



# Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

**Department of Administration  
Division of Facilities Management**

**Notice of Commencement of Negotiations for  
“On-Call” Architectural Services**

Notice is hereby given of the commencement of negotiations for “on-call” architectural services for restricted (small) projects for the state of Kansas, Department of Corrections. Contracts will be for one year, renewable for two additional one-year periods.

For more information concerning the scope of services, contact Mike Gaito, (785) 296-0883. Firms interested in providing these services should be familiar with the requirements of Chapter 9 of the Building Design and Construction Manual at the Web site below.

To be considered, five (5) bound proposals and one (1) PDF file on a CD of the following should be provided: a letter of interest, an SF330 Part I, information regarding similar projects, and a state of Kansas general qualifications form for each firm and consultant. Proposals should be concise and follow the 2009 State Building Advisory Commission guidelines, available to firms at <http://da.ks.gov/fp/> or by contacting Phyllis Fast, Division of Facilities Management, Suite 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-5796, [Phyllis.Fast@da.ks.gov](mailto:Phyllis.Fast@da.ks.gov). Submittals should be received by Phyllis Fast before noon May 22.

Marilyn L. Jacobson, Director  
Division of Facilities Management

Doc. No. 037023

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:

05/18/2009	12207	Core Drill, Truck Mounted
05/18/2009	12208	Trucks with Utility Bodies
05/20/2009	12216	Liquid Chloride Storage and Dispensing System
05/20/2009	12220	All Labor and Materials for Tennis Court Repair
05/22/2009	12218	Mailing of Tax Booklets
05/25/2009	12226	Campus Wide Security System
05/29/2009	11932	Refuse Collection Services
05/29/2009	12187	KANSAS! Magazine—Subscription Fulfillment Services
05/29/2009	12189	KANSAS! Magazine—Printing Services
05/29/2009	12190	KANSAS! Magazine—Design and Layout Services
05/29/2009	12191	KANSAS! Magazine—Publishing Services

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/](http://www.da.ks.gov/fp/).

05/27/2009	A-010903	Custer Hall Masonry Restoration, Fort Hays State University, Hays
05/28/2009	A-011133	Window Replacements, President’s Residence, Wichita State University, Wichita
05/28/2009	A-011134	Press Box Upgrade, Cessna Stadium, Wichita State University, Wichita
05/28/2009	A-011135	Paint Wrought Iron Fencing, Cessna and Wilkins Stadiums, Coleman Tennis Complex, Wichita State University, Wichita

Chris Howe  
Director of Purchases

Doc. No. 037026

State of Kansas

**Department of Administration  
Division of Facilities Management**

**Notice of Commencement of Negotiations for  
“On-Call” Engineering Services**

Notice is hereby given of the commencement of negotiations for “on-call” mechanical-electrical-plumbing engineering services for restricted small projects for the Kansas Juvenile Justice Authority. Interested firms should be experienced in building systems engineering. Contracts will be for one year, renewable for two additional one-year periods.

For more information concerning the scope of services, contact Larry Oppitz, (785) 368-7193. Firms interested in providing these services should be familiar with the requirements of Chapter 9 of the Building Design and Construction Manual at the Web site below.

To be considered, five (5) bound proposals and one (1) PDF file on a CD of the following should be provided: a letter of interest, an SF330 Part I, information regarding similar projects, and a state of Kansas general qualifications form for each firm and consultant. Proposals should be concise and follow the 2009 State Building Advisory Commission guidelines, available to firms at <http://da.ks.gov/fp/> or by contacting Phyllis Fast, Division of Facilities Management, Suite 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-5796, [Phyllis.Fast@da.ks.gov](mailto:Phyllis.Fast@da.ks.gov). Submittals should be received by Phyllis Fast before noon May 22.

Marilyn L. Jacobson, Director  
Division of Facilities Management

Doc. No. 037021

State of Kansas

**Kansas Judicial Council**

**Notice of Meetings**

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

Date	Committee	Time	Location
May 8	Commission on Judicial Performance	9:30 a.m.	Suite 140
May 15	Probate Law	9:30 a.m.	Suite 140
May 15	Administrative Procedure	9:30 a.m.	Suite 140
May 22	Pattern Instruction for Kansas - Criminal	9:30 a.m.	Room 269
May 22	Juvenile Offender/Child in Need of Care	9:30 a.m.	Suite 140
May 22	Guardianship & Conservatorship	9:30 a.m.	Suite 140
June 5	Judicial Council	9:00 a.m.	Suite 140
June 5	Family Law	9:30 a.m.	Suite 140
June 12	Commission on Judicial Performance	9:30 a.m.	Suite 140
June 19	Administrative Procedure	9:30 a.m.	Suite 140
June 26	Pattern Instruction for Kansas - Criminal	9:30 a.m.	Room 269
June 26	Probate Law	9:30 a.m.	Suite 140
June 26	Juvenile Offender/Child in Need of Care	9:30 a.m.	Suite 140

Hon. Lawton R. Nuss  
Chairman

Doc. No. 037005

State of Kansas

**Department of Administration  
Division of Facilities Management**

**Notice of Commencement of Negotiations for  
"On-Call" Engineering Services**

Notice is hereby given of the commencement of negotiations for "on-call" civil/structural engineering services for Kansas State University. Contracts will be for one year, renewable for two additional one-year periods.

For more information concerning the scope of services, contact Abe Fattaey, (785) 532-1725. Firms interested in providing these services should be familiar with the requirements of Chapter 9 of the Building Design and Construction Manual at the Web site below.

To be considered, five (5) bound proposals and one (1) PDF file on a CD of the following should be provided: a letter of interest, an SF330 Part I, information regarding similar projects, and a state of Kansas general qualifications form for each firm and consultant. Proposals should be concise and follow the 2009 State Building Advisory Commission guidelines, available to firms at <http://da.ks.gov/fp/> or by contacting Phyllis Fast, Division of Facilities Management, Suite 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-5796, [Phyllis.Fast@da.ks.gov](mailto:Phyllis.Fast@da.ks.gov). Submittals should be received by Phyllis Fast before noon May 22.

Marilyn L. Jacobson, Director  
Division of Facilities Management

Doc. No. 037020

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-09-127/129  
Pending Permits for Confined Feeding Facilities**

Name and Address of Applicant	Legal Description	Receiving Water
Kevin Gant - Anker Lot 1747 S. 1800 Road Wilsey, KS 66873	SW/4 of Section 09, T17S, R07E, Morris County	Neosho River Basin

Kansas Permit No. A-NEMR-B004

This is a new permit for a new facility that will replace a poorly located existing facility. The capacity will be 750 head (375 animal units) of beef cattle weighing less than 700 pounds each. Runoff will be treated by removing sediment and controlled distribution of wastewater over a designed wastewater treatment strip.

Name and Address of Applicant	Legal Description	Receiving Water
Vulgamore Land & Cattle Co Inc-East Yard Brian Vulgamore 1550 W. Road 70 Scott City, KS 67871	SW/4 of Section 26, T19S, R33W Scott County	Upper Arkansas River Basin

Kansas Permit No. A-UASC-B003

This is a reissuance of a permit for an existing facility for 950 head (475 animal units) of cattle weighing less than 700 pounds. This is a decrease from the previous permitted capacity of 950 head (950 animal units) of cattle weighing greater than 700 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Kelly McKenzie 18021 R Road Smith Center, KS 66967	NW/4 of Section 35, T03S, R13W, Smith County	Solomon River Basin

Kansas Permit No. A-SOSM-B008

This is a reissuance of a permit for an existing facility for 500 head (500 animal units) of cattle weighing greater than 700 pounds.

**Public Notice No. KS-Q-09-049/058**

Name and Address of Applicant	Receiving Stream	Type of Discharge
Beverly, City of P.O. Box 137 Beverly, KS 67423	Saline River via Unnamed Tributary	Treated Domestic Wastewater
Kansas Permit No. M-SA01-0001      Federal Permit No. KS0095141		
Legal Description: SE $\frac{1}{4}$ , SE $\frac{1}{4}$ , NW $\frac{1}{4}$ , S15, T12S, R6W, Lincoln County		
Facility Description: The proposed action consists of reissuance of an existing Kansas/NPDES Water Pollution Control permit for an existing facility. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as monitoring for ammonia, E. coli, chlorides, total phosphorus, sulfates, pH 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.		

Name and Address of Applicant	Receiving Stream	Type of Discharge
Louisburg, City of 5 S. Peoria St. Louisburg, KS 66053	Bull Creek via South Wea Creek	Treated Domestic Wastewater
Kansas Permit No. M-MC20-0001      Federal Permit No. KS0024856		
Legal Description: SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , S30, T16S, R25E, Miami County		
Facility Name: Louisburg Wastewater Treatment Plant #1 (North Lagoon Facility)		

Name and Address of Applicant	Receiving Stream	Type of Discharge
Louisburg, City of 5 S. Peoria St. Louisburg, KS 66053	Bull Creek via South Wea Creek	Treated Domestic Wastewater
Kansas Permit No. M-MC20-0002      Federal Permit No. KS0087149		
Legal Description: SW $\frac{1}{4}$ , NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , S6, T17S, R25E, Miami County		
Facility Name: Louisburg Wastewater Treatment Facility Plant #2 (South Lagoon Facility)		

Facility Description: The proposed action consists of reissuance of the existing Kansas/NPDES Water Pollution Control permits for the above referenced existing facilities. The two proposed permits each contain limits for biochemical oxygen demand, total suspended solids, ammonia and E. coli, as well as monitoring for nitrate + nitrite, total Kjeldahl nitrogen, total nitrogen, total phosphorus, temperature, pH and effluent flow. The permits requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Lucas, City of P.O. Box 308 Lucas, KS 67648-0308	Saline River via Wolf Creek	Treated Domestic Wastewater
Kansas Permit No. M-SA08-0002      Federal Permit No. KS0095222		
Legal Description: N $\frac{1}{2}$ , NE $\frac{1}{4}$ , SW $\frac{1}{4}$ , S34, T11S, R11W, Russell County		

Name and Address of Applicant	Receiving Stream	Type of Discharge
Plainville, City of P.O. Box 266 Plainville, KS 67663-0266	Paradise Creek via Unnamed Tributary	Treated Domestic Wastewater
Kansas Permit No. M-SA14-0002      Federal Permit No. KS0093165		
Legal Description: N $\frac{1}{2}$ , NW $\frac{1}{4}$ , S1, T10S, R18W, Rooks County		

Facility Description: The proposed action consists of reissuance of the existing Kansas/NPDES Water Pollution Control permits for the above referenced existing facilities. The two proposed permits each contain limits for biochemical oxygen demand and total suspended solids, as well as monitoring for ammonia, E. coli, chlorides, sulfates, total recoverable selenium and pH. The permits requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Princeton, City of P.O. Box 58 Princeton, KS 66078	Marais des Cygnes River via Middle Creek	Treated Domestic Wastewater

Kansas Permit No. M-MC38-0001      Federal Permit No. KS0093891  
 Legal Description: SW $\frac{1}{4}$ , NE $\frac{1}{4}$ , SW $\frac{1}{4}$ , S14, T18S, R19E, Franklin County  
 Facility Description: The proposed action consists of reissuance of an existing Kansas/NPDES Water Pollution Control permit for an existing facility. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as monitoring for ammonia, E. coli and pH. 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. 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.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Robert L. Patton, Jr. 4916 Camp Bowie Blvd. Fort Worth, TX 76107	Verdigris River via Unnamed Tributary	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-VE03-PO02      Federal Permit No. KS0099848  
 Legal Description: SW $\frac{1}{4}$ , NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , S29, T27S, R15E, Wilson County  
 Facility Name: BHR Shale Quarry

Facility Description: The proposed action consists of issuing a new permit for discharge of wastewater during a shale mining operation. Outfalls 001 and 002 consist of stormwater runoff, which is treated in settling ponds. Contained in the permit is a schedule of compliance requiring the permittee to develop and implement a stormwater pollution prevention plan within three months of the effective date of the permit. An antidegradation review indicates discharges from this facility will not cause or contribute to any impairments to the receiving stream. 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.

Name and Address of Applicant	Receiving Stream	Type of Discharge
General Finance Incorporated P.O. Box 369 Concordia, KS 66901	Solomon River via Middle Pipe Creek via Unnamed Tributary	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-SO44-PO02      Federal Permit No. KS0002674  
 Legal Description: (C-53) NW of S5, T8S, R2W and  
 (C-54) SW of S32, T7S, R2W and  
 (C-184) NE $\frac{1}{4}$ , SW $\frac{1}{4}$  and NW $\frac{1}{4}$ , SE $\frac{1}{4}$ , S6, T8S, R2W,  
 Cloud County

Facility Name: Cloud Ceramics - Clay Pits #C-53, #C-54, #C-184  
 Facility Description: The proposed action consists of reissuing an existing permit for discharge of wastewater during quarry operations. This facility is engaged in a clay mining operation used in manufacturing brick. Pit dewatering is employed when necessary to remove rain water, spring water or melted snow from the clay pits. This water is pumped to settling ponds for treatment before being discharged. Silt traps and grass strips also are used to filter the silt from stormwater runoff, before being released to a receiving stream. The proposed permit contains limits for total suspended solids and pH. Contained in the permit is a schedule of compliance requiring the permittee to develop and implement a stormwater pollution prevention plan within one year of the effective date of the permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria.

Name and Address of Applicant	Receiving Stream	Type of Discharge
El Paso Merchant Energy- Petroleum Co 2 N. Nevada Ave. Colorado Springs, CO 80903	West Branch Walnut River	Process Wastewater

Kansas Permit No. I-WA09-PO01      Federal Permit No. KS0000205  
 (continued)

Legal Description: SW¼, S26, T25S, R5E, Butler County

Facility Name: El Dorado Facility

Facility Description: The proposed action consists of modifying and renewing an existing Kansas/NPDES Water Pollution Control Permit for an existing facility. The modifications consist of an extension by one year and five months the expiration date of this permit. This modification provides additional time for the facility to meet the lagoon closure requirements. This permit modification also reduces Outfall 001X1 monitoring parameters and frequency of monitoring from monthly to quarterly and eliminates monitoring requirements for Outfall 001A. Completed testing and requirements have been removed. The modification also has added the requirement for an annual report summarizing the implementation of the stormwater pollution prevention plan. 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.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Wichita, City of	Outfall 001A1 - Kisiwa Creek	Process Wastewater
Wichita Water Utilities 1815 W. Pine Wichita, KS 67203	Outfall 002A1 - Little Arkansas River	

Kansas Permit No. I-LA02-PO02 Federal Permit No. KS0099392

Legal Description: Outfall 001A1: NE¼, NE¼, NE¼, S2, T24S, R3W, Harvey County  
Outfall 002A1: SW¼, SW¼, SE¼, S8, T23S, R2W, Harvey County

Facility Name: Wichita ASR Phase I Treatment Plant

Facility Description: The proposed action consists of modification and reissuance of the Kansas/NPDES Water Pollution Control permit for a discharge of wastewater to waters of the state. The modification to this permit covers the disposal of the high solids (sludge) slurry back to the Little Arkansas River from Outfall 002A1. The sludge slurry is created by the treatment of the raw water from the Little Arkansas River during high flow conditions via settling and Actiflo treatment. About 0.5 MGD of sediment slurry and Actiflo reject water is returned to the Little Arkansas River. The proposed outfall contains limits for pH as well as whole effluent toxicity testing. The lagoon discharge was the subject of the current permit and is not affected by this modification. 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.

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 June 6 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-09-127/129, KS-Q-09-049/058) 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 sig-

nificant 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. 037014

State of Kansas

Department of Health  
and Environment

Request for Bids

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

May 15, 2009

264-09-31

Project Lead Safe KCK

- Property #1 4028 Silver Ave.  
Kansas City, KS 66106
- Property #2 1828 Homer  
Kansas City, KS 66102
- Property #3 2631 Grandview Blvd.  
Kansas City, KS 66102
- Property #4 3105 Delavan Ave.  
Kansas City, KS 66104
- Property #5 1930 N. 6th St.  
Kansas City, KS 66101
- Property #6 67 S. Coy St.  
Kansas City, KS 66101

Contractors will be required to attend a walkthrough of each property in order to be eligible to respond to the invitation for bid. For times and actual locations, call (913) 262-0796 or go to the following Web site:

[http://www.unloadedks.com/contractor\\_info.html](http://www.unloadedks.com/contractor_info.html)

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

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 037011

## 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. Anadarko Gathering Company has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Anadarko Gathering Company, Houston, Texas, owns and operates South S. Breech compressor station located at Section 16, T35S, R38W, Stevens 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 Ethyl Evans, (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 June 8.

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 Sharon Burrell, Bureau of Air and Radiation, not later than the close of business June 8 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. 037003

## State of Kansas

**Department of Health  
and Environment****Notice of Hearing**

The Kansas Department of Health and Environment has prepared a proposed Kansas Water Pollution Control Permit, A-SARS-B001, for Wiseman Farms, located near Luray. The proposed permit is for a waste control system for a confined feeding facility with a capacity for up to 900 head (900 animal units) of cattle weighing more than 700 pounds. The proposed facility will be located in the NW/4 of Section 08, Township 11 South, Range 12 West in Russell County. The public was informed of the availability of the proposed agricultural waste control permit for Wiseman Farms through Public Notice No. KS-AG-09-098, dated April 9, 2009.

A public hearing on the proposed permit has been scheduled, in conformance with Kansas Administrative Regulation 28-16-61, at 5:30 p.m. Thursday, June 11, at the Luray Community Center, 115 S. Main St., Luray.

Copies of the permit application, the proposed KDHE permit and other pertinent documents may be viewed at, or requested by writing to, the Kansas Department of Health and Environment, Bureau of Water, Livestock Waste Management Section, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367, or by calling (785) 296-6432 or fax (785) 296-5509. Appropriate copying charges will be assessed for each request.

Persons wishing to comment on the proposed permit may do so at the public hearing or may submit written statements to the address above by June 11. It is recommended that persons wishing to speak at the public hearing supply the hearing officer with a written copy of the testimony the night of the hearing.

Any individual with a disability may request accommodation in order to participate in the public hearing process and may request the proposed permit in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting KDHE at the address above.

The Secretary of Health and Environment will make a final permit decision after consideration of applicable requirements of state statutes and regulations and comments received during the public notice and public hearing processes.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 037015

State of Kansas  
**Commission on Veterans' Affairs**  
**Notice of Meeting**

The Kansas Commission on Veterans' Affairs will meet at 10 a.m. Wednesday, May 13, at the Kansas Soldiers' Home, Eisenhower Building, Fort Dodge. The public is invited to attend. For more information, call (785) 296-3976.

Jack Fowler  
 Executive Director

Doc. No. 037009

State of Kansas  
**Secretary of State**  
**Code Mortgage Rate for May**

Pursuant to the provisions of K.S.A. 16a-1-301, Section 11, the code mortgage rate during the period of May 1, 2009 through May 31, 2009, is 12 percent.

Ron Thornburgh  
 Secretary of State

Doc. No. 037002

(Editor's Note: The following notice was first published in the April 23, 2009 Kansas Register with an incorrect sliding fee scale. The notice is being republished with the correct sliding fee scale for fiscal year 2010.)

State of Kansas  
**Department on Aging**  
**Notice of Senior Care Act Sliding Fee Scale**

Pursuant to K.S.A. 2008 Supp. 75-5933, the Secretary of Aging shall develop a sliding fee scale that shall be published annually in the Kansas Register. The following scale will be used for state fiscal year 2010 beginning July 1, 2009:

**SCA SLIDING FEE SCALE**

Effective 7/1/2009  
 FY 2010

		LIQUID ASSETS															
		0-10,000	10,001-20,000	20,001-30,000	30,001-40,000	40,001-50,000	50,001-60,000	60,001-70,000	70,001-80,000	80,001-90,000	90,001-100,000	100,001-110,000	110,001-120,000	120,001-and Above			
<b>1 Person Family</b>		Donation	5	10	15	20	30	40	50	60	70	80	90		<b>1 Person Family</b>		
INCOME	0 to 903	5	10	15	20	30	40	50	60	70	80	90			0 to 903		
	904 to 1,003	5	10	15	20	30	40	50	60	70	80	90			904 to 1,003		
	1,004 to 1,103	10	15	20	30	40	50	60	70	80	90			1,004 to 1,103			
	1,104 to 1,203	15	20	30	40	50	60	70	80	90				1,104 to 1,203			
	1,204 to 1,303	20	30	40	50	60	70	80	90					1,204 to 1,303			
	1,304 to 1,403	30	40	50	60	70	80	90						1,304 to 1,403			
	1,404 to 1,503	40	50	60	70	80	90							1,404 to 1,503			
	1,504 to 1,603	50	60	70	80	90								1,504 to 1,603			
	1,604 to 1,703	60	70	80	90									1,604 to 1,703			
	1,704 to 1,803	70	80	90										1,704 to 1,803			
	1,804 to 1,903	80	90											1,804 to 1,903			
	1,904 to 2,003	90												1,904 to 2,003			
2,004 and Above	100													2,004 and Above			
		LIQUID ASSETS															
		0-13,500	13,501-23,500	23,501-33,500	33,501-43,500	43,501-53,500	53,501-63,500	63,501-73,500	73,501-83,500	83,501-93,500	93,501-103,500	103,501-113,500	113,501-123,500	123,501-and Above			
<b>2 Person Family</b>		Donation	5	10	15	20	30	40	50	60	70	80	90		<b>2 Person Family</b>		
INCOME	0 to 1,214	5	10	15	20	30	40	50	60	70	80	90			0 to 1,214		
	1,215 to 1,314	5	10	15	20	30	40	50	60	70	80	90			1,215 to 1,314		
	1,315 to 1,414	10	15	20	30	40	50	60	70	80	90			1,315 to 1,414			
	1,415 to 1,514	15	20	30	40	50	60	70	80	90				1,415 to 1,514			
	1,515 to 1,614	20	30	40	50	60	70	80	90					1,515 to 1,614			
	1,615 to 1,714	30	40	50	60	70	80	90						1,615 to 1,714			
	1,715 to 1,814	40	50	60	70	80	90							1,715 to 1,814			
	1,815 to 1,914	50	60	70	80	90								1,815 to 1,914			
	1,915 to 2,014	60	70	80	90									1,915 to 2,014			
	2,015 to 2,114	70	80	90										2,015 to 2,114			
	2,115 to 2,214	80	90											2,115 to 2,214			
	2,215 to 2,314	90												2,215 to 2,314			
2,315 and Above	100													2,315 and Above			

Questions about the fee scales or other facets of the Senior Care Act program may be directed to Jennifer Springer, In-Home Program Manager, at (785) 296-6448.

Kathy Greenlee  
 Secretary of Aging

Doc. No. 036930



State of Kansas

**Secretary of State**

**Usury Rate for May**

Pursuant to the provisions of K.S.A. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate (except where the note or contract for deed permits adjustment of the interest rate, the term of the loan or the amortization schedule) executed during the period of May 1, 2009 through May 31, 2009, is 6.09 percent.

Ron Thornburgh  
Secretary of State

Doc. No. 037001

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. 2008 Supp. 12-1675(b)(c)(d) and K.S.A. 2008 Supp. 12-1675a(g).

**Effective 5-4-09 through 5-10-09**

Term	Rate
1-89 days	0.20%
3 months	0.13%
6 months	0.31%
1 year	0.50%
18 months	0.73%
2 years	0.92%

Elizabeth B.A. Miller  
Director of Investments

Doc. No. 037000

State of Kansas

**Fort Hays State University**

**Notice of Intent to Lease Land**

Public notice is hereby given, pursuant to K.S.A. 75-430a(d), that Fort Hays State University seeks to lease land for the purposes of installing a Super Dual Auroral Radar Network Facility. The specifications of the contemplated lease and further information are available by contacting Todd D. Powell, Fort Hays State University, 600 Park, Sheridan Hall 312a, Hays, 67601.

Competitive bids will be received by Fort Hays State University commencing May 7 until 4:30 p.m. June 8. No bid received after that date and hour shall be considered by Fort Hays State University. Only bids as shall be in substantial conformity with the terms and provisions of the contemplated need and the materials available to bidders from FHSU will be considered or accepted by Fort Hays State University. Any lease entered into by Fort Hays State University will be awarded to the highest responsible, responsive bidder. Fort Hays State University reserves the right to reject any and all bids.

Bids should be addressed to Fort Hays State University, attention Todd D. Powell, at the address given above. The

outside of the envelope containing any bid for this purpose should be plainly marked "Bid on Lease." The bid opening will be at 11 a.m. June 9 in the President's Conference Room, third floor, Sheridan Hall, Fort Hays State University.

Todd D. Powell  
General Counsel

Doc. No. 037008

State of Kansas

**Fort Hays State University**

**Notice to Bidders**

Fort Hays State University encourages interested vendors to visit the Fort Hays State University Purchasing Web site, <http://www.fhsu.edu/adminfin/purchasing/bids/>, for a complete list of all goods and services currently out for bid. Paper postings of all open bids may be reviewed at Purchasing, Room 318, Sheridan Hall, 601 Park St., Hays. Copies of open bids also may be requested by contacting Purchasing at (785) 628-4251, by fax at (785) 628-4046, or by e-mail at [purchasing@fhsu.edu](mailto:purchasing@fhsu.edu).

Kathy Herrman  
Purchasing Director

Doc. No. 036999

State of Kansas

**Fort Hays State University**

**Notice of Intent to Lease Land**

Public notice is hereby given, pursuant to K.S.A. 75-430a(c), that Fort Hays State University seeks to lease land for the purposes of oil and natural gas exploration and production. The specifications of the contemplated lease and further information are available by contacting Todd D. Powell, Fort Hays State University, 600 Park, Sheridan Hall 312a, Hays, 67601.

Competitive bids will be received by Fort Hays State University commencing May 7 until 4:30 p.m. June 8. No bid received after that date and hour shall be considered by Fort Hays State University. Only bids as shall be in substantial conformity with the terms and provisions of the contemplated need and the materials available to bidders from FHSU will be considered or accepted by Fort Hays State University. Any lease entered into by Fort Hays State University will be awarded to the highest responsible, responsive bidder. Fort Hays State University reserves the right to reject any and all bids.

Bids should be addressed to Fort Hays State University, attention Todd D. Powell, at the address given above. The outside of the envelope containing any bid for this purpose should be plainly marked "Oil and Natural Gas Exploration and Production." The bid opening will be at 11 a.m. June 9 in the President's Conference Room, third floor, Sheridan Hall, Fort Hays State University.

Todd D. Powell  
General Counsel

Doc. No. 037017

## 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, is 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](mailto:purchasing@ku.edu) to request a copy of a current bid.

Barry K. Swanson  
Associate Comptroller/  
Director of Purchasing Services

Doc. No. 036997

## 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. May 20 and then publicly opened.

## District One — Northeast

**Atchison**—59-3 KA-1290-01 — U.S. 59 and 6th Street in the city of Atchison, traffic signals. (State Funds)

**Johnson**—69-46 K-8251-07 — U.S. 69 from I-435 north to 0.3 mile north of 95th Street, 1.8 miles, grading, bridge and surfacing. (Federal Funds)

**Johnson**—69-46 K-8251-11 — U.S. 69 from 0.3 mile north of 95th Street north to I-35 and I-35 north to 75th Street, 2.4 miles, grading, bridge and surfacing. (Federal Funds)

**Johnson**—69-46 K-9532-01 — U.S. 69 from Old U.S. 169 north to junction I-35, 6.4 miles, grading and surfacing. (State Funds)

**Leavenworth**—73-52 KA-1346-01 — U.S. 73 from the K-92 north junction northeast to Lowemont, 9.6 miles, pavement patching. (State Funds)

**Lyon**—50-56 K-9811-01 — Intersection of U.S. 50 and Graphic Arts Road in Emporia, 0.4 mile, intersection improvement. (State Funds)

**Lyon**—56 U-2154-01 — 15th and 18th Street and Industrial Road in Emporia, intersection improvement. (Federal Funds)

**Wyandotte**—70-105 KA-1003-03 - North Ramp Terminal (I-70 Exit Ramp/K-7/Canaan Drive), grading and surfacing. (State Funds)

**Shawnee**—89 U-2163-01— Gage Boulevard between 10th and 12th Streets, surfacing. (Federal Funds)

## District Two — Northcentral

**Geary**—57-31 KA-0532-01 — K-57 culvert, Humbolt Creek drainage, 1 mile north of the Morris-Geary county line, culvert construction. (State Funds)

**Ellsworth**—27 KA-1296-01 — Three bridges in Ellsworth County on I-70, K-14 and U.S. 56, bridge repair. (State Funds)

## District Three — Northwest

**Gove**—23-32 KA-1534-01 — K-23 from the Lane-Gove county line north 8 miles, surfacing. (Federal Funds)

**Gove**—23-32 KA-1534-02 — K-23, 8 miles north of the Lane-Gove county line north to 0.5 mile south of the Gove city limits, 9.4 miles, surfacing. (Federal Funds)

## District Four — Southeast

**Bourbon**—39-6 KA-1639-01 — K-39 from the Neosho-Bourbon county line to the west junction of K-7/K-39, 14.8 miles, crack repair. (State Funds)

**Coffey-Woodson**—75-106 KA-1636-01 — U.S. 75 from the Woodson-Coffey county line north 9 miles; U.S. 75 from the north city limits of Yates Center north to the Coffey County line, 19.6 miles, crack repair. (State Funds)

**Greenwood**—54-37 KA-0475-01 — U.S. 54 and Jefferson Street in Eureka, 0 mile, culvert construction. (State Funds)

## District Five — Southcentral

**Barber-Kingman**—42-106 KA-1644-01 — K-42 from the Pratt-Barber county line east to the Barber-Kingman county line; K-42 from the Barber-Kingman county line to the junction of K-14/K-42, 28.6 miles, crack repair. (State Funds)

**Butler**—54-8 KA-1252-01 — U.S. 54, bridge 0.6 mile east of U.S. 77 north junction, bridge repair. (State Funds)

**Butler**—177-8 KA-1580-01 — K-177 from the junction of U.S. 54 north to the Butler-Chase county line, 21.9 miles, crack repair. (State Funds)

**Harper-Sumner**—106 KA-1640-01 — K-2 from the Barber-Harper county line east to the west city limits of Anthony; K-44 from the east city limits of Anthony to the Harper-Sumner county line; K-44 from the Harper-Sumner county line east to the junction of K-49/K-44, 40.5 miles, crack repair. (State Funds)

**Rice**—80 C-4396-02 — Construction of pedestrian paths in the city of Lyons. (Federal Funds)

## District Six — Southwest

**Finney**—83B-28 K-9796-01 — U.S. 83b from the Ark River bridge to near Carter Drive in Garden City, 0.2 mile, grading and surfacing. (State Funds)

**Grant-Gray-Morton**—106 KA-1650-01 — K-25 from the north city limits of Ulysses north to the Grant-Kearney county line; K-23 from the Gray-Meade county line north to the south city limits of Cimarron; K-27 from the south junction of K-51 north to the north junction of K-51, 46.5 miles, crack repair. (State Funds)

**Haskell-Seward**—106 KA-1656-01 — The junction of U.S. 56/K-190 south to Haskell/Seward county line; U.S. 83 from the Kansas/Oklahoma state line north 2.9 miles; K-190 from the Haskell-Seward county line east to the junction of U.S. 83/K-190, 13.7 miles, seal. (State Funds)

**Seward**—83-88 KA-1654-01 — U.S. 83 and Tucker Road in Liberal, grading. (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 con-

dition, 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. 036974

**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 2009-2012 by adding the following projects:

- Project KA-0431-09**, Statewide Pavement Marking Program
- Project KA-0432-09**, Statewide Lighting Program
- Project KA-0433-09**, Statewide Signing Program

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 June 8.

Deb Miller  
Secretary of Transportation

Doc. No. 037007

**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 2009-2012 by adding the following American Recovery Reform Act projects:

- Johnson County Transit — Two transit vehicles.
- Leavenworth County — Three transit vehicles.
- Nemaha County Transit — Two transit vehicles.
- Riley County Area Transit Agency — Five transit vehicles, mobile data terminals, ITS software and radios, bus stops and shelters.
- Lyon County Area Transit - One transit vehicle, mobile data terminals, ITS software and radios, bus stops and shelters.
- OCCK, Inc. — Five transit vehicles, shop equipment, mobile data terminals, ITS software and radios, bus stops and shelters, and building renovation.
- Developmental Services of Northwest Kansas — One transit vehicle and mobile data terminals.
- Reno County Transit — Four transit vehicles and mobile data terminals.
- Sunflower Diversified Services — Three transit vehicles.
- Finney County Committee on Aging — Twelve transit vehicles, addition for their transit facility, misc. equipment for their transit/maintenance facility, bus stops and shelters.
- Intercity Transit Provider — Coach-style buses, signage, and improvements to station stops.
- Statewide — continuation of 800MHz Tower project.
- Topeka Transit — Funding for transit vehicles.
- City of Lawrence/Lawrence Transit — Funding for transit vehicles.

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 Transportation Planning, 2nd Floor Tower, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754, (785) 296-4907, fax (785) 296-0963.

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 June 8.

Deb Miller  
Secretary of Transportation

Doc. No. 037013

## State of Kansas

## Board of Technical Professions

## Notice of Meetings

The Kansas State Board of Technical Professions will conduct its Complaint Committee meeting at 8 a.m. Thursday, May 21, with the board meeting following at 10 a.m. Both meetings will be held in Room 507 of the Landon State Office Building, 900 S.W. Jackson, Topeka. The meetings are open to the public. For more information, call (785) 296-3053.

Jean Boline  
Executive Director

Doc. No. 037004

## State of Kansas

## Kansas State University

## Notice to Bidders

Kansas State University encourages interested vendors to visit the Kansas State University Controller's Office/Purchasing Web site at <http://www.ksu.edu/purchasing/rfq> for a complete listing of all transactions for which Kansas State University Purchasing, or one of the consortia commonly utilized by K-State, is seeking competitive bids. Paper postings of Kansas State University Purchasing's bid transactions may be viewed at the Purchasing Office, 21 Anderson Hall, Manhattan, or persons may contact Purchasing at (785) 532-6214, by fax at (785) 532-5577, or by e-mail at [cbishop@ksu.edu](mailto:cbishop@ksu.edu) to request a copy of a current bid.

Carla Bishop  
Director of Purchasing

Doc. No. 036998

(Published in the Kansas Register May 7, 2009.)

**Unified School District No. 473  
Dickinson County, Kansas (Chapman)**

**Notice of Intent to Seek Private Placement  
General Obligation School Building Bonds  
Series 2009**

Notice is hereby given that Unified School District No. 473, Dickinson County, Kansas (Chapman) (the issuer), proposes to seek a private placement of the above-referenced bonds. The maximum aggregate principal amount of the bonds shall not exceed \$2,000,000. The proposed sale of the bonds is in all respects subject to approval of a bond purchase agreement between the issuer and the purchaser of the bonds and the adoption of a resolution by the governing body of the issuer authorizing the issuance of the bonds and the execution of various documents necessary to deliver the bonds.

Dated April 28, 2009.

Beverly Sutter  
Clerk

Doc. No. 037012

(Published in the Kansas Register May 7, 2009.)

## City of Towanda, Kansas

**Notice of Intent to Seek Private Placement  
\$209,000  
General Obligation Bonds  
Series A, 2009**

Notice is hereby given that the city of Towanda, Kansas, proposes to seek a private placement of the above-referenced bonds. The maximum aggregate principal amount of the bonds shall not exceed \$209,000. The proposed sale of the bonds is in all respects subject to approval of a bond purchase agreement between the issuer and the purchaser of the bonds and the passage of an ordinance and adoption of a resolution by the governing body of the issuer authorizing the issuance of the bonds and the execution of various documents necessary to deliver the bonds.

Paul Erickson  
City Clerk

Doc. No. 037024

(Published in the Kansas Register May 7, 2009.)

**Summary Notice of Bond Sale  
City of Mission, Kansas  
\$22,975,000\*  
General Obligation Refunding Bonds  
Series 2009-A**

**(General obligation bonds payable from  
unlimited ad valorem taxes)**

## Bids

Subject to the notice of bond sale dated April 15, 2009, written and electronic bids will be received on behalf of the clerk of the city of Mission, Kansas (the issuer), in the case of written bids, at the address set forth below, and in the case of electronic bids, through PARITY, until 11 a.m. May 20, 2009, for the purchase of the above-referenced bonds. No bid of less than 98.7 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

## Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated June 15, 2009, and will become due on September 1 in the years as follows:

Year	Principal Amount*
2010	\$1,420,000
2011	1,605,000
2012	1,640,000
2013	1,670,000
2014	1,715,000
2015	1,430,000
2016	1,470,000
2017	1,525,000
2018	1,580,000
2019	1,645,000
2020	870,000
2021	905,000

2022	940,000
2023	985,000
2024	1,025,000
2025	460,000
2026	485,000
2027	510,000
2028	535,000
2029	560,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2010.

**Book-Entry-Only System**

The bonds shall be registered under a book-entry-only system administered through DTC.

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond or a wire of Federal Reserve funds in the amount of 2 percent of the principal amount of the bonds.

**Delivery**

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about June 17, 2009, to DTC for the account of the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2008 is \$150,770,772. The total general obligation indebtedness of the issuer as of the dated date, including the bonds being sold, but excluding the temporary notes to be retired out of proceeds of the bonds, is \$35,065,000.

**Approval of Bonds**

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

**Additional Information**

Additional information regarding the bonds may be obtained from the undersigned or from the financial advisor at the addresses set forth below.

**Good Faith Deposit Delivery Address:**

Martha Sumrall, Clerk  
6090 Woodson Road  
Mission, KS 66202  
(913) 676-8350  
Fax (913) 722-1415

**Financial Advisor —Written and Facsimile Bid and Good Faith Deposit Delivery Address:**

Springsted Incorporated  
380 Jackson St., Suite 300

St. Paul, MN 55101-2887  
Attn: Bond Services  
(651) 223-3000  
Fax (651) 223-3046  
E-mail: advisors@springsted.com

Dated April 15, 2009.

City of Mission, Kansas

**\*Preliminary; subject to change.**

Doc. No. 037019

(Published in the Kansas Register May 7, 2009.)

**Summary Notice of Bond Sale  
City of Fort Scott, Kansas  
\$2,005,000**

**General Obligation Bonds, Series 2009  
(General obligation bonds payable from unlimited ad valorem taxes)**

**Bids**

Subject to the notice of bond sale dated April 21, 2009, written and electronic bids will be received on behalf of the clerk of the city of Fort Scott, Kansas (the issuer), in the case of written bids, at the address set forth below, and in the case of electronic bids, through PARITY, until 2 p.m. May 19, 2009, for the purchase of the above-referenced bonds. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated June 1, 2009, and will become due on October 1 in the years as follows:

Year	Principal Amount
2010	\$ 95,000
2011	125,000
2012	130,000
2013	135,000
2014	140,000
2015	145,000
2016	150,000
2017	155,000
2018	160,000
2019	170,000
2020	110,000
2021	115,000
2022	120,000
2023	125,000
2024	130,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning April 1, 2010.

**Book-Entry-Only System**

The bonds shall be registered under a book-entry-only system administered through DTC.

(continued)

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States, a qualified financial surety bond or a wire transfer in Federal Reserve funds immediately available for use by the issuer in the amount of \$40,100.

**Delivery**

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about June 16, 2009, to DTC for the account of the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2008 is \$53,752,437. The total general obligation indebtedness of the issuer as of the dated date, including the bonds being sold, is \$5,156,645. Temporary notes in the principal amount of \$1,300,000 will be retired out of proceeds of the bonds and, if necessary, other available funds, which will reduce the outstanding general obligation indebtedness of the issuer to \$3,856,645.

**Approval of Bonds**

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

**Additional Information**

Additional information regarding the bonds may be obtained from the undersigned or from the financial advisor at the addresses set forth below.

**Written Bid and Good Faith Deposit**

**Delivery Address:**

Diane K. Clay, Clerk  
 City Hall  
 1 E. Third, P.O. Box 151  
 Fort Scott, KS 66701  
 (620) 223-0550  
 Fax (620) 223-8100  
 E-mail: dclay@fscity.org

**Financial Advisor — Facsimile Bid and Good Faith**

**Deposit Delivery Address:**

George K. Baum & Company  
 100 N. Main, Suite 810  
 Wichita, KS 67202  
 Attn: Charles M. Bouilly  
 (316) 264-9351  
 Fax (316) 264-9370  
 E-mail: bouilly@gkbaum.com

Dated April 21, 2009.

City of Fort Scott, Kansas

Doc. No. 037016

(Published in the Kansas Register May 7, 2009.)

**Summary Notice of Sale  
 Salina Airport Authority (Salina, Kansas)**

**\$2,045,000\***

**General Obligation Bonds**

**Series 2009-A**

**\$6,130,000\***

**Taxable General Obligation Bonds**

**Series 2009-B**

**(General obligations payable from  
 unlimited ad valorem taxes)**

Subject to the notice of sale dated April 30, 2009, written and electronic bids for the purchase of above-referenced bonds of the Salina Airport Authority (Salina, Kansas) (the issuer), will be received on behalf of the issuer by the issuer's manager of administration and finance, in the case of written bids, at the address hereinafter set forth, and in the case of electronic bids, via PARITY, until noon May 20, 2009 (the sale date). No bid for less than 98.00\* percent of the principal amount of the Series 2009-A Bonds and 98.00\* percent of the principal amount of the Series 2009-B Bonds will be considered. All bids will be publicly evaluated at said time and place and the award of the bonds will be acted upon by the governing body at its meeting to be held on the sale date. No oral or auction bids will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated June 1, 2009, and will become due on September 1 in the years as follows:

**Series 2009-A Bonds**

<b>Maturity Date (September 1)</b>	<b>Principal Amount*</b>
2026	\$105,000
2027	620,000
2028	645,000
2029	675,000

**Series 2009-B Bonds**

<b>Maturity Date (September 1)</b>	<b>Principal Amount*</b>
2010	\$130,000
2011	250,000
2012	260,000
2013	270,000
2014	285,000
2015	300,000
2016	315,000
2017	330,000
2018	350,000
2019	375,000
2020	395,000
2021	420,000
2022	450,000
2023	475,000
2024	510,000
2025	540,000
2026	475,000

The bonds will bear interest from the date thereof at rates to be determined when such bonds are sold, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2010.

#### **Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

#### **Book-Entry-Only System**

The bonds shall be registered under a book-entry only system administered through DTC.

#### **Good Faith Deposit**

Each bid for a series of the bonds shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located in the United States, a financial surety bond or a wire of Federal Reserve funds in the amount of 2 percent of the principal amount of the bonds of such series, payable to the order of the issuer.

#### **Pre-Bid Revisions**

The issuer reserves the right to issue a supplemental notice of sale not later than 48 hours prior to the sale date via the MUNIFACTS News Service. If issued, the supplemental notice of sale may (i) modify the principal amount of one or more series of the bonds, (ii) withdraw a series of the bonds from the sale, and/or (iii) modify such other terms of this notice of sale as the issuer determines.

#### **Adjustment of Issue Size**

The issuer reserves the right on the date of the award to, in its sole discretion, increase or decrease the total principal amount of a series of the bonds and/or to increase or decrease individual principal maturities, depending on the interest rates bid and the issue price specified, in order to properly structure the financing for the projects to be paid for with proceeds of the bonds.

#### **Delivery and Payment**

The issuer will pay for preparing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder(s) on or about June 10, 2009, to DTC for the account(s) of the successful bidder(s).

#### **Assessed Valuation and Indebtedness**

The total assessed valuation of the taxable tangible property within the issuer for the year 2008 is \$451,333,804. The total general obligation bonded indebtedness of the issuer as of the date of the bonds, including the bonds being issued, but excluding the temporary notes to be retired with the proceeds of the bonds, is \$21,750,000.

#### **Approval of the Bonds**

The bonds will be sold subject to the approving legal opinion of Gilmore & Bell, P.C., Kansas City, Missouri, bond counsel, which opinion will be furnished and paid for by the issuer and will accompany the bonds and be delivered to the successful bidder when the bonds are delivered.

#### **Additional Information**

Additional information regarding the bonds may be obtained from the office of the manager of administration and finance at (785) 827-3914; from the financial advisor, George K. Baum & Company, Public Finance Depart-

ment, 4801 Main St., Kansas City, MO 64112, (816) 474-1100; or from bond counsel, Gilmore & Bell, P.C., 2405 Grand Blvd., Suite 1100, Kansas City, MO 64108, (816) 221-1000.

Dated April 30, 2009.

Salina Airport Authority (Salina, Kansas)  
Shelli Swanson, Manager of  
Administration and Finance  
3237 Arnold Ave.  
Salina, KS 67402  
Fax (785) 827-2221

Doc. No. 037025

### **State of Kansas**

### **Kansas Development Finance Authority**

#### **Notice of Hearing**

A public hearing will be conducted at 9 a.m. Thursday, May 21, in the offices of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the K DFA to issue its Agricultural Development Revenue Bond for the project numbered below in the respective maximum principal amount. The bond will be issued to assist the borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond, which is then typically purchased by a lender bank who then, through the K DFA, loans the bond proceeds to the borrower for the purposes of acquiring the project. The project shall be located as shown:

**Project No. 000758—Maximum Principal Amount: \$120,000.** Owner/Operator: Terry L. and Karlene L. Taylor. Description: Acquisition of 234 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is being financed by the lender for Terry L. and Karlene L. Taylor and is located at the South Half of the Northwest Quarter of Section 32, Township 13, Range 4 and the Northeast Quarter of Section 7, Township 13, Range 4 in Dickinson County, Kansas, approximately 6 miles and 2 miles (respectively) south of Chapman on Rain Road.

The bond, when issued, will be a limited obligation of the K DFA and will not constitute a general obligation or indebtedness of the state of Kansas or any political subdivision thereof, including the K DFA, nor will it be an indebtedness for which the faith and credit and taxing powers of the state of Kansas are pledged. The bond will be payable solely from amounts received from the respective borrower, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bond when it becomes due.

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

Stephen R. Weatherford  
President

Doc. No. 037018

State of Kansas  
**Facilities Closure and Realignment  
 Commission**

**Notice of Hearings**

The Facilities Closure and Realignment Commission will be hosting public hearings in Parsons and Topeka. The first hearing will be at 1:30 p.m. Monday, May 18, at the Parsons State Hospital and Training Center cafeteria, 2601 Gabriel Ave., Parsons. The second hearing will be at 10:30 a.m. Tuesday, May 19, at the Kansas Neurological Institute, Wheatland Habilitation Center, Classrooms A and B, 3107 S.W. 21st St., Topeka. For more information, contact the commission at [Closure.Commission@ks.gov](mailto:Closure.Commission@ks.gov).

Rochelle Chronister  
 Chair

Doc. No. 037006

State of Kansas  
**Department of Revenue**  
**Permanent Administrative  
 Regulations**

**Article 12.—INCOME TAX**

**92-12-145. Transfer of tax credits.** (a) Any tax credits earned by a not-for-profit contributor not subject to Kansas income, privilege, or premiums tax may be transferred to any taxpayer that is subject to Kansas income, privilege, or premiums tax. These tax credits shall be transferred only one time. The transferee shall claim the tax credit against the transferee's tax liability in the tax year of the transfer.

(b) The transferor and transferee shall execute a written transfer agreement to transfer the tax credit. The agreement shall include the following information:

- (1) The name and either the employer identification number or the social security number of the transferor;
- (2) the name and either the employer identification number or the social security number of the transferee;
- (3) the date of the transfer;
- (4) the date the contribution was made by the transferor;
- (5) the amount of tax credit transferred;
- (6) the amount that will be received by the transferor for the tax credit transferred; and
- (7) any other relevant information that the secretary requires.

(c) Each transfer agreement shall be reviewed by the secretary. If the transfer agreement is approved, a certificate of transfer shall be issued to the transferor and transferee indicating approval of the transfer. If the transfer agreement is denied, written notification of the denial shall be issued to the transferor and transferee. (Authorized by K.S.A. 79-32,113 and K.S.A. 2008 Supp. 79-32,261; implementing K.S.A. 2008 Supp. 79-32,261; effective June 20, 2008; amended May 22, 2009.)

Joan Wagnon  
 Secretary of Revenue

Doc. No. 037022

State of Kansas  
**Kansas Insurance Department**  
**Permanent Administrative  
 Regulations**

**Article 7.—AGENTS**

**40-7-20a. Agents; continuing education; approval of courses; requirements.** (a) Definitions. For the purposes of this regulation, the following definitions shall apply:

(1) "Coordinator" means an individual who is responsible for monitoring continuing education offerings.

(2) "Course" means a series of lectures or lessons that deals with a particular subject following a prearranged agenda or study plan and that may culminate in a written examination.

(3) "Instructor" means an individual lecturing in a continuing education offering.

(4) "Licensee," "licensed agent," and "agent" mean a natural person licensed by this state as an agent.

(5) "Person" means a natural person, firm, institution, partnership, corporation, or association.

(6) "Provider" and "providing organization" mean a person or firm offering or providing insurance education.

(7) "Self-study courses" means courses that are primarily delivered or conducted in other than a classroom setting or with on-site instruction and are designed to be completed independently by the student.

(b) General requirements.

(1) Only courses that impart substantive and procedural knowledge relating to insurance and are beneficial to the insuring public after initial licensing shall be approved for credit. Approved courses shall be classified as life, health, and variable contracts courses; property and casualty courses; general courses; ethics courses; or general management courses. Credit earned from general courses, ethics courses, or general management courses shall be acceptable in meeting the requirements for the property and casualty insurance or the life and health insurance license classifications.

(2) Courses of the following types shall not meet the basic criteria for approvable courses described in paragraph (1) of this subsection:

(A) Courses designed to prepare students for a license examination;

(B) courses in mechanical office skills, including typing, speed reading, and the use of calculators or other machines or equipment; and

(C) courses in sales promotion, including meetings held in conjunction with the general business of the licensee.

(3)(A) Each licensee shall attend a course in its entirety in order to receive full credit.

(B) Upon completion of each approved course, the student shall receive credit for the number of hours approved for the course, which shall be equivalent to one hour of credit for each hour of instruction.

(C) If the number of credit hours for which a course is approved is fewer than the total number of hours of the course presentation, the student shall attend the entire



course in order to receive credit for the number of approved hours.

(D) The number of approved hours shall not include time spent on introductions, breaks, or other activities not directly related to approved educational information or material.

(E) Neither a student nor an instructor shall earn full credit for attending or instructing any subsequent offering of the same course in the current biennial license period after attending or teaching the course.

(4) Course examinations shall not be required for approval of continuing education courses except self-study courses.

(5) Each provider shall submit proposed courses to the commissioner or the commissioner's designee for preapproval at least 30 days before the date on which the course is to be held.

(6) An advertisement shall not state or imply that a course has been approved by the commissioner or the commissioner's designee unless written confirmation of this approval has been received by the provider or the course is advertised as having approval pending.

(7) If approval has been granted for the initial offering of a course, approval for subsequent offerings not disclosed in the initial submission may be obtained by providing written notification to the commissioner or the commissioner's designee at least 30 days before the date the program is to be held, indicating that no change has been made in the course and specifying the additional times and places the course will be presented.

(8) The provider shall submit all fees required for individual course approval with the course submission. If the provider elects to pay the prescribed fee for all courses, the provider shall pay the fee annually and shall submit the fee with the first course submission each year.

(9) Each course of study, except self-study courses, shall be conducted in a classroom or other facility that comfortably accommodates the faculty and the number of students enrolled. The provider may limit the number of students enrolled in a course.

(10)(A) Each successfully completed course leading to a nationally or regionally recognized designation shall receive credit as approved by the commissioner or the commissioner's designee.

(B) Any agent attending at least 80 but less than 100 percent of regularly scheduled classroom sessions for any single course may receive full educational credit if the course is filed as a formal classroom course. This credit may be earned to the extent that adequate records are maintained and appropriate certification of such attendance is provided by the course instructor.

(11)(A) The amount of credit received by an agent for a self-study course shall be based upon successful completion of the course and an independently monitored examination subject to the number of hours assigned by the commissioner or the commissioner's designee.

(B) Examination monitors shall not be affiliated in any way with the providing organization or the licensee and shall be subject to approval by the commissioner or the commissioner's designee. Each examination utilized or to be utilized shall be included in the material submitted for course approval. No examination shall be ap-

proved unless the commissioner is satisfied that security procedures protecting the integrity of the examination can be maintained. If security is compromised, no credit shall be granted.

(C) Each provider of self-study courses shall clearly disclose to any agent wishing to receive credit in Kansas the number of hours for which that particular course has been approved by the commissioner or the commissioner's designee.

(D) Each self-study course provided online shall meet the following requirements:

(i) Require the agent to enroll and pay for the course before having access to the course materials;

(ii) prevent access to the course exam before review of the course materials;

(iii) prevent the downloading of any course exam;

(iv) provide review questions at the end of each unit or chapter and prevent access to the following unit or chapter until the review questions after the previous unit or chapter have been correctly answered;

(v) provide exam questions that do not duplicate unit review questions;

(vi) prevent alternately accessing course materials and course exams; and

(vii) prevent the issuance of a monitor affidavit until the course and course examination are successfully completed.

(c) Each licensee or provider found to have falsified a continuing education report to the commissioner shall be subject to suspension or revocation of the licensee's or provider's insurance license in accordance with K.S.A. 40-4909 and amendments thereto, a penalty as prescribed in K.S.A. 40-254 and amendments thereto, or termination of approval as a provider.

(d) Course requirements.

(1) Each course of study shall have a coordinator who is responsible for supervising the course and ensuring compliance with the statutes and regulations governing the offering of insurance continuing education courses.

(2)(A) Each provider and each providing organization shall maintain accurate records relating to course offerings, instructors, and student attendance. If the coordinator leaves the employ of the provider or otherwise ceases to monitor continuing education offerings, the records shall be transferred to the replacement coordinator or an officer of the provider. If a provider ceases operations, the coordinator shall maintain the records or provide a custodian of the records acceptable to the commissioner. In order to be acceptable, a custodian shall agree to make copies of student records available to students free of charge or at a reasonable fee. The custodian of the records shall not be the commissioner, under any circumstances.

(B) Each provider shall provide students with course completion certificates, in a manner prescribed or approved by the commissioner, within 30 days after completion of the course. A provider may require payment of the course tuition as a condition for receiving the course completion certificate.

(3) Each instructor shall possess at least one of the following qualifications:

*(continued)*

(A) Recent experience in the subject area being taught; or

(B) an appropriate professional designation in the area being taught.

(4) Each instructor shall perform the following:

(A) Comply with all laws and regulations pertaining to insurance continuing education;

(B) provide the students with current and accurate information;

(C) maintain an atmosphere conducive to learning in a classroom; and

(D) provide assistance to the students and respond to questions relating to course material.

(5) Each provider, coordinator, and instructor shall notify the commissioner within 10 days after the occurrence of any of the following:

(A) A felony or misdemeanor conviction or disciplinary action taken against a provider or against an insurance or other occupational license held by the coordinator or instructor; and

(B) any change of information contained in an application for course approval.

(e) Licensee reporting requirement.

(1) Each licensee shall report continuing education credit on forms and in a manner prescribed by the commissioner. Each course shall be completed or attended during the reporting period for which the credit hours are to be applied.

(2) Each request for an extension permitted by K.S.A. 40-4903 and amendments thereto shall be submitted in writing not later than the reporting deadline and shall include an explanation and independent verification of the hardship. (Authorized by K.S.A. 40-103 and K.S.A. 2008 Supp. 40-4916; implementing K.S.A. 2008 Supp. 40-4903; effective May 15, 1989; amended, T-40-8-28-90, Aug. 30, 1990; amended Oct. 15, 1990; amended Feb. 8, 1993; amended April 11, 1997; amended Feb. 9, 2007; amended May 22, 2009.)

Sandy Praeger

Kansas Insurance Commissioner

Doc. No. 037010

## State of Kansas

### Office of the Securities Commissioner

#### Permanent Administrative Regulations

#### Article 3.—LICENSING; BROKER-DEALERS AND AGENTS

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

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

(21), (24), and (27), paragraphs (f)(1) through (6), and subsections (g) and (i).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) Failure to segregate. A broker-dealer shall not hold securities carried for the account of any customer that have been fully paid for or that are excess margin securities, unless the securities are segregated and identified by a method that clearly indicates the interest of the customer in those securities.

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

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

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

(B) receiving an unreasonable commission or profit; or

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

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

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

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

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

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

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

(B) entering an order or orders for the purchase or sale of any security with the knowledge that an order or orders of the same security for substantially the same volume, time, and price have been or will be entered for the purpose of creating a false or misleading appearance of active trading in the security or a false or misleading appearance with respect to the market for the security. However, nothing in this paragraph shall prohibit a broker-dealer from entering bona fide agency cross transactions for the broker-dealer's customers;

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

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

(E) using fictitious or nominee accounts.

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

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

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

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

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

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

*(continued)*

bution as an underwriter or selling group member, by engaging in conduct including the following:

(A) Parking or withholding securities; and

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

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

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

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

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

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

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

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

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

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

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

(f) Prohibited conduct: over-the-counter transactions. A broker-dealer or agent shall not engage in the following

conduct in connection with the solicitation of a purchase or sale of an over-the-counter, unlisted non-NASDAQ equity security:

(1) Failing to disclose to a customer, at the time of solicitation and on the confirmation, any and all compensation related to a specific securities transaction to be paid to the agent, including commissions, sales charges, and concessions;

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

(3) conducting sales contests in a particular security;

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

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

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

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

(g) Prohibited conduct: designated security transactions.

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

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

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

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

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

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

(C) transactions by a broker-dealer whose commissions, commission equivalents, and markups from transactions in designated securities during each of the immediately preceding three months, and during 11 or more of the preceding 12 months, did not exceed five percent of its total commissions, commission-equivalents, and markups from transactions in securities during those months and who has not executed principal transactions in connection with the solicitation to purchase the designated security that is the subject of the transaction in the immediately preceding 12 months; and

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

(h) Prohibited conduct: investment company shares.

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

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

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

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

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

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

(F) recommending to a customer the liquidation or redemption of investment company shares for the purpose of purchasing shares in a different investment company portfolio having similar investment objectives and policies without reasonable grounds to believe that the recommendation is suitable and appropriate based on the

customer's investment objectives, financial situation, other securities holdings, and any associated transaction charges or other fees;

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

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

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

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

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

(2) In connection with the solicitation of investment company shares, the delivery of a prospectus shall not be dispositive that the broker-dealer or agent has given the customer full and fair disclosure or has otherwise fulfilled the duties specified in this subsection.

(i) Prohibited conduct: use of senior-specific certifications and professional designations.

(1) A broker-dealer or agent shall not use a senior-specific certification or designation that indicates or implies that the user has special certification or training in advising or servicing senior citizens or retirees in any way that misleads any person. This prohibition shall include the following:

(A) The use of a certification or professional designation by a person who has not earned or is otherwise ineligible to use the certification or designation;

*(continued)*

(B) the use of a nonexistent or self-conferred certification or professional designation;

(C) the use of a certification or professional designation that indicates or implies a level of occupational qualifications obtained through education, training, or experience that the person using the certification or professional designation does not have; and

(D) the use of a certification or professional designation that was obtained from a designating or certifying organization that meets any of the following conditions:

(i) Is primarily engaged in the business of instruction in sales or marketing;

(ii) does not have reasonable standards or procedures for ensuring the competency of its designees or certificants;

(iii) does not have reasonable standards or procedures for monitoring and disciplining its designees or certificants for improper or unethical conduct; or

(iv) does not have reasonable continuing education requirements for its designees or certificants to maintain the professional designation or certification.

(2) There shall be a rebuttable presumption that a designating or certifying organization is not disqualified solely for purposes of paragraph (i)(1)(D) if the organization has been accredited by any of the following:

(A) The American national standards institute;

(B) the national commission for certifying agencies; or

(C) an organization that is on the United States department of education's list titled "accrediting agencies recognized for title IV purposes," if the designation or credential does not primarily apply to sales or marketing, or both.

(3) In determining whether a combination of words or an acronym or initialism standing for a combination of words constitutes a certification or professional designation indicating or implying that a person has special certification or training in advising or servicing senior citizens or retirees, the factors to be considered shall include the following:

(A) The use of one or more words including "senior," "retirement," "elder," or similar words, combined with one or more words including "certified," "registered," "chartered," "adviser," "specialist," "consultant," "planner," or similar words, in the name of the certification or professional designation; and

(B) the manner in which the words are combined.

(4) For purposes of this subsection, the terms "certification" and "professional designation" shall not include a job title within an organization that is licensed or registered by a state or federal financial services regulatory agency, including an agency that regulates broker-dealers, investment advisers, or investment companies, if that job title indicates seniority or standing within the organization or specifies an individual's area of specialization within the organization. (Authorized by K.S.A. 17-12a605(a); implementing K.S.A. 17-12a412(d)(13) and 17-12a501(3); effective Aug. 18, 2006; amended May 22, 2009.)

#### Article 14.—INVESTMENT ADVISERS AND INVESTMENT ADVISER REPRESENTATIVES

##### 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 subsections (e), (f), (g), and (h).

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

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

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

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

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

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

(B) place an order to purchase or sell a security for the account of a client upon instruction of a third party with-

out first having obtained a written third-party trading authorization from the client.

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

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

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

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

ply 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.

(continued)

(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 associa-

tion 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).

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

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

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

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

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

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

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

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

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



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

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

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

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(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) Prohibited conduct: use of senior-specific certifications and professional designations.

(1) An investment adviser or investment adviser representative shall not use a senior-specific certification or designation that indicates or implies that the user has special certification or training in advising or servicing senior citizens or retirees in any way that misleads any person. This prohibition shall include the following:

(A) The use of a certification or professional designation by a person who has not earned or is otherwise ineligible to use that certification or designation;

(B) the use of a nonexistent or self-conferred certification or professional designation;

(C) the use of a certification or professional designation that indicates or implies a level of occupational qualifications obtained through education, training, or experience that the person using the certification or professional designation does not have; and

(D) the use of a certification or professional designation that was obtained from a designating or certifying organization that meets any of the following conditions:

(i) Is primarily engaged in the business of instruction in sales or marketing;

(ii) does not have reasonable standards or procedures for ensuring the competency of its designees or certificants;

(iii) does not have reasonable standards or procedures for monitoring and disciplining its designees or certificants for improper or unethical conduct; or

(iv) does not have reasonable continuing education requirements for its designees or certificants to maintain the professional designation or certification.

(2) There shall be a rebuttable presumption that a designating or certifying organization is not disqualified solely for purposes of paragraph (h)(1)(D) if the organization has been accredited by any of the following:

(A) The American national standards institute;

(B) the national commission for certifying agencies; or

(C) an organization that is on the United States department of education's list titled "accrediting agencies recognized for title IV purposes," if the designation or credential does not primarily apply to sales or marketing, or both.

(3) In determining whether a combination of words or an acronym or initialism standing for a combination of words constitutes a certification or professional designation indicating or implying that a person has special certification or training in advising or servicing senior citizens or retirees, the factors to be considered shall include the following:

(A) The use of one or more words including "senior," "retirement," "elder," or similar words, combined with one or more words including "certified," "registered," "chartered," "adviser," "specialist," "consultant," "planner," or similar words, in the name of the certification or professional designation; and

(B) the manner in which the words are combined.

(4) For purposes of this subsection, the terms "certification" and "professional designation" shall not include a job title within an organization that is licensed or registered by a state or federal financial services regulatory agency, including an agency that regulates broker-dealers, investment advisers, or investment companies, if that job title indicates seniority or standing within the organization or specifies an individual's area of specialization within the organization.

(i) Applicability to federal covered investment advisers. 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. 17-12a502(b) and 17-12a605(a); implementing K.S.A. 17-12a412(d)(13) and 17-12a502(a)(2); effective Oct. 26, 2001; amended Aug. 18, 2006; amended Aug. 15, 2008; amended May 22, 2009.)

Chris Biggs  
Kansas Securities Commissioner

Doc. No. 036996

## State of Kansas

## Department on Aging

Permanent Administrative  
Regulations

## Article 39.—ADULT CARE HOMES

**26-39-100. Definitions.** The following terms and definitions shall apply to all of the department's regulations governing adult care homes:

(a) "Activities director" means an individual who meets at least one of the following requirements:

- (1) Has a degree in therapeutic recreation;
- (2) is licensed in Kansas as an occupational therapist or occupational therapy assistant;
- (3) has a bachelor's degree in a therapeutic activity field in art therapy, horticultural therapy, music therapy, special education, or a related therapeutic activity field;
- (4) is certified as a therapeutic recreation specialist or as an activities professional by a recognized accrediting body;
- (5) has two years of experience in a social or recreational program within the last five years, one of which was full-time in an activities program in a health care setting; or
- (6) has completed a course approved by the Kansas department of health and environment in resident activities coordination and receives consultation from a therapeutic recreation specialist, an occupational therapist, an occupational therapy assistant, or an individual with a bachelor's degree in art therapy, music therapy, or horticultural therapy.

(b) "Administrator" means an individual who is responsible for the general administration of an adult care home, whether or not the individual has an ownership interest in the adult care home. Each administrator of an adult care home shall be licensed in accordance with K.S.A. 65-3501 et seq. and amendments thereto.

(c) "Adult care home" has the meaning specified in K.S.A. 39-923 and amendments thereto.

(d) "Adult day care" has the meaning specified in K.S.A. 39-923 and amendments thereto.

(e) "Advanced registered nurse practitioner" means an individual who is certified by the Kansas board of nursing as an advanced registered nurse practitioner.

(f) "Alteration" means any addition to, modification of, or modernization of the structure or usage of a facility.

(g) "Ambulatory resident" means any resident who is physically and mentally capable of performing the following without the assistance of another person:

- (1) Getting in and out of bed; and
- (2) walking between locations in the living environment.

(h) "Applicant" means any individual, firm, partnership, corporation, company, association, or joint stock association requesting a license to operate an adult care home.

(i) "Assisted living facility" has the meaning specified in K.S.A. 39-923 and amendments thereto.

(j) "Audiologist" means an individual who is licensed by the Kansas department of health and environment as an audiologist.

(k) "Basement" means the part of a building that is below grade.

(l) "Biologicals" means medicinal preparations made from living organisms and their products, including serums, vaccines, antigens, and antitoxins.

(m) "Boarding care home" has the meaning specified in K.S.A. 39-923 and amendments thereto.

(n) "Case manager" means an individual assigned to a resident to provide assistance in access and coordination of information and services in a program authorized by the Kansas department on aging, the Kansas department of social and rehabilitation services, or the Kansas health policy authority.

(o) "Change of ownership" means any transaction that results in a change of control over the capital assets of an adult care home.

(p) "Chemical restraint" means a medication or biological that meets the following conditions:

- (1) Is used to control a resident's behavior or restrict a resident's freedom of movement; and
- (2) is not a standard treatment for a resident's medical or psychiatric condition.

(q) "Clinical record" means the record that includes all the information and entries reflecting each resident's course of stay in an adult care home.

(r) "Complicated feeding problems" shall include difficulty with swallowing, recurrent lung aspirations, and tube, parenteral, or intravenous feedings.

(s) "Controlled substance" means any medication, substance, or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, K.S.A. 65-4107, K.S.A. 65-4109, K.S.A. 65-4111, and K.S.A. 65-4113, and amendments thereto.

(t) "Day shift" means any eight-hour to 12-hour work period that occurs between the hours of 6 a.m. and 9 p.m.

(u) "Department" means the Kansas department on aging.

(v) "Dietetic services supervisor" means an individual who meets one of the following requirements:

- (1) Is licensed in Kansas as a dietitian;
- (2) has an associate's degree in dietetic technology from a program approved by the American dietetic association;
- (3) is a dietary manager who is certified by the board of the dietary managers' association; or
- (4) has training and experience in dietetic services supervision and management that are determined by the Kansas department on aging to be equivalent in content to the requirement specified in paragraph (2) or (3) of this subsection.

(w) "Dietitian" means an individual who is licensed by the Kansas department of health and environment as a dietitian.

(x) "Direct care staff" means the individuals employed by or working under contract for an adult care home who assist residents in activities of daily living. These activities may include the following:

- (1) Ambulating;
- (2) bathing;
- (3) bed mobility;
- (4) dressing;

(continued)

- (5) eating;
- (6) personal hygiene;
- (7) toileting; and
- (8) transferring.

(y) "Director of nursing" means a position in a nursing facility or a nursing facility for mental health that is held by one or more individuals who meet the following requirements:

(1) Each individual shall be licensed in Kansas as a registered professional nurse.

(2) If only one individual serves in this position, the individual shall be employed at least 35 hours each week.

(3) If more than one individual serves in this position, the individuals shall be employed collectively for a total of at least 40 hours each week.

(4) Each individual shall have the responsibility, administrative authority, and accountability for the supervision of nursing care provided to residents in the nursing facility or the nursing facility for mental health.

(z) "Full-time" means 35 or more hours each week.

(aa) "Health information management practitioner" means an individual who is certified as a registered health information administrator or a registered health information technician by the American health information management association.

(bb) "Home plus" has the meaning specified in K.S.A. 39-923 and amendments thereto.

(cc) "Interdisciplinary team" means the following group of individuals:

(1) A registered nurse with responsibility for the care of the residents; and

(2) other appropriate staff, as identified by resident comprehensive assessments, who are responsible for the development of care plans for residents.

(dd) "Intermediate care facility for the mentally retarded" has the meaning specified in K.S.A. 39-923 and amendments thereto.

(ee) "Legal representative" means an agent acting within the bounds of the agent's legal authority who meets any of the following criteria:

(1) Has been designated by a resident to serve as the resident's trustee, power of attorney, durable power of attorney, or power of attorney for health care decisions;

(2) is a court-appointed guardian or conservator authorized to act on behalf of the resident in accordance with K.S.A. 59-3051 et seq. and amendments thereto; or

(3) if the resident is a minor, is either of the following:

(A) A natural guardian, as defined in K.S.A. 59-3051 and amendments thereto; or

(B) a court-appointed guardian, conservator, trustee, or an individual or agency vested with custody of the minor pursuant to the revised Kansas code for care of children, K.S.A. 38-2201 through 38-2283, and amendments thereto, or the revised Kansas juvenile justice code, K.S.A. 38-2301 through 38-2387, and amendments thereto.

(ff) "Licensed mental health technician" means an individual licensed by the Kansas board of nursing as a licensed mental health technician.

(gg) "Licensed nurse" means an individual licensed by the Kansas board of nursing as a registered professional nurse or licensed practical nurse.

(hh) "Licensed practical nurse" means an individual who is licensed by the Kansas board of nursing as a licensed practical nurse and is supervised by a registered professional nurse, in accordance with K.S.A. 65-1113 and amendments thereto.

(ii) "Licensee" means an individual, firm, partnership, association, company, corporation, or joint stock association authorized by a license obtained from the secretary of aging to operate an adult care home.

(jj) "Medical care provider" means any of the following individuals:

(1) A physician licensed by the Kansas board of healing arts to practice medicine and surgery in accordance with K.S.A. 65-28,102 and amendments thereto;

(2) a physician assistant who is licensed by the Kansas board of healing arts in accordance with K.S.A. 65-28a02 and amendments thereto and who provides health care services under the direction and supervision of a responsible physician; or

(3) an advanced registered nurse practitioner who is licensed by the Kansas board of nursing in accordance with K.S.A. 65-1113 and amendments thereto and who provides health care services in accordance with article 11 of the Kansas board of nursing's regulations.

(kk) "Medication" means any "drug" as defined by K.S.A. 65-1626 and amendments thereto.

(ll) "Medication administration" means an act in which a single dose of a prescribed medication or biological is given by application, injection, inhalation, ingestion, or any other means to a resident by an authorized person in accordance with all laws and regulations governing the administration of medications and biologicals. Medication administration shall consist of the following:

(1) Removing a single dose from a labeled container, including a unit-dose container;

(2) verifying the medication and dose with the medical care provider's orders;

(3) administering the dose to the proper resident; and

(4) documenting the dose in the resident's clinical record.

(mm) "Medication aide" means an individual who has a medication aide certificate issued by the Kansas department of health and environment according to K.A.R. 28-39-169b and is supervised by a licensed nurse.

(nn) "Medication dispensing" means the delivery of one or more doses of a medication by a licensed pharmacist or physician. The medication shall be dispensed in a container and labeled in compliance with state and federal laws and regulations.

(oo) "Non-ambulatory resident" means any resident who is not physically or mentally capable of performing the following without the assistance of another person:

(1) Getting in and out of bed; and

(2) walking between locations in the living environment.

(pp) "Nurse aide" means an individual who has a nurse aide certificate issued by the Kansas department of health and environment according to K.A.R. 28-39-165 and is supervised by a licensed nurse.

(qq) "Nurse aide trainee" means an individual who is in the process of completing a nurse aide training program as specified in K.A.R. 28-39-165 or K.A.R. 28-39-167

and has not been issued a nurse aide certificate by the Kansas department of health and environment.

(rr) "Nursing facility" has the meaning specified in K.S.A. 39-923 and amendments thereto.

(ss) "Nursing facility for mental health" has the meaning specified in K.S.A. 39-923 and amendments thereto.

(tt) "Nursing personnel" means all of the following:

- (1) Registered professional nurses;
- (2) licensed practical nurses;
- (3) licensed mental health technicians in nursing facilities for mental health;
- (4) medication aides;
- (5) nurse aides;
- (6) nurse aide trainees; and
- (7) paid nutrition assistants.

(uu) "Nursing unit" means a distinct area of a nursing facility serving not more than 60 residents and including the service areas and rooms described in K.A.R. 28-39-162a.

(vv) "Occupational therapist" means an individual who is licensed with the Kansas board of healing arts as an occupational therapist.

(ww) "Occupational therapy assistant" means an individual who is licensed by the Kansas board of healing arts as an occupational therapy assistant.

(xx) "Operator" has the meaning specified in K.S.A. 39-923 and amendments thereto.

(yy) "Paid nutrition assistant" has the meaning specified in K.S.A. 39-923 and amendments thereto. In addition, each paid nutrition assistant shall meet the following requirements:

(1) Have successfully completed a nutrition assistant course approved by the Kansas department of health and environment;

(2) provide assistance with eating to residents of an adult care home based on an assessment by the supervising licensed nurse, the resident's most recent minimum data set assessment or functional capacity screening, and the resident's current care plan or negotiated service agreement;

(3) provide assistance with eating to residents who do not have complicated feeding problems;

(4) be supervised by a licensed nurse on duty in the facility; and

(5) contact the supervising licensed nurse verbally or on the resident call system for help in case of an emergency.

(zz) "Personal care" means assistance provided to a resident to enable the resident to perform activities of daily living, including ambulating, bathing, bed mobility, dressing, eating, personal hygiene, toileting, and transferring.

(aaa) "Pharmacist" has the meaning specified in K.S.A. 65-1626 and amendments thereto.

(bbb) "Physical restraint" means any method or any physical device, material, or equipment attached or adjacent to the resident's body and meeting the following criteria:

- (1) Cannot be easily removed by the resident; and
- (2) restricts freedom of movement or normal access to the resident's body.

(ccc) "Physical therapist" means an individual who is licensed by the Kansas board of healing arts as a physical therapist.

(ddd) "Physical therapy assistant" means an individual who is certified by the Kansas board of healing arts as a physical therapy assistant.

(eee) "Physician" has the meaning specified in K.S.A. 65-28,102 and amendments thereto.

(fff) "Psychopharmacologic drug" means any medication prescribed with the intent of controlling mood, mental status, or behavior.

(ggg) "Registered professional nurse" means an individual who is licensed by the Kansas state board of nursing as a registered professional nurse.

(hhh) "Resident" has the meaning specified in K.S.A. 39-923 and amendments thereto.

(iii) "Resident capacity" means the number of an adult care home's beds or adult day care slots, as licensed by the Kansas department on aging.

(jjj) "Respite care" means the provision of services to a resident on an intermittent basis for periods of fewer than 30 days at any one time.

(kkk) "Restraint" is the control and limitation of a resident's movement by physical, mechanical, or chemical means.

(lll) "Sanitization" means effective bactericidal treatment by a process that reduces the bacterial count, including pathogens, to a safe level on utensils and equipment.

(mmm) "Secretary" means the secretary of the department on aging.

(nnn) "Self-administration of medication" means the determination by a resident of when to take a medication or biological and how to apply, inject, inhale, ingest, or take a medication or biological by any other means, without assistance from nursing staff.

(ooo) "Significant change in condition" means a decline or improvement in a resident's mental, psychosocial, or physical functioning that requires a change in the resident's comprehensive plan of care or negotiated service agreement.

(ppp) "Social services designee" means an individual who meets at least one of the following qualifications:

(1) Is licensed by the Kansas behavioral sciences regulatory board as a social worker;

(2) has a bachelor's degree in a human service field, including social work, sociology, special education, rehabilitation counseling, or psychology, and receives supervision from a licensed social worker; or

(3) has completed a course in social services coordination approved by the Kansas department of health and environment and receives supervision from a licensed social worker on a regular basis.

(qqq) "Social worker" means an individual who is licensed by the Kansas behavioral sciences regulatory board as a social worker.

(rrr) "Speech language pathologist" means an individual who is licensed by the Kansas department of health and environment as a speech-language pathologist.

(sss) "Working day" means any day other than a Saturday, Sunday, or day designated as a holiday by the

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United States congress or the Kansas legislature or governor. (Authorized by K.S.A. 39-932; implementing K.S.A. 2008 Supp. 39-923 and K.S.A. 39-932; effective May 22, 2009.)

**26-39-101. Licensure of adult care homes.** (a) Initiation of application process.

(1) Each applicant for a license to operate an adult care home shall submit a letter of intent to the department.

(2) The letter of intent shall include all of the following information:

(A) The type of adult care home license being requested;

(B) the name, address, and telephone number of the applicant; and

(C) the street address or legal description of the proposed site.

(b) Initial licensure application.

(1) Each applicant for an initial license shall submit the following to the department:

(A) A completed application on a form prescribed by the department;

(B) a copy of each legal document identifying ownership and control, including applicable deeds, leases, and management agreements;

(C) any required approval of other owners or mortgagors;

(D) curriculum vitae or resumes of all facility and corporate staff responsible for the operation and supervision of the business affairs of the facility;

(E) a complete list of names and addresses of facilities that the applicant operates in states other than Kansas; and

(F) a financial statement projecting the first month's operating income and expenses with a current balance sheet showing a minimum of one month's operating expenses in cash or owner's equity. All financial statements shall be prepared according to generally accepted accounting principles and certified by the applicant to be accurate.

(2) A license shall be issued by the department if all of the following requirements are met:

(A) A licensure application has been completed by the applicant.

(B) Construction of the facility or phase is completed.

(C) The facility is found to meet all applicable requirements of the law.

(D) The applicant is found to qualify for a license under K.S.A. 39-928 and amendments thereto.

(c) Change of ownership or licensee.

(1) The current licensee shall notify the department, in writing, of any anticipated change in the information that is recorded on the current license at least 60 days before the proposed effective date of change.

(2) Each applicant proposing to purchase, lease, or manage an adult care home shall submit the following information, if applicable, to the department:

(A) A completed application form prescribed by the department;

(B) a copy of each legal document transferring ownership or control, including sales contracts, leases, deeds, and management agreements;

(C) any required approval of other owners or mortgagors;

(D) curriculum vitae or resumes of all facility and corporate staff responsible for the operation and supervision of the business affairs of the facility;

(E) a complete list of names and addresses of facilities the applicant operates in states other than Kansas; and

(F) a financial statement projecting the first month's operating income and expenses with a current balance sheet showing a minimum of one month's operating expenses in cash or owner's equity. All financial statements shall be prepared according to generally accepted accounting principles and certified by the applicant as accurate.

(3) A new license shall be issued by the department if a complete application and the required forms have been received and the applicant is found to qualify for a license under K.S.A. 39-928 and amendments thereto.

(d) New construction or conversion of an existing unlicensed building to an adult care home.

(1) Each applicant for a nursing facility, intermediate care facility for the mentally retarded, assisted living facility, or residential health care facility shall request approval of the site at least 30 days before construction begins. The written request for site approval shall include all of the following information:

(A) The name and telephone number of the individual to be contacted by evaluation personnel;

(B) the dimensions and boundaries of the site; and

(C) the name of the public utility or municipality that provides services to the site, including water, sewer, electricity, and natural gas.

(2) Intermediate care facilities for the mentally retarded shall not have more than one residential building with at least six beds and not more than 16 beds located on one site or on contiguous sites. The residential buildings shall be dispersed geographically to achieve integration and harmony with the community or neighborhoods in which the buildings are located.

(3) The applicant shall submit one copy of the final plans for new construction or conversion of an existing unlicensed building, for the entire project or phase to be completed, which shall be sealed, signed, and certified by a licensed architect to be in compliance with the following regulations:

(A) For a nursing facility, K.A.R. 28-39-162 through K.A.R. 28-39-162c;

(B) for an intermediate care facility for the mentally retarded with at least six beds and not more than 16 beds, K.A.R. 28-39-225;

(C) for an intermediate care facility for the mentally retarded with 17 or more beds, K.A.R. 28-39-162 through K.A.R. 28-39-162c; and

(D) for an assisted living facility or a residential health care facility, K.A.R. 28-39-254 through K.A.R. 28-39-256.

(4) The applicant shall provide the department with a 30-day notice of each of the following:

(A) The date on which the architect estimates that 50% of the construction will be completed; and

(B) the date on which the architect estimates that all construction will be completed.

(5) The applicant for new construction or conversion of an existing unlicensed building to a home plus, boarding

care home, or adult day care facility shall submit a drawing of the proposed facility that includes identification and dimensions of rooms or areas as required in the following regulations:

(A) For a home plus, K.A.R. 28-39-437;

(B) for a boarding care home, K.A.R. 28-39-411; and

(C) for an adult day care facility, K.A.R. 28-39-289 through K.A.R. 28-39-291.

(6) The applicant shall submit to the department any changes from the plans, specifications, or drawings on file at the department.

(e) Alteration and remodeling of licensed adult care homes involving structural elements.

(1) The licensee shall submit one copy of final plans, which shall be sealed, signed, and certified by a licensed architect to be in compliance with the following regulations:

(A) For a nursing facility, K.A.R. 28-39-162 through K.A.R. 28-39-162c;

(B) for an intermediate care facility for the mentally retarded with at least six beds and not more than 16 beds, K.A.R. 28-39-225;

(C) for an intermediate care facility for the mentally retarded with 17 or more beds, K.A.R. 28-39-162 through K.A.R. 28-39-162c;

(D) for an assisted living facility or a residential health care facility, K.A.R. 28-39-254 through K.A.R. 28-39-256; and

(E) for a nursing facility for mental health, K.A.R. 28-39-227.

(2) The licensee shall submit to the department a 30-day notice for each of the following:

(A) The date on which the architect estimates that 50% of the construction will be completed;

(B) the date on which the architect estimates all construction will be completed; and

(C) any changes in the plans or specifications information for the alterations and remodeling.

(f) Alteration, remodeling, and relocation of required rooms and areas in adult care homes not involving structural elements.

(1) The licensee shall submit a drawing of the facility floor plan that includes identification and dimensions of the affected room or areas and shall ensure compliance as required in the following regulations:

(A) For a nursing facility, K.A.R. 28-39-162 through K.A.R. 28-39-162c;

(B) for an intermediate care facility for the mentally retarded with at least six beds and not more than 16 beds, K.A.R. 28-39-225;

(C) for an intermediate care facility for the mentally retarded with 17 or more beds, K.A.R. 28-39-162 through K.A.R. 28-39-162c;

(D) for an assisted living facility or a residential health care facility, K.A.R. 28-39-254 through K.A.R. 28-39-256; and

(E) for a nursing facility for mental health, K.A.R. 28-39-227.

(2) The licensee shall provide the department with a 30-day notice of the estimated date on which the alteration, remodeling, or relocation will be complete.

(g) Change in use of a required room or area. If an administrator or operator changes resident bedrooms, individual living units, and apartments used for an alternative purpose back to resident bedrooms, individual living units, and apartments, the administrator or operator shall obtain the secretary's approval before the change is made.

(h) Change of resident capacity. Each licensee shall submit a written request for any proposed change in resident capacity to the department. The effective date of a change in resident capacity shall be the first day of the month following department approval.

(i) Change of administrator, director of nursing, or operator. Each licensee of an adult care home shall notify the department within two working days if there is a change in administrator, director of nursing, or operator. When a new administrator or director of nursing is employed, the licensee shall notify the department of the name, address, and Kansas license number of the new administrator or director of nursing. When a new operator is employed, the licensee shall notify the department of the name and address of the new operator and provide evidence that the individual has completed the operator course as specified by the secretary of the Kansas department of health and environment pursuant to K.S.A. 39-923 and amendments thereto.

(j) Administrator or operator supervision of multiple homes. An administrator or operator may supervise more than one separately licensed adult care home if the following requirements are met:

(1) Each licensee shall request prior authorization from the department for a licensed administrator or an operator to supervise more than one separately licensed adult care home. The request shall be submitted on the appropriate form and include assurance that the lack of full-time, on-site supervision of the adult care homes will not adversely affect the health and welfare of residents.

(2) All of the adult care homes shall be located within a geographic area that allows for daily on-site supervision of all of the adult care homes by the administrator or operator.

(3) The combined resident capacities of separately licensed nursing facilities, assisted living facilities, residential health care facilities, homes plus, and adult day care facilities shall not exceed 120 for a licensed administrator.

(4) The combined resident capacities of separately licensed assisted living facilities, residential health care facilities, homes plus, and adult day care facilities shall not exceed 60 for an operator.

(5) The combined number of homes plus shall not exceed four homes for a licensed administrator or an operator.

(k) Reports. Each licensee shall file reports with the department on forms and at times prescribed by the department.

(l) Fees. Each initial application for a license and each annual report filed with the department shall be accompanied by a fee of \$30.00 for each resident in the stated resident capacity plus \$100.00. Each requested change in resident capacity shall be accompanied by a fee of \$30.00 for each resident increase or decrease in the stated resi-

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dent capacity plus \$100.00. No refund of the fee shall be made if a license application is denied. (Authorized by K.S.A. 2007 Supp. 39-925, K.S.A. 2007 Supp. 39-930, K.S.A. 39-932, and K.S.A. 39-933; implementing K.S.A. 39-927, K.S.A. 2007 Supp. 39-930, K.S.A. 39-932, and K.S.A. 39-933; effective May 22, 2009.)

**26-39-102. Admission, transfer, and discharge rights of residents in adult care homes.** (a) Each licensee, administrator, or operator shall develop written admission policies regarding the admission of residents. The admission policy shall meet the following requirements:

(1) The administrator or operator shall ensure the admission of only those individuals whose physical, mental, and psychosocial needs can be met within the accommodations and services available in the adult care home.

(A) Each resident in a nursing facility or nursing facility for mental health shall be admitted under the care of a physician licensed to practice in Kansas.

(B) The administrator or operator shall ensure that no children under the age of 16 are admitted to the adult care home.

(C) The administrator or operator shall allow the admission of an individual in need of specialized services for mental illness to the adult care home only if accommodations and treatment that will assist that individual to achieve and maintain the highest practicable level of physical, mental, and psychosocial functioning are available.

(2) Before admission, the administrator or operator, or the designee, shall inform the prospective resident or the resident's legal representative in writing of the rates and charges for the adult care home's services and of the resident's obligations regarding payment. This information shall include the refund policy of the adult care home.

(3) At the time of admission, the administrator or operator, or the designee, shall execute with the resident or the resident's legal representative a written agreement that describes in detail the services and goods the resident will receive and specifies the obligations that the resident has toward the adult care home.

(4) An admission agreement shall not include a general waiver of liability for the health and safety of residents.

(5) Each admission agreement shall be written in clear and unambiguous language and printed clearly in black type that is 12-point type or larger.

(b) At the time of admission, adult care home staff shall inform the resident or the resident's legal representative, in writing, of the state statutes related to advance medical directives.

(1) If a resident has an advance medical directive currently in effect, the facility shall keep a copy on file in the resident's clinical record.

(2) The administrator or operator, or the designee, shall ensure the development and implementation of policies and procedures related to advance medical directives.

(c) The administrator or operator, or the designee, shall provide a copy of resident rights, the adult care home's policies and procedures for advance medical directives, and the adult care home's grievance policy to each resident or the resident's legal representative before the prospective resident signs any admission agreement.

(d) The administrator or operator of each adult care home shall ensure that each resident is permitted to remain in the adult care home and is not transferred or discharged from the adult care home unless one of the following conditions is met:

(1) The transfer or discharge is necessary for the resident's welfare, and the resident's needs cannot be met in the current adult care home.

(2) The safety of other individuals in the adult care home is endangered.

(3) The health of other individuals in the adult care home is endangered.

(4) The resident has failed, after reasonable and appropriate notice, to pay the rates and charges imposed by the adult care home.

(5) The adult care home ceases to operate.

(e) Before a resident is transferred or discharged involuntarily, the administrator or operator, or the designee, shall perform the following:

(1) Notify the resident, the resident's legal representative, and if known, a designated family member of the transfer or discharge and the reasons; and

(2) record the reason for the transfer or discharge under any of the circumstances specified in paragraphs (d) (1) through (4) in the resident's clinical record, which shall be substantiated as follows:

(A) The resident's physician shall document the rationale for transfer or discharge in the resident's clinical record if the transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met by the adult care home;

(B) the resident's physician shall document the rationale for transfer or discharge in the resident's clinical record if the transfer or discharge is appropriate because the resident's health has improved sufficiently so that the resident no longer needs the services provided by the adult care home; and

(C) a physician shall document the rationale for transfer or discharge in the resident's clinical record if the transfer or discharge is necessary because the health or safety of other individuals in the adult care home is endangered.

(f) The administrator or operator, or the designee, shall provide a notice of transfer or discharge in writing to the resident or resident's legal representative at least 30 days before the resident is transferred or discharged involuntarily, unless one of the following conditions is met:

(1) The safety of other individuals in the adult care home would be endangered.

(2) The resident's urgent medical needs require an immediate transfer to another health care facility.

(g) Each written transfer or discharge notice shall include the following:

(1) The reason for the transfer or discharge;

(2) the effective date of the transfer or discharge;

(3) the address and telephone number of the complaint program of the Kansas department on aging where a complaint related to involuntary transfer or discharge can be registered;

(4) the address and telephone number of the state long-term care ombudsman; and



(5) for residents who have developmental disabilities or who are mentally ill, the address and telephone number of the Kansas advocacy and protection organization.

(h) The administrator or operator, or the designee, shall provide sufficient preparation and orientation to each resident before discharge to ensure a safe and orderly transfer and discharge from the adult care home.

(i) The administrator or operator, or the designee, shall ensure the development of a discharge plan, with the involvement of the resident, the resident's legal representative, and designated family when practicable.

(j) If the resident is transferred or discharged to another health care facility, the administrator or operator, or the designee, shall ensure that sufficient information accompanies the resident to ensure continuity of care in the new facility.

(k) Before a resident in a nursing facility, nursing facility for mental health, intermediate care facility for the mentally retarded, assisted living facility, residential health care facility, or home plus is transferred to a hospital or goes on therapeutic leave, the administrator or operator, or the designee, shall provide written information to the resident or the resident's legal representative and, if agreed to by the resident or the resident's legal representative, the resident's family, that specifies the following:

(1) The period of time during which the resident is permitted to return and resume residence in the facility;

(2) the cost to the resident, if any, to hold the resident's bedroom, apartment, individual living unit, or adult day care slot until the resident's return; and

(3) a provision that when the resident's hospitalization or therapeutic leave exceeds the period identified in the policy of a nursing facility, the resident will be readmitted to the nursing facility upon the first availability of a comparable room if the resident requires the services provided by the nursing facility. (Authorized by and implementing K.S.A. 39-932; effective May 22, 2009.)

**26-39-103. Resident rights in adult care homes.** (a) Protection and promotion of resident rights. Each administrator or operator shall ensure the protection and promotion of the rights of each resident as set forth in this regulation. Each resident shall have a right to a dignified existence, self-determination, and communication with and access to persons and services inside and outside the adult care home.

(b) Exercise of rights.

(1) The administrator or operator shall ensure that each resident is afforded the right to exercise the resident's rights as a resident of the adult care home and as a citizen.

(2) The administrator or operator shall ensure that each resident is afforded the right to be free from interference, coercion, discrimination, or reprisal from adult care home staff in exercising the resident's rights.

(3) If a resident is adjudged incompetent under the laws of the state of Kansas, the resident's legal representative shall have the power to exercise rights on behalf of the resident.

(4) In the case of a resident who has executed a durable power of attorney for health care decisions, the agent may exercise the rights of the resident to the extent provided by K.S.A. 58-625 et seq. and amendments thereto.

(c) Notice of rights and services.

(1) Before admission, the administrator or operator shall ensure that each resident or the resident's legal representative is informed, both orally and in writing, of the following in a language the resident or the resident's legal representative understands:

(A) The rights of the resident;

(B) the rules governing resident conduct and responsibility;

(C) the current rate for the level of care and services to be provided; and

(D) if applicable, any additional fees that will be charged for optional services.

(2) The administrator or operator shall ensure that each resident or the resident's legal representative is notified in writing of any changes in charges or services that occur after admission and at least 30 days before the effective date of the change. The changes shall not take place until notice is given, unless the change is due to a change in level of care.

(d) Inspection of records.

(1) The administrator or operator shall ensure that each resident or resident's legal representative is afforded the right to inspect records pertaining to the resident. The administrator or operator, or the designee, shall provide a photocopy of the resident's record or requested sections of the resident's record to each resident or resident's legal representative within two working days of the request. If a fee is charged for the copy, the fee shall be reasonable and not exceed actual cost, including staff time.

(2) The administrator or operator shall ensure access to each resident's records for inspection and photocopying by any representative of the department.

(e) Informed of health status. The administrator or operator shall ensure that each resident and the resident's legal representative are afforded the right to be fully informed of the resident's total health status, including the resident's medical condition.

(f) Free choice. The administrator or operator shall ensure that each resident, or resident's legal representative on behalf of the resident, is afforded the right to perform the following:

(1) Choose a personal attending physician;

(2) participate in the development of an individual care plan or negotiated service agreement;

(3) refuse treatment;

(4) refuse to participate in experimental research; and

(5) choose the pharmacy where prescribed medications are purchased. If the adult care home uses a unit-dose or similar medication distribution system, the resident shall have the right to choose among pharmacies that offer or are willing to offer the same or a compatible system.

(g) Management of financial affairs. The administrator or operator shall ensure that each resident is afforded the right to manage personal financial affairs and is not required to deposit personal funds with the adult care home.

(h) Notification of changes.

(1) The administrator or operator shall ensure that designated facility staff inform the resident, consult with the resident's physician, and notify the resident's legal rep-

*(continued)*

representative or designated family member, if known, upon occurrence of any of the following:

(A) An accident involving the resident that results in injury and has the potential for requiring a physician's intervention;

(B) a significant change in the resident's physical, mental, or psychosocial status;

(C) a need to alter treatment significantly; or

(D) a decision to transfer or discharge the resident from the adult care home.

(2) The administrator or operator shall ensure that a designated staff member informs the resident, the resident's legal representative, or authorized family members whenever the designated staff member learns that the resident will have a change in room or roommate assignment.

(i) Privacy and confidentiality. The administrator or operator shall ensure that each resident is afforded the right to personal privacy and confidentiality of personal and clinical records.

(1) The administrator or operator shall ensure that each resident is provided privacy during medical and nursing treatment, written and telephone communications, personal care, visits, and meetings of family and resident groups.

(2) The administrator or operator shall ensure that the personal and clinical records of the resident are maintained in a confidential manner.

(3) The administrator or operator shall ensure that a release signed by the resident or the resident's legal representative is obtained before records are released to anyone outside the adult care home, except in the case of transfer to another health care institution or as required by law.

(j) Grievances. The administrator or operator shall ensure that each resident is afforded the right to the following:

(1) Voice grievances with respect to treatment or care that was or was not furnished;

(2) be free from discrimination or reprisal for voicing the grievances; and

(3) receive prompt efforts by the administrator or operator, or the designee, to resolve any grievances that the resident could have, including any grievance with respect to the behavior of other residents.

(k) Work.

(1) The administrator or operator shall ensure that each resident is afforded the right to refuse to perform services for the adult care home.

(2) A resident may perform services for the adult care home, if the resident wishes and if all of the following conditions are met:

(A) The administrator or operator, or the designee, has documented the resident's need or desire for work in the plan of care or negotiated service agreement.

(B) The plan of care or negotiated service agreement specifies the nature of the services performed and whether the services are voluntary or paid.

(C) The resident or resident's legal representative has signed a written agreement consenting to the work arrangement described in the plan of care or negotiated service agreement.

(l) Mail. The administrator or operator shall ensure that each resident is afforded the right to privacy in written communications, including the right to the following:

(1) Have unopened mail sent and received promptly; and

(2) have access to stationery, postage, and writing implements at the resident's own expense.

(m) Access and visitation rights.

(1) The administrator or operator shall ensure the provision of immediate access to any resident by the following:

(A) Any representative of the secretary of the Kansas department on aging;

(B) the resident's attending medical care provider;

(C) the state long-term care ombudsman;

(D) any representative of the secretary of the Kansas department of social and rehabilitation services;

(E) immediate family or other relatives of the resident; and

(F) others who are visiting with the consent of the resident subject to reasonable restrictions.

(2) The administrator or operator shall ensure that each resident is afforded the right to deny or withdraw visitation consent for any person at any time.

(n) Telephone. The administrator or operator shall ensure that each resident is afforded the right to reasonable access to a telephone in a place where calls can be made without being overheard.

(o) Personal property. The administrator or operator shall ensure that each resident is afforded the right to retain and use personal possessions, including furnishings and appropriate clothing as space permits, unless doing so would infringe upon the rights or health and safety of other residents.

(p) Married couples. The administrator or operator shall ensure that each resident is afforded the right to share a room with the resident's spouse if married residents live in the same adult care home and both spouses consent.

(q) Self-administration of medication. The administrator shall ensure that each resident in a nursing facility or a nursing facility for mental health is afforded the right to self-administer medications unless the resident's attending physician and the interdisciplinary team have determined that this practice is unsafe. In any assisted living facility, residential health care facility, home plus, or adult day care facility, a resident may self-administer medication if a licensed nurse has determined that the resident can perform this function safely and accurately. (Authorized by and implementing K.S.A. 39-932; effective May 22, 2009.)

**26-39-104. Receivership of adult care homes.** (a)

A person may be designated by the secretary to be a receiver if that person meets the following requirements:

(1) Has operated a Kansas adult care home for at least five consecutive years; and

(2) has a history of compliance with licensure standards.

(b) A person designated as a receiver shall not use the designation for any commercial purpose. (Authorized by and implementing K.S.A. 2007 Supp. 39-954; effective May 22, 2009.)

**26-39-105.** Adoptions by reference: general. The following material shall apply to all adult care homes except nursing facilities for mental health, intermediate care facilities for the mentally retarded, and boarding care homes:

(a) Dietary guidelines. In the "dietary guidelines for Americans," 2005, published by the U.S. department of health and human services and U.S. department of agriculture, appendixes A-1 and A-2 and "notes for appendix A-2" are hereby adopted by reference.

(b) Infection control. The department's document titled "tuberculosis (TB) guidelines for adult care homes," dated July 2008, is hereby adopted by reference. (Authorized by and implementing K.S.A. 39-932; effective May 22, 2009.)

**26-39-144.** (Authorized by K.S.A. 39-932; implementing K.S.A. 2004 Supp. 39-923, K.S.A. 2004 Supp. 39-

925, and K.S.A. 39-932; effective Nov. 4, 2005; revoked May 22, 2009.)

**Article 39.—LICENSURE OF ADULT CARE HOMES**

**28-39-145a.** (Authorized by K.S.A. 39-930, 39-932, and 39-933; implementing K.S.A. 39-927, 39-930, 39-932, and 39-933; effective Oct. 8, 1999; revoked May 22, 2009.)

**28-39-146.** (Authorized by and implementing K.S.A. 39-954; effective Nov. 1, 1993; amended Feb. 21, 1997; revoked May 22, 2009.)

**28-39-147 and 28-39-148.** (Authorized by and implementing K.S.A. 39-932; effective Nov. 1, 1993; amended Feb. 21, 1997; revoked May 22, 2009.)

Kathy Greenlee  
Secretary of Aging

Doc. No. 037027

**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 2008 Supplement of the *Kansas Administrative Regulations*.

**AGENCY 3: KANSAS STATE TREASURER**

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3-3-2	New	V. 27, p. 1517

**AGENCY 4: DEPARTMENT OF AGRICULTURE**

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4-6-2	New	V. 27, p. 1741
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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
4-13-1	Amended	V. 27, p. 186
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4-13-40	Amended	V. 27, p. 1023
4-13-41	Revoked	V. 27, p. 1023
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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
4-15-11	Amended	V. 27, p. 1024
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4-16-1a	Amended	V. 27, p. 1741
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4-16-304	Amended	V. 27, p. 1025
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4-17-300	Amended	V. 27, p. 1026
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4-17-302	Amended	V. 27, p. 1026
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4-28-5	Amended	V. 27, p. 1742
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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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5-3-3	Amended	V. 27, p. 1554
5-3-4	Amended	V. 27, p. 1555
5-3-4a	Amended	V. 28, p. 241
5-3-5d	Amended	V. 27, p. 1555
5-3-16	Amended	V. 27, p. 1555
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5-40-24	Amended	V. 27, p. 1438
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5-45-23	New	V. 27, p. 1441, 1442

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7-41-31	Revoked	V. 28, p. 196
7-41-32	Amended	V. 28, p. 196
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7-45-1	New	V. 27, p. 968
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11-12-6	Amended	V. 27, p. 1377

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14-17-7	New	V. 27, p. 1214

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AGENCY 82: STATE CORPORATION COMMISSION

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92-12-145	New	V. 27, p. 866, 867
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94-2-16	Amended (T)	V. 27, p. 1093-1095
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94-2-16	Amended	V. 27, p. 1524-1526
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94-4-1	Amended (T)	V. 27, p. 1098
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97-1-1a	New	V. 28, p. 459
97-1-2	Revoked	V. 28, p. 460

97-1-2a	New	V. 28, p. 460
97-1-3	Revoked	V. 28, p. 460
97-1-3a	New	V. 28, p. 460
97-1-4	Revoked	V. 28, p. 460
97-1-4a	New	V. 28, p. 460
97-1-5	Revoked	V. 28, p. 461
97-1-5a	New	V. 28, p. 461
97-1-6a	New	V. 28, p. 461
97-2-1	Revoked	V. 28, p. 462
97-2-1a	New	V. 28, p. 462
97-2-2	Revoked	V. 28, p. 462
97-2-2a	New	V. 28, p. 462
97-2-3		
through		
97-2-8	Revoked	V. 28, p. 462
97-3-1	Revoked	V. 28, p. 462
97-3-1a	New	V. 28, p. 462
97-3-2	Revoked	V. 28, p. 462
97-3-2a	New	V. 28, p. 462
97-3-3	Revoked	V. 28, p. 463
97-3-3a	New	V. 28, p. 463
97-3-4		
through		
97-3-9	Revoked	V. 28, p. 463
97-4-1a	New	V. 28, p. 463

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

Reg. No.	Action	Register
99-25-1	Amended	V. 27, p. 108
99-25-5	Amended	V. 28, p. 522
99-25-9	Amended	V. 27, p. 108
99-25-11	New	V. 27, p. 109
99-26-1	Amended	V. 28, p. 522
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 (T)	V. 27, p. 1602
100-11-1	Amended	V. 28, p. 112
100-22-8	Revoked	V. 27, p. 357
100-22-8a	New	V. 27, p. 357
100-28a-1	Amended (T)	V. 27, p. 1602
100-28a-1	Amended	V. 28, p. 112
100-28a-10	Amended	V. 28, p. 572
100-29-7	Amended	V. 27, p. 209
100-54-4	Amended	V. 27, p. 209
100-55-4	Amended	V. 27, p. 209
100-55-9	Amended	V. 28, p. 572
100-69-1	Amended	V. 27, p. 1672
100-69-2	Revoked	V. 27, p. 1672
100-69-10	Amended	V. 28, p. 572
100-72-1	Amended (T)	V. 27, p. 1602
100-72-1	Amended	V. 28, p. 112
100-72-7	Amended	V. 28, p. 273
100-73-9	Amended	V. 27, p. 315

**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD**

Reg. No.	Action	Register
102-1-8a	New	V. 28, p. 114
102-1-12	Amended	V. 27, p. 407
102-2-7	Amended	V. 27, p. 1801
102-2-8	Amended	V. 28, p. 114
102-2-11a	New	V. 28, p. 116
102-2-12	Amended	V. 28, p. 116
102-3-9b	New	V. 28, p. 117
102-3-12a	Amended	V. 27, p. 1117
102-4-1a	Amended	V. 27, p. 1803
102-4-6a	Amended	V. 27, p. 1805
102-4-6b	New	V. 27, p. 1806
102-4-9b	New	V. 28, p. 117
102-4-10a	Amended	V. 27, p. 1806
102-4-12	Amended	V. 27, p. 1120
102-5-9a	New	V. 28, p. 118
102-5-12	Amended	V. 27, p. 1122
102-6-9a	New	V. 28, p. 118
102-6-12	Amended	V. 27, p. 1124

**AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES**

Reg. No.	Action	Register
105-11-1	Amended (T)	V. 27, p. 1233
105-11-1	Amended	V. 27, p. 1838

**AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES**

Reg. No.	Action	Register
109-5-2	Amended	V. 28, p. 574
109-5-3	Amended	V. 28, p. 574
109-5-5	New	V. 27, p. 1548
109-5-6	New	V. 28, p. 575
109-6-3	Revoked	V. 28, p. 575
109-15-1	New	V. 28, p. 575
109-15-2	New	V. 28, p. 576

**AGENCY 110: DEPARTMENT OF COMMERCE**

Reg. No.	Action	Register
110-13a-1	New	V. 27, p. 1063
110-13a-2	New	V. 27, p. 1063
110-13a-3	New	V. 27, p. 1064
110-19-1		
through		
110-19-4	New	V. 27, p. 1064, 1065
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
111-2-212	New	V. 27, p. 1559
111-2-213	New	V. 27, p. 1560
111-2-214		
through		
111-2-218	New	V. 28, p. 10, 11
111-2-216	Amended	V. 28, p. 383
111-2-217	Amended	V. 28, p. 383
111-2-219		
through		
111-2-223	New	V. 28, p. 46, 47
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
111-4-2663	New	V. 27, p. 1489
111-4-2664		
through		
111-4-2683	New	V. 27, p. 1560-1570
111-4-2680	Amended	V. 28, p. 11
111-4-2684		
through		
111-4-2702	New	V. 27, p. 1634-1644
111-4-2695	Amended	V. 27, p. 1709
111-4-2703		
through		
111-4-2710	New	V. 27, p. 1672-1677
111-4-2711		
through		
111-4-2715	New	V. 27, p. 1677-1680
111-4-2716		
through		
111-4-2726	New	V. 27, p. 1709-1718
111-4-2727		
through		
111-4-2744	New	V. 27, p. 1746-1761
111-4-2745		
through		
111-4-2754	New	V. 28, p. 11-20
111-4-2755		
through		
111-4-2766	New	V. 28, p. 47-55

(continued)

111-4-2767		
through		
111-4-2779	New	V. 28, p. 274-278
111-4-2781	New	V. 28, p. 278
111-4-2782	New	V. 28, p. 279
111-4-2783	New	V. 28, p. 281
111-4-2784	New	V. 28, p. 298
111-4-2785		
through		
111-4-2790	New	V. 28, p. 342-346
111-4-2791		
through		
111-4-2799	New	V. 28, p. 383-389
111-4-2800		
through		
111-4-2814	New	V. 28, p. 516-522
111-5-23		
through		
111-5-28	Amended	V. 28, p. 299-302
111-5-33	Amended	V. 28, p. 303
111-5-81	Amended	V. 27, p. 1490
111-5-83	Amended	V. 27, p. 1490
111-5-84	Amended	V. 27, p. 1491
111-5-90	Amended	V. 27, p. 1491
111-5-127	Amended	V. 27, p. 442
111-5-128	Amended	V. 27, p. 443
111-5-132	Amended	V. 27, p. 443
111-5-165		
through		
111-5-169	New	V. 27, p. 1491-1493
111-5-170		
through		
111-5-174	New	V. 28, p. 347, 348
111-7-80a	Amended	V. 28, p. 282
111-7-223		
through		
111-7-232	New	V. 27, p. 1493-1495
111-7-223a	New	V. 27, p. 1762
111-7-233		
through		
111-7-237	New	V. 28, p. 57, 58
111-7-238		
through		
111-7-242	New	V. 28, p. 283, 284
111-9-152	New	V. 27, p. 1762
111-9-153	New	V. 28, p. 20
111-9-154	New	V. 28, p. 21
111-9-155	New	V. 28, p. 22
111-9-156	New	V. 28, p. 390
111-14-4	New	V. 28, p. 22
111-14-5	New	V. 28, p. 23
111-14-6	New	V. 28, p. 24

**AGENCY 112: RACING AND GAMING COMMISSION**

Reg. No.	Action	Register
112-13-6	New	V. 28, p. 376
112-100-1		
through		
112-100-7	New	V. 27, p. 1378
112-101-1		
through		
112-101-16	New	V. 28, p. 376-379
112-103-1		
through		
112-103-12	New	V. 28, p. 376-382
112-103-15	New	V. 28, p. 382
112-103-16	New	V. 28, p. 382

112-104-1		
through		
112-104-33	New	V. 27, p. 1378-1406
112-105-1		
through		
112-105-7	New	V. 27, p. 1406-1408
112-106-1		
through		
112-106-7	New	V. 27, p. 1408-1411
112-107-1	New	V. 28, p. 424
112-107-2	New	V. 28, p. 424
112-107-3	New	V. 28, p. 424
112-107-5	New	V. 28, p. 428
112-107-6	New	V. 28, p. 428
112-107-7	New	V. 28, p. 428
112-107-9	New	V. 28, p. 429
112-107-10	New	V. 28, p. 429
112-107-11	New	V. 28, p. 430
112-107-13		
through		
112-107-32	New	V. 28, p. 430-440
112-107-34	New	V. 28, p. 441
112-110-1		
through		
112-110-13	New	V. 28, p. 464-470
112-111-1		
through		
112-111-5	New	V. 28, 470-472
112-112-1		
through		
112-112-9	New	V. 27, p. 1411-1413
112-113-1	New	V. 28, p. 382
112-114-1		
through		
112-114-6	New	V. 28, p. 472
112-114-8		
through		
112-114-12	New	V. 28, p. 472, 473
112-114-14	New	V. 28, p. 473

**AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS**

Reg. No.	Action	Register
115-2-1	Amended	V. 27, p. 1704
115-2-3	Amended	V. 27, p. 1264
115-2-3a	Amended	V. 27, p. 1705
115-2-5	Amended	V. 27, p. 1265
115-4-1	Amended	V. 28, p. 569
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. 27, p. 1707
115-7-2	Amended	V. 27, p. 1708
115-7-8	Amended	V. 27, p. 405
115-7-9	Amended	V. 27, p. 406
115-8-1	Amended	V. 28, p. 571
115-8-9	Amended	V. 27, p. 1265
115-8-10	Amended	V. 27, p. 1265
115-8-13	Amended	V. 27, p. 112
115-18-7	Amended	V. 27, p. 406
115-18-21	New	V. 27, p. 1708

**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

Reg. No.	Action	Register
117-1-1	Amended	V. 28, p. 373
117-2-2a	Amended	V. 28, p. 373

117-3-2a	Amended	V. 28, p. 373
117-4-2a	Amended	V. 28, p. 374
117-5-2	Amended	V. 28, p. 374
117-5-2a	Amended	V. 28, p. 375
117-6-1	Amended	V. 27, p. 357
117-7-1	Amended	V. 28, p. 375
117-10-1	New	V. 28, p. 375

**AGENCY 121: DEPARTMENT OF CREDIT UNIONS**

Reg. No.	Action	Register
121-9-1	Amended	V. 28, p. 457
121-10-1	New	V. 27, p. 1099
121-10-2	New	V. 27, p. 1099
121-11-1	New	V. 28, p. 457
121-11-2	New	V. 28, p. 457
121-12-1	New	V. 28, p. 459

**AGENCY 127: KANSAS HOUSING RESOURCES CORPORATION**

Reg. No.	Action	Register
127-2-1	New	V. 28, p. 192
127-2-2	New	V. 28, p. 192
127-2-3	New	V. 28, p. 193

**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
128-5-1	New	V. 27, p. 367
128-5-2	New	V. 27, p. 368
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
129-5-78	New	V. 27, p. 1022
129-5-108	Amended	V. 27, p. 1346
129-10-15a	New	V. 27, p. 1346
129-10-15b	New	V. 27, p. 1348
129-10-17	New	V. 27, p. 1348
129-10-18	New	V. 27, p. 1350
129-10-23a	New	V. 27, p. 1353
129-10-23b	New	V. 27, p. 1353
129-10-25	New	V. 27, p. 1354
129-10-26	New	V. 27, p. 1355
129-10-27	New	V. 27, p. 1356
129-10-200	New	V. 27, p. 1356
129-10-210	New	V. 27, p. 1358

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