

Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of August 12-15. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. When available, agendas can be found at <http://kslegislature.org/klrd>.

Date	Room	Time	Committee	Agenda
August 12	535-N	9:00 a.m.	Joint Committee On Administrative Rules and Regulations	Review of the rules and regulations proposed for adoption by: Real Estate Commission; Bd. of Tax Appeals; Dept. of Labor; Bd. of Emergency Medical Services; Bd. of Pharmacy; Bd. of Nursing; State Treasurer; and Insurance Dept.
August 12	TBA	TBA	Legislative Coordinating Council	Legislative matters.
August 13	545-N	10:00 a.m.	Joint Committee on State Building Construction	Review leases, change orders, and university five-year capital improvement plans.
August 14	143-N	10:00 a.m.	Joint Committee on Health Policy Oversight	Agenda not available.
August 13	Docking 783	10:00 a.m.	Legislative Educational Planning Committee	Agenda not available.
August 14	Docking 783	9:00 a.m.		
August 14	Docking 783	10:00 a.m.	2010 Commission	Agenda not available.
August 15	Docking 783	9:00 a.m.		
August 14	545-N	10:00 a.m.	Joint Committee on Legislative Budget	Agenda not available.
August 15	545-N	9:00 a.m.		

Jeffrey M. Russell
 Director of Legislative
 Administrative Services

Doc. No. 036053

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State of Kansas

Legislature

Request for Proposals

The Kansas Legislature has issued a request for proposals for leased printers and supporting services. The due date for responses is August 11. For a copy of the RFP, contact Dave Larson at dave.larson@las.state.ks.us or (785) 296-5566.

Dave Larson, Director
Legislative Computer Services

Doc. No. 036039

State of Kansas

University of Kansas

Notice to Bidders

The University of Kansas encourages interested vendors to visit the University of Kansas Purchasing Services Web site at <http://www.purchasing.ku.edu/> for a complete listing of all transactions for which KU Purchasing Services, or one of the consortia commonly utilized by KU, are seeking competitive bids. Paper postings of KU Purchasing Services bid transactions may be viewed at the Purchasing Services office located at 1246 W. Campus Road, Room 7, Lawrence, 66045, or persons may contact Purchasing Services at (785) 864-3790, by fax at (785) 864-3454 or by e-mail at purchasing@ku.edu to request a copy of a current bid.

Barry K. Swanson
Associate Comptroller/
Director of Purchasing Services

Doc. No. 036031

(Published in the Kansas Register July 31, 2008.)

City of Tribune, Kansas

Notice of Proposed DBE Program

The Tribune Airport Board has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation, 49 CFR Part 26, for the Tribune Municipal Airport. The Airport Board anticipates receiving federal financial assistance from the Department of Transportation, and, as a condition of receiving this assistance, the Airport Board will sign an assurance that it will comply with 49 CFR Part 26.

The Airport Board's overall project-specific goal for FY 2009 is 5.47 percent of the federal financial assistance.

The proposed DBE Program is available for public inspection and comment at the office of the city clerk at Tribune City Hall. The Airport Board will accept comments on the goals for 30 days from the date of this notice. Comments can be sent to Brock Sloan, City/County Engineer, P.O. Box 577, Tribune, 67879.

Gina B. Bond
City Clerk

Doc. No. 036038

State of Kansas

Legislature

Request for Proposals

The Kansas Legislature has issued a request for proposals for leased laptop computers and supporting services. The due date for responses is August 7. For a copy of the RFP, contact Dave Larson at dave.larson@las.state.ks.us or (785) 296-5566.

Dave Larson, Director
Legislative Computer Services

Doc. No. 036040

State of Kansas

Social and Rehabilitation Services

Notice of Hearing

In compliance with federal regulation, SRS has scheduled a public hearing from 10 to 11 a.m. Friday, August 1, in the SRS boardroom; sixth floor, north wing, Docking State Office Building, 915 S.W. Harrison, Topeka, to solicit input from the general public regarding the administration of the Low Income Home Energy Assistance Program (LIHEAP). The public is invited to submit written comments or provide comments at the hearing. Written comments can be mailed to Lewis Kimsey at SRS-Economic and Employment Support, Suite 580, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612.

Don Jordan
Secretary of Social and
Rehabilitation Services

Doc. No. 036045

State of Kansas

Social and Rehabilitation Services

Request for Proposals

The Kansas Department of Social and Rehabilitation Services and Jim Redmon, Executive Director, Kansas Children's Cabinet and Trust Fund, announce the release of a request for proposals for the Kansas Early Childhood Block Grant. This grant is designed to fund selected early childhood programs across Kansas for services for at-risk children age birth to five. The proposals must reflect evidence-based approaches to achieve outcomes that enhance school readiness for at-risk children.

Vendors interested in receiving a request for proposals should contact Dyogga Adegbore, Program Consultant, Kansas Children's Cabinet and Trust Fund, Room 152, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 368-7044. Complete proposals must be received not later than 5 p.m. Monday, September 22. The RFP can be downloaded from the Kansas Children's Cabinet Web site at www.kschildrenscabinet.org or by requesting a copy from Dyogga.Adegbore@srs.ks.gov.

Don Jordan
Secretary of Social and
Rehabilitation Services

Doc. No. 036046

State of Kansas

Department of Health and Environment

Notice Concerning Kansas/Federal Water Pollution Control Permits and Applications

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

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

Public Notice No. KS-AG-08-266/268 Pending Permits for Confined Feeding Facilities

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Row 1: Decatur County Feed Yard, LLC, Warren Weibert, Route 3, Box 9, Oberlin, KS 67749. Row 2: W/2 & SE/4 of Section 01, T02S, R29W, Decatur County.

Kansas Permit No. A-URDC-C002 Federal Permit No. KS0115690 This permit is being reissued. The permit contains modifications consisting of two new drainage pipes from two of the sedimentation basins to two of the wastewater retention structures. This permit is being reissued for a confined animal feeding operation for 38,000 head (38,000 animal units) of beef cattle weighing more than 700 pounds. There is no change in the permitted animal units.

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Row 1: Kenneth Aberle, 222 270th St, Sabetha, KS 66534. Row 2: SE/4 of Section 06, T02S, R15E, Brown County.

Kansas Permit No. A-KSBR-B001 This permit is being reissued for an existing facility with a maximum capacity of 500 head (500 animal units) of cattle more than 700 pounds. There is no change in the permitted animal units.

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Row 1: Mark Pfizenmaier, 1296 Hackberry Road, Clay Center, KS 67432. Row 2: NW/4 of Section 05, T09S, R02E, Clay County.

Kansas Permit No. A-LRCY-B007 This is a reissuance of a permit with a change in operation for an existing facility for 80 head (80 animal units) of cattle weighing greater than 700 pounds and 80 head (40 animal units) of cattle weighing less than 700 pounds, for a total of 120 animal units of cattle. The change in operation is due to the facility changing from confining swine to confining cattle.

Public Notice No. KS-Q-08-149/152

Table with 3 columns: Name and Address of Applicant, Receiving Stream, Type of Discharge. Row 1: Emporia, City of, P.O. Box 928, Emporia, KS 66801. Row 2: Cottonwood River via Unnamed Tributary. Row 3: Cooling Water Noncontact.

Kansas Permit No. I-NE24-CO06 Federal Permit No. KS0094412 Facility Name: Industrial Park III Pond

Facility Location: 1200 Block E. Logan Ave., Emporia, KS 66801 Facility Description: The proposed action is to reissue an existing permit for an existing wastewater discharge. Municipal potable water, used for noncontact cooling from a canned and pouched pet food producer (Menu Pet Foods, Inc) and stormwater runoff from the industrial park area are directed to a city-owned cooling lake (earthen pond). Outfall 001A is the discharge of approximately 2.0 million gallons per day of cooling water from the Menu Foods plant into the lake. Outfall 001X is the overflow from the lake of combined cooling water and any storm water runoff. All domestic wastewater is connected to the city sanitary sewer system. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, oil and grease, total residual chlorine and pH, as well as monitoring of temperature and effluent flow. Contained in the permit is a schedule of compliance requiring the permittee to submit engineering plans and specifications of improvements or modifications required to bring the facility into consistent compliance with the permit and complete construction by March 31, 2010. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Table with 3 columns: Name and Address of Applicant, Receiving Stream, Type of Discharge. Row 1: Hunt Martin Materials, LLC, 11252 Aurora Ave., Des Moines, IA 50322. Row 2: Kansas River via Kill Creek. Row 3: Pit Dewatering & Stormwater Runoff.

Kansas Permit No. I-KS12-PO01 Federal Permit No. KS0087947 Legal Description: NW¼, S9, T13S, R22E, Johnson County, Kansas

Facility Name: Sunflower Quarry Facility Description: The proposed action is to modify and reissue an existing permit for the discharge of wastewater during quarry operation. This facility is a limestone quarry operation with some washing. Outfall 001A consists of treated washwater from three settling ponds in series. Outfall 002A consists of stormwater runoff from stockpile areas and pit dewatering discharges that are treated by two settling ponds in series. Outfall 003A consists of stormwater runoff from the north end of the property. The proposed permit contains limits for total suspended solids and pH. The proposed permit also includes generic water quality language to protect waters of the state. Contained in the permit is a schedule of compliance requiring the permittee to submit calculations showing the sizes of the basins required to adequately treat process and stormwater flows. If the basins are found to be undersized, permittee will provide KDHE with approvable dates to make necessary modifications. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Table with 3 columns: Name and Address of Applicant, Receiving Stream, Type of Discharge. Row 1: Iola, City of, P.O. Box 308, Iola, KS 66749. Row 2: Neosho River. Row 3: Process Wastewater.

Kansas Permit No. I-NE37-PO02 Federal Permit No. KS0078905 Legal Description: SW¼, S27, T24S, R18E, Allen County, Kansas

Facility Name: Iola Municipal Power Plant Facility Location: 1220 W. 54 Highway, Iola, Kansas Facility Description: The proposed action is reissue an existing permit for an existing wastewater discharge. This facility is a standby electrical generating station used for peaking and emergency power. The facility is normally operated during the summer months; however, the boilers are operated in "warm" ready mode all year. Wastewater consists of once through Neosho River cooling water, cooling tower

and boiler blowdown, softener and RO reject water and miscellaneous floor drains. The proposed permit contains limits for total suspended solids, oil and grease, and pH, as well as monitoring of temperature, total residual oxidant and effluent flow. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Westar Energy, Inc. 818 Kansas Ave. Topeka, KS 66612	Kansas River and Tecumseh Creek	Process Wastewater
Kansas Permit No. I-KS72-BO01		Federal Permit No. KS0079731
Legal Description: NW¼, S31, T11S, R17E, Shawnee County, Kansas		
Facility Name: Tecumseh Energy Center		
Facility Location: 2nd and Dupont Road, Tecumseh, KS 66542		
Facility Description: The proposed action is to modify an existing permit for discharge from an existing wastewater treatment facility. This facility generates electric power with high pressure steam produced by fossil fuel combustion. The proposed modification consists of the addition of a new two-cell nondischarging lagoon system and managed wetland area designed to treat about 2000 gallons of domestic wastewater per day. This will replace the existing discharging package sewage plant. The permittee also has proposed to reroute the cinder pit overflow from discharge into Tecumseh Creek into the final ash pond for additional treatment and discharge at outfall 002X1. After completion of these two modifications, discharges from outfall 002A1 and 003A1 will not occur. All other requirements and provisions of the original permit remain in full force and effect. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.		

Public Notice No. KS-NQ-08-031

Name and Address of Applicant	Legal Location	Type of Discharge
Nashville, City of P.O. Drawer 160 Nashville, KS 67112	SE¼, NW¼, NE¼, S16, T30S, R10W, Kingman County	Nonoverflowing
Kansas Permit No. M-AR65-NO01		Federal Tracking No. KSJ000447
Facility Description: The proposed action is to reissue an existing permit for existing three-cell wastewater treatment system. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator to achieve compliance with this permit. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited by this permit.		

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

All comments regarding the draft documents or application notices received on or before August 30 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-08-266/268, KS-Q-08-149/152, KS-NQ-08-031) and name of the applicant/permittee when preparing comments.

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

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

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 036043

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. Westar Energy Inc., Hutchinson Energy Center 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, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Westar Energy Inc., Hutchinson Energy Center, Topeka, owns and operates an electrical generation facility located at 3200 E. 30th Road, Hutchinson.

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 South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Lynelle Stranghoner, (785) 296-1719, at the KDHE central office; and to review the proposed permit only, contact David Butler, (316) 337-6042, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Lynelle Stranghoner, KDHE, Bureau
(continued)

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 noon September 2.

Any member of the public may request a public hearing be conducted to receive comments on the proposed issuance of the draft air quality construction permit. Written requests to hold a public hearing should be sent to the attention of Christy Thurman at the address listed above or by fax to (785) 296-7455 and must be received by noon September 2. If a request is received, a public hearing is tentatively scheduled by the KDHE at 1000 S.W. Jackson, Suite 310, Topeka. 66612. If no requests to hold the public hearing are received by noon September 2, no public hearing will be held.

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. 036041

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. DCP Midstream 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, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

DCP Midstream, 370 17th St., Suite 2500, Denver, Colorado, owns and operates Light Booster Compressor Station located at Section 2, T35S, R32W, Seward County, Kansas.

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 Southwest District Office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, at the KDHE central office; and to review the proposed permit only, contact Al Guernsey, (620) 225-0596, at the KDHE Southwest District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael J. Parhomek, 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 September 2.

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 Christy Thurman, Bureau of Air and Radiation, not later than the close of business September 2 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 Patricia Scott, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7312, 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. 036042

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. DCP Midstream 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, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

DCP Midstream, 370 17th St., Suite 2500, Denver, Colorado, owns and operates the Columbian compressor station located at Section 36, T28S, R36W, Grant County, Kansas.

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 Southwest District Office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, at the KDHE central office; and to review the proposed permit only, contact Al Guernsey, (620) 225-0596, at the KDHE Southwest District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael J. Parhomek, 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 September 2.

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 Christy Thurman, Bureau of Air and Radiation, not later than the close of business September 2 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 pe-

riod. Contact Patricia Scott, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7312, 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. 036033

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 construction permit. Magellan Pipe Co., L.P. has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-3006. This is a modification to allow use of diesel fuel in their four dual-fuel engines, and also to limit the hours of operation for these four engines. Emissions of nitrogen oxides (NOx), carbon monoxide (CO), volatile organic compounds (VOCs) and sulfur dioxide (SO₂) were evaluated during the permit review process.

Magellan Pipeline Company, L.P. owns and operates the stationary source located at 24303 W. 343rd St., Paola, Miami County.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication 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 Northeast District Office, 800 W. 24th, Lawrence. To obtain or review the proposed permit and supporting documentation, contact Sergio Guerra, (785) 296-0365, at the KDHE central office; and to review the proposed permit only, contact Pat Simpson, (785) 842-4600, at the KDHE Northeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Sergio Guerra, 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 September 2.

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 Christy Thurman, Bureau of Air and Radiation, not later than the close of business September 2 in order for the Secretary of Health and Environment to consider the request.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 036047

State of Kansas

Department of Transportation

Request for Comments

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 2008-2011 by adding the following projects:

Project KA-1500-01, Design and Deploy Dynamic Message Signs, Cameras, and Beacons, on US-75 in the vicinity of the Prairie Band Potawatomi Tribal Nation, Jackson County

Project KA-0387-01, Right-of-Way Acquisition, US-183 over Cimarron River and Cimarron River Overflow 4.39 and 4.87 miles north of Oklahoma, Clark County

Project KA-0687-01, Right-of-Way Acquisition, K-128 over Limestone Creek Drainage and West Limestone Creek 3 miles south of Iona, Jewell County

Project KA-0694-01, Right-of-Way Acquisition, K-34 over West Fork Rattlesnake Creek .4 mile south of Bucklin, Ford County

Project KA-0700-01, Right-of-Way Acquisition, K-8 over West Beaver Creek 6 miles north of Jct. US-36, Smith County

Project KA-0706-01, Right-of-Way Acquisition, US-169 over Abandoned ATSF Railroad west of Welda, Anderson County

Project KA-0707-01, Right-of-Way Acquisition, US-183 over Walnut Creek .4 mile south of Rush Center, Rush County

Project KA-0709-01, Right-of-Way Acquisition, US-24 over West Pipe Creek Drainage .2 mile east of US-81, Cloud County

Project KA-0713-01, Right-of-Way Acquisition, US-281 over White Rock Creek North Branch 12 miles north of US-36, Smith County

Project KA-0715-01, Right-of-Way Acquisition, US-50 over Arkansas River 1 mile east of Kinsley, Edwards County

Project KA-0717-01, Right-of-Way Acquisition, US-81 over Ninnescah River Drainage 3.5 miles south of the Sedgwick-Sumner county line, Sumner County

The amendment of the STIP requires a 30-day public comment period. To receive more information on any of these projects or to make comments on the STIP amendment, contact the Kansas Department of Transportation, Bureau of Program and Project Management, 2nd Floor Tower, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754, (785) 296-3526, fax (785) 368-6664.

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Bureau of Transportation Information, (785) 296-3585 (Voice/TTY).

The comment period regarding the STIP amendment will conclude September 1.

Deb Miller
Secretary of Transportation

Doc. No. 036052

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. August 20 and then publicly opened.

District One — Northeast

Johnson-Wyandotte—106 KA-1495-01 — 12 locations in Johnson and Wyandotte counties, signing. (State Funds)

Leavenworth—52 C-4257-01 — County road 1.2 miles west and 1.5 miles north of Easton, 0.1 mile, grading, bridge and surfacing. (Federal Funds)

Riley—18-81 K-6796-02 — K-18, .5 mile south of the Geary-Riley county line northeast to south of Walnut Street in Ogden, 0.8 mile, grading, bridge and surfacing. (Federal Funds)

Shawnee—75-89 KA-1304-01 — East junction of I-70/ U.S. 75 south end of the Westgate Bridge, bridge repair. (State Funds)

District Two — Northcentral

Geary—70-31 KA-1112-01 — Eastbound I-70 over the Smoky Hill River bridge, bridge repair. (State Funds)

Ellsworth—141-27 KA-1328-01 — K-141, 1 mile north of K-4, 0.1 mile, slide repair. (State Funds)

Saline—70-85 K-6779-03 — I-70, .05 mile west of county route 1050 east to the Saline-Dickinson county line, 6.5 miles, seeding and sodding. (Federal Funds)

District Three — Northwest

Smith—92 C-4297-01 — County road 0.5 miles north and 3 miles east of Cora, 0.2 mile, grading and bridge. (Federal Funds)

Sheridan—90 C-4303-01 — County road, 14.3 miles north and 9 miles east of Hoxie, 0.2 mile, grading and bridge. (Federal Funds)

Sherman—24 KA-0144-01 — Intersection of U.S. 24B and Cherry Street, 0.2 mile, grading and surfacing. (State Funds)

Sherman—91 KA-0472-01 — County road 1668 from north of I-70 exit 12 north to county road 65, 1 mile, grading and surfacing. (State Funds)

District Four — Southwest

Cherokee—69-11 K-8009-01 — Railroad crossing in Columbus to Maple Street on U.S. 69, 0.5 mile, grading and surfacing. (State Funds)

Franklin—68-30 KA-1238-01 — K-68 bridge, 11.9 miles east of the Osage County line, bridge repair. (State Funds)

District Five — Southcentral

Kingman—54-48 K-8244-01 — U.S. 54 from the Pratt-Kingman county line east 5.8 miles, grading and bridge. (Federal Funds)

Sedgwick—54-87 KA-1243-01 — U.S. 54 bridge 2 miles east of the junction of U.S. 54 and I-235, bridge repair. (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. 036028

State of Kansas

Office of the Governor

Notice of Available Grant Funding

Grant funds are available from the Federal Victim Assistance of Crime Act (VOCA) Victim Assistance grant program for the funding period of October 1, 2008 through September 30, 2009, to eligible applicants. The purpose of this grant program is to fund state and local units of government, not-for-profit, community and faith-based organizations that provide direct assistance to crime victims. For the purposes of this grant program, a crime victim is a person who has suffered physical, sexual, financial or emotional harm as a result of the commission of a crime. Direct services are defined as those efforts that (1) respond to the emotional and physical needs of crime victims; (2) assist primary and secondary victims of crime to stabilize their lives after a victimization; (3) assist victims to understand and participate in the criminal justice system; and (4) provide victims of crime with a measure of safety such as boarding up broken windows and replacing or repairing locks.

The grant application can be found on the Governor's Web site at http://www.governor.ks.gov/grants/grants_vocapp.htm. All grant applications must be submitted via the Governor's Grant Portal by midnight August 25.

Juliene Maska
Governor's Grants Program Administrator

Doc. No. 036050

State of Kansas

Office of the Governor

Notice of Available Grant Funding

Grant funds are available from the Governor's Discretionary Portion of the Federal Safe and Drug-Free Schools and Communities Act (SDFSCA) for funding period October 1, 2008 through September 30, 2009. The purpose of the SDFSCA is to support programs that prevent violence in and around schools; prevent the illegal use of alcohol, tobacco and drugs; involve parents and communities; and coordinate with related federal, state, school and community efforts and resources to foster a safe and drug-free learning environment that supports student academic achievement. The Governor's Grants Program also defines prevention as the "active process that creates and rewards conditions that lead to healthy behaviors and lifestyles."

Priority will be given to mentoring program activities that prevent illegal drug use and violence for:

1. Children and youth who are not normally served by the state educational agencies or local educational agencies; or
2. Populations that need special services or additional resources, such as youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers and suspended or expelled students.

The grant application can found on the Governor's Web site at http://www.governor.ks.gov/grants/grants_sdfscpp.htm. All grant applications must be submitted via the Governor's Grant Portal by midnight August 29.

Juliene Maska
Governor's Grants Program Administrator

Doc. No. 036049

State of Kansas

Kansas Water Authority

Notice of Meetings

The Kansas Water Authority will meet Wednesday, Thursday and Friday, August 13-15, at the Stouffer Lounge in the Fort Hays State University Student Union, Hays. Starting times of each day's subcommittee or Authority meetings are 1 p.m., 8:30 a.m., and 8:30 a.m., respectively. The Authority will take final action on the previous days' business on Friday.

Complete meeting information, including a site map, agenda and other materials, will be posted on the Kansas Water Office Web page at www.kwo.org. Interested parties without Web access may call the Kansas Water Office at (785) 296-3185 or toll free at (888) KAN-WATER (526-9283) to request meeting materials.

Anyone needing special accommodations at the meeting site should contact the Kansas Water Office at least two days before the meeting.

Steve Irsik
Chairman

Doc. No. 036048

State of Kansas

Kansas Insurance Department

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 1:30 p.m. Wednesday, October 1, in the third floor conference room, Kansas Insurance Department, 420 S.W. 9th, Topeka, to consider the adoption of proposed changes in existing rules and regulations.

The 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to John Wine, Kansas Insurance Department, 420 S.W. 9th, Topeka, 66612-1678, via facsimile at (785) 291-3673, or via e-mail at jwine@ksinsurance.org. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing.

A summary of the regulations and their economic impact follows:

K.A.R. 40-1-37. Audited financial reports; filing requirements. The proposed regulation adopts this department's *Policy and Procedure Requiring Annual Auditing Financial Reports* dated June 19, 2008. The department's Policy and Procedure adopts, by reference, the National Association of Insurance Commissioners model regulation by reference with few exceptions. The Kansas exceptions to the model regulation reflect specific reference to Kansas laws.

There is no fiscal impact on the insurance industry given that insurance companies currently voluntarily comply with the National Association of Insurance Commissioners model regulation. There also is little or no fiscal impact on consumers, the Kansas Insurance Department, small businesses and other governmental agencies.

K.A.R. 40-1-48. Risk-based capital instructions for health organizations. This proposed regulation adopts by reference the National Association of Insurance Commissioners (NAIC) health risk-based capital reports, including overview and instructions, for companies. Risk-based capital is a method of measuring the minimum amount of capital appropriate for an insurance entity to support its overall business operation in consideration of its size and risk profile. Risk-based capital standards for health organizations were enacted in Kansas in the year 2000 and have recently been amended. This regulation sets out the requirements and format of the risk-based capital report that all domestic health organizations are required to file each year.

The economic impact on companies, if any, is positive because the reports that are required to file in Kansas are uniform formats as established by the NAIC. NAIC rules, regulations and instructions are promulgated after input from the insurance industry and regulators nationwide. Companies will generally be familiar with the format and requirements of these reports.

There will be little or no economic impact on the Kansas Insurance Department, consumers, small businesses or other governmental agencies.

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 John Wine at (785) 296-7847 or via e-mail at jwine@ksinsurance.org. Any individual desiring a copy of these regulations and/or the policy and procedure that is being adopted by reference, if applicable, may obtain a copy from the department's Web site, www.ksinsurance.org, under the "Legal Issues" link, or by contacting John Wine. The charge for copies is 50 cents per page.

Sandy Praeger
Insurance Commissioner

Doc. No. 036035

State of Kansas

Secretary of State

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 9 a.m. Wednesday, October 1, in the Secretary of State's Office, Room 120, Memorial Hall, 120 S.W. 10th Ave., Topeka, to consider proposed amended Kansas Administrative Regulations 7-16-1 and 7-16-2, which pertain to fees. The regulations are proposed for adoption on a permanent basis.

K.A.R. 7-16-1 adopts by reference a new schedule of information and services fees.

K.A.R. 7-16-2 adopts by reference a new schedule of technology communication fees.

These regulations will have an economic impact on other governmental agencies, business and consumers who file records with the Secretary of State or purchase products and services from the Secretary of State.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. Comments may be submitted prior to the hearing to the Office of the Secretary of State, Memorial Hall, 120 S.W. 10th Ave., Topeka, 66612-1594, (785) 296-4801, or to BarbD@kssos.org.

All interested parties will be given a reasonable opportunity at the hearing to present their views. It may be necessary to request each participant to limit any oral presentation to five minutes. Any person requiring visual, hearing or other communication aid or assistance, building access assistance or other similar accommodation should contact the Secretary of State's Office so appropriate arrangements can be made.

Copies of the regulations and the economic impact statement may be obtained at the address above or by contacting Barb Dominguez at (785) 296-2114 or BarbD@kssos.org.

Ron Thornburgh
Secretary of State

Doc. No. 036044

**State of Kansas
Pooled Money Investment Board**

Notice of Investment Rates

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

Effective 7-28-08 through 8-3-08

Term	Rate
1-89 days	2.06%
3 months	1.66%
6 months	1.90%
1 year	2.28%
18 months	2.44%
2 years	2.65%

Daniel J. Nackley
Director of Investments

Doc. No. 036032

**State of Kansas
Department of Revenue
Division of Motor Vehicles**

**Notice of Intent to Establish a
New Motor Vehicle Dealer License**

Notice has been received from Hoffman Auto Sales, Inc., 1411 Evans, Ellsworth, Kansas, Used Vehicle Dealer #1870, of its intent to establish a new Schwinn franchise and change license type to New & Used Vehicle Dealer at 1411 Evans, Ellsworth, Kansas. The vehicle dealer operator and the principal investor is Jeffrey D. Hoffman and S. Jolene Hoffman. The proposed date of completion is immediately upon approval.

Pursuant to K.S.A. 8-2430(a)(5), any existing new motor vehicle dealer may protest the proposed establishment of the new Schwinn dealership, Hoffman Auto Sales, 1411 Evans, Ellsworth, Kansas, if that existing new motor vehicle dealer has a franchise agreement for the same line-make vehicle as that which is to be sold or offered for sale at Hoffman Auto Sales, 1411 Evans, Ellsworth, Kansas, and provided that the existing new motor vehicle dealer is physically located such that its relevant market area, as defined in K.S.A. 8-2430(e), includes the location where the new Schwinn dealership will be located.

Pursuant to K.S.A. 8-2430(a), any petition or complaint by any dealer with standing to protest must be filed with the Director of Vehicles within 30 days of this notice. Such petitions or complaints must be directed to the Kansas Department of Revenue, Director of Motor Vehicles, 1st Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612.

Carmen Alldritt
Director of Motor Vehicles

Doc. No. 036037

**State of Kansas
State Conservation Commission**

Notice to Contractors

Sealed bids for detention dam Site 203 rehabilitation, in Osage County, will be received by the Wakarusa Watershed Joint District No. 35 at 305 Maple St (Mailing address PO Box 139) Overbrook, KS 66524, until 9:00 a.m. on August 13, 2008, and then opened. All prospective bidders must meet on August 11, 2008, at 9:00 a.m. to review work to be done. A copy of the invitation for bids and the plans and specifications can be reviewed and/or obtained from the Wakarusa Watershed District Office, (785) 665-7231. A \$25.00 non-refundable deposit will be required for each set of plans requested.

Greg A. Foley
Executive Director

Doc. No. 036054

(Published in the Kansas Register July 31, 2008.)

City of Wichita, Kansas

Notice to Bidders

The city of Wichita will receive bids at the Purchasing Office, 455 N. Main, 12th Floor, Wichita, 67202, until 10 a.m. Friday, August 29, for the following project:

**(KDOT Project No. TE-0234-01/472-84562/207434)
(OCA Code 706968)
Paving**

Midtown Bikepath from Central Avenue and Wichita Street to 15th Street North and Broadway Avenue

Requests for the bid documents and plans should be directed to City Blue Print at (316) 265-6224 or Marty Strayer at (316) 268-4488. Other questions should be directed to the respective design engineer, (316) 268-4501.

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

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

Marty Strayer
Administrative Aide
City of Wichita—Engineering

Doc. No. 036036

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:

08/11/2008	11542	Furnish and Install Doors and Frames
08/12/2008	11516	Propane
08/12/2008	11533	Bus, Prison Transport
08/12/2008	11535	Underground Fuel Storage Tank
08/12/2008	11545	Furnish and Install Masonry Wall Insulation and Structural Steel
08/12/2008	11547	All Labor and Materials to Replace Glycol Piping
08/12/2008	11549	Abandoned Well Plugging
08/13/2008	11548	Furnish and Install Metal Roofing System
08/13/2008	11550	Abandoned Well Plugging
08/14/2008	11514	Physical Therapy Services
08/14/2008	11546	All Terrain Vehicle
08/26/2008	11560	Moving Services
08/27/2008	11505	Wind-Generated Energy Services
08/28/2008	11556	Service of Legal Process

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

<http://www.da.ks.gov/purch/>

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

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

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

08/14/2008	A-010747	Metal Roof Retrofit, Various Buildings, Winfield Correctional Facility, Winfield
08/26/2008	A-010722	Replace Water Softener/Add Boiler Blowdown Cooler — Main Power Plant, Larned State Hospital, Larned
08/28/2008	A-010826	Boiler Feedwater Upgrades, Koch Arena, Wichita State University, Wichita

Chris Howe
Director of Purchases

Doc. No. 036051

State of Kansas

Office of the Securities Commissioner

Permanent Administrative
Regulations

Article 5.—EXEMPTIONS

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 NASDAQ global market, including the global select market, or the NASDAQ capital market of the NASDAQ stock market LLC;
- (4) the Chicago board options exchange, incorporated;
- (5) tier I of the Philadelphia stock exchange, inc.;
- (6) tier I of the NYSE Arca, inc.; or
- (7) the international securities exchange, LLC, if the listed security is an option.

(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 NYSE Arca, inc. (Authorized by K.S.A. 2006 Supp. 17-12a605(a); implementing K.S.A. 2006 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; amended Aug. 15, 2008.)

Article 7.—POLICY RELATING TO REGISTRATION

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 amended on May 7, 2007;
- (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 May 7, 2007;

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

(7) "equipment programs," as amended on May 7, 2007;

(8) "NASAA mortgage program guidelines," as amended on May 7, 2007;

(9) "registration of oil and gas programs," as amended on May 7, 2007;

(10) "omnibus guidelines," as amended on May 7, 2007;

(11) "statement of policy regarding real estate investment trusts," as revised and adopted on May 7, 2007;

(12) "statement of policy regarding real estate programs," as revised on May 7, 2007; and

(13) "guidelines regarding viatical investments," including appendix A, 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) In addition to the income and net worth standards and other suitability requirements contained within the NASAA guidelines and statements of policy adopted under subsection (b), the administrator may require that the registration statement include a statement that recommends or requires each purchaser to limit the purchaser's aggregate investment in the securities of the issuer and other similar investments to not more than 10 percent of the purchaser's liquid net worth. For purposes of this subsection, liquid net worth shall be defined as that portion of the purchaser's total net worth that is comprised of

cash, cash equivalents, and readily marketable securities, as determined in conformity with GAAP.

(e) 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.

(f) 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. 2006 Supp. 17-12a605(a); implementing K.S.A. 2006 Supp. 17-12a306(b) and 17-12a608(c); effective June 28, 1993; amended May 31, 1996; amended Jan. 19, 2007; amended Aug. 15, 2008.)

Article 14.—INVESTMENT ADVISERS AND INVESTMENT ADVISER REPRESENTATIVES

81-14-1. Registration procedures for investment advisers and investment adviser representatives. (a) General provisions.

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

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

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

(b) Application requirements for investment advisers.

(1) Initial application.

(A) IARD filing requirements. Each applicant for initial registration as an investment adviser shall complete form ADV in accordance with the form instructions and shall file the form, including parts 1 and 2 and all applicable schedules, with the IARD. In addition, the applicant shall submit to the IARD the fee required by K.A.R. 81-14-2 and any reasonable fee charged by the NASD for filing through the IARD system.

(B) Direct filing requirements. Each applicant for initial registration as an investment adviser shall file the follow-

(continued)

ing documents with the administrator, unless the documents are filed electronically with the IARD:

(i) A copy of the investment adviser's surety bond, if a surety bond is required under K.A.R. 81-14-9(e);

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

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

(iv) supervisory procedures written in accordance with K.A.R. 81-14-4(b)(19);

(v) financial statements that demonstrate compliance with the requirements of K.A.R. 81-14-9(d);

(vi) a brochure written in accordance with K.A.R. 81-14-10(b), unless the applicant intends to use part 2 of form ADV as its brochure; and

(vii) any other document related to the applicant's business, if requested by the administrator.

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

(3) Updates and amendments.

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

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

(c) Application requirements for investment adviser representatives.

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

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

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

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

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

(3) Updates and amendments. Each investment adviser representative shall be under a continuing obligation to update the information required by form U-4 as changes occur. Each investment adviser representative and any associated investment adviser shall file promptly with the CRD any amendments to the representative's form U-4. An amendment shall be considered to be filed promptly

if the amendment is filed within 30 days of the event that requires the filing of the amendment.

(d) Effective date of registration.

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

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

(e) Examination requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Termination of an investment adviser's registration for any reason shall automatically constitute cancellation of the registration of each investment adviser representative that is affiliated with the investment adviser.

(5) Each application that has been on file for six months without any action taken by the applicant shall be considered withdrawn. (Authorized by K.S.A. 2006 Supp. 17-12a406 and 17-12a605(a); implementing K.S.A. 2006 Supp. 17-12a406, 17-12a407, and 17-12a408; effective Oct. 26, 2001; Aug. 18, 2006; amended Aug. 15, 2008.)

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

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

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

(d) Prohibited conduct: sales and business practices. Each person registered as an investment adviser or in-

vestment adviser representative under the act shall refrain from the practices specified in this subsection in the conduct of the person's business. For purposes of this subsection, a security shall include any security as defined by K.S.A. 17-12a102, and amendments thereto, including a federal covered security as defined by K.S.A. 17-12a102, and amendments thereto, or section 2 of the securities act of 1933, 15 U.S.C. § 77b, as adopted by reference in K.A.R. 81-2-1.

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

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

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

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

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

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

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

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

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

(6) Misrepresenting qualifications, services, or fees. An investment adviser or investment adviser representative shall not misrepresent to any advisory client or prospective client the qualifications of the investment adviser, investment adviser representative, or any employee of the investment adviser, or misrepresent the nature of the

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advisory services being offered or fees to be charged for the service. An investment adviser or investment adviser representative shall not omit to state a material fact that is necessary to make any statements made regarding qualifications, services, or fees, in light of the circumstance under which the statements are made, not misleading.

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

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

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

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

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

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

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

(12) Failure to protect confidential information.

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

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

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

(13) Improper advisory contract. An investment adviser shall not engage in the following conduct, notwithstanding the fact that the adviser may be exempt from federal registration pursuant to section 203(b) of the investment advisers act of 1940, 15 U.S.C. § 80b-3(b):

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

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

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

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

(e) Prohibited conduct: failure to disclose financial condition and disciplinary history.

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

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

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

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

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

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

(2) An investment adviser registered or required to be registered under the act shall not fail to disclose to any client or prospective client all material facts with respect to either of the following:

(A) A failure to meet the adjusted net worth requirements of K.A.R. 81-14-9(d); or

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

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

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

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

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

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

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

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

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

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

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

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

(4) The information required to be disclosed by paragraph (e)(2) shall be disclosed to clients before further

investment advice is given to the clients. The information shall be disclosed to prospective clients at least 48 hours before entering into any written or oral investment advisory contract, or no later than the time of entering into the contract if the client has the right to terminate the contract without penalty within five business days after entering into the contract.

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

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

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

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

(A) "Client" shall include any prospective client.

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

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

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

(iii) any combination of the materials, statements, or information specified in paragraphs (f)(1)(B)(i) and (ii).

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

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

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

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

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

(C) has been found to have engaged in the willful violation of any provision of these regulations, the act, the federal securities act of 1933, the federal securities exchange act of 1934, the federal investment company act of 1940, the federal investment advisers act of 1940, the

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federal commodity exchange act, the federal rules under any of these federal acts, or the rules of the NASD or municipal securities rulemaking board; or

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

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

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

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

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

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

(i) The written agreement required by paragraph (f)(4) describes the solicitation activities to be engaged in by the solicitor on behalf of the investment adviser and the compensation to be received, contains an undertaking by the solicitor to perform the solicitor's duties under the agreement in a manner consistent with the instructions of the investment adviser and the provisions of the act and the regulations thereunder, and requires the solicitor, at the time of any solicitation activities for which compensation is paid or to be paid by the investment adviser, to provide the client with a current copy of the investment adviser's written disclosure statement required under the brochure delivery requirements of K.A.R. 81-14-10(b) and a separate written disclosure document described in paragraph (f)(6).

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

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

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

(A) The name of the solicitor;

(B) the name of the investment adviser;

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

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

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

(F) the amount in addition to the advisory fee that the client will be charged for the costs of the solicitor's services, and any difference in fees paid by clients if the difference is attributable to the existence of any arrangement in which the investment adviser has agreed to compensate the solicitor for soliciting clients for, or referring clients to, the investment adviser.

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

(g) Prohibited conduct: agency cross transactions.

(1) For the purposes of this subsection, "agency cross transaction for an advisory client" shall mean a transaction in which a person acts as an investment adviser in relation to a transaction in which the investment adviser, or any person controlling, controlled by, or under common control with the investment adviser, including an investment adviser representative, acts as a broker-dealer for both the advisory client and another person on the other side of the transaction. Each person acting in this capacity shall be required to be registered as a broker-dealer in this state unless excluded from the definition of broker-dealer under K.S.A. 17-12a102, and amendments thereto.

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

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

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

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

(i) A statement of the nature of the transaction;

(ii) the date the transaction took place;

(iii) an offer to furnish, upon request, the time when the transaction took place; and

(iv) the source and amount of any other remuneration that the investment adviser received or will receive in connection with the transaction.

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

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

(E) Each written disclosure and confirmation required by this subsection includes a conspicuous statement that the client may revoke the written consent required under paragraph (g)(2)(A) of this regulation at any time by providing written notice to the investment adviser.

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

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

(h) To the extent permitted by federal law, the provisions of this regulation governing investment advisers shall also apply to federal covered investment advisers. (Authorized by K.S.A. 2006 Supp. 17-12a502(b) and 17-12a605(a); implementing K.S.A. 2006 Supp. 17-12a412(d)(13) and 17-12a502(a)(2); effective Oct. 26, 2001; amended Aug. 18, 2006; amended Aug. 15, 2008.)

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

(1) "Adjusted net worth" means the excess of total assets over total liabilities as determined in conformity with GAAP and adjusted by excluding the following assets and liabilities:

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

(B) advances or loans to a controlling person or employee of the investment adviser;

(C) homes, home furnishings, automobiles, and any other personal assets of a sole proprietor that would not be liquidated in the ordinary course of business; and

(D) liabilities of a sole proprietor that are secured by assets specified under paragraph (a)(1)(C), but not in excess of the value of the secured assets.

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

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

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

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

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

(B) Receipt of a check drawn by a client and made payable to an unrelated third party shall not meet the definition of custody if the investment adviser forwards the check to the third party within 24 hours of receipt and the adviser maintains the records required under K.A.R. 81-14-4(b)(22).

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

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

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

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

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

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

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

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

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

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

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

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(C) does not control, is not controlled by, and is not under common control with the investment adviser; and
 (D) does not have, and has not had within the past two years, a material business relationship with the investment adviser.

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

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

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

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

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

(b) Safekeeping of client funds and securities.

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

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

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

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

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

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

identifies the amount of funds and amount of each security in the account at the end of the period.

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

At least once during each calendar year, an independent certified public accountant shall verify all client funds and securities by actual examination without prior notice or announcement to the adviser, on a date chosen by the accountant that changes from year to year. The accountant shall file a copy of the auditor's report and financial statements with the administrator within 30 days after the completion of the examination, along with a letter stating that the accountant has examined the funds and securities and describing the nature and extent of the examination. The accountant, upon finding any material discrepancies during the course of the examination, shall notify the administrator of the finding within one business day by means of a facsimile transmission or electronic mail, followed by first-class mail, directed to the attention of the administrator.

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

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

(F) Direct fee deduction. Each investment adviser who has custody, as defined in paragraph (a)(2)(A)(ii), by having fees directly deducted from client accounts held by a qualified custodian shall comply with each of the following requirements:

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

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

(iii) Notice of safeguards. The investment adviser shall notify the administrator on form ADV that the invest-

ment adviser intends to use the safeguards specified in this subsection.

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

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

(ii) Review of fees. The investment adviser shall send all invoices or receipts to the independent party, detailing the amount of the fee, expenses, or capital withdrawal and the method of calculation so that the independent party can determine that the payment is in accordance with the agreement governing the pooled investment vehicle and so that the independent party can forward to the qualified custodian approval for payment of an invoice with a copy to the investment adviser.

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

(2) Exceptions.

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Financial reporting requirements for investment advisers.

(1) Balance sheet and auditor's report. Each registered investment adviser who has custody of client funds or securities, and each registered investment adviser who accepts the payment of advisory fees six months or more in advance and in excess of \$500 from any client, shall make and maintain a balance sheet dated the last day of the investment adviser's fiscal year. Each balance sheet shall meet both of the following requirements:

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

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

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

(3) Exemptions. An investment adviser shall be exempt from the requirements of this subsection if either of the following conditions is met:

(A) The investment adviser qualifies for an exception from the minimum adjusted net worth requirements of paragraph (d)(3).

(continued)

(B) The investment adviser has its principal place of business in a state other than Kansas, is properly registered in that state, and satisfies the financial reporting requirements of that state.

(d) Adjusted net worth requirements.

(1) Positive net worth requirement for investment advisers. Each investment adviser that is registered or required to be registered under the act shall maintain at all times a positive adjusted net worth.

(2) Minimum adjusted net worth for advisers with discretionary authority. Each investment adviser that is registered or required to be registered under the act and that has discretionary authority over client funds or securities shall maintain at all times a minimum adjusted net worth of \$10,000, unless the investment adviser is subject to the greater requirements of paragraph (d)(3).

(3) Minimum adjusted net worth for advisers with custody. Each investment adviser that is registered or required to be registered under the act and that has custody of client funds or securities shall maintain at all times a minimum adjusted net worth of \$35,000, except the following advisers:

(A) Any investment adviser that has custody solely because the adviser meets the definition of custody in paragraph (a)(2)(A)(ii) by having fees directly deducted from client accounts and that complies with the safekeeping requirements in paragraphs (b)(1)(A) through (b)(1)(F) and the recordkeeping requirements of K.A.R. 81-14-4(c);

(B) any investment adviser that has custody solely because the adviser meets the definition of custody in paragraph (a)(2)(A)(iii) and that complies with the safekeeping requirements in paragraphs (b)(1)(A) through (b)(1)(E) and (b)(1)(G) and the recordkeeping requirements of K.A.R. 81-14-4(c); and

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

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

(A) A trial balance of all ledger accounts;

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

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

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

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

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

(e) Surety bond. Every investment adviser registered or required to be registered under the act that has custody or discretionary authority over client funds or securities shall be bonded for at least \$35,000. The bond shall be in a form acceptable to the administrator from a bonding company qualified to do business in Kansas, and the bond shall be subject to the claims of all clients of the investment adviser, regardless of each client's state of residence.

(1) Additional bond requirement. If an investment adviser does not meet the minimum adjusted net worth requirement of paragraphs (d)(2) and (d)(3), the investment adviser shall also be bonded for the amount of the net worth deficiency rounded up to the nearest \$5,000.

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

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

(B) qualifies for an exception from the minimum adjusted net worth requirements of paragraph (d)(3) and does not have discretionary authority; or

(C) has its principal place of business in a state other than Kansas, is properly registered in that state, and satisfies the bonding requirements of that state. (Authorized by K.S.A. 17-12a605(a); implementing K.S.A. 17-12a411; effective Aug. 18, 2006; amended Aug. 15, 2008.)

Chris Biggs
Securities Commissioner

Doc. No. 036026

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2006 Volumes and the 2007 Supplement of the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

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1-64-1	New	V. 26, p. 1393
AGENCY 3: KANSAS STATE TREASURER		
Reg. No.	Action	Register
3-3-1	Amended (T)	V. 27, p. 1091
3-3-2	New (T)	V. 27, p. 1091
3-4-1	Amended	V. 26, p. 1045
3-4-2	Amended	V. 26, p. 1045
3-4-4	Amended	V. 26, p. 1045
3-4-5	Amended	V. 26, p. 1045
3-4-6	Amended	V. 26, p. 1045

AGENCY 4: DEPARTMENT OF AGRICULTURE

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4-2-8	Amended	V. 27, p. 16
4-2-20	Amended	V. 27, p. 16
4-3-47	Amended	V. 27, p. 16
4-3-49	Amended	V. 27, p. 16
4-3-51	Amended	V. 27, p. 16
4-7-900	Amended	V. 27, p. 1022
4-7-901	Revoked	V. 27, p. 1022
4-7-902	Amended	V. 27, p. 1022
4-7-903	Amended	V. 27, p. 1023
4-7-904	Amended	V. 27, p. 1023
4-8-14a	Amended	V. 26, p. 489
4-8-27	Amended	V. 26, p. 489

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4-8-35	Amended	V. 26, p. 489
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4-11-15	New	V. 26, p. 101
4-13-1	Amended	V. 27, p. 186
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4-13-11	Revoked	V. 27, p. 188
4-13-13	Amended	V. 27, p. 188
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4-13-21	Amended	V. 27, p. 191
4-13-22	Amended	V. 27, p. 191
4-13-23	Amended	V. 27, p. 191
4-13-24	Amended	V. 27, p. 191
4-13-33	Amended	V. 27, p. 191
4-13-40	Amended	V. 27, p. 1023
4-13-41	Revoked	V. 27, p. 1023
4-13-42	Revoked	V. 27, p. 1023
4-13-60	Amended	V. 27, p. 1023
4-13-61	Revoked	V. 27, p. 1023
4-13-64	Amended	V. 27, p. 1023
4-13-65	Amended	V. 27, p. 1024
4-15-9	Amended	V. 26, p. 81
4-15-11	Amended	V. 27, p. 1024
4-15-12	Revoked	V. 27, p. 1024
4-15-13	Amended	V. 27, p. 1024
4-15-14	Amended	V. 27, p. 1024
4-16-7a	Amended	V. 27, p. 1024
4-16-300	Amended	V. 27, p. 1025
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4-16-302	Amended	V. 27, p. 1025
4-16-303	Amended	V. 27, p. 1025
4-16-304	Amended	V. 27, p. 1025
4-16-305	Amended	V. 27, p. 1025
4-17-300	Amended	V. 27, p. 1026
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4-17-302	Amended	V. 27, p. 1026
4-17-303	Amended	V. 27, p. 1026
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4-20-11	Amended	V. 27, p. 1027
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4-28-16	New	V. 27, p. 191-195

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

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5-40-2	Amended	V. 26, p. 644
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5-40-2b	New	V. 26, p. 647
5-40-3	Amended	V. 26, p. 647
5-40-4	Amended	V. 26, p. 647
5-40-5	Amended	V. 26, p. 648
5-40-5a	New	V. 26, p. 648
5-40-8	Amended	V. 26, p. 648
5-40-9	Revoked	V. 26, p. 648
5-40-10	Revoked	V. 26, p. 648
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5-40-22	New	V. 26, p. 649
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5-40-53	New	V. 26, p. 657
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5-40-104	New	V. 26, p. 664
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5-40-106	New	V. 26, p. 664
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5-42-5	New	V. 26, p. 665
5-44-7	New	V. 26, p. 666

AGENCY 7: SECRETARY OF STATE

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7-23-13	Revoked	V. 27, p. 968
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11-12-7	New	V. 26, p. 1184-1187

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14-16-23	Revoked	V. 26, p. 1906

14-16-24	Revoked	V. 26, p. 1906
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14-24-6	New	V. 26, p. 1907

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17-25-1	New	V. 27, p. 356

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19-20-5	New	V. 27, p. 1021
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28-4-317	Revoked	V. 27, p. 317, 318
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28-4-825	New	V. 27, p. 318-334
28-15-35	Amended	V. 26, p. 825
28-15-36	Amended	V. 26, p. 829
28-15-36a	Amended	V. 26, p. 829
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28-16-56c	Amended	V. 26, p. 283
28-16-56d	Amended	V. 26, p. 284
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28-18-14	Amended	V. 26, p. 292
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28-18a-26	Amended	V. 26, p. 303
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28-19-720	Amended	V. 26, p. 951
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28-19-728f	New	V. 26, p. 951, 952
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28-24a-1	New	V. 26, p. 1514
28-24a-2	New	V. 26, p. 1514
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28-29-30	Amended	V. 26, p. 1612
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28-29-32	Amended	V. 26, p. 1614
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28-29-2101	Amended	V. 26, p. 1615
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28-32-14	New	V. 27, p. 247-249
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28-35-135d	Amended	V. 26, p. 1144
28-35-135n	Amended	V. 26, p. 1145
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28-36-89	New (T)	V. 26, p. 1682-1696
28-36-70	through	
28-36-89	New	V. 27, p. 73-87
28-36-101	through	
28-36-108	Amended	V. 26, p. 1776-1779
28-36-109	New	V. 26, p. 1780
28-46-2	Revoked	V. 26, p. 214
28-46-2a	New	V. 26, p. 215
28-46-25	Amended	V. 26, p. 215
28-46-26	Revoked	V. 26, p. 215
28-46-26a	New	V. 26, p. 215
28-46-34a	New	V. 26, p. 215
28-46-38	Amended	V. 26, p. 216
28-54-1	through	
28-54-7	New	V. 26, p. 1640-1642
28-59-5	Amended	V. 27, p. 462
28-61-11	Amended	V. 27, p. 464

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-4-98	Amended	V. 26, p. 1905
30-5-65	Revoked	V. 26, p. 1091
30-5-78	Revoked	V. 27, p. 1022
30-63-32	New	V. 27, p. 664
30-64-24	Revoked	V. 27, p. 665

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-37	Amended	V. 26, p. 1393
40-1-51	Revoked	V. 26, p. 1364
40-2-20	Amended	V. 26, p. 101
40-2-29	New	V. 27, p. 15
40-2-30	New	V. 26, p. 1545
40-3-25	Amended	V. 27, p. 15
40-3-34	Revoked	V. 26, p. 1423
40-3-52	New	V. 27, p. 133
40-4-41	Amended	V. 27, p. 434
40-4-41a	through	
40-4-41j	Revoked	V. 27, p. 434, 435
40-7-19	Amended	V. 26, p. 881
40-7-20a	Amended	V. 26, p. 103
40-7-25	Amended	V. 26, p. 488

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-6-101	Amended	V. 27, p. 1126
44-6-114e	Amended	V. 27, p. 1128
44-6-115a	Amended	V. 27, p. 1134
44-6-125	Amended	V. 27, p. 1135
44-6-127	through	
44-6-132	New	V. 27, p. 1135-1138
44-6-136	Amended	V. 26, p. 819
44-11-111	Amended	V. 26, p. 819
44-11-113	Amended	V. 26, p. 820
44-11-123	Amended	V. 26, p. 820
44-12-103	Amended	V. 26, p. 1074
44-12-105	Amended	V. 26, p. 1075
44-12-106	Amended	V. 26, p. 1075
44-12-107	Amended	V. 26, p. 1075
44-12-208	Amended	V. 26, p. 1075
44-12-210	Amended	V. 26, p. 1075
44-12-211	New	V. 26, p. 1075
44-12-212	New	V. 26, p. 1075
44-12-304	Amended	V. 26, p. 1075
44-12-306	Amended	V. 26, p. 1076
44-12-308	Amended	V. 26, p. 1076
44-12-312	Amended	V. 26, p. 1076
44-12-315	Amended	V. 26, p. 1076
44-12-320a	New	V. 26, p. 1076
44-12-325	Amended	V. 26, p. 1076
44-12-601	Amended	V. 26, p. 1077
44-12-901	Amended	V. 26, p. 1079
44-12-902	Amended	V. 26, p. 1079
44-12-903	New	V. 26, p. 1079
44-12-1101	Amended	V. 26, p. 1080
44-12-1201	Amended	V. 26, p. 1080
44-12-1301	Amended	V. 26, p. 1080
44-12-1302	Amended	V. 26, p. 1081
44-12-1303	Amended	V. 26, p. 1081
44-12-1306	Amended	V. 26, p. 1081
44-12-1308	Amended	V. 26, p. 1081
44-13-101a	Amended	V. 26, p. 1082
44-13-106	Amended	V. 26, p. 1082
44-13-201	Amended	V. 26, p. 1082
44-13-201a	New	V. 26, p. 1083
44-13-201b	Amended	V. 26, p. 1084
44-13-202	Amended	V. 26, p. 1084
44-13-307	Amended	V. 26, p. 1085
44-13-402	Amended	V. 26, p. 1085
44-13-403	Amended	V. 26, p. 1085
44-13-404	Amended	V. 26, p. 1087
44-13-405a	Amended	V. 26, p. 1088
44-13-406	Amended	V. 26, p. 1089
44-13-408	Amended	V. 26, p. 1089
44-13-603	Amended	V. 26, p. 1089
44-13-610	Amended	V. 26, p. 1089
44-13-701	Amended	V. 26, p. 1090
44-13-703	Amended	V. 26, p. 1090
44-13-704	Amended	V. 26, p. 1090
44-15-101a	Amended	V. 26, p. 820
44-15-102	Amended	V. 26, p. 821
44-15-104	Amended	V. 26, p. 822
44-16-104a	New	V. 26, p. 822

AGENCY 49: DEPARTMENT OF LABOR

Reg. No.	Action	Register
49-45-36	New	V. 26, p. 1647
49-50-6	Amended	V. 26, p. 1647

49-50-20	Amended	V. 26, p. 1647
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AGENCY 50: DEPARTMENT OF LABOR—DIVISION OF EMPLOYMENT

Reg. No.	Action	Register
50-3-2	Amended	V. 26, p. 1642

AGENCY 51: DEPARTMENT OF LABOR—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-9-7	Amended	V. 26, p. 1639

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-4-101	Amended	V. 26, p. 446
60-7-106	Amended	V. 26, p. 447
60-8-101	Amended	V. 26, p. 448
60-9-106	Amended	V. 26, p. 1112
60-11-119	Amended	V. 26, p. 448
60-17-102	Amended	V. 26, p. 448
60-17-103	Amended	V. 26, p. 449
60-17-104	Amended	V. 26, p. 449
60-17-105	Amended	V. 26, p. 450
60-17-107	Amended	V. 26, p. 450
60-17-108	Amended	V. 26, p. 451
60-17-110	Amended	V. 26, p. 451

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-1	Amended	V. 26, p. 126
63-2-26	New	V. 27, p. 108
63-4-1	Amended	V. 27, p. 108
63-5-1	Amended	V. 26, p. 126

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-1	Amended	V. 27, p. 315
66-6-4	Amended	V. 27, p. 316
66-9-5	Amended	V. 26, p. 1024
66-10-1	Amended	V. 27, p. 317
66-10-10a	Amended	V. 26, p. 1024
66-11-5	Amended	V. 26, p. 1025

AGENCY 67: BOARD OF EXAMINERS IN THE FITTING AND DISPENSING OF HEARING INSTRUMENTS

Reg. No.	Action	Register
67-5-3	Revoked	V. 26, p. 692
67-5-4	Amended	V. 26, p. 692
67-5-5	New	V. 26, p. 692

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-5-16	Amended	V. 26, p. 488
68-7-11	Amended	V. 26, p. 1112
68-7-12	Amended	V. 26, p. 1114
68-7-20	Amended	V. 27, p. 435
68-20-17	Amended	V. 26, p. 488

AGENCY 69: BOARD OF COSMETOLOGY (by Dept. of Health and Environment)

Reg. No.	Action	Register
69-12-6	Revoked	V. 26, p. 1515
69-12-13	Revoked	V. 26, p. 1515

AGENCY 70: BOARD OF VETERINARY EXAMINERS

Reg. No.	Action	Register
70-5-1	Amended	V. 26, p. 1863

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-1-2	Amended	V. 26, p. 1954
74-1-3	Amended	V. 26, p. 1954
74-1-6	Amended	V. 26, p. 1955
74-1-8	Amended	V. 26, p. 1955
74-2-7	Amended	V. 26, p. 1955
74-4-1a	Amended	V. 26, p. 126
74-4-7	Amended	V. 27, p. 626
74-4-8	Amended	V. 27, p. 626
74-4-9	Amended	V. 27, p. 627
74-4-10	Amended	V. 27, p. 627

74-5-2	Amended	V. 26, p. 1956
74-5-101	Amended	V. 26, p. 1957
74-5-105	Revoked	V. 26, p. 127
74-5-201	Amended	V. 26, p. 1957
74-5-202	Amended	V. 26, p. 1957
74-5-204	Revoked	V. 26, p. 1957
74-5-403	Amended	V. 26, p. 128
74-5-405a	New	V. 26, p. 1957
74-5-406	Amended	V. 26, p. 1958
74-5-408	New	V. 26, p. 128
74-6-1	Amended	V. 26, p. 1958
74-7-2	Amended	V. 26, p. 1958
74-11-6	Amended	V. 26, p. 128

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-103	Amended	V. 26, p. 1609
82-3-119	Revoked	V. 26, p. 1643
82-3-123	Amended	V. 26, p. 1643
82-3-123a	Amended	V. 26, p. 1644
82-3-124	Amended	V. 26, p. 1644
82-3-131	Amended	V. 26, p. 1645
82-3-140	Amended	V. 26, p. 1645
82-3-300	Amended	V. 26, p. 1645
82-3-303	Amended	V. 26, p. 823
82-3-304	Amended	V. 26, p. 824
82-3-408	Amended	V. 26, p. 1646
82-3-603a	New	V. 26, p. 1610
82-4-30a	Amended (T)	V. 26, p. 1930
82-4-30a	Amended	V. 27, p. 1020
82-11-1	Amended	V. 27, p. 43
82-11-3	Amended	V. 27, p. 43
82-11-4	Amended	V. 27, p. 44
82-11-7	Amended	V. 27, p. 49
82-11-8	Amended	V. 27, p. 49

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-2	Amended	V. 26, p. 1728
86-1-5	Amended	V. 26, p. 1728
86-1-10	Amended	V. 26, p. 1729
86-1-11	Amended	V. 26, p. 1730
86-1-13	Amended	V. 26, p. 1731
86-1-15	Amended	V. 26, p. 1732
86-1-17	Amended	V. 26, p. 1732
86-1-18	Amended	V. 26, p. 1733
86-1-19	Amended	V. 26, p. 1733
86-1-20	New	V. 26, p. 1734
86-2-3	Revoked	V. 26, p. 1734
86-2-5	Revoked	V. 26, p. 1734
86-2-7	Revoked	V. 26, p. 1734
86-3-3	Revoked	V. 26, p. 1734
86-3-8	Amended	V. 26, p. 1734
86-3-9	Amended	V. 26, p. 1734
86-3-15	Amended	V. 26, p. 1734
86-3-19	Amended (T)	V. 27, p. 1090
86-3-21	Amended	V. 26, p. 1735
86-3-22	Amended	V. 26, p. 1735
86-3-26a	New	V. 26, p. 1736
86-3-30	New (T)	V. 27, p. 1091

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-3-8	Revoked	V. 26, p. 1141
88-3-8a	New	V. 26, p. 1141
88-3-12	Amended	V. 26, p. 1141
88-24-1	Amended	V. 26, p. 1142
88-24-2	Amended	V. 26, p. 1142
88-29-1 through 88-29-19	New	V. 26, p. 216-229
88-30-1	New	V. 26, p. 1544
88-30-2	New	V. 26, p. 1544
88-30-3	New	V. 26, p. 1544

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-200	Amended	V. 27, p. 1027
91-1-201	Amended	V. 27, p. 1028
91-1-202	Amended	V. 26, p. 1218
91-1-203	Amended	V. 27, p. 1030
91-1-204	Amended	V. 27, p. 1034

91-1-205	Amended	V. 27, p. 1036
91-1-207	Amended	V. 27, p. 1037
91-1-209	Amended	V. 27, p. 1037
91-1-210	Amended	V. 27, p. 1038
91-1-220	Amended	V. 27, p. 1038
91-1-221	Amended	V. 27, p. 1040
91-1-234	New	V. 26, p. 1226
91-19-1	Amended	V. 27, p. 1041
91-19-6	Amended	V. 27, p. 1041
91-40-1	Amended	V. 27, p. 274
91-40-2	Amended	V. 27, p. 279
91-40-3	Amended	V. 27, p. 279
91-40-5	Amended	V. 27, p. 280

91-40-7 through 91-40-12	Amended	V. 27, p. 281-284
91-40-16	Amended	V. 27, p. 285
91-40-17	Amended	V. 27, p. 285
91-40-21	Amended	V. 27, p. 286
91-40-22	Amended	V. 27, p. 287
91-40-26 through 91-40-31	Amended	V. 27, p. 287-289
91-40-33	Amended	V. 27, p. 290
91-40-34	Amended	V. 27, p. 290
91-40-35	Amended	V. 27, p. 290
91-40-37	Revoked	V. 27, p. 291
91-40-38	Amended	V. 27, p. 291
91-40-39	Revoked	V. 27, p. 291
91-40-41	Amended	V. 27, p. 291
91-40-42	Amended	V. 27, p. 291
91-40-42a	New	V. 27, p. 292
91-40-43	Amended	V. 27, p. 293
91-40-44	Amended	V. 27, p. 293
91-40-45	Amended	V. 27, p. 293
91-40-46	Amended	V. 27, p. 294
91-40-48	Amended	V. 27, p. 294
91-40-50	Amended	V. 27, p. 294
91-40-51	Amended	V. 27, p. 295

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-12-114	New	V. 27, p. 865
92-12-140 through 92-12-145	New	V. 27, p. 866, 867
92-19-16a	Amended	V. 26, p. 408
92-19-16b	New	V. 26, p. 409
92-19-55a	Revoked	V. 26, p. 409
92-19-70	Revoked	V. 27, p. 868
92-19-81	Amended	V. 26, p. 409
92-21-7	Revoked	V. 26, p. 409
92-21-8	Revoked	V. 26, p. 409
92-21-10	Revoked	V. 26, p. 409
92-21-14	Amended	V. 26, p. 409
92-21-16	Revoked	V. 26, p. 409
92-21-17	Revoked	V. 26, p. 409
92-27-1 through 92-27-5	New	V. 26, p. 1648, 1649

AGENCY 94: COURT OF TAX APPEALS

Reg. No.	Action	Register
94-2-1 through 94-2-5	Amended (T)	V. 27, p. 1091-1093
94-2-8 through 94-2-16	Amended (T)	V. 27, p. 1093-1095
94-2-19	Amended (T)	V. 27, p. 1095
94-2-20	Amended (T)	V. 27, p. 1096
94-2-21	Amended (T)	V. 27, p. 1096
94-3-1	Amended (T)	V. 27, p. 1097
94-3-2	Amended (T)	V. 27, p. 1098
94-4-1	Amended (T)	V. 27, p. 1098
94-4-2	Amended (T)	V. 27, p. 1098

AGENCY 97: KANSAS COMMISSION ON VETERANS' AFFAIRS

Reg. No.	Action	Register
97-6-1	New	V. 26, p. 484
97-6-2	New	V. 26, p. 485
97-6-4 through 97-6-11	New	V. 26, p. 485-488

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

Reg. No.	Action	Register
99-25-1	Amended	V. 27, p. 108
99-25-9	Amended	V. 27, p. 108
99-25-11	New	V. 27, p. 109
99-27-2	Amended	V. 27, p. 1019
99-27-3	Revoked	V. 27, p. 1019
99-27-4	Amended	V. 27, p. 1019
99-27-5	Amended	V. 27, p. 1019

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended	V. 26, p. 1258
100-15-5	Amended	V. 26, p. 384
100-15-6	Amended	V. 26, p. 385
100-22-6	New	V. 26, p. 1642
100-22-7	New	V. 26, p. 1043
100-22-8	New	V. 26, p. 1367
100-22-8	Revoked (T)	V. 26, p. 1929
100-22-8	Revoked	V. 27, p. 357
100-22-8a	New (T)	V. 26, p. 1929
100-22-8a	New	V. 27, p. 357
100-28a-1	Amended	V. 26, p. 1753
100-29-7	Amended	V. 27, p. 209
100-49-4	Amended	V. 26, p. 1258
100-49-10	New	V. 26, p. 1367
100-54-4	Amended	V. 27, p. 209
100-54-7	Amended	V. 26, p. 1043
100-54-8	Amended	V. 26, p. 1044
100-55-4	Amended	V. 27, p. 209
100-73-1	Amended	V. 26, p. 1258
100-73-9	Amended	V. 27, p. 315

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-7	Revoked	V. 26, p. 881
102-1-12	Amended	V. 27, p. 407
102-1-13	Amended	V. 26, p. 1774
102-2-3	Amended	V. 26, p. 1775
102-2-10	Revoked	V. 26, p. 881
102-3-2	Amended	V. 26, p. 1775
102-3-8a	Revoked	V. 26, p. 881
102-3-12a	Amended	V. 27, p. 1117
102-4-2	Amended	V. 26, p. 1775
102-4-8a	Revoked	V. 26, p. 881
102-4-12	Amended	V. 27, p. 1120
102-5-2	Amended	V. 26, p. 1776
102-5-8	Revoked	V. 26, p. 881
102-5-12	Amended	V. 27, p. 1122
102-6-8	Amended	V. 26, p. 881
102-6-12	Amended	V. 27, p. 1124

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-11-1	Amended	V. 26, p. 1752

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-13-10	Amended	V. 26, p. 1752
110-13a-1	New	V. 27, p. 1063
110-13a-2	New	V. 27, p. 1063
110-13a-3	New	V. 27, p. 1064
110-15-1 through 110-15-4	New	V. 26, p. 1864
110-16-1 through 110-16-4	New	V. 26, p. 1865, 1866
110-17-1 through 110-17-4	New	V. 26, p. 1866, 1867
110-18-1 through 110-18-4	New	V. 26, p. 1867, 1868
110-19-1 through 110-19-4	New	V. 27, p. 1064, 1065

(continued)

110-20-1 through 110-20-4 New V. 27, p. 1065, 1066

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. A list of regulations filed by the Kansas Lottery from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 Kansas Register. The following regulations were filed after January 1, 2008:

Reg. No.	Action	Register
111-2-211	New	V. 27, p. 992
111-4-2614	Amended	V. 27, p. 964
111-4-2645 through 111-4-2656	New	V. 27, p. 436-442
111-4-2657 through 111-4-2662	New	V. 27, p. 992-996
111-5-127	Amended	V. 27, p. 442
111-5-128	Amended	V. 27, p. 443
111-5-132	Amended	V. 27, p. 443

AGENCY 112: RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-4-9a	Amended	V. 27, p. 19
112-4-14a	Amended	V. 27, p. 19
112-5-1	Amended	V. 27, p. 19
112-6-1	Amended	V. 27, p. 20
112-7-6	Amended	V. 27, p. 20
112-7-8	Amended	V. 27, p. 21
112-7-15a	Amended	V. 27, p. 21
112-7-16	Amended	V. 27, p. 22
112-7-18a	Amended	V. 27, p. 22
112-7-20	Amended	V. 27, p. 23
112-8-9	Amended	V. 27, p. 23
112-10-12	Amended	V. 27, p. 23
112-10-32	Amended	V. 27, p. 23
112-11-10	Amended	V. 27, p. 24

112-11-20 Amended V. 27, p. 24
112-18-1 Amended V. 27, p. 26

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 26, p. 1722
115-2-3a	Amended	V. 27, p. 570
115-4-4	Amended	V. 27, p. 403
115-4-4a	Amended	V. 27, p. 403
115-4-6	Amended	V. 27, p. 109
115-4-6a	Revoked	V. 27, p. 112
115-4-13	Amended	V. 27, p. 404
115-4-14	Revoked	V. 27, p. 112
115-7-1	Amended	V. 26, p. 1725
115-7-8	Amended	V. 27, p. 405
115-7-9	Amended	V. 27, p. 406
115-8-1	Amended	V. 27, p. 572
115-8-7	Amended	V. 26, p. 1364
115-8-13	Amended	V. 27, p. 112
115-9-9	Amended	V. 26, p. 641
115-18-7	Amended	V. 27, p. 406
115-18-10	Amended	V. 26, p. 1727
115-18-12	Amended	V. 26, p. 1728
115-18-20	Amended	V. 26, p. 1728
115-30-1	Amended	V. 26, p. 1364
115-30-5	Amended	V. 26, p. 1365
115-30-7	Amended	V. 26, p. 1365
115-30-8	Amended	V. 26, p. 1365
115-30-10	Amended	V. 26, p. 1366
115-30-12	New	V. 26, p. 1366

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-1-1	Amended	V. 26, p. 1259
117-2-1	Amended	V. 26, p. 1259
117-2-2	Amended	V. 26, p. 1260
117-2-2a	Amended	V. 27, p. 16
117-2-3	Amended	V. 26, p. 1261
117-2-4	Amended	V. 26, p. 1261
117-3-1	Amended	V. 26, p. 1262
117-3-2	Amended	V. 26, p. 1265
117-3-2a	Amended	V. 27, p. 17
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117-4-4 Amended V. 26, p. 1266
117-5-2a Amended V. 27, p. 18
117-6-1 Amended V. 27, p. 357
117-6-2 Amended V. 26, p. 1267
117-7-1 Amended V. 27, p. 18
117-8-1 Amended V. 27, p. 19

AGENCY 118: STATE HISTORICAL SOCIETY

Reg. No.	Action	Register
118-4-4	Amended	V. 26, p. 46

AGENCY 121: DEPARTMENT OF CREDIT UNIONS

Reg. No.	Action	Register
121-2-1	Amended	V. 26, p. 1908
121-3-1	Amended	V. 26, p. 1908
121-5-4	New	V. 26, p. 1909
121-9-1	New	V. 26, p. 1910
121-10-1	New	V. 27, p. 1099
121-10-2	New	V. 27, p. 1099

AGENCY 128: DEPARTMENT OF COMMERCE—KANSAS ATHLETIC COMMISSION

Reg. No.	Action	Register
128-1-1	New (T)	V. 27, p. 106
128-1-1	New	V. 27, p. 358
128-2-1	New	V. 27, p. 360
128-2-3 through 128-2-13	New	V. 27, p. 360-362
128-2-12	New (T)	V. 27, p. 107
128-3-1	New	V. 27, p. 362
128-4-1 through 128-4-9	New	V. 27, p. 363-367
128-4a-1	New	V. 27, p. 367
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128-6-1	New	V. 27, p. 368
128-6-2	New	V. 27, p. 371
128-6-4	New	V. 27, p. 374

AGENCY 129: KANSAS HEALTH POLICY AUTHORITY

Reg. No.	Action	Register
129-5-1	Amended	V. 27, p. 628
129-5-65	New	V. 26, p. 1091
129-5-78	New	V. 27, p. 1022

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