

IDENTIFYING THE RULE AND REGULATION							PURPOSE	NECESSITY			TIES TO FEDERAL PROGRAMS				POTENTIAL FOR REVOCATION			ADDITIONAL INFORMATION	
Number	Article Title	Rule and Regulation Title	Type (new, amended)	Effective Date (history)	Authorizing KSA(s)	Implementing KSA(s)	Briefly describe the public purpose of the rule and regulation.	Is the rule and regulation necessary for the implementation and administration of state law, or could it be revoked?	Does the rule and regulation serve an identifiable public purpose in support of state law?	Is the rule and regulation broader than necessary to meet its public purpose?	Is the rule and regulation federally required for participation in a federal program or authority?	Is the rule and regulation necessary for federal delegation of enforcement authority to the State?	If the rule and regulation is federally required, the state and federal program names and the federal agency name	Could federal moneys be in jeopardy under current law if the rule and regulation were repealed?	If federal moneys could be in jeopardy, the approximate amount received for the most recent fiscal year	Briefly describe how revocation would affect Kansans.	If the rule and regulation is not in active use, would revocation require a change to the authorizing or implementing statute?	If the rule and regulation is not in active use and revocation would require a change to the authorizing or implementing statute, which change(s)?	Additional information necessary to understanding the necessity of this rule and regulation
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81-1-1	Article 1-Definitions of Terms	Definition of terms	Amended	Jan. 4, 2016	17-12a605(a)	17-12a605(a)	The regulation defines essential terms used throughout the regulations in Title 81 - Office of the Securities Commissioner.	necessary	Yes	No	No	No		No		Revocation of the regulation would deprive Kansans, the Securities Division, and regulated persons of information necessary to ensure consistent application of the regulations.	In active use		
81-2-1	Article 2-Filing, Fees and Forms	Forms and adoptions by reference	Amended	Jan. 4, 2016	17-12a605(a)	17-12a608	The regulation adopts (1) forms used by Kansas, the Securities and Exchange Commission ("SEC"), and the Financial Industry Regulatory Authority ("FINRA") to facilitate the registration and notice requirements of the Kansas Uniform Securities Act ("KUSA"); (2) federal statutes that are enforced under the KUSA; and (3) SEC and FINRA rules and regulations that are enforced under the KUSA. Therefore, it promotes the uniform and efficient regulation of the securities industry in Kansas.	necessary	Yes	No	No	No		No		Revocation of the regulation would deprive Kansans of the uniform and efficient regulation of the securities industry in Kansas.	In active use		81-2-1 (d) (1) adopts National Association of Securities Dealers ("NASD") conduct rules. The NASD conduct rules have been effectively replaced by FINRA rules. Therefore, it might be possible to revoke (d)(1) in conjunction with a revision to (d)(2) and the Department is reviewing amendments to this regulation as part of our ongoing efforts to maintain and update our regulations.
81-3-1	Article 3.-Licensing; Broker-Dealers and Agents	Registration procedures for broker-dealers and agents	Amended	Jan. 4, 2016	17-12a605(a)	17-12a406, 17-12a407, 17-12a408, and 17-12a412(e)	The regulation establishes the minimum requirements and procedures for registering as a broker-dealer or agent under the KUSA. Therefore, it ensures the effective regulation of broker-dealers and agents in Kansas.	necessary	Yes	No	No	No		No		Revocation of the regulation would deprive Kansans of the effective oversight and regulation of broker-dealers and agents.	In active use		
81-3-2	Article 3.-Licensing; Broker-Dealers and Agents	Broker-dealer and agent registration fees	Amended	Oct. 9, 2015	17-12a605(a)	17-12a410	The regulation provides the means for the Kansas Department of Insurance, Securities Division to fund the activities necessary to carry out its obligations under the KUSA related to broker-dealers and agents. Therefore, it ensures the effective regulation of broker-dealers and agents.	necessary	Yes	No	No	No		No		Revocation of the regulation would deprive Kansans of the effective oversight and regulation of broker-dealers and agents.	In active use		The Securities Division is evaluating the potential of future amendments to this regulation to allow the Department the flexibility to annually set the fees (up to the statutory maximum) by publication in the Kansas Register. This would allow the Securities Division to tailor the revenue collected by fees to the amount needed to administer the KUSA. Thus, preventing the collection of excess or insufficient fees.
81-3-4	Article 3.-Licensing; Broker-Dealers and Agents	Revoked																	
81-3-5	Article 3.-Licensing; Broker-Dealers and Agents	Sales of securities at financial institutions	Amended	Jan. 4, 2016	17-12a605(a)	17-12a412	The regulation establishes the minimum requirements and procedures for a broker-dealer to sell securities at financial institutions.	necessary	Yes	No	No	No		No		Revocation of the regulation would deprive Kansans of the effective oversight and regulation of broker-dealers and agents at financial institutions.	In active use		
81-3-6	Article 3.-Licensing; Broker-Dealers and Agents	Dishonest or unethical practices of broker-dealers and agents	Amended	Jan. 4, 2016	17-12a605(a)	17-12a412(d)(13), 17-12a501(3), and 17-12a608	The regulation establishes standards of conduct for broker-dealers and agents. It prohibits them from engaging in certain behaviors that are likely to cause harm to Kansas investors.	necessary	Yes	No	No	No		No		Revocation of the regulation would make Kansans more likely to suffer harm from dishonest and unethical activities of broker-dealers and agents.	In active use		
81-3-7	Article 3.-Licensing; Broker-Dealers and Agents	Supervisory, financial reporting, recordkeeping, net capital, and operational requirements for broker-dealers	Amended	Jan. 4, 2016	2014 Supp. 17-12a411 and K.S.A. 17-12a605(a)	2014 Supp. 17-12a411, K.S.A. 17-12a412(d)(9), 17-12a605(c), and 17-12a608	This regulation establishes standards for supervision by broker-dealers of agents, the duration of recordkeeping requirements, and financial and operating requirements for broker-dealers.	necessary	Yes	No	No	No		No		Revocation of the regulation would make Kansans more likely to suffer financial harm due to potential lack of supervision of agents, and allowing financially unsound broker-dealers to operate in the states.	In active use		

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81-5-10	Article 5.-Exemptions	Oil and gas exemptions	Amended	Jan. 19, 2007	2005 Supp. 17-12a605(a)	2005 Supp. 17-12a203	The regulation fosters capital formation in Kansas, and contemporaneously protects Kansas investors, by providing a securities registration exemption for certain securities/transactions that are not likely to expose the investing public to potential harm.	necessary	Yes	No	No	No		No		Revocation would cause a chilling effect on capital formation in Kansas without providing a commensurate increase in investor protection.	In active use			
81-5-11	Article 5.-Exemptions	Revoked																		
81-5-12	Article 5.-Exemptions	Solicitations of interest before the filing of the registration statement	Amended	Jan. 19, 2007	2005 Supp 17-12a605(a)	2005 Supp. 17-12a203, as amended by L. 2006, Ch. 47, sec. 2(17) and K.S.A. 2005 Supp. 17-12a203	The regulation fosters capital formation in Kansas, and contemporaneously protects Kansas investors, by providing a securities registration exemption for certain securities/transactions that are not likely to expose the investing public to potential harm.	necessary	Yes	No	No	No		No		Revocation would cause a chilling effect on capital formation in Kansas without providing a commensurate increase in investor protection.	In active use			
81-5-13	Article 5.-Exemptions	Accredited investor exemption	Amended	Jan. 19, 2007	2005 Supp. 17-12a605(a)	2005 Supp. 17-12a203	The regulation fosters capital formation in Kansas, and contemporaneously protects Kansas investors, by providing a securities registration exemption for certain securities/transactions that are not likely to expose the investing public to potential harm.	necessary	Yes	No	No	No		No		Revocation would cause a chilling effect on capital formation in Kansas without providing a commensurate increase in investor protection.	In active use			
81-5-14	Article 5.-Exemptions	Notice filings and fees for offerings of investment company securities	Amended	May 15, 2009	17-12a302 and K.S.A. 17-12a605(a)	17-12a302 and K.S.A. 17-12a605(a)	The regulation ensures the effective administration of the KUSA by providing the means for the Kansas Department of Insurance, Securities Division to fund the activities necessary to carry out its obligations under the KUSA.	necessary	Yes	No	No	No		No		Revocation would deprive Kansans of the effective administration of the KUSA.	In active use			
81-5-15	Article 5.-Exemptions	Notice filings and fees for rule 506 offerings	Amended	Jan. 4, 2016	17-12a605(a)	2014 Supp. 17-12a302(c) and K.S.A. 17-12a307	The regulation fosters capital formation in Kansas, and contemporaneously protects Kansas investors, by requiring the filing of information related to offerings under SEC Rule 506, a federal securities registration exemption.	necessary	Yes	No	No	No		No		Revocation would deprive Kansans of the effective administration of the KUSA.	In active use			
81-5-16	Article 5.-Exemptions	Exemption for internet communication	New	Jan. 19, 2007	2005 Supp. 17-12a605(a)	2005 Supp. 17-12a301, 17-12a401, 17-12a402, 17-12a403, 17-12a404, 17-12a608(c)(9) and 17-12a610(e)	The regulation reduces the regulatory burden for internet communication/websites related to securities activities that are not conducted in Kansas.	necessary	Yes	No	No	No		No		Revocation would not directly affect Kansans. However, revocation would unnecessarily increase the regulatory burden on persons that are not conducting securities related activities in Kansas.	In active use			
81-5-17	Article 5.-Exemptions	Standard manuals exemption	Amended	Jan. 4, 2016	17-12a605(a)	17-12a202	The regulation fosters capital formation in Kansas, and contemporaneously protects Kansas investors, by clarifying the securities/transactions that qualify for a securities registration exemption set forth in the KUSA.	necessary	Yes	No	No	No		No		Revocation would cause a chilling effect on capital formation in Kansas without providing a commensurate increase in investor protection.	In active use			

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81-5-18	Article 5.-Exemptions	Notice filing requirements for securities of agricultural associations	New	Jan. 19, 2007	2005 Supp. 17-12a605(a)	2005 Supp. 17-12a201(8)	The regulation fosters capital formation in Kansas, and contemporaneously protects Kansas investors, by providing a securities registration exemption for certain securities/transactions that are not likely to expose the investing public to potential harm.	necessary	Yes	No	No	No		No		Revocation would cause a chilling effect on capital formation in Kansas without providing a commensurate increase in investor protection.	In active use		
81-5-19	Article 5.-Exemptions	Cross-border trading exemption	New	Jan. 19, 2007	2005 Supp. 17-12a605(a)	2005 Supp. 17-12a203 and 17-12a401(d)	The regulation reduces the regulatory burden for Canadian broker-dealers and agents who conduct business in Kansas on a limited basis.	necessary	Yes	No	No	No		No		Revocation may not directly effect Kansans. However, revocation would unnecessarily increase the regulatory burden on Canadian broker-dealers and agents that conduct business in Kansas on a limited basis.	In active use		
81-5-20	Article 5.-Exemptions	Kansas venture capital, inc	New	Jan. 19, 2007	2005 Supp. 17-12a605(a)	2005 Supp. 17-12a203	The regulation fosters capital formation in Kansas, and contemporaneously protects Kansas investors, by providing a securities registration exemption for certain securities/transactions that are not likely to expose the investing public to potential harm.	necessary	Yes	No	No	No		No		Revocation would cause a chilling effect on capital formation in Kansas without providing a commensurate increase in investor protection.	In active use		
81-5-21	Article 5.-Exemptions	Invest Kansas exemption	Amended	Jan. 4, 2016	17-12a605(a)	17-12a203	The regulation fosters capital formation in Kansas, and contemporaneously protects Kansas investors, by providing a securities registration exemption for certain securities/transactions that are not likely to expose the investing public to potential harm.	necessary	Yes	No	No	No		No		Revocation would cause a chilling effect on capital formation in Kansas without providing a commensurate increase in investor protection.	In active use		
81-6-1	Article 6.-Prospectus	Prospectus	Amended	Jan. 4, 2016	17-12a605(a)	17-12a303 and 17-12a304	The regulation requires the filing of a prospectus with each application to register securities under the KUSA. It further establishes the form, content, and delivery requirements for prospectuses. Therefore, it ensures that Kansas investors have access to the information needed to make informed decisions when determining whether to purchase securities.	necessary	Yes	No	No	No		No		Revocation of the regulation would diminish the ability of Kansas investors to obtain the information needed to make informed decisions when determining whether to purchase securities.	In active use		
81-7-1	Article 7.-Policy Relating to Registration	General statements of policy for registration of securities	Amended	Jan. 4, 2016	17-12a605(a)	17-12a306(b) and 17-12a608(c)	The regulation fosters capital formation in Kansas, and contemporaneously protects Kansas investors, by ensuring that the Securities Division applies uniform standards when reviewing applications to register securities.	necessary	Yes	No	No	No		No		Revocation would expose persons desiring to raise capital in Kansas to inconsistent standards and deprive Kansas investors of material information when determining whether to purchase securities.	In active use		
81-7-2	Article 7.-Policy Relating to Registration	Statements of policy for specific types of securities offerings	Amended	Jan. 4, 2016	17-12a605(a)	17-12a306(b) and 17-12a608(c)	The regulation fosters capital formation in Kansas, and contemporaneously protects Kansas investors, by ensuring that the Securities Division applies uniform standards when reviewing applications to register specific types of securities.	necessary	Yes	No	No	No		No		Revocation would expose persons desiring to raise capital in Kansas to inconsistent standards and deprive Kansas investors of material information when determining whether to purchase certain types of securities.	In active use		

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81-7-3	Article 7.-Policy Relating to Registration	Financial statements required for securities registration	New	Jan. 19, 2007	2005 Supp. 17-12a605(a)	2005 Supp. 17-12a605(c)	The regulation fosters capital formation in Kansas, and contemporaneously protects Kansas investors, by setting forth the standards for financial information that is required with registration statements.	necessary	Yes	No	No	No		No		Revocation would expose persons desiring to raise capital in Kansas to inconsistent standards related to required financial information and deprive Kansas investors of material information when determining whether to purchase securities.	In active use			
81-8-1	Article 8.-Effectiveness and Post-Effective Requirements (not in active use):	Revoked																		
81-9-1	Article 9.-Annual Reports (not in active use):	Revoked																		
81-10-1	Article 10.-Advertising	Advertising	Amended	Jan. 19, 2007	2005 Supp. 17-12a504 and 17-12a605(a)	2005 Supp. 17-12a504 and 17-12a505	The regulation requires sales and advertising literature to be filed with the Securities Division five days before use. Further, it prohibits false or misleading sales and advertising literature. Therefore, it protects Kansas investors from being deceived by false or misleading sales and advertising literature.	necessary	Yes	No	No	No		No		Revocation of the regulation would increase the likelihood that Kansas investors could be deceived by false or misleading sales and advertising literature.	In active use			
81-11-1	Article 11.-Administrative Procedure	Revoked																		
81-11-2	Article 11.-Administrative Procedure	Scope of administrative procedure regulations	Amended	May 1, 1986	1984 Supp. 17-1270 and K.S.A. 17-1282	17-1254, as amended by L. 1985, Ch. 88, Sec. 1, K.S.A. 17-1254a, K.S.A. 17-1260, as amended by L. 1985, Ch. 88, Sec. 2, K.S.A. 1984 Supp. 17-1261, K.S.A. 1984 Supp. 17-1262, as amended by L. 1985, Ch. 89, Sec. 1, K.S.A. 1984 Supp. 17-1265, K.S.A. 17-1266a, as amended by L. 1985, Ch. 88, Sec. 4, K.S.A. 17-1277, and K.S.A. 17-1281	To enable effective enforcement of the KUSA through administrative actions	necessary	Yes	No	No	No		No		Revocation would deprive Kansans of effective enforcement of the KUSA through administrative actions.	In active use		The Department is in the process of updating Article 11 in its entirety to amend authorizing and implementing statutes and other provisions. The regulation was adopted under the Kansas Securities Act ("Act") which was replaced by the KUSA in 2004. The statutes originally authorizing and implemented by the regulation are no longer in effect. On June 28, 2005, the Administrator issued a special order (Docket No. 06E001) declaring that all securities regulations, with certain enumerated exceptions, remain in effect under the Act remain in effect under the KUSA. The current statute authorizing the regulation is K.S.A. 17-12a605 and it implements 17-12a204, 17-12a306, 17-12a412, and 17-12a604.	

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81-11-3	Article 11.-Administrative Procedure	Form of pleadings	Amended	May 1, 1986	1984 Supp. 17-1270 and K.S.A. 17-1282	17-1254, as amended by L. 1985, Ch. 88, Sec. 1, K.S.A. 17-1254a, K.S.A. 17-1260, as amended by L. 1985, Ch. 88, Sec. 2, K.S.A. 1984 Supp. 17-1261, K.S.A. 1984 Supp. 17-1262, as amended by L. 1985, Ch. 89, Sec. 1, K.S.A. 17-1266a, as amended by L. 1985, Ch. 88, Sec. 4, K.S.A. 17-1277, and K.S.A. 17-1281	To enable effective enforcement of the KUSA through administrative actions	necessary	Yes	No	No	No		No		Revocation would deprive Kansans of effective enforcement of the KUSA through administrative actions.	In active use		The Department is in the process of updating Article 11 in its entirety to amend authorizing and implementing statutes and other provisions. The regulation was adopted under the Kansas Securities Act ("Act") which was replaced by the KUSA in 2004. The statutes originally authorizing and implemented by the regulation are no longer in effect. On June 28, 2005, the Administrator issued a special order (Docket No. 06E001) declaring that all securities regulations, with certain enumerated exceptions, remain in effect under the Act remain in effect under the KUSA. The current statute authorizing the regulation is K.S.A. 17-12a605 and it implements 17-12a204, 17-12a306, 17-12a412, and 17-12a604.
81-11-4	Article 11.-Administrative Procedure	Summary adjudicative proceedings	Amended	May 1, 1986	1984 Supp. 17-1270 and K.S.A. 17-1282	17-1254, as amended by L. 1985, Ch. 88, Sec. 1, K.S.A. 17-1254a, K.S.A. 17-1256, K.S.A. 17-1257, K.S.A. 17-1258, K.S.A. 1984 Supp. 17-1261, K.S.A. 1984 Supp. 17-1262, as amended by L. 1985, Ch. 89, Sec. 1, K.S.A. 17-1277, K.S.A. 17-1281, as amended by L. 1984 Ch. 313, Sec. 13, and L. 1984, Ch. 313, Sec. 37	Allows the administrator of the KUSA to take certain actions by summary adjudicative proceedings	necessary	Yes	No	No	No		No		Revocation would deprive Kansans of effective enforcement of the KUSA through administrative actions.	In active use		The Department is in the process of updating Article 11 in its entirety to amend authorizing and implementing statutes and other provisions. The regulation was adopted under the Kansas Securities Act ("Act") which was replaced by the KUSA in 2004. The statutes originally authorizing and implemented by the regulation are no longer in effect. On June 28, 2005, the Administrator issued a special order (Docket No. 06E001) declaring that all securities regulations, with certain enumerated exceptions, remain in effect under the Act remain in effect under the KUSA. The current statute authorizing the regulation is K.S.A. 17-12a605 and it implements 17-12a204, 17-12a306, 17-12a412, and 17-12a604.

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81-11-5	Article 11.-Administrative Procedure	Request for hearing	Amended	May 1, 1986	1984 Supp. 17-1270 and K.S.A. 17-1282	17-1254, as amended by L. 1985, Ch. 88, Sec. 1, K.S.A. 17-1254a, K.S.A. 17-1260, as amended by L. 1985, Ch. 88, Sec. 2, K.S.A. 1984 Supp. 17-1261, K.S.A. 1984 Supp. 17-1262, as amended by L. 1985, Ch. 89, Sec. 1, K.S.A. 17-1266a, as amended by L. 1985 Ch. 88, Sec. 4, K.S.A. 17-1277, and K.S.A. 17-1281	Establishes procedures for requesting a hearing in administrative enforcement actions instituted under the KUSA	necessary	Yes	No	No	No		No		Revocation would deprive Kansans of effective enforcement of the KUSA through administrative actions.	In active use		The Department is in the process of updating Article 11 in its entirety to amend authorizing and implementing statutes and other provisions. The regulation was adopted under the Kansas Securities Act ("Act") which was replaced by the KUSA in 2004. The statutes originally authorizing and implemented by the regulation are no longer in effect. On June 28, 2005, the Administrator issued a special order (Docket No. 06E001) declaring that all securities regulations, with certain enumerated exceptions, remain in effect under the Act remain in effect under the KUSA. The current statute authorizing the regulation is K.S.A. 17-12a605 and it implements 17-12a204, 17-12a306, 17-12a412, and 17-12a604.
81-11-6	Article 11.-Administrative Procedure	Conference adjudicative proceedings	Amended	May 1, 1986	1984 Supp. 17-1270 and K.S.A. 17-1282	17-1254, as amended by L. 1985, Ch. 88, Sec. 1, K.S.A. 17-1254a, K.S.A. 17-1260, as amended by L. 1985, Ch. 88, Sec. 2, K.S.A. 1984 Supp. 17-1261, K.S.A. 1984 Supp. 17-1262, as amended by L. 1985, Ch. 89, Sec. 1, K.S.A. 17-1266a, as amended by L. 1985, Ch. 88, Sec. 4, K.S.A. 17-1277, K.S.A. 17-1281, as amended by L. 1984, Ch. 313, Sec. 13, and L. 1984, Ch. 313, Sec. 33	Establishes the circumstances under which an administrative enforcement action under the KUSA may be adjudicated by a conference hearing as described under KAPA	necessary	Yes	No	No	No		No		Revocation would deprive Kansans of effective enforcement of the KUSA through administrative actions.	In active use		The Department is in the process of updating Article 11 in its entirety to amend authorizing and implementing statutes and other provisions. The regulation was adopted under the Kansas Securities Act ("Act") which was replaced by the KUSA in 2004. The statutes originally authorizing and implemented by the regulation are no longer in effect. On June 28, 2005, the Administrator issued a special order (Docket No. 06E001) declaring that all securities regulations, with certain enumerated exceptions, remain in effect under the Act remain in effect under the KUSA. The current statute authorizing the regulation is K.S.A. 17-12a605 and it implements 17-12a204, 17-12a306, 17-12a412, and 17-12a604.
81-11-7	Article 11.-Administrative Procedure	Appearances	Amended	May 1, 1986	1984 Supp. 17-1270	17-1254, as amended by L. 1985, Ch. 88, Sec. 1, K.S.A. 17-1254a, K.S.A. 17-1260, as amended by L. 1985, Ch. 88, Sec. 2, K.S.A. 1984 Supp. 17-1261, K.S.A. 1984 Supp. 17-1262, as amended by L. 1985, Ch. 89, Sec. 1, K.S.A. 17-1266a, as amended by L. 1985, Ch. 88, Sec. 4, K.S.A. 17-1277, and K.S.A. 17-1281	Establishes rules regarding appearances in administrative enforcement actions under the KUSA	necessary	Yes	No	No	No		No		Revocation would deprive Kansans of effective enforcement of the KUSA through administrative actions.	In active use		The Department is in the process of updating Article 11 in its entirety to amend authorizing and implementing statutes and other provisions. The regulation was adopted under the Kansas Securities Act ("Act") which was replaced by the KUSA in 2004. The statutes originally authorizing and implemented by the regulation are no longer in effect. On June 28, 2005, the Administrator issued a special order (Docket No. 06E001) declaring that all securities regulations, with certain enumerated exceptions, remain in effect under the Act remain in effect under the KUSA. The current statute authorizing the regulation is K.S.A. 17-12a605 and it implements 17-12a204, 17-12a306, 17-12a412, and 17-12a604.

IDENTIFYING THE RULE AND REGULATION							PURPOSE	NECESSITY			TIES TO FEDERAL PROGRAMS				POTENTIAL FOR REVOCATION			ADDITIONAL INFORMATION	
Number	Article Title	Rule and Regulation Title	Type (new, amended)	Effective Date (history)	Authorizing KSA(s)	Implementing KSA(s)	Briefly describe the public purpose of the rule and regulation.	Is the rule and regulation necessary for the implementation and administration of state law, or could it be revoked?	Does the rule and regulation serve an identifiable public purpose in support of state law?	Is the rule and regulation broader than necessary to meet its public purpose?	Is the rule and regulation federally required for state participation in a federal program or authority?	Is the rule and regulation necessary for federal enforcement authority to the State?	If the rule and regulation is federally required, the state and federal program names and the federal agency name	Could federal moneys be in jeopardy under current law if the rule and regulation were repealed?	If federal moneys could be in jeopardy, the approximate amount received for the most recent fiscal year	Briefly describe how revocation would affect Kansans.	If the rule and regulation is not in active use, would revocation require a change to the authorizing or implementing statute?	If the rule and regulation is not in active use and revocation would require a change to the authorizing or implementing statute, which change(s)?	Additional information necessary to understanding the necessity of this rule and regulation
KLRD Note: No additional information is expected for revoked or transferred rules and regulations.							limited to 400 characters	necessary/ could be revoked	yes/no	yes/no	yes/no	yes/no		yes/no		limited to 600 characters	in active use/ yes/ no	limited to 400 characters	limited to 1,200 characters
81-11-8	Article 11.-Administrative Procedure	Formal adjudicative proceedings	Amended	May 1, 1986	1984 Supp. 17-1270 and K.S.A. 17-1282	17-1254, as amended by L. 1985, Ch. 88, Sec. 1, K.S.A. 17-1254a, K.S.A. 17-1260, as amended by L. 1985, Ch. 88, Sec. 2, K.S.A. 1984 Supp. 17-1261, K.S.A. 1984 Supp. 17-1262, as amended by L. 1985, Ch. 89, Sec. 1, K.S.A. 17-1266a, as amended by L. 1985, Ch. 88, Sec. 4, K.S.A. 17-1277, and K.S.A. 17-1281	Establishes that formal adjudications in administrative actions under the KUSA shall be conducted as trials, and that all testimony be presented in person	could be revoked	No	Yes	No	No		No		It would not. Formal adjudicatory proceedings are sufficiently described in KAPA.	No		The Department is in the process of updating Article 11 in its entirety to amend authorizing and implementing statutes and other provisions. The regulation was adopted under the Kansas Securities Act ("Act") which was replaced by the KUSA in 2004. The statutes originally authorizing and implemented by the regulation are no longer in effect. On June 28, 2005, the Administrator issued a special order (Docket No. 06E001) declaring that all securities regulations, with certain enumerated exceptions, remain in effect under the Act remain in effect under the KUSA. The current statute authorizing the regulation is K.S.A. 17-12a605 and it implements 17-12a204, 17-12a306, 17-12a412, and 17-12a604.
81-11-9	Article 11.-Administrative Procedure	Subpoenas	Amended	May 1, 1986	1984 Supp. 17-1270 and K.S.A. 17-1282	17-1254, as amended by L. 1985, Ch. 88, Sec. 1, K.S.A. 17-1254a, K.S.A. 17-1260, as amended by L. 1985, Ch. 88, Sec. 2, K.S.A. 1984 Supp. 17-1261, K.S.A. 1984 Supp. 17-1262, as amended by L. 1985, Ch. 89, Sec. 1, K.S.A. 17-1266a, as amended by L. 1985, Ch. 88, Sec. 4, K.S.A. 17-1277, and K.S.A. 17-1281	Establishes that subpoenas in administrative actions may be served on the attorney of a party, and the sanctions for failing to obey a subpoena	necessary	Yes	No	No	No		No		Revocation would deprive Kansans of effective enforcement of the KUSA through administrative actions.	In active use		The Department is in the process of updating Article 11 in its entirety to amend authorizing and implementing statutes and other provisions. The regulation was adopted under the Kansas Securities Act ("Act") which was replaced by the KUSA in 2004. The statutes originally authorizing and implemented by the regulation are no longer in effect. On June 28, 2005, the Administrator issued a special order (Docket No. 06E001) declaring that all securities regulations, with certain enumerated exceptions, remain in effect under the Act remain in effect under the KUSA. The current statute authorizing the regulation is K.S.A. 17-12a605 and it implements 17-12a204, 17-12a306, 17-12a412, and 17-12a604.
81-11-10	Article 11.-Administrative Procedure	Evidence	Amended	May 1, 1986	1984 Supp. 17-1270 and K.S.A. 17-1282	17-1254, as amended by L. 1985, Ch. 88, Sec. 1, K.S.A. 17-1254a, K.S.A. 17-1260, as amended by L. 1985, Ch. 88, Sec. 2, K.S.A. 1984 Supp. 17-1261, K.S.A. 1984 Supp. 17-1262, as amended by L. 1985, Ch. 89, Sec. 1, K.S.A. 17-1266a, as amended by L. 1985, Ch. 88, Sec. 4, K.S.A. 17-1277, and K.S.A. 17-1281	Allows for the admission of hearsay evidence not otherwise admissible under the rules of evidence in administrative actions under the KUSA	could be revoked	No	Yes	No	No		No		It would not. The admissibility of hearsay evidence in administrative actions is sufficiently addressed by KAPA.	No		

IDENTIFYING THE RULE AND REGULATION							PURPOSE	NECESSITY			TIES TO FEDERAL PROGRAMS				POTENTIAL FOR REVOCATION			ADDITIONAL INFORMATION	
Number	Article Title	Rule and Regulation Title	Type (new, amended)	Effective Date (history)	Authorizing KSA(s)	Implementing KSA(s)	Briefly describe the public purpose of the rule and regulation.	Is the rule and regulation necessary for the implementation and administration of state law, or could it be revoked?	Does the rule and regulation serve an identifiable public purpose in support of state law?	Is the rule and regulation broader than necessary to meet its public purpose?	Is the rule and regulation federally required for state participation in a federal program or authority?	Is the rule and regulation necessary for federal enforcement authority to the State?	If the rule and regulation is federally required, the state and federal program names and the federal agency name	Could federal moneys be in jeopardy under current law if the rule and regulation were repealed?	If federal moneys could be in jeopardy, the approximate amount received for the most recent fiscal year	Briefly describe how revocation would affect Kansans.	If the rule and regulation is not in active use, would revocation require a change to the authorizing or implementing statute?	If the rule and regulation is not in active use and revocation would require a change to the authorizing or implementing statute, which change(s)?	Additional information necessary to understanding the necessity of this rule and regulation
KLRD Note: No additional information is expected for revoked or transferred rules and regulations.							limited to 400 characters	necessary/ could be revoked	yes/no	yes/no	yes/no	yes/no		yes/no		limited to 600 characters	in active use/ yes/ no	limited to 400 characters	limited to 1,200 characters
81-14-4	Article 14.-Investment Advisers and Investment Adviser Representatives	Recordkeeping requirements for investment advisers	Amended	Aug. 18, 2006	2005 Supp. 17-12a605(a)	2005 Supp. 17-12a411	The regulation ensures that investment advisers registered under the KUSA maintain the books and records necessary to demonstrate compliance with the KUSA. Therefore, it allows the Office of the Securities Commissioner to conduct effective examinations and investigations of investment advisers and investment adviser representatives.	necessary	Yes	No	No	No		No		Revocation of the regulation would deprive Kansans of the effective oversight and regulation of investment advisers and investment adviser representatives.	In active use		
81-14-5	Article 14.-Investment Advisers and Investment Adviser Representatives	Dishonest and unethical practices of investment advisers, investment adviser representatives, and federal covered investment advisers	Amended	Jan. 4, 2016	17-12a605(a)	17-12a412(d)(13) and 17-12a502(a)(2) and (b)	The regulation establishes standards of conduct for investment advisers and investment adviser representatives. It prohibits them from engaging in certain behaviors that are likely to cause harm to Kansas investors.	necessary	Yes	No	No	No		No		Revocation of the regulation would make Kansans more likely to suffer harm from dishonest and unethical activities of investment advisers and investment adviser representatives.	In active use		
81-14-6	Article 14.-Investment Advisers and Investment Adviser Representatives	Electronic filing for investment advisers and investment adviser representatives	Amended	Aug. 18, 2006	2005 Supp. 17-12a605(a)	2005 Supp. 17-12a105 and 17-12a608(c)	The regulation establishes a web-based system widely used by other jurisdictions as the system used by Kansas to receive filings, store filings, and collect fees related to investment advisers and investment adviser representatives. Therefore, it provides a uniform and efficient system for the registration of investment advisers and investment adviser representatives.	necessary	Yes	No	No	No		No		Revocation of the regulation would cause Kansans that are required to register under the KUSA as investment advisers and investment adviser representatives to use a unique and likely less efficient system to register and pay fees.	In active use		
81-14-7	Article 14.-Investment Advisers and Investment Adviser Representatives	Notice filing requirements for federal covered investment advisers	Amended	Aug. 18, 2006	2005 Supp. 17-12a605(a)	2005 Supp. 17-12a405(c)	The regulation establishes a web-based system widely used by other jurisdictions as the system used by Kansas to receive notice filings, store notice filings, and collect fees related to notice filings for federal covered investment advisers. Therefore, it provides a uniform and efficient system for the notice filing of federal covered investment advisers.	necessary	Yes	No	No	No		No		Revocation of the regulation would cause Kansans that are required to notice file under the KUSA as federal covered investment advisers to use a unique and likely less efficient system to notice file and pay fees in Kansas.	In active use		

