



# Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

## Office of the Governor

## Executive Order 06-11

WHEREAS, former President Gerald Ford helped our country heal in its time of great difficulty; and

WHEREAS, President Ford's leadership and courage were evident throughout his long career in public service as a member of the House of Representatives and as Vice President; and

WHEREAS, it is fitting to honor the great contribution President Ford made to our nation; and

WHEREAS, President George W. Bush has declared Tuesday, January 2, 2007, a National Day of Mourning for President Ford, and has ordered federal offices to be closed; and

WHEREAS, state offices in Kansas were closed to mourn the death of other presidents, including Presidents Kennedy, Eisenhower, Truman, Johnson, and Reagan;

THEREFORE, I direct that state offices be closed on Tuesday, January 2, 2007, as a legal holiday in observance of the National Day of Mourning for President Gerald Ford. State offices will reopen Wednesday, January 3.

This document shall be filed with the Secretary of State as Executive Order 06-11, and shall become effective immediately.

Dated December 29, 2006.

Kathleen Sebelius  
Governor

Attest: Ron Thornburgh  
Secretary of State

Doc. No. 033987

State of Kansas

## Office of the Governor

Notice of Available Grant Funding  
from Kansas Mentors

Kansas Mentors is a statewide initiative with the mission to provide every young person in Kansas access to a suitable mentor. The initiative is being led by Governor Kathleen Sebelius and Bill Snyder, former head coach of the Kansas State University football team. The program is designed both to serve as a resource for existing mentoring programs and for Kansas communities wishing to start a program. Kansas Mentors also has convened a Council of Mentors made up of community, faith and school-based mentoring experts from across the state. The Council of Mentors was responsible for developing the grant priority: Serving the Mentoring Needs of Kansas. This priority constitutes the second phase of grant announcements pertaining to Kansas Mentors for state fiscal year 2007.

Grant applications may be requested by calling (785) 296-8873 or may be accessed via the Internet at <http://www.ksmentors.ks.gov/news.htm> (this is to obtain a printed copy only; applications cannot be submitted online). Applications can be submitted to the Kansas Mentors Office, Room 280-W, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754. All grant applications must be postmarked by January 24.

Kathleen Sebelius  
Governor

Doc. No. 033973

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## State of Kansas

## Secretary of State

## Usury Rate for January

Pursuant to the provisions of K.S.A. 2006 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 January 1, 2007 through January 31, 2007, is 7.57 percent.

Ron Thornburgh  
Secretary of State

Doc. No. 033982

## State of Kansas

Department of Administration  
Division of Facilities Management

Notice to Design-Builders and Construction  
Management At-Risk Firms

The Kansas Department of Administration is inviting all firms interested in providing alternative project delivery construction services (design-build or construction management at-risk services) for capital improvement projects to provide an annual statement of qualifications and performance data to the State Building Advisory Commission and the Division of Facilities Management, a division of the Department of Administration.

Design-builder means any individual, partnership, joint venture, corporation or other legal entity that furnishes architectural or engineering services and construction services, whether by itself or through subcontracts.

Construction management at-risk contract means the contract whereby the state agency acquires from a construction manager or general contractor a series of pre-construction services and an at-risk financial obligation to carry out construction under a specified cost agreement.

The annual statement of qualifications form must be a completed federal SF330 Part II, submitted to Phyllis Fast, Division of Facilities Management, Suite 600, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1311, by 5 p.m. February 28. In the transmittal or letter that accompanies the federal form, please indicate if your firm has professional liability insurance, a contractor's license or a design professional's license.

Additional information concerning these services can be obtained on Internet site <http://www.da.ks.gov/fp/manual.htm>, Chapter 4a, Procurement of Alternative Project Delivery Building Construction, or by contacting Phyllis Fast at (785) 296-5796, by fax at (785) 296-3456 or by e-mail at [Phyllis.Fast@da.ks.gov](mailto:Phyllis.Fast@da.ks.gov).

Marilyn Jacobson, Interim Director  
Division of Facilities Management

Doc. No. 033976

## State of Kansas

## Secretary of State

## Code Mortgage Rate for January

Pursuant to the provisions of K.S.A. 2006 Supp. 16a-1-301, Section 11, the code mortgage rate during the period of January 1, 2007 through January 31, 2007, is 12 percent.

Ron Thornburgh  
Secretary of State

Doc. No. 033983

## State of Kansas

## Kansas Health Policy Authority

## Request for Advisory Council Member Nominations

The Kansas Health Policy Authority board is seeking individuals to advise the board on issues of policy reform and health transformation. The board is asking for nominations for qualified individuals to serve on three advisory councils. Each council, which will include not more than 11 to 15 members, will be given specific direction from the board.

**Consumer Council.** The Consumer Council will provide guidance on issues relevant to consumers—specifically health care access, quality, affordability, sustainability and health promotion. It also will provide recommendations on health policies that the board is reviewing to reflect consumer concerns and questions. Members of this council will include individuals across Kansas who represent various consumer interests.

**Provider Council.** The Provider Council, comprised of individuals who represent various health care professional interests, will provide guidance on issues pertinent to health care providers. They will give input on health policy that impacts providers and patients, make recommendations on outreach to the provider and the medical communities, and encourage provider participation in public programs.

**Purchaser Council.** The Purchaser Council will represent various health and health care purchaser interests. It will be responsible for providing significant input on health policy that impacts employers, health insurers, and other purchasers of health and health care services.

All nominations for a council membership can be sent by January 17 to the Kansas Health Policy Authority, Attn: Director of Communications, Room 900-N, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612. Please include a letter of nomination and/or resume with the nominee's education background and job experience. It would be helpful if nominations include the nominee's knowledge of health and health care. Membership will be determined during the months of January and February by the KHPA board and staff. Each council will begin meeting in March.

Marcia Nielsen, Ph.D., MPH  
Executive Director

Doc. No. 033938

## State of Kansas

**Kansas Water Authority****Notice of Meetings**

The Kansas Water Authority will meet Wednesday, January 10, and Thursday, January 11, at the Holiday Inn Holidome, 605 S.W. Fairlawn, Topeka (one block south of the Fairlawn/Interstate 70 interchange). The meeting will convene at 9 a.m. both days.

Meeting information, including a site map, agenda and other materials, will be posted on the Kansas Water Office Web page at [www.kwo.org](http://www.kwo.org) not later than Wednesday, January 3. Interested parties without Web access may call the Kansas Water Office at (888) KAN-WATER or (888) 526-9283 to request meeting materials.

Anyone needing special accommodations at the meeting site is asked to contact the Kansas Water Office before the meeting.

Steve Irsik  
Chairman

Doc. No. 033962

## State of Kansas

**Department of Health  
and Environment****Request for Comments**

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

Cessna Aircraft Company, located at One Cessna Blvd., Independence, owns and operates an aircraft manufacturing facility.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE Southeast District Office, 1500 W. 7th, Chanute. To obtain or review the proposed permit and supporting documentation, contact James Stewart, (785) 296-1556, at the KDHE central office; and to review the proposed permit only, contact Doug Cole, (620) 431-2390, at the KDHE Southeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to James Stewart, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business February 5.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Sherry Walker, Bureau of Air and Radiation, not later than the close of business February 5 in order for the Secretary of Health and Environment to consider the request.

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

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Jon Knodel, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7622, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 033977

## State of Kansas

**Social and Rehabilitation Services****Request for Comments**

The Department of Social and Rehabilitation Services' Division of Health Care Policy-Mental Health (HCP-MH), as the State Mental Health Authority, annually receives \$300,000 in federal funds from the Center for Mental Health Services to provide Projects for Assistance in Transition from Homelessness (PATH). HCP-MH matches these funds with state general funds in the amount of \$152,035. MH announces that its intended use of the grant is to effectively outreach, engage and serve those individuals who are seriously mentally ill and homeless (or at imminent risk of homelessness).

Direct written comments or questions regarding the intended use of PATH funds by February 5 to Christy McMurphy, SRS, Health Care Policy-Mental Health, 10th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1570, (785) 368-6246.

Gary J. Daniels  
Secretary of Social and  
Rehabilitation Services

Doc. No. 033981

## State of Kansas

## Kansas Sentencing Commission

## Notice of 2007 Meeting Schedule

Meetings of the Kansas Sentencing Commission are scheduled for January 26, February 16, March 16, April 13, May 24, June 28, July 26, August 23, September 27, October 25, November 15 and December 20. All meetings will be held from 1:30 to 3:30 p.m. in the Senate Room of the Jayhawk Tower, 700 S.W. Jackson, Topeka..

Any individual with a disability may request accommodation to attend a KSC meeting. Requests for accommodation should be made at least five working days in advance of the meeting by contacting Brenda Harmon at (785) 296-0923.

Helen Pedigo  
Executive Director

Doc. No. 033974

## State of Kansas

## Board of Nursing

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 1:30 p.m. Tuesday, March 6, in Room 1051 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed changes in five existing rules and regulations relating to payment of fees for registered nurse, licensed practical nurse, licensed mental health technician and advanced registered nurse practitioner; unprofessional conduct for licensed mental health technician; and requirements for continuing nursing education for license renewal.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written comments on the proposed amended rules and regulations. All interested parties may submit written comments prior to the hearing to the executive administrator of the Board of Nursing, Room 1051, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views, orally or in writing, concerning the adoption of the proposed regulations during the hearing. Phone comments will be taken by calling (877) 278-8686 (access code 427503) at 1:30 p.m. the day of the hearing. In order to give all persons the opportunity to present their views, it may be necessary to request each participant to limit any oral presentations 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 the State Board of Nursing.

A copy of each of the proposed regulations and associated economic impact statement may be obtained by accessing the Kansas State Board of Nursing Web site at [www.ksbn.org](http://www.ksbn.org) or by contacting the executive administra-

tor at the address above, (785) 296-5752, prior to the date of hearing.

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

**K.A.R. 60-4-101. Payment of fees.** The proposed change increases the fee for reinstatement of licenses with and without a temporary permit for registered nurses and licensed practical nurses. The fiscal impact will increase the reinstatement of a license without a temporary permit by \$10 and with a permit by \$15 for a registered nurse. It will increase the reinstatement of a license without a permit by \$15 and with a permit by \$20 for a licensed practical nurse. In FY 2006, 952 registered nurses and 345 licensed practical nurses reinstated their licenses, which would increase the Board of Nursing revenue at least \$14,695.

**K.A.R. 60-7-106. Unprofessional conduct.** The proposed language expands what constitutes unprofessional conduct for a licensed mental health technician. Language added includes defining physical abuse; sexual abuse; verbal abuse; delegating activities; assigning the practice of mental health technology; violating confidentiality of information; leaving an assignment; engaging in conduct related to mental health technology practice that is likely to deceive, defraud or harm the public; exploitation; solicitation of professional patronage through the use of fraudulent or false advertisements; failing to comply with any disciplinary order of the board; failing to complete the requirements of the impaired provider program; engaging in mental health technology practice while using a false or assumed name; practicing without a license; allowing another person to use the licensee's license; and knowingly aiding another in any act that is a violation of any health care license. There is no economic impact for the State Board of Nursing, other governmental entities, private business or individuals.

**K.A.R. 60-8-101. Payment of fees.** The proposed language increases the fee for reinstatement of a license with and without a temporary permit for a mental health technician. The fiscal impact will increase the reinstatement of a license without a temporary permit by \$35 and with a permit by \$20. In FY 2006, fewer than five licensed mental health technicians reinstated their licenses. This would increase the State Board of Nursing revenue by \$175.

**K.A.R. 60-9-106. Continuing nursing education for license renewal.** The proposed language adds language that will allow participation as a member of a nursing organization board of directors or the State Board of Nursing to receive continuing nursing education and clarifies what college courses meet the requirements for continuing nursing education. There is no economic impact for the State Board of Nursing, other governmental entities, private business or individuals.

**K.A.R. 60-11-119. Payment of fees.** The proposed language increases the fee for reinstatement of a license for an advanced registered nurse practitioner. The fiscal impact will increase the reinstatement of a license without a temporary permit by \$45. In FY 2006, 29 advanced registered nurse practitioners reinstated their licenses. This would increase the State Board of Nursing revenue by \$1305.

Mary Blubaugh MSN, RN  
Executive Administrator

Doc. No. 033984

## 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 1-1-07 through 1-7-07**

<b>Term</b>	<b>Rate</b>
1-89 days	5.21%
3 months	5.01%
6 months	5.03%
1 year	4.97%
18 months	4.88%
2 years	4.77%

Derl S. Treff  
Director of Investments

Doc. No. 033967

## State of Kansas

**Board of Nursing****Notice of Hearing on Proposed  
Administrative Regulations**

A public hearing will be conducted at 1:30 p.m. Wednesday, March 7, in Room 1051 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed changes in 13 existing rules and regulations relating to advanced registered nurse practitioners, which include definition of expanded role, categories, qualifications and functions of the nurse practitioner, nurse-midwife and clinical nurse, and requirements for educational institutions for advanced registered nurse practitioner.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written comments on the proposed amended rules and regulations. All interested parties may submit written comments prior to the hearing to the executive administrator of the Board of Nursing, Room 1051, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views, orally or in writing, concerning the adoption of the proposed regulations during the hearing. Phone comments will be taken by calling (877) 278-8686 (access code 427503) at 1:30 p.m. the day of the hearing. In order to give all persons the opportunity to present their views, it may be necessary to request each participant to limit any oral presentations 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 the State Board of Nursing.

A copy of each of the proposed regulations and associated economic impact statement may be obtained by accessing the Kansas State Board of Nursing Web site at [www.ksbn.org](http://www.ksbn.org) or by contacting the executive administra-

tor at the address above, (785) 296-5752, prior to the date of hearing.

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

**K.A.R. 60-11-101. Definition of expanded role; limitations, restrictions.** The proposed amendments change the language that each advanced registered nurse practitioner (ARNP) shall function from a collegial to a collaborative relationship with physicians and other health professional and that each ARNP shall be authorized to make independent decisions about nursing needs of families and clients and interdependent medical decisions with physicians. Definitions of "physician" and "protocol" were added to this regulation. There is no economic impact for the State Board of Nursing, other governmental entities, private business or individuals.

**K.A.R. 60-11-102. Categories of advanced registered nurse practitioners.** The proposed language clarifies the four categories of ARNP. There is no economic impact for the State Board of Nursing, other governmental entities, private business or individuals.

**K.A.R. 60-11-103. Qualifications of advanced registered nurse practitioners.** The proposed language change added reference to K.A.R. 60-17-101 through 60-17-108 for the standards of a post-basic nursing education program that applicants for ARNP must meet. Added language also will require that an applicant for certification as an ARNP in the category of midwifery shall have met requirements in subsection (a), and if none of the requirements in subsection (a) are met before July 1, 2009, meet one of the requirements of subsection (a) and hold a master's degree in nursing. Additional changes will require each applicant who completes an advanced registered nurse practitioner program after July 1, 2009, will have completed three college hours in advanced pathophysiology or its equivalent and three college hours in advanced health assessment or its equivalent. There is no economic impact for the State Board of Nursing, other governmental entities, private business or individuals, as all current Kansas post-basic nursing education programs for applicants for ARNP are a master's degree.

**K.A.R. 60-11-104. Functions of the advanced registered nurse practitioner in the category of nurse practitioner.** The proposed language states that the nurse practitioner shall function in an expanded role through the application of advanced knowledge and skills to provide health promotion and maintenance, disease prevention, and the diagnosis and management of acute and chronic disease, and that they are authorized to perform health care services for which the nurse practitioner is educationally prepared and for which competency has been established and maintained. Educational preparation may include academic coursework, workshops, institutes, and seminars if theory or clinical experience, or both. The nurse practitioner shall be authorized to develop and manage the medical plan of care for each patient or client, based on protocol, and shall maintain independent responsibility and accountability for the development and comprehensive management of an advanced range of health care. There is no economic impact for the State Board of Nursing, other governmental entities, private business or individuals.

**K.A.R. 60-11-105. Functions of the advanced registered nurse practitioner in the category of nurse midwife.** The proposed language states that each nurse midwife shall function through the application of advanced knowledge and skills to provide management of women's health care and that each nurse midwife shall be authorized to provide health care services for which they are educationally prepared and for which competency has been established and maintained. Educational preparation may include academic coursework, institutes, and seminars if theory or clinical experience, or both, are included. The nurse midwife shall be authorized to develop and manage the medical plan of care for each patient or client based on the protocol and shall maintain independent responsibility and accountability for the development and comprehensive management of women's health care. They may provide health care for women, focusing on pregnancy, childbirth, the postpartum period, care of the newborn, and the family planning and gynecological needs of women, and shall maintain independent responsibility and accountability for the development and comprehensive management of women's health care. The nurse midwife may treat the male partners of female patients and clients for sexually transmitted diseases. There is no economic impact for the State Board of Nursing, other governmental entities, private business or individuals.

**K.A.R. 60-11-107. Functions of the advanced registered nurse practitioner in the category of clinical nurse specialist.** The proposed language states that each clinical nurse specialist shall function in an expanded role to independently provide evidence-based nursing practice within a specialty area focused on specific patients or clients, populations, settings and types of care by diagnosing and managing health concerns. Each clinical nurse specialist shall be authorized to provide health care services for which they are educationally prepared and for which competency has been established and maintained. Educational preparation may include academic coursework, workshop, institutes, and seminars if theory or clinical experience, or both, are included. The clinical nurse specialist shall be authorized to develop and manage the medical plan of care for each patient or client, based on the protocol, and shall maintain independent responsibility and accountability for the development and advanced management of a specialty area of health care. They may provide care for specific patients or clients or specific populations, or both, utilizing a broad base of advanced scientific knowledge, nursing theory and skills in assessing, planning, implementing and evaluating health and nursing care. There is no economic impact for the State Board of Nursing, other governmental entities, private business or individuals.

**K.A.R. 60-17-102. Requirements for initial approval.** The proposed language changes "accreditation" to "approval" of advanced nursing education program or institution throughout the regulation. There is no economic impact for the State Board of Nursing, other governmental entities, private business or individuals.

**K.A.R. 60-17-103. Reapproval requirements.** The proposed language changes "reaccreditation" to "reapproval" of advanced nursing education programs or in-

stitution throughout the regulation. The proposed changes also add that the program may be resurveyed every 5-10 years and if the program is accredited by a national nursing accreditation agency, the resurvey visit may be made in coordination with the national accreditation agency visit. Those programs who are not accredited by a national nursing accreditation agency will be resurveyed every five years. This regulation does not change the frequency that KSBN is currently resurveying advanced nursing education programs so there is no economic impact for the State Board of Nursing, other governmental entities, private business or individuals.

**K.A.R. 60-17-104. Faculty and preceptor qualifications.** The proposed language changes that each nurse faculty member responsible for coordinating clinical instructions shall possess a certification as an advanced registered nurse practitioner in the category for which clinical instruction is provided. This is currently national accreditation requirements, so there is no economic impact for the State Board of Nursing, other governmental entities, private business or individuals.

**K.A.R. 60-17-105. Curriculum requirements.** The proposed language changes require that those completing an advanced registered nurse practitioner program after July 1, 2009, have three college hours in advanced pathophysiology or its equivalent, three hours in advanced health assessment or its equivalent, and the clinical component shall consist of at least 500 hours of clinical learning in each clinical track or the program shall provide documentation of the overlap if any clinical track consists of less than 500 clinical hours. This proposed change also clarifies major and minor curriculum changes. This is currently national accreditation requirements, so there is no economic impact for the State Board of Nursing, other governmental entities, private business or individuals.

**K.A.R. 60-17-107. Educational facilities.** The proposed language adds requirements for student support services for distance learning if distance learning is provided. This is currently national accreditation requirements, so there is no economic impact for the State Board of Nursing, other governmental entities, private business or individuals.

**K.A.R. 60-17-108. Student policies.** The proposed language change will require that the student enrolling in an advanced registered nurse practitioner program to have a current license to practice as a registered professional nurse in the United States or any of its territories. There is no economic impact for the State Board of Nursing, other governmental entities, private business or individuals.

**K.A.R. 60-17-110. Discontinuing an advanced registered nurse program.** The proposed language adds that each school terminating its program shall submit, for board approval, the school's plan for its currently enrolled students. There is no economic impact for the State Board of Nursing, other governmental entities, private business or individuals.

Mary Blubaugh MSN, RN  
Executive Administrator

Doc. No. 033985

## 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 1 p.m. January 17 and then publicly opened.

**District One — Northeast**

**Johnson**—46 KA-0320-01 — U.S. 56 from the north junction of I-35 east to Metcalf Avenue; U.S. 69 from 65th Street north to I-35, 3.1 miles, overlay. (State Funds)

**Johnson**—35-46 KA-0497-01 — I-35 bridge 0.5 mile northeast of the junction of I-435, bridge overlay. (State Funds)

**Riley**—18-81 K-9670-01 — Junction of K-18 and Wildcat Creek Road in Manhattan, 0.3 mile, grading and surfacing. (State Funds)

**District Two — Northcentral**

**Cloud**—15 C-4113-01 — County road 0.5 mile south and 0.8 mile west of Rice, 0.2 mile, grading and bridge. (Federal Funds)

**Dickinson**—21 C-4114-01 — County road 2.1 miles north and 1.5 miles east of Woodbine, 0.1 mile, grading, bridge and surfacing. (Federal Funds)

**District**—106 KA-0807-01 — Various locations in District Two, milling. (State Funds)

**Geary**—70-31 KA-0531-01 — I-70 bridge at Exit 290, bridge overlay. (State Funds)

**Jewell**—36-45 K-9729-01 — U.S. 36 from Lincoln Street to Lebow Street in Mankato, 0.4 mile, curb and gutter. (State Funds)

**District Three — Northwest**

**District**—106 KA-0806-01 — Various locations in District Three, 53.3 miles, milling. (State Funds)

**Ellis**—26 C-3893-01 — Intersection of old U.S. 40 and Canterbury Drive, 0.3 mile, intersection improvement. (Federal Funds)

**Ellis**—26 C-3895-01 — County road 6.5 miles north and 0.6 mile east of Ellis, 0.1 mile, grading and bridge. (Federal Funds)

**Logan**—83-55 — KA-0539-01 — U.S. 83 bridge over Plum Creek 14 miles south of Oakley, bridge overlay. (State Funds)

**Trego**—70-98 KA-0537-01 — I-70 bridge at Exit 120, bridge overlay. (State Funds)

**Wallace**—40-100 KA-0538-01 — U.S. 40 bridge over the Union Pacific Railroad, 1 mile west of Wallace, bridge overlay. (State Funds)

**District Four — Southeast**

**Bourbon**—6 U-2070-01 — National Avenue over Mill Creek in Fort Scott, 0.1 mile, bridge construction. (Federal Funds)

**Cherokee**—166-11 K-9884-01 — U.S. 166, Spring River drainage bridge, 5.3 miles east of the junction of U.S. 69, bridge replacement. (Federal Funds)

**District**—106 KA-0808-01 — Various locations in District Four, 43.6 miles, milling. (State Funds)

**Elk**—25 C-4134-01 — County road 1.1 miles north of Busby, 0.1 miles, grading and bridge. (Federal Funds)

**Linn**—69-54 K-7892-01 — U.S. 69, 1 mile south of the new K-52 interchange north to 0.3 mile south of county route 1204, 6 miles, grading, bridge and surfacing. (Federal Funds)

**District Five — Southcentral**

**Comanche**—17 C-4035-01 — County road 4.9 miles north and 7.2 miles west of Coldwater, 0.2 mile, grading and bridge. (Federal Funds)

**District**—106 KA-0804-01 — Various locations in District 5 on U.S. 50, U.S. 54 and U.S. 77, 68 miles, milling. (State Funds)

**Harvey**—40 C-3976-01 — County road 6.5 miles east of Newton, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

**Pratt**—76 K-9680-01 — 30th Street from U.S. 281 east to K-61 in Pratt, 2.5 miles, grading and surfacing. (State Funds)

**Rice**—56-80 K-9797-01 — U.S. 56 and K-14/K-96 junction in Lyons, 0.1 mile, intersection improvement. (State Funds)

**Sedgwick**—87 N-0336-01 — Hydraulic Avenue bridge over Chisholm Creek Tributary in Park City, grading, bridge and surfacing. (Federal Funds)

**District Six — Southwest**

**District**—106 KA-0771-01 — Various locations in District Six, 93.9 miles, milling. (State 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. 033953



## State of Kansas

## Office of Judicial Administration

## Supreme Court Docket

(Note: Dates and times of arguments are subject to change)

Monday, January 29, 2007

9:00 a.m.

Case No. / Case Name	Attorneys	Jurisdiction
<b>95,468</b> Herbert Mooney and Enid Mooney, Appellants, v. City of Overland Park, Appellee.	Kurt S. Brack Timothy P. Orrick	Johnson
<b>95,095</b> State of Kansas, Appellee, v. Michael Walker, Appellant.	Phillip D. Kline, Atty. Gen. Boyd K. Isherwood, Asst. District Atty. Carl Maughan	Sedgwick
<b>95,890</b> State of Kansas, Appellee, v. Alfred J. Williams, Jr., Appellant.	Phillip D. Kline, Atty. Gen. Paul J. Morrison, District Atty. Michael J. Bartee	Johnson
<b>93,964</b> State of Kansas, Appellee, v. Ray F. Garcia, Appellant.	Phillip D. Kline, Atty. Gen. Matt J. Maloney, Asst. District Atty. Jean K. Gilles Phillips	Sedgwick
<b>1:30 p.m.</b>		
<b>94,162</b> State of Kansas, Appellee, v. Debora J. Green, Appellant.	Phillip D. Kline, Atty. Gen. Paul J. Morrison, District Atty. Angela Keck	Johnson
<b>93,489</b> State of Kansas, Appellee, v. Dewey A. Gaither, Appellant.	Phillip D. Kline, Atty. Gen. Boyd K. Isherwood, Asst. District Atty. Sarah Ellen Johnson, Capital Appellate Defender	Sedgwick
<b>94,295</b> State of Kansas, Appellee, v. Jeremy L. Hernandez, Appellant.	Phillip D. Kline, Atty. Gen. Kristafer Ailslieger, Asst. Atty. Gen. Sarah Ellen Johnson, Capital Appellate Defender	Montgomery

Tuesday, January 30, 2007

9:00 a.m.

Case No. / Case Name	Attorneys	Jurisdiction
<b>94,815</b> State of Kansas, Appellee, v. Joseph Dodds Morton, Appellant.	Phillip D. Kline, Atty. Gen. Jerome A. Gorman, District Atty. Ezra J. Ginzburg	Wyandotte
<b>95,445</b> Michael A. Farha, et al., Appellants, v. City of Wichita, Appellee.	Robert W. Coykendall Sharon L. Dickgrafe	Sedgwick
<b>95,649</b> State of Kansas, Appellee, v. Morgan Wade, Appellant.	Phillip D. Kline, Atty. Gen. Kristafer Ailslieger, Asst. Atty. Gen. James R. Pratt	Chautauqua
<b>93,973</b> State of Kansas, Appellee, v. Rafael L. Flores, Appellant.	Phillip D. Kline, Atty. Gen. John G. Sauer, County Atty. Morgan B. Koon	Ford

(continued)

## 1:30 p.m.

94,766  
Arthur Neil Warner, et al., Appellants,  
v.  
Robert Harry Stover, et al., Appellees.

Gary E. Laughlin  
Jack D. McInnes

Shawnee  
Petition for Review

94,634  
Howard Lane, Appellant,  
v.  
Atchison Heritage Conference Center, Inc., Appellee.

John J. Bengé  
Teresa L. Watson

Atchison  
Petition for Review

92,592  
State of Kansas, Appellee,  
v.  
Frederick Dean Walters, Appellant.

Phillip D. Kline, Atty. Gen.  
Jerome A. Gorman, District Atty.  
Michelle A. Davis, Kansas Appellate Defender

Wyandotte  
Petition for Review

94,244  
State of Kansas, Appellee,  
v.  
William Dale Albright, Appellant.

Phillip D. Kline, Atty Gen.  
Lee J. Davidson, Asst. Atty. Gen.  
Christopher L. Hughes

Kingman

## Wednesday, January 31, 2007

## 9:00 a.m.

Case No. / Case Name

Attorneys

Jurisdiction

93,940  
State of Kansas, Appellee,  
v.  
Lindon A. Allen, Appellant.

Phillip D. Kline, Atty. Gen.  
Jeffrey E. Evans, Asst. District Atty.  
Matthew J. Edge, Kansas Appellate Defender

Sedgwick

Petition for Review

94,334  
David Anderson, Appellee,  
v.  
Dillard's, Inc., et al., Appellants.

Sarah A. Brown  
Lynn S. McCreary

Johnson  
Petition for Review

93,670  
State of Kansas, Appellee,  
v.  
Nicholas McKissack, Appellant.

Phillip D. Kline, Atty. Gen.  
Boyd K. Isherwood, Asst. District Atty.  
Carl A. Folsom, III, Kansas Appellate Defender

Sedgwick  
Petition for Review

92,251  
State of Kansas, Appellee,  
v.  
Elroy D. Henderson, Appellant.

Phillip D. Kline, Atty. Gen.  
Charles L. Rutter, Asst. District Atty.  
Roger L. Falk

Sedgwick  
Petition for Review

## 1:30 p.m.

94,207  
Nathaniel L. Swenson, Appellant,  
v.  
State of Kansas, Appellee.

Michael P. Whalen  
Phillip D. Kline, Atty. Gen.  
Kristi L. Barton, Asst. District Atty.

Sedgwick  
Petition for Review

92,432  
Mark Weldon Kargus, Appellant,  
v.  
State of Kansas, Appellee.

Randall L. Hodgkinson,  
Kansas Appellate Defender  
Phillip D. Kline, Atty. Gen.  
Paul J. Morrison, District Atty.

Johnson  
Petition for Review

94,175  
State of Kansas, Appellee,  
v.  
Derek Flesher, Appellant.

Phillip D. Kline, Atty. Gen.  
Kristi L. Barton, Asst. District Atty.  
Mark T. Schoenhofer

Sedgwick  
Petition for Review

93,162  
State of Kansas, Appellee,  
v.  
Larry A. Poage, Jr., Appellant.

Phillip D. Kline, Atty. Gen.  
Paul J. Morrison, District Atty.  
Randall L. Hodgkinson, Kansas Appellate Defender

Johnson  
Petition for Review

Thursday, February 1, 2007

9:00 a.m.

Case No. / Case Name	Attorneys	Jurisdiction
95,225 Debra L. Miller, Secretary of Transportation for the State of Kansas, Appellant, v. Westgate, L.C., Appellee.	Eldon J. Shields Jane M. Eldredge	Douglas
97,520 In the Matter of Michael J. Waite, Respondent.	Frank D. Diehl, Deputy Discip. Admin. Michael J. Waite, Pro Se	Original
97,528 In the Matter of Thomas E. Gackle, Respondent.	Stanton A. Hazlett, Discip. Admin. Thomas E. Gackle, Pro Se	Original

**Summary Disposition of Sentencing Appeals — No Oral Argument  
Pursuant to Supreme Court Rule 7.041(a)**

96,055	State v. Alma Villa	96,594	State v. Burnell Carter
96,353	State v. Shawn Edward Sutton	96,741	State v. Bryan R. Kerbow
96,399	State v. Bryan K. Urie	96,755	State v. Gary White
96,529	State v. Twyla Adair	96,779	State v. Richard Dougherty

Carol G. Green  
Clerk of the Appellate Courts

Doc. No. 033970

**State of Kansas  
Persian Gulf War Health Initiative  
Advisory Board  
Notice of Meeting**

The Kansas Commission on Veteran’s Affairs will host a Persian Gulf War Health Initiative Advisory Board conference call at 9 a.m. Saturday, January 6, in Suite 701, Jayhawk Tower, 700 S.W. Jackson, Topeka. The public is invited to attend. For more information, call (785) 296-3976.

George Webb  
KCVA Executive Director

Doc. No. 033978

**State of Kansas  
Real Estate Appraisal Board  
Notice of Hearing on Proposed  
Administrative Regulations**

A public hearing will be conducted at 10 a.m. Thursday, March 8, in the lower level conference room at 1100 S.W. Wanamaker Road, Topeka, to consider the adoption of K.A.R. 117-3-2a and 117-4- 2a. The proposed regulation amendments are for adoption on a permanent basis.

This 60-day notice of public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to the Kansas Real Estate Appraisal Board, 1100 S.W. Wanamaker Road, Suite 104, Topeka, 66604. 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 each participant to 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 Sally Pritchett at (785) 271-3373 or [cheryl.magathan@kreab.ks.gov](mailto:cheryl.magathan@kreab.ks.gov).

Copies of the regulations and the economic impact statement may be obtained by contacting the Kansas Real Estate Appraisal Board at (785) 271-3373, fax at (785) 271-3370 or e-mail at [cheryl.magathan@kreab.ks.gov](mailto:cheryl.magathan@kreab.ks.gov), or from the board’s Web site at <http://www.kansas.gov/kreab> (click on Regulations & Statutes). A summary of the proposed amendments to the regulations and the economic impact follows:

**117-3-2a. General classification; experience supervision requirements.** This regulation is being amended to allow licensed/certified appraisers to use past experience, within their scope of practice, without supervision. There will be no economic impact to the Kansas Real Estate Appraisal Board, appraisers, other state agencies or the public.

**117-4-2a. Residential classification; experience supervision requirements.** This regulation is being amended to allow licensed appraisers to use past experience, within their scope of practice, without supervision. There will be no economic impact to the Kansas Real Estate Appraisal Board, appraisers, other state agencies or the public.

Sally Pritchett  
Executive Director

Doc. No. 033975

## State of Kansas

## Department of Commerce

## Notice to Private Activity Bond Applicants

Applications for allocation of 2007 Private Activity Bond (PAB) authority are now being accepted for qualified uses, as defined by the Internal Revenue Code of 1986, and amendments thereto.

The state of Kansas is projected to receive \$256,235,000 of federal authority for the issuance of PABs in calendar year 2007. Historically, the primary uses of this federal authority have included "qualified small issue bonds" used for construction and equipping of manufacturing facilities and beginning farmer programs; "exempt facility bonds" used by for-profit entities providing a public benefit, i.e., certain waste treatment facilities, qualified residential rental facilities, etc.; and "qualified mortgage bonds" issued to benefit first-time homebuyers. Allocations awarded by the Secretary of Commerce are subject to the provisions of K.S.A. 74-5060 et seq. and the limitations of the state volume cap.

Fees associated with PAB application and issuance are as follows:

(1) Application fee—A nonrefundable fee must accompany the application before the request can be processed. The application fee is determined as follows:

- \$250 for allocation requests up to \$5,000,000
- \$500 for allocation requests from \$5,000,001 to \$10,000,000
- \$1,000 for allocation requests from \$10,000,001 and above

(2) Issuance fee—An issuance fee for allocation amounts utilized, other than "qualified mortgage bonds" issued, shall be due and payable to the Kansas Department of Commerce at bond closing. Issuance fees shall be determined as follows:

Allocation Used	Fee
To \$2,000,000	5 basis points (.05%)
\$2,000,001 and above	10 basis points (.10%)

"Qualified Mortgage Bond" programs will be assessed a fee, upon issuance of each mortgage loan assisted through the program, equal to .5% of the PAB allocation used.

Issuance fees shall be remitted within 30 days of bond closing. Checks for both the application and issuance fees for nonhousing issues should be made payable to the Kansas Department of Commerce Bond Fee Fund. Checks for the issuance fees for housing activities should be made payable to the State Housing Trust Fund.

For more information or to obtain application materials, contact Cary Catchpole or Steve Kelly, Kansas Department of Commerce, 1000 S.W. Jackson, Suite 100, Topeka, 66612-1354, (785) 296-5298 or TTY (785) 296-3487.

Howard R. Fricke  
Secretary of Commerce

Doc. No. 033968

## 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) 296-2376:

01/09/2007	10054	Construct Challenge Course
01/16/2007	10059	Furnish and Install Fire Sprinkler System
01/17/2007	10058	Aggregate Rip Rap (Cheney State Park)
01/17/2007	10070	Utility Truck Bodies
01/18/2007	10040	Furnish Set Electronic Keyboard Lab

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

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

Contractors wishing to bid on the projects listed below must be prequalified. Information regarding prequalification, projects and bid documents may be obtained by calling (785) 296-8899 or by visiting [www.da.ks.gov/fp/](http://www.da.ks.gov/fp/):

01/18/2007	A-010338	Metal Roof Retrofit—Dorm 1—Hutchinson Correctional Facility
01/30/2007	A-010101	Wetlands Education Center, Cheyenne Bottoms—Department of Wildlife and Parks
01/30/2007	A-010299	Service Buildings Windows Replacement—Fort Hays State University

Chris Howe  
Director of Purchases

Doc. No. 033986

## State of Kansas

## Board of Emergency Medical Services

Temporary Administrative  
Regulations

## Article 8.—EXAMINATIONS

**109-8-1. Examinations.** (a) First responder. (1) Before January 1, 2007, the written certification examination for first responders shall be the national registry of emergency medical technicians examination for first responders. On and after January 1, 2007, the written certification examination shall be the examination prepared by industrial organizational solutions, inc. for first responders. Each candidate shall be required to obtain a score of at least 70 percent on the written examination and shall be allowed two opportunities to retest after the first unsuccessful attempt during the period of eligibility specified in K.S.A. 65-6129 and amendments thereto.

(2) Each candidate shall demonstrate competency in the skills required of first responders by successfully completing a practical skills examination. Each candidate

shall be allowed three opportunities to retake any portion of the practical skills examination after the first unsuccessful attempt during the period of eligibility specified in K.S.A. 65-6129 and amendments thereto.

(b) Emergency medical technician.

(1) Before January 1, 2007, the written certification examination for emergency medical technicians shall be the national registry of emergency medical technicians examination for basic emergency medical technicians. On and after January 1, 2007, the written certification examination shall be the examination prepared by industrial organizational solutions, inc. for emergency medical technicians-basic. Each candidate shall be required to obtain a score of at least 70 percent on the written examination and shall be allowed three opportunities to retest after the first unsuccessful attempt during the period of eligibility specified in K.S.A. 65-6129 and amendments thereto. A candidate who fails after three attempts shall not be eligible to retest until the candidate successfully completes an EMT-basic refresher course approved by the board.

(2) Each candidate shall demonstrate competency in the skills required of emergency medical technicians by successfully completing a practical skills examination. Each candidate shall be allowed three opportunities to retake any portion of the practical skills examination after the first unsuccessful attempt during the period of eligibility specified in K.S.A. 65-6129 and amendments thereto.

(c) Emergency medical technician-intermediate.

(1) Before January 1, 2007, the written certification examination for emergency medical technicians-intermediate shall be the examination approved by the board on June 6, 2003. On and after January 1, 2007, the written certification examination shall be the examination prepared by industrial organizational solutions, inc. for emergency medical technicians-intermediate. Each candidate shall be required to obtain a score of at least 70 percent on the written examination and shall be allowed three opportunities to retest after the first unsuccessful attempt during the period of eligibility specified in K.S.A. 65-6129 and amendments thereto. A candidate who fails after three attempts shall not be eligible to retest until the candidate successfully completes an EMT-intermediate refresher course approved by the board.

(2) Each candidate shall demonstrate competency in the skills required of emergency medical technicians-intermediate by successfully completing a practical skills examination. Each candidate shall be allowed three opportunities to retake any portion of the practical skills examination after the first unsuccessful attempt during the period of eligibility specified in K.S.A. 65-6129 and amendments thereto.

(d) Mobile intensive care technician.

(1) The written certification examination for mobile intensive care technicians shall be the national registry of emergency medical technicians paramedic examination. Each candidate shall be required to obtain at least the minimum score prescribed by the national registry of emergency medical technicians. Any candidate may retake the examination the maximum allowable number of times pursuant to the policy of the national registry of emergency medical technicians during the period of eli-

gibility specified in K.S.A. 65-6129 and amendments thereto.

(2) Each candidate shall demonstrate competency in the skills required of mobile intensive care technicians according to the criteria of the national registry of emergency medical technicians. Each candidate shall be allowed to retake any portion of the practical skills examination the maximum allowable number of times pursuant to the policy of the national registry of emergency medical technicians during the period of eligibility specified in K.S.A. 65-6129 and amendments thereto.

(e) Instructor-coordinator. The written certification examination for instructor-coordinators shall be the examination approved by the board. Each candidate shall be required to obtain a score of at least 70 percent and shall be allowed two opportunities to retest after the first unsuccessful attempt during the period of eligibility specified in K.S.A. 65-6129b and amendments thereto.

(f) Training officer I. The written certification examination for each training officer I shall be the examination approved by the board. Each candidate shall be required to obtain a score of at least 70 percent and shall be allowed two opportunities to retest after the first unsuccessful attempt.

(g) Training officer II. The written certification examination for each training officer II shall be the examination approved by the board. Each candidate shall be required to obtain a score of at least 70 percent and shall be allowed two opportunities to retest after the first unsuccessful attempt.

(h) Before taking any of the examinations required in this regulation, the candidate shall provide the board with a copy of the candidate's cardiopulmonary skills validation card that meets all of the following requirements:

(1) Documents the candidate's competence in the following areas:

(A) Adult, child, and infant cardiopulmonary resuscitation;

(B) clearing a foreign body airway obstruction in a conscious and in an unconscious adult, child, and infant; and

(C) automated external defibrillation (AED) on an adult and child;

(2) is issued by a national provider of training approved by the board for cardiopulmonary resuscitation or clearing foreign body airway obstructions; and

(3) contains the names of the candidate and the instructor for the national provider of training.

(i) Any examination for certification may be modified by the board in order to field-test proposed changes in either the written or practical skills examination. (Authorized by K.S.A. 65-6110 and 65-6111; implementing K.S.A. 65-6111, 65-6129, and 65-6129b, and 65-6129c; effective, T-109-1-19-89, Jan. 19, 1989; effective July 17, 1989; amended Aug. 27, 1990; amended Feb. 3, 1992; amended Dec. 19, 1994; amended Jan. 5, 1996; amended Nov. 8, 1996; amended May 16, 1997; amended, T-109-12-27-06, Dec. 27, 2006.)

Robert Waller  
Administrator

Doc. No. 033980

## 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
Jan. 5	End of Life Decisions	9:30 a.m.	Room 259
Jan. 12	Commission on Judicial Performance	9:30 a.m.	Room 259
Jan. 12	Legal Forms	9:30 a.m.	Room 269
Jan. 19	Administrative Procedure	9:30 a.m.	Room 269
Jan. 19	Pattern Instructions for Kansas - Civil	9:30 a.m.	Room 259
Jan. 26	Juvenile Offender/Child in Need of Care	9:30 a.m.	Room 259
Jan. 26	Family Law	9:30 a.m.	Room 269
Feb. 9	Kansas Commission on Judicial Performance	9:30 a.m.	Room 259
Feb. 9	Legal Forms	9:30 a.m.	Room 269
Feb. 16	Probate Law	9:30 a.m.	Room 259
Feb. 16	Administrative Procedure	9:30 a.m.	Room 337
Feb. 16	Pattern Instructions for Kansas - Civil	9:30 a.m.	Room 269
Feb. 23	Juvenile Offender/Child in Need of Care	9:30 a.m.	Room 259

Hon. Donald L. Allegrucci  
Chair

Doc. No. 033969

## State of Kansas

Department of Revenue  
Division of Property ValuationPermanent Administrative  
RegulationsArticle 7.—MACHINERY AND EQUIPMENT  
EXEMPTION

**93-7-1. Definitions.** (a) "Bona fide transaction" shall mean a purchase, sale, or lease of commercial and industrial machinery and equipment that is made in good faith and without fraud or deceit.

(b) "Fair and valuable consideration" shall mean an amount of consideration that is not disproportionately small in comparison with the value of the commercial and industrial machinery and equipment acquired. This term shall not be considered synonymous with "fair market value," as defined in K.S.A. 79-503a and amendments thereto, but shall mean an amount that is more than nominal consideration. (Authorized by and implementing L. 2006, Ch. 205, §1; effective Jan. 19, 2007.)

**93-7-2. Transfer of title presumption.** If commercial and industrial machinery and equipment were physically transferred to a taxpayer before July 1, 2006, the presumption shall be that the title was transferred to the taxpayer before July 1, 2006. This presumption may be rebutted by clear and convincing evidence that the title was passed to the taxpayer after June 30, 2006. (Authorized

by and implementing L. 2006, Ch. 205, §1; effective Jan. 19, 2007.)

**93-7-3. Possession and use presumption.** If commercial and industrial machinery and equipment were physically transferred by a lease agreement to a taxpayer before July 1, 2006, the presumption shall be that the right to use the machinery and equipment was transferred to the taxpayer before July 1, 2006. This presumption may be rebutted by clear and convincing evidence that the right to use the commercial and industrial machinery and equipment was passed to the taxpayer after June 30, 2006. (Authorized by and implementing L. 2006, Ch. 205, §1; effective Jan. 19, 2007.)

Article 8.—TELECOMMUNICATIONS MACHINERY  
AND EQUIPMENT AND RAILROAD MACHINERY  
AND EQUIPMENT EXEMPTION

**93-8-1. Definitions.** (a) "Bona fide transaction" shall mean a purchase, sale, or lease of telecommunications machinery and equipment or railroad machinery and equipment that is made in good faith and without fraud or deceit.

(b) "Fair and valuable consideration" shall mean an amount of consideration that is not disproportionately small in comparison with the value of the telecommunications machinery and equipment or railroad machinery and equipment acquired. This term shall not be considered synonymous with "fair market value," as defined in K.S.A. 79-503a and amendments thereto, but shall mean an amount that is more than nominal consideration. (Authorized by and implementing L. 2006, Ch. 205, §3; effective Jan. 19, 2007.)

**93-8-2. Transfer of title presumption.** If telecommunications machinery and equipment or railroad machinery and equipment were physically transferred to a taxpayer before July 1, 2006, the presumption shall be that the title was transferred to the taxpayer before July 1, 2006. This presumption may be rebutted by clear and convincing evidence that the title was passed to the taxpayer after June 30, 2006. (Authorized by and implementing L. 2006, Ch. 205, §3; effective Jan. 19, 2007.)

**93-8-3. Possession and use presumption.** If telecommunications machinery and equipment or railroad machinery and equipment were physically transferred by a lease agreement to a taxpayer before July 1, 2006, the presumption shall be that the right to use the machinery and equipment was transferred to the taxpayer before July 1, 2006. This presumption may be rebutted by clear and convincing evidence that the right to use the machinery and equipment was passed to the taxpayer after June 30, 2006. (Authorized by and implementing L. 2006, Ch. 205, §3; effective Jan. 19, 2007.)

Joan Wagnon  
Secretary of Revenue

Doc. No. 033972

## State of Kansas

## Secretary of State

Temporary Administrative  
RegulationsArticle 44.—ADDRESS CONFIDENTIALITY  
PROGRAM

**7-44-1. Definitions.** As used in this article, the following terms shall have the meanings specified in this regulation:

(a) "Chief law enforcement officer" means the official head of a federal, state, or local law enforcement agency.

(b) "Commercial package" means a box or other container shipped from a merchant to a program participant.

(c) "Enrolling assistant" means an individual who processes address confidentiality program applications on behalf of an enrolling agent.

(d) "Law enforcement agency" means the federal bureau of investigation, the office of the Kansas attorney general, the Kansas bureau of investigation, or any Kansas police department or sheriff's department.

(e) "Local agency" means any department, board, commission, officer, court, or authority of a county, city, township, school district, or other tax-supported governmental subdivision of the state.

(f) "Official government mail" means mail sent from the federal government, a state or local agency or court, or any other tax-supported governmental subdivision.

(g) "State agency" means any state district court or any department, board, commission, or authority of the executive branch of state government. (Authorized by and implementing L. 2006, Ch. 213, Sec. 6; effective, T-7-12-27-06, Jan. 1, 2007.)

**7-44-2. Enrolling agent registration.** (a) Each enrolling agent, as defined in L. 2006, Ch. 213, Sec. 2 and amendments thereto, shall register with the secretary of state by providing the following information on a form prescribed by the secretary of state:

(1) The name of the state agency or local agency, law enforcement office, nonprofit agency, or other person that will serve as the enrolling agent;

(2) the names of the enrolling assistants who work or volunteer for the enrolling agent;

(3) the address and other contact information for the enrolling agent and, if different, for each enrolling assistant;

(4) a statement that program applications and copies of these applications will not be kept by the enrolling agent;

(5) a statement that any information collected, maintained, or shared in the address confidentiality program will remain confidential; and

(6) the signature of the enrolling agent under penalty of perjury asserting that all information on the registration form is true.

(b) If any information on the registration form changes, the enrolling agent shall provide the corrected information to the secretary of state within 30 days of the change.

(c) The registration of any enrolling agent may be revoked by the secretary of state for failure to meet the requirements of any statute or regulation pertaining to

the address confidentiality program. (Authorized by L. 2006, Ch. 213, Sec. 6; implementing L. 2006, Ch. 213, Sec. 8; effective, T-7-12-27-06, Jan. 1, 2007.)

**7-44-3. Enrolling assistant training.** Each enrolling assistant identified on an enrolling agent's registration shall complete the training provided by the secretary of state within 60 days of the filing date of the enrolling agent's registration. Any enrolling assistant may be required to obtain additional training as prescribed by the secretary of state to administer the address confidentiality program. (Authorized by L. 2006, Ch. 213, Sec. 6; implementing L. 2006, Ch. 213, Sec. 8; effective, T-7-12-27-06, Jan. 1, 2007.)

**7-44-4. Information released to law enforcement agencies.** (a) Each law enforcement agency seeking the release of any record or information in a program participant's file shall submit a written request on the agency's letterhead. Each request shall include the following:

(1) The date of the request;

(2) the specific record or information requested;

(3) the name of the program participant; and

(4) the signature of the agency's chief law enforcement officer.

(b) After verification by the secretary of state with the agency's chief law enforcement officer that the request received is a bona fide request from the chief law enforcement officer, the record or information requested shall be released by the secretary of state to the chief law enforcement officer or that person's designee. (Authorized by L. 2006, Ch. 213, Sec. 6 and Sec. 7; implementing L. 2006, Ch. 213, Sec. 7; effective, T-7-12-27-06, Jan. 1, 2007.)

**7-44-5. Forwardable mail.** The mail forwarded by the secretary of state to each program participant, as defined in L. 2006, Ch. 213, Sec. 2 and amendments thereto, shall include first-class mail pursuant to L. 2006, Ch. 213, Sec. 5(c), and amendments thereto, and all official government mail. Commercial packages shall not be forwarded by the secretary of state to any program participant, unless the secretary of state approves the forwarding of this mail for good cause. (Authorized by L. 2006, Ch. 213, Sec. 5 and Sec. 6; implementing L. 2006, Ch. 213, Sec. 5; effective, T-7-12-27-06, Jan. 1, 2007.)

**7-44-6. Renewal of certification.** Any program participant may renew the participant's program certification for an additional four years by filing an application with the secretary of state through an enrolling agent pursuant to L. 2006, Ch. 213, Sec. 3, and amendments thereto, within 30 days before the date on which the program certification will expire. (Authorized by and implementing L. 2006, Ch. 213, Sec. 3; effective, T-7-12-27-06, Jan. 1, 2007.)

**7-44-7. Voting process.** (a) When initially processing an application for participation in the address confidentiality program, each enrolling assistant shall offer a voter registration form to the applicant. If the applicant chooses to complete the voter registration form, the enrolling agent shall forward the form to the secretary of state with the address confidentiality program application.

(continued)

(b) Each voter registration form shall be reviewed by the secretary of state. If the applicant is approved as a program participant and the applicant's voter registration is approved, the applicant shall be added as a permanent advance voter to a database that is separate from the centralized voter registration system. If the applicant is not approved as a program participant, the applicant shall be contacted by the secretary of state in order to determine whether the applicant's voter registration should be processed and entered into the centralized voter registration database.

(c) Advance ballots for all elections in which each program participant may lawfully participate shall be sent from the secretary of state to the program participant. County election officials shall provide the correct ballot to the secretary of state for program participants.

(d) Each program participant shall return that participant's voted ballot to the secretary of state, who shall determine whether the ballot was lawfully cast and entitled to be canvassed. The ballot shall be forwarded by the secretary of state to the county election official with notice as to whether the ballot is legally entitled to be canvassed.

(e) Each program participant's confidential address and right to a secret ballot shall be preserved throughout the voting process.

(f) If the program participant's certification in the program expires and the participant does not renew the certification, the participant shall be notified by the secretary of state that the participant's voter registration record will be moved to the centralized voter registration database on the thirty-first day after the program certification expires. If a program participant cancels that participant's voter registration before the deadline specified in this subsection, the participant's voter registration shall not be transferred to the centralized voter registration database. (Authorized by and implementing L. 2006, Ch. 213, Sec. 6; effective, T-7-12-27-06, Jan. 1, 2007.)

Ron Thornburgh  
Secretary of State

Doc. No. 033979

## State of Kansas

### State Corporation Commission

#### Permanent Administrative Regulations

#### Article 14.—KANSAS UNDERGROUND UTILITY DAMAGE PREVENTION ACT

**82-14-1. Definitions.** The following terms as used in the administration and enforcement of the Kansas underground utility damage prevention act, K.S.A. 66-1801 et seq. and amendments thereto, shall be defined as specified in this regulation.

(a) "Backreaming" means the process of enlarging the diameter of a bore by pulling a specially designed tool through the bore from the bore exit point back to the bore entry point.

(b) "Commission" means the state corporation commission of Kansas.

(c) "Drill head" means the mechanical device connected to the drill pipe that is used to initiate the excavation in a directional boring operation. This term is sometimes referred to as the drill bit.

(d) "Excavation scheduled start date" means the start date stated in the notice of intent of excavation filed by the excavator pursuant to K.S.A. 66-1804(d) and amendments thereto.

(e) "Excavation site" means the area where excavation is to occur.

(f) "Locate ball" means an electronic marker device that is buried with the facility and is used to enhance signal reflection to a facility detection device.

(g) "Meet on site" means a meeting between an operator and an excavator that occurs at the excavation site in order for the excavator to provide an accurate description of the excavation site.

(h) "Notice of intent of excavation" means the written notification required by K.S.A. 66-1804 and amendments thereto.

(i) "Pullback operation" means the installation of facilities in a directional bore by pulling the facility from the bore exit point back to the bore entry point.

(j) "Pullback device" means the apparatus used to connect drilling tools to the facility being installed in a directional bore.

(k) "Reasonable care" means the precautions taken by an excavator to conduct an excavation in a careful and prudent manner. Reasonable care shall include the following:

(1) Providing for proper support and backfill around all existing underground facilities;

(2) using nonintrusive means, as necessary, to expose the existing facility in order to visually determine that there will be no conflict between the facility and the proposed excavation path when the path is within the tolerance zone of the existing facility;

(3) exposing the existing facility at intervals as often as necessary to avoid damage when the proposed excavation path is parallel to and within the tolerance zone of an existing facility; and

(4) maintaining the visibility of the markings that indicate the location of underground utilities throughout the excavation period.

(l) "Trenchless excavation" means any excavation performed in a manner that does not allow the excavator to visually observe the placement of the new facility. This term shall include underground boring, tunneling, horizontal auguring, directional drilling, plowing, and geoprobing. (Authorized by and implementing L. 2006, ch. 26, sec. 1; effective Jan. 19, 2007.)

**82-14-2. Excavator requirements.** In addition to the provisions of K.S.A. 66-1804, K.S.A. 66-1807, K.S.A. 66-1809, and K.S.A. 66-1810 and amendments thereto, the following requirements shall apply to each excavator:

(a) Unless all facilities notified by the notification center have provided a response to the excavator, excavation shall not begin at any excavation site before the excavation scheduled start date.

(b) If a meet on site is requested by the excavator, the excavation scheduled start date shall be no earlier than



the fifth working day after the date on which the notice of intent of excavation was given to the notification center.

(c) Each notice of intent of excavation shall include the name and telephone number of the individual who will be representing the excavator at the excavation site.

(d) Each description of the excavation site shall include the following:

(1) The street address, if available, and the specific location of the proposed excavation site at the street address; and

(2) an accurate description of the proposed excavation site using any available designations, including the closest street, road, or intersection, and any additional information requested by the notification center.

(e) If the excavation site is outside the boundaries of any city or if a street address is not available, the description of the excavation site shall include one of the following:

(1) An accurate description of the excavation site using any available designations, including driving directions from the closest named street, road, or intersection;

(2) the specific legal description, including the quarter section; or

(3) the longitude and latitude coordinates.

(f) An excavator shall not claim preengineered project status, as defined in K.S.A. 66-1802 and amendments thereto, unless the public agency responsible for the project performed the following before allowing excavation:

(1) Identified all operators that have underground facilities located within the excavation site;

(2) requested that the operators specified in paragraph (f)(1) verify the location of their underground facilities, if any, within the excavation site;

(3) required the location of all known underground facilities to be noted on updated engineering drawings as specifications for the project;

(4) notified all operators that have underground facilities located within the excavation site of the project of any changes to the engineering drawings that could affect the safety of existing facilities; and

(5) complied with the requirements of K.S.A. 66-1804(a), and amendments thereto.

(g) If an excavator wishes to conduct an excavation as a permitted project, as defined in K.S.A. 66-1802 and amendments thereto, the permit obtained by the excavator shall have been issued by a federal, state, or municipal governmental entity and shall have been issued contingent on the excavator's having met the following requirements:

(1) Notified all operators with facilities in the vicinity of the excavation of the intent to excavate as a permitted project;

(2) visually verified the presence of the facility markings at the excavation site; and

(3) complied with the requirements of K.S.A. 66-1804(a) and amendments thereto.

(h) If the excavator requests a meet on site as part of the description of the proposed excavation site given to the notification center, the excavator shall document the meet on site and any subsequent meetings regarding facility locations with a record noting the name and com-

pany affiliation for the representative of the excavator and the representative of the operator that attend the meeting. The excavator shall keep this record for at least three years. This documentation shall include the following:

(1) Verification that the description of the excavation site is understood by both parties;

(2) the agreed-upon excavation scheduled start date;

(3) the date and time of the meet on site; and

(4) the name and company affiliation of each attendee of the meet on site.

(i) Each excavator using trenchless excavation techniques shall develop and implement operating guidelines for trenchless excavation techniques. At a minimum, the guidelines shall require the following:

(1) Training in the requirements of the Kansas underground utility damage prevention act;

(2) training in the use of nonintrusive methods of excavation used if there is an indication of a conflict between the tolerance zone of an existing facility and the proposed excavation path;

(3) calibration procedures for the locator and sonde if this equipment is used by the excavator;

(4) recordkeeping procedures for measurements taken while boring;

(5) training in the necessary precautions to be taken in monitoring a horizontal drilling tool when backreaming or performing a pullback operation that crosses within the tolerance zone of an existing facility;

(6) training in the maintenance of appropriate clearance from existing facilities during the excavation operation and during the placement of new underground facilities;

(7) for horizontal directional drilling operations, a requirement to visually check the drill head and pullback device as they pass through potholes, entrances, and exit pits; and

(8) emergency procedures for unplanned utility strikes.

(j) If any contact with or damage to any underground facility or the facility's associated tracer wire or locate ball occurs, the excavator shall immediately inform the operator. (Authorized by L. 2006, ch. 26, sec. 1; implementing K.S.A. 66-1803 and K.S.A. 66-1809; effective Jan. 19, 2007.)

**82-14-3. Operator requirements.** In addition to the provisions of K.S.A. 66-1806, K.S.A. 66-1807, and K.S.A. 66-1810 and amendments thereto, the requirements specified in this regulation shall apply to each operator.

(a) Each operator shall perform the following:

(1) File and maintain maps of the operator's underground facilities or a map showing the operator's service area with the notification center; and

(2) file and maintain, with the notification center, the operator's telephone contact number that can be accessed on a 24-hour-per-day basis.

(b) Except in cases of emergencies or separate agreements between the parties, each operator shall perform one of the following, within the two working days before the excavation scheduled start date assigned by the notification center:

(1) Inform the excavator of the location of the operator's underground facilities in the area described in the notice of intent of excavation; or

(continued)

(2) notify the excavator that the operator has no facilities in the area described in the notice of intent of excavation.

(c) The requirement to inform the excavator of the facility location shall be met by marking the location of the operator's facility and identifying the name of the operator with flags, paint, or any other method by which the location of the facility is marked in a clearly visible manner.

(d) In marking the location of its facilities, each operator shall use safety colors substantially similar to three of the colors specified in the American national standards institute standard no. Z535.1-2002, "American national standard for safety color code," not including annex A, dated July 25, 2002 and hereby adopted by reference, according to the following table:

Facility Type	Color
Electric power distribution lines and transmission lines	Safety red
Gas distribution and transmission lines, hazardous liquid distribution and transmission lines	Safety yellow
Telephone, telegraph, and fiber optic system lines; cable television lines; alarm lines; and signal lines	Safety orange

(e) If the facility has any outside dimension that is eight inches or larger, the operator shall mark its facility so that the outside dimensions of the facility can be easily determined by the excavator.

(f) If the facility has any outside dimension that is smaller than eight inches, the operator shall mark its facility so that the location of the facility can be easily determined by the excavator.

(g) The requirement to notify the excavator that the operator has no facilities in the area described in the notice of intent of excavation shall be met by performing one of the following:

(1) Marking the excavation site in a manner indicating that the operator has no facilities at that site; or

(2) contacting the excavator by telephone, facsimile, or any other means of communication. Two documented attempts by the operator to reach an excavator by telephone during normal business hours shall constitute compliance with this paragraph.

(h) If the notice of intent of excavation contains a request for a meet on site, the operator shall meet with the excavator at a mutually agreed-upon time within two working days after the day on which the notice of intent of excavation was given.

(i) After attending a meet on site, the operator shall inform the excavator of the tolerance zone of the operator's facilities in the area of the planned excavation within two working days before the excavation scheduled start date that was agreed to at the meet on site.

(j) Any operator may request that the excavator white-line the proposed excavation site only if the description of the excavation site as required by K.A.R. 82-14-2(d) or (e) does not provide an accurate description of the excavation site.

(k) If the operator requests that the excavator whiten the excavation site, the operator shall have two working

days after the whitelining is completed to provide the location of the tolerance zone.

(l) If the operator requests that the excavator use whitelining at the excavation site, the operator shall document the whitelining request and any subsequent meetings regarding the facility location for that excavation site. The operator shall maintain records of the whitelining documentation for six months after the excavation scheduled start date. The documentation shall include the following:

(1) A record signed by the operator stating the name of the excavator contacted for the request for whitelining;

(2) verification that both parties understand the description of the excavation site;

(3) the agreed-upon excavation scheduled start date;

(4) the date and time of the request for whitelining; and

(5) the name and company affiliation of each person contacted about the request for whitelining.

(m) Each operator that received more than 2,000 requests for facility locations in the preceding calendar year shall file a damage summary report at least semiannually with the Kansas corporation commission. The report shall include information on each incident of facility damage resulting from excavation activity that was discovered by the operator during that period. For each incident, at a minimum the following data, if known, shall be included in the report:

(1) The type of operator;

(2) the type of excavator;

(3) the type of excavation equipment;

(4) the city or county, or both, in which the damage occurred;

(5) the type of facility that was damaged;

(6) the date of damage, specifying the month and year;

(7) the type of locator;

(8) the existence of a valid notice of intent of excavation; and

(9) the primary cause of the damage.

(n) The damage summary report for the first six months of the calendar year shall be due on or before August 1 of the same calendar year. The damage summary report for the last six months of the calendar year shall be due on or before February 1 of the next calendar year. No semiannual report shall be due for a period if any portion of the period falls within the six months immediately following the effective date of this regulation. (Authorized by L. 2006, ch. 26, sec. 1; implementing K.S.A. 66-1806; effective Jan. 19, 2007.)

**82-14-4. Notification center requirements.** In addition to the provisions of K.S.A. 66-1805 and amendments thereto, the executive director of the notification center shall ensure that the following requirements are met:

(a) Notice shall be provided to each affected operator of any excavation site for which the location has been requested pursuant to K.S.A. 66-1804(d), and amendments thereto, and K.A.R. 82-14-2 (d) or (e) if the affected operator is a member of the notification center and has facilities recorded with the notification center in the area of the proposed excavation site.

(b) A record of receipts for each notice of intent of excavation shall be maintained for four years, including an

audio record of each notice of intent of excavation and a written or electronic version of the notification sent to each operator that is a member.

(c) A copy of the record documenting the notice of intent of excavation shall be provided to the commission or to the person giving the notice of intent of excavation, upon request.

(d) A quality control program shall be established and maintained. The program shall ensure that the employees receiving and recording the notices of intent of excavation are adequately trained. (Authorized by L. 2006, ch. 26, sec. 1; implementing K.S.A. 66-1805; effective Jan. 19, 2007.)

**82-14-5. Violation of act; enforcement procedures.**

(a) After investigation, if the commission staff believes that there has been a violation or violations of K.S.A. 66-1801 et seq. and amendments thereto or any regulation or commission order issued pursuant to the Kansas underground utility damage prevention act and the commission staff determines that penalties or remedial action is necessary to correct the violation or violations, the commission staff shall serve a notice of probable noncompliance on the person or persons against whom a violation is alleged. Service may be made by registered mail or hand delivery.

(b) Any notice of probable noncompliance issued under this regulation may include the following:

(1) A statement of the provisions of the statutes, regulations, or commission orders that the respondent is alleged to have violated and a statement of the evidence upon which the allegations are based;

(2) a copy of this regulation; and

(3) any proposed remedial action requested by the commission staff.

(c) Within 30 days of receipt of a notice of probable noncompliance, the recipient shall respond by mail in at least one of the following ways:

(1) Submit written explanations, a statement of general denial, or other materials contesting the allegations;

(2) submit a signed agreement to the terms of the non-compliance findings; or

(3) submit a signed acceptance of any remedial action proposed by the commission staff in the notice of non-compliance, if the respondent agrees to undertake the remedial action.

(d) The commission staff may amend a notice of probable noncompliance at any time before issuance of a show cause order. If an amendment includes any new material allegations of fact or if the staff proposes an increased civil penalty amount or additional remedial action, the respondent shall have 30 days from service of the amendment to respond.

(e) Unless good cause is shown or a consent agreement is executed by the commission staff and the respondent before the expiration of the 30-day time limit, the failure of a party to mail a timely response to a notice of probable noncompliance shall constitute an admission to all factual allegations made by the commission staff and may be used against the respondent in a show cause proceeding.

(f) At any time before an order is issued assessing penalties or requiring remedial action or before a hearing, the

commission staff and the respondent may agree to dispose of the case by joint execution of a consent agreement. The consent agreement may allow for a smaller penalty than otherwise required. The consent agreement may also allow for nonmonetary remedial penalties. Upon joint execution, the consent agreement shall become effective when the commission issues an order approving the consent agreement.

(g) Each consent agreement shall include the following:

(1) An admission by the respondent of all jurisdictional facts;

(2) an express waiver of any further procedural steps and of the right to seek judicial review or otherwise challenge or contest the validity of the commission's show cause order;

(3) an acknowledgment that the notice of probable non-compliance may be used to construe the terms of the order approving the consent agreement; and

(4) a statement of the actions required of the respondent and the time by which the actions shall be completed.

(h) If any violation resulting in a notice of probable noncompliance is not settled with a consent agreement, a show cause proceeding may be initiated by the commission no sooner than 30 days after the respondent has been served with a notice of probable noncompliance.

(i) The respondent shall respond to a show cause order within 30 days of service of the order by filing an answer with the commission conforming to the requirements of K.A.R. 82-1-218 and K.A.R. 82-1-219. The respondent's failure to respond within 30 days shall be considered an admission of noncompliance, unless good cause is shown.

(j) The respondent may request a hearing to challenge the allegations set forth in the show cause order by filing a motion with the commission within 30 days of the issuance of a show cause order.

(k) An order may be issued by the commission to open a formal investigation docket regarding any potential noncompliance with the Kansas underground utility damage prevention act, and amendments thereto, or any regulations or orders pursuant to that act. If the commission finds evidence that any party to the investigation docket was not in compliance, a show cause order may be issued by the commission. If a show cause order is issued during the course of a formal investigation, the staff shall not be required to issue a notice of probable noncompliance. (Authorized by K.S.A. 66-106 and K.S.A. 66-1812; implementing K.S.A. 66-1812; effective Jan. 19, 2007.)

Susan K. Duffy  
Executive Director

Doc. No. 033971

## State of Kansas

## Office of the Securities Commissioner

Permanent Administrative  
Regulations

## Article 1.—DEFINITIONS OF TERMS

**81-1-1. Definition of terms.** As used in the act, these regulations, and the forms, instructions, and orders of the administrator, the following terms shall have the meaning set forth in this regulation, unless the context indicates otherwise.

(a) "The act" means the Kansas uniform securities act, K.S.A. 17-12a101 et seq., and amendments thereto.

(b) "Administrator" means the securities commissioner of Kansas, appointed pursuant to K.S.A. 75-6301 and amendments thereto, or the commissioner's designee.

(c) "Affiliate" means a person who directly or indirectly controls, is controlled by, or is under common control with another person, or who aids and abets or is aided and abetted by another person.

(d) "AICPA" means the American institute of certified public accountants.

(e) "Branch office" means any location where one or more agents or investment adviser representatives regularly conduct business on behalf of a broker-dealer or investment adviser, or that is held out as such a location, with the exception of the following locations:

(1) Any location that is established solely for customer service or back office-type functions, where no sales activities are conducted, and that is not held out to the public as a branch office;

(2) any location that is the agent's or investment adviser representative's primary residence if all of the following conditions are met:

(A) Only agents or investment adviser representatives who reside at the location and are members of the same immediate family conduct business at the location;

(B) the location is not held out to the public as an office, and the agent or investment adviser representative does not meet with customers at the location;

(C) neither customer funds nor securities are handled at the location;

(D) the agent or investment adviser representative is assigned to a designated branch office, and the designated branch office is reflected on all business cards, stationery, advertisements, and other communications to the public by the agent or investment adviser representative;

(E) the agent's or investment adviser representative's correspondence and communications with the public are subject to the supervision of the broker-dealer or investment adviser with which the individual is associated;

(F) electronic communications are made through the electronic system of the broker-dealer or investment adviser;

(G) all orders for securities are entered through the designated branch office or an electronic system established by a broker-dealer or investment adviser;

(H) written supervisory procedures pertaining to supervision of activities conducted at residence locations

are maintained by the broker-dealer or investment adviser; and

(1) a list of all residence locations is maintained by the broker-dealer or investment adviser;

(3) any location, other than a primary residence, that is used for securities or investment advisory business for less than 30 business days in any one calendar year, if the broker-dealer or investment adviser complies with the provisions of paragraphs (e)(2)(B) through (H). For purposes of this paragraph, a business day shall not include any partial business day if the agent or investment adviser representative spends at least four hours of the business day at the agent's or investment adviser representative's designated branch office during the hours that the office is normally open for business;

(4) any office of convenience, where associated persons occasionally and exclusively by appointment meet with customers, that is not held out to the public as an office;

(5) any location that is used primarily to engage in non-securities activities and from which the agents or investment adviser representatives effect no more than 25 securities transactions in any one calendar year, if any advertisement or sales literature identifying the location also sets forth the address and telephone number of the location from which the agents or investment adviser representatives conducting business at the non-branch locations are directly supervised;

(6) the floor of a registered national securities exchange where a broker-dealer conducts a direct access business with public customers; and

(7) a temporary location established in response to the implementation of a business continuity plan.

(f) "Close family relationship" means either a person within the third degree of relationship, by blood or adoption, or a spouse, stepchild, or fiduciary of a person within the third degree of relationship.

(g) "Commission" means any consideration, compensation, fee, or other remuneration that is directly or indirectly incurred, paid, or given in exchange for services in connection with the offer, sale, or purchase of securities, the rendering of investment advice, or the solicitation of prospective purchasers or clients.

(h) "Control" means the possession of the power to direct or influence the direction of the management or policies of a person, directly or indirectly, through the ownership of voting securities, by contract, or by other means.

(i) "Controlling person" means a person who has control of any other person. Either of the following persons shall be presumed to be a controlling person:

(1) An officer, director, partner, or trustee or an individual occupying similar status or performing similar functions; or

(2) a person owning 10 percent or more of the outstanding shares of any class or classes of securities.

(j) "CPA" means certified public accountant or a firm of certified public accountants.

(k) "CRD" means the central registration depository jointly administered by NASD and NASAA.

(l) "Designated security" means any equity security other than the following:

(1) A security registered, or approved for registration upon notice of issuance, on a national securities exchange;

(2) a security authorized, or approved for authorization upon notice of issuance, for listing on the national market system of the NASDAQ stock market;

(3) a security issued by an investment company registered under the investment company act of 1940;

(4) a security that is a put option or call option issued by the options clearing corporation; or

(5) a security whose issuer has net tangible assets in excess of \$4,000,000 as demonstrated by financial statements dated within the previous 15 months that the broker-dealer has reviewed and has a reasonable basis to believe are true and complete in relation to the date of the transaction with the person, if either of the following conditions is met:

(i) The issuer is other than a foreign private issuer, and the financial statements are the most recent financial statements for the issuer that have been audited and reported on by a CPA in accordance with the provisions of 17 C.F.R. 210.2-02, as adopted by reference in K.A.R. 81-2-1; or

(ii) the issuer is a foreign private issuer, and the financial statements are the most recent financial statements for the issuer that have been filed with the SEC; furnished to the SEC pursuant to 17 C.F.R. 240.12g3-2(b), as adopted by reference in K.A.R. 81-2-1; or prepared in accordance with generally accepted accounting principles in the country of incorporation, audited in compliance with the requirements of that jurisdiction, and reported on by an accountant duly registered and in good standing in accordance with the regulations of that jurisdiction.

(m) "GAAP" means generally accepted accounting principles in the United States.

(n) "General solicitation" means an offer to one or more persons by any of the following means or as a result of contact initiated through any of these means:

(1) Television, radio, or any broadcast medium;

(2) newspaper, magazine, periodical, or any other publication of general circulation;

(3) poster, billboard, internet posting, or other communication posted for the general public;

(4) brochure, flier, handbill, or similar communication, unless the offeror has a substantial preexisting business relationship or close family relationship with each of the offerees;

(5) seminar or group meeting, unless the offeror has a substantial preexisting business relationship or close family relationship with each of the offerees; or

(6) telephone, facsimile, mail, delivery service, or electronic communication, unless the offeror has a substantial preexisting business relationship or close family relationship with each of the offerees.

(o) "NASAA" means the North American securities administrators association, inc.

(p) "NASD" means the national association of securities dealers, inc.

(q) "Officer" means a person charged with managerial responsibility or control over a person, including the president, vice president, secretary, treasurer, partner, and any other controlling person.

(r) "Parent" means an affiliate who controls another person.

(s) "PCAOB" means the public company accounting oversight board.

(t) "Predecessor" means a person, a major portion of whose business, assets, or control has been acquired by another.

(u) "Promoter" means a person who, acting alone or in conjunction with one or more other persons, directly or indirectly founds, organizes, reorganizes, or controls the business, financing, or operations of an issuer.

(v) "Prospectus" means any prospectus defined in section 2(a)(10) of the securities act of 1933, 15 U.S.C. 77b(a)(10), as adopted by reference in K.A.R. 81-2-1. This term shall not include any communication meeting the requirements of K.S.A. 17-12a202(16), and amendments thereto, or SEC rule 134, 17 C.F.R. 230.134, as adopted by reference in K.A.R. 81-2-1.

(w) "Registrant" means a person registered under the act.

(x) "SCOR" means small company offering registration.

(y) "SEC" means the United States securities and exchange commission.

(z) "Subsidiary" means an affiliate who is controlled by another person. (Authorized by and implementing K.S.A. 2005 Supp. 17-12a605(a); effective Jan. 1, 1966; amended, T-85-45, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1987; amended May 31, 1996; amended Jan. 19, 2007.)

#### Article 4.—REGISTRATION OF SECURITIES

**81-4-1. Registration of securities.** (a) Original applications. The following documents and fee shall be required with each original application submitted for registration of securities:

(1) Forms U-1 and U-2;

(2) form U-2A, if applicable;

(3) the documents and exhibits required for registration by coordination as specified in K.S.A. 17-12a303(b), and amendments thereto, or registration by qualification as specified in K.S.A. 17-12a304(b), and amendments thereto, if not already included as required by form U-1;

(4) any other document or information requested by the administrator; and

(5) a registration fee of .05 percent (one twentieth of one percent) of the maximum aggregate offering price at which the securities are to be offered in this state, but not less than \$100 and not more than \$1,500 for each year that the registration is effective. If a registration statement or application is withdrawn before the effective date or a pre-effective stop order is issued under K.S.A. 17-12a306 and amendments thereto, the administrator shall retain the full amount of the registration fee.

(b) Regulation A offerings. Each application for which an offering statement on form 1-A has been filed with the SEC under regulation A, rule 251, 17 C.F.R. 230.251, as adopted by reference in K.A.R. 81-2-1, shall be filed by qualification under K.S.A. 17-12a304, and amendments thereto.

(continued)

(c) Post-effective amendments. If a post-effective amendment for material changes in information or documents is required by K.S.A. 17-12a305(j) and amendments thereto, the amendment shall be filed within two business days after an amendment is filed with the SEC for securities registered by coordination, or within five business days after a material change occurs for securities registered by qualification.

The amendment filing shall include a cover letter that explains the nature of the material changes and copies of all amended documents that are clearly marked to identify the material changes. The registrant shall provide further explanation or information upon request by the administrator. Upon approval by the administrator, the amendment may be filed electronically.

(d) Extensions of registration. The effective period of a registration statement may be extended for an additional year after the original or previously extended registration period expires, or for less than one year if the registered offering is completed and terminated in compliance with subsection (f).

(1) The following documents and fee shall be required with each application submitted to extend the effective period of a registration statement:

(A) Form KSC-1 or a uniform form or document that includes the information required by form KSC-1;

(B) a registration fee as specified in paragraph (a)(5), based on the aggregate amount of securities to be offered during the extended effective period; and

(C) one copy of the prospectus to be delivered to prospective investors for offers during the extended period of effectiveness, which shall include audited financial statements for the most recent fiscal year of the issuer, unless a prospectus meeting this requirement is already on file with the administrator. If the extension application is filed before the most recent audited financial statements are available, the issuer shall undertake to file an updated prospectus containing the statements no later than 90 days after the end of the issuer's fiscal year.

(2) The effective date of each extended registration shall be one year after the previous effective date.

(3) The due date for filing each extension application shall be 10 business days before the date on which the registration is due to expire.

(e) Abandoned applications. If an applicant for registration of securities does not respond in writing within six months after receiving a written inquiry or deficiency letter from the administrator or the applicant takes no action on a pending application and fails to communicate in writing with the administrator for six months, the application shall be deemed abandoned. Each abandoned application shall be disregarded, and a notice of abandonment shall be issued by the administrator. To obtain further consideration of an abandoned application, the applicant shall file a new, complete application.

(f) Final report. Upon completion of a registered offering or upon expiration of the effective period of a registration statement that is not being extended, the registrant shall file with the administrator a final report of sales of securities in this state on form KSC-1 or a document that includes the information required by form KSC-1. (Authorized by K.S.A. 2005 Supp. 17-12a605(a); implement-

ing K.S.A. 2005 Supp. 17-12a303, 17-12a304, and 17-12a305, as amended by L. 2006, Ch. 47, § 3; effective Jan. 1, 1966; amended, E-70-15, Feb. 4, 1970; amended Jan. 1, 1971; amended, T-88-29, Aug. 19, 1987; amended May 1, 1988; amended, T-81-8-23-91, Aug. 23, 1991; amended Oct. 7, 1991; amended May 31, 1996; amended Jan. 19, 2007.)

**81-4-2. Small company offering registration (SCOR).** (a) Any application for registration of securities by qualification may be filed using form U-7 as the disclosure document if the issuer complies with the statement of policy regarding small company offering registration ("SCOR statement of policy") adopted by NASAA on April 28, 1996, which is hereby adopted by reference.

(b) Any SCOR application may be reviewed by the administrator in coordination with one or more securities administrators in other states where the issuer has filed a SCOR application.

(c) A form of disclosure in a SCOR application other than form U-7 may be allowed by the administrator, including an application for coordinated review under subsection (b), as provided under K.A.R. 81-6-1(b)(2). (Authorized by K.S.A. 2005 Supp. 17-12a605(a); implementing K.S.A. 2005 Supp. 17-12a304, 17-12a307, and 17-12a608; effective March 25, 1991; amended Jan. 19, 2007.)

#### Article 5.—EXEMPTIONS

**81-5-3. Exemption for isolated nonissuer transactions.** (a) An "isolated nonissuer transaction" under K.S.A. 17-12a202(1), and amendments thereto, shall mean an offer or sale of a security that meets both of the following conditions:

(1) No 12-month period in which the date of the sale can be included contains more than three sales of the security in Kansas by the seller or affiliates.

(2) No person offers or sells the security by means of a general solicitation, except as permitted under subsection (c).

(b) For purposes of this regulation, a husband and wife shall be considered as one purchaser. A corporation, partnership, limited liability company, association, joint stock company, trust, or unincorporated organization shall be considered as one purchaser unless the entity was organized for the purpose of acquiring the purchased securities. If that is the case, each beneficial owner of equity interest or equity securities in the entity shall be considered a separate purchaser.

(c) For purposes of this regulation, if an offer or sale is conducted through an issuer-controlled trading system maintained in an electronic form or another form for the purpose of facilitating trades of that issuer's securities between nonissuers, the offer or sale shall not be considered to have been made by general solicitation. (Authorized by K.S.A. 2005 Supp. 17-12a605(a); implementing K.S.A. 2005 Supp. 17-12a202, as amended by L. 2006, Ch. 47, § 2(1); effective, T-83-40, Nov. 23, 1982; effective May 1, 1983; amended, T-87-41, Dec. 8, 1986; amended May 1, 1987; amended June 28, 1993; amended May 31, 1996; amended Jan. 19, 2007.)

**81-5-4.** (Authorized by K.S.A. 17-1270(f); implementing K.S.A. 17-1262(c); effective, T-83-40, Nov. 23,

1982; effective May 1, 1983; amended May 1, 1987; amended May 31, 1996; revoked Jan. 19, 2007.)

**81-5-5.** (Authorized by K.S.A. 1982 Supp. 17-1270(f); implementing K.S.A. 1982 Supp. 17-1262(f); effective, T-83-40, Nov. 23, 1982; effective May 1, 1983; revoked Jan. 19, 2007.)

**81-5-6. Uniform limited offering exemption for rule 505 offerings.** (a) Exemption. Each transaction made in compliance with SEC regulation D, rule 505, 17 C.F.R. 230.505, as adopted by reference in K.A.R. 81-2-1, shall be exempt from the registration requirements of K.S.A. 17-12a301 through 17-12a306 and K.S.A. 17-12a504, and amendments thereto, if all of the following requirements are met:

(1) No commission, finders fee, or other remuneration shall be paid or given, directly or indirectly, for soliciting any prospective purchaser, or in connection with the sale of securities in reliance on this exemption, unless the recipient is appropriately registered in this state as a broker-dealer or agent.

(2) No later than 15 days after the first sale of the security in this state, the issuer shall pay the fee specified in K.A.R. 81-5-8 and file a notice on form D, including the appendix. The form D shall be manually signed on part E by a person authorized by the issuer.

(3) Each sale to a non-accredited investor shall be suitable for the investor, or the issuer and any person acting on its behalf shall have reasonable grounds to believe, and after making reasonable inquiry shall believe, that the investment is suitable for the investor. Suitability shall be based upon the facts disclosed by the investor concerning the investor's other security holdings, financial situation, and needs. For the limited purpose of this exemption only, it may be presumed that the investment is suitable if it does not exceed 10 percent of the investor's liquid net worth.

(b) Disqualifications.

(1) The exemption under subsection (a) shall not be available if the issuer, any one of the issuer's directors, officers, or general partners, any beneficial owner of 10 percent or more of any class of the issuer's equity securities, any promoter currently connected with the issuer in any capacity, or any other person, other than a broker-dealer currently registered under the act, who has been or will be paid or given any commission or similar remuneration in connection with an offer or sale of the security meets any of the following conditions:

(A) Has filed a registration statement that is subject to a currently effective stop order entered pursuant to any state law within five years before the commencement of the offering;

(B) has been convicted, within five years before commencement of the offering, of any felony or misdemeanor in connection with the purchase or sale of any security or any felony involving fraud or deceit, including forgery, embezzlement, obtaining money under false pretenses, larceny, and conspiracy to defraud;

(C) is subject to any current state administrative order or judgment entered by a state securities administrator within five years before the commencement of the offering or is subject to any state administrative order or judgment

in which fraud or deceit was found and the order or judgment was entered within five years before the commencement of the offering;

(D) is subject to any current state administrative order or judgment that prohibits the use of any exemption from registration in connection with the purchase or sale of securities; or

(E) is subject to any order, judgment, or decree of any court of competent jurisdiction temporarily or preliminarily restraining or enjoining the person from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or involving the making of any false filing with any state, or is subject to any order, judgment, or decree of any court of competent jurisdiction entered within five years before the commencement of the offering permanently restraining or enjoining the person from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or involving the making of any false filing with any state.

(2) Upon application by the issuer, disqualification from the exemption specified in paragraph (b)(1) may be waived in writing by the administrator under any of the following conditions:

(A) The issuer demonstrates that it did not know and in the exercise of reasonable care could not have known that a disqualification existed.

(B) The person subject to a disqualifying order under paragraph (b)(1)(A) through (b)(1)(C) is currently licensed to conduct securities-related business in the state in which the administrative order or judgment was entered against the person.

(C) The agency that created the basis for disqualification determines, upon a showing of good cause, that it is not necessary under the circumstances to disqualify the person from use of the exemption, and the administrator concurs with that determination.

(D) The issuer demonstrates good cause that a disqualification should be waived by the administrator.

(c) Effect of noncompliance. Each failure to comply with a requirement of subsection (a) shall constitute grounds for denying or revoking the exemption for a security or transaction and shall be grounds for other relief and sanctions under K.S.A. 17-12a603 and 17-12a604, and amendments thereto. However, upon application by the offeror, the failure to comply shall not result in loss of the exemption for any offer or sale to a particular individual or entity if the administrator determines that all of the following conditions are met:

(1) The failure to comply did not pertain to a condition directly intended to protect that particular individual or entity.

(2) The failure to comply was insignificant with respect to the offering as a whole.

(3) A good faith and reasonable attempt was made to comply with all applicable requirements of subsection (a).

(d) Stacking of exemptions. Offers and sales that are exempt under this regulation shall not be combined with offers and sales exempt under any other provision of the act or these regulations.

(continued)

(e) Intrastate offerings. The exemption in subsection (a) shall be available to each issuer offering and selling securities in reliance upon the federal exemption for intrastate offerings in section 3(a)(11) of the federal securities act of 1933, 15 U.S.C. § 77c(a)(11), as adopted by reference in K.A.R. 81-2-1, if the issuer complies with the requirements of this regulation.

(f) Technical compliance insufficient. The exemption in subsection (a) shall not be available for any transaction that technically complies with this regulation but is part of a plan or scheme to evade registration or the conditions or limitations explicitly stated in this regulation.

(g) Recordkeeping. The issuer shall maintain, for at least five years, a written record of all information furnished by it to all offerees, and the issuer shall file copies of the record with the administrator upon written request. (Authorized by K.S.A. 2005 Supp. 17-12a605(a); implementing K.S.A. 2005 Supp. 17-12a203; effective, T-83-40, Nov. 23, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-87-28, Oct. 1, 1986; amended May 1, 1987; amended, T-81-2-23-89, Feb. 23, 1989; amended March 20, 1989; amended, T-81-12-28-89, Dec. 28, 1989; amended Jan. 15, 1990; amended Jan. 19, 2007.)

**81-5-7. Exchange exemption.** (a) A security shall be exempt under K.S.A. 17-12a201(6)(A), and amendments thereto, if the security is listed or authorized for listing on any of the following exchanges or if the security has seniority equal to or greater than the seniority of a security of the same issuer that is listed or authorized for listing on any of the following exchanges:

- (1) The New York stock exchange;
- (2) the American stock exchange;
- (3) the national market system of the NASDAQ stock market;
- (4) the Chicago board options exchange, incorporated;
- (5) tier I of the Philadelphia stock exchange, incorporated; or
- (6) tier I of the Pacific exchange, incorporated.

(b) Unless a security is described as small-cap or the issuer is described as an emerging company by the exchange, the security shall be exempt under K.S.A. 17-12a201(6)(B), and amendments thereto, if the security is listed or authorized for listing on either of the following exchanges or if the security has seniority equal to or greater than the seniority of a security of the same issuer that is listed or authorized for listing on either of the following exchanges:

- (1) The Chicago stock exchange; or
- (2) tier II of the Pacific stock exchange. (Authorized by K.S.A. 2005 Supp. 17-12a605(a); implementing K.S.A. 2005 Supp. 17-12a201(6) and 17-12a203; effective, T-87-28, Oct. 1, 1986; amended May 1, 1987; amended Oct. 24, 1994; amended May 31, 1996; amended Oct. 26, 2001; amended Jan. 19, 2007.)

**81-5-8. Fees for exemption filings and interpretive opinions.** (a) A fee of \$250 shall be remitted with each form D or notice filed in connection with the following exemptions:

- (1) The uniform limited offering exemption for rule 505 offerings as specified in K.A.R. 81-5-6;

(2) the accredited investor exemption as specified in K.A.R. 81-5-13; and

(3) the exemption for securities of agricultural associations as specified in K.A.R. 81-5-18.

(b) A fee of \$250 shall be remitted with each request for a no-action letter or interpretive opinion letter from the administrator. (Authorized by K.S.A. 2005 Supp. 17-12a605(a); implementing K.S.A. 2005 Supp. 17-12a205 and 17-12a605(d); effective, T-88-29, Aug. 19, 1987; amended May 1, 1988; amended Oct. 7, 1991; amended June 28, 1993; amended Dec. 19, 1997; amended Jan. 19, 2007.)

**81-5-10. Oil and gas exemptions.** (a) Definitions. For purposes of this regulation, the following definitions shall apply:

(1) "Commission" shall be defined as specified in K.A.R. 81-1-1. However, the term shall not include any interest in the oil and gas estate being sold, including any overriding royalty interest and any interest in the production from the oil and gas estate, if the identity of the person or persons owning or holding the interest and the extent of the interest are fully disclosed to all purchasers.

(2) "Public auction" means the public sale of an interest in an oil and gas royalty, lease, or mineral deed to the highest bidder when the offer of the interest and the bids are communicated through open, public outcry and the sale is complete when the auctioneer so announces by the fall of the hammer or other customary manner.

(3) "Purchaser" means any individual, corporation, limited liability company, partnership, association, joint stock company, trust, or unincorporated organization. However, if an entity was organized for the specific purpose of acquiring the oil or gas interests offered, each beneficial owner of an equity interest or equity security in the entity shall count as a separate purchaser.

(b) Oil and gas transactions.

(1) K.S.A. 17-12a301 through 17-12a306 and K.S.A. 17-12a401, 17-12a402, and 17-12a504, and amendments thereto, shall not apply to any offer or sale of any limited partnership interest, fractional undivided interest, or certificate based upon any fractional undivided interest involving any oil or gas royalty, lease, or deed, including subsurface gas storage and payments out of production, if the land subject to the interest or certificate is located in Kansas and all sales are made in accordance with one of the following conditions:

(A) Each sale is made to a person who is or has been during the preceding two years engaged primarily in the business of drilling for, producing, or refining oil or gas or whose corporate predecessor, for a corporation, has been so engaged or whose officers and two-thirds of the directors, for a corporation having an existence of less than two years, have each been so engaged.

(B) Sales are made to not more than a total of 32 purchasers without regard to whether the purchasers reside within or without the state of Kansas; the seller reasonably believes that every purchaser is purchasing the interest or certificate for investment purposes and not for resale; no general solicitation is used in connection with the offer or sale of the interest or certificate to any person; and no commission is paid or given for the offer or sale of the interest or certificate or the solicitation of prospective purchasers.



(C) Each sale involves property that produces oil, gas, or petroleum products in paying quantities on the date of sale, and the seller, after the sale, does not retain any ownership interest in or control over the lease or the interest or interests that are being sold.

(2) The exemption provided by this subsection shall not be cumulative to or used in conjunction with any other exemption provided under K.S.A. 17-12a202, and amendments thereto.

(c) Oil and gas auctions. The offer and sale of any interest in an oil and gas royalty, lease, or mineral deed shall be exempt from the requirements of K.S.A. 17-12a301 through 17-12a306 and K.S.A. 17-12a401, 17-12a402, and 17-12a504, and amendments thereto, if the interest is sold at a public auction. (Authorized by K.S.A. 2005 Supp. 17-12a605(a); implementing K.S.A. 2005 Supp. 17-12a203; effective June 28, 1993; amended Jan. 19, 2007.)

**81-5-11.** (Authorized by and implementing K.S.A. 17-1270(f); effective Jan. 31, 1994; revoked Jan. 19, 2007.)

**81-5-12. Solicitations of interest before the filing of the registration statement.** (a) Exemption. Each offer, but not a sale, of a security made by or on behalf of an issuer for the sole purpose of soliciting an indication of interest in receiving a prospectus for the security shall be exempt from the requirements of K.S.A. 17-12a301 through 17-12a306 and K.S.A. 17-12a504 and amendments thereto, if all of the following requirements are met:

(1) The issuer shall be a business entity organized under the laws of the state of Kansas having, both before and upon completion of the offering, its principal office and a majority of its full-time employees located in this state.

(2) At least 80 percent of the net proceeds from the offering shall be used in connection with the operations of the issuer in this state.

(3) The issuer shall not be engaged in or propose to engage in petroleum exploration or production, mining, or other extractive industries and shall not be a development stage company that either has no specific business plan or purpose or has indicated that its business plan is to engage in merger or acquisition with an unidentified company or companies or other entity or person.

(4) The offeror shall intend to register the security in this state and conduct its offering pursuant to one of the following federal laws or regulations, as adopted by reference in K.A.R. 81-2-1:

(A) Section 3(a)(11) of the securities act of 1933;

(B) SEC regulation A, 17 C.F.R. 230.251 et seq.; or

(C) rule 504 of SEC regulation D, 17 C.F.R. 230.

(5) Ten business days before the initial solicitation of interest under this regulation, the offeror shall file with the administrator a solicitation of interest form KSC-15 along with any other materials to be used to conduct solicitations of interest, including the script of any broadcast to be made and a copy of any notice to be published.

(6) Five business days before usage, the offeror shall file with the administrator any amendments to the foregoing materials or additional materials to be used to conduct solicitations of interest, except for materials pro-

vided to a particular offeree pursuant to a request by that offeree.

(7) No solicitation of interest form, script, advertisement, or other material shall be used to solicit indications of interest if the administrator has instructed the offeror not to distribute the material.

(8) Except for scripted broadcasts and published notices, the offeror shall not communicate with any offeree about the contemplated offering, unless the offeree is provided with the most current solicitation of interest form at or before the time of the communication or within five days after the communication.

(9) During the solicitation of interest period, the offeror shall not solicit or accept money or a commitment to purchase securities.

(10) No sale shall be made until seven days after the delivery of a prospectus to the purchaser.

(b) Each offeror shall comply with each of the following requirements:

(1) Each published notice or script for broadcast shall contain at least the identity of the chief executive officer of the issuer, a brief and general description of its business and products, and the following legends:

(A) "NO MONEY OR OTHER CONSIDERATION IS BEING SOLICITED AND NONE WILL BE ACCEPTED."

(B) "NO SALES OF THE SECURITIES WILL BE MADE OR COMMITMENT TO PURCHASE ACCEPTED UNTIL DELIVERY OF AN OFFERING CIRCULAR THAT INCLUDES COMPLETE INFORMATION ABOUT THE ISSUER AND THE OFFERING."

(C) "AN INDICATION OF INTEREST MADE BY A PROSPECTIVE INVESTOR INVOLVES NO OBLIGATION OR COMMITMENT OF ANY KIND."

(D) "THIS OFFER IS BEING MADE PURSUANT TO AN EXEMPTION FROM REGISTRATION UNDER THE FEDERAL AND STATE SECURITIES LAWS. NO SALE MAY BE MADE UNTIL THE OFFERING STATEMENT IS REGISTERED IN THIS STATE."

(2) All communications with prospective investors made in reliance on this regulation shall cease after a registration statement is filed in Kansas, and no sale may be made until at least 20 calendar days after the last communication made in reliance on this regulation.

(3) A preliminary prospectus or its equivalent may be used only in connection with an offering for which indications of interest have been solicited under this regulation if the offering is conducted by a registered broker-dealer.

(c) Disqualifications. The exemption specified in subsection (a) shall not be available to an offeror who knows, or in the exercise of reasonable care should know, that the issuer or any one of its officers, directors, 10 percent shareholders, or promoters meets any of the following conditions:

(1) Has filed a registration statement that is subject to a currently effective registration stop order entered pursuant to any federal or state securities law within five years before the filing of the solicitation of interest form;

(2) has been convicted, within five years before the filing of the solicitation of interest form, of any felony or misdemeanor in connection with the offer, purchase, or

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sale of any security, or any felony involving fraud or deceit, including forgery, embezzlement, obtaining money under false pretenses, larceny, and conspiracy to defraud;

(3) is subject to any current federal or state administrative enforcement order or judgment entered by any state securities administrator or the securities and exchange commission within five years before the filing of the solicitation of interest form;

(4) is subject to any federal or state administrative enforcement order or judgment entered within five years before the filing of the solicitation of interest in which fraud or deceit was found;

(5) is subject to any federal or state administrative enforcement order or judgment that prohibits, denies, or revokes the use of any exemption from registration in connection with the offer, purchase, or sale of securities; or

(6) is subject to any current order, judgment, or decree of any court of competent jurisdiction that temporarily, preliminarily, or permanently restrains or enjoins the party from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security, or involves the making of any false filing with the state, entered within five years before the filing of the solicitation of interest form.

(d) Effect of noncompliance.

(1) Failure to comply with any condition of subsection (a) shall constitute grounds for denying or revoking the exemption for a specific security or transaction and shall be grounds for other relief and sanctions under K.S.A. 17-12a603 and 17-12a604, and amendments thereto. However, upon application by the offeror, the failure to comply shall not result in the loss of the exemption for any offer to a particular individual or entity if the administrator determines that all of the following conditions are met:

(A) The failure to comply did not pertain to a condition directly intended to protect that particular individual or entity.

(B) The failure to comply was insignificant with respect to the offering as a whole.

(C) A good faith and reasonable attempt was made to comply with all applicable conditions of subsection (a).

(2) Failure to comply with any requirement in subsection (b) shall constitute grounds for denying or revoking the exemption for a specific security or transaction and shall be grounds for other relief and sanctions under K.S.A. 17-12a603 and 17-12a604, and amendments thereto, but shall not result in the loss of the exemption for the entire offering.

(e) Waivers.

(1) Upon application by the offeror and the showing of good cause, any condition of this exemption may be waived in writing by the administrator.

(2) Upon application by the offeror and the showing of good cause, the disqualification specified in subsection (c) may be waived in writing by the administrator under any of the following circumstances:

(A) The person subject to the disqualification is currently licensed or registered to conduct securities-related business in the state in which the administrative order or judgment was entered against the person.

(B) The broker-dealer employing the person is registered in Kansas, and the form BD filed in Kansas discloses the order, conviction, judgment, or decree relating to the person.

(C) The agency that created the basis for disqualification determines upon a showing of good cause that it is not necessary under the circumstances that the exemption be denied, and the administrator concurs with that determination.

(3) The absence of any objection or order by the administrator with respect to any offer of securities undertaken pursuant to this regulation shall not be deemed to be a waiver of any condition of the regulation and shall not be deemed to be a confirmation by the administrator of compliance with this regulation.

(f) Integration. An offer made in reliance on this regulation shall not result in a violation of the registration requirements by virtue of being integrated with subsequent offers or sales of securities, unless the subsequent offers and sales would be integrated under federal securities laws.

(g) Effect on other exemptions. Issuers on whose behalf indications of interest are solicited under this regulation shall not make offers or sales in reliance on K.S.A. 17-12a202(1) or 17-12a202(14) and amendments thereto, or K.A.R. 81-5-6, until six months after the last communication with a prospective investor made pursuant to this regulation. (Authorized by K.S.A. 2005 Supp 17-12a605(a); implementing K.S.A. 2005 Supp. 17-12a202, as amended by L. 2006, Ch. 47, § 2(17) and K.S.A. 2005 Supp. 17-12a203; effective April 17, 1995; amended Jan. 19, 2007.)

**81-5-13. Accredited investor exemption.** (a) Exemption. Each offer or sale of a security by an issuer shall be exempt from the registration requirements of K.S.A. 17-12a301 through 17-12a306 and K.S.A. 17-12a504, and amendments thereto, if each of the following requirements is met:

(1) Sales shall be made only to persons who are or whom the issuer reasonably believes to be accredited investors, as defined in SEC regulation D, rule 501(a), 17 C.F.R. § 230.501(a), as adopted by reference in K.A.R. 81-2-1.

(2) The issuer shall reasonably believe that all purchasers are purchasing for investment and not with the view to or for resale in connection with a distribution of the security. Each resale of a security sold in reliance on this exemption within 12 months of sale shall be presumed to be with a view to distribution and not for investment, except a resale pursuant to a registration statement effective K.S.A. 17-12a305(h) and amendments thereto or a resale to an accredited investor pursuant to an exemption available under the act.

(3) Each communication with a prospective investor shall meet the requirements of subsection (d).

(4) Within 15 days after the first sale in this state, the issuer shall file with the administrator a notice of transaction on form D or the NASAA model accredited investor exemption uniform notice of transaction, a copy of the general announcement, and the fee specified in K.A.R. 81-5-8.

(b) Disqualifications. The exemption is specified in subsection (a) shall not be available to an issuer under either of the following conditions:

(1) The issuer is in the development stage and either has no specific business plan or purpose or has indicated that its business plan is to engage in a merger or acquisition with an unidentified company or companies, or other entity or person.

(2) The issuer, any of the issuer's predecessors, any affiliated issuer, any of the issuer's directors, officers, general partners, beneficial owners of 10% or more of any class of its equity securities, any of the issuer's promoters presently connected with the issuer in any capacity, any underwriter of the securities to be offered, or any partner, director, or officer of the underwriter meets any of the following conditions:

(A) Has filed a registration statement that is subject to a currently effective registration stop order entered by any state securities administrator or the SEC within the last five years;

(B) has been convicted within the last five years of any criminal offense in connection with the offer, purchase, or sale of any security, or involving fraud or deceit;

(C) is subject to any current state or federal administrative enforcement order or judgment, entered within the last five years, finding fraud or deceit in connection with the purchase or sale of any security; or

(D) is subject to any current order, judgment, or decree of any court of competent jurisdiction, entered within the last five years, temporarily, preliminarily, or permanently restraining or enjoining the party from engaging in or continuing to engage in any conduct or practice involving fraud or deceit in connection with the purchase or sale of any security.

(c) Waivers. Upon application by the issuer, any disqualification specified in paragraph (b)(2) may be waived in writing by the administrator if one of the following conditions is met:

(1) The party subject to the disqualification is licensed or registered to conduct securities-related business in the state in which the order, judgment, or decree creating the disqualification was entered against the party.

(2) Before the first offer under this exemption, the court or regulatory authority that entered the order, judgment, or decree waives the disqualification, and the administrator determines that there was good cause for the waiver.

(3) The issuer establishes that it did not know and, in the exercise of reasonable care and based on a factual inquiry, could not have known that a disqualification existed.

(d) Communication with prospective investors.

(1) A general announcement of a proposed offering may be made and may be disseminated to persons who are not accredited investors. However, the general announcement shall include only the following information, unless additional information is specifically authorized in writing by the administrator:

(A) The name, address, and telephone number of the issuer of the securities;

(B) the name, a brief description, and the price, if known, of any security to be issued;

(C) a brief description of the business of the issuer in 25 or fewer words;

(D) the type, number, and aggregate amount of securities being offered;

(E) the name, address, and telephone number of the person to contact for additional information; and

(F) the following statements:

(i) Sales will be made only to accredited investors;

(ii) no money or other consideration is being solicited or will be accepted by way of this general announcement; and

(iii) the securities have not been registered with or approved by any state securities agency or the United States securities and exchange commission and are being offered and sold pursuant to an exemption from registration.

(2) The issuer, in connection with an offer, may provide information in addition to the general announcement under paragraph (d)(1) if the information meets either of the following conditions:

(A) The information is delivered through an electronic database that is restricted to persons who have been pre-qualified as accredited investors.

(B) The information is delivered after the issuer reasonably believes that the prospective purchaser is an accredited investor.

(3) No telephone solicitation shall be permitted, unless, before placing the call, the issuer reasonably believes that the prospective purchaser to be solicited is an accredited investor. (Authorized by K.S.A 2005 Supp. 17-12a605(a); implementing K.S.A 2005 Supp. 17-12a203; effective Dec. 19, 1997; amended Jan. 19, 2007.)

**81-5-14. Notice filings and fees for offerings of investment company securities.** (a) Before the initial offer in this state of a security that is a federal covered as described in K.S.A. 17-12a302(a) and amendments thereto, an investment company shall file the following for each portfolio or series:

(1) A notice of intention to sell on form NF, completed in accordance with the instructions to the form; and

(2) a filing fee of \$200 for a unit investment trust or \$500 for a portfolio or series of an investment company other than a unit investment trust.

(b) Upon written request of the administrator and within the time period specified in the request, an investment company that has filed a registration statement under the securities act of 1933 shall file a form U-2 and a copy of any other requested document that is part of the registration statement or an amendment to the registration statement filed with SEC.

(c) Each notice filed under subsection (a) shall be effective for one year as provided by K.S.A. 17-12a302(b), and amendments thereto. The notice may be renewed on or before expiration by filing a form NF and the appropriate fee as specified under paragraph (a)(2).

(d) If the name of an investment company, portfolio, or series changes, the investment company shall file an amended form NF and pay a fee of \$100 for each portfolio or series of the investment company that is affected by a name change. The name change shall become effective in

*(continued)*

Kansas when the amended form NF is filed with the proper fee.

(e) If an investment company desires confirmation of filing or effectiveness of a form NF, the investment company shall file an additional copy of form NF with an addressed return envelope or shall obtain confirmation through an electronic filing system as provided under subsection (f).

(f) Any investment company may file notice filings and fees electronically through a centralized securities registration depository or other electronic filing system, in accordance with the procedures and controls established by that depository or system and approved by the administrator. (Authorized by K.S.A. 2005 Supp. 17-12a605(a); implementing K.S.A. 2005 Supp. 17-12a302; effective Dec. 19, 1997; amended Jan. 19, 2007.)

**81-5-16. Exemption for internet communication.**

(a) General communication. Communication concerning a security directed generally to anyone having access to the internet shall not be deemed an offer under K.S.A. 17-12a301, and amendments thereto, based solely on the internet communication if all of the following conditions are met:

(1) The internet communication indicates that the security is not being offered to residents of Kansas.

(2) The internet communication is not specifically directed to any person in Kansas, and the internet communication contains a mechanism, including technical firewalls or other implemented policies and procedures, designed reasonably to prevent direct communication with residents of Kansas.

(3) No sale of the security is made in Kansas as a direct or indirect result of the internet communication until the security is registered under the act or unless the security is exempt from registration. For the purpose of determining whether the security is exempt, each sale made in Kansas as a direct or indirect result of the internet communication shall be deemed to be made through a general solicitation.

(b) Communication by broker-dealers, agents, investment advisers and investment adviser representatives. A person who distributes information on available products and services through internet communications directed generally to anyone having access to the internet shall not be deemed to be transacting business in Kansas for purposes of K.S.A. 17-12a401 through 17-12a404, and amendments thereto, based solely on the internet communication if all of the following conditions are met:

(1) The internet communication contains a legend in which the following information is clearly stated:

(A) The person cannot transact business in this state as a broker-dealer, agent, investment adviser, or investment adviser representative unless the person is properly registered under the act or exempt from registration.

(B) The person cannot provide individualized communications or responses to prospective customers or clients in this state to effect or attempt to effect transactions in securities, or to render personalized investment advice for compensation, unless the person is properly registered under the act or exempt from registration.

(2) The internet communication contains a mechanism, which may include technical firewalls or other imple-

mented policies and procedures, designed reasonably to ensure that before any direct communication with prospective customers or clients in this state, the person is properly registered under the act or exempt from registration.

(3) The internet communication is limited to the dissemination of general information on products and services and does not involve effecting or attempting to effect transactions in securities or the rendering of personalized investment advice in this state.

(4) For an agent or investment adviser representative, the following conditions are met:

(A) The affiliation of the agent or investment adviser representative with a broker-dealer or investment adviser is prominently disclosed within the internet communication.

(B) The broker-dealer or investment adviser with whom the agent or investment adviser representative is associated retains responsibility for reviewing and approving the content of any internet communication by the agent or investment adviser representative.

(C) The broker-dealer or investment adviser with whom the agent or investment adviser representative is associated first authorizes the distribution of information on the particular products and services through the internet communication.

(D) In disseminating information through the internet communication, the agent or investment adviser representative acts within the scope of the authority granted by the broker-dealer or investment adviser.

(c) "Other electronic communication" under K.S.A. 17-12a610(e), and amendments thereto, shall not include internet communication.

(d) Nothing in this regulation shall create an exemption from the antifraud provisions of K.S.A. 17-12a501 and 17-12a502, and amendments thereto, or from the requirements of any other provision of the act or these regulations. (Authorized by K.S.A. 2005 Supp. 17-12a605(a); implementing K.S.A. 2005 Supp. 17-12a301, 17-12a401, 17-12a402, 17-12a403, 17-12a404, 17-12a608(c)(9) and 17-12a610(e); effective Jan. 19, 2007.)

**81-5-17. Standard manuals exemption.** The following securities manuals shall be designated by the administrator for use under K.S.A. 17-12a202(2)(A)(iv) and amendments thereto:

(a) "Standard & poor's manual of standard corporation descriptions"; and

(b) "mergent's manuals," formerly known as "moody's manuals." (Authorized by K.S.A. 2005 Supp. 17-12a605(a); implementing K.S.A. 2005 Supp. 17-12a202, as amended by L. 2006, Ch. 47, § 2(2); effective Jan. 19, 2007.)

**81-5-18. Notice filing requirements for securities of agricultural associations.** (a) Exemption. The sale of a security of a cooperative organized under K.S.A. 17-1601 et seq., and amendments thereto, to a person who is not a member pursuant to K.S.A. 17-1606, and amendments thereto, shall be exempt from the requirements of K.S.A. 17-12a301 through 17-12a306 and K.S.A. 17-12a504, and amendments thereto, if the following requirements are met:

(1) The cooperative shall file a notice with the administrator that includes the following items:

- (A) A filing fee as specified in K.A.R. 81-5-8;
- (B) a copy of any underwriting or selling agreements;
- (C) a copy of the cooperative's bylaws, operating agreement, or similar document;

(D) a copy of a prospectus that discloses all material facts concerning the investment, including the following information:

- (i) The name and address of the cooperative;
- (ii) a description of the security being offered;
- (iii) the total amount of securities being issued;
- (iv) a brief summary of key aspects of the offering;

(v) a description of the material risks associated with the offering, which may include risk factors related to unprofitable operations, unsound financial condition, absence of a market for the cooperative's securities, inexperience of management, and dependence upon a particular customer or group of customers; risks affecting the industry as a whole; and any other facts that tend to make the offering more risky;

(vi) a description of the business or proposed business;

(vii) a description of the proposed use of proceeds, in an itemized format;

(viii) a description of the responsibilities, experience, and compensation of directors, officers, and any other persons having similar status or performing similar functions for the cooperative;

(ix) a description of the plan of distribution for the securities;

(x) a summary of the cooperative's capitalization;

(xi) a description of any pending litigation, action, or proceeding to which the cooperative is a party and that materially affects its business or assets, and any litigation, action, or proceeding known to be contemplated by governmental authorities;

(xii) a description of the general federal and state tax consequences of owning the security; and

(xiii) the historical financial statements for the past three fiscal years or since the cooperative's inception, whichever period is shorter, that are in conformity with GAAP, the most recent of which have been audited by a CPA. If the balance sheet in the financial statements is more than 120 days old on the date the notice is filed with the administrator, then interim financial statements made in conformity with GAAP and not more than 120 days old shall be included in the prospectus;

(E) a copy of any advertising materials or any summaries of the offering document to be used in the offer or sale of the securities in Kansas;

(F) a copy of the subscription agreement;

(G) the name, business address, and a brief description of the employment responsibilities of each agent who will represent the cooperative in the offer or sale of the securities in Kansas;

(H) a copy of the trust indenture if the offering involves debt securities; and

(I) any other relevant information or document requested by the administrator.

(2) If the security is a debt instrument, the cooperative shall sell no more securities than it can reasonably repay in the ordinary course of its operations. The cooperative

shall demonstrate, to the administrator, its ability to repay the debt as it comes due.

(3) If the security is a debt instrument issued to finance the purchase or improvement of real property, the cooperative shall demonstrate that the project can be completed with the proposed proceeds from the offering and other available funds. The debt shall be secured by a trust indenture that obligates the cooperative to make payments and to pledge properties owned or to be acquired by the cooperative. The cooperative shall provide an independent appraisal report to the administrator and shall demonstrate that the value of the pledged property is sufficient to secure the debt.

(4) If the security is not subject to a firm underwriting agreement, the proceeds shall be deposited and held in an escrow account until a specified minimum amount of proceeds has been deposited so that the cooperative can accomplish the primary purpose of its financing plan or complete a specified stage of a construction project in which a mortgage can be recorded to secure the debt.

(b) Review. Within 30 days after the notice is filed under subsection (a), the notice filing and related documents shall be reviewed by the administrator, and a letter shall be issued by the administrator either to advise the cooperative that the administrator has no objection to the cooperative's claim of exemption under this regulation or to inform the cooperative that the filing is incomplete or fails to meet the requirements for this exemption. In reviewing the issuer's compliance with the conditions specified in subsection (a), the analogous provisions of the statement of policy regarding church bonds, as adopted by reference in K.A.R. 81-7-2, may be applied by the administrator.

(c) Waivers. For good cause shown, the requirements of this regulation may be waived, in whole or in part, by the administrator. (Authorized by K.S.A. 2005 Supp. 17-12a605(a); implementing K.S.A. 2005 Supp. 17-12a201(8); effective Jan. 19, 2007.)

**81-5-19. Cross-border trading exemption.** (a) Exemption from broker-dealer registration. Each broker-dealer that is a resident of Canada and has no place of business in Kansas shall be exempt from registration under K.S.A. 17-12a401, and amendments thereto, if the broker-dealer meets each of the following conditions:

(1) It is registered with or is a member of a self-regulatory organization, stock exchange, or the *bureau des services financiers* in Canada.

(2) It maintains in good standing its provincial or territorial registration and its registration with or membership in a self-regulatory organization, stock exchange, or the *bureau des services financiers* in Canada.

(3) It effects or attempts to effect transactions in securities only with or for the following individuals:

(A) An individual who is a permanent resident of Canada and who is temporarily resident in or visiting Kansas, with whom the broker-dealer had a bona fide customer relationship before the individual entered the state; or

(B) an individual who is present in this state and whose transactions are in a Canadian self-directed tax advantaged retirement account of which the individual is the holder or contributor.

(continued)

(b) Exemption from agent registration. Each agent who represents a Canadian broker-dealer meeting the conditions specified in subsection (a) shall be exempt from the registration requirements of K.S.A. 17-12a402, and amendments thereto, if the agent maintains in good standing the agent's provincial or territorial registration and the agent effects or attempts to effect transactions in Kansas only as permitted for a broker-dealer under subsection (a).

(c) Transactional exemption from securities registration. Each offer or sale of a security effected by a Canadian broker-dealer or agent who is exempt from registration under subsection (a) or (b) shall be exempt from the requirements of K.S.A. 17-12a301 through 17-12a306 and 17-12a504, and amendments thereto. (Authorized by K.S.A. 2005 Supp. 17-12a605(a); implementing K.S.A. 2005 Supp. 17-12a203 and 17-12a401(d); effective Jan. 19, 2007.)

**81-5-20. Kansas venture capital, inc. exemption.** The offer or sale of any security issued by Kansas venture capital, inc. (KVC) or its successors shall be exempt from the registration requirements of K.S.A. 17-12a301 through 17-12a306 and K.S.A. 17-12a504, and amendments thereto. (Authorized by K.S.A. 2005 Supp. 17-12a605(a); implementing K.S.A. 2005 Supp. 17-12a203; effective Jan. 19, 2007.)

#### Article 6.—PROSPECTUS

**81-6-1. Prospectus.** (a) Filing. Each application for the registration of securities shall include the prospectus to be used in connection with the proposed securities offering.

(b) Form and content.

(1) Registration by coordination. Each prospectus for a securities offering filed for registration by coordination under K.S.A. 17-12a303, and amendments thereto, shall contain the information required in part I of the registration statement filed by the issuer under the securities act of 1933, unless the administrator modifies or waives the requirements pursuant to K.S.A. 17-12a307, and amendments thereto.

(2) Registration by qualification. Each prospectus for a securities offering filed for registration by qualification under K.S.A. 17-12a304, and amendments thereto, shall contain the information required by that statute unless the administrator modifies or waives the requirements pursuant to K.S.A. 17-12a304 or 17-12a307, and amendments thereto. The prospectus may be submitted on one of the following forms that is applicable to the type of securities offering, in accordance with the instructions to the form:

(A) Part II of SEC form 1-A, regulation A offering statement under the securities act of 1933;

(B) part I of SEC form SB-2, of registration statement under the securities act of 1933;

(C) form U-7 if the issuer meets the requirements of K.A.R. 81-4-2; or

(D) any other form allowed by the administrator, if the prospectus is filed in compliance with the applicable requirements of the securities act of 1933.

(c) Delivery requirements. As a condition of registration under K.S.A. 17-12a304 and amendments thereto, the issuer shall deliver a copy of the entire prospectus to each person to whom an offer is made, before or concurrently, with the earliest of the events specified in K.S.A. 17-12a304, and amendments thereto. (Authorized by K.S.A. 2005 Supp. 17-12a605(a); implementing K.S.A. 2005 Supp. 17-12a303 and 17-12a304; effective Jan. 1, 1966; amended Jan. 1, 1971; amended May 1, 1987; amended March 25, 1991; amended May 31, 1996; amended Jan. 19, 2007.)

#### Article 7.—POLICY RELATING TO REGISTRATION

**81-7-1. General statements of policy for registration of securities.** (a) NASAA statements of policy. Each registration statement shall meet the requirements of each NASAA statement of policy that is applicable to the issuer, registration statement, type of security, or other circumstances of the offering. The following NASAA statements of policy are hereby adopted by reference:

(1) "Statement of policy regarding corporate securities definitions," as amended on September 28, 1999;

(2) "statement of policy regarding the impoundment of proceeds," as amended on September 28, 1999;

(3) "statement of policy regarding loans and other material affiliated transactions," as amended on November 18, 1997;

(4) "statement of policy regarding options and warrants," as amended on September 28, 1999;

(5) "statement of policy regarding preferred stock," as amended on April 27, 1997;

(6) "statement of policy regarding promoter's equity investment," as adopted on April 27, 1997;

(7) "statement of policy regarding promotional shares," as amended on September 28, 1999;

(8) "statement of policy regarding specificity in use of proceeds," as amended on September 28, 1999;

(9) "statement of policy regarding underwriting expenses, underwriter's warrants, selling expenses and selling security holders," as amended on September 28, 1999;

(10) "statement of policy regarding unsound financial condition," as amended on September 28, 1999; and

(11) "statement of policy regarding unequal voting rights," as adopted on October 24, 1991.

(b) Financial statements. Each registration statement shall meet the requirements for financial statements under K.A.R. 81-7-3, unless the administrator waives or modifies the requirements for good cause shown under one of the following circumstances:

(1) The registration statement contains financial statements that satisfy specific requirements of a statement of policy adopted under subsection (a) or another regulation, and the administrator determines that the financial statements are sufficient in light of the issuer, registration statement, type of security, or other circumstances of the offering.

(2) The registration statement was filed for registration by coordination under K.S.A. 17-12a303, and amendments thereto, and contains financial statements that satisfy SEC requirements.

(3) The registration statement was submitted for coordinated review under K.S.A. 17-12a608(c)(7), and amend-

ments thereto, and the administrator determines that a waiver or modification would promote uniformity with other states. (Authorized by K.S.A. 2005 Supp. 17-12a605(a); implementing K.S.A. 2005 Supp. 17-12a306(b) and 17-12a608(c); effective Jan. 1, 1966; amended, E-70-15, Feb. 4, 1970; amended Jan. 1, 1971; amended Jan. 1, 1972; amended, T-88-65, Dec. 30, 1987; amended May 1, 1988; amended Oct. 24, 1988; amended June 28, 1993; amended Jan. 19, 2007.)

**81-7-2. Statements of policy for specific types of securities offerings.** (a) If one of the NASAA guidelines or statements of policy adopted in subsection (b) applies to a securities offering, the registration statement shall meet the requirements of the applicable NASAA guideline or statement of policy.

(b) The following NASAA guidelines and statements of policy are hereby adopted by reference, except as modified in paragraph (b)(13):

(1) "Registration of asset-backed securities," as adopted on October 25, 1995;

(2) "registration of publicly offered cattle-feeding programs," as adopted on September 17, 1980;

(3) "statement of policy regarding church bonds" and the related "cross reference sheet," as adopted on April 14, 2002;

(4) "statement of policy regarding church extension fund securities," as amended on April 18, 2004;

(5) "registration of commodity pool programs," as amended and adopted on August 30, 1990;

(6) "statement of policy regarding debt securities," as adopted on April 25, 1993;

(7) "equipment programs," as amended on October 24, 1991;

(8) "NASAA mortgage program guidelines," as adopted on September 10, 1996;

(9) "registration of oil and gas programs," as amended on October 24, 1991;

(10) "omnibus guidelines," as adopted on March 29, 1992;

(11) "statement of policy regarding real estate investment trusts," as revised on September 29, 1993;

(12) "statement of policy regarding real estate programs," as revised on September 29, 1993; and

(13) "guidelines regarding viatical investments," as in effect on January 1, 2006, which shall be modified as follows:

(A) In section I.B.14.a of the guidelines, the phrase "[reference to state statute or most recent version of the National Association of Insurance Commissioners ("NAIC") Model Viatical Settlement Act]" shall be replaced with "K.S.A. 40-5002(o), and amendments thereto";

(B) in section I.B.16, the phrase "[broker dealer]" shall be replaced with "broker-dealer," the term "[agent]" shall be replaced with "agent," and the phrase "[reference to statutory definition of issuer]" shall be replaced with "K.S.A. 17-12a102(17), and amendments thereto";

(C) in section I.B.17, the phrase "[reference to state statute or most recent version of the NAIC Model Viatical Settlement Act]" shall be replaced with "K.S.A. 40-5002(n), and amendments thereto";

(D) in section III.B, the brackets shall be removed, and the bracketed amounts shall remain in effect;

(E) in section VI.14, the phrase "[NAIC Model Viatical Settlement Act or similar viatical regulatory act of the particular state]" shall be replaced with "viatical settlement act of 2002, K.S.A. 40-5002 et seq., and amendments thereto"; and

(F) in the last sentence of section VI, the phrase "[statutory reference]" shall be replaced with "K.S.A. 17-12a411(d), and amendments thereto."

(c) The omnibus guidelines adopted in paragraph (b)(10) shall be applied to limited partnership programs or other entities for which more specific guidelines or statements of policy have not been adopted by NASAA, unless the administrator waives or modifies the requirements of the omnibus guidelines or applies other NASAA guidelines or statements of policy for good cause shown.

(d) Each registration statement subject to a guideline or statement of policy adopted under subsection (b) shall meet the requirements for financial statements under K.A.R. 81-7-3, unless the administrator waives or modifies the requirements for good cause shown under any of the following circumstances:

(1) The registration statement contains financial statements that meet the specific requirements of another guideline or statement of policy adopted under subsection (b) or another regulation, and the administrator determines that the financial statements are sufficient for the particular type of securities registration.

(2) The registration statement was filed for registration by coordination under K.S.A. 17-12a303, and amendments thereto, and contains financial statements that meet the SEC requirements.

(3) The registration statement was submitted for coordinated review under K.S.A. 17-12a608(c)(7) and amendments thereto, and the administrator determines that a waiver or modification would promote uniformity with other states.

(e) Each application for registration subject to a guideline or statement of policy adopted under subsection (b) shall include a cross-reference table to indicate compliance with the various sections of the applicable guideline or statement of policy. (Authorized by K.S.A. 2005 Supp. 17-12a605(a); implementing K.S.A. 2005 Supp. 17-12a306(b) and 17-12a608(c); effective June 28, 1993; amended May 31, 1996; amended Jan. 19, 2007.)

**81-7-3. Financial statements required for securities registration.** (a) The historical financial statements in each registration statement or prospectus required under the act shall be presented in conformity with GAAP. In addition, each of the financial statements shall be audited by an independent CPA in accordance with standards of the PCAOB, or in accordance with generally accepted auditing standards in the United States if the audit is not subject to standards of the PCAOB, except under either of the following circumstances:

(1) If an issuer complies with K.A.R. 81-4-2 or K.A.R. 81-7-2(b)(3), as applicable, the financial statements in a registration statement filed by qualification under K.S.A. 17-12a304, and amendments thereto, may be reviewed by an independent CPA rather than audited.

(continued)





4-8-27	Amended (T)	V. 25, p. 380
4-8-33	Amended (T)	V. 25, p. 380
4-8-34	Amended (T)	V. 25, p. 380
4-8-42	Amended (T)	V. 25, p. 380
4-11-15	New (T)	V. 25, p. 1632
4-15-7	Amended	V. 24, p. 550
4-15-8	Amended	V. 24, p. 550
4-16-1a	Amended	V. 25, p. 1143
4-16-1c	Amended	V. 25, p. 1143
4-16-3a	Amended	V. 25, p. 1143
4-16-250	Revoked	V. 25, p. 1145
4-16-251	Revoked	V. 25, p. 1145
4-16-252	Revoked	V. 25, p. 1145
4-16-260	Revoked	V. 25, p. 1145
4-17-1a	Amended	V. 25, p. 1145
4-17-1c	Amended	V. 25, p. 1145
4-17-5a	Revoked	V. 25, p. 1145
4-28-1		
through		
4-28-7	New	V. 24, p. 145, 146

**AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES**

Reg. No.	Action	Register
5-16-1	Amended	V. 24, p. 1850
5-16-5	Amended	V. 24, p. 1850
5-24-10	Amended	V. 25, p. 1692

**AGENCY 7: SECRETARY OF STATE**

Reg. No.	Action	Register
7-17-22	Amended (T)	V. 25, p. 1305
7-34-2	New (T)	V. 24, p. 42
7-34-2	New	V. 24, p. 332
7-41-1	Amended	V. 24, p. 1244
7-41-14		
through		
7-41-33	New	V. 24, p. 1245-1249
7-42-1		
through		
7-42-5	New	V. 24, p. 1469, 1470
7-43-1		
through		
7-43-6	New	V. 24, p. 1829, 1830

**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
11-4-1		
through		
11-4-4	Amended	V. 25, p. 1268, 1269
11-4-6		
through		
11-4-14	Amended	V. 25, p. 1269, 1270
11-4-15	New	V. 25, p. 1270
11-4-16	New	V. 25, p. 1270
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
16-11-1		
through		
16-11-7	New	V. 25, p. 1598-1600
16-11-8	New	V. 25, p. 1772

**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
28-4-501	Amended	V. 25, p. 1402
28-4-510	Amended (T)	V. 25, p. 986, 1019
28-4-510	Amended	V. 25, p. 1403
28-4-514	New (T)	V. 25, p. 987, 1019
28-4-514	New	V. 25, p. 1403
28-4-1400	New (T)	V. 24, p. 1142
28-4-1400	New	V. 24, p. 1531
28-16-28g	Amended	V. 25, p. 1205
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
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

(continued)

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		
28-35-411	New	V. 24, p. 1832
28-35-450	New	V. 24, p. 1832
28-35-500		
through		
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
28-51-100	Amended	V. 25, p. 1448
28-51-112		
through		
28-51-116	Amended	V. 25, p. 1449, 1450
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		
28-73-7	New	V. 25, p. 307-311

**AGENCY 30: SOCIAL AND REHABILITATION SERVICES**

Reg. No.	Action	Register
30-4-64	Amended	V. 25, p. 1636
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

30-5-88	Revoked	V. 25, p. 1830
30-5-108	Revoked	V. 25, p. 1569
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
30-31-1	Amended	V. 25, p. 1800
30-31-2	Revoked	V. 25, p. 1800
30-31-3	Revoked	V. 25, p. 1800
30-31-4	Revoked	V. 25, p. 1800
30-31-6	Revoked	V. 25, p. 1800
30-31-7	Revoked	V. 25, p. 1800
30-31-10	Revoked	V. 25, p. 1800
30-31-11	Revoked	V. 25, p. 1800
30-31-12	Revoked	V. 25, p. 1800
30-63-20	Amended	V. 25, p. 1693
30-63-22	Amended	V. 25, p. 1693
30-64-24	Amended	V. 25, p. 1693

**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
40-4-29a	New	V. 25, p. 1835
40-4-35	Amended	V. 24, p. 1264
40-4-41	Amended	V. 25, p. 1835
40-4-41b	Amended	V. 25, p. 1838
40-4-41c	Amended	V. 25, p. 1839
40-4-41d	Amended	V. 25, p. 1841
40-4-41e	Amended	V. 25, p. 1842
40-4-41f	Amended	V. 25, p. 1843
40-4-41i	Amended	V. 25, p. 1843
40-4-41j	Amended	V. 25, p. 1844
40-7-1	Revoked	V. 25, p. 1844
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
40-7-24	Amended	V. 25, p. 1844

**AGENCY 47: DEPARTMENT OF HEALTH AND ENVIRONMENT — MINED-LAND CONSERVATION AND RECLAMATION**

Reg. No.	Action	Register
47-2-75	Amended	V. 25, p. 1639
47-3-2	Amended	V. 25, p. 1640
47-3-42	Amended	V. 25, p. 1641
47-4-14a	Amended	V. 25, p. 1644
47-5-5a	Amended	V. 25, p. 1649
47-6-1	Amended	V. 25, p. 1652
47-6-2	Amended	V. 25, p. 1653
47-6-3	Amended	V. 25, p. 1653
47-6-4	Amended	V. 25, p. 1653
47-6-6	Amended	V. 25, p. 1654
47-6-8	Amended	V. 25, p. 1654
47-6-9	Amended	V. 25, p. 1654
47-6-10	Amended	V. 25, p. 1654
47-6-11	Amended	V. 25, p. 1655
47-7-2	Amended	V. 25, p. 1655
47-8-9	Amended	V. 25, p. 1655
47-9-1	Amended	V. 25, p. 1656
47-9-4	Amended	V. 25, p. 1661
47-10-1	Amended	V. 25, p. 1662
47-11-8	Amended	V. 25, p. 1663
47-12-4	Amended	V. 25, p. 1664
47-13-4	Amended	V. 25, p. 1665
47-14-7	Amended	V. 25, p. 1665
47-15-1a	Amended	V. 25, p. 1666
47-16-9	Amended	V. 25, p. 1667
47-16-10	Amended	V. 25, p. 1667
47-16-12	Amended	V. 25, p. 1667

**AGENCY 49: DEPARTMENT OF LABOR**

Reg. No.	Action	Register
49-45-1	Amended	V. 25, p. 1494
49-45-2	Amended	V. 25, p. 1494
49-45-3	Amended	V. 25, p. 1494
49-45-4	Amended	V. 25, p. 1494
49-45-4a	Amended	V. 25, p. 1494
49-45-4b	New	V. 25, p. 1494
49-45-5	Amended	V. 25, p. 1494
49-45-6	Amended	V. 25, p. 1494
49-45-7	Amended	V. 25, p. 1494
49-45-8	Amended	V. 25, p. 1494
49-45-9	Amended	V. 25, p. 1495
49-45-20	Amended	V. 25, p. 1495
49-45-21		
through		
49-45-26	Revoked	V. 25, p. 1495
49-45-28	Amended	V. 25, p. 1495
49-45-29	Amended	V. 25, p. 1495
49-45-30	Revoked	V. 25, p. 1495
49-45-31	Amended	V. 25, p. 1495
49-45-32	Amended	V. 25, p. 1495
49-45-34	Amended	V. 25, p. 1495
49-45-35	New	V. 25, p. 1495
49-45-37	New	V. 25, p. 1495
49-45-38	New	V. 25, p. 1495
49-45a-1	Amended	V. 25, p. 1495
49-47-2	Amended	V. 25, p. 1496
49-49-1	Amended	V. 25, p. 25
49-49-1a	Amended	V. 25, p. 25
49-50-3	Amended	V. 25, p. 1496
49-50-7	Amended	V. 25, p. 1497
49-50-9	Amended	V. 25, p. 1497
49-50-10	Amended	V. 25, p. 1498
49-50-13	Amended	V. 25, p. 1498
49-15-17	Amended	V. 25, p. 1498
49-50-19	Amended	V. 25, p. 1498
49-50-22	Amended	V. 25, p. 1499
49-50-23	New	V. 25, p. 1499
49-50-24	New	V. 25, p. 1499
49-51-3a	Amended	V. 25, p. 1499
49-51-6	Amended	V. 25, p. 1499
49-51-11	Amended	V. 25, p. 1500
49-51-12	Amended	V. 25, p. 1501
49-52-6	Amended	V. 25, p. 1501
49-52-10	Amended	V. 25, p. 1502
49-52-14	Amended	V. 25, p. 1502
49-52-17	Amended	V. 25, p. 1502
49-52-18	New	V. 25, p. 1502
49-52-19	New	V. 25, p. 1502

**AGENCY 50: DEPARTMENT OF LABOR—  
DIVISION OF EMPLOYMENT**

Reg. No.	Action	Register
50-3-2a	New	V. 25, p. 1493

**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. 25, p. 1801
66-8-4	Amended	V. 25, p. 44
66-8-8	Amended	V. 25, p. 1802
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. 1802
66-10-10a	Amended	V. 25, p. 1802
66-10-11	Amended	V. 25, p. 44
66-10-12	Amended	V. 25, p. 45
66-10-14	Amended	V. 25, p. 45
66-11-2	Amended	V. 25, p. 1802
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
68-1-1b	Amended	V. 25, p. 1401
68-1-1d	Amended	V. 25, p. 1401
68-1-1f	Amended	V. 25, p. 1401
68-1-1g	New	V. 25, p. 1401
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
68-11-1	Amended	V. 25, p. 1401
68-16-1	through	
68-16-9	New	V. 25, p. 1637-1639

**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
81-2-1	Amended	V. 25, p. 1057
81-3-1	Amended	V. 25, p. 1058
81-3-2	Amended	V. 25, p. 1059
81-3-5	Amended	V. 25, p. 1059
81-3-6	New	V. 25, p. 1060
81-3-7	New	V. 25, p. 1064
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
81-14-1	Amended	V. 25, p. 1065
81-14-2	Amended	V. 25, p. 1066
81-14-3	Revoked	V. 25, p. 1066
81-14-4	Amended	V. 25, p. 1066
81-14-5	Amended	V. 25, p. 1071
81-14-6	Amended	V. 25, p. 1075
81-14-7	Amended	V. 25, p. 1076
81-14-8	Revoked	V. 25, p. 1076
81-14-9	New	V. 25, p. 1076
81-14-10	New	V. 25, p. 1079

**AGENCY 82: STATE CORPORATION  
COMMISSION**

Reg. No.	Action	Register
82-3-101	Amended	V. 25, p. 1750
82-3-206	Amended	V. 25, p. 1754
82-3-305	Amended	V. 25, p. 1754
82-3-307	Amended	V. 25, p. 1754
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
82-15-1	New	V. 25, p. 1363

**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 88: BOARD OF REGENTS**

Reg. No.	Action	Register
88-3-8	Amended	V. 25, p. 1057
88-15-1	Revoked	V. 25, p. 1403
88-15-2	Revoked	V. 25, p. 1403
88-16-1	Revoked	V. 25, p. 1404
88-16-1b	Revoked	V. 25, p. 1404
88-16-2	Revoked	V. 25, p. 1404
88-16-5	Revoked	V. 25, p. 1404
88-16-5b	Revoked	V. 25, p. 1404
88-16-6	Revoked	V. 25, p. 1404
88-16-8	Revoked	V. 25, p. 1404

88-23-1	Revoked	V. 25, p. 1404
88-23-2	Revoked	V. 25, p. 1404
88-23-2a	Revoked	V. 25, p. 1404
88-23-3a	Revoked	V. 25, p. 1404
88-23-4	Revoked	V. 25, p. 1404
88-23-5	Revoked	V. 25, p. 1404
88-23-6	Revoked	V. 25, p. 1404
88-23-7	Revoked	V. 25, p. 1404
88-28-1	through	
88-28-6	New	V. 25, p. 1404-1410
88-28-7	New	V. 25, p. 1451
88-28-8	New	V. 25, p. 1411

**AGENCY 91: DEPARTMENT OF  
EDUCATION**

Reg. No.	Action	Register
91-1-201	Amended	V. 25, p. 1098
91-1-202	Amended	V. 25, p. 1099
91-1-203	Amended	V. 24, p. 1178
91-1-205	Amended	V. 25, p. 1101
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
92-13-9	Amended	V. 25, p. 1568
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 97: KANSAS COMMISSION ON  
VETERANS' AFFAIRS**

Reg. No.	Action	Register
97-4-1	through	
97-4-8	New	V. 25, p. 1596, 1597

**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
100-25-1	through	
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
100-27-1	Amended	V. 25, p. 1206

(continued)

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
100-29-11	Revoked	V. 25, p. 1601
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
100-73-7	New	V. 25, p. 1601
100-73-8	New	V. 25, p. 1602

**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
102-2-2a	Amended	V. 25, p. 1452
102-2-3	Amended	V. 24, p. 424
102-2-6	Amended	V. 25, p. 1453
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
102-3-3a	Amended	V. 25, p. 1454
102-3-4a	Amended (T)	V. 25, p. 988, 1019
102-3-4a	Amended	V. 25, p. 1456
102-3-15	Amended	V. 24, p. 428
102-4-1a	Amended	V. 25, p. 1458
102-4-2	Amended	V. 24, p. 428
102-4-3a	Amended	V. 25, p. 1460
102-4-4a	Amended (T)	V. 25, p. 990, 1019
102-4-4a	Amended	V. 25, p. 1463
102-4-15	Amended	V. 24, p. 428
102-5-2	Amended	V. 24, p. 428
102-5-3	Amended	V. 25, p. 1464
102-5-4a	Amended (T)	V. 25, p. 992, 1019
102-5-4a	Amended	V. 25, p. 1466
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
105-5-2	Amended	V. 25, p. 1530
105-5-3	Amended (T)	V. 25, p. 982, 1019

105-5-3	Amended	V. 25, p. 1530
105-5-6	Amended (T)	V. 25, p. 982, 1019
105-5-6	Amended	V. 25, p. 1530
105-5-7	Amended (T)	V. 25, p. 983, 1019
105-5-7	Amended	V. 25, p. 1531
105-5-8	Amended (T)	V. 25, p. 983, 1019
105-5-8	Amended	V. 25, p. 1531
105-11-1	Amended (T)	V. 25, p. 983, 1019
105-11-1	Amended	V. 25, p. 1531

**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
110-14-1	New	V. 25, p. 1771
110-14-2	New	V. 25, p. 1771

**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
111-2-188	New	V. 25, p. 1363
111-2-189	New	V. 25, p. 1411
111-2-190	New	V. 25, p. 1694
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
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
111-4-2435	through	
111-4-2454	New	V. 25, p. 1364-1376

111-4-2455	through	
111-4-2467	New	V. 25, p. 1412-1420
111-4-2468	through	
111-4-2482	New	V. 25, p. 1695-1702
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
111-5-155	through	
111-5-159	New	V. 25, p. 1703, 1704
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
111-7-195	through	
111-7-207	New	V. 25, p. 1420-1423
111-9-130	through	
111-9-133	New	V. 25, p. 351-353
111-9-134	New	V. 25, p. 1704
111-9-135	New	V. 25, p. 1705
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. 1602
115-2-2	Amended	V. 25, p. 1603
115-2-3a	Amended	V. 25, p. 1603
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
115-7-1	Amended	V. 25, p. 1605
115-7-2	Amended	V. 24, p. 153
115-7-4	Amended	V. 25, p. 1606
115-7-8	New	V. 25, p. 1606
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
115-16-5	Amended	V. 25, p. 1607
115-18-1	Amended	V. 24, p. 156
115-18-7	Amended	V. 24, p. 159
115-18-10	Amended	V. 24, p. 753
115-18-12	Amended	V. 25, p. 1608
115-18-14	Amended	V. 24, p. 1689
115-18-18	New	V. 25, p. 1608
115-18-19	New	V. 25, p. 1608
115-18-20	New	V. 25, p. 1609
115-20-1	Amended	V. 24, p. 159
115-20-2	Amended	V. 24, p. 160
115-20-5	New	V. 25, p. 1609
115-20-6	New	V. 25, p. 1611
115-21-1	Revoked	V. 24, p. 1690
115-21-2	Revoked	V. 24, p. 1690
115-21-4	Revoked	V. 24, p. 1690





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