of any legend, shareholder agreement, or other agreement showing that those securities are transferable only with the prior consent of the issuer or holders of the outstanding securities of the issuer.

(c) (1) If an investment adviser has custody, as that term is defined in K.A.R. 81-14-9, the records required to be made and kept by the investment adviser shall include the following:

(A) A copy of any and all documents executed by the client, including a limited power of attorney, under which the adviser is authorized or permitted to withdraw a client's funds or securities maintained with a custodian upon the adviser's instruction to the custodian;

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

(C) 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;

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

(E) 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;

(F) a copy of each of the client's quarterly account statements, as generated and delivered by the qualified custodian. If the adviser also generates a statement that is delivered to the client, the adviser shall also maintain a copy of each statement along with the date the statement was sent to the client;

(G) if applicable to the adviser's situation, a copy of the auditor's report and financial statements and letter verifying the completion of the examination by an independent certified public accountant and describing the nature and extent of the examination;

(H) a record of any finding by the independent certified public accountant of any material discrepancies found during the examination; and

(I) if applicable, evidence of the client's designation of an independent representative.

(2) If an investment adviser has custody because it advises a pooled investment vehicle, the adviser shall also keep the following records:

(A) True, accurate, and current account statements;

(continued)

(B) if the adviser qualifies for the exception in K.A.R. 81-14-9(b)(2)(C), the date of each audit, a copy of the financial statements, and evidence of the mailing of the audited financial statements to all limited partners, members, or other beneficial owners within 120 days of the end of the adviser's fiscal year; and

(C) if the adviser complies with K.A.R. 81-14-9(b)(1)(G), a copy of the written agreement with the independent party reviewing all fees and expenses, indicating the responsibilities of the independent third party, and copies of all invoices and receipts showing approval by the independent party for payment through the qualified custodian.

(3) If an investment adviser has custody because it is acting as the trustee for a beneficial trust but qualifies for the exception in K.A.R. 81-14-9(b)(2)(E), the adviser shall also keep the following records until the account is closed or the adviser is no longer acting as the trustee:

(A) A copy of the written statement given to each beneficial owner setting forth a description of the requirements of K.A.R. 81-14-9(b)(1) and the reason why the adviser will not be complying with those requirements; and

(B) a written acknowledgement signed and dated by each beneficial owner, evidencing receipt of the statement required under paragraph (c)(3)(A).

(d) Each 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) Each 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 at least 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) The 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 at least 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) The 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 at least 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 any 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) The 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 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 administrator 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 electronic imaging or by photograph on film. Any 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, electronic imaging, or computer storage medium, the investment adviser shall meet the following criteria:

(1) Arrange the records and index the films, electronic images, 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 electronic images or computer storage medium that the administrator by its examiners or other representatives may request;

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

(4) with respect to electronic images and 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. 81-2-1, 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) Each 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. 2005 Supp. 17-12a605(a); implementing K.S.A. 2005 Supp. 17-12a411; effective Oct. 26, 2001; amended Aug. 18, 2006.)

81-14-5. Dishonest and unethical practices of investment advisers, investment adviser representatives, and federal covered investment advisers. (a) Unethical conduct. "Dishonest or unethical practices," as used in K.S.A. 17-12a412(d)(13) and amendments thereto, shall include the conduct prohibited in this regulation.

(b) Fraudulent conduct. "An act, practice, or course of business that operates or would operate as a fraud or deceit," as used in K.S.A. 17-12a502(a)(2) and amendments thereto, shall include the conduct prohibited in paragraphs (d)(6), (9), (10), and (11) and all of subsections (e), (f), and (g).

(c) General standard of conduct. Each person registered as an investment adviser or investment adviser representative under the act shall not fail to observe high standards of commercial honor and just and equitable principles of trade in the conduct of the person's business. An investment adviser is a fiduciary and shall act primarily for the benefit of its clients.

(d) Prohibited conduct: sales and business practices. Each person registered as an investment adviser or investment adviser representative under the act shall refrain from the practices specified in this subsection in the conduct of the person's business. For purposes of this subsection, a security shall include any security as defined by K.S.A. 17-12a102, and amendments thereto, including a federal covered security as defined by K.S.A.

17-12a102, and amendments thereto, or section 2 of the securities act of 1933, 15 U.S.C. § 77b, as adopted by reference in K.A.R. 81-2-1.

(1) Unsuitable recommendations. An investment adviser or investment adviser representative shall not recommend to any client to whom investment supervisory, management, or consulting services are provided the purchase, sale, or exchange of any security without reasonable grounds to believe that the recommendation is suitable for the client on the basis of information furnished by the client after reasonable inquiry concerning the client's investment objectives, financial situation and needs, and any other information known by the investment adviser or investment adviser representative.

(2) Improper use of discretionary authority. An investment adviser or investment adviser representative shall not exercise any discretionary power in placing an order for the purchase or sale of securities for any client without obtaining written discretionary authority from the client within 10 business days after the date of the first transaction placed pursuant to oral discretionary authority, unless the discretionary power is limited to the price at which and the time when an order shall be executed for a definite amount of a specified security.

(3) Excessive trading. An investment adviser or investment adviser representative shall not induce trading in a client's account that is excessive in size or frequency in light of the financial resources, investment objectives, and character of the account.

(4) Unauthorized trading. An investment adviser or investment adviser representative shall not perform either of the following:

(A) Place an order to purchase or sell a security for the account of a client without authority to do so; or

(B) place an order to purchase or sell a security for the account of a client upon instruction of a third party without first having obtained a written third-party trading authorization from the client.

(5) Borrowing from or loaning to a client. An investment adviser or investment adviser representative shall not perform either of the following:

(A) Borrow money or securities from a client unless the client is a broker-dealer, an affiliate of the investment adviser, or a financial institution engaged in the business of loaning funds; or

(B) loan money to a client unless the investment adviser is a financial institution engaged in the business of loaning funds or the client is an affiliate of the investment adviser.

(6) Misrepresenting qualifications, services, or fees. An investment adviser or investment adviser representative shall not misrepresent to any advisory client or prospective client the qualifications of the investment adviser, investment adviser representative, or any employee of the investment adviser, or misrepresent the nature of the advisory services being offered or fees to be charged for the service. An investment adviser or investment adviser representative shall not omit to state a material fact that is necessary to make any statements made regarding qualifications, services, or fees, in light of the circum-

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stance under which the statements are made, not misleading.

(7) Failure to disclose source of report. An investment adviser or investment adviser representative shall not provide a report or recommendation to any advisory client prepared by someone other than the investment adviser or investment adviser representative without disclosing that fact. This prohibition shall not apply to a situation in which the adviser uses published research reports or statistical analyses to render advice or in which an adviser orders a research report in the normal course of providing service.

(8) Unreasonable fee. An investment adviser or investment adviser representative shall not charge a client an unreasonable advisory fee.

(9) Failure to disclose conflicts of interest. An investment adviser or investment adviser representative shall not fail to disclose to a client, in writing and before any advice is rendered, any material conflict of interest relating to the investment adviser, investment adviser representative, or any of the investment adviser's employees that could reasonably be expected to impair the rendering of unbiased and objective advice, including the following:

(A) Compensation arrangements connected with advisory services to the client that are in addition to compensation from the client for the advisory services; and

(B) charging a client an advisory fee for rendering advice when a commission for executing securities transactions pursuant to the advice will be received by the investment adviser, investment adviser representative, or any of the adviser's employees.

(10) Guaranteeing performance. An investment adviser or investment adviser representative shall not guarantee a client that a specific result will be achieved with advice that is rendered.

(11) Deceptive advertising. An investment adviser or investment adviser representative shall not publish, circulate, or distribute any advertisement that does not comply with SEC rule 206(4)-1, 17 C.F.R. 275.206(4)-1, as adopted by reference in K.A.R. 81-2-1, notwithstanding the fact that the adviser may be exempt from federal registration pursuant to section 203(b) of the investment advisers act of 1940, 15 U.S.C. § 80b-3(b) as adopted by reference in K.A.R. 81-2-1.

(12) Failure to protect confidential information.

(A) An investment adviser or investment adviser representative shall not disclose the identity, affairs, or investments of any client unless required by law to do so or unless the client consents to the disclosure.

(B) An investment adviser shall not fail to establish, maintain, and enforce written policies and procedures reasonably designed to prevent the misuse of material nonpublic information contrary to the provisions of section 204A of the investment advisers act of 1940, 15 U.S.C. § 80b-4a, as adopted by reference in K.A.R. 81-2-1, notwithstanding the fact that the adviser may be exempt from federal registration pursuant to section 203(b) of the investment advisers act of 1940, 15 U.S.C. § 80b-3(b).

(13) Improper advisory contract. An investment adviser shall not engage in the following conduct, notwithstanding the fact that the adviser may be exempt from

federal registration pursuant to section 203(b) of the investment advisers act of 1940, 15 U.S.C. § 80b-3(b):

(A) Enter into, extend, or renew any investment advisory contract unless the contract is in writing and discloses the services to be provided, the term of the contract, the advisory fee, the formula for computing the fee, the amount of prepaid fee to be returned in the event of contract termination or nonperformance, an indication of whether the contract grants discretionary power to the adviser, and that no assignment of the contract shall be made by the investment adviser without the consent of the other party to the contract;

(B) enter into, extend, or renew any advisory contract containing performance-based fees contrary to the provisions of section 205 of the investment advisers act of 1940, 15 U.S.C. § 80b-5, as adopted by reference in K.A.R. 81-2-1, except as permitted by SEC rule 205-3, 17 C.F.R. 275.205-3, as adopted by reference in K.A.R. 81-2-1; and

(C) include in an advisory contract any indication of a condition, stipulation, or provision binding a person to waive compliance with any provision of the act or of the investment advisers act of 1940, or engage in any other practice contrary to the provisions of section 215 of the investment advisers act of 1940, 15 U.S.C. § 80b-15, as adopted by reference in K.A.R. 81-2-1.

(14) Indirect misconduct. An investment adviser or investment adviser representative shall not engage in any conduct or any act, indirectly or through or by any other person, that would be unlawful for the person to do directly under the provisions of the act or these regulations.

(e) Prohibited conduct: failure to disclose 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 broker or 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 that 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) An investment adviser registered or required to be registered under the act shall not 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 contrac-

tual commitments to any client, if the investment adviser has discretionary authority, express or implied, or custody over client funds or securities or requires prepayment of advisory fees of more than \$500 from any client six months or more in advance; or

(B) any 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 date 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 (e)(2) shall be disclosed to clients before further investment advice is given to the clients. The information shall be disclosed to prospective clients at least 48 hours

before entering into any written or oral investment advisory contract, or no later than the time of entering 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 (e)(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.

(f) Prohibited conduct: cash payment for client solicitations. An investment adviser registered or required to be registered under the act shall not pay a cash fee, directly or indirectly, to a solicitor with respect to solicitation activities unless the solicitation arrangement meets all of the requirements of paragraphs (f)(2) through (f)(7) of this regulation.

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

(A) "Client" shall include 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 that 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 materials, statements, or information specified in paragraphs (f)(1)(B)(i) and (ii).

(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

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any of these federal acts, or the rules of the NASD or municipal securities rulemaking board; or

(D) is subject to an order, judgment, or decree by which 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 paragraph (f)(5)(A) or (B) above, if all of the following conditions are met:

(i) The written agreement required by paragraph (f)(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 the solicitor's 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 K.A.R. 81-14-10(b) and a separate written disclosure document described in paragraph (f)(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 (f)(4), and the investment adviser has a reasonable basis for believing that the solicitor has complied with the agreement.

(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 any difference in fees paid by clients if the difference is attributable to the existence of any arrangement in which the investment adviser has agreed to compensate the solicitor 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.

(g) Prohibited conduct: 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. Each person acting in this capacity shall be required to be registered as a broker-dealer in this state unless excluded from the definition of broker-dealer under K.S.A. 17-12a102, 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 that 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 (g)(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.

(h) To the extent permitted by federal law, the provisions of this regulation governing investment advisers shall also apply to federal covered investment advisers. (Authorized by K.S.A. 2005 Supp. 17-12a502(b) and 17-12a605(a); implementing K.S.A. 2005 Supp. 17-12a412(d)(13) and 17-12a502(a)(2); effective Oct. 26, 2001; amended Aug. 18, 2006.)

81-14-6. Electronic filing for investment advisers and investment adviser representatives. (a) Designated entity. The IARD and CRD shall be authorized to receive and store filings and collect related fees from investment advisers and investment adviser representatives, respectively, on behalf of the administrator.

(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 administrator pursuant to the act and these regulations shall be filed electronically with and transmitted to the IARD and the CRD.

(c) Electronic signatures. When a signature is required on any filing to be made through the IARD or CRD, 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 or CRD. Submission of a filing in this manner shall constitute a legal signature by any individual whose name is typed on the filing.

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

(e) 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 or CRD 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 the request 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 or CRD 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 not be granted unless 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 administrator, and the request 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 administrator in a form approved by the administrator, the request shall be either granted or denied by the administrator 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 or CRD 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 administrator. (Authorized by K.S.A. 2005 Supp. 17-12a605(a); implementing K.S.A. 2005 Supp. 17-12a105 and 17-12a608(c); effective Oct. 26, 2001; amended Aug. 18, 2006.)

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81-14-7. Notice filing requirements for federal covered investment advisers. (a) Initial notice filing. The notice filing for a federal covered investment adviser pursuant to K.S.A. 17-12a405, and amendments thereto, shall be filed on form ADV with the IARD. A notice filing of a federal covered investment 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 administrator.

(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 administrator to be filed if a federal covered investment adviser provides part 2 to the administrator within five business days of a request by the administrator.

(c) Renewal notice filing. The annual renewal of the notice filing for a federal covered investment adviser pursuant to K.S.A. 17-12a405, and amendments thereto, shall be filed with the IARD. The renewal of the notice filing for a federal covered investment 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 administrator.

(d) Updates and amendments. Each federal covered investment adviser shall file with the IARD, in accordance with the instructions in the form ADV, any amendments to the federal covered investment adviser's form ADV. (Authorized by K.S.A. 2005 Supp. 17-12a605(a); implementing K.S.A. 2005 Supp. 17-12a405(c); effective Oct. 26, 2001; amended Aug. 18, 2006.)

81-14-8. (Authorized by K.S.A. 2000 Supp. 17-1270; implementing K.S.A. 2000 Supp. 17-1252(m)(2); effective Oct. 26, 2001; revoked Aug. 18, 2006.)

81-14-9. Custody of client funds or securities; safe-keeping; financial reporting; minimum net worth; bonding. (a) Definitions. For the purposes of this regulation, the following definitions shall apply:

(1) "Custody" means holding, directly or indirectly, client funds or securities, or having any authority to obtain possession of them or the ability to appropriate them.

(A) Each of the following circumstances shall be deemed to constitute custody:

(i) Possession of client funds or securities unless received inadvertently and returned to the sender promptly, but in any case within three business days of receiving the funds or securities;

(ii) any arrangement, including a general power of attorney, under which an investment adviser is authorized or permitted to withdraw client funds or securities maintained with a custodian upon the adviser's instruction to the custodian; and

(iii) any arrangement that gives an investment adviser or its supervised person legal ownership of or access to client funds or securities, which may include an arrangement in which the investment adviser or its supervised person is the trustee of a trust, the general partner of a limited partnership, the managing member of a limited liability company, or a comparable position for a pooled investment vehicle.

(B) Receipt of a check drawn by a client and made payable to an unrelated third party shall not meet the definition of custody if the investment adviser forwards the

check to the third party within 24 hours of receipt and the adviser maintains the records required under K.A.R. 81-14-4(b)(22).

(2) "Independent party" means a person that meets the following conditions:

(A) Is engaged by an investment adviser to act as a gatekeeper for the payment of fees, expenses, and capital withdrawals from a pooled investment;

(B) does not control, is not controlled by, and is not under common control with the investment adviser; and

(C) does not have, and has not had within the past two years, a material business relationship with the investment adviser.

(3) "Independent representative" means a person who meets the following conditions:

(A) Acts as an agent for an advisory client, which may include a person who acts as an agent for limited partners of a pooled investment vehicle structured as a limited partnership, members of a pooled investment vehicle structured as a limited liability company, or other beneficial owners of another type of pooled investment vehicle;

(B) is obliged by law or contract to act in the best interest of the advisory client or the limited partners, members, or other beneficial owners;

(C) does not control, is not controlled by, and is not under common control with the investment adviser; and

(D) does not have, and has not had within the past two years, a material business relationship with the investment adviser.

(4) "Qualified custodian" means any of the following independent institutions or entities:

(A) A bank or savings association that has deposits insured by the federal deposit insurance corporation;

(B) a broker-dealer registered under the act who holds client assets in customer accounts;

(C) a futures commission merchant registered under section 6f of the commodity exchange act, 7 U.S.C. § 6f, who holds client assets in customer accounts, but only with respect to clients' funds and security futures, or other securities incidental to transactions in contracts for the purchase or sale of a commodity and options of the commodity for future delivery; and

(D) a foreign financial institution that customarily holds financial assets for its customers, if the foreign financial institution keeps the advisory clients' assets in customer accounts segregated from its proprietary assets.

(5) "Discretionary authority" shall not include authority under which an investment adviser places trade orders with a broker-dealer pursuant to a third-party trading agreement if all of the following conditions are met:

(A) The investment adviser has executed a separate investment adviser contract exclusively with its client acknowledging that a third-party trading agreement will be executed to allow the investment adviser to effect securities transactions for the client in the client's broker-dealer account.

(B) The investment adviser contract specifically states that the client does not grant discretionary authority to the investment adviser, and the investment adviser in fact does not exercise discretion with respect to the account.

(C) A third-party trading agreement is executed between the client and a broker-dealer that specifically limits the investment adviser's authority in the client's broker-dealer account to the placement of trade orders and deduction of investment adviser fees.

(b) Safekeeping of client funds and securities.

(1) Requirements. An investment adviser registered or required to be registered under the act shall not have custody of client funds or securities unless the investment adviser meets each of the following conditions. "An act, practice, or course of business that operates or would operate as a fraud or deceit," as used in K.S.A. 17-12a502, and amendments thereto, shall include any violation of this subsection.

(A) Notice to administrator. The investment adviser shall notify the administrator promptly on form ADV that the investment adviser has or will have custody.

(B) Qualified custodian. A qualified custodian shall maintain the funds and securities in a separate account for each client under each client's name, or in accounts that contain only funds and securities of the investment adviser's clients under the name of the investment adviser as agent or trustee for each client.

(C) Notice to clients. If an investment adviser opens an account with a qualified custodian on behalf of its client, either under the client's name or under the investment adviser's name as agent, the investment adviser shall notify the client in writing of the qualified custodian's name, address, and the manner in which the funds or securities are maintained. The notice shall be given promptly when the account is opened and following any changes to the information.

(D) Account statements. The investment adviser shall ensure that account statements are sent to each client for whom the adviser has custody of funds or securities.

(i) Statements sent by the qualified custodian. If a qualified custodian maintains accounts containing funds or securities, the qualified custodian may send account statements to clients if the investment adviser has a reasonable basis for believing that the qualified custodian sends an account statement at least quarterly to each of the adviser's clients for whom the custodian maintains funds or securities and that the account statement sets forth all transactions in the account during the period and identifies the amount of funds and amount of each security in the account at the end of the period.

(ii) Statements sent by the adviser. If account statements are not sent by the qualified custodian in accordance with paragraph (b)(1)(D)(i), the investment adviser shall send an account statement at least quarterly to each client for whom it has custody of funds or securities. The account statement shall set forth all transactions in the account during the period and identify the amount of funds and amount of each security of which it has custody at the end of the period.

At least once during each calendar year, an independent certified public accountant shall verify all client funds and securities by actual examination without prior notice or announcement to the adviser, on a date chosen by the accountant that changes from year to year. The accountant shall file a copy of the auditor's report and financial statements with the administrator within 30 days after the

completion of the examination, along with a letter stating that the accountant has examined the funds and securities and describing the nature and extent of the examination. The accountant, upon finding any material discrepancies during the course of the examination, shall notify the administrator of the finding within one business day by means of a facsimile transmission or electronic mail, followed by first-class mail, directed to the attention of the administrator.

(iii) Special rule for pooled investment vehicles. If the investment adviser is a general partner of a pooled investment vehicle structured as a limited partnership, is a managing member of a pooled investment vehicle structured as a limited liability company, or holds a comparable position for another type of pooled investment vehicle, the account statements required under this subsection shall be sent to each limited partner, member, or other beneficial owner or that person's independent representatives.

(E) Independent representatives. A client may designate an independent representative to receive, on the client's behalf, notices and account statements as required under paragraphs (b)(1)(C) and (b)(1)(D). Thereafter, the investment adviser shall send all notices and statements to the independent representative.

(F) Direct fee deduction. Each investment adviser who has custody, as defined in paragraph (a)(1)(A)(ii), by having fees directly deducted from client accounts held by a qualified custodian shall comply with each of the following requirements:

(i) Written authorization. The investment adviser shall obtain prior written authorization from the client to deduct advisory fees from the account held with the qualified custodian.

(ii) Notice of fee deduction. Each time a fee is directly deducted from a client account, the investment adviser shall concurrently send the qualified custodian notice of the amount of the fee to be deducted from the client's account and send the client an invoice itemizing the fee. Itemization shall include the formula used to calculate the fee, the amount of assets under management on which the fee is based, and the time period covered by the fee.

(iii) Notice of safeguards. The investment adviser shall notify the administrator on form ADV that the investment adviser intends to use the safeguards specified in this subsection.

(G) Pooled investments. Each investment adviser who has custody, as defined in paragraph (a)(1)(A)(iii), and who does not meet the exception provided under paragraph (b)(2)(C) shall comply with each of the following requirements:

(i) Engage an independent party. The investment adviser shall hire an independent party to review all fees, expenses, and capital withdrawals from the pooled accounts.

(ii) Review of fees. The investment adviser shall send all invoices or receipts to the independent party, detailing the amount of the fee, expenses, or capital withdrawal and the method of calculation so that the independent party can determine that the payment is in accordance with the agreement governing the pooled investment ve-

(continued)

hicle and so that the independent party can forward to the qualified custodian approval for payment of an invoice with a copy to the investment adviser.

(iii) Notice of safeguards. The investment adviser shall notify the administrator on form ADV that the investment adviser intends to use the safeguards specified in this subsection.

(2) Exceptions.

(A) Shares of mutual funds. With respect to shares of a mutual fund that is an open-end company as defined in section 5(a)(1) of the investment company act of 1940, 15 U.S.C. 80a-5(a)(1), as adopted by reference in K.A.R. 81-2-1, any investment adviser may use the mutual fund's transfer agent in lieu of a qualified custodian for purposes of complying with paragraph (b)(1).

(B) Certain privately offered securities. An investment adviser shall not be required to comply with paragraph (b)(1) with respect to securities that meet the following conditions:

(i) Are acquired from the issuer in a transaction or chain of transactions not involving any public offering;

(ii) are uncertificated, with ownership of the securities recorded only on the books of the issuer or its transfer agent in the name of the client; and

(iii) are transferable only with the prior consent of the issuer or holders of the outstanding securities of the issuer.

(C) Limited partnerships subject to annual audit. An investment adviser shall not be required to comply with paragraph (b)(1) with respect to the account of a limited partnership, limited liability company, or other type of pooled investment vehicle that is subject to audit at least annually and that distributes its audited financial statements prepared in accordance with generally accepted accounting principles to all limited partners, members, or other beneficial owners within 120 days after the end of its fiscal year. The investment adviser shall notify the administrator on form ADV that the investment adviser intends to distribute audited financial statements.

(D) Registered investment companies. An investment adviser shall not be required to comply with paragraph (b)(1) with respect to the account of an investment company registered under the investment company act of 1940, 15 U.S.C. 80a-1 et seq.

(E) Beneficial trusts. An investment adviser shall not be required to comply with the safekeeping requirements of paragraph (b)(1) if the investment adviser has custody solely because the investment adviser or an investment adviser representative is the trustee for a beneficial trust, if all of the following conditions are met for each trust:

(i) The beneficial owner of the trust is a parent, grandparent, spouse, sibling, child, or grandchild of the investment adviser representative, including "step" relationships.

(ii) The investment adviser provides a written statement to each beneficial owner of each account setting forth a description of the requirements of paragraph (b)(1) and the reasons why the investment adviser will not be complying with those requirements.

(iii) The investment adviser obtains from each beneficial owner a signed and dated statement acknowledging the receipt of the written statement.

(iv) The investment adviser maintains a copy of both documents described in paragraphs (b)(2)(E)(ii) and (iii) until the account is closed or the investment adviser or investment adviser representative is no longer trustee.

(F) Upon written request and for good cause shown, the requirement to use a qualified custodian may be waived by the administrator. As a condition of granting a waiver, the investment adviser may be required by the administrator to perform the duties of a qualified custodian as specified in paragraph (b)(1).

(c) 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 the payment of advisory fees six months or more in advance and in excess of \$500 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) The balance sheet shall be audited by an independent certified public accountant in accordance with generally accepted auditing standards.

(B) The balance sheet 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 subsection shall be prepared within 90 days following the end of the investment adviser's fiscal year. The investment adviser shall file the balance sheet and report with the administrator within five days after a request by the administrator. Failure to file the balance sheet and report within five days after a request by the administrator shall constitute grounds for suspension of registration by emergency order under K.S.A. 17-12a412(f) and amendments thereto.

(d) Adjusted net worth requirements.

(1) Calculation of adjusted net worth. For purposes of this regulation, "adjusted net worth" shall mean the excess of assets over liabilities as determined according to generally accepted accounting principles, except that assets shall not include the following items:

(A) Prepaid expenses, unless they are properly classified as assets under generally accepted accounting principles;

(B) deferred charges, goodwill, franchise rights, organizational expenses, patents, copyrights, marketing rights, unamortized debt discounts and expenses, and all other assets of an intangible nature; and

(C) homes, home furnishings, automobiles, and all other personal items that are not readily marketable, if adjusted net worth is being determined for an individual; advances or loans to stockholders or officers, if adjusted net worth is being determined for a corporation; and advances or loans to partners, if adjusted net worth is being determined for a partnership.

(2) Minimum adjusted net worth for advisers with custody. Each investment adviser that is registered or required to be registered under the act and that has custody

of client funds or securities shall maintain at all times a minimum adjusted net worth of \$35,000, except the following advisers:

(A) Any investment adviser that has custody solely because the adviser meets the definition of custody in paragraph (a)(1)(A)(ii) and that complies with the safekeeping requirements in paragraphs (b)(1)(A) through (b)(1)(F) and the recordkeeping requirements of K.A.R. 81-14-4(c);

(B) any investment adviser that has custody solely because the adviser meets the definition of custody in paragraph (a)(1)(A)(iii) and that complies with the safekeeping requirements in paragraphs (b)(1)(A) through (b)(1)(E) and (b)(1)(G) and the recordkeeping requirements of K.A.R. 81-14-4(c); and

(C) any investment adviser that has custody solely because the adviser is trustee for a beneficial trust, if the trust meets the conditions in paragraph (b)(2)(E).

(3) Minimum adjusted net worth for advisers with discretionary authority. Each investment adviser that is registered or required to be registered under the act and that has discretionary authority over client funds or securities but does not have custody of client funds or securities shall maintain at all times a minimum adjusted net worth of \$10,000.

(4) Minimum adjusted net worth for advisers who accept prepayment. Each investment adviser that is registered or required to be registered under the act and that accepts prepayment of more than \$500 per client six or more months in advance shall maintain at all times a positive adjusted net worth.

(5) Notification. Each investment adviser registered or required to be registered under the act shall, by the close of business on the next business day, notify the administrator if the investment adviser's adjusted net worth is less than the minimum required by this subsection. After transmitting the notice, each investment adviser shall, by the close of business on the next business day, file a report with the administrator of its financial condition, including the following:

(A) A trial balance of all ledger accounts;

(B) a statement of all client funds or securities that are not segregated;

(C) a computation of the aggregate amount of client ledger debit balances; and

(D) a statement indicating the number of client accounts.

(6) Appraisals. A current appraisal may be required by the administrator to be submitted in order to establish the worth of any asset.

(7) Exception for out-of-state advisers. If an investment adviser has its principal place of business in a state other than Kansas and is properly registered in that state, the investment adviser shall be required to maintain only the minimum capital required by the state in which the investment adviser maintains its principal place of business.

(e) Surety bond. Every investment adviser registered or required to be registered under the act that has custody or discretionary authority over client funds or securities shall be bonded for at least \$35,000. The bond shall be in a form acceptable to the administrator from a bonding

company qualified to do business in Kansas, and the bond shall be subject to the claims of all clients of the investment adviser, regardless of each client's state of residence.

(1) Additional bond requirement. If an investment adviser does not meet the minimum adjusted net worth requirement of subsection (d), the investment adviser shall also be bonded for the amount of the net worth deficiency rounded up to the nearest \$5,000.

(2) Exemptions. Each investment adviser shall be exempt from the requirements of this subsection if the adviser meets at least one of the following requirements:

(A) Maintains a minimum adjusted net worth that exceeds the requirements of subsection (d) by at least \$35,000;

(B) qualifies for an exception from the minimum adjusted net worth requirements of paragraph (d)(1); or

(C) has its principal place of business in a state other than Kansas, is properly registered in that state, and satisfies the bonding requirements of that state. (Authorized by K.S.A. 2005 Supp. 17-12a605(a); implementing K.S.A. 2005 Supp. 17-12a411; effective Aug. 18, 2006.)

81-14-10. Operational requirements for investment advisers; supervisory procedures; brochure delivery. (a) Supervision of investment adviser representatives and employees.

(1) Annual review. Each investment adviser shall conduct a review, at least annually, of the businesses in which the adviser engages, which shall be reasonably designed to assist in detecting and preventing violations of and achieving compliance with the act, these regulations, and other applicable laws and regulations.

(2) Supervisory procedures. Each investment adviser shall establish and maintain supervisory procedures that shall be reasonably designed to assist in detecting and preventing violations of and achieving compliance with the act, these regulations, and other applicable laws, regulations, and rules of self-regulatory organizations. In determining whether the supervisory procedures are reasonably designed, factors including the following may be considered by the administrator:

(A) The firm's size;

(B) the organizational structure;

(C) the scope of business activities;

(D) the number and location of the offices;

(E) the nature and complexity of products and services offered;

(F) the volume of business done;

(G) the number of investment adviser representatives assigned to a location;

(H) the specification of the office as a non-branch location; and

(I) the disciplinary history of the registered investment adviser representatives.

(3) Supervision of non-branch offices. The procedures established and the reviews conducted shall provide sufficient supervision at remote offices to ensure compliance with applicable securities laws and regulations. Based on the factors specified in paragraph (a)(2), certain non-branch offices may require more frequent reviews or more stringent supervision.

(continued)

(4) Failure to supervise. If an investment adviser fails to comply with this subsection, the investment adviser shall be deemed to have "failed to reasonably supervise" its investment adviser representatives under K.S.A. 17-12a412(d)(9), and amendments thereto.

(b) 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 the extension or renewal 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 one or more specified fees, not based directly upon transactions in a client's account, are 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, each 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 relevant information that the administrator 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 does any of the following:

(i) Regularly communicates investment advice to the client;

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

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

(iv) sells investment advisory services or solicits, offers, or negotiates for the sale of investment advisory services.

(B) The documents required in paragraph (b)(3)(A) shall be delivered to the client at least 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 and 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 (b)(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 if information contained in the brochure or brochure supplements becomes materially inaccurate. The investment adviser shall follow the updating and delivery instructions for part 2 of form ADV. 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 2 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. (Authorized by K.S.A. 2005 Supp. 17-12a411(g) and 17-12a605(a); implementing K.S.A. 2005 Supp. 17-12a411(g) and 17-12a412(d)(9), as amended by L. 2006, Ch. 47, § 6; effective Aug. 18, 2006.)

Chris Biggs
Kansas Securities Commissioner

Doc. No. 033422

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2003 Volumes and 2005 Supplement of the *Kansas Administrative Regulations*.

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1-2-25	Amended	V. 24, p. 849
1-2-25a	New	V. 24, p. 849
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1-2-31	Amended	V. 24, p. 849
1-2-43a	New	V. 24, p. 849
1-2-44	Amended	V. 24, p. 849
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1-2-74	Amended	V. 24, p. 850
1-2-84a	Revoked	V. 24, p. 850
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AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-2-32	Amended (T)	V. 24, p. 272
9-2-32	Amended	V. 24, p. 919
9-11-10	Amended (T)	V. 24, p. 272
9-11-10	Amended	V. 24, p. 919
9-18-1	Amended (T)	V. 24, p. 1144
9-18-1	Amended	V. 24, p. 1372
9-32-1		
through		
9-32-8	New (T)	V. 25, p. 46-48
9-32-1		
through		
9-32-8	New	V. 25, p. 375-378

AGENCY 10: KANSAS BUREAU OF INVESTIGATION

Reg. No.	Action	Register
10-22-1	Amended	V. 24, p. 962

AGENCY 11: STATE CONSERVATION COMMISSION

Reg. No.	Action	Register
11-3-1		
through		
11-3-10	Amended	V. 25, p. 250, 251
11-3-11	New	V. 25, p. 252
11-3-12	New	V. 25, p. 252
11-11-1		
through		
11-11-7	Revoked	V. 24, p. 1798

AGENCY 14: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
14-14-12	Revoked	V. 24, p. 798

AGENCY 16: ATTORNEY GENERAL

Reg. No.	Action	Register
16-1-7	Amended	V. 24, p. 95
16-4-2	New	V. 24, p. 95

16-4-3	New	V. 24, p. 95
16-4-4	New	V. 24, p. 96
16-6-1	Amended	V. 24, p. 96
16-10-1	New (T)	V. 24, p. 1176
16-10-2	New (T)	V. 24, p. 1176
16-10-3	New (T)	V. 24, p. 1176
16-10-1	New	V. 24, p. 1690
16-10-2	New	V. 24, p. 1690
16-10-3	New	V. 24, p. 1691
16-11-1		
through		
16-11-6	New (T)	V. 25, p. 980-982, 1019

AGENCY 22: STATE FIRE MARSHAL

Reg. No.	Action	Register
22-8-2	Amended	V. 25, p. 274
22-8-3	Amended	V. 25, p. 275
22-8-5	Amended	V. 25, p. 275
22-8-8		
through		
22-8-14	New	V. 25, p. 276, 277
22-8-17	New	V. 25, p. 277

AGENCY 26: DEPARTMENT ON AGING

Reg. No.	Action	Register
26-39-144	New	V. 24, p. 1629
26-39-243	New	V. 24, p. 1631
26-39-278	New	V. 24, p. 1632
26-39-427	New	V. 24, p. 1632
26-39-438		
through		
26-39-441	New	V. 24, p. 1243

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-2	Amended	V. 25, p. 413
28-1-26	Amended	V. 25, p. 866
28-4-501	Amended (T)	V. 25, p. 985, 1019
28-4-510	Amended (T)	V. 25, p. 986, 1019
28-4-514	New (T)	V. 25, p. 987, 1019
28-4-1400	New (T)	V. 24, p. 1142
28-4-1400	New	V. 24, p. 1531
28-16-28g	Amended	V. 24, p. 753
28-16-58	Amended	V. 24, p. 52
28-16-160		
through		
28-16-174	New	V. 24, p. 754-764
28-17-1	Amended	V. 24, p. 178
28-17-6	Amended	V. 24, p. 179
28-17-20	Amended	V. 24, p. 179
28-17-22	New	V. 24, p. 181
28-19-22	Revoked	V. 24, p. 1437
28-19-350	Amended	V. 25, p. 845
28-19-517	Amended	V. 24, p. 1437
28-19-542	Amended	v. 24, p. 1438
28-19-546	Amended	V. 24, p. 1438
28-19-561	Amended	V. 24, p. 1438
28-19-562	Amended	v. 24, p. 1439
28-19-563	Amended	v. 24, p. 1440
28-19-575		
through		
28-19-578	Revoked	V. 24, p. 1440
28-30-200		
through		
28-30-207	New	V. 24, p. 1470-1474
28-35-135	Revoked	V. 24, p. 1830
28-35-135a		
through		
28-35-135i	New	V. 24, p. 1830
28-35-135k		
through		
28-35-135y	New	V. 24, p. 1830
28-35-136	Revoked	V. 24, p. 1830
28-35-148	New	V. 24, p. 1830
28-35-154	Amended	V. 24, p. 1830
28-35-160	Amended	V. 24, p. 1830
28-35-162	Amended	V. 24, p. 1830
28-35-167	New	V. 24, p. 1830
28-35-168	New	V. 24, p. 1830
28-35-169	New	V. 24, p. 1830
28-35-175a	Amended	V. 24, p. 1830
28-35-176a	Amended	V. 24, p. 1830

(continued)

28-35-177a	Amended	V. 24, p. 1830
28-35-178a	Amended	V. 24, p. 1830
28-35-178b	Amended	V. 25, p. 256
28-35-178j	New	V. 24, p. 1830
28-35-180a	Amended	V. 24, p. 1830
28-35-180b	New	V. 24, p. 1830
28-35-181e	Amended	V. 24, p. 1830
28-35-181g	Amended	V. 24, p. 1830
28-35-181h	Amended	V. 24, p. 1830
28-35-181i	Amended	V. 24, p. 1830
28-35-181m	Amended	V. 24, p. 1830
28-35-181s	New	V. 24, p. 1830
28-35-184a	Amended	V. 24, p. 1830
28-35-184b	Amended	V. 24, p. 1830
28-35-185a	Amended	V. 24, p. 1830
28-35-193b	Revoked	V. 24, p. 1830
28-35-195a	Amended	V. 24, p. 1830
28-35-199a	Revoked	V. 24, p. 1830
28-35-204	New	V. 24, p. 1830
28-35-205	New	V. 24, p. 1830
28-35-205a	New	V. 24, p. 1830
28-35-205b	New	V. 24, p. 1830
28-35-206	New	V. 24, p. 1830
28-35-211c	New	V. 24, p. 1831
28-35-211d	Amended	V. 24, p. 1831
28-35-212a	Amended	V. 24, p. 1831
28-35-212b	Amended	V. 24, p. 1831
28-35-212d	Amended	V. 24, p. 1831
28-35-212e	Amended	V. 24, p. 1831
28-35-213b	Amended	V. 24, p. 1831
28-35-216a	Amended	V. 24, p. 1831
28-35-217a	Amended	V. 24, p. 1831
28-35-219a	Amended	V. 24, p. 1831
28-35-220a	Amended	V. 24, p. 1831
28-35-222a	Amended	V. 24, p. 1831
28-35-223a	Amended	V. 24, p. 1831
28-35-224a	Amended	V. 24, p. 1831
28-35-227d	Amended	V. 24, p. 1831
28-35-227f	Amended	V. 24, p. 1831
28-35-227g	Amended	V. 24, p. 1831
28-35-227h	Amended	V. 24, p. 1831
28-35-227j	Amended	V. 24, p. 1831
28-35-228a	Amended	V. 24, p. 1831
28-35-230a	Amended	V. 24, p. 1831
28-35-230b	Revoked	V. 24, p. 1831
28-35-230d	Amended	V. 24, p. 1831
28-35-231a	Amended	V. 24, p. 1831
28-35-231b	New	V. 24, p. 1831
28-35-231c	New	V. 24, p. 1831
28-35-241	Amended	V. 24, p. 1831
28-35-242	Amended	V. 24, p. 1831
28-35-242a	New	V. 24, p. 1831
28-35-242b	New	V. 24, p. 1831
28-35-243	Revoked	V. 24, p. 1831
28-35-243a	New	V. 24, p. 1831
28-35-244	Revoked	V. 24, p. 1831
28-35-244a	New	V. 24, p. 1831
28-35-247	Revoked	V. 24, p. 1831
28-35-247a	New	V. 24, p. 1831
28-35-248a	New	V. 24, p. 1831
28-35-249	Revoked	V. 24, p. 1831
28-35-250a	Revoked	V. 24, p. 1831
28-35-251	Amended	V. 24, p. 1831
28-35-252	Revoked	V. 24, p. 1831
28-35-253	Revoked	V. 24, p. 1831
28-35-254	Revoked	V. 24, p. 1831
28-35-255	Amended	V. 24, p. 1831
28-35-256	New	V. 25, p. 116
28-35-261	Revoked	V. 24, p. 1831
28-35-262	Revoked	V. 24, p. 1831
28-35-263	Revoked	V. 24, p. 1831
28-35-264	New	V. 24, p. 1831
28-35-274	Amended	V. 24, p. 1831
28-35-276	Amended	V. 24, p. 1831
28-35-277	Revoked	V. 24, p. 1831
28-35-277a	New	V. 24, p. 1831
28-35-278	Amended	V. 24, p. 1831
28-35-279	Amended	V. 24, p. 1831
28-35-280	Amended	V. 24, p. 1831
28-35-281	Amended	V. 24, p. 1831
28-35-282	Amended	V. 24, p. 1831
28-35-282a	New	V. 24, p. 1831
28-35-282b	New	V. 24, p. 1831
28-35-282c	New	V. 24, p. 1831
28-35-282d	New	V. 24, p. 1831

28-35-283	Amended	V. 24, p. 1831
28-35-284	Amended	V. 24, p. 1831
28-35-285	Amended	V. 24, p. 1831
28-35-287	Amended	V. 24, p. 1831
28-35-288	Amended	V. 24, p. 1831
28-35-289	Amended	V. 24, p. 1831
28-35-290	Amended	V. 24, p. 1831
28-35-291	Amended	V. 24, p. 1831
28-35-292	New	V. 24, p. 1831
28-35-293	New	V. 24, p. 1831
28-35-298	Amended	V. 24, p. 1831
28-35-299	Amended	V. 24, p. 1831
28-35-308	Amended	V. 24, p. 1831
28-35-312	Revoked	V. 24, p. 1831
28-35-314	Amended	V. 24, p. 1831
28-35-316	Amended	V. 25, p. 116
28-35-318	Amended	V. 24, p. 1831
28-35-319	Amended	V. 24, p. 1831
28-35-333	Amended	V. 24, p. 1831
28-35-342	Amended	V. 24, p. 1831
28-35-343	Amended	V. 24, p. 1831
28-35-345	Amended	V. 24, p. 1831
28-35-346	Amended	V. 24, p. 1831
28-35-349	Amended	V. 24, p. 1831
28-35-350	Amended	V. 24, p. 1831
28-35-351	Amended	V. 24, p. 1831
28-35-352	Amended	V. 24, p. 1831
28-35-353	Amended	V. 24, p. 1831
28-35-354	Amended	V. 24, p. 1831
28-35-355	Amended	V. 24, p. 1831
28-35-357	Amended	V. 24, p. 1831
28-35-359	Amended	V. 24, p. 1831
28-35-359a	New	V. 24, p. 1831
28-35-360	Amended	V. 24, p. 1831
28-35-375	New	V. 24, p. 1832
28-35-400	through	V. 24, p. 1832
28-35-411	New	V. 24, p. 1832
28-35-450	New	V. 24, p. 1832
28-35-500	through	V. 24, p. 1832
28-35-505	New	V. 24, p. 1832
28-36-1	Revoked	V. 24, p. 146
28-36-32	Revoked	V. 24, p. 146
28-36-60	Revoked	V. 24, p. 146
28-36-120	Revoked	V. 24, p. 146
28-61-1	Amended	V. 24, p. 1242
28-70-1	Amended	V. 24, p. 1177
28-70-2	Amended	V. 24, p. 1177
28-70-3	Amended	V. 24, p. 1178
28-73-1	through	V. 25, p. 307-311
28-73-7	New	V. 25, p. 307-311

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-4-90	Amended	V. 25, p. 786
30-4-98	New	V. 25, p. 1027
30-5-64	Revoked	V. 24, p. 1595
30-5-81u	Amended	V. 24, p. 271
30-5-118	Revoked	V. 25, p. 663
30-5-118b	Revoked	V. 25, p. 663
30-6-38	Revoked	V. 25, p. 1028
30-6-77	Revoked	V. 25, p. 847
30-10-1a	Amended	V. 24, p. 489
30-10-1b	Amended	V. 24, p. 491
30-10-1d	Amended	V. 24, p. 492
30-10-11	Amended	V. 24, p. 492
30-10-17	Amended	V. 24, p. 494
30-10-18	Amended (T)	V. 24, p. 23
30-10-18	Amended	V. 24, p. 334
30-10-19	Amended	V. 24, p. 495
30-10-20	Amended	V. 24, p. 496
30-10-23a	Amended	V. 24, p. 496
30-10-23b	Amended	V. 24, p. 497
30-14-22	Revoked	V. 25, p. 1028
30-14-27	Revoked	V. 25, p. 847

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-41-1	through	
36-41-5	New (T)	V. 24, p. 273, 274
36-41-1	through	
36-41-5	New	V. 24, p. 1111, 1112

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-42	Amended	V. 24, p. 1734
40-1-44	Amended	V. 24, p. 848
40-1-48	Amended	V. 25, p. 210
40-1-51	Amended	V. 24, p. 1735
40-2-14a	Amended	V. 24, p. 1735
40-2-14b	Revoked	V. 24, p. 1735
40-3-5	Amended	V. 25, p. 182
40-3-12	Amended	V. 25, p. 182
40-3-13	Amended	V. 24, p. 1371
40-3-18	Amended	V. 24, p. 1371
40-3-22	Amended	V. 25, p. 210
40-3-24	Amended	V. 24, p. 1371
40-3-40	Amended	V. 25, p. 212
40-3-43	Amended	V. 25, p. 183
40-3-44	Amended	V. 25, p. 212
40-3-46	Revoked	V. 25, p. 183
40-3-47	Amended	V. 25, p. 183
40-3-48	Amended	V. 25, p. 212
40-3-53	New (T)	V. 24, p. 15
40-3-53	New	V. 24, p. 615
40-4-25	Amended	V. 25, p. 278
40-4-35	Amended	V. 24, p. 1264
40-7-5	Amended	V. 25, p. 844
40-7-7	Amended	V. 24, p. 1829
40-7-7a	Revoked	V. 24, p. 1829
40-7-9	Amended	V. 24, p. 1829
40-7-22	Amended	V. 24, p. 1371
40-7-23	Amended	V. 24, p. 1371

AGENCY 49: DEPARTMENT OF LABOR

Reg. No.	Action	Register
49-49-1	Amended	V. 25, p. 25
49-49-1a	Amended	V. 25, p. 25

AGENCY 51: DEPARTMENT OF LABOR— DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-2-5	Amended	V. 24, p. 1647
51-9-7	Amended	V. 24, p. 1734

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-3-106a	Amended	V. 24, p. 1145
60-3-107	Amended	V. 24, p. 1145
60-3-108	Amended	V. 24, p. 1145
60-3-112	Amended	V. 24, p. 1145
60-11-113	Amended	V. 24, p. 1145
60-11-120	Amended	V. 24, p. 1145
60-11-121	Amended	V. 24, p. 1145
60-13-112	Amended	V. 24, p. 1146
60-15-101	Amended	V. 24, p. 1146
60-15-104	Amended	V. 24, p. 1147
60-16-103	Amended	V. 24, p. 1147
60-16-104	Amended	V. 24, p. 1148
60-17-111	Amended	V. 24, p. 1149

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-4-1	Amended	V. 24, p. 1629

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-4	Amended	V. 24, p. 79
66-8-4	Amended	V. 25, p. 44
66-8-8	New	V. 24, p. 80
66-9-4	Amended	V. 25, p. 73
66-9-6	Amended	V. 24, p. 80
66-9-7	New	V. 24, p. 80
66-10-1	Amended	V. 25, p. 44
66-10-9	Amended	V. 25, p. 44
66-10-11	Amended	V. 25, p. 44
66-10-12	Amended	V. 25, p. 45
66-10-14	Amended	V. 25, p. 45
66-11-5	Amended	V. 25, p. 45
66-14-3	Amended	V. 24, p. 80
66-14-5	Amended	V. 24, p. 81

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-2-22	Amended	V. 25, p. 661
68-5-16	New (T)	V. 24, p. 1377

68-5-16 New V. 25, p. 643

AGENCY 69: BOARD OF COSMETOLOGY

Reg. No.	Action	Register
69-1-4	Amended (T)	V. 24, p. 14
69-1-4	Amended	V. 24, p. 392

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-2-2	Amended	V. 24, p. 1828
71-8-1 through 71-8-9	New	V. 25, p. 99, 100

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-4-1a	Amended	V. 25, p. 609
74-4-7	Amended	V. 25, p. 610
74-4-8	Amended	V. 25, p. 610
74-5-2	Amended	V. 25, p. 611
74-5-101	Amended	V. 25, p. 612
74-5-102	Amended	V. 25, p. 612
74-5-103	Amended	V. 24, p. 796
74-5-104	Amended	V. 24, p. 796
74-5-201	Amended	V. 24, p. 796
74-5-202	Amended	V. 25, p. 613
74-5-203	Amended	V. 25, p. 613
74-5-205	Revoked	V. 24, p. 797
74-5-301	Amended	V. 24, p. 797
74-5-401	Amended	V. 24, p. 797
74-5-403	Amended	V. 24, p. 797
74-11-6	Amended	V. 25, p. 613
74-11-7	Amended	V. 25, p. 614
74-11-15	Amended	V. 24, p. 798

AGENCY 75: OFFICE OF THE STATE BANK COMMISSIONER—DIVISION OF CONSUMER AND MORTGAGE LENDING

Reg. No.	Action	Register
75-6-30	Amended	V. 24, p. 1849
75-6-31	Amended	V. 24, p. 1849
75-6-35	New	V. 24, p. 1849

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-4-4	New (T)	V. 24, p. 1372
81-4-4	New	V. 24, p. 1775
81-5-15	New (T)	V. 24, p. 1372
81-5-15	New	V. 24, p. 1775

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-4-3	Amended (T)	V. 24, p. 97
82-4-3	Amended	V. 24, p. 463
82-4-3a through 82-4-3m	New (T)	V. 24, p. 97-122
82-4-3a through 82-4-3m	New	V. 24, p. 463-488
82-4-3a	Amended (T)	V. 25, p. 378
82-4-3a	Amended	V. 25, p. 844
82-15-1	New (T)	V. 25, p. 984, 1019

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-3-29	New (T)	V. 24, p. 959
86-3-29	New	V. 24, p. 1690

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-203	Amended	V. 24, p. 1178
91-1-213	Revoked	V. 24, p. 1181
91-1-220	New	V. 24, p. 1181
91-1-221	New	V. 24, p. 1182
91-15-1	Amended	V. 24, p. 272
91-35-1 through 91-35-4	Revoked	V. 24, p. 272

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-12-4	Revoked	V. 25, p. 252
92-12-4a	New	V. 25, p. 252
92-12-5	Revoked	V. 25, p. 254
92-12-113	New	V. 24, p. 423
92-12-120	New	V. 25, p. 254
92-12-121	New	V. 25, p. 254
92-12-130	New	V. 25, p. 254
92-19-22a	Amended	V. 25, p. 254
92-19-49a	Revoked	V. 24, p. 798
92-19-49b	New	V. 24, p. 798
92-19-49c	New	V. 24, p. 799
92-19-49d	New	V. 24, p. 801
92-19-81	Amended	V. 24, p. 802
92-51-34a	Amended	V. 24, p. 423
92-51-41	Amended	V. 25, p. 255
92-51-41a	New	V. 25, p. 255

AGENCY 99: DEPARTMENT OF AGRICULTURE—DIVISION OF WEIGHTS AND MEASURES

Reg. No.	Action	Register
99-25-1	Amended	V. 24, p. 1264
99-25-9	Amended	V. 24, p. 1265
99-25-10	New	V. 24, p. 1265

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-15-2	Revoked	V. 24, p. 1113
100-15-4 through 100-15-7	New	V. 24, p. 1113, 1114
100-25-1 through 100-25-5	New (T)	V. 24, p. 1874-1877
100-25-5	New	V. 25, p. 213-216
100-26-1	Amended (T)	V. 24, p. 1877
100-26-1	Amended	V. 25, p. 217
100-26-2	New (T)	V. 24, p. 1877
100-26-2	New	V. 25, p. 217
100-26-3	New (T)	V. 24, p. 1878
100-26-3	New	V. 25, p. 217
100-28a-14	Amended	V. 24, p. 1114
100-28a-17	New	V. 24, p. 1114
100-28a-18	New	V. 24, p. 1115
100-29-1	Amended	V. 25, p. 639
100-29-2	Amended	V. 25, p. 890
100-29-3	Amended	V. 25, p. 640
100-29-4	Amended	V. 25, p. 890
100-29-5	Revoked	V. 25, p. 640
100-29-6	Amended	V. 25, p. 640
100-29-8	Amended	V. 25, p. 640
100-29-9	Amended	V. 25, p. 640
100-29-10	Amended	V. 25, p. 641
100-29-12	Amended	V. 25, p. 642
100-29-13	Amended	V. 25, p. 643
100-29-14	Revoked	V. 25, p. 890
100-29-15	New	V. 25, p. 643
100-29-16	New	V. 25, p. 890
100-54-1	Amended	V. 24, p. 1441
100-54-6	Amended	V. 24, p. 1441
100-54-8	Amended	V. 24, p. 1441
100-54-10	New	V. 24, p. 1442
100-54-11	New	V. 24, p. 1442
100-69-1	Amended	V. 24, p. 1346
100-69-2	Amended	V. 24, p. 1347
100-69-3	Amended	V. 24, p. 1347
100-69-4	Revoked	V. 24, p. 1347
100-69-6	Amended	V. 24, p. 1347
100-69-7	Amended	V. 24, p. 1347
100-69-8	Revoked	V. 24, p. 1347
100-69-9	Amended	V. 24, p. 1347
100-69-10	Amended	V. 24, p. 1348
100-69-11	Amended	V. 24, p. 1349
100-72-6	Amended	V. 24, p. 1115
100-73-1 through 100-73-6	New (T)	V. 24, p. 1142-1144
100-73-1 through 100-73-6	New	V. 24, p. 1443, 1444

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-5a	Amended	V. 25, p. 183
102-1-12	Amended	V. 25, p. 184
102-1-13	Amended	V. 24, p. 424
102-1-18	Amended	V. 24, p. 424
102-2-2a	Amended (T)	V. 25, p. 987, 1019
102-2-3	Amended	V. 24, p. 424
102-2-8	Amended	V. 24, p. 424
102-2-12	Amended	V. 24, p. 426
102-2-14	Amended	V. 24, p. 427
102-3-2	Amended	V. 24, p. 428
102-3-3a	Amended (T)	V. 24, p. 330
102-3-4a	Amended	V. 24, p. 1211
102-3-4a	Amended (T)	V. 25, p. 988, 1019
102-3-15	Amended	V. 24, p. 428
102-4-2	Amended	V. 24, p. 428
102-4-4a	Amended (T)	V. 25, p. 990, 1019
102-4-15	Amended	V. 24, p. 428
102-5-2	Amended	V. 24, p. 428
102-5-4a	Amended (T)	V. 25, p. 992, 1019
102-5-5	Amended	V. 25, p. 187
102-5-14	Amended	V. 24, p. 429

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-4-1	Amended (T)	V. 24, p. 1597
105-4-1	Amended	V. 25, p. 101
105-5-2	Amended (T)	V. 25, p. 982, 1019
105-5-3	Amended (T)	V. 25, p. 982, 1019
105-5-6	Amended (T)	V. 25, p. 982, 1019
105-5-7	Amended (T)	V. 25, p. 983, 1019
105-5-8	Amended (T)	V. 25, p. 983, 1019
105-11-1	New	V. 25, p. 101
105-11-1	Amended (T)	V. 25, p. 983, 1019

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-1	Amended	V. 24, p. 1846
108-1-4	Amended	V. 25, p. 180

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-9-1 through 110-9-8	New	V. 25, p. 373-375
110-11-1	New	V. 24, p. 429
110-11-2	New	V. 24, p. 429
110-11-3	New	V. 24, p. 429
110-12-1 through 110-12-6	New	V. 24, p. 371
110-13-1 through 110-13-10	New	V. 24, p. 1209-1211
110-13-4	Amended	V. 25, p. 447

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. A list of regulations filed by the Kansas Lottery from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. A list of regulations filed by the Kansas Lottery from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 Kansas Register. The following regulations were filed after January 1, 2006:

Reg. No.	Action	Register
111-2-30	Amended	V. 25, p. 414
111-2-187	New	V. 25, p. 381
111-4-2342 through 111-4-2349	New	V. 25, p. 217-221
111-4-2350 through 111-4-2362	New	V. 25, p. 311-319

(continued)

111-4-2363		
through		
111-4-2382	New	V. 25, p. 339-351
111-4-2383		
through		
111-4-2387	New	V. 25, p. 381-384
111-4-2389		
through		
111-4-2393	New	V. 25, p. 385, 386
111-4-2394		
through		
111-4-2404	New	V. 25, p. 415-422
111-4-2405		
through		
111-4-2418	New	V. 25, p. 787-795
111-4-2419		
through		
111-4-2427	New	V. 25, p. 868-874
111-4-2420	Amended	V. 25, p. 1019
111-4-2428		
through		
111-4-2434	New	V. 25, p. 1020-1025
111-5-126		
through		
111-5-138	New	V. 25, p. 386-390
111-5-139	New	V. 25, p. 423
111-5-139a	New	V. 25, p. 795
111-5-140		
through		
111-5-149	New	V. 25, p. 795-797
111-5-150		
through		
111-5-154	New	V. 25, p. 842-844
111-6-1	Amended	V. 25, p. 222
111-7-81	Amended	V. 25, p. 319
111-7-193	New	V. 25, p. 1026
111-7-194	New	V. 25, p. 1027
111-9-130		
through		
111-9-133	New	V. 25, p. 351-353
111-11-1	Amended	V. 25, p. 223

AGENCY 112: RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-4-1a	Amended	V. 24, p. 1851
112-10-5	Amended	V. 24, p. 1263
112-11-20	Amended	V. 24, p. 1852

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 25, p. 335
115-2-4	Amended	V. 25, p. 336
115-3-2	Amended	V. 24, p. 148
115-4-2	Amended	V. 24, p. 420
115-4-4	Amended	V. 25, p. 662
115-4-4a	New	V. 24, p. 422
115-4-6	Amended	V. 25, p. 336
115-4-6a	New	V. 24, p. 151
115-4-11	Amended	V. 24, p. 151
115-4-13	Amended	V. 24, p. 422
115-5-1	Amended	V. 24, p. 152
115-5-4	New	V. 24, p. 752
115-7-2	Amended	V. 24, p. 153
115-9-4	Amended	V. 24, p. 153
115-9-9	New	V. 24, p. 1112
115-11-1	Amended	V. 24, p. 752
115-11-2	Amended	V. 24, p. 153
115-15-1	Amended	V. 24, p. 154
115-15-2	Amended	V. 24, p. 155
115-18-1	Amended	V. 24, p. 156
115-18-7	Amended	V. 24, p. 159
115-18-10	Amended	V. 24, p. 753
115-18-14	Amended	V. 24, p. 1689

115-20-1	Amended	V. 24, p. 159
115-20-2	Amended	V. 24, p. 160
115-21-1	Revoked	V. 24, p. 1690
115-21-2	Revoked	V. 24, p. 1690
115-21-4	Revoked	V. 24, p. 1690

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-2-2a	New	V. 24, p. 1079
117-2-3	Amended (T)	V. 24, p. 1141
117-2-3	Amended	V. 24, p. 1595
117-3-2a	New	V. 24, p. 1079
117-3-3	Amended (T)	V. 24, p. 1141
117-3-3	Amended	V. 24, p. 1595
117-4-2a	New	V. 24, p. 1080
117-4-3	Amended (T)	V. 24, p. 1141
117-4-3	Amended	V. 24, p. 1595
117-5-2a	New	V. 24, p. 1080
117-6-3	Amended	V. 24, p. 77
117-7-1	Amended	V. 24, p. 78
117-8-1	Amended	V. 25, p. 866

AGENCY 118: STATE HISTORICAL SOCIETY

Reg. No.	Action	Register
118-5-10	Amended	V. 24, p. 1632

AGENCY 120: HEALTH CARE DATA GOVERNING BOARD

Reg. No.	Action	Register
120-1-1	Revoked (T)	V. 24, p. 1377
120-1-1	Revoked	V. 24, p. 1734
120-1-2	New (T)	V. 24, p. 1377
120-1-2	New	V. 24, p. 1734

AGENCY 123: JUVENILE JUSTICE AUTHORITY

Reg. No.	Action	Register
123-1-101	New	V. 24, p. 301
123-2-105	New	V. 24, p. 338
123-2-110	New	V. 24, p. 338
123-5-101	New	V. 24, p. 339
123-5-106	New	V. 24, p. 339
123-5-111	New	V. 24, p. 339
123-5-112	New	V. 24, p. 340
123-5-505	New	V. 24, p. 340
123-12-101		
through		
123-12-107	New	V. 24, p. 301, 302
123-12-201		
through		
123-12-210	New	V. 24, p. 302, 303
123-12-301		
through		
123-12-315	New	V. 24, p. 303-305
123-12-317	New	V. 24, p. 305
123-12-318	New	V. 24, p. 305
123-12-319	New	V. 24, p. 306
123-12-321		
through		
123-12-325	New	V. 24, p. 306
123-12-327	New	V. 24, p. 306
123-12-328	New	V. 24, p. 307
123-12-401	New	V. 24, p. 307
123-12-501		
through		
123-12-505	New	V. 24, p. 307, 308
123-12-505b	New	V. 24, p. 308
123-12-506	New	V. 24, p. 308
123-12-601	New	V. 24, p. 308
123-12-602	New	V. 24, p. 310
123-12-702	New	V. 24, p. 310
123-12-801	New	V. 24, p. 310
123-12-901	New	V. 24, p. 310
123-12-902	New	V. 24, p. 310

123-12-1001	New	V. 24, p. 311
123-12-1002	New	V. 24, p. 311
123-12-1101	New	V. 24, p. 311
123-12-1201	New	V. 24, p. 312
123-12-1202	New	V. 24, p. 312
123-12-1301	New	V. 24, p. 312
123-12-1302	New	V. 24, p. 312
123-12-1303	New	V. 24, p. 312
123-12-1306	New	V. 24, p. 312
123-12-1308	New	V. 24, p. 313
123-13-101	New	V. 24, p. 342
123-13-101a	New	V. 24, p. 343
123-13-103	New	V. 24, p. 343
123-13-105	New	V. 24, p. 343
123-13-106	New	V. 24, p. 343
123-13-201	New	V. 24, p. 343
123-13-201b	New	V. 24, p. 344
123-13-202	New	V. 24, p. 345
123-13-203	New	V. 24, p. 345
123-13-306	New	V. 24, p. 345
123-13-307	New	V. 24, p. 346
123-13-401		
through		
123-13-404	New	V. 24, p. 346-348
123-13-405a	New	V. 24, p. 349
123-13-406	New	V. 24, p. 349
123-13-408	New	V. 24, p. 350
123-13-409	New	V. 24, p. 350
123-13-501	New	V. 24, p. 350
123-13-502a	New	V. 24, p. 350
123-13-505		
through		
123-13-509	New	V. 24, p. 350, 351
123-13-601	New	V. 24, p. 351
123-13-602	New	V. 24, p. 351
123-13-603	New	V. 24, p. 351
123-13-610	New	V. 24, p. 351
123-13-701		
through		
123-13-704	New	V. 24, p. 352, 353
123-13-706	New	V. 24, p. 353
123-13-707	New	V. 24, p. 353
123-15-101	New	V. 24, p. 353
123-15-101a	New	V. 24, p. 354
123-15-101b	New	V. 24, p. 354
123-15-102	New	V. 24, p. 354
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123-15-105	New	V. 24, p. 355
123-15-105a	New	V. 24, p. 356
123-15-106	New	V. 24, p. 356
123-15-201	New	V. 24, p. 356
123-16-102	New	V. 24, p. 356
123-16-105	New	V. 24, p. 357

AGENCY 127: KANSAS HOUSING RESOURCES CORPORATION

Reg. No.	Action	Register
127-1-1	New	V. 24, p. 848

AGENCY 129: KANSAS HEALTH POLICY AUTHORITY

Reg. No.	Action	Register
129-5-1	Amended	V. 25, p. 1028
129-5-118	New	V. 25, p. 665
129-5-118b	New	V. 25, p. 665
129-6-38	New	V. 25, p. 1030
129-6-77	New	V. 25, p. 847
129-6-151	New	V. 25, p. 848
129-6-152	New	V. 25, p. 848
129-7-65	New	V. 25, p. 848
129-14-22	New	V. 25, p. 1030
129-14-27	New	V. 25, p. 849
129-14-51	New	V. 25, p. 849
129-14-52	New	V. 25, p. 849

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