

KANSAS REGISTER



State of Kansas

JACK H. BRIER
Secretary of State

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February 27, 1986

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State of Kansas

DEPARTMENT OF ECONOMIC DEVELOPMENT

1986 CDBG APPLICANT WORKSHOP SCHEDULE

The Kansas Department of Economic Development will conduct workshops on application procedures for the Small Cities Community Development Block

Grant Program. Workshops will be held according to the following schedule of times and locations:

| Date | Time | Location |
|----------|---------------------|---|
| March 18 | 9 a.m. to 4:30 p.m. | Hays Fort Hays State University Fort Hays Ballroom—Memorial Union |
| March 19 | 9 a.m. to 4:30 p.m. | Pratt Pratt Community College Auditorium Highway 61 |
| March 20 | 9 a.m. to 4:30 p.m. | Yates Center Community Building Highway 75 |
| March 25 | 9 a.m. to 4:30 p.m. | Topeka Ramada Inn Downtown 420 E. 6th |

CHARLES J. SCHWARTZ
Secretary of Economic Development

Doc. No. 003960

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JACK H. BRIER

Secretary of State

2nd Floor, State Capitol
Topeka, KS 66612-1594



PHONE: 913/296-3489

State of Kansas

**DEPARTMENT OF REVENUE
LIQUOR LAW REVIEW COMMISSION****NOTICE OF MEETINGS**

The Liquor Law Review Commission Subcommittee on On Premises will meet at 7:30 a.m. Monday, March 3, in the secretary's conference room, Department of Revenue, 2nd Floor, State Office Building, Topeka.

The Liquor Law Review Commission will meet from 10 a.m. to 3 p.m. Monday, March 24, in Room 220-S, State Capitol, Topeka.

HERB ROHLEDER
Chairman

Doc. No. 003958

State of Kansas

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

Notice is hereby given of the commencement of negotiations for a contract for engineering services for the renovation and enhancement of the Farlington Fish Hatchery, Crawford County, and the Pratt Fish Hatchery, Pratt County.

Services shall include cost estimates and construction documents ready for bidding. Both projects shall require design of new water supply systems and associated pipelines. The Farlington Hatchery design will include a water filtering pond and a new fish holding and sorting house with associated equipment. The Pratt Hatchery will include redesign of a section of ponds, including water inlet pipes, ponds, fish harvest structures and drain lines. A more detailed scope of the project and tour of the existing facilities can be provided upon request.

Interested firms must be permitted to practice engineering in the state of Kansas.

Any questions or expressions of interest should be directed to Norman Moody, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, by March 14, 1986.

JOHN B. HIPPI, AIA
Director, Division of
Architectural Services

Doc. No. 003953

State of Kansas

**SOCIAL AND REHABILITATION SERVICES
HOME AND COMMUNITY BASED SERVICES
ADVISORY COMMITTEE**

The Home and Community Based Services Advisory Committee will meet at 10 a.m. Wednesday, March 12, at the SRS Staff Development Training Center, Feldman Building, 2700 W. 6th, State Complex West, Topeka.

ANITA FAVORS
Commissioner of Adult Services

Doc. No. 003957

State of Kansas

ATTORNEY GENERAL**Opinion No. 86-17**

Insurance—Firefighters Relief Act—Payment to State and Local Associations; Non-Receiving Associations. Fletcher Bell, Commissioner of Insurance, Topeka, February 12, 1986.

Absent legislative authority, "nonreceiving" associations may not be reclassified as a "receiving" association after their initial year of participation in the distribution of funds under the Firefighters Relief Act. Cited herein: K.S.A. 1985 Supp. 40-1706(c). JSS

Opinion No. 86-18

State Departments; Public Officers and Employees—Kansas Tort Claims Act—Liability of Governmental Entities; Townships.

Townships and Township Officers—Disorganization, Reorganization and Consolidation—Consolidation; Procedure. Marilyn Wilson, Greenwood County Clerk, Eureka, February 13, 1986.

A township board member who is acting within his scope of employment is immune from liability for actions which fall within the exceptions to liability listed in K.S.A. 75-6104. The township is also immune from liability for such employee actions. In the event none of the exceptions apply, the township must provide a defense for the board member, if such defense is properly requested, and must indemnify the board member for any damages awarded as a result of the claim. The township is not, however, responsible for a board member who acts outside the scope of his employment or with actual malice or actual fraud, and need not indemnify or defend a board member if the board member does not cooperate in good faith in the defense of the claim. Liability is limited under the act to \$500,000 per occurrence, and the township may, if it chooses, acquire insurance against such claims.

K.S.A. 80-1109 provides the procedure required for consolidating townships. Cited herein: K.S.A. 75-6102, 75-6103, 75-6104, 75-6105, 75-6108, 75-6109, 75-6111, 75-6113, 80-1109. JLM

(continued)

Opinion No. 86-19

Schools—Capital Outlay Levy, Fund and Bonds—Protest, Petition and Election.

Elections—Sufficiency of Petitions—Petition Documents, Contents. Representative LeRoy F. Fry, 105th District, Little River, February 13, 1986.

A petition prepared and filed pursuant to K.S.A. 72-8801 must meet the requirements of K.S.A. 25-3601 *et seq.* Since the petition submitted for our examination does not state any questions in terms of an election, such petition would be invalid if filed in the present form. Cited herein: K.S.A. 25-3601; K.S.A. 1985 Supp. 25-3602; K.S.A. 72-8801. JSS

Opinion No. 86-20

State Departments; Public Officers and Employees—State Moneys—Definitions; Securities; Eligibility of Certain Obligations. Joan Finney, State Treasurer, Topeka, February 13, 1986.

A state or national bank which receives a deposit of state moneys is required to secure the account by a pledge of securities (K.S.A. 1985 Supp. 75-4218). Direct obligations of the United States government or its agencies are qualified securities, as are obligations insured as to principal and interest by the United States government or one of its agencies. K.S.A. 75-4201(p)(1). Cited herein: K.S.A. 75-4201; K.S.A. 1985 Supp. 75-4218; K.S.A. 75-4221; 7 U.S.C. §§ 1981; 1988; 12 U.S.C. §§ 1435; 1455; 1717; 1719; 1721; 15 U.S.C. §§ 633; 634; 16 U.S.C. §§ 831n-1; 831n-3; 831n-4; 31 U.S.C. § 3123; 42 U.S.C. §§ 3534; 4514. JSS

Opinion No. 86-21

Counties and County Officers—Miscellaneous Provisions—Office Hours of the District Court. Charles A. Peckham, Rawlins County Attorney, Atwood, February 13, 1986.

The power given to a board of county commissioners under K.S.A. 19-2601 to fix the days and hours which county offices are open does not extend to authority over the district court. Under Article 3, §1 of the Kansas Constitution, and K.S.A. 20-101, the Supreme Court of Kansas has general administrative authority over all courts in Kansas. Thus, it is the state supreme court, not the county, which has the authority to determine the hours and holidays which each district court will observe. Accordingly, if the district court does not close its offices on a day which the county observes as a legal holiday, the county must make arrangements to keep the county courthouse open for district court business. Furthermore, the observance of a legal holiday by either the district court or the county offices will not invalidate judicial or official acts performed on that day by the other government entity. Cited herein: K.S.A. 1985 Supp. 19-101a; K.S.A. 19-104; 19-2601; 20-101; 20-342; Kansas Const., Art. 3, § 1. BPA

Opinion No. 86-22

Cities and Municipalities—Port Authorities—Disso-

lution. Rodney L. Turner, Wyandotte County Counselor, Kansas City, February 17, 1986.

A port authority created pursuant to K.S.A. 12-3401 *et seq.* may be dissolved provided due provisions have been made for payment and performance of its obligations (K.S.A. 12-3402(c)). An audit report which shows that revenues accruing to a special fund (established to satisfy claims against a port authority) will be sufficient to retire the authority's obligations constitutes *prima facie* evidence that due provisions have been made in compliance with K.S.A. 12-3402(c). Additionally, no election is required to dissolve a port authority where the dissolving ordinance provides that the city does not assume any of the authority's obligations. Cited herein: K.S.A. 12-3401, 12-3402; L. 1984, ch. 386. TRH

Opinion No. 86-23

Intoxicating Liquors and Beverages—Cereal Malt Beverages—Local Regulations. David W. Andreas, Assistant City Attorney, Winfield, February 18, 1986.

Attorney General Opinion No. 79-261, which states that a city may, by local ordinance, exclude minors from the premises of establishments licensed to sell cereal malt beverages, is re-affirmed. The principles stated in that opinion apply equally to persons between the ages of 18 and 21, especially as they fall under the new minimum drinking age. Cited herein: K.S.A. 21-3610; K.S.A. 1985 Supp. 41-2704; 77-201; Thirty-fifth. RH

Opinion No. 86-24

Crimes and Punishments—Animals and Nuisances—Unlawful Sales or Injections of Live Brucella Abortus Strain 19 Vaccine or Animal Rabies Vaccine. Representative Ginger Barr, 51st District, Auburn, February 18, 1986.

Pursuant to K.S.A. 1985 Supp. 21-1213, only a licensed veterinarian may lawfully inject live brucella abortus strain 19 vaccine and only a licensed veterinarian or a person under his supervision may lawfully inject animal rabies vaccine into an animal. The statute permits the sale of either vaccine to persons not authorized to inject the vaccines only when the purchaser is a distributor of veterinarian supplies. Further, K.S.A. 1985 Supp. 21-1213 does not subject an authorized seller to the criminal penalties of K.S.A. 21-1214 if he sells either vaccine to a person who purchases the vaccines and subsequently injects them without legal authority to do so. Cited herein: K.S.A. 1985 Supp. 21-1213; K.S.A. 21-1214. RLN

ROBERT T. STEPHAN
Attorney General

Doc. No. 003955

State of Kansas

DEPARTMENT OF TRANSPORTATION

NOTICE TO CONSULTING ENGINEERS

The Kansas Department of Transportation (K.D.O.T.) is seeking a qualified engineering firm for plan production for the following projects:

Jewell—28-45 K-2893-01/RS 1093(16)—Replacement of curb and gutter and side street returns from K-14 to the north city limits of Jewell, except two blocks (Custer to Lincoln).

Norton—283-69 K-2896-01/F 021-3(16)—Reconstruction of U.S. 283 in Norton from the Burlington Northern Railroad tracks to the old Rock Island Railroad tracks.

Firms expressing interest in these projects must respond in writing and complete the Consulting Engineers Qualification Questionnaire (if not already prequalified) by March 20, 1986.

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

JOHN B. KEMP
Secretary of Transportation

Doc. No. 003942

State of Kansas

DEPARTMENT OF TRANSPORTATION

NOTICE TO CONTRACTORS

Notice is hereby given that sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 10 a.m., March 18, 1986, and then publicly opened:

DISTRICT ONE—Northeast

Douglas—23 C-1803-01—County road, 2.0 miles west of Eudora, then south, 3.3 miles, grading. (Federal Funds)

Douglas—23 C-2119-01—County road, 3.0 miles south of Eudora, then west, 0.3 mile, grading and bridge. (Federal Funds)

Johnson—46 U-0571-01—75th Street, Nieman Road to Switzer Road in Shawnee, 0.4 mile, grading and surfacing. (Federal Funds)

Lyon—56 C-1820-01—County road, 1.1 miles south of Emporia and 1.5 miles east of K-57, then south, 0.2 mile, grading and bridge. (Federal Funds)

Nemaha—63-66 K-1829-01—Bridge over Nemaha Lake spillway, bridge removal. (Federal Funds)

Osage—70 C-0155-01—County road, east city limits of Olivet, then southwest, 0.8 mile, grading. (Federal Funds)

Osage—70 C-1558-01—County road, 0.7 mile north

of Melvern, then north, 0.2 mile, grading and bridge. (Federal Funds)

Pottawatomie—75 C-1914-01—County road, 3.7 miles east and 7.1 miles north of Olsburg, then north, 0.1 mile, grading and bridge. (Federal Funds)

Riley—81 U-0831-02—New K-18, east to U.S. 24 in Manhattan, 1.8 miles, grading and surfacing. (State Funds)

Wyandotte—70-105 K-2482-01—I-70, 0.1 mile west of 94th Street, then east to new construction of I-635, 4.8 miles, highway signing and delineation. (Federal Funds)

DISTRICT TWO—Northcentral

Chase—9 C-1865-01—County road, 3.0 miles north of Elmdale, then west, 0.3 mile, bridge replacement. (Federal Funds)

Chase—9 C-1954-01—County road, 1.0 mile south and 3.2 miles east of Matfield Green, then east, 0.6 mile, grading. (Federal Funds)

Geary—40B-31 K-1936-02—U.S. 40B, bridge 35 and Union Pacific Railroad in Junction City, bridge repair. (State Funds)

Marion—56-57 K-0556-01—U.S. 56, junction K-150, then north to Lincolnville, 8.9 miles, grading, bituminous surfacing, seeding and 4 bridges. Bids for seeding on this project will be received only from small business enterprises. (Federal Funds)

Marion—56-57 K-0561-01—U.S. 56, junction FAS 428 Spur east of Canada, then east to U.S. 77, 7.0 miles, grading, seeding and bridge. Bids for seeding on this project will be received only from small business enterprises. (Federal Funds)

Marion—56-57 K-0562-01—U.S. 56, east junction of K-15 to the FAS 428 Spur east of Canada, grading, seeding and bridge. Bids for seeding on this project will be received only from small business enterprises. (Federal Funds)

DISTRICT THREE—Northwest

Gove—32 C-1689-01—County road, 11.0 miles west and 1.0 mile south of Gove, then south, 0.2 mile, bridge replacement. (Federal Funds)

Logan—40-55 K-2319-01—U.S. 40, Smoky Hill River bridge 5, 8.5 miles east of the Wallace-Logan county line, bridge repair. (Federal Funds)

Thomas—97 U-0936-01—Colby, beginning at I-70 and Country Club Drive, then north, 2.043 miles, grading and concrete pavement. (Federal Funds)

Wallace—40-100 K-2320-01—U.S. 40, South Fork Smoky Hill River bridge 4, 3 miles east of the junction of K-27, bridge repair.

DISTRICT FOUR—Southeast

Allen—1 U-0835-01—Iola, North Washington Street at Coon Creek, bridge replacement. (Federal Funds)

Crawford—19 C-1143-01—County road, 2.0 miles east of Pittsburg at K-126, then south, 4.7 miles, surfacing. (Federal Funds)

Franklin—30 U-1002-01—U.S. 59 and 23rd Street in Ottawa, grading and bituminous sealing. (Federal Funds)

(continued)

Labette—50 X-0983-02—Burlington Northern Railroad crossing at Fourth Street in Oswego, bituminous sealing. (Federal Funds)

Wilson—103 X-1105-02—K-39, Missouri Pacific Railroad crossing at Benedict, 0.200 mile, grading and bituminous surfacing. (Federal Funds)

DISTRICT FIVE—Southcentral

Harvey—40 C-2130-01—North Newton, then north on county road, 0.4 mile, grading and surfacing. (Federal Funds)

Harvey—40 U-0934-01—North Newton, Anderson Avenue from Old U.S. 81 North, 0.4 mile, grading and surfacing. (Federal Funds)

Pratt—76 C-2149-01—County road, 6.3 miles west of Coats, then west, 0.1 mile, bridge replacement. (Federal Funds)

Rice—80 C-2025-01—County road, 1.0 mile east and 2.2 miles south of Lyons, then south, 0.2 mile, bridge replacement. (Federal Funds)

Sedgwick—15-87 K-2581-01—K-15, Drainage Canal bridge 184 southbound, 0.35 mile northwest of 31st Street, bridge overlay. (State Funds)

DISTRICT SIX—Southwest

Lane—51 C-1965-01—County road, 2.5 miles north and 8.6 miles east of Dighton, then east, 0.1 mile, bridge replacement. (Federal Funds)

Ness—68 C-2161-01—County road, 6.5 miles east and 2.0 miles north of Ness City, then north, bridge replacement. (Federal 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 regardless of race, religion, color, sex, physical handicap, national origin or ancestry in the award of contracts.

Plans and specifications for the projects may be examined at the offices of the respective county clerks or at the Kansas Department of Transportation district offices responsible for the work.

JOHN B. KEMP
Secretary of Transportation

Doc. No. 003943

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 February 14:

Appointed by the Governor

Building Advisory Commission, State

H. Alan Bell, 5608 High Meadow Circle, Manhattan 66502. Effective February 14, 1986. Expires December 31, 1989. Reappointment.

Corrections Ombudsman Board

Ann Heberger, 6703 Hadley, Overland Park 66204. Effective February 14, 1986. Expires August 31, 1988. Succeeds Forrest Swall, resigned.

Emergency Medical Services Council

Maynard L. Brazeal, Route 2, Hutchinson 67501. Effective February 14, 1986. Expires July 31, 1989. New position.

Albert Dimmitt, 153 Nelson Circle, Olathe 66061. Effective February 14, 1986. Expires July 31, 1989. New position.

Jay Scott Emler, 804 N. Main, Lindsborg 67456. Effective February 14, 1986. Expires July 31, 1989. Reappointment.

Aaron R. Estabrook, Route 3, Dodge City 67801. Effective February 14, 1986. Expires July 31, 1989. Succeeds Gary Creek.

Clyde T. McCracken, Box 35, Ness City 67560. Effective February 14, 1986. Expires July 31, 1989. Succeeds Jerrell Horton, resigned.

E. P. "Bill" Moomau, 3831 Kincaid Road, Route 3, Topeka 66617. Effective February 14, 1986. Expires July 31, 1989. New position.

David Nachtigal, 609 Shawnee, Hiawatha 66434. Effective February 14, 1986. Expires July 31, 1989. Reappointment.

Robert D. Prewitt, 1005 N. 5th, Garden City 67846. Effective February 14, 1986. Expires July 31, 1989. Succeeds Julian Buchele.

Olin W. Tapley, 13501 Flatland Trail, Derby 67037. Effective February 14, 1986. Expires July 31, 1989. Reappointment.

Virginia L. Tucker, M.D., 1517 Indian Wells Court, Lawrence 66046. Effective February 14, 1986. Expires July 31, 1989. New position.

Fitness, Governor's Council on

Tom W. Bryant, Ph.D., 2204 S. Homer, Pittsburg 66762. Effective February 14, 1986. Serves at the

pleasure of the Governor. Succeeds Elaine Brady, resigned.

William R. Evans, M.D., 1912 Lincoln, Great Bend 67530. Effective February 14, 1986. Serves at the pleasure of the Governor. Succeeds Ray Baker, M.D., resigned.

Peter Howell, 1202 Hinshaw, Rose Hill 67133. Effective February 14, 1986. Serves at the pleasure of the Governor. Succeeds Mark Pankau, resigned.

Joseph L. Kyner, M.D., 7233 Eby, Merriam 66204. Effective February 14, 1986. Serves at the pleasure of the Governor. Succeeds Cramer Reed, M.D., resigned.

Marilyn J. Lobb, Route 3, Tonganoxie 66086. Effective February 14, 1986. Serves at the pleasure of the Governor. Succeeds Richard C. Morrell, resigned.

Ellen L. Rangel, 8602 W. 84th Terrace, Overland Park 66212. Effective February 14, 1986. Serves at the pleasure of the Governor. Succeeds Donald D. Harris, resigned.

Harold D. Swedlund, Jr., 2613 S.W. Arrowhead, Topeka 66614. Effective February 14, 1986. Serves at the pleasure of the Governor. New position.

Vicki Worrell, 844 S. Pinecrest, Wichita 67218. Effective February 14, 1986. Serves at the pleasure of the Governor. Succeeds Dave Pomeroy, resigned.

North Central Kansas Regional Library System

Barbara L. Arbuthnot, Rural Route, Mahaska 66955. Effective February 14, 1986. Expires October 20, 1989. Reappointment.

Betty Barker, Route 1, Council Grove 66846. Effective February 14, 1986. Expires October 20, 1989. Reappointment.

Kevin Larson, 212 High, Riley 66531. Effective February 14, 1986. Expires October 20, 1989. Succeeds Opal Jahnke.

Jean Mohler, Route 4, Abilene 67401. Effective February 14, 1986. Expires October 20, 1989. Succeeds Julia Riordan.

Kathryn Oborny, Route 1, Box 51, Durham 67438. Effective February 14, 1986. Expires October 20, 1989. Reappointment.

Rosalie Olmsted, 110 Main, Beattie 66406. Effective February 14, 1986. Expires October 20, 1989. Reappointment.

Marcene Taddiken, Rural Route, Clifton 66937. Effective February 14, 1986. Expires October 20, 1989. Succeeds Bertha L. Meenen.

Southwest Kansas Regional Library System

Thelma Atwell, R.F.D., Utica 67584. Effective February 14, 1986. Expires October 20, 1989. Fills vacancy.

Betty Jo Denton, R.F.D., Minneola 67865. Effective February 14, 1986. Expires October 20, 1989. Succeeds Donna Faye Harden.

Shirley Golden, R.F.D., Meade 67864. Effective February 14, 1986. Expires October 20, 1989. Succeeds Carolyn Meredith.

Harriette Howland, Route 1, Liberal 67901. Effective February 14, 1986. Expires October 20, 1989. Reappointment.

Margaret Klenke, R.F.D., Spearville 67876. Effective February 14, 1986. Expires October 20, 1989. Succeeds Floris Jean Hampton.

Barbara R. Olsen, Route 2, Kinsley 67547. Effective February 14, 1986. Expires October 20, 1989. Reappointment.

JACK H. BRIER
Secretary of State

(Published in the KANSAS REGISTER, February 27, 1986.)

NOTICE OF CALL FOR REDEMPTION TO THE HOLDERS OF CITY OF WICHITA, KANSAS HOSPITAL REVENUE BONDS SERIES A, 1976 (OSTEOPATHIC HOSPITAL OF WICHITA) DATED: FEBRUARY 1, 1976

Notice is hereby given that pursuant to the provisions of Section 4(b) of Ordinance 34-344 of the city of Wichita, Kansas, the above mentioned serial bonds numbered 139 to 840 maturing in the years 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000 and 2001 have been called for redemption and payment on February 1, 1986 at the offices of the Southwest National Bank of Wichita, Kansas Trust Department, P.O. Box 1401, Wichita, KS 67201.

On such redemption date, there shall become due and payable on each of the above mentioned bonds the redemption price thereof equal to 105 percent of the principal amount of each bond together with interest accrued to the redemption date (upon the presentation and surrender of each such bond and all appertenant coupons). Interest shall cease to accrue on the bonds on and after February 1, 1986 and interest coupons maturing after February 1, 1986 shall be void.

THE SOUTHWEST NATIONAL BANK
OF WICHITA, KANSAS
AS TRUSTEE FOR THE
CITY OF WICHITA, KANSAS
By E. Gordon Johnson
Senior Vice President
and Trust Officer

Doc. No. 003948

(Published in the KANSAS REGISTER, February 27, 1986.)

NOTICE OF BOND SALE
\$10,975,000
STREET AND STORM DRAINAGE
IMPROVEMENT BONDS
SERIES 1986
OF THE
CITY OF OVERLAND PARK, KANSAS
 (General obligation bonds payable from
 unlimited ad valorem taxes)

Sealed bids will be received by the undersigned, City Clerk of the City of Overland Park, Kansas, on behalf of the City Council, City Hall, 8500 Santa Fe Drive, Overland Park, KS 66212, prior to 5 p.m. Central Standard Time, and will also be received from 6:30 to 7 p.m. Central Standard Time in Courtroom B of the Justice Center, 8500 Antioch, Overland Park, Kansas on Tuesday, March 18, 1986, for the purchase of \$10,975,000 principal amount of street and storm drainage improvement bonds, series 1986, of the city hereinafter described. All bids will be publicly opened and read at 7 p.m. Central Standard Time, March 18, 1986, in Courtroom B of the Justice Center, 8500 Antioch, Overland Park, Kansas, and will be acted upon by the governing body immediately thereafter.

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, dated April 1, 1986, and becoming due serially on September 1 in the years as follows:

| Year | Principal Amount |
|------|---------------------|
| 1986 | \$1,270,000 |
| 1987 | 1,140,000 |
| 1988 | 1,140,000 |
| 1989 | 1,140,000 |
| 1990 | 1,080,000 |
| 1991 | 1,080,000 |
| 1992 | 1,080,000 |
| 1993 | 1,080,000 |
| 1994 | 1,000,000 |
| 1995 | 965,000 |

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year beginning on September 1, 1986.

Place of Payment and Bond Registration

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Treasurer of the State of Kansas, Topeka, Kansas (the paying agent and bond registrar), to the registered owners thereof whose names are on the registration books of the bond registrar as of the 15th day of the month preceding each interest payment date. The bonds will be registered pursuant to a plan of registration approved by the city and the Attorney General of the State of Kansas. The bonds may be registered as fully registered certificated bonds or uncertificated (book entry) bonds at the option of each registered owner.

The city will pay for the fees of the bond registrar for registration and transfer of the bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the bond registrar, will be the responsibility of the bondholders.

The type and denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the city and bond registrar at least two weeks prior to the closing date. In the absence of such information, the city will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

Redemption of Bonds Prior to Maturity

At the option of the city, bonds maturing on September 1, 1991 and thereafter will be subject to redemption and payment prior to maturity, on September 1, 1990, and thereafter in whole or in part on any interest payment date in inverse order of maturity at the redemption price of 100 percent of the principal amount thereof, plus accrued interest to the redemption date.

In the event that the Bill (as hereinafter defined) becomes law in a form which requires all of the proceeds of the bonds to be spent within three years from the date of issuance, the bonds will be subject to mandatory redemption and payment prior to maturity in whole or in part on March 1, 1989, in inverse order of maturity, at a redemption price of 100 percent of the principal amount thereof, plus accrued interest to the date of redemption, using proceeds of the bonds not expended for the cost of the improvements (as hereinafter defined) by January 1, 1989.

Whenever bonds of less than a single maturity are to be redeemed, the paying agent and bond registrar shall select bonds by lot in multiples of \$5,000 principal amount in such equitable manner as it shall designate and shall, in the case of bonds in denominations greater than \$5,000, treat each \$5,000 of face value of each bond as though it were a separate bond of the denomination of \$5,000.

If the city shall elect to call any bond for redemption and payment prior to the maturity thereof, the city shall give written notice of its intention to redeem and pay said bonds on a specified date, the same being described by number and maturity, said notice to be mailed by United States registered or certified mail addressed to the registered owners of said bonds, to the State Treasurer of Kansas, and to the manager or managers of the underwriting account making the successful bid, each of said notices to be mailed at least 30 days prior to the redemption date. If any bond be called for redemption and payment as aforesaid, all interest on such bonds shall cease.

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each

interest rate specified shall be a multiple of $\frac{1}{8}$ or $\frac{1}{20}$ of 1 percent. No interest rate shall exceed a rate equal to the 20 bond index of tax exempt municipal bonds published by Credit Markets in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. No rate specified shall be lower than any rate specified for an earlier maturity of the bonds. No bid of less than the par value of the bonds and accrued interest thereon to the date of delivery will be considered and no supplemental interest payments will be authorized. Each bid shall specify the total interest cost to the city during the life of the bonds on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid. Each bid shall also specify the average annual net interest rate to the city on the basis of such bid.

Basis of Award

The award of the bonds will be made on the basis of the lowest net interest cost to the city, which will be determined by subtracting 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 rate specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the governing body shall determine which bid, if any, shall be accepted, and its determination shall be final. The city reserves the right to reject all bids and to waive any irregularities in a submitted bid.

Authority, Purpose and Security

The bonds are being issued pursuant to K.S.A. 12-685 *et seq.*, as amended, and K.S.A. 12-6a01 *et seq.*, as amended, for the purpose of paying the cost of certain street and storm drainage improvements. The bonds and the interest thereon will constitute general obligations of the city, payable in part from special assessments levied upon the property benefited by the construction of certain improvements and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the city, with the balance payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the city.

Legal Opinion

The bonds will be sold subject to the legal opinion of Gaar & Bell, Overland Park, Kansas, Bond Counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

On December 17, 1985, the U.S. House of Representatives passed H.R. 3838, the Tax Reform Act of 1985 (the "Bill"). The Bill, which presently is pending in the U.S. Senate, contains a number of requirements which would apply to the bonds and which must be satisfied in order for the interest on the bonds to be

exempt from federal income taxation. Such requirements generally are effective for all state and local obligations issued after December 31, 1985, and thus, if the bill becomes the law in its present form, would be applicable to the bonds. The city will covenant to comply with the requirements of the provisions of the bill to maintain the tax-exempt status of the bonds. The opinion of bond counsel will state under existing laws and regulations, the interest on the bonds is exempt from federal income taxation and, assuming continued compliance by the city with such covenant, interest on the bonds would continue to be exempt from federal income taxation if the Bill becomes law in its present form except that for taxable years beginning after 1987, the interest on the bonds would be included in adjusted net gain for purposes of the minimum tax imposed on property and casualty insurers under Section 1023 of the Bill.

Delivery and Payment

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder within 45 days after the date of sale at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder. The successful bidder will also be furnished with a certified transcript of the proceedings evidencing the 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 subject to use by the city.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$219,500, payable to the order of the city to secure the city from any loss resulting from the failure of the successful bidder to comply with the terms of his bid. No interest will be paid upon the successful bidder's good faith check. Said check shall be returned to the bidder if his bid is not accepted. If a bid is accepted, said check will be held by the city until the bidder shall have complied with all of the terms and conditions of this notice, at which time the check will be returned to the successful bidder. If a bid is accepted but the city shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this notice, the proceeds of such check will be retained by the city as and for liquidated damages.

CUSIP Numbers

It is anticipated CUSIP identification numbers will be printed on certificated bonds or assigned to uncertificated bonds, but neither the failure to print such number on or assign such number to any bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept

(continued)

delivery of and pay for the bonds in accordance with the terms of the purchase contract. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid by the city.

Bond Rating

The outstanding general obligation bonds of the city are rated "Aa1" by Moody's Investors Service, Inc., and the city has applied for rating on the bonds herein offered for sale.

Bid Forms

All bids must be made on forms which may be procured from the Finance Director/City Clerk. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid.

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned, Finance Director/City Clerk and marked "Proposal for the Purchase of Street and Storm Drainage Improvement Bonds." Bids may be submitted by mail or delivered in person to the undersigned at the City Hall and must be received by the undersigned prior to 5 p.m. Central Standard Time, and will also be received from 6:30 to 7 p.m. Central Standard Time, in Courtroom B of the Justice Center, 8500 Antioch, Overland Park, Kansas, on March 18, 1986.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable property within the city for the year 1985 is \$434,508,078. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$22,120,000. Temporary notes in the principal amount of \$3,343,250 will be retired using the proceeds of the bonds.

Additional Information

Additional information regarding the bonds may be obtained from the Finance Director/City Clerk.

Dated February 17, 1986.

CITY OF OVERLAND PARK, KANSAS

Bernice Crummett
Finance Director/City Clerk
City Hall
8500 Santa Fe Drive
Overland Park, KS 66212
(913) 381-5252

Doc. No. 003954

State of Kansas

DEPARTMENT OF ADMINISTRATION DIVISION OF PURCHASES

NOTICE TO BIDDERS

Sealed bids for items hereinafter listed will be received by the Director of Purchases, State Office Building, Topeka, until 2 p.m., CST or DST, whichever is in effect on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

MONDAY, MARCH 10, 1986

#27025

Department of Human Resources,
Topeka—COMPUTER OUTPUT MICROFICHE
SUPPLIES

#27027

Wichita State University, Wichita—MAINTENANCE
PERSONNEL UNIFORMS

#64737

Topeka State Hospital, Topeka—LIBRARY
ARMLESS SIDE CHAIRS

#64738

Wichita State University, Wichita—EXERCISE
BICYCLES

#64739

Emporia State University, Emporia—MEDIUM
SAND, 3/4" COARSE CRUSHED ROCK

#64744

University of Kansas, Lawrence—FOLDING
TABLES

#64745

Kansas State Penitentiary, Lansing—CENTIFEED
HORIZONTAL STEAM COIL

#64746

Kansas Highway Patrol, Topeka—LUBRICATING
OIL

#64747

Department of Transportation, Chanute—MOWER
PARTS

#64748

Department of Corrections, Topeka—VAN

TUESDAY, MARCH 11, 1986

#A-4878(a)

Fort Hays State University, Hays—FURNISH AND
INSTALL ACCESS FLOOR COMPUTER
ROOM—MARTIN ALLEN RENOVATION

#A-5368

Department of Administration, Topeka—ROOF
REPAIRS—11TH FLOOR, NORTH WING, 915
HARRISON

#A-5476

University of Kansas, Lawrence—PROVIDE
ENERGY MEASURES, VARIOUS BUILDINGS ON
CAMPUS

#64752

University of Kansas, Lawrence—HPLC
APPARATUS

#64753

Kansas State University, Manhattan—LAB
OSCILLOSCOPE

#64754

University of Kansas, Lawrence—OPTICAL
CHARACTER READER

#64755

Department of Administration, Division of Printing,
Topeka—NO. 3 OPAQUE UNCOATED BOOK

#64756

Kansas State University, Manhattan—CONTINUOUS
FORMS

#64759

Department of Transportation, Topeka—KANSAS
AERONAUTICAL CHARTS

#64760

Department of Administration, Division of Printing,
Topeka—LAWN CARE, 1986 GROWING SEASON

#64763

Department of Transportation, Topeka—PLANT
MIX BITUMINOUS MIXTURE, COMMERCIAL
GRADE, Manhattan

WEDNESDAY, MARCH 12, 1986

#A-0000(PR. NO. 790)

Kansas State University, Manhattan—REROOF
DESIGNATED AREAS—VAN ZILE HALL ON
CAMPUS

#A-4763

Kansas Correctional Institution at Lansing,
Lansing—PROVIDE FIRE SAFETY SYSTEMS
INFIRMARY AREA—ADMINISTRATION
BUILDING

#A-5304

Winfield State Hospital and Training Center,
Winfield—REROOF PINECREST

#27024

Kansas Correctional Industries, Lansing—FABRICS
FOR THE MANUFACTURING OF CLOTHING

#64765

Kansas State University, Manhattan—FERTILIZER,
Garden City

#64766

Wichita State University, Wichita—WINDOW
COVERINGS AND INSTALLATION

#64767

Department of Administration, Buildings and
Grounds, Topeka and University of Kansas,
Lawrence—LAWN EQUIPMENT

#64768

Kansas State University, Manhattan—
CORRUGATED MILK CARTONS

#64769

Kansas State Fair, Hutchinson—FURNISH AND
INSTALL 201 TRANSLUCENT LIGHT PANELS

#64776

University of Kansas Medical Center, Kansas
City—INDUCTIVE MONITOR

#64777

University of Kansas Medical Center, Kansas
City—REPLACEMENT X-RAY SCREEN

#64778

Kansas State University, Manhattan—SOYBEAN
MEAL

THURSDAY, MARCH 13, 1986

#A-5307

Youth Center at Atchison—PATIO AND
SIDEWALK REPLACEMENT AT SEQUOIA
COTTAGE

#64784

Emporia State University, Emporia—AUTOMATIC
DOCUMENT READER

#64785

Department of Transportation, various
locations—TAP AND DIE SETS AND WRENCHES

#64786

University of Kansas, Lawrence—
COMMUNICATOR SOFTWARE

FRIDAY, MARCH 14, 1986

#27029

Kansas Fish and Game Commission,
Pratt—AGGREGATE, Elk City Wildlife Area

#64791

University of Kansas, Lawrence—VEHICLES

#64792

University of Kansas, Lawrence—TRACTOR AND
MOWER

#64793

University of Kansas Medical Center, Kansas
City—PRINTING EQUIPMENT

#64799

Department of Administration, Buildings and
Grounds, Topeka—TRUCKSTER

#64800

Kansas State University, Manhattan—TRASH
TRUCK

FRIDAY, MARCH 21, 1986

#64743

Department of Social and Rehabilitation Services,
Topeka—COMPREHENSIVE AUTOMATED
ELIGIBILITY AND CHILD SUPPORT SYSTEM

THURSDAY, MARCH 27, 1986

#27022

Kansas Fish and Game Commission,
Pratt—AGRICULTURAL LEASE, Wilson Reservoir

TUESDAY, APRIL 1, 1986

#26973

Department of Administration, Topeka—AIRCRAFT
INSURANCE (Beechcraft King Air A100)

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 003959

State of Kansas**SECRETARY OF STATE****NOTICE OF FORFEITURE**

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of the state of Kansas and the authority of the following foreign corporations to do business in the state of Kansas were forfeited January 15, 1986, for failure to file an annual report and pay the annual franchise tax, as required by the Kansas General Corporation Code:

Forfeited January 15, 1986 for failure to file the
December 31, 1984 annual report:

Cooperative Marketing Act

Barber County-Comanche County Hereford Breeders,
Sharon, KS.

The Farmer-Stockman Co-operative Association,
Junction City, KS.

Southeast Kansas Feeder Pig Association, Inc., Fre-
donia, KS.

Wilsey-Bennett of Oklahoma, Inc., Springfield, MO.

(continued)

Forfeited January 15, 1986 for failure to file the June 30, 1985 annual report:

Domestic for Profit

- ABC Insurance, Inc., Wichita, KS.
 ADCO, Inc., Wichita, KS.
 Aerospace Technologies, Inc., Lenexa, KS.
 AGRI Feed Service, Inc., Ness City, KS.
 A—J Engineering and Sales Company, Chanute, KS.
 Alarm Systems, Inc., Wichita, KS.
 A & M Enterprises, Inc., Wichita, KS.
 American Business Services, Inc., Shawnee Mission, KS.
 Amitron, Incorporated, Leavenworth, KS.
 Angelon II, Inc., Kansas City, KS.
 A Step Beyond, Inc., Wichita, KS.
 Bahre Construction Co., Inc., Wichita, KS.
 Becker Tire, Inc., of McPherson, McPherson, KS.
 Bell Enterprises, Inc., (A Close Corporation), Olathe, KS.
 Benedick Consulting, Inc., Hays, KS.
 B. F. D., Inc., Anthony, KS.
 Biggy's, Inc., Wichita, KS.
 Big Kat, Inc., Wichita, KS.
 Biormo, Inc., Overland Park, KS.
 Bolton Oil Co., Burlington, KS.
 Brantingham Development, Inc., Hesston, KS.
 Breaker of America, Inc., Chanute, KS.
 Brewsky's M.V.P. Inc., Topeka, KS.
 Burke and McCaffrey, Incorporated, Merriam, KS.
 Burrells, Inc., Burlington, KS.
 Business Condominiums, Inc., Wichita, KS.
 Cactus Corporation, Pratt, KS.
 Capitol Woods Development Corporation, Topeka, KS.
 Cardco, Inc., Wichita, KS.
 Casedlog, Inc., Coffeyville, KS.
 Casey's Business Systems, Inc., Great Bend, KS.
 Central Mills, Inc., Leawood, KS.
 Charge Card Center Inc., Prairie Village, KS.
 Chem-Tronics, Inc., (A Close Corporation), Leavenworth, KS.
 Classic Homes Realty, Inc., Pittsburg, KS.
 Clinic Pharmacy, Inc., of Liberal, Liberal, KS.
 The Closeout Store, Inc., Olathe, KS.
 C O Corporation, Wichita, KS.
 Colby Glass and Sign Co., Inc., Colby, KS.
 Colores Painting, Inc., Lenexa, KS.
 Complete Remodeling Consultants, Inc., Shawnee, KS.
 Computata, Inc., Wichita, KS.
 Comstock Lumber and Supply, Inc., Colony, KS.
 Construction Bulletin, Inc., Topeka, KS.
 Contractors Traffic Protection Co., Inc., Kansas City, KS.
 Cousin Charlie's Company, Olathe, KS.
 Cross Seed Company, Inc., Bunker Hill, KS.
 C/SI, Inc., Kansas City, KS.
 C & W Oil Producers, Inc., Shawnee Mission, KS.
 Danburk, Inc., Leawood, KS.
 David Lee Creative Advertising Co., Inc., Marysville, KS.
 Davis, Inc., Sublette, KS.
 D-BAR-D, Inc., Hays, KS.
 Dearnore Improvements Co., Inc., Great Bend, KS.
 Directech Media Limited, Mission Woods, KS.
 Diversified Systems Corporation, Wichita, KS.
 Doane Realty, Inc., Wichita, KS.
 Don Cole Hair Styling, Inc., Wichita, KS.
 Dotti K Studios, Inc., Wichita, KS.
 Double D Energy, Ltd., Independence, KS.
 Douthett Enterprises, Inc., Wichita, KS.
 Drier Development Company, Inc., Mission, KS.
 Dutton Insurance, Ltd., Lawrence, KS.
 Dyman Corporation of Kansas, Goddard, KS.
 Earth Enterprises, Inc., Kansas City, KS.
 Elite Answering and Secretarial Centre, Inc., Shawnee Mission, KS.
 Energy Equipment & Supply, Inc., Rago, KS.
 Epic Furniture of Kansas, Inc., Erie, KS.
 EPS Industries, Inc., Wichita, KS.
 Excel Feeder Pigs, Inc., Bend, OR.
 E-Z Quick, Inc., Gardner, KS.
 Falcon Interiors, Inc., Anchorage, AK.
 F.L.H. Properties, Inc., Wichita, KS.
 Floresch IGA, Inc., Clay Center, KS.
 Fluid Power Sales, Inc., Shawnee Mission, KS.
 Flying W Western Wear, Incorporated, Vine, KS.
 Fogarty News, Inc., Pittsburg, KS.
 Forms of Distinction, Inc., Olathe, KS.
 Future Oil & Exploration, Inc., Wichita, KS.
 F & W Computer Services, Inc., Haysville, KS.
 Gabbert-Jones, Inc., Wichita, KS.
 Gage Plumbing & Heating Co., Inc., Salina, KS.
 Gaston Grain & Commission Company, Inc., Hutchinson, KS.
 Gene Miles Development, Inc., Wichita, KS.
 Gerald's Foods, Inc., Wichita, KS.
 Gily Trading Company, Ltd., Topeka, KS.
 Globemaster Travel Inc., Lenexa, KS.
 GMW Leasing, Inc., Wichita, KS.
 Goetz Land & Cattle, Inc., Dodge City, KS.
 Greenwood International of America, Inc., Overland Park, KS.
 Guarantee Carpet Cleaning & Dye of Wichita, Inc., Wichita, KS.
 Hammond Industries, Inc., Kansas City, KS.
 Harrison's Frame, Art & Floral, Inc., Wichita, KS.
 Healthcare Services of Montgomery County, Kansas, Inc., Coffeyville, KS.
 Helm, Inc., Olathe, KS.
 Herington Builders Supply, Inc., Herington, KS.
 Heritage Financial Corporation, Salina, KS.
 Hoist-Co, Inc., Baldwin City, KS.
 Hudson Petroleum Company, Inc., Shawnee Mission, KS.
 Hughes Enterprises, Inc., Eureka, KS.
 Ideal Supermarkets, Inc., Detroit, MI.
 III John 1:2, Ltd., Shawnee, KS.
 Immutech, Inc., Merriam, KS.
 Independence Energy Center, Inc., Independence, KS.
 Independent Block Molders, Inc., Wichita, KS.
 Information 1, Inc., Wichita, KS.
 International Computer Applications, Inc., Mission, KS.

- International Equipment Company, Lenexa, KS.
 Jay Boy 1, Inc., Wichita, KS.
 J. C. B., Inc., Leawood, KS.
 Jeanneret Interprises, Inc., Topeka, KS.
 Jencast, Inc., Coffeyville, KS.
 Jencast Products, Inc., Coffeyville, KS.
 Jensen International, Inc., Coffeyville, KS.
 Jerry Hamm Construction Co., Inc., Wichita, KS.
 Jerry's Panel Center, Inc., Newton, KS.
 Jet Dealers International, Inc., Wichita, KS.
 J & J Excavating Company, Inc., Kansas City, KS.
 J. L. Contracting, Inc., Cheney, KS.
 John F. King, Incorporated, Olathe, KS.
 Johnston Enterprises, Inc., Merriam, KS.
 J. R. Rentals Inc., Emporia, KS.
 J. Watson's Management, Inc., Lawrence, KS.
 Kansas City Services, Inc., Overland Park, KS.
 Kansas Elevator Services, Inc., Carlton, KS.
 Kansas Trailer, Inc., Overland Park, KS.
 K. C. Commercial Cleaning Services, Inc.,
 Overland Park, KS.
 K C & S, Inc., Coffeyville, KS.
 Kelley Manufacturing Co., Inc., Coffeyville, KS.
 Kobe Steak House of Japan, Inc., Wichita, KS.
 The Kreamer-Love Corporation, Leawood, KS.
 Lays, Inc., Coffeyville, KS.
 Lazy Acres, Inc., Kansas City, KS.
 Lazy Suzan Catering, Inc., Overland Park, KS.
 LCS, Inc., Wichita, KS.
 L. G. & L. Electronics Incorporated, Topeka, KS.
 Library Services, Inc., Emporia, KS.
 The Loser's, Inc., Shawnee, KS.
 L. R. Hemberger, Inc., Overland Park, KS.
 Lubbock Beef Processors, Inc., Arkansas City, KS.
 Maclan, Inc., Leavenworth, KS.
 Main Electronics, Inc., Wichita, KS.
 Management, Research and Development Institute
 Inc., Wichita, KS.
 Martin Battery Co., Inc., Shawnee, KS.
 Master Design Salon Supplies, Inc., Wichita, KS.
 Matney Mobile Homes, Inc., Osawatomie, KS.
 Matrix One, Inc., Lawrence, KS.
 M.E.S. Services, Inc., Wichita, KS.
 Michel Studio, Inc., Lawrence, KS.
 Mid-America Wholesale Florists, Inc.,
 (A Close Corporation), Leawood, KS.
 Midwest Nickel Management Co., Overland Park, KS.
 Midwest PC Systems, Inc., Merriam, KS.
 Miles Lakewood Village Nursing Center, Inc.,
 Wichita, KS.
 Mission Homes, Inc., Shawnee Mission, KS.
 M & M Corporation, Inc., Bonner Springs, KS.
 Monteil's, Inc., Merriam, KS.
 The Morris Plan Company, St. Louis, MO.
 National Personnel Consultants Inc.,
 Overland Park, KS.
 Navajo Petroleum, Inc., Wichita, KS.
 NFE, Inc., Great Bend, KS.
 Nolan Manufacturing, Inc., Lenexa, KS.
 Oil Field Salvage & Supply, Inc., Hutchinson, KS.
 Osage Treatment Center, Inc., Burlingame, KS.
 Osterhout Marketing Associates, Inc.,
 Hutchinson, KS.
 Petro Fuels Corporation, Wichita, KS.
 Phoenix Productions Limited, Inc., Wichita, KS.
 Pogo's of Johnson County, Inc., Merriam, KS.
 Productions International, Inc., Wichita, KS.
 Prototype Industries, Inc., Kansas City, KS.
 The Psychological Treatment and Consultation
 Center, Prairie Village, KS.
 Randco Marketing Systems, Inc., Wichita, KS.
 Ras-Con., Inc., Wichita, KS.
 Real Estate Continuum, Inc., Wichita, KS.
 Realty Mortgage Company, Inc., Tucson, AZ.
 R & L Investments, Inc., Wichita, KS.
 R. L. Sunderland, Inc., Tulsa, OK.
 Rowley & Linder, Inc., Wichita, KS.
 R & R Auto Clinic, Inc., Wichita, KS.
 Sabre Corporation, Lenexa, KS.
 Sabrina's Frames, Inc., Wichita, KS.
 Sailor's Health World, Inc., Wichita, KS.
 Santa Laura, Inc., New York, NY.
 Sauder Development Company, Inc., Emporia, KS.
 Sherwin E. Perkins, Incorporated, Kansas City, KS.
 Signal Systems Incorporated, Lenexa, KS.
 Simmons Funeral Home, Inc., Kansas City, KS.
 Simon and Sons, Inc., Colwich, KS.
 SMT, Inc., Olathe, KS.
 Software First, Inc., Great Bend, KS.
 Sound Investments Electronic Corp., Wichita, KS.
 Sound Investments, Inc., Wichita, KS.
 South Pacific Imports, Inc., Topeka, KS.
 South 40 Cattle, Inc., Oberlin, KS.
 Stafford Engraving & Designs, Inc., Franklin, KS.
 State Line Video, Inc., Kansas City, MO.
 Sucada Livestock, Inc., Leawood, KS.
 Sunflower Farms, Inc., Manhattan, KS.
 Sunflower Meat Brokerage Co., Andover, KS.
 Sunflower Vending Supply, Inc., Kansas City, KS.
 Sun Products Distributors, Inc., Inman, KS.
 Supplementary Office Services, Inc.,
 Shawnee Mission, KS.
 Taos East, Inc., Lenexa, KS.
 Taxi Pizza, Inc., Ottawa, KS.
 Thomas Reece, Inc., Mulvane, KS.
 Thummel Lumber Company, Thayer, KS.
 Top Hat Enterprises, Inc., Overland Park, KS.
 Town & Country Service Inc., Overland Park, KS.
 Trimco Inc., Newton, KS.
 T. S. McCullough Construction Company,
 Prairie Village, KS.
 USA Gourmet, Inc., Topeka, KS.
 Vandergriff Corporation, De Soto, KS.
 Verdigris Energy Corporation, Coffeyville, KS.
 Vern Brown Construction and Landscape Company,
 Overland Park, KS.
 Vern's Welding, Inc., Topeka, KS.
 Village Realty, Inc., Wichita, KS.
 Wesco, Inc., Overland Park, KS.
 Western Management Company, Overland Park, KS.
 Whitney Plumbing and Heating, Inc.,
 Osawatomie, KS.
 William S. Norris Co., Inc., Prairie Village, KS.
 Willow Tree Looms, Inc., Mission, KS.
 Wilson's Heritage, Inc., Chetopa, KS.

(continued)

The Wondergrow Corporation, Lawrence, KS.
 Woodstoves, Inc., Lawrence, KS.
 Wulf Enterprises, Inc., Cheney, KS.
 W-W Manufacturing Co., Inc., Dodge City, KS.
 Wyandotte Funland, Inc., Kansas City, KS.

Foreign for Profit

Adiabatic Insulation Co., Inc., La Mirada, CA.
 A K Holdings, Ltd., Scottsdale, AZ.
 Alliance Shippers, Inc., W. New York, NJ.
 Allied Materials Corporation, Oklahoma City, OK.
 American Insurance Investigations, Inc., Holt's Summit, MO.
 Beeper Marketing of Kansas, Inc., Hicksville, NY.
 Berven Transportation, Inc., S. Sioux City, NE.
 Biron, Inc., Chanute, KS.
 Booth Fisheries Corporation, Chicago, IL.
 Brown Plastering and Drywall Co., Inc., Raymore, MO.
 BSC Liquidating Corp., New York, NY.
 BWAB Incorporated, Englewood, CO.
 Cantrell Technical Services, Inc., Elk Grove, CA.
 Carpet World, Inc., Oklahoma City, OK.
 Central Arizona Veterinary Laboratory, Inc., Casa Grande, AZ.
 Chas. Todd, Inc., St. Louis, MO.
 Chas. Todd Overall Cleaning Co., St. Louis, MO.
 Collier Electric Co., Inc., Temple, TX.
 Computerized Buying Network, Inc., Cranbury, NJ.
 Consolidated Western Sales Company, Gardner, KS.
 Dale Andrews Consulting, Inc., Denver, CO.
 Daseke Management Corporation, Dallas, TX.
 Diane's Foods, Inc., Overland Park, KS.
 Digiseis Exploration, Inc., Englewood, CO.
 Dimension Systems and Insulation, Inc., Mills, WY.
 Eastern American Energy Corporation, Aurora, CO.
 Eastern Cyclone Industries, Passaic, NJ.
 E. D. S. Service Corporation, Dallas, TX.
 Emra Corporation, San Rafael, CA.
 E O R Petroleum Company, Denver, CO.
 Feed Service Corporation, Crete, NE.
 The Gardner-Zemke Company, Albuquerque, NM.
 Graham Wire Rope, Inc., Graham, TX.
 H. B. Food Services, Inc., Tustin, CA.
 Home Medical Services Corporation, Des Moines, IA.
 Ho's, Inc., Independence, MO.
 Inter-Oceanic Oil & Gas (U.S.), Inc., Denver, CO.
 Iowa Phoenix Corporation, Des Moines, IA.
 James G. Henderson, M.D., P.C., Troy, MI.
 Javalina Construction, Inc., Austin, TX.
 Jayhawk Fire Sprinkler Co., Inc., Sugar Creek, MO.
 J. Lewis & Associates, Inc., Denver, CO.
 Justice Enterprises, Inc., Westmont, NJ.
 Keeley's Kooperage Company, Inc., Tulsa, OK.
 Kenisa Oil Company, Northbrook, IL.
 McGown-Stephenson Oil Co., Mission, KS.
 Micro Chemical, Inc., Amarillo, TX.
 National Auto Sound, Inc., Independence, MO.
 Oakridge Stock Farms, Inc., Iowa Falls, IA.
 Onebee, Inc., Scottsdale, AZ.
 Orion Energy Corp., Mt. Vernon, IL.
 The Orloff Corporation, Midland, TX.
 Oxford Chemicals, Inc., Chicago, IL.

PCA Realty Corporation, Kansas City, MO.
 Peoples Restaurants Development Company, Richardson, TX.
 Peoples Restaurants, Inc., Richardson, TX.
 Petroleum Marketing Company, Tulsa, OK.
 Petron Energy, Inc., Ponca City, OK.
 Private Oil Industries, Inc., Denver, CO.
 Purdy Exploration, Inc., Denver, CO.
 Railroad Services, Inc., Fort Worth, TX.
 Rebel Production Company, Inc., Phoenix, AZ.
 Rickelson Oil and Gas Company, Tulsa, OK.
 River Oaks Motor Carriers, Inc., Boaz, AL.
 Roach Cadillac, Inc., Kansas City, MO.
 Roy J. Hannaford Company, Broken Arrow, OK.
 Sauder Energy Systems, Inc., Emporia, KS.
 Sav-A-Stop Incorporated, Wilmington, DE.
 Sequal, Incorporated, Kansas City, MO.
 Southwest Operating, Inc., Los Angeles, CA.
 Specialty Systems, Inc., Mosinee, WI.
 States Home Delivery, Inc., Portland, OR.
 Sterile Design, Inc., Clearwater, FL.
 Sun Cementing of Wyoming, Inc., Gillette, WY.
 System One Rent-A-Car, Inc., Raytown, MO.
 Taco Management, Inc., Del Rio, TX.
 Thompson Broadcasting, Inc., Bartlesville, OK.
 TLC Technical Service, Inc., Foster City, CA.
 T. L. Painting, Inc., Kansas City, MO.
 Tom Heathman, Inc., Denver, CO.
 Tower Fabricators, Inc., Tulsa, OK.
 Town & Country Office Cleaning Co., Inc., Kansas City, MO.
 Tri-Anim Health Services, Inc., Glendale, CA.
 TRP Realty Associates, Inc., Encino, CA.
 Van Schaack Land Company, Denver, CO.
 Verbatim Corporation, Sunnyvale, CA.
 W.E.F.C.O., Inc., Kansas City, MO.
 Well Logging Inc., Nowata, OK.
 Winco Oil & Gas, Inc., Columbia, KS.
 Yee-ling, Incorporated, Kansas City, MO.

Domestic Limited Partnership

Body by Schliebe of Oklahoma City, A Limited Partnership, Wichita, KS.
 Northbrooke Townhouses, Ltd., Pittsburg, KS.

Professional Association

Bonner Springs Physicians, Chartered, Bonner Springs, KS.
 Carl E. Cornwell, P.A., Kansas City, KS.
 Clarence N. Waters, M.D., Chartered, Salina, KS.
 David K. Duckers, P.A., Kansas City, KS.
 Del Creason & Associates, P.A., Topeka, KS.
 Dennis E. Mitchell, P.A., Kansas City, KS.
 Dennis L. Horner, Chartered, Kansas City, KS.
 Furnas, Porter & Co., Chartered, Wichita, KS.
 Jerry L. Mathis, M.D., Chartered, Elizabethtown, KY.
 Jerry L. Schrader, D.V.M., Chartered, Great Bend, KS.
 Jimmy L. Ducey, D.O., P.A., Wellsville, KS.
 Robert A. Nash, M.D., P.A., Leawood, KS.
 Robert M. Barbe, D.D.S., P.A., Overland Park, KS.
 Steven A. Skoch, D.D.S., P.A., Sabetha, KS.
 Whittaker & Beyerl, Chartered, Eureka, KS.

Forfeited January 15, 1986 for failure to file the annual report due after October 15, 1985 extension:

Domestic for Profit

ABBA Management, Inc., Wichita, KS.
 Accu-Rate Insurance, Inc., Shawnee, KS.
 Acton Incorporated, Lenexa, KS.
 Advant Real Estate, Inc., Overland Park, KS.
 AG, Inc., Oakley, KS.
 Agri Center, Inc., Concordia, KS.
 Air Capital Standard, Inc., Wichita, KS.
 A Line Sales, Inc., Wichita, KS.
 All Services, Inc., Overland Park, KS.
 American Business Cleaning & Maintenance, Inc., Overland Park, KS.
 An-Co Enterprises, Inc., Manhattan, KS.
 Anderson Associates, Inc., Wichita, KS.
 Arcade Alley, Inc., Garden City, KS.
 Atchison Battery Services, Inc., Atchison, KS.
 B & A Development Co., Inc., Topeka, KS.
 Bedmac, Inc., Topeka, KS.
 Beef Genetics Research, Inc., Manhattan, KS.
 Beverly Terrace Apartments, Inc., Wichita, KS.
 Blow & Go Express, Inc., Wichita, KS.
 Bob Henry, Inc., Topeka, KS.
 Brazle-Hamm Agency, Inc., Pratt, KS.
 Bronco Computer Systems, Inc., Mankato, KS.
 Building Components, Inc., Oswego, KS.
 Caney Country, Inc., Coffeyville, KS.
 Carlson's Ultimate Tree and Lawn Incorporated, Merriam, KS.
 CDR Warranty, Inc., Kansas City, KS.
 Central Agri-Fuels & Feeds, Inc., Highland, KS.
 Chegwiddden Enterprises, Inc., Salina, KS.
 Classen Enterprises, Inc., Wichita, KS.
 Clear Lakes Development, Inc., Louisburg, KS.
 Columbian Title Building, Inc., Topeka, KS.
 Commerce Federal Acceptance, Inc., Wichita, KS.
 Commerce Management Corporation, Wichita, KS.
 Condor Energy, Inc., Great Bend, KS.
 Construction & Management, Inc., Wichita, KS.
 Culwell Consulting Service, Inc., Liberal, KS.
 Custom Masonry of Topeka, Inc., Topeka, KS.
 C. W. Sales, Inc., Wichita, KS.
 Cycle-Stat, Inc., Overland Park, KS.
 Dana Oil Company, Inc., Fredonia, KS.
 Diaz Enterprises, Inc., Salina, KS.
 Disco-West, Inc., Junction City, KS.
 Dohm, Incorporated, Wichita, KS.
 Don Wood Homes, Inc., Wichita, KS.
 Dorman Farms, Inc., Concordia, KS.
 Etono-Car of Wichita, Inc., Wichita, KS.
 Entertainment Research, Inc., Chanute, KS.
 E. O. R., Inc., Topeka, KS.
 Excel Real Estate Marketing Group, Inc., Hutchinson, KS.
 F-C Limited, Inc., Wichita, KS.
 The Finer Corporation, Wichita, KS.
 F.O.A.M.S., Inc., Salina, KS.
 Fool Hardy Investments, Inc., (A Close Corporation), Olathe, KS.
 Forebest Corporation, Ottawa, KS.
 Gemini of Wichita, Inc., Wichita, KS.
 Genesis Oil & Gas, Inc., Wichita, KS.
 Gentlemen Crunch, Inc., Kansas City, KS.
 Glenn Owens Lincoln-Mercury, Inc., Topeka, KS.
 Grandpa's Farm, Inc., Pratt, KS.
 Great Plains Beverages, Inc., Parsons, KS.
 Great Plains Flyash, Inc., Topeka, KS.
 Guaranteed C & H Concrete, Inc., Emporia, KS.
 Hawkins & O'Hara, Inc., Ottawa, KS.
 Hays City Datsun, Inc., Hays, KS.
 Hill Electric Inc., Wichita, KS.
 Holiday Air Management, Inc., Lincoln, KS.
 Horizon Corporation of Kansas, Lawrence, KS.
 Horton Drilling Corporation, Independence, KS.
 Hutch Improvement Center Inc., Hutchinson, KS.
 Integrated News Computers, Inc., Wichita, KS.
 J. Amon Body Shop, Inc., Topeka, KS.
 Jarel, Inc., Atchison, KS.
 J.D.K., Inc., Shawnee Mission, KS.
 Jeff O'Neal Ford-Lincoln-Mercury, Inc., Hutchinson, KS.
 Jesse', Ltd., Chanute, KS.
 Jimbudd's, Inc., Mission, KS.
 Joe Flynn Rare Coins, Inc., Kansas City, KS.
 Joe Mendicina Real Estate and Auction Service, Inc., Salina, KS.
 J. W. Enterprises, Inc., Wichita, KS.
 Kansas Title Data, Inc., Shawnee, KS.
 K. G. Properties, Inc., Olathe, KS.
 Kinsman Corporation, Wichita, KS.
 K. L. Enterprise Inc., Topeka, KS.
 K W Oil Co., Inc., Humboldt, KS.
 Lasca, Ltd., Wichita, KS.
 The Last Gunsmoke Production Company, Inc., Dodge City, KS.
 L. A. Weaver Company, Kansas City, KS.
 Leonard, Grantham & Stein Insurance Company, Manhattan, KS.
 Les Lee Cartage, Inc., Kansas City, KS.
 L & L Floor Covering, Inc., Scott City, KS.
 Loschke Beef Packers, Inc., Osage City, KS.
 Love's Trucking & Excavating, Inc., Topeka, KS.
 L & S International Company, Inc., Wichita, KS.
 Lundgren Homes, Inc., Wichita, KS.
 Manhattan Child Care Management, Inc., Manhattan, KS.
 Maple Street Auto, Inc., Wichita, KS.
 Marketing Unlimited, Inc., Shawnee, KS.
 Maxi Dance, Inc., Wichita, KS.
 McAntee, Lawrence, Wilcox Insurance Agency, Emporia, KS.
 Microbiology Research, Inc., Wichita, KS.
 Mid America Rental Enterprises, Inc., Wichita, KS.
 Midland Electric Corporation, Wichita, KS.
 Midway Audio, Inc., Hays, KS.
 Midwest Carpet and Drapery, Inc., Salina, KS.
 Midwestern Mining & Reclamation, Inc., Dallas, TX.
 Miller Trim Company, Inc., Wichita, KS.
 New Technology Systems, Inc., Wichita, KS.
 Norman Michael Manufacturing Co., Inc., Iola, KS.
 Northgate Development Company, Overland Park, KS.

(continued)

Oh Boy! Babies, Inc., Kansas City, KS.
 Okan Supply, Inc., Norcross, GA.
 P.E.B., Inc., Overland Park, KS.
 Pinamonti and Boone, Inc., Pittsburg, KS.
 Pinpoint Properties, Incorporated,
 Shawnee Mission, KS.
 Pioneer Properties, Inc., Wichita, KS.
 Precision Builders, Inc., Olathe, KS.
 Premier Concepts, Inc., Shawnee, KS.
 Rayva, Inc., Wichita, KS.
 Rent-A-Ride of Hays, Inc., Hays, KS.
 R. & H. Vendors, Inc., Leavenworth, KS.
 Rice Releasing, Inc., Olathe, KS.
 River Road, Inc., Concordia, KS.
 R & L, Inc., Mayetta, KS.
 R. McKee, Inc., Maize, KS.
 Robinson Construction, Inc., Junction City, KS.
 Rollow, Inc., Chanute, KS.
 Saddle Shields Mfg., Inc., Wichita, KS.
 S and S Communications, Inc., Lawrence, KS.
 Sankey Rodeo's, Inc., Wichita, KS.
 Scipio Country Club, Inc., Garnett, KS.
 Shade Tree Mechanic, Inc., Salina, KS.
 Sharp Painting Company, Inc., Garden City, KS.
 Shure Mfg., Inc., Prairie Village, KS.
 Skyways, Inc., Salina, KS.
 South Shore Development Co., Inc., Wichita, KS.
 Sprigg Constructors Inc., Paola, KS.
 Stephen M. Kreidler, Inc., Wichita, KS.
 Sugarland Express, Inc., Kansas City, KS.
 Sunflower Homeworks, Inc., Wellington, KS.
 Sunledge Farms, Inc., WaKeeney, KS.
 S & W Tool Design & Mfg., Inc., Salina, KS.
 Syracuse Builders, Inc., Syracuse, KS.
 Taylor Ice Dock, Inc., Chanute, KS.
 Thom Baxter Homes, Inc., Olathe, KS.
 Tim Holt Real Estate, Inc., Wichita, KS.
 Town & Country, Inc., Topeka, KS.
 Triple S of Kansas, Inc., Wichita, KS.
 Tutcher Magic Gas Co., Inc., Overbrook, KS.
 Tutcher Petroleum Corporation, Topeka, KS.
 Unruh Development, Inc., Hutchinson, KS.
 Urban & Suburban, Inc., Topeka, KS.
 Vibra-Flow, Inc., Chanute, KS.
 Vintage Motors, Inc., Ulysses, KS.
 Vista at Lawrence, Inc., Lawrence, KS.
 Wentz Equipment Company, Topeka, KS.
 Western Highlands Transport, Inc., Goodland, KS.
 Whetstine Farms, Inc., Highland, KS.
 Whites Machine Tool, Inc., Arkansas City, KS.
 Wildcat Ironworks, Inc., Topeka, KS.
 Willford Construction Company, Inc., Pomona, KS.
 William L. Chambers, Inc., Kansas City, KS.
 Yesteryear Aviation, Inc., Wichita, KS.

Foreign for Profit

Aikman Petroleum, Inc., Amarillo, TX.
 Bio-Medical Research Laboratories, Inc.,
 Overland Park, KS.
 Brock, Coffey & Patterson, Inc., Merriam, KS.
 Buffalo Resources Corporation, Culver City, CA.
 Building Maintenance Company, Kansas City, MO.
 Castle & Cooke, Inc., San Jose, CA.

Central States Microwave Transmission Company,
 Cleveland, OH.
 Chrysler Capital Corporation, Greenwich, CT
 Chrysler Capital Lease Services, Inc., Greenwich, CT.
 Cimarron Equity Corporation, Houston, TX.
 Citicorp Leasing, Inc., New York, NY.
 Dearborn Chemical Compay, Lake Zurich, IL.
 Domestic Sales Corporation, Elkhart, IN.
 Equilease Corporation, New York, NY.
 Evans Financial Corp., Portland, OR.
 Evans Products Company, Portland, OR.
 Evans Track-work Leasing Company, Portland, OR.
 Evans Transportation Company, Portland, OR.
 Forslunds, Inc., Kansas City, MO.
 Glacier Park Company, Seattle, WA.
 Hall's Motor Transit Company, Mechanicsburg, PA.
 Iroquois Grocery Products, Inc., Wilmington, DE.
 J. A. Adams Company, Kansas City, MO.
 Malibu Grand Prix Corporaton, Woodland Hills, CA.
 Market Facts, Inc., Chicago, IL.
 MCO Resources (Integrated) Corp., Houston, TX.
 Meritor Credit Corporation, New York, NY.
 Mid-States Commercial Const., Inc., Mission, KS.
 Motel 6, Inc., Santa Barbara, CA.
 National Medical Care, Inc., Boston, MA.
 National Valve and Manufacturing Company,
 Pittsburg, PA.
 Netamerica Corporation, Dallas, TX.
 N K Rentals, Inc., Arlington, TX.
 Quality Dodge, Inc., Kansas City, KS.
 Shoup Merger Corp., Los Angles, CA.
 Specialized Programming and Consulting
 Enterprises, Shawnee Mission, KS.
 St. Michael Exploration Co., Denver, CO.
 Truck Center of America, Inc., New York, NY.
 Union Insurance Services, Inc., St. Louis, MO.
 Union Tank Car Company, Dover, DE.
 Weatherford U.S., Inc., Houston, TX.
 3654 Cypress Corporaton, Tampa, FL.

Foreign Business Trust

University Real Estate Trust, Long Beach, CA.

Domestic Limited Partnership

First Place Awards & Gifts, A Limited Partnership,
 Topeka, KS.

Foreign Limited Partnership

Damson Development Drilling Program—81 Dev. 1,
 New York, NY.

Domestic Not for Profit

Amarado Estates Homeowners' Association,
 Wichita, KS.
 Blue Valley Soccer Club, Inc., Overland Park, KS.
 Earl H. Ellis, Post No. 1362, of the Veterans of Foreign
 Wars, Pratt, KS.
 Mid-American Pizza Hut Restaurant Advertising
 Association, Atchison, KS.
 Pancake Capitol Hi-Flyers, Inc., Liberal, KS.
 The Young Adult's Recreation Company, Ltd.,
 Lawrence, KS.

Professional Association

Clyde V. Martin, M.D., Chartered, Mission Hills, KS.

Forfeited January 15, 1986 for failure to correct and return an annual report:

Cooperative Marketing Act
Jefferson County Cooperative Association,
Oskaloosa, KS.

Domestic for Profit
Brentwood Construction Corporation, Prairie
Village, KS.
Bushwackers, Inc., Manhattan, KS.
Continental Builders, Inc., Merriam, KS.
Copy Center of Topeka, Inc., Topeka, KS.
Country Cable Kansas, Inc., Wichita, KS.
G.E.M. Inc., Junction City, KS.
General Cinema Corp. of Kansas, Chestnut Hills, MA.
The International Business Connection, Inc.,
Mission, KS.
J B Electronics, Inc., Wichita, KS.
Lake King Rod Company, Inc., Topeka, KS.
Mitts Family Farms, Ltd., Netawaka, KS.
Potter Associates, Inc., Wellington, KS.
Vielhauer Plumbing, Inc., Shawnee, KS.

Foreign for Profit
Holly Energy, Inc., Dallas, TX.

Domestic Not for Profit
The Kansas Good Roads Association, Topeka, KS.

Professional Association
William Carpino, D.P.M., P.A., Pittsburg, KS.

Forfeited January 15, 1986 for failure to submit a certificate of good standing with the annual report:

Foreign for Profit
AM Cable TV Industries, Inc., Milford Square, PA.
Grunau Company, Inc., Milwaukee, WI.
Mister Guy, Inc., Kansas City, MO.
Modern Energy, Incorporated, Tonopah, AZ.
Nationwide Carpet Cleaning & Dye Company,
Kansas City, MO.
Pizza To Go, Inc., Spokane, WA.
Technical Equipment Co., Inc., Shawnee, KS.

Forfeited January 15, 1986 for failure to designate a new resident agent within 60 days of resignation of previous resident agent:

Domestic for Profit
Street Lights, Inc., Wichita, KS.
Tractor 6039, Inc., Fort Scott, KS.
Tractor 8467, Inc., Fort Scott, KS.

Foreign for Profit
Skypix, Inc., Marshfield, WI.

JACK H. BRIER
Secretary of State
by: JOHN R. WINE, JR.
Legal Counsel

Doc. No. 003947

State of Kansas

LEGISLATURE

LEGISLATIVE BILLS INTRODUCED

The following lists the numbers and titles of bills and resolutions recently introduced in the Kansas Legislature.

Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N State Capitol, Topeka 66612, (913) 296-4096. There is a limit of 25 copies of any one item.

Bills Introduced February 13-19:

SB 640, by Committee on Ways and Means: An act concerning state educational institutions under the control and supervision of the state board of regents; placing persons employed as health care professionals in the unclassified service under the Kansas civil service act; amending K.S.A. 1985 Supp. 75-2935 and repealing the existing section.

SB 641, by Committee on Ways and Means: An act concerning state educational institutions under the control and supervision of the state board of regents; relating to residence requirements for fee purposes; amending K.S.A. 76-729 and repealing the existing section.

SB 642, by Committee on Ways and Means: An act concerning state educational institutions under the control and supervision of the state board of regents; authorizing the acquisition of insurance required for participation in study abroad programs; amending K.S.A. 74-4702, 75-4101 and 75-6111 and repealing the existing sections.

SB 643, by Committee on Ways and Means: An act concerning the university of Kansas; relating to the university press; providing bidding and other exemptions for certain contracts for services; amending K.S.A. 75-1005 and repealing the existing section.

SB 644, by Committee on Ways and Means: An act concerning docket fees; relating to the amount and disposition thereof; amending K.S.A. 1985 Supp. 20-362 and 28-172a and repealing the existing sections.

SB 645, by Committee on Ways and Means: An act concerning capital improvement projects for educational institutions under the control and supervision of the state board of regents; authorizing certain projects by endowment associations; prescribing guidelines.

SB 646, by Committee on Ways and Means: An act concerning the state board of regents and institutions under its management; relating to retirement annuities for faculty members and certain other persons; amending K.S.A. 74-4925 and repealing the existing section.

SB 647, by Committee on Education: An act concerning professional negotiation between boards of education and professional employees thereof; vesting subpoena power in the secretary of human resources for performance of duties and responsibilities relating thereto; amending K.S.A. 72-5432 and repealing the existing section.

SB 648, by Committee on Education: An act concerning school district finance; imposing limitations on budgets of operating expenses per pupil for the 1986-87 school year; amending K.S.A. 72-7055 and repealing the existing section.

SB 649, by Committee on Education: An act concerning school districts; relating to bilingual education programs; amending K.S.A. 72-9501, 72-9504, 72-9507 and 72-9508, and repealing the existing sections.

SB 650, by Committee on Education: An act concerning school district finance; affecting the definition of pupil for the purposes thereof; amending K.S.A. 72-7033 and repealing the existing section.

SB 651, by Committee on Public Health and Welfare: An act concerning the optometry law; defining the practice of optometry; establishing continuing education requirements; amending K.S.A. 65-1501, 65-1501a, 65-1505 and 65-1509a and repealing the existing sections.

SB 652, by Committee on Ways and Means: An act concerning the capital improvement project to construct and equip a coliseum at Kansas state university; exempting such project from certain statutory wage requirements; amending K.S.A. 1985 Supp. 76-6a36 and repealing the existing section.

SB 653, by Committee on Ways and Means: An act establishing the Kansas economic development highway improvement program; prescribing certain powers, duties and functions for the secretary of transportation, the secretary of economic development and certain other officers; authorizing certain loans and prescribing terms and conditions thereof; providing certain exemptions; amending K.S.A. 10-309, 10-1116, 79-2925, 79-2959, 79-2961, 79-2965, 79-2966, 79-3425c and 79-5011 and K.S.A. 1985 Supp. 10-307 and repealing the existing sections.

SB 654, by Committee on Ways and Means: An act concerning the university of Kansas medical center; authorizing certain pay rate differentials for nursing personnel.

SB 655, by Committee on Ways and Means: An act concerning accident and health insurance; relating to the purchase thereof for certain students by state educational institutions under the control and supervision of the state board of regents.

SB 656, by Committee on Ways and Means: An act concerning sponsored research at educational institutions under the control and supervision of the state board of regents; providing for certain funds and accounts; prescribing certain guidelines and procedures therefor; providing certain exemptions.

SB 657, by Committee on Ways and Means: An act concerning the Kansas educational building fund; authorizing transfers of amounts between items of appropriation; prescribing guidelines, powers, duties and functions for the state board of regents and the state finance council.

SB 658, by Committee on Ways and Means: An act concerning service clearing funds at educational institutions under the control and supervision of the state board of regents; prescribing certain limitations, guidelines and procedures therefor.

SB 659, by Committee on Ways and Means: An act concerning the university of Kansas; providing for annual transfers of moneys to the press publications account of the restricted fees fund thereof from certain accounts of other state educational institutions; prescribing procedures.

SB 660, by Committee on Ways and Means: An act concerning the Kansas technical institute; relating to sales of renovated aircraft; providing exemption from bid procedures under certain circumstances; purchase of certain insurance; amending K.S.A. 74-4702 and K.S.A. 1985 Supp. 75-4109 and repealing the existing sections.

SB 661, by Committee on Financial Institutions and Insurance: An act relating to insurance; concerning the holding of securities of an insurance company; amending K.S.A. 40-2a20 and 84-8-108 and K.S.A. 1985 Supp. 40-2b20 and repealing the existing sections.

SB 662, by Committee on Governmental Organization: An act relating to the Kansas national guard; concerning the appointment of officers; amending K.S.A. 48-208 and repealing the existing section.

SB 663, by Committee on Education: An act concerning tax statements required to be mailed by county treasurers to taxpayers; affecting the contents required to be included thereon; amending K.S.A. 79-2001 and repealing the existing section.

SB 664, by Committee on Public Health and Welfare: An act concerning children; providing that a child born as a result of an attempted abortion is a child in need of care under the Kansas code for care of children.

SB 665, by Committee on Assessment and Taxation: An act relating to solar energy

(continued)

system income and privilege tax credits; extending the applicability thereof; amending K.S.A. 79-1118, 79-32,166, 79-32,167 and 79-32,168 and repealing the existing sections.

SB 666, by Committee on Assessment and Taxation: An act relating to taxation; repealing K.S.A. 79-801 to 79-808, inclusive, relating to the taxation of express companies.

SB 667, by Committee on Financial Institutions and Insurance: An act relating to insurance; concerning nonprofit dental service corporations; amending K.S.A. 40-19a03 and K.S.A. 1985 Supp. 40-19a04 and repealing the existing sections.

SB 668, by Committee on Judiciary: An act concerning product liability; prohibiting certain evidence.

SB 669, by Joint Committee on State Building Construction: An act concerning architectural services for state agencies; relating to required services and fees for project architects; amending K.S.A. 75-1254, 75-1259 and 75-1263 and repealing the existing sections.

SB 670, by Committee on Public Health and Welfare: An act concerning the children and youth advisory committee; authorizing the employment of a coordinator; amending K.S.A. 75-5328 and K.S.A. 1985 Supp. 38-1401 and repealing the existing sections.

SB 671, by Committee on Public Health and Welfare: An act concerning proposals for mandating health coverages; establishing guidelines for assessing impact of mandating such coverages.

SB 672, by Committee on Public Health and Welfare: An act relating to maternity hospitals or homes and homes for children; concerning license and registration fees; providing grounds for denial of certificate of registration; amending K.S.A. 65-505, 65-506, 65-519 and 65-521 and repealing the existing sections.

SB 673, by Committee on Elections: An act concerning elections; relating to campaign finance; amending K.S.A. 25-4172 and repealing the existing section.

HB 2996, by Committee on Agriculture and Small Business: An act concerning the lease of certain agricultural land; prescribing certain conditions and granting certain rights relating thereto.

HB 2997, by Committee on Ways and Means: An act concerning the renovations of the state-owned Santa Fe office building; providing for the financing of the costs thereof; imposing certain duties on the secretary of administration and the pooled money investment board; and making and concerning certain appropriations therefor for the fiscal years ending June 30, 1987, and June 30, 1988.

HB 2998, by Committee on Transportation: An act concerning abandoned railroad right-of-way; release, failure to file, remedy.

HB 2999, by Committee on Transportation: An act concerning the taxation of motor-vehicle fuels; amending K.S.A. 1985 Supp. 79-3408 and repealing the existing section.

HB 3000, by Committee on Education: An act establishing a coordinating council on early childhood developmental services.

HB 3001, by Committee on Assessment and Taxation: An act amending the Kansas retailers' sales tax act; relating to the taxation of telephone services; amending K.S.A. 79-3603 and K.S.A. 1985 Supp. 79-3606 and repealing the existing sections.

HB 3002, by Committee on Assessment and Taxation: An act relating to income taxation; concerning the medical expense deduction of an individual; amending K.S.A. 79-32,120 and repealing the existing section.

HB 3003, by Committee on Education (by request): An act concerning state scholarships; affecting the period of eligibility of state scholars for the award thereof; amending K.S.A. 72-6810, 72-6811, 72-6812 and 72-6813, and repealing the existing sections.

HB 3004, by Committee on Assessment and Taxation: An act relating to income taxation; providing a credit therefrom for qualified research expenditures.

HB 3005, by Committee on Local Government: An act concerning Johnson county park and recreation commission; relating to contracts by the board; amending K.S.A. 19-2881 and repealing the existing section.

HB 3006, by Committee on Local Government: An act concerning the employment security law; relating to the definition of certain terms; amending K.S.A. 1985 Supp. 44-703 and repealing the existing section.

HB 3007, by Committee on Insurance (by request): An act concerning insurance; relating to deposit of securities by life insurance companies; real estate deeds or certificates as part of legal reserve; amending K.S.A. 40-404 and 40-404a and repealing the existing sections.

HB 3008, by Committee on Insurance (by request): An act concerning insurance; relating to insurance agents and insolvent insurers; unearned premiums and contractual obligations.

HB 3009, by Committee on Federal and State Affairs: An act concerning vital statistics records; exempting certain persons from certain fees relating thereto; amending K.S.A. 65-2418 and repealing the existing section.

HB 3010, by Committee on Legislative, Judicial and Congressional Apportionment: An act relating to elections; concerning the establishment and changing of election precincts; and prescribing certain powers and duties of the state and county election officers in relation thereto.

HB 3011, by Committee on Public Health and Welfare: An act concerning immunizations of preschool children in certain boarding homes for children; requiring such children to be inoculated with *hemophilus influenzae* type b vaccine.

HB 3012, by Committee on Local Government: An act concerning the countywide retailers' sales tax; relating to the apportionment thereof; amending K.S.A. 1985 Supp. 12-192 and repealing the existing section.

HB 3013, by Committee on Assessment and Taxation: An act concerning the assessment and taxation of certain property of public utilities; amending K.S.A. 79-5a01 and repealing the existing section.

HB 3014, by Committee on Energy and Natural Resources (by request): An act designating the *Terrapene ornata*, Agassiz (ornate box turtle) as the official state reptile.

HB 3015, by Committee on Public Health and Welfare: An act concerning pharmacists; providing for the licensure thereof; amending K.S.A. 2-2207, 7-121b, 40-1126, 47-501, 60-513d, 60-2609, 65-636, 65-1626, 65-1627, 65-1627a, 65-1627b, 65-1627c, 65-1627d, 65-1627e, 65-1627f, 65-1627g, 65-1627h, 65-1628, 65-1628a, 65-1631, 65-1632, 65-1633, 65-1634, 65-1636, 65-1637, 65-1637a, 65-1638, 65-1641, 65-1643, 65-1644, 65-1652, 65-2891, 65-4909, 74-1603, 74-1604, 74-1605 and 74-1608 and K.S.A. 1985 Supp. 40-3401 and repealing the existing sections.

HB 3016, by Committee on Labor and Industry: An act concerning the employment security law; relating to expenditures from special employment security fund; amending K.S.A. 1985 Supp. 44-716a and repealing the existing section.

HB 3017, by Committee on Assessment and Taxation: An act relating to the taxation of national banking associations, state banks, trust companies and savings and loan associations; amending K.S.A. 79-1107; 79-1108 and 79-1109 and repealing the existing sections; also repealing K.S.A. 79-1108a.

HB 3018, by Committee on Commercial and Financial Institutions: An act amending the uniform consumer credit code; concerning certain loans; amending K.S.A. 1985 Supp. 16a-2-401 and repealing the existing section.

HB 3019, by Committee on Communication, Computers and Technology: An act establishing the Kansas technology transfer institute at Kansas state university; prescribing the functions and objectives thereof; providing for the operations thereof; prescribing powers, duties and functions for the state board of regents in relation thereto.

HB 3020, by Committee on Public Health and Welfare: An act concerning the board of nursing; relating to grounds for denial, revocation, limitation or suspension of licenses or certificates; concerning fees collected by the board; amending K.S.A. 65-1118 and 65-1120 and repealing the existing sections.

HB 3021, by Committee on Public Health and Welfare: An act concerning price-posting of certain prescription-only drugs; amending K.S.A. 65-1650 and repealing the existing section.

HB 3022, by Committee on Public Health and Welfare: An act concerning the state board of mortuary arts; relating to educational requirements of licenses; concerning reciprocal licenses; amending K.S.A. 65-1701a, 65-1701b and 65-1721 and repealing the existing sections.

HB 3023, by Committee on Public Health and Welfare: An act concerning physician assistants; relating to the registration and practice thereof; amending K.S.A. 65-2896,

65-2896a, 65-2896b, 65-2896c, 65-2896d, 65-2896e, 65-2896f, 65-2896g and 65-2896h and repealing the existing sections.

SR 1879, by Senator Allen: A resolution honoring Max Campbell, age 73, upon his retirement from the City Council of the City of Edgerton.

SR 1880, by Senators Harder and Salisbury: A resolution proclaiming February 17, 1986 through February 21, 1986 as Kansas Higher Education Week.

SR 1881, by Senator Burke: A resolution honoring Margaret Deshler and Doris Lane for their unwavering efforts toward the building of the Olathe Community Hospital.

HR 6187, by Representative D. Miller: A resolution honoring Max Campbell, age 73, upon his retirement from the City Council of the City of Edgerton.

HR 6188, by Representative Mollenkamp: A resolution honoring Maybelle Farley for 25 years of service to the Oakley Christian Church.

HR 6189, by Representatives Tolson, Acheson, Apt, Baker, Barr, Bideau, Braden, Brown, Bryant, Buehler, C. Campbell, Chronister, Crowell, Crumbaker, DeBaun, Douville, Dyck, Eckert, Flottman, Foster, Freeman, Friedeman, Fry, Fuller, Guldner, Harper, Hassler, Hayden, Heinemann, Holmes, Jenkins, King, Kline, Knopp, Laird, Littlejohn, Long, Louis, Lowther, Mayfield, D. Miller, R. D. Miller, Mollenkamp, Moomaw, Neufeld, Nichols, O'Neal, B. Ott, K. Ott, Patrick, Patterson, Pottorff, Ramirez, Roe, Roenbaugh, Rolf, Roper, Rosenau, Sallee, Sand, Shore, Sifers, Smith, Sprague, Vancrum, Walker, Wilbert, Williams and Wunsch: A resolution disapproving Executive Reorganization Order No. 21, relating to the state department of agriculture.

HR 6190, by Representative Bowden: A resolution congratulating the City of Cheney on its centennial anniversary.

HR 6191, by Representatives Apt and Crumbaker: A resolution proclaiming February 17, 1986 through February 21, 1986 as Kansas Higher Education Week.

HR 6192, by Representatives Reardon, Dillon, Johnson, Justice, Love, Peterson, Ramirez, Rosenau, Sutter and Wisdom: A resolution in memory of Melvin B. Brockman.

HR 6193, by Representatives Heinemann and Moomaw: A resolution in memory of Earl C. Brookover.

HR 6194, by Representative Branson: A resolution congratulating and commending Sylvia Lynne Sanders on her selection as a finalist for the 1985 Rhodes Scholarship.

HR 6195, by Representatives Williams, Adam, Apt, Ayward, Baker, Barkis, Barr, Bideau, Blumenthal, Bowden, Braden, Brady, Branson, Brown, Bryant, Buehler, Bunten, C. Campbell, K. Campbell, Charlton, Chronister, Cloud, Cribbs, Crowell, Crumbaker, Dean, DeBaun, Dillon, Douville, Duncan, Dyck, Eckert, Erne, Flottman, Foster, Fox, Francisco, Freeman, Friedeman, Fry, Fuller, Gjerstad, Goossen, Graeber, Green, Grotewiel, Guldner, Hamm, Harder, Harper, Hassler, Hayden, Heinemann, Helgerson, Hensley, Holmes, Hoy, Jarchow, Jenkins, Johnson, Justice, King, Kline, Knopp, Lacey, Laird, Leach, Littlejohn, Long, Louis, Love, Lowther, Luzzati, Mainey, Mayfield, D. Miller, R. D. Miller, R. H. Miller, Mollenkamp, Moomaw, Neufeld, Nichols, O'Neal, B. Ott, K. Ott, Patrick, Patterson, Peterson, Polson, Pottorff, Ramirez, Reardon, Rezac, Roe, Roenbaugh, Rolf, Roper, Rosenau, Roy, Runnels, Sallee, Sand, Schmidt, Shore, Shriver, Sifers, Smith, Snowbarger, Solbach, Spaniol, Sprague, Sughrue, Sutter, Teagarden, Turquist, Vancrum, Wagoner, Walker, Weaver, Webb, Whiteman, Wilbert, Wisdom and Wunsch: A resolution in memory of Donald A. Bell.

HR 6196, by Representative Foster: A resolution relating to the rules of the House of Representatives for the 1985-1986 biennium.

HR 6198, by Representative Francisco: A resolution in memory of Albert J. D. Eubanks.

Doc. No. 003956

State of Kansas

DEPARTMENT OF TRANSPORTATION

PERMANENT ADMINISTRATIVE REGULATIONS

(Effective May 1, 1986)

Article 13.—SCHOOL BUS TRANSPORTATION

36-13-32. School bus driver qualifications and duties. (a) Each person employed as a school bus driver for a school district, or any other party transporting school students, shall possess:

- (1) A valid Kansas class A or B license;
- (2) a chauffeur's license; or
- (3) a restricted class B driver's license.

(b) Restricted class B licenses shall be subject to the provisions of K.S.A. 8-238 and shall permit the licensee to drive only on regularly established school bus routes to and from school.

(c) Upon application of any person seeking to become a school bus driver, the prospective employer shall inspect the applicant's driving record through the division of vehicles, Kansas department of revenue, in accordance with K.S.A. 1984 Supp. 74-2012.

(1) Any employer of a school bus driver shall not employ, re-employ nor retain any person as a school bus driver if:

(A) The person's driving record indicates the person has been convicted of:

- (i) hit and run driving as described in K.S.A. 8-1602;
- (ii) driving while intoxicated or under the influence

of drugs, as described in K.S.A. 1984 Supp. 8-1567, as amended by L. 1985, Ch. 50, Sec. 5;

(iii) vehicular homicide as described in K.S.A. 21-3405;

(iv) reckless driving, as described in K.S.A. 1984 Supp. 8-1566; or

(B) the person has had a driver's license revoked or suspended by the division of vehicles, Kansas department of revenue, pursuant to K.S.A. 1984 Supp. 8-254 and 8-255.

(2) Absent actual knowledge of the employer as to any of the above violations, the employer shall be deemed to be in compliance with these provisions upon obtaining the applicant's driving record through the division of vehicles, inspecting the driving record, and not employing any person convicted of the offenses as set out in parts (i) through (iv) of paragraph (1).

(1) In the event that, subsequent to the original hiring, the employer has actual knowledge of any school bus driver being convicted of any of the offenses set out in parts (i) through (iv) of paragraph (1), that school bus driver shall not be retained nor re-employed.

(3) Upon application, the prospective employer shall require the applicant's written statement as to whether or not the applicant has ever been convicted, in Kansas or in any other state, of a felony or Class A, B or C misdemeanor. An employer shall not employ, re-employ nor retain any person convicted of a felony or a Class A, B or C misdemeanor.

(4) Absent actual knowledge of the employer concerning an employee's conviction, the employer shall be deemed to be in compliance with these provisions upon requiring the applicant's written statement as provided in paragraph (3), and not employing any person convicted of a felony or Class A, B or C misdemeanor. In the event that, subsequent to the original hiring, the employer has actual knowledge of any school bus driver being convicted of a felony or a Class A, B or C misdemeanor, that school bus driver shall not be retained nor re-employed.

(5) An employer of a school bus driver shall not employ, re-employ nor retain any person if the person has practiced or attempted to practice any material deception or fraud in the application for employment as a school bus driver.

(6) For purposes of this subsection (c), a conviction means a plea of guilty, or *nolo contendere*, or a verdict, or finding of guilty by court in trial with or without a jury, or a forfeiture of bail.

(7) Upon request from the school district, non-public school, or other employer, the application of the disqualifications to employment described in paragraphs (1) and (3) of subsection (c) may be waived by the secretary of transportation. An otherwise disqualified applicant or school bus driver may be allowed to be employed, retained or re-employed if the secretary determines, based on facts submitted, that the person would be or is a satisfactory school bus driver.

(d) Every school bus driver shall:

(1) Be experienced in driving some type of motor vehicle, which may be a private automobile, for not

less than one year, including experience throughout each of the four seasons;

(2) have a minimum of two hours behind-the-wheel driving experience in a school bus, which may include driving a school bus route;

(3) complete an American red cross multi-media first aid course, or an equivalent course approved by the secretary or the secretary's representative, as evidenced by a certificate showing satisfactory completion of instruction. The course shall be retaken by each school bus driver within three years from the date of issuance of the driver's last issued certificate;

(4) complete driver training requirements, as follows:

(A) Newly employed drivers shall complete the national safety council defensive driving course, the American automobile association driver improvement program, or an equivalent course approved by the secretary or the secretary's representative. Completion of the course shall be evidenced by a certificate. The certificate shall indicate satisfactory completion of the course, and shall be valid for three years from date of issue.

(B) Experienced drivers needing certification shall complete, every three years, the national safety council defensive driving course, the American automobile association driver improvement program, or an equivalent course as outlined in part (A) or shall attend the Kansas department of transportation school bus driver workshops annually.

(C) Each substitute school bus driver shall complete, within 90 school days from the beginning of service, the required courses described in subsections (3) and (4) of this section. For purposes of this article, the term "substitute school bus driver" means those persons who have not been employed as a school bus driver during the preceding three years. The term "beginning of service" means the date the person first drove a school bus loaded with passengers; and

(5) Attend monthly safety meetings provided by the driver's employer.

(d) Each physical examination required by these regulations shall be performed by a physician licensed by the state of Kansas.

(1) Each school bus driver shall be required to pass a physical examination:

(A) Prior to beginning employment as a school bus driver;

(B) at any time at the request of the driver's employer, the transportation supervisor, the secretary or the secretary's representative; and

(C) within two years of the last completed physical examination.

(2) An in-service or prospective school bus driver shall be deemed to have passed a physical examination if the driver satisfies the qualifications outlined in the medical examination report form, as approved by the secretary or the secretary's representative. The report shall include the following minimum qualifications:

(A) No loss of foot, leg, fingers, hand, arm, or other

(continued)

structural defect, or limitation of movement likely to interfere with safe driving;

(B) no mental, nervous, organic, or functional disease likely to interfere with safe driving;

(C) no use of medication which the examining physician determines is likely to interfere with safe driving;

(D) no indication of coronary or heart ailment which the examining physician determines is likely to interfere with safe driving. An electrocardiogram shall be required when other findings indicate desirability in using such a test;

(E) visual acuity of at least 20/40 (Snellen) in each eye either without glasses or by correction with glasses, or contact lenses. The driver's form field of vision in the horizontal meridian shall not be less than a total of 140 degrees. The driver shall have ability to distinguish the colors red, green and yellow. If the driver's eyesight requires correction by glasses or contact lenses, the driver shall wear them at all times when driving;

(F) ability to perceive whispered voice in the better ear at not less than five feet with or without the use of a hearing aid. If tested by use of an audiometric device, the driver shall not have an average hearing loss in the better ear greater than forty decibels at 400 Hz, 1,000 Hz, and 2,000 Hz, with or without a hearing aid, when the audiometric device is calibrated to American national standard (formerly ASA standard) Z24.5-1951; and

(G) no addiction to the use of narcotics, illegal drugs, alcohol or liquor.

(3) Each medical examination report shall be kept on file at the office of the school district, the nonpublic school, or the employer, and shall be retained by that office for a minimum of two years from the date of completion of the physical examination.

(e) No person shall be permitted to drive a school bus when under the influence of any narcotic, illegal drug, cereal malt beverage or liquor, except prescription drugs if the physician prescribing the drug determines that it will not interfere with safe driving. Drivers shall not consume nor have in their possession any narcotic, illegal drug, cereal malt beverage or liquor while on duty, except a required prescription drug as allowed above.

(f) The following conditions shall be met in the operation of school buses in the state of Kansas.

(1) No person shall drive any school bus for more than 10 consecutive hours or for more than an aggregate of 10 hours spread over a period of 16 consecutive hours.

(2) Each school bus driver shall operate the bus in a safe, prudent, and careful manner with due regard to traffic and the use of the highway by others.

(3) Each school bus driver shall use the provided seat belt at all times while the bus is in motion.

(4) Each school bus driver shall not permit the bus to be operated or driven with any trailer or other vehicle attached. The use of a tractor or any other motor vehicle in combination with a trailer, semi-trailer or pole trailer as a school bus shall be prohibited.

(5) Each school bus driver shall not permit a bus, when traveling, to coast with the transmission in neutral or the clutch disengaged. The doors of the bus shall be closed before the bus is put into motion and shall remain closed when traveling, except that the service door may be opened upon approaching and crossing railroad crossings.

(6) The fuel tank shall not be filled while the engine is running or when students are inside the bus. Fuel shall only be carried or transported in the regularly provided fuel tank of the bus.

(7) No person shall be permitted to stand in any school bus while the bus is in motion. A bus shall not be put in motion until all students are seated. When unloading students, the bus driver shall not allow students to leave their seats until the bus comes to a complete stop.

(8) Each school bus driver shall not allow anyone, other than school personnel and students, to ride the bus unless written permission has been issued by the transportation supervisor or the supervisor's representative. This provision shall not apply to law enforcement or emergency personnel who are passengers of a bus in emergency periods as designated by the governing board of a school district, nonpublic school or the secretary.

(9) Each driver shall not require any student to leave the bus before the destination of the student has been reached.

(10) Each school bus driver shall not leave the bus while the engine is running.

(11) Each school bus driver shall not make any repairs, except emergency repairs as may be necessary, while on the road.

(12) Each school bus shall be inspected by the driver daily before use to ascertain that it is in safe condition, equipped as required by all provisions of law, and that all equipment is in good working order. The driver shall test for the proper operation of the parking, service, and emergency braking systems, and shall open and close all emergency exits before using the bus for transporting students. No student shall be transported until any defects which may be discovered have been corrected.

(g) Each substitute school bus driver shall fulfill the requirements of a licensed school bus driver except as otherwise provided in this article.

(h) Any person who holds a valid class A, B or C license may be permitted to operate a school bus in an emergency situation. Any emergency school bus driver shall be limited to a maximum of five driving days in a school year and shall be used only when a regular or substitute school bus driver is unavailable. (Authorized by and implementing K.S.A. 8-2009; effective, E-78-22, Aug. 10, 1977; effective May 1, 1978; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986.)

Article 16.—HIGHWAY RELOCATION ASSISTANCE

36-16-1. Acquisition of real property for state highway purposes; relocation assistance. (a) (1) 49

C.F.R. Part 25, as of July 3, 1985, is adopted by reference.

(2) The provisions of 49 C.F.R. Part 25, as of July 3, 1985, shall be applicable to all acquisitions of real property by the department of transportation for the state highway system including those acquisitions in which federal funds are not available for or used in payment of acquisitions.

(b) Any person displaced from the person's dwelling because of an acquisition of real property for state highway purposes may have the option of receiving:

(1) A moving expense allowance based on the schedule established by the secretary of transportation or the secretary's designee, plus a dislocation allowance;

(2) a payment equal to the lowest estimate for actual moving and related expenses as the secretary of transportation or the secretary's designee determines to be reasonable and necessary; or

(3) reimbursement for actual moving and related expenses as the secretary of transportation or the secretary's designee determines to be reasonable and necessary.

(c) As used in subsection (b), the term dwelling means a separate house, apartment unit, cabin, or one or more sleeping rooms.

(d) Any tenant occupant who is displaced from a mobile home because of an acquisition of real property for state highway purposes may have the option of receiving either a moving expense allowance plus a dislocation allowance or a reimbursement for actual moving expenses. The amount of the relocation moving expense allowance shall not exceed the amount in the schedule established by the secretary of transportation or the secretary's designee.

(e) Any mobile home owner-occupant who is displaced because of an acquisition of real property for state highway purposes may have the option of receiving either a moving expense allowance plus a dislocation allowance or a reimbursement for actual moving expenses. The amount of the relocation moving expense allowance shall not exceed the amount in the schedule established by the secretary of transportation or the secretary's designee. (Authorized by K.S.A. 58-3505, 58-3506, 68-402, K.S.A. 1984 Supp. 68-402b, as amended by L. 1985, Ch. 232, Sec. 4, K.S.A. 1984 Supp. 68-404; implementing K.S.A. 58-3501 to 58-3506; effective, E-68-16, May 13, 1968; effective, E-69-8, May 28, 1969; effective, E-70-14, Jan. 19, 1970; effective Jan. 1, 1971; amended, E-71-31, Aug. 1, 1971; amended Jan. 1, 1972; amended, E-72-15, June 1, 1972; amended Jan. 1, 1973; amended, E-76-33, July 1, 1975; amended May 1, 1976; amended May 1, 1983; amended May 1, 1986.)

JOHN B. KEMP
Secretary of Transportation

Doc. No. 003925

State of Kansas

BOARD OF ACCOUNTANCY

PERMANENT ADMINISTRATIVE REGULATIONS

(Effective May 1, 1986)

Article 5.—CODE OF PROFESSIONAL CONDUCT

74-5-202. Auditing standards. A certified public accountant or a licensed municipal public accountant shall not permit his or her name to be associated with financial statements in such a way as to imply that the accountant is acting as an independent certified public accountant or licensed municipal public accountant with respect to the financial statements unless the accountant has complied with the applicable, generally accepted auditing standards.

Statements on auditing standards issued by the American Institute of certified public accountants in Volumes A and B, dated June 1, 1985, and the minimum standard audit program of the Kansas state municipal accounting board, shall be considered to be interpretations of the generally accepted auditing standards. Any accountant who does not conform to those standards shall provide justification for such a departure. (Authorized by and implementing K.S.A. 1-202(c)(1); K.S.A. 75-1119(a); effective Jan. 1, 1966; amended Jan. 1, 1972; amended Jan. 1, 1974; amended May 1, 1978; amended, E-82-27, Dec. 22, 1981; amended May 1, 1982; amended May 1, 1985; amended May 1, 1986.)

74-5-203. Accounting principles. A certified public accountant or a licensed municipal public accountant shall not express an opinion that financial statements are presented in conformity with generally accepted accounting principles if the financial statements contain any departure from those accounting principles which has a material effect on the financial statements taken as a whole. However, any certified public accountant or licensed municipal public accountant may express such an opinion if the accountant can demonstrate that, due to unusual circumstances, the financial statements would otherwise have been misleading. In those cases, the accountant's report shall describe the departure, the approximate effects, if practicable, and the reasons why compliance with the principle would result in a misleading statement. For purposes of this rule, "generally accepted accounting principles" are considered to be pronouncements issued by the financial accounting standards board in its general and industry standards publications, dated June 1, 1985. (Authorized by and implementing K.S.A. 1-202(c)(1), K.S.A. 75-1119(a); effective Jan. 1, 1966; amended Jan. 1, 1974; amended May 1, 1978; amended, E-82-27, Dec. 22, 1981; amended May 1, 1982; amended May 1, 1985; amended May 1, 1986.)

74-5-404. (Authorized by K.S.A. 1-202; effective May 1, 1978; revoked May 1, 1986.)

GLENDIA SHERMAN
Executive Secretary

Doc. No. 003923

State of Kansas

BOARD OF PHARMACY

PERMANENT ADMINISTRATIVE
REGULATIONS
(Effective May 1, 1986)Article 1.—REGISTRATION AND
EXAMINATION OF PHARMACISTS

68-1-1b. Continuing educational unit. (a) Ten clock hours of continuing education approved by the board shall constitute one continuing educational unit (C.E.U.).

(b) One and one-half C.E.U.(s) shall be required for renewal.

(c) All continuing educational programs recognized by national and Kansas accrediting agencies of pharmaceutical continuing education shall be considered by the board for determining final credit.

(d) A maximum of 10 clock hours earned by a registrant during one annual registration in excess of the requirement may be carried forward to the next annual registration period and credit shall be given to the registrant for the excess.

(e) Registrations shall be renewed annually and a registrant shall not be authorized to carry forward excess hours earned in one registration period beyond the next annual registration. (Authorized by and implementing K.S.A. 65-1630; effective, E-76-31, Aug. 11, 1975; effective May 1, 1976; amended May 1, 1978; amended May 1, 1983; amended May 1, 1986.)

68-1-2. Grades required. (a) In order to successfully qualify for registration by examination under the pharmacy act of the state of Kansas, the applicant shall:

- (1) pass an examination approved by the board;
- (2) obtain a grade of not less than 75% on the law examination administered by the board; and
- (3) obtain a grade of not less than 60% on the wet lab examination administered by the board.

(b) In order to qualify for registration by reciprocity from another state, the applicant shall score not less than 75% on the law examination administered by the board. (Authorized by and implementing K.S.A. 1984 Supp. 65-1631(c); effective Jan. 1, 1966; amended, E-76-31, Aug. 11, 1975; amended May 1, 1976; amended May 1, 1978; amended May 1, 1980; amended May 1, 1985; amended May 1, 1986.)

Article 2.—DRUGSTORES

68-2-12a. Minimum requirements. (a) Each registered pharmacy, other than a medical care facility, shall possess and have available for use a library that includes:

- (1) The latest revision and current supplements of the United States pharmacopoeia/national formulary;
- (2) a current copy of the Kansas pharmacy act and the Kansas uniform controlled substances act and current regulations under both acts; and
- (3) one recognized text in toxicology, pharmacology, and drug interactions, and a medical dictionary.

Each registered pharmacy shall have in its possession the equipment and supplies necessary to compound, dispense, label, administer and distribute drugs and devices. The equipment shall be in good repair and shall be available in sufficient quantities to meet the needs of the practice of pharmacy conducted therein. (Authorized by K.S.A. 65-1630; implementing K.S.A. 1984 Supp. 65-1642; effective May 1, 1983; amended May 1, 1986.)

68-2-21. Patient profile records. Each pharmacy shall establish and maintain a patient profile record for each patient serviced by the pharmacy. The profile shall contain sufficient information to allow monitoring of patient drug therapy including therapeutic incompatibilities, drug interactions and potential allergic reactions. (Authorized by K.S.A. 65-1630; implementing K.S.A. 1984 Supp. 65-1642; effective May 1, 1986.)

Article 4.—MANUFACTURERS

68-4-5. (Authorized by K.S.A. 1975 Supp. 65-1630; effective Jan. 1, 1966; amended, E-76-31, Aug. 11, 1975; amended May 1, 1976; revoked May 1, 1986.)

Article 5.—GENERAL RULES

68-5-9. (Authorized by K.S.A. 1975 Supp. 65-1630; effective Jan. 1, 1966; amended, E-76-31, Aug. 11, 1975; amended May 1, 1976; revoked May 1, 1986.)

68-5-14. Gross immorality. The term "gross immorality" shall include the following acts:

- (a) fraud in securing a registration or permit;
- (b) intentional adulteration or mislabeling of any drug, medicine or poison;
- (c) causing any drug, medicine, chemical or poison to be adulterated or mislabeled, knowing the same to be adulterated or mislabeled;
- (d) intentionally falsifying or altering records or prescriptions; and
- (e) unlawful possession of drugs and unlawful diversion of drugs to others. (Authorized by K.S.A. 65-1630; implementing K.S.A. 1984 Supp. 65-1627; effective Jan. 1, 1966; amended, E-76-31, Aug. 11, 1975; amended May 1, 1976; amended May 1, 1978; amended May 1, 1986.)

Article 11.—FEES

68-11-1. Fees for examination and registration as a pharmacist. The following fees shall be paid to the board by each applicant for examination and registration as a pharmacist: (a) Each applicant for examination shall pay a fee of \$175.00.

(b) Each applicant for reciprocal registration shall pay a fee of \$250.00.

(c) Each applicant for reciprocal registration or for examination who graduated from a school or college of pharmacy not accredited by the ACPE shall pay an additional fee of \$250.00 for a school evaluation.

(d) Each registered pharmacist shall pay an annual renewal fee of \$50.00. (Authorized by and implementing K.S.A. 1984 Supp. 65-1631 and K.S.A. 65-1645; effective May 1, 1983; amended May 1, 1986.)

Article 20.—CONTROLLED SUBSTANCES

68-20-9. Fees for registration and reregistration.

(a) Fee amounts.

(1) For each registration or reregistration of a manufacturer for each additional location in this state where controlled substances are manufactured, the registrant shall pay a fee of \$50.00.

(2) For each registration or reregistration for each additional location from which controlled substances are distributed, the registrant shall pay a fee of \$50.00.

(3) For each registration or reregistration for the activity of conducting research or instructional activities with controlled substances listed in schedules I through V, within this state, the registrant shall pay a fee of \$25.00.

(4) For each registration or reregistration for each location within this state where research or instructional activities are conducted with controlled substances listed in schedules I through V, the registrant shall pay a fee of \$25.00.

(5) For each registration or reregistration to conduct chemical analysis with controlled substances listed in schedules I through V, within this state, the registrant shall pay a fee of \$25.00.

(6) For each registration or reregistration for each location where chemical analysis with controlled substances listed in schedules I through V are conducted, the registrant shall pay a fee of \$25.00.

(7) In addition to the fees specifically set forth above, there shall be a non-refundable filing fee of \$3.00 that shall accompany each application for registration or reregistration submitted under paragraphs (1) through (6) above.

(b) Time and method of payment; refund. Registration and reregistration fees shall be paid at the time the application for registration or reregistration is submitted for filing. Payment shall be made in the form of a personal, certified, or cashier's check or a money order payable to the state board of pharmacy. Payments made in the form of stamps, foreign currency or third party endorsement checks shall not be accepted. If the application is not accepted for filing or is denied, all payments made under paragraphs (1) through (6) of subsection (a) shall be refunded to the applicant. The fee paid under K.A.R. 68-20-9(a)(7) shall be retained by the state board of pharmacy to defray the administrative expenses connected with the receipt, review and processing of the application.

(c) Exemptions from fees in paragraphs (1) through (6) of subsection (a).

(1) Any official or agency of the U.S. army, navy, marine corps, air force, coast guard, veterans' administration or public health service authorized to procure or purchase controlled substances for official use shall be exempted by the board from the fees set forth in subsection (a), paragraphs (1) through (7).

(2) Any official, employee, or other civil service or agency of the United States, or any state, or any political subdivision or agency thereof, authorized to dispense or administer such substances, to conduct research, instructional activities, or chemical analysis

with such substances, or any combination thereof, in the course of the official duties of employment, may be exempted by the board from the fees in subsection (a), paragraphs (1) through (7).

(d) In order to claim exemption from payment of a registration or reregistration fee, the registrant shall have completed the certification on the appropriate application forms. The registrant's superior shall certify the status and address of the registrant and shall certify to the authority of the registrant to acquire, possess, or handle controlled substances.

(e) Exemption from payment of a registration or reregistration fee shall not relieve the registrant of any other requirements or duties prescribed by law. (Authorized by and implementing K.S.A. 65-4116, K.S.A. 1984 Supp. 65-4116; effective, E-72-24, Aug. 25, 1972; effective Jan. 1, 1973; amended May 1, 1983; amended May 1, 1986.)

EVERETT WILLOUGHBY
Executive Director

Doc. No. 003924

State of Kansas

KANSAS DENTAL BOARD

PERMANENT ADMINISTRATIVE REGULATIONS (Effective May 1, 1986)

Article 1.—GENERAL RULES

71-1-14. Advertising guidelines. (a) Advertising prohibited by provisions of K.S.A. 1984 Supp. 65-1437 shall include, but not be limited to, advertising which:

(1) Is intended or is likely to create false, unjustified expectations of favorable results;

(2) Relates to the quality of dental services provided;

(3) Is intended or is likely to appeal primarily to a layperson's fears; or

(4) Contains other representations or statements that, in reasonable probability, will cause an ordinary, prudent person to misunderstand or be deceived. Such representations or statements include statements regarding honorary degrees, or admission to or membership in specialty societies or other groups where an impression of special qualification or specialization in practice is conveyed to the general public not warranted or substantiated by the nature of the degree held or the qualifications or requirements of the organization in which membership is asserted.

(b) Any licensee may publish or broadcast information in regularly published and distributed print media or in radio or television broadcasts in the geographic area or areas in which the licensee resides or maintains offices, or in which a significant part of the licensee's patients reside. Any licensee may publish advertisements in telephone directories and reputable dental directories. The information disclosed in such publication or broadcast shall be presented in a dignified manner without the use of dramatizations; tes-

(continued)

timonials or the use of pictures other than a portrait of the individual licensee. The following information may be published or broadcast:

- (1) The licensee's name, names of professional associates, and addresses and telephone numbers;
- (2) One or more fields of dental care in which the licensee holds a specialist certificate under the provisions of K.S.A. 65-1427, as amended;
- (3) Date and place of birth;
- (4) Dates and places of licensure;
- (5) Schools attended, with dates of graduation, degrees and other scholastic distinctions;
- (6) Military service;
- (7) Authorships related to dentistry and published in recognized journals and texts;
- (8) Health care teaching positions;
- (9) Memberships, offices, and committee assignments in professional associations;
- (10) Technical and professional licenses;
- (11) Memberships in scientific, technical and professional associations and societies;
- (12) Foreign language ability;
- (13) Prepaid or group dental care service programs in which the licensee participates;
- (14) Whether credit cards or other credit arrangements are accepted;
- (15) Office and telephone answering service hours and a statement concerning the waiting time before patients are examined or treated;
- (16) A statement regarding the availability, upon request, of a written schedule of fees and an estimate of the fee to be charged for specific services; and
- (17) A statement of fees for specific dental services, the description of which is not likely to be misunderstood or to be deceptive. Such statement shall disclose that the quoted fee will be available only to patients whose dental needs fall into the services described and that the patient is entitled, without obligation, to a specific estimate of the fee likely to be charged. This statement shall be printed in a type size at least equivalent to the largest print used in setting forth the fee information.

(c) (1) If a licensee advertises a fee for a service, the service shall be rendered for no more than the fee advertised. If a licensee publishes any fee information, the licensee shall be bound by any representation made in the advertisement for a reasonable period of time, considering the nature of the publication. When specific information concerning dental fees for dental services, as authorized by paragraph (17) above, is provided, the fees may be generally characterized as "reasonable," "very reasonable" and "moderate," if those statements comply with all of the requirements of the statutes of the state of Kansas and the other provisions of this regulation.

(A) The licensee may describe dental fees as discount or the licensee may advertise the offering of discount services only if the discounts relate to either:

- (i) Specific and identifiable services;
- (ii) Discounts extended to ascertainable classes of patients; or

(iii) Terms of payment.

(B) Discounts offered for specific and identifiable services shall be subject to the following requirements:

(i) The discounts shall continue for a limited period stated within the advertisement.

(ii) The dentist shall be able to verify that, for the specific services subject to discount, the advertised discount represents an actual price reduction in the amount or percentage set forth in the advertisement below the usual and customary charges of the licensee for that service.

(iii) The usual and customary charges shall have been regularly imposed for a reasonable period, both before and after the period of discount.

(C) Advertising of discounts extended to a particular class of patients shall clearly define and describe the class of patients to which the discount applies. The dentist shall maintain records sufficient to verify that charges to the described class of patients represent an actual price reduction in the amount or percentage set forth in the advertisement below the usual and customary charges of the licensee for the services provided to other classes of patients.

(D) Discounts based upon terms of payment may continue for such periods as may be stated by the licensee in advertising concerning the discount. The licensee shall maintain records sufficient to verify that the discount based upon terms of payment represent an actual price reduction in the amount or percentage set forth in the advertisement below the amount actually charged to patients utilizing other payment methods.

(d) The licensee shall not be permitted to use unprofessional and hucksterish adjectives in any form of advertising. Such terms shall include, but shall not be limited to: "cut rate," "lowest," "give away," "below cost," "special," "bargain," and "special value."

(e) If the advertisement is communicated to the public over radio or television, it shall be prerecorded, approved for broadcast by the licensee or group of licensees, and a recording of the actual transmission shall be retained by the licensee.

(f) The term "licensee" shall have the same meaning as that set forth in K.S.A. 1984 Supp. 65-1437(c).

(g) Each licensee providing services under contract with any other person, including any preferred provider organization, independent practice association, health maintenance organization or insurance group contract, shall require, as a part of the contract, that the person and each agent of the person comply with the requirements of K.S.A. 65-1436, K.S.A. 65-1437 and the provisions of this regulation in all advertising concerning the licensee and services to be provided by the licensee. If such a person engages in advertising in violation of this regulation, the licensee providing dental services under contract with that person shall be deemed to have participated in the advertising within the meaning of K.S.A. 65-1437. (Authorized by and implementing K.S.A. 1984 Supp. 65-1437; effective May 1, 1984; amended May 1, 1986.)

Article 4.—CONTINUING EDUCATION REQUIREMENTS

71-4-1. Continuing education credit hours required for renewal license of dentist and dental hygienist. (a) Each dentist licensee shall submit to the board, with the license renewal application, evidence of satisfactory completion of a minimum of 30 hours of continuing dental education courses which qualify for credit. These courses shall have been completed in the 12-month period immediately preceding the date of expiration of such license. The term "courses" as used in Article 4 includes courses, institutes, seminars, programs and meetings.

(b) Each dental hygienist licensee shall submit, with the license renewal application, evidence of satisfactory completion of a minimum of 15 hours of continuing dental education courses which qualify for credit. These courses shall have been completed in the 12-month period immediately preceding the date of expiration of such license.

(c) A waiver or extension of time to complete the dental educational requirements may be granted by the board if the licensee demonstrates a good cause, including sickness, disability, financial hardship or another good cause beyond the control of the licensee as the board may determine.

(d) Upon request, any licensee may complete the required hours of continuing dental education courses for any year at any time during the one year period immediately preceding or following the expiration date of such license. Such hours shall not apply to or reduce the number of hours required during any subsequent years. (Authorized by K.S.A. 74-1406 and K.S.A. 1984 Supp. 65-1431; implementing K.S.A. 1984 Supp. 65-1431; effective May 1, 1978; amended May 1, 1986.)

71-4-2. Approved continuing dental education. The following general standards shall be used by the board in determining which courses will qualify for continuing dental education credits required as a condition for the annual renewal of dental and dental hygienist licenses:

(a) *Eligibility.* Only those courses which increase the dentist's or dental hygienist's clinical and theoretical dental knowledge or ability to provide care and treatment to patients shall qualify for credit in computing the required hours of continuing dental education. Any person or organization may apply in writing to the board for approval of any courses.

(b) *Courses.* Subject to the eligibility standards set forth in paragraph (a) above, all courses, both within and without the state of Kansas, offered by any of the following organizations shall be approved for credit:

- (1) any college or university;
- (2) the American dental association, the national dental association, or their component and constituent societies and associations;
- (3) the American dental hygienists association and

national dental hygienists association or their component and constituent societies and associations;

(4) the academies and specialty organizations recognized by the dental board;

(5) local dental society and dental hygiene society meetings;

(6) dental or dental hygiene study club meetings; and

(7) programs that are sponsored by the veterans administration or the armed forces and given at a United States government facility. One hour of credit shall be given for each hour in actual attendance at such courses.

(c) *Advanced study.* A waiver of continuing dental education requirements shall be granted if a licensee is engaged as a full-time student in graduate study, internships or a residency program in dentistry, any of the specialties of dentistry recognized by the board, or dental hygiene.

(d) *New graduates.* A waiver of the continuing dental education requirements shall be granted for the first year after a licensee graduates and becomes licensed.

(e) *Lecturing, presenting papers, or clinics, teaching.* Any licensee may receive a maximum of 10 hours of credit annually for any combination of lecturing, presenting papers or clinics or teaching subjects related to dentistry and dental hygiene. Credit for teaching courses involving repeated presentation of similar subject matters shall be limited to the time spent in one presentation.

(f) *Commercially sponsored courses.* Continuing dental education courses sponsored by any person, corporation, association or other entity on a profit-making basis shall be approved by the board for continuing dental education credit subject to the eligibility standards set forth in paragraph (a) above.

(g) Credit for programs of home study shall be allowed for eligible courses based upon the hours of continuing dental education credit established by the sponsor or producers of the course, subject to prior review and determination of the allowable hours of credit by the board.

(h) Credit may be granted, upon the application of any licensee, for authorship of published dental articles or books or for teaching any approved dental education course. The hours of credit to be allowed shall be determined by the board. The maximum number of hours allowed shall be:

- (1) 10 hours for any single article;
- (2) 20 hours for any book; and
- (3) five hours for teaching a course.

(i) Disabled or retired dentists.

(1) The dental education requirements shall be waived for licensees who are disabled or retired, as those terms are defined by statute. In order to return to active practice, after a period of disability or retirement, each licensee shall complete continuing dental education credit hours according to the following schedule:

(continued)

(A) Licensed dentists:

- (i) five or more years disability or retirement 100 hours;
- (ii) four years disability or retirement . . . 80 hours;
- (iii) three years disability or retirement . . . 70 hours;
- (iv) two years disability or retirement . . . 60 hours;
- (v) one year disability or retirement 30 hours

(B) Licensed dental hygienists:

- (i) five or more years disability or retirement 50 hours
- (ii) four years disability or retirement 40 hours
- (iii) three years disability or retirement . . . 35 hours
- (iv) two years disability or retirement 30 hours
- (v) one year disability or retirement 15 hours

(2) Upon application of a licensee, all or any portion of the continuing dental education hours required of a licensee returning to practice may be waived if the licensee passes an examination determined by the board. Such an examination may be required in addition to completion of the continuing dental education hours required above. The examination may be written, oral or clinical, or all of these, at the board's determination. (Authorized by K.S.A. 74-1406 and K.S.A. 1984 Supp. 65-1431; implementing K.S.A. 1984 Supp. 65-1431; effective May 1, 1978; amended May 1, 1986.)

71-4-3. Continuing dental education reports. On or before the 1st day of December of each year, each licensee shall submit with that licensee's renewal application, evidence of satisfactory completion of continuing dental education courses meeting the eligibility standards under K.A.R. 71-4-2. Upon receipt of the required renewal fee and evidence that the licensee has satisfactorily met the continuing dental education requirements of the board, the licensee shall be issued a renewal certificate authorizing the licensee to continue to practice in this state for a period of one year. (Authorized by K.S.A. 74-1406 and K.S.A. 1984 Supp. 65-1431; implementing K.S.A. 1984 Supp. 65-1431; effective May 1, 1978; amended May 1, 1986.)

KANSAS DENTAL BOARD

Doc. No. 003949

State of Kansas**DEPARTMENT OF HEALTH
AND ENVIRONMENT****TEMPORARY ADMINISTRATIVE
REGULATIONS**

(Effective January 6, 1986. Expire May 1, 1987.)

Article 50.—ASBESTOS CONTROL**28-50-1. Definitions.** As used in these regulations:

(a) "Appropriate protective clothing" means outer clothing intended to be worn by a person who is engaged in asbestos removal or encapsulation projects or asbestos-related maintenance, dismantling or demolition operations for the purpose of facilitating the removal of asbestos fibers from the person wearing it before that person moves from an area that contains asbestos fibers into an area that is intended to remain free of these fibers. Protective clothing shall consist of coveralls or similar whole body covering, head covers and foot covers at all times that friable asbestos containing materials are being handled directly and whenever their use is otherwise required by OSHA or EPA regulations, work specifications governing the activities, or work plans submitted to the department in compliance with the requirements of K.A.R. 28-50-8.

(b) "Appropriate respirator" means an air purifying respirator, with replaceable filters, that is MSHA/NIOSH approved for respiratory protection against dust, fumes and mists having an air contamination level (i.e. allowable) less than 0.05 milligrams per cubic meter and against radionuclides or a respirator providing a higher protection factor if its use is specified by any of the following requirements applying to an asbestos removal or encapsulation project or to asbestos-related maintenance, dismantling and demolition operations:

- (1) OSHA and EPA regulations;
- (2) Work specifications governing the activities;
- (3) A work plan submitted to the department in accordance with the requirements of K.A.R. 28-50-8.

(c) "Appropriate warning sign" means any asbestos hazard warning sign that complies with federal OSHA or EPA regulations that are required when airborne concentrations of asbestos exceed the prescribed limits. If these signs are not used an appropriate sign shall mean a sign that is not less than 11 inches wide and contains at least the equivalent of the following legend printed in letters of sufficient size and contrast to be readily visible and legible:

CAUTION
ASBESTOS WORK AREA
DO NOT ENTER
WITHOUT APPROVAL

(d) "Approved waste disposal site" means a solid waste disposal area that is operated under a permit issued by the department as provided for by K.S.A. 65-3407 and is authorized to receive friable asbestos containing solid wastes by the department.

(e) "Asbestos caution label" means a label that is to be securely affixed to a waste container that contains

friable asbestos materials and contains the following legend printed in letters of sufficient size and contrast to be readily visible and legible:

CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
BREATHING ASBESTOS DUST MAY
CAUSE SERIOUS BODILY HARM

(f) "Asbestos encapsulation project" means activities that include the coating of a friable asbestos containing surface material with a coating or penetrating type of sealing material for the intended purpose of preventing the continued release of asbestos fibers from the material into the air. This definition shall not include the repainting of a previously painted asbestos containing surface primarily for the intended purpose of improving the appearance.

(g) "Asbestos related demolition operation" means any activity that includes the razing of all or a portion of a structure that contains friable asbestos containing materials or other asbestos containing materials which may become friable if they are crushed or broken.

(h) "Asbestos related dismantling operation" means activities that include the disassembly, handling and moving of the components of any structural or equipment item that has been coated with friable asbestos containing material without first removing this material from the item.

(i) "Asbestos related maintenance operation" means any operation that requires the removal of 3 square feet or less of friable asbestos containing material from a structural or equipment item in order to repair, replace or maintain the item or any appurtenances to it.

(j) "Asbestos removal project" means activities that include the physical removal of a friable asbestos containing material from the surface of a structural or equipment item that is intended to remain in place or from these items subsequent to their removal as a result of an asbestos related dismantling operation. This definition does not include the removal of friable asbestos containing materials as part of an asbestos related maintenance operation or sample collection activity, or for the purpose of disassembling components as part of an asbestos related dismantling operation.

(k) "Class I asbestos worker" means a person who is certified to engage in asbestos removal or encapsulation projects in a non-supervisory capacity.

(l) "Class II asbestos worker" means a person who is certified to supervise and direct asbestos removal and encapsulation projects in accordance with the requirements of these regulations and any applicable federal regulations.

(1) "Control curtain" means either of the two following types of closure devices that are to be constructed of not less than four mil thick plastic sheeting material and installed in an entryway into an area that is considered to be contaminated with free asbestos fibers:

(1) A ventilation curtain that is intended to allow unrestricted air flow movement into a contaminated area when it is being ventilated with an exhaust fan. This curtain consists of a single flap that opens into the

contaminated area and is securely fastened across the top of the entryway framework in a manner that will allow it to overlap both sides of the framework by a distance of not less than 12 inches and the floor by a distance of not less than one inch.

(2) A confinement curtain that is intended to restrict the movement of air into, and from, an unventilated and contaminated area. This curtain consists of three constructed baffles that cover the entire area of the entryway and are securely fastened along the top of the entryway framework and along alternate sides of it in a manner that will require persons to walk the entire width of the entryway between adjacent baffles as they pass around the three of them.

(m) "Department" means the Kansas department of health and environment.

(n) "EPA" means the federal environmental protection agency.

(o) "Equipment" means any item that is designed or intended to perform any operation and includes any item attached to it to assist in the operation.

(p) "Furnishings" means removable furniture, drapes, rugs and decorative items.

(q) "Grade D breathing air" means an air supply that contains 19-23 percent oxygen on a volumetric basis and not more than 20 volumes of carbon monoxide or 1,000 volumes of carbon dioxide per million volumes of air or 5 milligrams of condensed hydrocarbons per cubic meter of air or objectionable odors.

(r) "HEPA filter" means a filter capable of removing 99.97 percent of all particles that are larger than 0.3 microns in size from an air stream.

(s) "MSHA/NIOSH approved respirator" means a respirator and any required attachments (including filters) that have been jointly approved by the federal mine safety and health administration and the federal national institute for occupational safety under provisions of federal law.

(t) "OSHA" means the federal occupational safety and health administration.

(u) "Sealing material" means a material that does not contain asbestos which is used to cover a surface that is coated, or has previously been coated, with a friable asbestos containing material for the intended purpose of preventing any asbestos fibers on the surface from being disbursed into the air. Sealing material shall include fabric or plastic wrapping materials and replacement decorative and fire proofing materials as well as coating or penetrating type sealants.

(v) "Structural item" means roofs, walls, ceilings, floors, structural supports, pipes, ducts, fittings and fixtures that have been installed as an integral part of any structure.

(w) "Type C respirator system" means an airline respirator designed for atmospheres not immediately dangerous to life or health which consists of a source of respirable breathing air, an air hose with a detachable coupling, flow control fittings and a facepiece, helmet or hood.

(x) "Waste generator" means any person who is most directly responsible for the supervision of activities that result in the accumulation of friable asbestos containing waste materials.

(continued)

(y) "Wet cleaning" means the process of using a water solution containing a low-sudsing wetting agent and a wet brush, mop, cloth, sponge or other wet cleaning device to completely remove any residue of asbestos containing materials from surfaces on which they may be located

(z) "Wetting agent" means a chemical that is added to water to decrease its surface tension and allow it to spread more easily over or penetrate into a surface that is covered with friable asbestos containing materials. Commercial household, agricultural and industrial products may all be considered as acceptable wetting agents depending on the type and nature of asbestos containing materials involved.

(aa) "Work area" means a specific room or physically isolated portion of a room in which friable asbestos containing material is being removed from a surface or being encapsulated on a surface. These areas are designated as work areas from the time that asbestos is removed or an encapsulant is applied until the time that the area has been cleaned free of all friable residue and the cleaning has been approved in accordance with any special requirements applicable to these operations. (Authorized by and implementing L. 1985, Ch. 203, Sec. 3; effective, T-87-1, Jan. 6, 1986.)

28-50-2. Business entity license. (a) A business entity shall not engage in an asbestos removal project or an asbestos encapsulation project unless the secretary has issued, or renewed, a license authorizing the business entity to engage in the activities. This requirement shall not apply to business entities that conduct the activities in accordance with section 28-50-4 of these regulations.

(b) A business entity shall not be issued a license, or a license shall not be renewed or remain in effect, unless the business entity demonstrates that it has met the following requirements:

(1) The business entity shall be owned by, or employ, at least one identified individual who will directly supervise each removal or encapsulation project and who shall be responsible for compliance with these regulations. This individual shall hold a currently valid certificate as a class II asbestos worker that has been issued in accordance with these regulations.

(2) Each employee or agent of the business entity who shall come into contact with asbestos or who shall engage in an asbestos removal project or an asbestos encapsulation project shall be certified in accordance with these regulations.

(3) The business entity shall provide, or make available at its cost, medical examinations for all employees to the extent that the examinations are required by OSHA and EPA.

(4) The business entity shall designate an individual who is responsible for the establishment and maintenance of its respiratory protection program. The business entity shall submit a written description of the program to the department for its approval.

(5) The business entity shall own or certify immediate and continuing access to, and maintain in opera-

ble condition, at minimum, the following equipment items for use in each asbestos removal or encapsulation project that it proposes to engage in:

(A) Two HEPA filter equipped portable exhaust fan units with a minimum rated capacity of 500 cubic feet per minute;

(B) two HEPA filter equipped portable vacuum cleaning devices equipped with hoses and attachments necessary for cleaning dry surfaces;

(C) a type C pressure demand or continuous flow respirator system; The air supply compressor shall be capable of providing sufficient volumes and pressures of grade D breathing air to accommodate the manufacturers' specifications for all respirators intended to be connected to it. A sufficient number of respirators to meet all anticipated requirements shall be maintained for use with the compressor and all respirators, hoses and regulators shall be designated as being MSHA/NIOSH approved.

(D) a sufficient number of air purifying respirators to meet all anticipated requirements; The respirators shall be MSHA/NIOSH approved for respiratory protection against dust fumes and mists having an air contamination level less than 0.05 milligrams per cubic meter of air. At least 10 filter cartridges specifically designated for use with each of these respirators shall be maintained on a continuing inventory basis.

(E) scaffolding, ladders and portable electric tools that are certified by the business entity, to comply with OSHA regulatory requirements.

(c) Any requirements of section (b)(5) of the regulation may be waived by the secretary provided that the business entity demonstrates to the satisfaction of the secretary that compliance with the requirement is not necessary in order to assure compliance with all requirements, procedures and standards of OSHA and EPA and K.A.R. 28-50-9 through 28-50-14 that are applicable to asbestos abatement and encapsulation projects for which the license, or license renewal, application has been submitted.

(d) Application for a license, or license renewal, shall be made on forms provided by the department and shall be accompanied by a check or money order for the fee prescribed in section (e) of this regulation.

(e) Business entities applying for a license, or renewal of a license, to engage in asbestos removal or asbestos encapsulation projects shall pay an annual licensing fee of \$500.00. The fee shall cover a 12-month period beginning on the effective date of the issuance or renewal of the license. No portion of the fee shall be refunded if the license is suspended or revoked during the 12-month period or if the business entity otherwise discontinues the license activities within the state during the 12-month period.

(f) The department shall notify the applicant of each deficiency that it considers sufficient to deny the license within 15 working days after receipt of the application. The license shall be denied if the listed deficiencies are not corrected within 60 days of the mailing date of the notification. The department shall retain \$25.00 of the application fee if a license is denied, and shall return the remainder to the applicant. Each reapplication for a license shall be accom-

panied by the full fee prescribed in section (e) of this regulation. (Authorized by L. 1985, Ch. 203, Sec. 3; implementing L. 1985, Ch. 203, Sec. 3, Sec. 4, Sec. 5, Sec. 6, Sec. 9; effective, T-87-1, Jan. 6, 1986.)

28-50-3. Public agency engaging in asbestos removal or encapsulation projects. A state agency or political or taxing subdivision of the state that engages in an asbestos removal or asbestos encapsulation project using its own employees shall comply with all requirements of K.A.R. 28-50-2, except that the license requirements of K.A.R. 28-50-2(a) and the fee payment requirements of K.A.R. 28-50-2(d) and 28-50-2(e) shall not be applicable. (Authorized by L. 1985, Ch. 203, Sec. 3; implementing L. 1985, Ch. 203, Sec. 12; effective, T-87-1, Jan. 6, 1986.)

28-50-4. Business entity using employees to carry out asbestos removal or encapsulation projects on its own facilities. (a) A business entity that assigns its own employees to remove or encapsulate asbestos for the purpose of renovating, maintaining or repairing its own facilities shall not be required to comply with the licensing requirements of K.A.R. 28-50-2 or the work practice requirements of K.A.R. 28-50-9 through 28-50-14. Business entities that anticipate or plan that a number of asbestos removal or encapsulation projects or asbestos related dismantling or demolition operations will be conducted during any 12-month period or less under provisions of this section may comply with the requirements of K.A.R. 28-50-8 by providing a single notification concerning the activities.

(b) Employees of business entities that remove or encapsulate asbestos in accordance with the provisions of subsection (a) of this section shall not be required to be certified under the provisions of K.A.R. 28-50-5. Employees shall be required to be provided training by their employer in accordance with the requirements of K.A.R. 28-50-6(b), (c), and (d). (Authorized by L. 1985, Ch. 203, Sec. 3; implementing L. 1985, Ch. 203, Sec. 2, Sec. 8; effective, T-87-1, Jan. 6, 1986.)

28-50-5. Asbestos worker certification. (a) A person shall not supervise or engage in an asbestos removal or asbestos encapsulation project unless that person has a valid class I or class II asbestos worker certificate that has been issued in accordance with this regulation.

(b) A class I or class II asbestos worker certificate shall not be issued to any person, or renewed for that person unless:

(1) The person has been examined by a licensed physician within the preceding year and declared by the physician to be physically capable of working while wearing a respirator. A signed statement by the physician that attests to this finding shall be submitted to the department at the time that application is made for a certificate or a certificate renewal.

(2) The person has successfully completed a basic training or annual review course that has been approved in accordance with the requirements of K.A.R. 28-50-6 or otherwise approved by the secretary.

(3) The person has successfully passed a written examination as described in K.A.R. 28-50-7.

(4) The person applies for a certificate or renewal of a certificate on a form provided by the department and submits, along with this application, a check or money order for the fee prescribed in section (c) of this regulation.

(c) Persons applying for a class I or class II asbestos worker certificate or renewal of these certificates shall pay an annual fee of \$5.00 for a class I certificate or an annual fee of \$10.00 for a class II certificate. This fee shall cover a 12-month period beginning on the effective date of issuance of the certificate or renewal. No portion of this fee shall be refunded if the certificate is denied or is suspended or revoked during the 12-month period or if the person no longer plans to engage in asbestos abatement or asbestos removal projects during any portion of the 12-month period.

(d) A certificate issued under this regulation may be suspended or revoked by the secretary if:

(1) The secretary determines that the certificate holder has fraudulently or deceptively complied with the requirements of subsection (b) of this regulation.

(2) The certificate holder has willfully disobeyed any instructions or written procedural policies provided by an employer for the purpose of complying with these regulations.

(3) The certificate holder has knowingly permitted another person to represent himself as the holder of the certificate. (Authorized by L. 1985, Ch. 203, Sec. 3; implementing L. 1985, Ch. 203, Sec. 3, Sec. 8, Sec. 9, Sec. 10; effective, T-87-1, Jan. 6, 1986.)

28-50-6. Asbestos worker training course approval.

(a) Any person, business entity, state agency or political or taxing subdivision of the state may develop and present a class I or class II asbestos worker certificate training course that is intended to comply with the requirements of K.A.R. 28-50-5(b)(2). After the effective date of the regulation, the training course must be approved by the secretary prior to its official presentation for the purpose of complying with the regulatory requirements:

(b) Application for approval of a training course, as provided for in subsection (a) of this regulation, shall be made on forms provided by the department. The application shall include the following information:

(1) A listing of the persons who shall present the training course, and their experience, education and other qualifications;

(2) a description of the course, including the title and length of each lecture to be presented, the general nature of the information to be included in the lecture, and training aids and handouts intended to be used in its presentation;

(3) the maximum number of students to be enrolled in each course presentation;

(4) the dates or time period over which individual courses are intended to be presented;

(5) the proposed charge for each course; and

(6) other information that the secretary considers necessary to evaluate the probable effectiveness and acceptability of the training course.

(continued)

(c) Provisions shall be made to allow a representative of the department to attend one or more presentations of any course for which approval is requested, without payment of any associated fees. This attendance shall be for the purpose of determining compliance with this regulation and the correctness of the information being presented. The secretary may deny, withdraw or suspend the approval of any course on the basis of findings resulting from this attendance.

(d) Training courses approved in accordance with these regulations shall meet the following criteria:

(1) Lectures shall be presented by persons who have education and experience that is appropriate for the subject matter presented.

(2) Training courses for class I asbestos workers shall include at least six hours of instruction on the following topics:

(A) Recognition of asbestos, including its physical characteristics and uses;

(B) health hazards associated with exposure to asbestos, including special problems, associated with smoking and a general description of common diagnostic procedures used to detect asbestos related disease;

(C) a general description of the engineering control techniques used to reduce asbestos exposures to workers and the public during asbestos removal and encapsulation operations, including wet removal, control of spraying operations, use of negative ventilation, use of enclosures (including glove bags), special tools and proper wastes handling;

(D) a general description of the use of personal protective clothing, and need for good personal hygiene practices;

(E) a detailed description of the level of protection afforded by different types of respirators, procedures for fit testing respirators and their proper use and care;

(F) a general description of other hazards commonly encountered in asbestos control work and measures that need to be taken to avoid and respond to them, including electrical shock, falls, cuts, fires and heat exhaustion or heat stroke; and

(G) a general description of state and federal regulations intended to provide protection to asbestos workers, including information on how people responsible for their enforcement may be contacted.

(3) Training courses for class II asbestos workers shall consist of at least 12 hours of instruction on the following topics in addition to that required by subsection (d)(2) of this regulation except that the training required by subsection (d)(2) may be provided separately:

(A) A detailed discussion of asbestos-related notification and record keeping requirements included in state and federal regulations, including employer responsibility for medical examinations;

(B) a detailed discussion of procedures to be followed in the development and maintenance of a respirator program as required by OSHA and EPA;

(C) a detailed discussion of OSHA requirements applicable to safety considerations in asbestos control work, including requirements concerning the use of

scaffolds, ladders, electrical equipment and fire safety; and

(D) a detailed discussion of state and federal requirements concerning work procedures to be followed in asbestos removal and asbestos encapsulation projects, including work area enclosure and isolation, provision of decontamination facilities, use of negative air systems, wet removal, cleanup techniques, waste disposal, and air monitoring.

(4) Training courses intended to provide annual review training required by state statute for class I and class II asbestos workers shall be of at least two hours duration and shall include a general presentation concerning the interpretation of state and federal regulatory requirements that are applicable, and pending, at the time that the course is presented.

(e) Each person who has attended an asbestos control related training course presented prior to the effective dates of this regulation may be considered to have met the requirements of K.A.R. 28-50-5(b)(2) for initial certification provided that the secretary determines that the training course basically met the requirements of section (d) of this regulation. Each person requesting that the determination be made shall submit the following information to the department:

(1) The date, or dates, that the course was attended and the location;

(2) the name and address of the business, organization, institution or agency that presented the course;

(3) a schedule or outline of the course that indicates the subject matter that was presented and the amount of time devoted to each subject; and

(4) a written, personal certification that the person had attended all course presentations in their entirety on the dates specified.

(f) Each person who shall receive initial certification under the provisions of subsection (e) of this regulation may be required to obtain additional training on topics included in subsection (d) prior to renewal of a certificate if the secretary determines that the credited course did not substantially comply with the requirements of subsection (d) of this regulation. (Authorized by L. 1985, Ch. 203, Sec. 3; implementing L. 1985, Ch. 203, Sec. 3, Sec. 8; effective, T-87-1, Jan. 6, 1986.)

28-50-7. Certification examinations. (a) Written examinations given to comply with the requirements of K.A.R. 28-50-5(b)(3) shall be administered only by the department. Unless special arrangements are made, the examinations shall only be given in the offices of the department at times appropriate to allow their completion and grading during normal business hours and at no cost to the person taking the examination. If special arrangements are made to give the examination at other locations or other times, examination fees sufficient to meet the actual expenses incurred by the department to administer the examination may be charged.

(b) Examinations shall be intended to cover substantially the topics required in class I and class II asbestos workers training courses as required by K.A.R. 28-50-6(d). Examinations shall not be returned.

Individuals may review their graded examinations at the Topeka offices of the department during normal working hours. Each applicant shall receive a written notification from the department concerning examination results not more than 30 days after the examination date.

(c) Each person who shall fail to pass an examination and consider that this failure was caused by one or more improper questions or designated answers, may request, in writing, a conference with the department to discuss the matter. After holding the conference and considering the results obtained from use of the same questions in other examinations, the department shall either continue to count the questions in the compilation of the persons' final score, or shall void the questions and re-compute the score on the basis of the remaining questions in the examination.

(d) Each person failing to initially pass an examination may retake the examination within 30 days of receiving notification of the failure. There shall be no charge for the reexamination. Each person failing to pass the examination on two consecutive occasions shall be required to attend another approved training course before taking the examination again, and pay a reexamination fee of \$5.00 for each individual reexamination thereafter until a certificate is issued. (Authorized by and implementing L. 1985, Ch. 203, Sec. 3; effective, T-87-1, Jan. 6, 1986.)

28-50-8. Asbestos removal and encapsulation notification requirements. (a) Each business entity, state agency or political or taxing subdivision of the state that proposes to use its own employees to engage in an asbestos removal project, an asbestos encapsulation project, an asbestos-related dismantling operation, or an asbestos-related demolition operation shall notify the department of this intent by a letter delivered or postmarked not less than 10 working days before the project or operation is intended to be started. For the purpose of this regulation working days means days other than Saturdays, Sundays or legal holidays. If the project or operation has resulted from a sudden, unexpected event and is intended to be initiated immediately in order to protect the public health and safety or prevent extensive damage to related processes or equipment, the 10 day written prenotification period may be waived by the secretary, provided that telephone notification is given to the department within 24 hours of the initiation of the project or operation.

(b) The person making the notification required by subsection (a) of this regulation shall be required to provide the following information and any additional information requested by the department that is necessary to determine the nature of the project or operation and identify any state and federal laws or regulations that are applicable to it:

- (1) The name and location of the structure at which the activities will be carried out;
- (2) the anticipated dates during which the activities will be carried out;
- (3) the anticipated amount and type of friable asbestos containing material that will be involved in the activity;

(4) a general description of the work practices that will be followed, including containment and worker protection measures that are proposed;

(5) a listing of the employees that will be involved in the project or operation and information concerning whether or not they have been certified in accordance with these regulations or have received special asbestos-related work training; and

(6) the manner in which asbestos containing materials are to be disposed of. (Authorized by L. 1985, Ch. 203, Sec. 3; implementing L. 1985, Ch. 203, Sec. 2, Sec. 3, Sec. 7, Sec. 12; effective, T-87-1, Jan. 6, 1986.)

28-50-9. Work practices for asbestos removal projects in areas to be reoccupied. (a) An asbestos removal project that involves the removal of friable asbestos containing materials from structural items or equipment that are located in any enclosed area which can be expected to subsequently be occupied by persons other than maintenance or equipment operating personnel, or in an area that is only directly accessible from these areas, shall be conducted in accordance with the following requirements:

(1) The proposed work area shall be isolated from other areas of the building and outside areas by installing air tight seals over doorways, windows and ventilation system openings using not less than four mil thick plastic sheeting, except that doorways between the work area and decontamination facilities shall be closed off with a control curtain. Whenever possible heating and ventilation systems 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 a 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 any special 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 any special 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

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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 capacity of the fans shall be sufficient to remove the entire volume of air contained in the workroom area within a time period of 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 into an occupied area of the building that is occupied by persons other than those directly engaged in the project unless this discharge is specifically approved by the department in writing. The ventilation fan shall be continuously operated throughout the duration of the project until at least 24 hours after the action required by subsection (a)(9) of this regulation is completed. The 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, pressure differential readings 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. The 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 or exiting the work area. This room shall be used for removing or putting on street clothing, putting on and fit testing respirators, and putting on any provided disposable protective clothing or other protective equipment required to be worn in the work area. This clean area 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. The 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 must be provided to accommodate each person who emerges from the work area. The floor of the shower room shall be covered with a minimum of two layers of six mil thick plastic sheeting unless it is constructed of an

impervious, easily washable material. Shower water may be drained directly into the building's plumbing system or collected for subsequent 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 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.

(6) Friable asbestos containing materials shall be saturated with a water solution containing an effective wetting agent during their removal from a surface. 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 water saturated condition until disposal in accordance with the requirements of K.A.R. 28-50-14.

(7) After the asbestos containing materials have been removed, all plastic sheeting, equipment and work surfaces in the work area shall be cleaned free of all visible residue with a HEPA filter equipped vacuuming device or by wet cleaning methods, 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. Any liquid or material that has leaked through these additional layers of sheeting shall be removed by wet cleaning methods.

(8) Cleaned surfaces from which friable asbestos containing materials have been removed shall be covered with an effective sealing material before the final layer of plastic sheeting on floors and walls is removed. A minimum of 24 hours time 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.

(9) After the wall and floor coverings have been removed, all exposed surfaces in the work area shall be recleaned with a HEPA filter equipped vacuuming device or by wet cleaning methods. Not less than 24 hours after this cleanup 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.

(10) Air tight seals provided for doors, windows and duct openings in accordance with subsection (a)(1) of this regulation shall remain in place for a period of not less than 24 hours after completion of the actions required by subsection (a)(9) and until the cleanup is approved in accordance with any other special requirements applicable to the project.

(b) The department may waive individual require-

ments of subsection (a) of this regulation for asbestos removal projects in areas where future occupancy will be restricted to maintenance and equipment operating personnel and which are accessible by means of passing through areas other than enclosed areas that are to be occupied by other persons if the notification submitted in accordance with the requirements K.A.R. 28-50-8 demonstrates, to the satisfaction of the department, that the following conditions will be met:

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

(3) Adequate measures shall be taken to assure that the surfaces of all structural materials, furnishings, equipment and fixtures installed in the work area, in addition to those from which the asbestos containing materials are to be removed, shall be free from any asbestos fiber contamination resulting from the removal project at the time of the completion of the project.

(4) Adequate provisions shall be made to facilitate and assure that asbestos contamination has been 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. Provisions shall also be made to clean up all equipment used on the project before it is removed from the work area.

(5) Written approval of the proposed alternative procedures shall be obtained from the department prior to the initiation of the project.

(c) The department may waive the requirements of sections (a) and (b) of this regulation for the removal of friable asbestos containing materials from the 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 to be removed in the work area shall be removed using at least six mil thick glove bags in accordance with the manufacturer's instructions.

(2) 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.

(3) Each person using the glove bag shall avoid damaging or disturbing any other friable asbestos containing materials located within the work area that are not intended to be removed using the glove bag.

(4) Glove bags shall provide an air tight seal around the area from which the asbestos is to be removed. This seal shall be continuously maintained until all of the asbestos has been removed from the pipe or conduit surface that is enclosed within the glove bag.

(5) Friable asbestos containing materials shall be saturated with a water solution containing an effective wetting agent during removal and maintained in a wet condition until the glove bag is removed and sealed for final disposal in accordance with the requirements of K.A.R. 28-50-14.

(6) Appropriate warning signs shall be prominently posted at all entryways into the work area. Provisions shall be made to prevent a 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 any special requirements applicable to the project.

(7) Each person using the glove bag or occupying a work area where they are being used shall wear appropriate respirators and protective clothing until the removal operations are completed and the glove bags used in the area have been removed from the pipe or conduit and sealed shut.

(8) Each project activity in the work area shall be immediately discontinued if there is any asbestos contamination of the general work area as a result of 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 project is completed. Additional cleaning before the work area is approved for occupancy by persons other than those directly involved in the removal project may be required.

(9) Each surface from which asbestos has been removed shall be covered with a sealing material before the work area is approved for occupancy by persons other than those directly involved in the removal project.

(10) Written approval to follow the procedures authorized by this subsection will be obtained before the project is initiated.

(d) The requirements of subsections (a) and (b) of this regulation shall not apply to an asbestos removal project that involves the removal of friable asbestos

(continued)

containing materials from structural items or equipment that are installed in, and accessible from, areas other than enclosed 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 and appropriate warning signs shall be prominently posted at all entryways into it until the project is completed.

(3) All friable asbestos containing material shall be saturated with a water solution that contains an effective wetting agent during removal. All removed material, including residue 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. Residue shall not be allowed to accumulate in a dry condition.

(4) A person who removes asbestos containing materials or otherwise occupies the restricted area identified in subsection (d)(2) of this regulation shall remove, or use a HEPA filter equipped vacuuming device or wet cleaning methods to clean, outwear that is worn in the area before entering any area that is occupied by a person other than those persons engaged in the project.

(e) Each person engaged in an asbestos removal project or entering an asbestos removal project work area shall be provided with, and wear, an appropriate respirator and protective clothing. (Authorized by and implementing L. 1985, Ch. 203, Sec. 3; effective, T-87-1, Jan. 6, 1986.)

28-50-10. Work practices for asbestos encapsulation projects. (a) Use of encapsulation as a method of controlling asbestos fiber release from friable asbestos containing materials on structural items or equipment shall be subject to the following requirements:

(1) Encapsulating materials shall not be applied to fibrous sprayed-on asbestos containing materials or to cementitious asbestos-containing materials that show signs of poor adhesion to the surface to which they have been applied.

(2) Encapsulating material shall not be applied to friable asbestos containing materials that are installed on surfaces in locations that are subject to frequent abrasive or other physical damage.

(3) Penetrating encapsulating agents shall be tested for, and demonstrate, acceptable adhesive and penetrating characteristics for the types of friable material to which they are to be applied. Testing shall consist of applying the encapsulant to the surface of the material in the prescribed manner and then removing a core sample of this material for physical and visual inspection. Representative testing shall be conducted

at one or more randomly selected locations within the structure prior to initiation of the project. Test core holes shall be repaired immediately after the visual inspection is completed.

(4) Encapsulant materials shall have acceptable flame retardant characteristics and shall not be noxious or toxic to applicators or to persons that occupy the structure after the project is completed.

(5) Each damaged portion of a surface to which the encapsulant material is to be applied shall be repaired with asbestos-free patching materials before it is applied.

(b) An encapsulation project that involves the encapsulation of friable asbestos containing materials that are located in any enclosed area which can be expected to subsequently be occupied by persons other than maintenance or equipment operating personnel, or in an area that is only directly accessible from these areas, shall be conducted in accordance with the following requirements:

(1) The proposed work area shall be isolated from other areas of the building and outside areas by installing air tight seals over doorways, windows and ventilation system openings (including all seams in duct work passing through the work area) using not less than four mil thick plastic sheeting, except that doorways between the work area and decontamination facilities shall be closed off with a control curtain. Whenever possible heating and ventilation systems serving the work area shall be shut down and locked out. If the 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 a 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 any special 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. The items shall be removed from the work area after cleaning 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 any special requirements applicable to the project.

(3) All wall and floor surface areas, other than those which are to be encapsulated, 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. 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) A decontamination facility shall be provided between the work area and building areas intended to remain uncontaminated with asbestos fibers generated by the asbestos encapsulation operations. The 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 or exiting the work area. This room shall be used for removing or putting on street clothing, putting on and fit testing respirators, and putting on any provided disposable protective clothing or other protective equipment required to be worn in the work area. This clean area 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. The 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 must be provided to accommodate each person who emerges from the work area. The floor of the shower room shall be covered with a minimum of two layers of six mil thick plastic sheeting unless it is constructed of an impervious, easily washable material. Shower water may be drained directly into the building's plumbing system or collected for subsequent 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. This room shall be used for temporary storage of contaminated tools, equipment and protective clothing used in the work area. The floor and walls of this 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 they are moved from the work area into the equipment room.

(5) Any friable asbestos containing materials that must be removed to prepare surfaces for encapsulation shall only be removed after the requirements of subsections (b)(1) through (b)(4) of this regulation have been met. The asbestos shall be saturated with a water solution containing an effective wetting agent during removal and shall be immediately placed in a tightly sealed container in a wet condition for disposal in accordance with the requirements of K.A.R. 28-50-14.

(6) Encapsulating materials shall be applied with an airless or low pressure sprayer at the application rates specified by the manufacturer or project specifications.

(7) After the encapsulant has been applied to the entire surface intended to be treated, all plastic sheeting covering walls, ceilings, equipment and work surfaces in the area shall be cleaned free of water removable residue by wet cleaning methods.

(8) Not less than 24 hours after the cleanup required by subsection (b)(8) of this regulation has been completed, all plastic coverings other than those required by subsection (b)(1) of this regulation shall be removed and the surfaces under them shall be cleaned with a HEPA filter equipped vacuuming device or by wet cleaning methods. The remaining plastic coverings shall not be removed less than 24 hours after this final cleaning has been completed and approved in accordance with any special requirements applicable to the project.

(9) Care shall be exercised when fixtures and other items are reinstalled on encapsulated surfaces. Any damage to the encapsulant that occurs shall be immediately repaired and any friable asbestos containing materials that are released by this damage shall be immediately cleaned up with a HEPA filter equipped vacuuming device or by wet cleaning methods, and disposed of in accordance with the requirements of K.A.R. 28-50-14.

(c) Individual requirements of subsection (b) of this regulation may be waived for encapsulation projects in areas where future occupancy will be restricted to maintenance and equipment operation personnel and which are accessible by means of passing through areas other than enclosed areas that are to be occupied by other persons 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 conditions will be met.

(1) The area in which the encapsulant is to be applied shall be completely isolated from other areas of the building by the construction or installation of air tight barriers which shall continually remain in place until the project is completed and final cleanup is approved in accordance with any special requirements applicable to the project.

(2) Appropriate warning signs shall be prominently posted at all entryways into the work area and access to the area shall be restricted to only the 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 any special requirements applicable to the project.

(3) Adequate measures shall be taken to assure that the surfaces of all structural materials, furnishings and equipment installed in the work area will be free from any asbestos fiber contamination resulting from the encapsulation project.

(4) Adequate provisions shall be made to facilitate and assure that asbestos contamination has been 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 the contamination. Provisions shall also be made to remove asbestos contaminants from all equipment used on the project before it is removed from the work area.

(5) Written approval of the proposed alternative procedure shall be obtained from the department prior to the initiation of the project.

(d) Each person engaged in an asbestos encapsulation project or entering an asbestos encapsulation

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project work area shall be provided with, and wear, an appropriate respirator and protective clothing. For the purposes of this regulation an appropriate respirator means a respirator that provides protection against any potentially hazardous chemicals contained in the encapsulant as well as the protection required by the definition of the term as included in K.A.R. 28-50-1. (Authorized by and implementing L. 1985, Ch. 203, Sec. 3; effective, T-87-1, Jan. 6, 1986.)

28-50-11. Work practices for asbestos-related maintenance operations. (A) Asbestos removal operations required to be carried out as part of an asbestos-related maintenance operation shall meet the following requirements:

(1) Asbestos shall not be removed from any surface while a room is being occupied by a person other than those persons having responsibilities directly related to the completion of the repair, replacement or maintenance operation. An appropriate warning sign shall be prominently posted at all entryways into the room until the operation and cleanup is completed.

(2) Each horizontal and vertical surface beneath the location from which the asbestos is to be removed shall be covered with not less than four mil thick protective plastic sheeting that extends out to a distance of not less than six feet in each direction from that location.

(3) Friable asbestos containing materials shall not be cut, drilled or handled unless they are saturated with a water solution containing an effective wetting agent. The wetting solution shall be applied with a low pressure sprayer.

(4) All asbestos containing materials that are removed including any residue that falls to surfaces below the removal site shall be immediately placed in a sealed container for disposal in accordance with the requirements of K.A.R. 28-50-14. Residue shall not be allowed to accumulate on the protective plastic sheeting in a dry condition.

(5) Immediately after the repairs have been completed, friable asbestos materials that have been exposed at the location from which asbestos has been removed shall be completely covered with an effective asbestos sealing material.

(6) After the repairs have been completed and the sealing material has been applied, the protective plastic sheeting shall also be immediately placed in a sealed waste container and disposed of with the other asbestos containing wastes.

(7) Each surface that has previously been covered with protective plastic sheeting and the surface areas from which the asbestos has been removed, extending up to six feet from the location at which it was removed, shall be wet cleaned before the room is reoccupied by persons other than those that were involved in the maintenance, repair or replacement operation. Surfaces that cannot be wet cleaned shall be cleaned with a vacuuming device equipped with a HEPA filter.

(8) Each person who removes friable asbestos containing materials or performs related maintenance, repair or replacement operations before the room has

been cleaned in accordance with the requirements of this subsection shall be provided and wear an appropriate respirator and protective clothing while performing the operations. Outer clothing shall be cleaned with a HEPA filter equipped vacuuming device or by wet cleaning methods or removed before the persons move from the protective plastic sheeting installed on the floor surfaces beneath the work location. Others persons shall not walk on this protective plastic sheeting unless the decontamination procedures are followed.

(b) The requirements of subsection (a) of this regulation shall not apply, provided that not less than six mil thick glove bags are used to remove asbestos containing materials from pipes or other similar conduits in accordance with the manufacturer's instructions and the following requirements are met:

(1) Glove bags shall provide an air tight seal around the area from which the asbestos is to be removed. This seal shall be continually maintained until the asbestos is removed.

(1) Friable asbestos containing material shall be saturated with a water solution containing an effective wetting agent during its removal and maintained in a wet condition until the glove bag is removed and sealed for final disposal in accordance with the requirements of K.A.R. 28-50-14.

(3) A person, other than those persons having responsibilities directly related to the maintenance, repair or replacement operation, shall not be allowed to occupy the work area where the glove bag is being used until the operation is completed and the glove bag has been removed and sealed. An appropriate warning sign shall be prominently posted at all entryways into the work area until this time.

(4) Each person who occupies the room while the glove bag is being used shall be provided with and wear appropriate respirators and protective clothing until the bag is removed and sealed shut.

(5) If damage or improper use of a glove bag allows residue to be discharged outside of the bag, the residue shall be immediately cleaned up with a HEPA filter equipped vacuuming device or by wet cleaning methods and disposed of in accordance with the requirements of K.A.R. 28-50-14. Residue accumulation on protective clothing shall be removed with a HEPA filter equipped vacuuming device or by wet cleaning methods or the clothing shall be immediately removed and placed in a sealed bag or container before the person wearing the clothing shall leave the work area.

(6) Any friable asbestos containing material left exposed by the maintenance, repair or replacement operation and exposed pipe or conduit surfaces from which the asbestos has been removed shall be covered with a sealing material before the work area is occupied by persons other than those performing this work. (Authorized by and implementing L. 1985, Ch. 203, Sec. 3; effective, T-87-1, Jan. 6, 1986.)

28-50-12. Work practices for asbestos-related dismantling operations. (a) Structural materials or equipment that are covered with friable asbestos con-

taining materials and are intended to be moved without first removing the asbestos containing materials shall be handled in the following manner:

(1) Dismantling of the items shall not be undertaken while the area in which the work is being conducted is occupied by a person other than those persons having responsibilities directly related to the dismantling and removal operations. An appropriate warning sign shall be prominently posted at each entryway into the work area until the dismantling operation is completed.

(2) Friable asbestos containing materials that are required to be cut or removed in order to complete the dismantling operation shall be saturated with a water solution containing an effective wetting agent during removal. All asbestos containing material that is removed, including any material that falls to surfaces beneath the location where the removal work is being done, shall be immediately placed in a sealed container for disposal in accordance with the requirements of K.A.R. 28-50-14. Residue shall not be allowed to accumulate in a dry condition.

(3) Exposed friable materials remaining on structural material, or equipment components that are to be moved, shall be securely enclosed in six-mil thick plastic sheeting material before the components are moved from the work area. The covered components shall be lowered carefully to ground level and shall not be dropped, thrown or slid while they are being handled.

(4) Each person who removes friable asbestos or handles structural material or equipment components that are covered with friable asbestos containing materials shall be provided and wear an appropriate respirator and protective clothing.

(5) Each person who removes friable asbestos or handles structural material or equipment components that are covered with friable asbestos containing materials shall remove, or use a HEPA filter equipped vacuuming device or wet cleaning methods to clean, all outer clothing before they enter any area that is occupied by a person other than those engaged in these activities.

(6) The area in which the dismantling operation is conducted and other areas that have been occupied by persons conducting the operation without having first met the requirements of subsection (a)(5) of this regulation shall not be occupied by any other person until all surfaces in these areas have been cleaned free of any visible residue with a HEPA filter equipped vacuuming device or by wet cleaning methods.

(b) Subsequent removal of friable asbestos containing materials from a structural material or equipment component that is removed from a structure in accordance with the requirements of subsection (a) of this regulation shall be carried out in the following manner:

(1) The asbestos containing materials shall be either removed outdoors or in an enclosed area that is specifically designated for this purpose. Components from which asbestos containing materials have been removed shall not be reused for any purpose until all asbestos containing materials have been removed and

all surface areas of the component that were covered with the asbestos containing material have been covered with an effective asbestos sealing material.

(2) If enclosed areas are used for the removal of friable asbestos containing materials from structural materials or equipment, the following requirements shall be met:

(A) Access to the area must be controlled to prevent any person other than those responsible for the removal operations from entering it. An appropriate warning sign shall be posted at each entryway into the area.

(B) Each person working in the area shall remove, or use a HEPA filter equipped vacuuming device or wet cleaning methods to clean, all outer clothing that is worn in the area before they pass through or occupy any enclosed area occupied by a person not assigned to the asbestos removal operation.

(C) The area shall not be served by a common heating and ventilation system that serves other enclosed occupied areas on the premises.

(D) A local exhaust system that is approved by the department shall be provided. Air exhausted from the removal area shall be discharged to the outside air after being passed through an air cleaning device that has been approved by the department.

(E) Each person working in the area shall be provided a convenient area outside of the removal area to take showers and change into uncontaminated clothing.

(F) The designated asbestos removal area shall not be used for any other purpose until the removal operations have been discontinued and the area has been cleaned of all visible residue with a HEPA filter equipped vacuuming device or by wet cleaning methods.

(3) Friable asbestos containing material shall be saturated with a water solution containing an effective wetting agent during removal. Dry removal of the material may be approved by the department if it is demonstrated that wet removal will cause significant damage to equipment components from which the asbestos must be removed. Dry removal operations shall only be conducted in an enclosed area meeting the requirements of subsection (b)(2) of this regulation.

(4) Friable asbestos containing materials that are removed from any structural material or equipment component shall be handled in accordance with the requirements of K.A.R. 28-50-14.

(5) Each person that removes friable asbestos from any structural material or equipment component shall wear appropriate respirators and protective clothing. (Authorized by and implementing L. 1985, Ch. 203, Sec. 3; effective, T-87-1, Jan. 6, 1986.)

28-50-13. Work practices for asbestos related demolition operations. (a) A person shall not demolish a structure containing structural materials that are covered with friable asbestos containing materials unless:

(1) The structural materials have been removed from the structure in accordance with the requirements of K.A.R. 28-50-12; or

(continued)

(2) All friable asbestos containing materials covering the structural materials have been removed from the materials while they remain in place in accordance with the following requirements:

(A) Asbestos shall not be removed while a work area is occupied by a person other than those persons having responsibilities that are directly related to the removal operation. An appropriate warning sign shall be prominently posted at each entryway into the area until all asbestos has been removed.

(B) Each window, door and other direct opening between the areas from which the asbestos is to be removed and other areas of the structure which are not to be demolished shall be securely covered with not less than four mil thick plastic sheeting, except for any required entryway into the area. The designated entryway shall be provided with a control curtain.

(C) All friable asbestos containing materials shall be saturated with a water solution containing an effective wetting agent during removal.

(D) All removed friable asbestos containing materials, including any residue that falls on surfaces in the area around the location from which the material was removed, shall be immediately sealed in a container for disposal in accordance with the requirements of K.A.R. 28-50-14. Residue shall not be allowed to accumulate in a dry condition.

(E) Each person who removes and handles friable asbestos containing materials or occupies a work area where these activities are being carried out shall be provided and wear an appropriate respirator and protective clothing.

(F) Each person who removes asbestos under the provisions of this subsection shall remove, or use a HEPA filter equipped vacuuming device or wet cleaning methods to clean, all outer clothing before they enter any area that is occupied by a person other than those engaged in the removal operations. Each area that is entered by these persons prior to following the decontamination procedures shall be cleaned free of any residue, using wet cleaning methods, before they are approved for subsequent occupancy by any other person.

(b) Any person that demolishes a structure that contains any structural materials that are composed of asbestos fibers shall handle the materials in a manner that will prevent the asbestos fibers from becoming airborne. (Authorized by and implementing L. 1985, Ch. 203, Sec. 3; effective, T-87-1, Jan. 6, 1986.)

28-50-14. Asbestos waste disposal. (a) All solid waste materials containing friable asbestos that result from an asbestos removal project, an asbestos encapsulation project, or asbestos related maintenance, dismantling or demolition operations shall be handled in the following manner:

(1) All solid waste shall be placed in tightly sealed containers in a wet condition before they are removed from the work area. Waste containers shall consist of not less than six mil thick plastic bags unless the waste contains rigid or heavy objects that are likely to tear the bags. If bag damage is likely to occur the waste shall be placed in fiber or metal containers that are

equipped with a plastic bag liner and a tight fitting lid which can be firmly fastened in position. Large sections of structural materials, such as pipe or duct work that has been removed with friable asbestos containing materials left in place, may be tightly wrapped in not less than a double layer of six mil thick plastic sheeting for disposal purposes if they cannot be placed in containers.

(2) The exterior surface of each container or individually wrapped object shall be cleaned free of all visible residue by wet cleaning methods. An asbestos caution label shall be securely attached to each container or wrapping before its removal from the work area to another area for storage or transport purposes.

(3) Each waste container shall be carefully handled and transported in order to prevent breaking or opening. Whenever a container breaks or otherwise becomes unable to completely contain the waste, the waste shall be immediately transferred into another sealed container that complies with the requirements of subsections (a)(1) and (a)(2) of this regulation. Any friable asbestos containing solid waste materials that come out of the original container shall be immediately cleaned up after being saturated with water and placed in the replacement container.

(4) Friable asbestos containing solid waste shall not be transported from a work site or disposed of unless the waste generator has received prior approval from the department for its disposal at an approved disposal site. Application for disposal approval shall be made in writing and contain the following information:

(A) The type of waste intended to be disposed of and the name of the premises at which it was generated;

(B) the amount of waste designated for disposal, expressed either as cubic yards of containerized materials or lineal feet of individually wrapped materials;

(C) the disposal site to which the waste is to be transported;

(D) the time period over which the waste is expected to be transported to the disposal site; and

(E) the name of the waste generator and the person responsible for transporting the waste to the disposal site.

(5) Waste shall be transported in vehicles that have completely enclosed cargo areas, or the cargo area shall be completely covered with six mil thick plastic sheeting while the waste is being transported. All visible residue remaining in the vehicle cargo area after the waste has been deposited at the disposal area shall be immediately removed by wet cleaning methods and disposed of in accordance with the requirements of this subsection.

(6) The waste generator shall remain responsible for storage, transport and disposal of the waste in accordance with this subsection until the time that the waste is delivered to and accepted by the operator of an approved waste disposal site. The waste generator shall be released from further responsibility for handling of the waste when the disposal site operator acknowledges, in writing, that the delivered waste has been properly identified as friable asbestos containing material and has been delivered in a manner and

condition that is acceptable to the disposal site operator.

(b) Wastewater and other liquid waste that contains friable asbestos containing materials that result from an asbestos removal project, an asbestos encapsulation project, or an asbestos related maintenance, dismantling or demolition operation may be disposed of by mixing them with solid waste materials and disposing of the mixture in accordance with the requirements of subsection (a) of this regulation. Wastewater that cannot be handled in this manner shall be disposed of by one of the following methods:

(1) Wastewater from decontamination showers and final cleanup of equipment may be disposed of in public sewer systems either by discharge into the plumbing system where the waste is generated, or by

storing the waste and discharging it directly into the sewer system at a location designated by the operator of the system. The wastewater shall be free of any material that is likely to cause stoppage in the plumbing or sewer system.

(2) Discharge of any other asbestos contaminated wastewater or liquid waste or the use of any other method for the disposal of contaminated liquid wastes shall only be at a location and in a manner specifically approved by the department in writing. (Authorized by and implementing L. 1985, Ch. 203, Sec. 3; effective, T-87-1, Jan. 6, 1986.)

BARBARA J. SABOL
Secretary of Health
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