

# KANSAS REGISTER

State of Kansas

**BILL GRAVES**  
Secretary of State

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## State of Kansas

## LEGISLATURE

## INTERIM COMMITTEE SCHEDULE

The following committee meetings have been scheduled during the period of August 8 through August 21:

Date	Room	Time	Committee	Agenda
August 8	522-S	10:00 a.m.	Special Committee on Local Government	Hearings on Proposal No. 34—Privatization.
August 9	522-S	9:00 a.m.		
August 9	519-S	10:00 a.m.	Special Committee on Economic Development	Agenda not available.
August 10	519-S	9:00 a.m.		
August 11	519-S	10:00 a.m.	Special Committee on Assessment and Taxation	Agenda not available.
August 12	519-S	9:00 a.m.		
August 11	529-S	10:00 a.m.	Commission on Access to Services For the Medically Indigent and Homeless	Review of testimony presented to the commission in the past and limited testimony.
August 12	529-S	9:00 a.m.		
August 15	514-S	10:00 a.m.	Joint Committee on Administrative Rules and Regulations	Agenda not available.
August 16	514-S	9:00 a.m.		
August 17	519-S	10:00 a.m.	Special Committee on Agriculture and Livestock	Hearings on Proposal No. 1—Chemigation Safety Law Study.
August 18	519-S	9:00 a.m.		
August 19	529-S	10:00 a.m.	Joint Committee on Special Claims Against the State	Agenda not available.
August 18	514-S	10:00 a.m.	Special Committee on School Finance	18th: Presentation by Dr. John Augenblick, AVA.
August 19	514-S	9:00 a.m.		19th: Presentation by Dr. Jane Bliss, Missouri Department of Education.

WILLIAM R. BACHMAN  
Director of Legislative  
Administrative Services

Doc. No. 006866

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Phone: (913) 296-3489

## State of Kansas

**UNIVERSITY OF KANSAS****NOTICE TO BIDDERS**

Sealed bids for items listed below will be received by the University of Kansas Purchasing Office, Lawrence, until 2 p.m. C.D.T. on the date indicated and then will be publicly opened. Interested bidders may call (913) 864-3416 for additional information.

**Monday, August 15, 1988**

RFQ #89 0136

Delivery and installation of 24 museum specimen cases.

**GENE PUCKETT, L.C.P.M.**  
Director of Purchasing

Doc. No. 006857

## State of Kansas

**STATE HISTORICAL SOCIETY  
HISTORIC SITES BOARD OF REVIEW****NOTICE OF MEETING**

The Kansas Historic Sites Board of Review will meet at 9 a.m. Saturday, August 27, in the old Wichita City Hall (now the Wichita Historical Museum) at 204 S. Main, Wichita.

The agenda will include the evaluation of the following properties for nomination to the National Register of Historic Places and the Register of Historic Kansas Places:

- Rhody Delahunty House, 1106 Rhode Island, Lawrence, Douglas County
- Immaculate Heart of Mary Catholic Church, Windthorst, Ford County (State Register Only)
- S.A. Brown House, 302 W. 6th, Newton, Harvey County
- Lanesfield School, Edgerton Vicinity, Johnson County
- M.V.B. Parker House, 631 W. Park, Olathe, Johnson County
- Graham Rogers House, 6741 Mackey, Overland Park, Johnson County (State Register Only)
- Booth Theater, 119 W. Myrtle, Independence, Montgomery County
- Federal Building/Old Independence Post Office, 123 N. 8th, Independence, Montgomery County
- Union Implement and Hardware Company/Old Masonic Temple, 121-123 W. Main, Independence, Montgomery County
- Thomas Fitch House, 901 Spaulding Ave., Wichita, Sedgwick County
- Building Number Nine, Coleman Company, 801 E. 37th, Wichita, Sedgwick County
- Calvary Baptist Church, 601 N. Water, Wichita, Sedgwick County

**RAMON POWERS**  
Executive Director

Doc. No. 006853

## State of Kansas

**KANSAS INSURANCE DEPARTMENT****NOTICE OF HEARING**

A formal hearing will be conducted at 10 a.m. Tuesday, August 23, in the offices of the Kansas Commissioner of Insurance, 420 S.W. 9th, Topeka, to determine whether the application for the proposed merger of Standard Mutual Life Insurance Company, Lawrence, with and into State Mutual Insurance Company, Rome, Georgia, should be approved by the Commissioner of Insurance.

Standard Mutual Life Insurance Company and State Mutual Insurance Company have requested that the Commissioner of Insurance approve the merger of the two companies pursuant to K.S.A. 40-510.

All interested parties may attend and will be given the opportunity to hear the details of the proposed merger, to present either oral or written testimony in favor of or in opposition to the proposed merger, and to ask any questions relative to the merger.

**FLETCHER BELL**  
Commissioner of Insurance

Doc. No. 006852

## State of Kansas

**DEPARTMENT OF ADMINISTRATION  
DIVISION OF ARCHITECTURAL SERVICES****NOTICE OF COMMENCEMENT  
OF NEGOTIATIONS  
FOR ARCHITECTURAL SERVICES**

Notice is hereby given of the commencement of negotiations for architectural services for the preparation of a site plan for the State of Kansas Office Building and parking areas at Douglas and Rutan streets in Wichita.

The project includes the study and preparation of a site plan including recommendations for street access, parking areas and landscaping design on adjacent properties owned by the state and utilized by tenants of the office building. Firms experienced in this work and staffed by site planners and landscape architects are being sought for this project. The completion date for the site plan is November 1, 1989.

Additional information regarding the project and expressions of interest should be directed to Jack Nelson, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, prior to August 19.

**EDWARD A. DE VILBISS, AIA**  
Director, Division of  
Architectural Services

Doc. No. 006860

State of Kansas  
**SECRETARY OF STATE**

NOTICE

TO ALL TO WHOM THESE PRESENTS SHALL  
 COME, GREETINGS:

I, Bill Graves, Secretary of State of the State of Kansas, do hereby certify that pursuant to the provisions of K.S.A. 1987 Supp. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate executed during the period of August 1, 1988 through August 31, 1988 shall be 11.98 percent.

In testimony whereof: I have hereto set my hand and cause to be affixed my seal. Done at the City of Topeka, this 29th day of July, A.D. 1988.

BILL GRAVES  
 Secretary of State

Doc. No. 006869

State of Kansas  
**WILDLIFE AND PARKS COMMISSION**

NOTICE OF MEETING

A public meeting of the Kansas Wildlife and Parks Commission has been scheduled for August 15 and 16 in the South Heritage Ballroom, Holiday Inn Convention Center, 3017 W. 10th, Great Bend. The meeting will start at 7 p.m. August 15 with a public hearing on proposed regulations to be considered by the commission. A general business session will follow the hearing.

The meeting will continue at 9 a.m. August 16 at the same location to conclude any unfinished business and to conduct a tour of Cheyenne Bottoms for commissioners and any interested members of the public. The tour is scheduled to start at 11 a.m. at the Cheyenne Bottoms maintenance headquarters.

Agenda items for the general business session include commission discussion of policy regarding tours in response to open meetings law; recodification status report; a report from U.S. Fish and Wildlife Service regarding commercialization of wildlife; and any other business which may come before the commission. A general public comment period is included. The public is invited to attend and participate in the meeting.

GERALD W. TOMANEK  
 Chairman

Doc. No. 006861

State of Kansas  
**DEPARTMENT OF ADMINISTRATION  
 DIVISION OF PURCHASES**

NOTICE TO BIDDERS

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, until 2 p.m. C.D.T. on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information:

Monday, August 15, 1988

#A-5996

Kansas State University—REROOF DESIGNATED  
 AREAS—SEATON HALL

#25717

University of Kansas Medical Center—ESCALATOR  
 MAINTENANCE SERVICE

#27051-Supplement

University of Kansas—CHEMISTRY ANALYZER  
 REAGENTS AND SUPPLIES

#27178

Department of Wildlife and Parks—CHEMICALS

#27607-Supplement

University of Kansas Medical Center—DIAGNOSTIC  
 RADIOPAQUE MATERIAL

#27853

Emporia State University—NATURAL GAS

#75371

Department of Administration, Division of  
 Architectural Services—FURNISH ALL LABOR AND  
 MATERIALS FOR ASBESTOS REMOVAL

#75372

Department of Corrections and Department of Social  
 and Rehabilitation Services—DICTATION  
 EQUIPMENT

#75451

Kansas Bureau of Investigation—AMMUNITION

Tuesday, August 16, 1988

#A-5703(a)

University of Kansas—BATTENFELD  
 SCHOLARSHIP HALL SITE IMPROVEMENTS

#A-5773

Youth Center at Beloit—REPLACE EXISTING  
 LANDSCAPING PLANTS

#27685

Kansas State Industrial Reformatory—  
 DISHWASHING SUPPLIES

#27759

Statewide—FROZEN EGGS

#75359

Kansas State University—IBM 7171

#75360

Emporia State University—IBM 3380-AA4 DASD

Wednesday, August 17, 1988

#A-5989

Emporia State University—PHYSICAL EDUCATION  
 FACILITY HEATING SYSTEM MODIFICATIONS,  
 BUILDING #37900-00002

#A-6025

Fort Hays State University—ENTRANCE ROOF  
REPAIRS—FORSYTH LIBRARY

#27850

University of Kansas Medical Center—NATURAL  
GAS

#75397

University of Kansas Medical Center—OXIMETER  
SYSTEM

#75398

University of Kansas Medical Center—SURGICAL  
LIGHTS

#75399

University of Kansas Medical Center—  
PHYSIOLOGICAL MONITORS

#75400

University of Kansas Medical Center—BLOOD  
PRESSURE MONITOR

#75401

University of Kansas Medical Center—NEONATAL  
MONITOR

#75405

University of Kansas Medical Center—HOSPITAL  
FOOD CARTS

#75406

Department of Wildlife and Parks—MOWERS,  
various locations

Thursday, August 18, 1988

#A-5811

Osawatomie State Hospital—FURNISH AND  
INSTALL OIL BURNER FOR BOILER #1,  
POWER PLANT BUILDING

#A-5995

Fort Hays State University—TEMPORARY ROOF  
REPAIRS—McMINDES HALL

#26423

Statewide—MAINFRAME/MICROCOMPUTER  
INTERFACE HARDWARE AND SOFTWARE

#75413

Department of Transportation—AGGREGATE,  
various locations

#75424

Kansas State University—COMPUTER  
GENERATED GRAPHICS SYSTEM WITH FILM  
RECORDER AND PRINTER

#75425

Department of Transportation—AGGREGATE,  
District 4

#75426

Kansas State University—EXERCISE EQUIPMENT

#75428

Emporia State University and Department of  
Corrections—SPORTS EQUIPMENT, various locations

#75429

Kansas Correctional Industries—DENIM, Hutchinson

#75438

University of Kansas Medical Center—ANESTHESIA  
MACHINES

#75439

Kansas Correctional Industries—VARIOUS PAINT  
PIGMENTS

Friday, August 19, 1988

#A-5893

University of Kansas—CHILLER AND COOLING  
TOWER REPLACEMENT—BLAKE HALL

#75452

University of Kansas Medical Center—PATIENT  
MONITORING EQUIPMENT

#75453

Department of Corrections—STEEL POSTS AND  
FENCING MATERIALS, Hillsdale

#75454

University of Kansas Medical Center—CELL  
WASHER

#75455

Department of Transportation—TRANSMISSION  
FLUID, various locations

#75456

Department of Transportation—PLANT MIX,  
Anthony

#75457

State Corporation Commission—FURNISH ALL  
LABOR AND MATERIALS FOR SECOND STAGE  
PLUGGING OF WITT I-70 SINKHOLE, Russell

#75458

University of Kansas Medical Center—PATIENT  
MONITORING EQUIPMENT

#75459

University of Kansas Medical Center—FURNISH  
AND INSTALL WROUGHT IRON FENCE

Wednesday, August 24, 1988

#A-5991

Department of Wildlife and Parks—PRATT STATE  
FISH HATCHERY IMPROVEMENTS

Thursday, August 25, 1988

#27852

Department of Administration, Division of Personnel  
Services—DRUG SCREENING

Monday, August 29, 1988

#A-5860

Kansas State Industrial Reformatory—ELECTRICAL  
RENOVATION—PHASE I

Wednesday, August 31, 1988

#A-5997

Kansas State University—GRAIN SCIENCE  
STORAGE TRAINING FACILITYNICHOLAS B. ROACH  
Director of Purchases

Doc. No. 006867

**State of Kansas  
STATE CORPORATION COMMISSION**

**NOTICE OF MOTOR  
CARRIER HEARINGS**

Applications set for hearing are to be heard at 9:30 a.m. on the date indicated before the State Corporation Commission, Docking State Office Building, fourth floor, Topeka, unless otherwise noticed.

This list does not include cases previously assigned hearing dates for which parties of record have received notice.

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 4th Floor, Docking State Office Building, Topeka 66612, (913) 296-3808 or 296-3364.

Your attention is invited to Kansas Administrative Regulations (K.A.R.) 82-1-228, "Rules of Practice and Procedure Before the Commission."

**Applications set for August 16, 1988**

**Renoticed Application for Extension of  
Certificate of Convenience and Necessity:**

James E. Spencer, dba ) Docket No. 149,813 M  
Spencer Trucking )  
Route 3, Box 6 )  
Ulysses, KS 67880 ) MC ID No. 124073

Applicant's Attorney: William Barker, 3401 Harrison, Topeka, KS 66611

*Grain, hay, feed, feed ingredients, dry fertilizer and building materials,*

Between points in Kansas on and west of U.S. 81, on the one hand, and on the other, all points and places in Kansas.

\*\*\*\*\*

**Application for Abandonment of  
Contract Carrier Permit:**

Sipco Truckline, Inc. ) Docket No. 150,962 M  
U.S. 287 North )  
Etter, TX ) MC ID No. 125619

Applicant's Attorney: None

\*\*\*\*\*

**Application for Abandonment of  
Contract Carrier Permit:**

L. E. Troutman, dba ) Docket No. 121,657 M  
L. E. Troutman Grain & )  
Elevator Co. )  
Route 1 )  
Wellington, KS 67152 ) MC ID No. 100608

Applicant's Attorney: None

\*\*\*\*\*

**Renoticed Application for Abandonment of  
Certificate of Convenience and Necessity:**

Clifford Love ) Docket No. 89,290 M  
716 S. Oklahoma )  
Box 307 )  
Liberal, KS 67905 ) MC ID No. 101004

Applicant's Attorney: None

\*\*\*\*\*

**Application for Sale of Corporate Stock of a  
Certificate of Convenience and Necessity:**

CLC of America, Inc., ) Docket No. 50,361 M  
Stockholder of )  
Morgan Drive Away, Inc. )  
1655 Des Peres Road )  
St. Louis, MO 63131 ) MC ID No. 106984

TO:

Lynch Service Corporation  
369 Passaic Ave., Suite 223  
Fairfield, NJ 07006

Applicant's Attorney: Norman Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204-3491

\*\*\*\*\*

**Applications set for August 23, 1988**

**Application for Certificate of Convenience  
and Necessity:**

Ronald D. Baker, dba ) Docket No. 161,664 M  
Ron Baker )  
Route 2, Box 17A )  
Carbondale, KS 66414 )

Applicant's Attorney: Clyde Christey, Southwest Plaza Bldg., Suite 202, 3601 W. 29th, Topeka, KS 66614

*Grain, dry feed, dry feed ingredients, dry fertilizer, seeds, hay, construction and building materials, fencing materials and machinery,*

Between points and places on and east of U.S. 77 and Reno, Sedgwick and Saline counties.

Also,

Between the above-described area, on the one hand, and points and places in the state of Kansas, on the other hand.

*Livestock,*

Between points and places on and east of U.S. 77 and Sumner, Harper, Barber, Pratt, Comanche, Ford and Saline counties.

Also,

Between the above-described area, on the one hand, and points and places in the state of Kansas, on the other hand.

\*\*\*\*\*

**Application for Extension of Certificate of Convenience and Necessity:**

Capital City Distribution, ) Docket No. 19,824 M  
 Inc., dba )  
 Capital City Moving )  
 & Storage and dba )  
 Capital City )  
 Distribution Center )  
 Forbes Industrial Park )  
 P.O. Box 19027 )  
 Topeka, KS 66619 ) MC ID No. 100069

Applicant's Attorney: W. Robert Alderson, 1610 S.W.  
 Topeka Blvd., P.O. Box 237, Topeka, KS 66612

*General commodities (except household goods, classes A and B explosives and commodities in bulk),*

Between points and places in the Kansas counties lying on and east of U.S. 81.

Also,

Between points and places in said counties, on the one hand, and points and places in Kansas, on the other.

\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

Gully Transportation, Inc. ) Docket No. 161,667 M  
 3820 Wisman Lane )  
 Quincy, IL 62301 ) MC ID No. 100689

Applicant's Attorney: Larry Gregg, 4420 Madison Ave.,  
 Kansas City, MO 64111

*General commodities (except classes A and B explosives and household goods),*

Between all points and places in the state of Kansas.

\*\*\*\*\*

**Application for Transfer of Certificate of Convenience and Necessity:**

Nick A. Haffner, ) Docket No. 154,481 M  
 A. Brent Haffner, and )  
 Rodney E. Haffner, dba )  
 Haffner & Sons Harvesting )  
 & Trucking )  
 Route 1, Box 10 )  
 Park, KS 67751 ) MC ID No. 127351

TO:  
 Haffner & Sons Trucking, Inc.  
 Route 1, Box 10  
 Park, KS 67751

Applicant's Attorney: Michael Haas, 821 Main, P.O. Box  
 407, Hoxie, KS 67740

*Livestock and grain,*

Between all points and places in Sheridan, Gove, Graham, Trego, Logan, Thomas, Decatur and Norton counties, Kansas.

Also,

Between the above-named counties, on the one hand, and all points and places in the state of Kansas, on the other.

Note: This application was filed pursuant to K.A.R. 82-4-27(c). If no protest is timely filed, the application will

be considered by the commission without a hearing, pursuant to K.S.A. 66-1,115(a).

\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

Land Air Express, Inc. ) Docket No. 161,663 M  
 6377 Cemetery Road )  
 Bowling Green, KY 42101 )

Applicant's Attorney: David All, P.O. Box 219, Augusta,  
 KS 67010

*General commodities (except explosives, household goods, items requiring special handling because of size or weight, items of unusual value and hydrocarbons and petroleum products or other commodities in bulk),*

Between all points and places in the state of Kansas.

\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

James, Inc. ) Docket No. 161,665 M  
 P.O. Box 156 )  
 Phillipsburg, KS 67661 )

Applicant's Attorney: Clyde Christey, Southwest Plaza  
 Bldg., Suite 202, 3601 W. 29th, Topeka, KS 66614

*General commodities (except household goods and classes A and B explosives and petroleum products requiring pressurized trailers),*

Between all points and places in the state of Kansas.

\*\*\*\*\*

**Application for Amendment to Contract Carrier Permit:**

Ranger Transportation, Inc. ) Docket No. 147,582 M  
 7960 Arlington Expressway )  
 Suite 400 )  
 Jacksonville, FL 32211 ) MC ID No. 117430

Applicant's Attorney: None

*Batteries new or spent and parts and accessories used in the manufacture and construction thereof,*

Between Saline County, Kansas, on the one hand, and on the other hand, all points in the state of Kansas. Under contract with Exide Battery Corporation, Salina, Kansas.

\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

Roberts Express, Inc. ) Docket No. 161,666 M  
 2088 S. Arlington Road )  
 P.O. Box 7162 )  
 Akron, OH 44306 ) MC ID No. 105545

Applicant's Attorney: Larry Gregg, 4420 Madison Ave.,  
 Kansas City, MO 64111

*General commodities (except classes A and B explosives and household goods),*

Between all points and places in Kansas.

\*\*\*\*\*

ALFONZO A. MAXWELL  
 Administrator  
 Transportation Division

Doc. No. 006868

## State of Kansas

**DEPARTMENT OF HEALTH  
AND ENVIRONMENT****NOTICE OF HEARING CONCERNING  
STATE PRIORITY SYSTEM**

A public hearing to discuss the proposed federal fiscal year 1989 priority system and list will be conducted at 10 a.m. Tuesday, September 6, at the Topeka-Shawnee County Health Department, 1615 W. 8th, Topeka.

The Bureau of Water Protection has made minor modifications and clarifications to the priority system. Comments on the system and list can be presented at the hearing or in writing prior to the hearing. Written comments should be addressed to Robert Nicholson, Bureau of Water Protection, Kansas Department of Health and Environment, Forbes Field, Building 740, Topeka 66620.

STANLEY C. GRANT, Ph.D.  
Secretary of Health  
and Environment

Doc. No. 006872

## State of Kansas

**DEPARTMENT OF HEALTH  
AND ENVIRONMENT****NOTICE CONCERNING PREVENTIVE  
HEALTH BLOCK GRANT**

The preventive health and health services block grant renewal application for fiscal year 1989 is available for review and comment. The renewal application for federal funds contains assurances that the state will meet federal requirements of the block grant; a narrative including a statement of goals and objectives, program activities to be supported and distribution of funds; and progress report on fiscal year 1988 preventive health block grant. The application will be submitted to the Center for Disease Control in Atlanta, Georgia, by August 15.

The annual report for 1987 preventive health and health services block grant has been completed and is available, upon request, to any interested person.

Both documents are available, upon request, at the copying cost assessed by the department. Written comments on the 1989 preventive health block grant may be submitted to Connie Hanson, R.N., Director of Special Services, Department of Health and Environment, Division of Health, Bureau of Local Health Services, Landon State Office Building, 900 S.W. Jackson, Topeka 66612-1209.

STANLEY C. GRANT, Ph.D.  
Secretary of Health  
and Environment

Doc. No. 006865

## State of Kansas

**DEPARTMENT OF HEALTH  
AND ENVIRONMENT****NOTICE OF HEARING CONCERNING  
STATE PRIORITY LIST**

A public hearing to discuss the proposed addition of one project to the federal fiscal year 1988 priority list will be conducted at 10 a.m. Tuesday, September 6, at the Topeka-Shawnee County Health Department, 1615 W. 8th, Topeka.

The Bureau of Water Protection has developed ranking for one additional project to be considered for funding during federal fiscal year 1988. Comments regarding this proposal can be presented at the hearing or in writing prior to the hearing. Written comments should be addressed to Robert Nicholson, Bureau of Water Protection, Kansas Department of Health and Environment, Forbes Field, Building 740, Topeka 66620. Further information on the additional project may be obtained from the Bureau of Water Protection.

STANLEY C. GRANT, Ph.D.  
Secretary of Health  
and Environment

Doc. No. 006873

## State of Kansas

**DEPARTMENT OF HEALTH  
AND ENVIRONMENT****NOTICE OF HEARING CONCERNING  
HAZARDOUS WASTE PERMIT**

The U.S. Environmental Protection Agency, Region VII, 726 Minnesota Ave., Kansas City, KS 66101, and the Kansas Department of Health and Environment, Forbes Field, Topeka 66620, are providing public notice that they propose to issue a joint hazardous waste post-closure permit to The Sherwin-Williams Company, 1800 W. 4th, Coffeyville 67337.

The EPA and KDHE have jointly reviewed the hazardous waste permit application from The Sherwin-Williams Company. If a final decision is made to issue the joint permit, the EPA portion of the permit would be issued under the authority of the Resource Conservation and Recovery Act (RCRA), and the KDHE portion of the permit would be issued under the authority of the Kansas Hazardous Waste Act, K.S.A. 65-3430 *et seq.* The KDHE has received final authorization to administer all portions of the RCRA permit program except for the Hazardous and Solid Waste Amendments of 1984 (HSWA), which EPA retains authority. The EPA portion of the joint permit addresses HSWA requirements.

The joint permit would allow Sherwin-Williams to maintain a closed hazardous waste disposal facility. Only wastes specified in the permit will be maintained at the facility within five closed surface impoundments and a closed waste pile. The Sherwin-Williams Company will not receive or store additional wastes from off-site sources.

Copies of the administrative record, which includes the draft joint permit, the permit application and all information submitted by Sherwin-Williams, are available for



public review until September 19 at the EPA Region VII Library, Kansas City, from 7:30 a.m. to 4:30 p.m. weekdays; at the KDHE, Building 730, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. weekdays; and at the KDHE district office, 1500 W. 7th, Chanute, from 8 a.m. to 4:30 p.m. weekdays. Copies are also available at the Coffeyville Public Library, 311 W. 10th, Coffeyville, from 10 a.m. to 6 p.m. Monday through Saturday.

Written comments on the proposed joint permit may be directed to Lyndell Harrington, RCRA Branch, EPA Region VII, Kansas City, KS 66101, or to John Goetz, Hazardous Waste Section, KDHE, Forbes Field, Topeka 66620. Comments must be submitted prior to September 19. Requests for additional information, including the fact sheet, may be made by contacting EPA at (913) 236-2888 or KDHE at (913) 296-1607.

A joint EPA and KDHE public hearing has been scheduled for 7 p.m. Thursday, September 8, in the Edgewood Elementary School Gymnasium, 4th and Ohio, Coffeyville. Both oral and written comments may be submitted at the hearing.

The EPA regional administrator and the KDHE secretary will make a joint final permit decision after consideration of all comments received and of the requirements of state statutes and regulations and RCRA. If the decision is made to issue a joint permit substantially unchanged from those drafts made available for public comment as announced in this notice, the EPA regional administrator and the KDHE secretary will jointly notify all persons in writing who have submitted comments or requested notice of the final decision. If the draft permit is substantially changed, the EPA regional administrator and the KDHE secretary will jointly issue a public notice of the revisions.

STANLEY C. GRANT, Ph.D.  
Secretary of Health  
and Environment

Doc. No. 006863

**State of Kansas**

**DEPARTMENT OF HEALTH  
AND ENVIRONMENT**

**NOTICE CONCERNING KANSAS  
WATER POLLUTION CONTROL PERMIT**

In accordance with state regulations 28-16-57 through 28-16-63 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for discharges to the waters of the United States and the state of Kansas for the applicants described below.

The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards, regulations and effluent limitations of the state of Kansas and the Environmental Protection Agency, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

Name and Address of Applicant	Waterway	Type of Discharge
Georgia-Pacific Corporation P.O. Box 187 Blue Rapids, KS 66411 Attention: Ed Kittner Marshall County, Kansas Kansas Permit No. I-BB04-P001	Big Blue River via Elm Creek Big Blue River Basin	Process waste- water and mine dewatering discharge
		Federal Permit No. KS-0002135

Description of Facility: Gypsum mining, wallboard and bagged gypsum material production.  
This is an existing facility and the previous limitations have been modified. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Waterway	Type of Discharge
Midland Refining Company 5755 N. Broadway Wichita, KS 67217 Attn: Claude Harpster Sedgwick County, Kansas Kansas Permit No. I-AR94-C012	Lower Arkansas River via Chisholm Creek via Unnamed Tributary Lower Arkansas River Basin	Cooling Water
		Federal Permit No. KS-0081221

Description of Facility: Production of lubricating oil and re-refining waste oil. This is an existing facility and the previous limitations have been modified. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, KDHE, Division of Environment, Bureau of Water Protection, Forbes Field, Topeka 66620.

All comments received prior to September 2 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-88-50/51) and name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determinations. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Division of Environment offices from 8 a.m. to 4:30 p.m. Monday through Friday.

The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice may also be obtained at the address above.

STANLEY C. GRANT, Ph.D.  
Secretary of Health  
and Environment

Doc. No. 006864

## State of Kansas

## DEPARTMENT OF TRANSPORTATION

## NOTICE TO CONSULTING ENGINEERS

The Kansas Department of Transportation is seeking qualified consultant engineers for the following projects:

**Riley**—18-81 K-3433-01—K-18, study and design for the reconstruction of bridges over K-113 (026 & 027).

**Johnson**—35-46 K-3347-01—I-35, reconstruction of the interchange of U.S. 56 (175th Street) and I-35 at Gardner.

**Johnson**—435-46 K-3637-01, 435-46 K-2821-01 and 435-46 K-2880-01—I-435, study to establish design criteria for future plan development from Metcalf east to the Missouri state line. Design the replacement or widening of the bridges over Indian Creek (061 & 062) and bridges over Mission Road (058 & 059).

**Sedgwick**—2-87 K-3323-01—K-2, reconstruct to 44-foot roadway from 1.2 miles east of FAS 2061 northeast to west city limits of Wichita.

**Reno**—61-78 K-3434-01—K-61, replacement of the Little Arkansas bridge (050), 9.7 miles northeast of U.S. 50.

Firms expressing interest in these projects must respond in writing and complete the "Consulting Engineers Qualification Questionnaire" (if not already prequalified) by August 18.

It is the policy of K.D.O.T. to use the following criteria as the basis for selection of engineering consulting firms:

1. Size and professional qualification of firm.
2. Experience of staff.
3. Location of firm with respect to proposed project.
4. Work load of firm.
5. Firm's performance record.

HORACE B. EDWARDS  
Secretary of Transportation

Doc. No. 006871

## State of Kansas

## DEPARTMENT OF TRANSPORTATION

## NOTICE TO CONTRACTORS

Sealed proposals for the construction of road and bridge work in the following Kansas county will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 10 a.m. C.D.T. August 18, 1988, and then publicly opened:

## DISTRICT TWO-Northcentral

**Clay**—82-14M-1501-01—K-82, Milford Lake bridge 26, 6.8 miles east of K-15, 0.2 mile, bridge repair. (State Funds)

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

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, as-

sociation 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 the 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 project may be examined at the office of the respective county clerk or at the K.D.O.T. district office responsible for the work.

HORACE B. EDWARDS  
Secretary of Transportation

Doc. No. 006870

## State of Kansas

## SECRETARY OF STATE

## EXECUTIVE APPOINTMENTS

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office.

Complete listings of state agencies, boards and commissions are included in the Kansas Directory. County officials are listed in the Directory of County Officers. Both directories are published by the Secretary of State's office and are available free of charge.

The following appointments were filed July 15 through August 1:

## Crawford County Attorney

**Tami Sullinger**, Crawford County Courthouse, Girard 66763. Effective July 20, 1988. Term expires when a successor is elected and qualifies according to law. Succeeds Carla Stovall, resigned.

## Saline County Attorney

**Julie McKenna**, 545 S. 8th, Salina 67401. Effective July 15, 1988. Term expires when a successor is elected and qualifies according to law. Succeeds Mickey Mosier, resigned.

## State Grain Advisory Commission

**William R. Morand**, 4420 N. Halstead, Hutchinson 67501. Effective July 1, 1988. Term expires June 30, 1991. Reappointment.

**William J. Stephenson, Jr.**, c/o First National Bank & Trust, Tonganoxie 66086. Effective July 1, 1988. Term expires June 30, 1991. Succeeds Patrick Gideon.

## Kansas Real Estate Commission

**Neta Pollom**, 2921 S.W. Foxcroft Court 2, Topeka 66614. Effective July 1, 1988. Term expires June 30, 1992. Succeeds Dora "Susie" Parmer.

BILL GRAVES  
Secretary of State

(Published in the *Kansas Register*, August 4, 1988.)

**NOTICE OF BOND SALE  
\$850,000**

**General Obligation Water System Bonds  
Series A, 1988  
of the City of Garden Plain, Kansas**

**Date, Time and Place of Receiving Bids**

The governing body of the city of Garden Plain, Kansas, will receive sealed bids until 7:30 p.m. C.D.T. on Wednesday, August 10, 1988, at the Garden Plain City Hall for the purchase of \$850,000 principal amount of general obligation water system bonds, Series A, 1988, of the city as hereinafter described. All bids will be publicly opened and read by the governing body at said time and place and will be immediately thereafter acted upon by the governing body. No oral or auction bids for the bonds will be considered.

**Description of Bonds**

The bonds shall consist of fully registered certificated bonds in denominations of \$5,000, or any integral multiple thereof not exceeding the principal amount of bonds maturing in each year; will bear a dated date of August 1, 1988; and shall mature serially on September 1 in each of the years and in the principal amounts as follows:

Principal Amount	Maturity Date
\$10,000	1991
10,000	1992
10,000	1993
15,000	1994
25,000	1995
25,000	1996
30,000	1997
30,000	1998
35,000	1999
35,000	2000
40,000	2001
45,000	2002
50,000	2003
55,000	2004
60,000	2005
65,000	2006
70,000	2007
75,000	2008
80,000	2009
85,000	2010

The bonds will bear interest from the dated date at rates which shall be determined upon the public sale thereof as heretofore provided, and said interest will be payable semiannually on March 1 and September 1 of each year (the interest payment dates), commencing March 1, 1990, until the bonds are paid in full.

**Payment of Principal and Interest; Registration**

The principal of the bonds shall be payable in lawful money of the United States of America at the principal office of the Kansas State Treasurer (the paying agent and bond registrar) in Topeka, Kansas, to the registered owners thereof upon presentation of bonds for payment and cancellation. Interest on the bonds shall be payable in lawful money of the United States of America by mailing of check or draft of the paying agent to the registered owners of the bonds as their names appear on the registration books maintained by the bond registrar as of the 15th day of the month next preceding the interest payment dates.

The fees of the bond registrar for registration and transfer of the bonds shall be paid by the city, and the city shall also pay the cost of printing a reasonable supply of blank registered bond certificates. Any additional costs or fees that might be incurred in the secondary market, except the bond registrar's fees, shall be the responsibility of the registered owners of the bonds.

**Initial Registration**

The number and denominations of the bonds and the names, addresses and Social Security or taxpayer identification numbers of the initial registered owners of the bonds shall be submitted in writing to the bond registrar by the successful bidder not later than Wednesday, August 24, 1988. In the event such information is not furnished by such date, the bonds will be delivered one bond per maturity registered in the name of the successful bidder.

An original purchaser's certificate, which sets forth the initial reoffering price to the public on the bonds, will be furnished to the successful bidder by bond counsel, and such certificate must be completed and returned no later than the date of delivery of the bonds.

**Redemption of Bonds**

The bonds maturing in the years 1991 through 2005, inclusive, shall become due on their stated maturities without the option of prior payment. The bonds maturing September 1, 2006, and thereafter, are callable prior to the stated maturities thereof, at the option of the city, in whole or in part in inverse numerical order on any interest payment date on and after September 1, 2005 (the date being so set for redemption and payment being referred to as the redemption date), at a redemption price equal to the principal amount thereof, plus accrued interest to the redemption date and without premium.

The paying agent shall give written notice of any call for redemption to the registered owners of the bonds by United States first class mail not less than 30 days prior to the redemption date.

Prior to the redemption date, the city shall deposit with the paying agent sufficient funds to pay the bonds so called at the redemption price set forth above and all unpaid and accrued interest thereon to the redemption date. Upon the deposit of said funds and the giving of notice in the form and manner hereinbefore specified, bonds thus called for redemption shall cease to bear interest from and after the redemption date.

**Conditions of Bidding**

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidder, subject to the conditions of this paragraph. The same rate of interest shall apply to all bonds of the same maturity. Each interest rate specified shall be in an even multiple of 1/8 or 1/20 of 1 percent. No interest rate shall exceed the maximum interest rate allowed by Kansas law, said rate being equal to the index of treasury bonds published by *Credit Markets* in New York, New York, on the Monday next preceding the date on which the bonds are sold, plus 2 percent. No bid of less than the entire par value of the bonds and accrued interest thereon from the dated date to the date of delivery will be considered and no

(continued)

supplemental interest payments will be authorized. Each bid must state the total interest cost to the city during the life of the bonds on the basis of the bid; the premium, if any, offered by the bidder for the bonds; the net interest cost to the city on the basis of the bid; and the average annual interest rate on the bonds on the basis of the bid. Each bid shall be certified by the bidder to be correct, and the governing body will be entitled to rely on such certificate of correctness.

#### **Bid Form; Good Faith Deposit**

Bids shall be submitted on an official bid form which may be obtained from the city, and shall be submitted in sealed envelopes, plainly marked "Bond Bid," addressed to the governing body, City Hall, Garden Plain, KS 67050. Bids may be submitted by mail or delivered in person and must be received by the governing body no later than the date and time hereinbefore specified.

Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check payable to the order of the city for an amount equal to 2 percent of the total amount of the bonds. If a bid is accepted, said deposit will be held by the city until the bidder shall have complied with all of the terms and conditions of this notice and of the bid. In the event a bidder whose bid is accepted shall default in the performance of any of the terms and conditions of this notice or of the bid, said deposit shall be retained by the city as and for liquidated damages. If a bid is accepted, but the city shall fail to deliver the bonds to the bidder in accordance with the terms and conditions hereof, said deposit shall be returned to the bidder. No interest will be paid upon the successful bidder's deposit. The good faith deposit checks of the unsuccessful bidders will be promptly returned.

#### **Award of Bonds**

The bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the city, which will be determined by deducting the amount of the premium bid, if any, from the total interest cost to the city. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more identical bids for the lowest net interest cost are received, the governing body shall determine which bid, if any, shall be accepted, and such determination shall be final. The governing body reserves the right to reject any and all bids and to waive any irregularities in a submitted bid.

#### **Delivery of Bonds**

The bonds, duly printed, executed and registered, will be furnished and paid for by the city, and will be delivered to the successful bidder on or about Thursday, September 1, 1988, at any bank in the state of Kansas or in Kansas City, Missouri, at the expense of the city. Delivery elsewhere will be made at the expense of the successful bidder. The successful bidder will also be furnished with a transcript of proceedings evidencing authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in

Federal Reserve funds, immediately available for use by the city.

#### **CUSIP Identification Numbers**

The CUSIP Service Bureau will be requested to assign CUSIP identification numbers to the bonds, and it is expected that such numbers will be printed on the bonds, but neither the failure to assign any such number to or print such number on any bond nor any error with respect thereto shall constitute cause for failure or refusal by the successful bidder to accept delivery of and to make payment for the bonds in accordance with the terms hereof and of the bid. All expenses in relation to the assigning and printing of the CUSIP numbers shall be the responsibility of and shall be paid for by the city.

#### **Official Statement**

Copies of the city's preliminary official statement relating to the bonds may be obtained from the city or from the city's financial adviser. Upon the sale of the bonds, the city will furnish the successful bidder, upon request, with a reasonable number of copies of the final official statement, without cost. Copies in excess of a reasonable number may be ordered at the successful bidder's expense.

#### **Authority, Purpose and Security for Bonds**

The bonds are being issued under the authority of K.S.A. 10-101 *et seq.*, as amended and supplemented, and K.S.A. 12-834, and were approved by the voters at a special bond election held July 14, 1987. The bonds will be issued by a bond ordinance which will be adopted by the governing body immediately after awarding of the bonds.

The proceeds of the bonds will be used to pay a portion of the cost of constructing and installing a municipal water system in the city. The city has received a \$300,000 community development block grant from the Kansas Department of Commerce which will be applied towards the cost of the project, and the governing body has initiated proceedings to enable it to issue revenue bonds payable from revenues of the water system for the remainder of the cost.

The bonds and the interest thereon will constitute general obligations of the city, and will be payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city.

#### **Legal Opinion and Tax Exemption**

All matters incidental to the authorization and issuance of the bonds are subject to the approving opinion of Hinkle, Eberhart & Elkouri, bond counsel, Wichita, Kansas. Bond counsel's opinion will be printed on the reverse side of each bond, and a manually signed original will be furnished without expense to the successful bidder concurrently with delivery of the bonds. All fees and expenses of bond counsel will be paid by the city.

In the opinion of bond counsel, assuming continued compliance by the city with the terms of the bond ordinance, under existing law, the interest on the bonds: (a) is excludable from gross income for federal income tax purposes; and (b) is not an item of tax preference for purposes of the federal alternative minimum tax imposed

on individuals and corporations. However, it should be noted that with respect to corporations (as defined for federal income tax purposes), such interest is taken into account in determining adjusted net book income (adjusted current earnings for taxable years ending after December 31, 1989) for the purpose of computing the alternative minimum tax imposed on such corporations. The exclusion mentioned in the preceding clause (a) is subject to compliance by the city with all requirements of the Internal Revenue Code of 1986, as amended, which must be satisfied subsequent to issuance of the bonds in order for the interest on the bonds to qualify for such exclusion. Failure to comply with certain of such requirements could cause the interest on the bonds to be so included in federal gross income retroactive to the date of issuance of the bonds. The city will covenant to comply with all such requirements. Bond counsel expresses no opinion regarding other federal tax consequences arising with respect to the bonds.

The bonds are exempt from intangible personal property taxes levied by Kansas counties, cities and townships, and the interest on the bonds is excludable from the computation of Kansas adjusted gross income for taxable years commencing after December 31, 1987.

**Related Federal Tax Matters**

Prospective bidders for purchase of the bonds should be aware that: (i) Section 265 of the code denies a deduction for interest on indebtedness incurred or continued to purchase or carry obligations other than qualified tax-exempt obligations (as described in the next paragraph), or, in the case of a financial institution within the meaning of Section 265(b)(5) of the code, that portion of a bondholder's interest expense allocable to interest on such obligations; (ii) with respect to insurance companies subject to the tax imposed by Section 831 of the code, for taxable years beginning after December 31, 1986, Section 832(b)(5)(B)(i) of the code reduces the deduction for loss reserves by 15 percent of the sum of certain items, including interest on the bonds; (iii) for taxable years beginning after December 31, 1986, and prior to January 1, 1992, interest on the bonds earned by some corporations could be subject to the environmental tax imposed by Section 59A of the code; (iv) for taxable years beginning after December 31, 1986, interest on the bonds earned by certain foreign corporations doing business in the United States could be subject to a branch profits tax imposed by Section 884 of the code; (v) passive investment income, including interest on the bonds, may be subject to federal income taxation under Section 1375 of the code for Subchapter S corporations that have Subchapter C earnings and profits at the close of the taxable year if more than 25 percent of the gross receipts of such Subchapter S corporation is passive investment income; and (vi) Section 86 of the code requires recipients of certain Social Security and certain railroad retirement benefits to take into account in determining gross income, receipts or accruals of interest on the bonds. The foregoing categories of prospective bondowners should consult their own tax advisers as to the applicability of any of these consequences.

**Qualified Tax-Exempt Obligations**

The city will covenant to take such actions as are nec-

essary to designate the bonds as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the code, and, in the case of certain financial institutions within the meaning of Section 265(b)(5) of the code, a deduction is allowed for 80 percent of that portion of such financial institution's interest expense allocable to interest on the bonds.

**Assessed Valuation and Bonded Indebtedness**

The assessed valuation of taxable tangible property within the city, for the year 1987, is as follows:

Assessed valuation of taxable tangible property .....	\$1,758,911
Taxable value of motor vehicles .....	565,831
Equalized assessed tangible valuation for computation of bonded debt limitations .....	\$2,324,742

The total outstanding general obligation bonded indebtedness of the city, including the bonds, is \$1,045,000.

**Additional Information**

Additional information regarding the bonds may be obtained from the city, or from the city's financial adviser, The Columbian Securities Corporation, 550 N. 159th St. East, Wichita, KS 67230, Attention: Brian E. Corrigan, (316) 733-0014.

By order of the governing body of the city of Garden Plain, Kansas, this 18th day of July, 1988.

CITY OF GARDEN PLAIN, KANSAS

By Virginia Thimmesch  
City Clerk  
City Hall  
Garden Plain, KS 67050  
(316) 535-2563

Doc. No. 006856

**State of Kansas  
CONSUMER CREDIT COMMISSIONER  
PERMANENT ADMINISTRATIVE  
REGULATIONS**

**Article 6.—CONSUMER CREDIT CODE**

**75-6-26. Federal Truth-in-lending act requirements.** Each creditor who, in the ordinary course of business, regularly extends or offers to extend consumer credit shall disclose to the consumer the information required by title I of the consumer protection act (public law 90-321; 82 stat. 146), as amended, and any regulations issued pursuant to this act. (Authorized by and implementing K.S.A. 16a-6-117; effective, E-82-16, Aug. 12, 1981; amended, T-83-2, Jan. 7, 1982; amended, T-83-6, April 14, 1982; amended, T-84-10, May 25, 1983; amended, T-85-15, May 3, 1984; amended, T-86-12, May 1, 1985; amended, T-87-14, June 6, 1986; amended, T-88-15, July 1, 1987; amended, T-\_\_\_\_\_, \_\_\_\_\_; amended, Sept. 20, 1988.)

JUDITH BRAVENCE-STRINGER  
Consumer Credit Commissioner

Doc. No. 006862

## State of Kansas

DEPARTMENT OF HEALTH  
AND ENVIRONMENTPERMANENT ADMINISTRATIVE  
REGULATIONS

## Article 50.—ASBESTOS CONTROL

**28-50-9. Work practices for asbestos removal projects in areas to be reoccupied.** (a) Each asbestos removal project that involves the removal of friable asbestos containing materials from a structural item or equipment that is located in any area that can be expected to subsequently be reoccupied by any person after the project is completed, or in an area that is only directly accessible from an area that is, or subsequently will be, occupied by any person other than persons directly involved in the project, shall be conducted in accordance with the following requirements:

(1) Each proposed work area shall be isolated from other areas of the building and outside areas by erecting airtight temporary partitions around the work area or by installing airtight seals over doorways, windows and ventilation system openings, except that doorways between the work area and decontamination facilities shall be closed off with a control curtain. Each wall surface on the work area side of temporary partitions shall be of rigid and airtight construction. Plastic sheeting used for the construction of airtight seals shall be not less than four mils thick. Whenever possible, each heating and ventilation system serving the work area shall be shut down and locked out. If these systems cannot be shut down, special provisions shall be made to assure that airborne contamination from the work area cannot enter the ventilation system and be carried to other areas of the building. Appropriate warning signs shall be prominently posted at all entryways into the work area. Provisions shall be made to prevent any person other than those persons having responsibilities directly related to the project from entering the area before final cleanup has been completed and approved in accordance with requirements applicable to the project.

(2) All movable furnishings, equipment and fixtures in the proposed work area shall be precleaned with a HEPA filter equipped vacuuming device or wet cleaning methods. After cleaning, the items shall be removed from the work area and stored in an area that is not subject to contamination with asbestos fibers. The items shall not be returned to the work area until final room cleanup has been completed and approved in accordance with requirements applicable to the project.

(3) All wall and floor surface areas, other than those from which asbestos is to be removed, and all non-movable furnishings, equipment and fixtures remaining in the proposed work area shall be precleaned with a HEPA filter equipped vacuuming device or wet cleaning methods and covered with not less than four mil thick plastic sheeting, except that floors shall be covered with a minimum of two layers of six mil thick

plastic sheeting that extends up the walls at least 12 inches. Plastic sheeting on walls shall be affixed to the wall in a manner that will assure that it will remain in position throughout the length of the project and shall overlap the floor sheeting at least 12 inches above the intersection of the walls with the floor. Any tears that are noted in the protective plastic sheeting required by this subsection shall be immediately repaired.

(4) HEPA filter equipped ventilation fans shall be installed in a manner that will continually exhaust air from all locations within the work area. The total capacity of the fans shall be sufficient to remove the entire volume of air contained in the workroom area within 15 minutes or less unless a longer time period is specifically approved by the department. The removed air shall be discharged through a duct that has been installed through the plastic on the walls in a manner that will provide an airtight seal between the plastic and the outside surface of the duct. The exhausted air shall be discharged outside of the building whenever possible and shall not be discharged inside the building unless this discharge is specifically approved by the department in writing. Each ventilation fan shall be continuously operated throughout the duration of the project until at least 24 hours after the action required by subsection (a)(11) of this regulation is completed. Each fan shall be operated in a manner that will establish, and maintain, a flow of air into the work area from all adjacent areas of the building as demonstrated by use of smoke producing tubes or other appropriate means. As a minimum, these determinations shall be made and the results recorded before asbestos removal operations are initiated and at the start of each day's operation.

(5) A decontamination facility shall be provided between the work area and building areas intended to remain uncontaminated with asbestos fibers generated by the asbestos removal operations. Each decontamination facility shall consist of the following designated areas which are each to be entered through a doorway that is covered by control curtains:

(A) A clean room that must be first entered by any persons entering the work area. This room shall be used for removing or putting on street clothing, putting on and fit testing respirators, and putting on protective clothing and other protective equipment required to be worn in the work area. The clean room may also be used as a rest and eating area for employees after they have passed through the decontamination process.

(B) A shower room that must be first passed through by any person that moves from the work area into the clean room. These persons shall be required to shower before entering the clean room. Each shower room shall be provided with at least one shower head that is supplied with hot and cold or warm water. Adequate quantities of soap, hair shampoo and towels shall be provided to accommodate each person who emerges from the work area. Shower enclosures shall be leak proof and constructed of disposable or easily washable material. Shower water may be drained directly into the building's plumbing system or collected for sub-



sequent disposal in accordance with the requirements of K.A.R. 28-50-14.

(C) An equipment room that must be passed through before the shower room can be entered from the work area. The equipment room shall be used for temporary storage of contaminated tools, equipment and protective clothing used in the work area. The floor and walls of the room shall be lined with not less than four mil thick plastic sheeting. Tools, equipment and protective clothing shall be free of gross contamination before removal from the work area into the equipment room.

(D) All decontamination facility areas shall be contiguous to each other and the work area unless connected to one another by enclosed passageways that are effectively isolated from areas intended to remain free of asbestos contamination.

(6) All exposed surfaces of friable asbestos containing materials shall be maintained in a wet condition while the material is being removed or cleaned from structural or equipment items. Any friable asbestos containing material shall be wetted with a water solution containing an effective wetting agent. The wetting solution shall be applied with a low pressure spraying system. The effectiveness of the solution in penetrating the asbestos containing materials shall be determined by applying it to a small representative sample of the material before the gross removal operation is initiated. The removed friable asbestos containing materials shall be maintained in a wet condition and placed in sealed containers as quickly as practicable. All accumulations of loose debris shall be removed from floors and other surfaces and placed in sealed bags or containers at least daily.

(7) After the asbestos containing materials have been removed from the structural or equipment items, all plastic sheeting, equipment and surfaces in the work area shall be cleaned with a HEPA filter equipped vacuuming device or by wet cleaning methods and shall be free of all visible residue, except that if more than one layer of plastic sheeting has been used on walls and floors this additional layer of sheeting may be removed and disposed of instead of being cleaned. Sheetting that is removed shall be enclosed in a six mil thick plastic bag or clean plastic sheeting and disposed of in compliance with the requirements of K.A.R. 28-50-14. Any liquid or material that has leaked through these additional layers of sheeting shall be removed by wet cleaning methods.

(8) The surfaces from which the friable asbestos containing materials have been removed shall be covered with an effective sealing material before the final layer of plastic sheeting covering the floors, walls and non-movable items is removed.

(9) A minimum of 24 hours shall be allowed between application of the sealant and removal of the final layer of plastic sheeting. The removed plastic sheeting shall be enclosed in a six mil thick plastic bag or clean plastic sheeting and disposed of in compliance with the requirements of K.A.R. 28-50-14.

(10) After the plastic sheeting has been removed, all previously covered surfaces in the work area shall be cleaned with a HEPA filter equipped vacuuming de-

vice or by wet cleaning methods and shall be free of all visible debris.

(11) Not less than 24 hours after completing the cleanup required by subsection (a)(10) of this regulation, an air stream from a high speed leaf blower or equivalent device shall be swept across all cleaned surfaces for a period of not less than five minutes for each 1000 square feet of surface area.

(12) Each airtight seal provided for doors, windows and duct openings in accordance with subsection (a)(1) of this regulation shall remain in place for not less than 24 hours after completion of the actions required by subsection (a)(11) and until the cleanup is approved in accordance with any other special requirements applicable to the project.

(b) The department may waive any individual requirement of subsection (a) of this regulation for asbestos removal projects if the notification submitted in accordance with K.A.R. 28-50-8 identifies the requirements for which waiver is requested, the reason for requesting the waiver, and any alternate procedure that is proposed. A waiver shall not be granted unless the health and safety of the workers and building occupants are adequately protected. The following minimum requirements shall also be met:

(1) The work area in which the asbestos is to be removed shall be completely isolated from any other areas of the building by the construction or installation of airtight barriers that shall continually remain in place for the duration of the asbestos removal project until final cleanup is completed and approved in accordance with requirements applicable to the project.

(2) Appropriate warning signs shall be prominently posted at all entryways into the work area and access to the work area shall be restricted to only those persons that are required to enter it because of responsibilities directly related to the project until final cleanup is completed and approved in accordance with requirements applicable to the project.

(3) The surfaces from which the asbestos containing materials have been removed shall be cleaned and free of all visible residue and all visible asbestos containing debris shall be removed from the surfaces of all other structural items, furnishings, equipment and fixtures located in the work area by the time that the project is completed.

(4) Asbestos contamination shall be removed from all persons that have been in the work area before they leave the premise or enter any area intended to remain free from asbestos contamination. All equipment used on the project shall be cleaned free of visible debris before it is removed from the work area.

(5) The waiver and all proposed alternative procedures shall be approved by the department in writing before the project is initiated, except that verbal approval may be provided in situations where the 10 day notification period has been waived in accordance with the provisions of K.A.R. 28-50-8(a).

(c) The department may waive the requirements of subsections (a) and (b) of this regulation for the removal of friable asbestos containing materials from the

(continued)

surface of pipes or other similar conduits if the notification submitted in accordance with the requirements of K.A.R. 28-50-8 demonstrates, to the satisfaction of the department, that the following requirements will be met:

(1) All friable asbestos containing materials proposed to be removed in the work area shall be removed using at least six mil thick leak proof glove bags in accordance with the manufacturer's instructions. A copy of these instructions shall be submitted to the department along with each notification.

(2) Appropriate warning signs shall be prominently posted at all entryways into the work area. Provisions shall be made to prevent any person other than those persons that have responsibilities directly related to the project from entering the work area before final cleanup is completed and approved in accordance with requirements applicable to the project.

(3) Each person using the glove bag shall avoid damaging or otherwise causing the release of asbestos fibers from any other friable asbestos containing materials that are located within the work area, including any debris that may have accumulated in the area prior to the start of the project. Each section of the pipe or conduit from which damaged or loose hanging friable asbestos containing material is to be removed that is not immediately enclosed within a glove bag shall be tightly enclosed in six mil thick plastic sheeting until a glove bag is placed over it and the asbestos containing material is removed.

(4) Glove bags shall be sealed to pipe or conduit in a manner that provides an airtight seal around the area from which the asbestos is to be removed unless the air space within the bag is maintained at a lower air pressure than the air outside of the bag. Airtight seals shall be continuously maintained until the pipe or conduit surface that is enclosed within the glove bag has been cleaned and is free of all visible residue.

(5) All exposed surfaces of friable asbestos containing materials shall be wetted with a water solution containing an effective wetting agent while the material is removed and be maintained in a wet condition while it remains in the glove bag until the bag is sealed for final disposal in accordance with the requirements of K.A.R. 28-50-14.

(6) A sealing material shall be applied to all surfaces from which the asbestos containing material is removed, and to all friable asbestos containing material surfaces that become exposed as a result of this removal, by the time that final cleanup is completed.

(7) At the completion of the project and before the warning signs required by subsection (c)(2) are removed and the area can be reoccupied by persons other than those having responsibilities directly related to the project, the work area shall be free of all visible asbestos containing debris, including accumulations that existed prior to the start of the project.

(8) Each project activity in the work area shall be immediately discontinued if any asbestos contamination of the general work area results from damage or improper use of the glove bags or damage to any other friable asbestos containing materials located within the area. Project activities shall not be resumed until

all surfaces in the area that are likely to have become contaminated with asbestos fibers have been thoroughly cleaned with a HEPA filter equipped vacuuming device or by wet cleaning methods. Each person who is likely to be contaminated with asbestos fibers resulting from these sources, including the cleanup operation, shall remove, or use a HEPA filter equipped vacuuming device or wet cleaning methods to clean, all contaminated outer work clothing before leaving the work area. The department shall be notified of the date and nature of such occurrences and the cleanup measures that were used, before the work area is approved for occupancy by persons other than those directly involved in the removal project. The department may require that additional cleaning be completed before the area is reoccupied.

(d) The department may waive the requirements of subsections (a) and (b) of this regulation for an asbestos removal project that involves the removal of friable asbestos containing materials from structural items or equipment that are installed in, and accessible from, outdoor areas provided that the following requirements are met:

(1) Each door, window or other opening into enclosed areas that is adjacent to the work area shall be securely covered with not less than four mil thick plastic sheeting if the opening is located 100 feet or less from the work area.

(2) A person other than the persons that have responsibilities directly related to the project shall not be allowed to occupy or pass through any unenclosed area that is located 50 feet or less from the work area. This area shall be identified and defined by fences or other effective means. Appropriate warning signs shall be prominently posted at all entryways into the area until the project is completed.

(3) All exposed surfaces of friable asbestos containing material shall be wetted with a water solution that contains an effective wetting agent while the material is being removed. All removed material, including debris that falls on surfaces below the location from which the material is removed, shall be immediately placed in sealed containers for disposal in accordance with the requirements of K.A.R. 28-50-14. Friable asbestos containing debris resulting from the removal operation shall not be allowed to accumulate in a dry condition. All friable asbestos containing debris, including accumulations that existed prior to the start of the project, shall be removed from the work area before the warning signs required by subsection (d)(2) are removed and the area is permitted to be reoccupied by persons other than those having responsibilities directly related to the project.

(4) Each person who removes asbestos containing materials or otherwise occupies the restricted area identified in subsection (d)(2) of this regulation shall remove outerwear that is worn in the area before entering any enclosed area that is occupied by any person other than those persons engaged in the project.

(e) The department may waive the requirements of subsections (a) and (b) of this regulation for an asbestos project that involves the removal of friable



asbestos containing materials from structural items that are installed in, and accessible from, any structure or portion of a structure that is demolished after the material is removed, provided that the following requirements are met:

(1) A person other than the persons that have responsibilities directly related to the asbestos removal project shall not be allowed to occupy or pass through the work area until the project is completed. Appropriate warning signs shall be prominently posted at all entryways into the work area until the project is completed.

(2) Each window, door and other direct opening between any area where asbestos is to be removed and any other area of the structure that is not intended to be demolished shall be sealed airtight, with securely fastened plastic sheeting, until the project is completed. The plastic sheeting seals shall be not less than four mils thick.

(3) All exposed surfaces of friable asbestos containing material shall be maintained in a wet condition while the material is being removed. The material shall be wetted with a water solution containing an effective wetting agent. All removed friable asbestos containing material, including debris that falls on surfaces below the location from which the material is removed, shall be placed in sealed containers as quickly as practicable. Friable asbestos containing debris resulting from the removal operation shall not be allowed to accumulate in a dry condition. All friable asbestos containing debris, including accumulations that existed prior to the start of the project, shall be removed from the work area before the warning signs required by subsection (e)(1) are removed and the area is permitted to be reoccupied by persons other than those having responsibilities directly related to the project.

(4) Each person who removes asbestos containing materials or otherwise occupies the work area before the project is completed shall remove outerwear that is worn in the area before entering any enclosed area that is occupied by any person other than those persons engaged in the project.

(5) Structural items from which friable asbestos containing material is removed shall not be sold or reused for any purpose unless the surfaces from which the material has been removed are free from visible residue and have been covered with an effective sealing material, unless the sealing requirement is waived by the department in writing.

(f) Each person engaged in an asbestos removal project or entering an asbestos removal project work area shall be provided with, and shall wear, an appropriate respirator and protective clothing. (Authorized by and implementing K.S.A. 65-5303; effective, T-87-1, Jan. 6, 1986; effective May 1, 1987; amended, T-88-54, Dec. 16, 1987; amended, T-89-8, March 18, 1988; amended, T-89-15, April 26, 1988; amended, Sept. 20, 1988.)

STANLEY C. GRANT, Ph.D.  
Secretary of Health  
and Environment

Doc. No. 006854

State of Kansas

**KANSAS WHEAT COMMISSION**

**PERMANENT ADMINISTRATIVE  
REGULATION**

**Article 1.—MILL LEVY ASSESSMENT**

**K.A.R. 24-1-1.** Mill levy assessment. Wheat marketed through commercial channels in the state of Kansas shall be assessed at seven mills per bushel. The assessment shall be levied and assessed to the grower at the time of sale. (Authorized by and implementing K.S.A. 1987 Supp. 2-2608, as amended by Substitute for Senate Bill No. 448; effective, T-89-21, May 27, 1988; effective Sept. 20, 1988.)

STEVEN M. GRAHAM  
Administrator

Doc. No. 006858

State of Kansas

**KANSAS RACING COMMISSION**

**PERMANENT ADMINISTRATIVE  
REGULATIONS**

**Article 3.—APPLICATION  
PROCEDURE**

**112-3-1.** Application procedure for organization applicant. (a) Any qualified nonprofit organization as defined by K.S.A. 1987 Supp. 74-8802 (m) may apply to the commission for an organization license to conduct horse races or greyhound races, or both, on which parimutuel wagering is permitted.

(b) Each application shall be completed upon a form provided by the commission. The completed form shall accompany the application or applications of a facility owner applicant, a facility manager applicant, or both, with whom the organization applicant has contracted or proposes to contract concerning the racetrack facility.

(c) Each application and any attached documents required by these regulations shall be submitted as a single package. An original and six copies of the application and documents shall be filed with the executive director at the commission offices. One additional copy shall be mailed to each commissioner at the address on file at the commission office. Each application shall be verified under oath by the authorized officer or officers of the applicant, and all copies shall be manually signed in ink.

(d) Applications shall be filed with the commission not later than 120 calendar days prior to the first performance of the race meet the applicant proposes to conduct.

(e) Each license shall be granted upon the condition that the holder and each of its officers, directors, employees and agents shall accept, observe and enforce the regulations of the commission.

(f) If the applicant proposes to construct or own a racetrack facility, a deposit as required by K.S.A. 1987 Supp. 74-8813 (b) shall be paid in addition to the

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application fee and submitted with the application. The fee and deposit shall be paid in the form of a certified check or bank draft. Each applicant that is granted an organization license shall pay a license fee as provided by K.S.A. 1987 Supp. 74-8813 (g) in the form of a certified check or bank draft that shall be paid to the executive director within 60 days after the granting of applicant's license.

(g) This regulation shall take effect on and after October 1, 1988. (Authorized by K.S.A. 1987 Supp. 74-8804; implementing K.S.A. 1987 Supp. 74-8813; effective, T-89-6, January 21, 1988; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Sept. 20, 1988.)

**112-3-2. Application form for organization applicant.** (a) Each application for an organization license shall contain the following:

(1) The name of the applicant, the business address and telephone number or numbers;

(2) the name, address and telephone number of any individual who assisted the applicant in preparing its application along with a precise description of the application section for which the individual provided assistance;

(3) irrevocable affidavit and consent statements; information waivers; affidavits relating to substance addiction; waivers of claims for damages for adverse public notice, embarrassment, criticism or other circumstance including financial loss that may result from commission action on the application; and personal background disclosure forms from all officers, directors, employees and agents of the applicant;

(4) one copy of each contract and agreement that the applicant has executed or proposes to execute and any modification or proposed modification of each contract or agreement. If the contract or agreement is an oral one, a written statement explaining the substance of the oral agreement shall be included;

(5) the names and addresses of the parties to each contract or agreement identified in subsection (4) and any relationship of the parties to the applicant, the partners, associates, officers, directors and principal owners either through family, business association or other control.

(b) The application for a license to conduct horse racing or greyhound racing, or both, with parimutuel wagering and to construct or own a racetrack facility, or both, and to manage a racetrack facility shall contain verified responses to inquiries about the following in the order they appear below:

(1) Corporate structure and control of applicant information required by K.A.R. 112-3-7;

(2) site and physical plant information required by K.A.R. 112-3-9;

(3) financing and development information required by K.A.R. 112-3-10;

(4) racing operation and parimutuel wagering information required by K.A.R. 112-3-11;

(5) management of racetrack facility information required by K.A.R. 112-3-12;

(6) economic, demographic and other information required by K.A.R. 112-3-13; and

(7) public safety and security information required by K.A.R. 112-3-14.

(c) The application for a license to conduct horse racing or greyhound racing, or both, with parimutuel wagering and to construct or own a racetrack facility, or both, shall contain verified responses to inquiries in subsection (b)(1), (2), (3), (4) and (6).

(d) The application for a license to conduct horse racing or greyhound racing, or both, with parimutuel wagering and to manage a racetrack facility shall contain verified responses to inquiries in subsection (b)(1), (4), (5) and (7).

(e) The application for a license to conduct horse racing or greyhound racing, or both, with parimutuel wagering shall contain verified responses to inquiries in subsection (b)(1) and (4).

(f) Each exhibit, statement, report, paper or other document submitted in support of the application shall be current, accurate and complete. Any change shall be reported immediately to the commission during the period of application or licensure. At all times, a current copy of the documents supporting the application shall be recorded in the commission office.

(g) This regulation shall take effect on and after October 1, 1988. (Authorized by K.S.A. 1987 Supp. 74-8804; implementing K.S.A. 1987 Supp. 74-8813; effective, T-89-6, January 21, 1988; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Sept. 20, 1988.)

**112-3-3. Application procedure for facility owner applicant.** (a) A facility owner applicant as defined by K.S.A. 1987 Supp. 74-8815 (a) may apply to the commission to construct or own a racetrack facility, or both.

(b) Each application shall be completed upon a form provided by the commission. The completed form shall accompany the application of the organization licensee with whom the facility owner has contracted or proposes to contract concerning the racetrack facility.

(c) Each application and any attached documents required by these regulations shall be submitted as a single package. An original and six copies of the application and documents shall be filed with the executive director at the commission offices. One additional copy shall be mailed to each commissioner at the address on file at the commission office. Each application shall be verified under oath by the authorized officer or officers of the applicant, and all copies shall be manually signed in ink.

(d) Applications shall be filed with the commission not later than 120 calendar days prior to the first performance of the race meet to be held at the racetrack facility.

(e) Each license shall be granted upon the condition that the holder and each of its officers, directors, employees and agents shall accept, observe and enforce the regulations of the commission.

(f) The application fee and the deposit required by K.S.A. 1987 Supp. 74-8815 (c), (d) shall be paid in the form of a certified check or bank draft and shall be submitted with the application form.

(g) This regulation shall take effect on and after October 1, 1988. (Authorized by K.S.A. 1987 Supp. 74-8804; implementing K.S.A. 1987 Supp. 74-8815;

effective, T-89-6, January 21, 1988; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Sept. 20, 1988.)

**112-3-4. Application form for facility owner applicant.** (a) Each application for a facility owner license shall contain the following information:

(1) The name of the applicant, the business address and telephone number or numbers;

(2) the name, address and telephone number of any individual who assisted the applicant in preparing its application along with a precise description of the application section for which the individual provided assistance;

(3) verified responses regarding the following subjects in the order they appear below:

(A) Business structure and control of applicant information required by K.A.R. 112-3-8;

(B) site and physical plant information required by K.A.R. 112-3-9;

(C) financing and development information required by K.A.R. 112-3-10; and

(D) economic, demographic and other information required by K.A.R. 112-3-13;

(4) irrevocable affidavit and consent statements; information waivers; affidavits relating to substance addiction; waivers of claims for damages for adverse public notice, embarrassment, criticism or other circumstance including financial loss that may result from commission action on the application; and personal background disclosure forms from all officers, directors, employees and agents of the applicant;

(5) copies of each contract and agreement that the applicant has executed or proposes to execute and any modification or proposed modification of each contract or agreement. If the contract or agreement is an oral one, a written statement explaining the substance of the oral agreement shall be included; and

(6) the names and addresses of the parties to any contract or agreement identified in paragraph (5) and the relationship to the applicant, the partners, associates, officers, directors and principal owners either through family, business association or other control.

(b) Each exhibit, statement, report, paper or other document submitted in support of the application shall be current, accurate and complete. The applicant shall report immediately any change in information submitted to the commission during the period of application or licensure. At all times, a current copy of the documents supporting the application shall be recorded in the commission office.

(c) This regulation shall take effect on and after October 1, 1988. (Authorized by K.S.A. 1987 Supp. 74-8804; implementing K.S.A. 1987 Supp. 74-8815; effective, T-89-6, January 21, 1988; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Sept. 20, 1988.)

**112-3-5. Application procedure for facility manager applicant.** (a) A facility manager applicant as defined by K.S.A. 1987 Supp. 74-8815 (b) may apply to the commission for a license to manage a racetrack facility.

(b) Each application shall be completed upon a form provided by the commission. The completed form shall accompany the application of the organiza-

tion licensee with whom the facility manager applicant has contracted or proposes to contract concerning the racetrack facility.

(c) Each application and any attached documents required by these regulations shall be submitted as a single package. An original and six copies of the application and documents shall be filed with the executive director at the commission offices. One additional copy shall be mailed to each commissioner at the address on file at the commission office. Each application shall be verified under oath by the authorized officer or officers of the applicant, and all copies shall be manually signed in ink.

(d) Applications shall be filed with the commission not later than 120 calendar days prior to the first performance of the race meet to be held at the racetrack facility.

(e) Each license shall be granted upon the condition that the holder and each of its officers, directors, employees and agents shall accept, observe and enforce the regulations of the commission.

(f) The application fee required by K.S.A. 1987 Supp. 74-8815 (c) shall be paid in the form of a certified check or bank draft and shall be submitted with the application form.

(g) This regulation shall take effect on and after October 1, 1988. (Authorized by K.S.A. 1987 Supp. 74-8804; implementing K.S.A. 1987 Supp. 74-8815; effective, T-89-6, January 21, 1988; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Sept. 20, 1988.)

**112-3-6. Application form for facility manager applicant.** (a) Each application for a facility manager license shall contain the following information:

(1) The name of the applicant, the business address and telephone number or numbers;

(2) the name, address, and telephone number of any individual who assisted the applicant in preparing its application along with a precise description of the application section for which the individual provided assistance;

(3) verified responses regarding the following subjects in the order they appear below:

(A) Business structure and control of applicant information required by K.A.R. 112-3-8;

(B) management of the racetrack facility information required by K.A.R. 112-3-12; and

(C) public safety and security information required by 112-3-14.

(4) irrevocable affidavit and consent statements; information waivers; affidavits relating to substance addiction; waivers of claims for damages for adverse public notice, embarrassment, criticism or other circumstance including financial loss that may result from commission action on the application; and personal background disclosure forms from all officers, directors, employees and agents of the applicant;

(5) one copy of each contract and agreement that the applicant has executed or proposes to execute and any modification or proposed modification of each contract or agreement. If the contract or agreement is an oral one, a written statement explaining the substance of the oral agreement shall be included;

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(6) the names and addresses of the parties to any contract or agreement identified in paragraph (5) and the relationship to the applicant, the partners, associates, officers, directors and principal owners either through family, business association or other control.

(b) Each exhibit, statement, report, paper or other document submitted in support of the application shall be current, accurate and complete. The applicant shall report immediately any change in information submitted to the commission during the period of application or licensure. At all times, a current copy of the documents supporting the application shall be recorded in the commission office.

(c) This regulation shall take effect on and after October 1, 1988. (Authorized by K.S.A. 1987 Supp. 74-8804; implementing K.S.A. 1987 Supp. 74-8815; effective, T-89-6, January 21, 1988; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Sept. 20, 1988.)

**112-3-7. Corporate structure and control of organization license applicant.** Each application for an organization license shall contain the following information about the corporate or association structure and control of the applicant and any organization related to the applicant:

(a) The application shall list any commercial or noncommercial names used by the applicant and the street, number, city and county of the corporation's registered office in this state and the name of the resident agent at that address. A list of the applicant's current telephone number or numbers shall be included.

(b) The application shall describe the applicant's corporate structure. The description shall state the year the corporation was organized and the state in which it was organized.

(c) The application shall contain a certified copy of the applicant's articles of incorporation and bylaws. Any amendments to the articles of incorporation or bylaws shall be filed immediately with the commission, so that, at all times, a current copy of the applicant's articles of incorporation, bylaws and amendments to them will be recorded in the commission office.

(d) The application shall state whether in the past five years the applicant has been reorganized or reincorporated or whether it has filed restated articles of incorporation in the state of Kansas or in any other state. Documentation of that action shall be attached to the application.

(e) The application shall include a copy of the applicant's tax returns from the previous five years or all tax returns if the applicant has been organized for less than five years.

(f) If the applicant's articles of incorporation authorize issuance of capital stock, the application shall state the classes of capital stock authorized, the amount authorized and the amount outstanding as of a date not less than 15 days prior to the date the application is filed.

(g) If the applicant is authorized to issue capital stock, the application shall state the name and address of each person or entity who owns, of record or ben-

eficially, one or more shares of any class of capital stock or an option or conditional interest in the applicant. This information may be displayed in columnar forms providing for name and address, class of stock owned, type of ownership, whether of record or beneficial, amount owned, and percent of the class of stock.

(h) If the applicant is authorized to issue capital stock, the application shall describe briefly the terms of any voting trust or power in which any of the capital stock is held and the name, address, class of stock and number of shares of stock for all stock held by that voting trust or power.

(i) If the applicant corporation is authorized to issue capital stock, the application shall describe briefly the terms of any proxy by which any of the capital stock is held, the holder of the proxy and the name, address, class of stock and number of shares of stock for all stock held by such proxy.

(j) If the applicant corporation is a non-stock corporation, the application shall describe briefly the terms of any proxy or any voting power and the name and address of any holder of the proxy or voting powers.

(k) The application shall state any redemption, purchase, retirement, conversion or exchange provisions. If the rights of holders of stock affected by such provisions may be modified by a means other than a majority vote or more of the shares outstanding, voting as a class, a statement and explanation shall be included.

(l) The application shall list the names, including any aliases or previous names, of all directors and officers of the applicant and all persons chosen to become directors or officers. Personal background disclosure forms shall be furnished for each person named using forms provided by the commission. All positions and offices each director and officer has held with the applicant and all principal occupation or occupations each director or officer has held during the past five years shall be identified. The applicant shall disclose for each listed individual the nature and extent of any ownership interest, including options or other voting powers, whether absolute or contingent, that the individual holds in the applicant organization.

(m) If the applicant was organized within the past five years, the application shall state the following information:

(1) The names of the organization's organizers or promoters;

(2) the nature and amount of anything of value received or to be received by each organizer or promoter directly or indirectly from the applicant; and

(3) the nature and amount of any assets, services or other consideration received or to be received by the applicant from the organizers or promoters.

(n) The application shall list any governmental, public or quasi-governmental or business organization related to the applicant. The percentage of voting interest or other interest held by each related organization, or any other basis of control held by it shall be stated.

(o) The application shall state whether the applicant is directly or indirectly controlled to any extent or

in any manner by another individual or entity. If so, the identity of the controlling entity shall be disclosed and the nature and extent of the control shall be described. Documentation of the relationship shall be attached to the application.

(p) If a nonindividual record or beneficial holder of an ownership or other voting interest of three percent or more in the applicant is identified in subsections (l), (m) and (o) above, the application shall disclose the information required by those paragraphs as to record or beneficial holders of an ownership or other voting interest of three percent or more in that nonindividual holder. The disclosure required by those paragraphs shall be repeated in turn until all indirect individual record and beneficial holders of ownership or other voting interests in the applicant are so identified. The disclosure shall be brought about by the best efforts of the applicant.

(q) The application shall include the balance sheets and profit and loss statements for each of the three fiscal years immediately preceding the application, or for the period of organization if less than three years. The financial information shall be given for the current fiscal year if the applicant has:

(1) not completed a full fiscal year since its organization; or

(2) acquires or is to acquire the majority of its assets from a predecessor within the current fiscal year. Balance sheets, profit and loss statements and all other financial statements required shall be prepared, audited and certified by independent, certified public accountants in accordance with generally accepted accounting procedures and practices accepted on a consistent basis. Any report containing exceptions of a material nature shall not be considered to be certified.

(r) The application shall identify all loans made by the applicant in excess of one percent of net income. The statement shall describe fully the terms of the loan, including but not limited to the name of the borrower, the amount of the loan and the nature and value of the collateral.

(s) The application shall state whether three percent or more of the applicant's assets, or three percent or more of any principal stockholder's stock, is encumbered by any long term debt. The long term debt shall be explained fully by stating the names and addresses of parties holding any evidences of indebtedness from the applicant and the stockholders. One copy of each agreement or any other document relating to the evidences of indebtedness shall be attached to the application.

(t) The application shall briefly describe any pending legal proceeding to which the applicant or any subsidiaries or related organizations are a party. The name of the court or agency in which any proceeding is pending, the date instituted and the principal parties involved shall be included.

(u) The application shall briefly describe any pending legal proceeding involving the property of the applicant, subsidiaries or related organizations. The name of the court or agency in which any proceeding is pending, the date instituted and the principal parties involved shall be included.

(v) The application shall state whether the applicant, or any director, officer, policy-maker manager, principal stockholder or member has owned any interest in any firm, partnership, association or corporation licensed by the commission, or is now engaged in the business of racing outside of the state of Kansas. An explanation of the circumstances surrounding the interest or participation shall be included.

(w) The application shall describe briefly and state the approximate amount of any interest, direct or indirect, of any officer, director or principal stockholder of the applicant, or any associate of any of the foregoing persons in any transactions during the last three years, or in any proposed transactions to which the applicant was or is to be a party.

(x) The application shall include a statement of good standing from the secretary of state.

(y) This regulation shall take effect on and after October 1, 1988. (Authorized by K.S.A. 1987 Supp. 74-8804; implementing K.S.A. 1987 Supp. 74-8810 and 74-8813; effective, T-89-6, January 21, 1988; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Sept. 20, 1988.)

**112-3-8. Business structure and control of facility owner applicant or facility manager applicant.** Each application for a facility owner license or a facility manager license shall contain the following information about the business structure and control of the applicant and any organization related to the applicant:

(a) The application shall state whether the applicant is a person, partnership, corporation, association, the state of Kansas or a political subdivision.

(b) The applicant shall list any commercial or non-commercial names used by the applicant, the business address or addresses and business telephone number or numbers. If the applicant is a corporation or limited partnership, the street, number, city and county of the corporation's registered office in this state and the name of the resident agent at that address shall be shown.

(c) The application shall include a copy of the applicant's tax returns for each of the five calendar years immediately preceding this application or all tax returns if the applicant has been organized for less than five years.

(d) The application shall include a copy of the balance sheets and profit and loss statements for each of the three fiscal years immediately preceding this application, or for the period of organization if less than three years. The financial information shall be given for the current fiscal year if the applicant:

(1) Has not completed a full fiscal year since the organization of the business; or

(2) acquires or is to acquire the majority of its assets from a predecessor within the current fiscal year. Balance sheets, profit and loss statements and all other financial statements required shall be prepared, audited and certified by independent, certified public accountants in accordance with generally accepted accounting procedures and practices accepted on a consistent basis. Each report containing exceptions of a material nature shall not be certified.

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(e) The application shall identify all loans made by the applicant in excess of one percent of net income. The statement shall include the name of the borrower, the amount of the loan, amount and type of collateral and terms for repayment and duration of the loan.

(f) The application shall briefly describe all pending legal proceedings to which the applicant, applicant's subsidiaries or related organizations are a party. The name of the court or agency in which the proceedings are pending, the date instituted and the principal parties involved shall be included.

(g) The application shall briefly describe all pending legal proceedings involving any of the property of the applicant, applicant's subsidiaries or related organizations. The name of the court or agency in which the proceedings are pending, the date instituted and the principal parties involved shall be included.

(h) If the applicant was organized within the past five years, the following information shall be stated:

(1) The names of the organizers or promoters with a voting interest or ownership of three percent or more;

(2) the nature and amount of anything of value received or to be received by the organizers or promoters directly or indirectly from the applicant; and

(3) the nature and amount of any assets, services or other consideration received or to be received by the applicant from the organizers or promoters. The applicant shall make the best effort to disclose the information required in subsection (h)(1).

(i) The application shall list any governmental, public, quasi-governmental or business organizations related to the applicant. The list shall state, for each related organization, the percentage of voting interest or other interest held, or any other basis of control held by the related organization.

(j) The application shall state whether the applicant is directly or indirectly controlled to any extent or in any manner by another individual or entity with a voting interest or ownership of three percent or more. The applicant shall make the best effort to disclose the information required.

(k) The application shall disclose the identity of any controlling entity with a voting interest or ownership of three percent or more and a description of the nature and extent of the control. The applicant shall make the best effort to disclose the information required. Documentation of the relationship shall be attached to this application.

(l) The application shall state whether the applicant, the director, officer, policy-making manager or principal stockholder or member:

(1) has owned an interest in any firm, partnership, association or corporation licensed by the commission; or

(2) is in the business of racing outside of the state of Kansas. An explanation of the circumstance of the interest or involvement shall be included.

(m) The application shall describe briefly and state the approximate value of any direct or indirect interest of any officer, director, policy-making manager, principal stockholder of the applicant organization or any associate of any of these persons, in any transactions during the last three years, or interest in any proposed

transactions to which the applicant was or is to be a party;

(n) The application shall list all direct remuneration paid by the applicant and affiliated or related organizations during the applicant's last fiscal year to each partner, director, officer or policy-making manager of the applicant, naming each. As used in this paragraph, direct remuneration includes salary, retirement benefits, automobiles furnished, expenses reimbursed and all other sums paid for the benefit of the partner, officer, director, policy-making manager or other recipient;

(o) The application shall list the names, including any aliases or previous names, of each partner, director, officer or policy-making manager of the applicant, and each person chosen to become a partner, a director, an officer or a policy-making manager with a voting interest or ownership of three percent or more. The applicant shall make the best effort to disclose the information required. Personal background disclosure forms provided by the commission shall be furnished by each person named. All positions and offices held by each person named by the applicant and each person's principal occupation during the past five years shall be listed by the applicant. The applicant shall disclose for each listed individual the nature and extent of any beneficial or ownership interest, including options or other voting powers, whether absolute or contingent, that the individual holds in the applicant organization.

(p) If a nonindividual record or beneficial holder of an ownership or other voting interest of three percent or more in the applicant is identified in subsections (h), (j) and (o) above, the applicant shall disclose the information required by those paragraphs as to record or beneficial holders of any ownership or other voting interest of three percent or more in that nonindividual holder. The disclosure required by those paragraphs must be repeated in turn until all indirect individual record and beneficial holders of ownership or other voting interests in the applicant are so identified. The disclosure shall be brought about by the best efforts of the applicant.

(q) If the applicant is a corporation, the following information shall be attached to the application:

(1) The applicant's corporate structure;

(2) the year the corporation was organized;

(3) the state in which the corporation was organized;

(4) a certified copy of the applicant's articles of incorporation and bylaws. Any amendments to the articles of incorporation or bylaws shall be filed in a timely manner with the commission. A current copy of the applicant's articles of incorporation, bylaws and amendments shall be recorded at all times in the commission office;

(5) a statement whether, in the past five years, the applicant has been reorganized or reincorporated or whether it has filed restated articles of incorporation in the state of Kansas or in any other state. Documentation of such an action shall be attached to the application;

(6) a statement of the classes of capital stock autho-



alized, the amount authorized and the amount outstanding as of fifteen days prior to the date of filing the application. If applicable, a statement of the amount of dividends paid to the stockholders during the five years immediately preceding the application or for the period of incorporation if a lesser time.

(7) a list of the name and address of each person or entity who owns, of record or beneficially, one or more shares of any class of capital stock or an option or conditional interest in the applicant. This information may be displayed in columnar forms providing for name and address, class of stock owned, type of ownership, whether of record or beneficial, amount owned, and percent of the class of stock;

(8) a brief description of the terms of any voting trust or power in which any of the capital stock is held and the name, address, class of stock and number of shares of stock for all stock held by that voting trust or power;

(9) a brief description of the terms of any proxy by which any of the capital stock is held, the holder of the proxy and the name, address, class of stock and number of shares of stock for all stock held by such proxy;

(10) a statement of any dividend rights, redemption, purchase, retirement, conversion or exchange provisions;

(11) a statement and an explanation if the rights of holders of stock affected by the exchange provisions may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class;

(12) a statement whether three percent or more of the applicant's assets, or three percent or more of any principal stockholder's stock, is encumbered by any long term debt;

(13) a list of names and addresses of all parties holding any evidences of indebtedness including any oral agreements from the applicant and the stockholders;

(14) copies of the agreements or other documents relating to evidences of indebtedness;

(15) if the applicant is applying for a facility owner or facility manager license for the first time:

(A) A statement whether the applicant has or proposes to enter into any loan transaction or has or will be executing any evidence of indebtedness of oral loan agreement shall be provided;

(B) a list of the names and addresses of any parties loaning or proposing to loan funds and those parties holding evidences of indebtedness relating to the applicant shall be provided;

(C) the applicant shall submit a statement whether three percent or more of the applicant's stock is or is proposed to be encumbered by any debt, whether as a result of loans to the applicant or loans to the stockholder, and a statement of the names and addresses of any lenders or proposed lenders. For each disclosure under this section, copies of any agreements or documents relating to the loan or encumbrance or a written summary of any oral transaction shall be attached; and

(16) a statement of good standing from the secretary of state.

(r) If the applicant is a partnership, the following information shall be included with the application;

(1) A statement whether the partnership is a general or limited partnership, and whether it is a domestic or foreign partnership;

(2) a statement indicating in what state and in what year the partnership was formed;

(3) a certified copy of the applicant's partnership agreement or a certified copy of the certificate of limited partnership;

(4) if any of the applicant's partners is a corporation, responses shall be submitted by each corporate partner to the requests appearing in subsection (q) above;

(5) a statement whether in the past five years the partnership has filed:

(A) A restated certificate of limited partnership; or  
(B) any certificate of changes or amendments to the partnership certificate;

(6) a statement whether:

(A) Any certificate has been cancelled;  
(B) a judicial decree of amendment or cancellation has been issued; or

(C) a certificate of reinstatement has been issued. Documentation of any of these activities shall be attached to the application.

(7) a statement of any provisions for assignment of partnership interests, interim distributions, or distributions upon withdrawal or dissolution;

(8) a statement whether three percent or more of the applicant's assets are encumbered by any long term debt;

(9) a list of names and addresses of all parties holding any evidences of indebtedness or any oral agreements from the applicant;

(10) a copy of any agreements or other documents relating to any evidences of indebtedness;

(11) if the applicant is applying for a facility owner or facility manager license for the first time:

(A) A statement whether the applicant has or proposes to enter into any loan transaction or has or will be executing any evidence of indebtedness or oral loan agreement shall be provided;

(B) a list of names and addresses of any parties loaning or proposing to loan the funds and any parties holding evidences of indebtedness relating to the applicant shall be provided;

(C) a statement whether three percent or more of the applicant's stock is or is proposed to be encumbered by any debt, whether as a result of loans to the applicant or loans to the stockholder shall be provided;

(D) a list of the names and addresses of any lenders or proposed lenders shall be provided; and

(E) a copy of any agreement or document relating to the loan or encumbrance or a written summary of any oral transaction shall be provided; and

(12) a statement of good standing from the secretary of state shall be provided.

(s) This regulation shall take effect on and after October 1, 1988. (Authorized by K.S.A. 1987 Supp. 74-8804; implementing K.S.A. 1987 Supp. 74-8810 and

(continued)

74-8815; effective, T-89-6, January 21, 1988; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Sept. 20, 1988.)

**112-3-9. Site and physical plant.** Each application for a facility owner license or for an organization license in which the applicant proposes to construct or to own a racetrack facility shall contain the following information:

(a) The application shall identify the county and municipality where the racetrack or proposed racetrack is or will be located.

(b) The application shall state whether a majority of qualified electors in the named county approved either:

(1) The constitutional amendment permitting the conduct of horse and greyhound races and parimutuel wagering; or

(2) a proposition permitting horse and greyhound races and parimutuel wagering within the county boundaries. The form of racing approved shall be stated.

(c) The application shall state whether the applicant's facility is or will be designed to conduct horse racing, greyhound racing, or both. If horse racing is to be conducted, the breed of the horse to be raced shall be stated.

(d) The application shall identify any racing organization of which the applicant is a member.

(e) The application shall include the actual legal description of the proposed racetrack site.

(f) The application shall include the name and address of each title holder to the real property and any predecessor in title for the past five years.

(g) The application shall include the name and address of each person holding a mortgage or other security interest in the real property.

(h) The application shall include a certified title insurance policy or abstract.

(i) The application shall state and document the status of governmental action relating to the following:

(1) The city street, county road and state highway improvements necessary to ensure adequate access to the applicant's racing facility, including:

(A) The estimated cost of improvements;

(B) the status and estimated date of completion;

(C) the identity of the party or parties responsible for the cost of the improvements; and

(D) the proportionate distribution of the cost of the improvements if more than one party is responsible for the cost;

(2) the sewer, water, and other public utility improvements necessary to serve the applicant's facility including:

(A) The estimated cost of improvements;

(B) the status and estimated date of completion;

(C) the identity of the party or parties responsible for the cost of the improvements; and

(D) the proportionate distribution of the cost of the improvements if more than one party is responsible for the cost;

(3) any required government approvals for financing improvements under subsection (i)(1) and (i)(2) above and any required government approvals for zoning or special use permits, including:

(A) A description of the approval, unit of government, date and documentation;

(B) a statement whether public hearings were held, including when and where the public hearings were conducted or why the public hearings were not held; and

(C) a statement whether the unit of government attached any conditions to approval. The applicant shall disclose the conditions, including documentation;

(4) a statement whether any required governmental approvals remain to be obtained, as well as a description of the approval, unit of government, status, likelihood of approval and estimated date of approval; and

(5) a statement whether the applicant is in compliance with all statutes, resolutions, ordinances and regulations pertaining to the development, ownership and operation of the racing facility. If the applicant is not in compliance, the applicant shall disclose the reasons the applicant is not in compliance.

(j) The application shall state the number of miles from the nearest population area, including:

(1) A description of the transportation facilities serving the area;

(2) a description of public or private transportation arrangements to the area; and

(3) highway and street access to the track; and a site map reflecting the highway and street access to the track.

(k) The application shall state the track dimensions for each track proposed, including the following dimensions and specifications:

(1) The circumference;

(2) the width;

(3) the banking;

(4) the location of the starting gates or the starting boxes;

(5) the length of the stretch;

(6) the distance between the finish line and the first turn;

(7) the type of base and surface for the track; and

(8) the winterization method for the racing surface.

(l) The applicant shall supplement the information requested in subsections (m) through (w) below with at least one copy of the architect's plans showing the details of any proposed construction.

(m) The application shall describe the size and the type of construction, including:

(1) A description of the grandstand;

(2) the total seating capacity, specifically detailing the area that is air-conditioned or heated;

(3) the reserved and non-reserved seating capacity;

(4) the indoor and outdoor seating capacity;

(5) the configuration of the grandstand seating;

(6) the configuration and location of the parimutuel facilities;

(7) the configuration and location of the food, drink and other concessions;

(8) the configuration and location of clubs or other special facilities for patrons;

(9) the number and location of restroom facilities;

(10) the drinking fountains;

(11) the medical facilities;



- (12) the pattern of public pedestrian traffic; and  
 (13) the provisions for the handicapped.
- (n) The application shall describe the construction and type of parking facilities, detailing:
- (1) Access to parking from perimeter local, state or federal highways;
  - (2) the number and location of parking spaces available for general public parking at the facility;
  - (3) the road surface to be used on parking facilities;
  - (4) the distance between parking and the grandstand;
  - (5) a street map of the area showing the relation of parking to surrounding state, local and federal highways;
  - (6) the public road improvements that must be completed to provide adequate public access to the facility;
  - (7) whether the road improvements will be performed by local authorities;
  - (8) when the improvements will be completed; and
  - (9) a plan of the parking facilities.
- (o) The application shall describe facilities to accommodate horses by listing the following:
- (1) The location, number, dimension and method of construction of boxed stalls or other stalls;
  - (2) the location, number, dimension and method of construction of boxed stalls or other stalls for stakes horses, overnights and haul-ins; and
  - (3) the location and description of temperature and fire regulation equipment in the facility.
- (p) The application shall describe facilities to accommodate greyhounds by listing the following:
- (1) The location and method of construction of kennels within the compound, including:
    - (A) The number of kennels per building;
    - (B) the location of restroom and work areas or kitchens in kennel buildings;
    - (C) the location, number and method of construction of crates for greyhounds in kennels;
    - (D) the location, number and method of construction of crates for stakes greyhounds and resident racing greyhounds to be kenneled; and
    - (E) the availability of telephone hook-up and cable hook-up for video reception;
  - (2) the location and number of any turn-out pen and attached lean-to; and
  - (3) the location and number of sprint fields.
- (q) The application shall describe facilities for horse or greyhound owners and other racing personnel, including separate parking, tack rooms and trainer rooms.
- (r) The application shall describe the testing facilities, providing a detailed plan for them and an estimated cost of construction. The distance from the test facilities to track and paddock, the number of sampling stalls, the placement of viewing ports on each stall, the location of the post-mortem floor, the number of wash stalls with hot and cold water and drains, and the availability of video monitors and a description of the walking ring shall be stated.
- (s) The application shall describe the paddock, providing a detailed plan of the paddock and an estimate of the cost of construction. The dimensions and

the number of stalls or crates, the height from the floor to the lowest point of the stall or crate ceiling and entrance, and the location of the shoeboard shall be described. The office or other facilities for the paddock judge and identifier shall be described.

(t) The application shall describe in detail the jockey's quarters, including the changing facilities, a list of equipment to be installed in each facility, the location of the jockey's quarters in relation to the paddock, the location of the weight station and an estimate of the cost of the construction.

(u) The application shall state the height, type of construction and materials of restricted area fencing, including whether there is a clear zone at least four feet wide around the outside of the entire restricted area.

(v) The application shall describe security equipment and the location at the racetrack, exclusive of fencing.

(w) The application shall describe work areas for commissioners, stewards, license clerks and the employees of these personnel.

(x) This regulation shall take effect on and after October 1, 1988. (Authorized by K.S.A. 1987 Supp. 74-8804; implementing K.S.A. 1987 Supp. 74-8804, 74-8813, 74-8814 and 74-8815; effective, T-89-6, January 21, 1988; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Sept. 20, 1988.)

**112-3-10. Financing and development.** Each application for an organization license or a facility owner license in which the applicant proposes to construct or own a racetrack facility shall contain the following information:

(a) The application shall state the names and addresses of every person or business organization that provides or will provide contractual services to the applicant for purposes of the licensed project, indicating the nature of such services rendered and the equipment or property provided or to be provided.

(b) The application shall include a copy of each contract and written agreement disclosed in subsection (a). If the agreement or understanding is an oral one, a statement explaining the substance of the oral agreement or understanding shall be attached to the application. For any contract, agreement or understanding referred to, the name and address of each party to the contract shall be stated. Any relationship of the parties through control, family or business association to the applicant, the partners, associates, officers, directors, or principal owners shall be stated.

(c) The application shall state a detailed project budget of any expenditure related to the completion or improvement of the proposed facility, including but not limited to:

- (1) Architecture and engineering costs;
- (2) land acquisition costs;
- (3) site development costs, including:
  - (A) Survey;
  - (B) soil and site work;
  - (C) utilities;
  - (D) parking lot;

(continued)

- (E) transportation access; and
- (F) track(s);
- (4) facility construction cost, including:
  - (A) grandstand;
  - (B) security and fire equipment;
  - (C) stable or kennel, or both;
  - (D) test and detention paddock; and
  - (E) tote board;
- (5) equipment acquisition cost;
- (6) cost of interim financing;
- (7) organization, administrative and legal expenses;
- (8) projected permanent financing costs; and
- (9) marketing costs.

(d) The application shall state the construction schedule proposed for completion or improvement of the facility, including an estimated date of project completion and the following information:

(1) A detailed description of the method or methods by which the construction project and components will be undertaken, including but not limited to general construction contract, force account, or fast tract method; and

(2) an estimated time schedule for construction or improvement, including the date the proposed project will be fully operational and the number of months after the license is granted that each of the following activities will be either commenced or completed:

- (A) The acquisition of land;
- (B) the solicitation of bids;
- (C) the award of construction contracts;
- (D) the construction commencement;
- (E) the completion of construction;
- (F) the occupancy of the new facility or space;
- (G) the training of staff;
- (H) the commission check and inspection of the facility for public and racing readiness; and
- (I) the commencement of racing.

(e) The application shall state the source or sources of funding for the completion or improvement of the project proposed by the application. The following shall be identified and documented:

- (1) Each source of equity contribution and the amount of the contribution;
- (2) any present or conditional commitment received for each funding source;
- (3) each source of debt contribution, and the amount of the contribution;
- (4) any present or conditional commitment received for the financing; and
- (5) a detailed financing timetable stating a date for the submission of an unqualified commitment for financing to the commission.

(f) The application shall identify and describe sources of additional funds needed for cost overruns, nonreceipt of expected equity or debt funds, failure to achieve projected revenues or any other cause.

(g) The application shall include an index to and copies of all proposed acquisition documents and a certification by the applicant that the commission has been provided with a copy of all the documents.

(h) As a part of the application process, the applicant shall submit an index to and copies of all fully executed acquisition documents and a certification by

the applicant that the commission has been provided with a copy of all the documents within seven days after acquisition is complete.

(i) This regulation shall take effect on and after October 1, 1988. (Authorized by K.S.A. 1987 Supp. 74-8804; implementing K.S.A. 1987 Supp. 74-8813, 74-8814 and 84-8815; effective, T-89-6, January 21, 1988; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Sept. 20, 1988.)

**112-3-11. Racing operation and parimutuel wagering.** Each application for an organization license shall contain the following information about the operation and conduct of any horse races or greyhound races and parimutuel system of wagering:

(a) The application shall state by actual dates the racing days requested by the applicant.

(b) The application shall state the kind of racing to be conducted.

(c) The application shall list those persons within the applicant organization who will be supervising the conduct and operation of the horse races or greyhound races, or both, and the operation of the parimutuel system of wagering to the extent known, including:

(1) The legal name, all aliases and any previous name;

(2) the current residence and each business address and telephone number;

(3) any qualifications and experience in the following areas:

- (A) General business;
- (B) finance and accounting;
- (C) racing industry;
- (D) parimutuel systems and wagering; and
- (E) security;

(4) a copy of any written contract or a statement of the terms of any oral agreement between the applicant and each officer and personnel identified in subsection (c) above;

(5) the basic job description and qualifications for each position described in the answer to subsection (c) above and a personnel organization chart;

(6) a plan for pre-opening and continuing training for the applicant's personnel; and

(7) a personal background disclosure form executed and verified by each of the individuals identified in subsection (c) above.

(d) The application shall state financial projections regarding the operation and conduct of any races and parimutuel wagering during the first five racing years, with separate schedules based upon the number of racing days and types of parimutuel wagering that the applicant requires to break even and the optimum number of racing days and types of wagering the applicant seeks each year. The applicant shall attach to the financial projection statement any documentation of assumptions or projections made, including:

(1) Projected balance sheets by an independent certified public accountant that, for the end of the development or improvement period and for each of the first five years of racing, state the current, fixed, and other noncurrent assets, current and long-term liabilities, and capital accounts, including the ac-

countant's review report of the financial and cash flow projections based on, among others, the following assumptions and support for them:

- (A) The average daily attendance;
- (B) the average daily handle;
- (C) the average per capita wager;
- (D) the number of estimated admissions to the track, including each ticket price and free admission;
- (E) the estimated minimum purse schedule;
- (F) the totalisator equipment lease;
- (G) any state and federal tax;
- (H) the estimated payroll;
- (I) the amount of insurance;
- (J) any travel expense;
- (K) any operating supplies and services;
- (L) any repair and maintenance expense;
- (M) any membership expense;
- (N) any legal and audit expense;
- (O) any retainage from the parimutuel handle;
- (P) any parimutuel expense; and
- (Q) any equipment depreciation and the method of depreciation used; and

(2) an information sheet detailing the background of the independent certified public accountant who provided the financial projections requested in the subsection (d)(1).

(e) The application shall state whether the applicant, any officer, any director or any principal stockholder has complied with and is in compliance with K.S.A. 1987 Supp. 84-8810.

(f) The application shall state a proposal for security of payment, including a surety bond or other financial security, and the amount of payment adequate to secure the licensee's potential financial liability for unpaid taxes, purses and distribution of parimutuel winnings and breakage.

(g) The application shall state a plan for distribution of the net earnings from the conduct of horse races or greyhound races, or both, pursuant to K.S.A. 1987 Supp. 74-8813 (d) projected over the first five years of racing.

(h) The application shall describe the applicant's parimutuel department, including the totalisator facility, the nature and type of equipment to be installed, and any proposed lease agreements relating to the totalisator system and the equipment. A copy of each lease agreement, written contract or statement of the terms of any oral agreement between the applicant and the totalisator equipment provider shall be attached to the application.

(i) The application shall describe the starting, timing, photo finish, and photo patrol or video equipment, including any provider of equipment or services. A copy of any lease agreement, written contract or statement of the terms of any oral agreement between applicant and any provider identified in this subsection shall be attached to the application.

(j) The application shall list memberships of the applicant, any personnel and consultants in horse racing or greyhound racing organizations and memberships in any other organizations.

(k) This regulation shall take effect on and after October 1, 1988. (Authorized by K.S.A. 1987 Supp.

74-8804; implementing K.S.A. 1987 Supp. 74-8813 and 84-8814; effective, T-89-6, January 21, 1988; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Sept. 20, 1988.)

**112-3-12. Management of racetrack facility.** Each application for an organization license or a facility manager license in which the applicant proposes to manage a racetrack facility shall contain the following information:

- (a) The application shall include:
  - (1) The applicant's management plan;
  - (2) the functions, job description and required qualifications of management personnel; and
  - (3) an organization chart.

(b) The application shall list management personnel with the following information:

- (1) Legal name, any aliases and any previous names;
- (2) current residences, business addresses and telephone numbers;
- (3) any qualification and experience in the following areas:

- (A) General business;
- (B) real estate development;
- (C) construction;
- (D) marketing, promotion, and advertising;
- (E) finance and accounting;
- (F) security; and
- (G) human health and safety and animal health and safety;

(4) a description of the terms of employment. A copy of each contract, agreement or a statement of any oral agreement identified in this section shall be attached to the application; and

(5) personal background disclosure forms executed and verified by each of the individuals identified in this section shall be attached to the application.

(c) The application shall identify consultants and other contractors who have provided or will provide management related services to the applicant, to the extent known, and provide the following information for each service provider:

- (1) The full name;
- (2) the current address and telephone number;
- (3) the nature of the services;
- (4) any qualifications and experience; and
- (5) a description of the terms and conditions of any contractor's agreement or contract. A copy of each agreement and contract or a statement of any oral agreement identified in this section shall be attached to the application;

(d) The application shall describe the applicant's marketing, promotion and advertising plans for:

- (1) The pre-opening; and
- (2) the first race meeting.

(e) The application shall describe the applicant's plan for any concessions, including but not limited to food, beverage and other products. The owner and operator of concessions shall be identified. A copy of the contract or agreement or a statement of any oral agreement for each party identified in subsection (e) shall be attached to the application.

(continued)

(f) The application shall include a schedule of rates charged for the performance of any service or for the sale of any article on the premises of the facility, whether directly or through a concessionaire.

(g) The application shall state the plan for pre-opening and continuing training for the applicant's personnel.

(h) The application shall include projected balance sheets by an independent certified public accountant that, for the end of the development or improvement period and for each of the first five years of racing, state current, fixed, and other noncurrent assets, current and long-term liabilities and capital accounts, including the accountant's review report of financial and cash flow projections based on, among others, the following assumptions, including support for the assumptions:

- (1) The average daily attendance;
- (2) the number of admissions to the track, including ticket prices and free admissions;
- (3) any parking fees and revenues;
- (4) any concessions and program sales including the schedule of charges;
- (5) any fees or other rates charged on the premises of the facility not otherwise identified;
- (6) any sales tax;
- (7) any personal property tax;
- (8) any real estate tax;
- (9) any special assessments;
- (10) any payroll;
- (11) any operating supplies and services;
- (12) any utilities;
- (13) any repairs and maintenance;
- (14) any equipment depreciation, stating the method of depreciation used;
- (15) any facility depreciation, stating the method of depreciation used;
- (16) any insurance;
- (17) any travel expense;
- (18) any membership expense;
- (19) any security expense;
- (20) any legal and audit expense;
- (21) any debt service;
- (22) any state and federal tax;
- (23) any stall and kennel rent;
- (24) any advertising and promotion; and
- (25) any interest expense; and any other assumptions of financial and cash flow projections.

(i) The application shall include an information sheet detailing the background of the independent certified public accountant who provided the financial projections requested in subsection (h).

(j) The application shall state whether the applicant, any officers, directors and principal stockholders have complied with and are in compliance with K.S.A. 1987 Supp. 74-8810.

(k) This regulation shall take effect on and after October 1, 1988. (Authorized by K.S.A. 1987 Supp. 74-8804; implementing K.S.A. 1987 Supp. 74-8813; 74-8814 and 74-8815; effective, T-89-6, January 21, 1988; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Sept. 20, 1988.)

**112-3-13. Economic, demographic and other information.** Each application for a facility owner license or an organization license in which the applicant proposes to construct or own a racetrack facility shall contain the following information:

(a) The application shall describe the climatic conditions prevalent during the proposed race meeting.

(b) The application shall state the population of the area, the growth trend and describe the potential track market;

(c) The application shall state the projected economic impact of the track, including:

(1) The economic impact for the respective horse breeding or greyhound breeding industries in Kansas;

(2) any employment created, including:

(A) whether the employment is temporary or permanent;

(B) the type of work and compensation;

(C) the employer; and

(D) how the employment was created;

(3) any purchases of goods and services including the money amount and type of purchase;

(4) any public and private investment;

(5) any tax revenue generated; and

(6) any relative economic site advantage.

(d) The application shall state the projected social impact of the track, including how it may affect the following:

(1) The school system;

(2) the police service;

(3) the fire service;

(4) the ambulance service;

(5) the population growth;

(6) the housing demand; and

(7) the community planning and development scheme.

(e) The application shall state whether any area residents oppose the proposed track site, and state what effect, if any, that opposition will have on the economic welfare of the proposed track.

(f) The application shall state the ecological impact of the track site, including a plan for waste disposal;

(g) The application shall describe the effect of competition with any race track in and out of the state and with any other sport or recreational facility in the area. A detailed statement of what effect the competition from any other race track will have on the availability of track personnel and on the quality of racing stock shall be made.

(h) This regulation shall take effect on and after October 1, 1988. (Authorized by K.S.A. 1987 Supp. 74-8804; implementing K.S.A. 1987 Supp. 74-8813; effective, T-89-6, January 21, 1988; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Sept. 20, 1988.)

**112-3-14. Public safety and security.** Each application for a facility manager license or an organization license in which the applicant proposes to manage a racetrack facility shall contain the following information:

(a) The application shall include the following information regarding security personnel:

(1) Whether the security personnel are or will be direct or contractual employees;

(2) a complete security force organization chart;

(3) a complete job description of the entire security force, including each level of security and the location to which each level will be assigned;

(4) the training, including the type of training and the training program, if applicable; and

(5) whether the security force is or will be bonded. If the security force is bonded, a certified copy of any bond document and a statement of the amount and when the applicant will satisfy the bond conditions shall be attached to the application.

(b) The application shall describe a complete security plan for the race period and the non-race period, including:

(1) The number and deployment of security personnel;

(2) the perimeter;

(3) the stable and the kennel compound;

(4) the cash room;

(5) the vault;

(6) the method of money transfer between wagering windows, cash room and any other location to which money will be transferred;

(7) the number of sworn law enforcement personnel assigned to any local law enforcement offices and the types of incidents to which the law enforcement personnel may be expected to respond;

(8) the coordination between the racetrack facility security and the local law enforcement personnel, including the location of the local law enforcement office and the approximate response time;

(9) any video monitoring equipment, including the type and location;

(10) any alarms, including the type and location;

(11) the testing or detention barn or paddock for horses;

(12) the greyhound paddock;

(13) the parking lot;

(14) the backside and the frontside;

(15) any emergency procedures, including ambulance, first aid or evacuation, and the location of any local emergency medical services and approximate response time;

(16) the exclusion and expulsion rules;

(17) the security force equipment;

(18) the policy and procedure for admittance of persons to any locations at the racetrack facility; and

(19) the control of traffic at the racetrack facility.

(c) The application shall describe a complete racetrack fire and safety policy, including:

(1) The standard operating procedures of security personnel to ensure the fire safety of any areas of the facility;

(2) the electrical safety and devices, including number, type, uses and locations;

(3) the inspections, including any inspection schedules;

(4) the straw, hay and feed storage;

(5) the smoking;

(6) the sleeping quarters, if applicable;

(7) the barn, the stable and the kennel compound;

(8) the grandstand;

(9) the club house or other special patron area;

(10) the administrative offices;

(11) the type and location of fire fighting equipment; and

(12) the coordination between the track and any local fire department, including the location of the local fire department and the approximate response time.

(d) This regulation shall take effect on and after October 1, 1988. (Authorized by K.S.A. 1987 Supp. 74-8804; implementing K.S.A. 1987 Supp. 74-8804, 74-8813, 74-8814 and 74-8815; effective, T-89-6, January 21, 1988; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Sept. 20, 1988.)

**112-3-15. Annual certified financial audit of organization licensee.** Each organization licensee shall file annually a financial audit as required by K.S.A. 1987 Supp. 74-8813 on or before 90 days after the licensee's fiscal year end. The licensee's audit shall be filed with the executive director at the commission office.

(b) This regulation shall take effect on and after October 1, 1988. (Authorized by K.S.A. 1987 Supp. 74-8804; implementing K.S.A. 1987 Supp. 74-8813; effective, T-89-6, January 21, 1988; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Sept. 20, 1988.)

**112-3-16. Application forms for fair associations and the state of Kansas.** Modified license application forms may be drafted by the commission for fair associations and for the state of Kansas or any political subdivision thereof subject to the provisions of K.S.A. 1987 Supp. 74-8813; 74-8814 and 74-8815.

(b) This regulation shall take effect on and after October 1, 1988. (Authorized by K.S.A. 1987 Supp. 74-8804; implementing K.S.A. 1987 Supp. 74-8804, 74-8813, 74-8814 and 74-8815; effective, T-89-6, January 21 1988; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Sept. 20, 1988.)

**112-3-17. Additional information.** Any license applicant or any licensee may be required by the commission to submit additional information to facilitate the review of the initial license application and any subsequent review of a license by the commission.

(b) This regulation shall take effect on and after October 1, 1988. (Authorized by K.S.A. 1987 Supp. 74-8804; implementing K.S.A. 1987 Supp. 74-8804; effective, T-89-6, January 21, 1988; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Sept. 20, 1988.)

**112-3-18. Commission approval of sale or conveyance.** In the event the control of a facility owner or facility manager licensee is to be conveyed, no sale or conveyance shall take effect until approval is obtained from the commission. The application of the purchaser shall contain the same information required by K.A.R. 112-3-8 pertaining to the application procedure for a facility owner and facility manager applicant.

(b) This regulation shall take effect on and after October 1, 1988. (Authorized by K.S.A. 1987 Supp. 74-8804; implementing K.S.A. 1987 Supp. 74-8804 and

(continued)

74-8815; effective, T-89-6, January 21, 1988; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Sept. 20, 1988.)

**112-3-19. Background investigations.** Any entity or individual identified for investigation in these regulations or found to be material to the racing program shall submit to a background investigation conducted by the director of security, director of the Kansas bureau of investigation or other person designated by the commission. Each individual or entity identified in this regulation shall execute and verify a personal background disclosure form provided by the commission. The level of any background investigation may be designated by the commission.

(b) This regulation shall take effect on and after October 1, 1988. (Authorized by K.S.A. 1987 Supp. 74-8804; implementing K.S.A. 1987 Supp. 74-8804; effective, T-89-6, January 21, 1988; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Sept. 20, 1988.)

**112-3-20. Testing for controlled substances.** Any commission licensees and any officers, directors and employees of the licensees may be required by the commission to submit to tests determining the use of any controlled substance.

(b) This regulation shall take effect on and after October 1, 1988. (Authorized by K.S.A. 1987 Supp. 74-8804; implementing K.S.A. 1987 Supp. 74-8804; effective, T-89-6, January 21, 1988; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective Sept. 20, 1988.)

JIMMY D. GRENZ  
Executive Director

Doc. No. 006859

State of Kansas

SECRETARY OF STATE

TEMPORARY ADMINISTRATIVE  
REGULATIONS

Article 33.—INFORMATION FEES

**7-33-1. Information Fees.** Each register of deeds, when providing information concerning filings under article 9 of chapter 84 Kansas Statutes Annotated to persons by telecopier, shall charge \$10.00 for a statement of filings and two dollars per page for copies of financing statements or related statements. For each request, the register of deeds shall remit to the county treasurer five dollars for deposit in the county general fund. (Authorized by and implementing 1988 HB 3090, Sec. 1; effective T-7-7-29-88, July 29, 1988.)

BILL GRAVES  
Secretary of State

Doc. No. 006874

State of Kansas

BOARD OF INDIGENTS' DEFENSE  
SERVICES

TEMPORARY ADMINISTRATIVE  
REGULATIONS

Article 3.—APPOINTED ATTORNEYS

**105-3-1. Panel of attorneys.** (a) The administrative judge of each district shall compile a list of volunteer attorneys eligible for assignment to represent indigent defendants for each county in the district. The list shall be known as the panel for indigent defense services.

(b) The administrative judge shall revise the panel annually, and as incoming attorneys register with the clerk of the district court, and when removal or withdrawal of attorneys from the panel or any other cause makes revision appropriate.

(c) Each attorney on the voluntary panel shall accept felony appointments for a minimum period of one year, with renewable one-year service terms thereafter. The administrative judge may waive this requirement for good cause shown.

(d) This regulation shall take effect on and after July 1, 1988. (Authorized by K.S.A. 1987 Supp. 22-4501 and 22-4522; implementing K.S.A. 1987 Supp. 22-4501; effective May 1, 1984; amended, T-105-7-29-88, July 1, 1988.)

**105-3-2. Eligibility to serve.** (a) Each licensed attorney engaged in private practice of law shall be eligible to serve on the panel pursuant to the following conditions:

(1) Effective January 1, 1992, each attorney on the voluntary panel shall have completed 12 hours of continuing legal education in the area of criminal law during the preceding three years of practice.

(2) Each attorney assigned to the defense of class B or C felonies shall have tried to verdict five or more prior felony jury trials, either as defense counsel or prosecutor.

(3) Each attorney assigned to the defense of any class A felony shall have tried to verdict five or more jury trials of class A, B or C felonies, either as defense counsel or prosecutor.

(b) Any of the above conditions may be waived by the administrative judge if it is determined that no attorney meeting the conditions is found to be available and that the attorney selected by the administrative judge has sufficient training and experience to undertake the case in question.

(c) This regulation shall take effect on and after July 1, 1988. (Authorized by K.S.A. 1987 Supp. 22-4501 and 22-4522; implementing K.S.A. 1987 Supp. 22-4501 and 22-4522; effective May 1, 1984; amended, T-105-7-29-88, July 1, 1988.)

RONALD E. MILES  
Executive Director

Doc. No. 006875

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