

Kansas Register

Bill Graves, Secretary of State

Vol. 10, No. 1

January 3, 1991

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State of Kansas

State Fair Board

Notice of Meeting

The State Fair Board will meet in Topeka at 2 p.m. Saturday, January 5, at the Board of Agriculture office, 109 S.W. 9th, and at 1 p.m. Thursday, January 10, at the Ramada Inn downtown. For further information, contact Deana Novak at (316) 662-6611.

Deana K. Novak
Administrative Officer

Doc. No. 010106

State of Kansas

State Conservation Commission

Notice of Meeting

The Kansas Watershed Review Committee will meet at 8:30 a.m. and the State Conservation Commission will meet at 9:30 a.m. Tuesday, January 8, at the State Conservation Commission office, Room 500, 109 S.W. 9th, Topeka. A copy of the agenda may be obtained by contacting Donna Meader at (913) 296-3600.

Kenneth F. Kern
Executive Director

Doc. No. 010102

State of Kansas

Social and Rehabilitation Services

Division of Services for the Blind
Advisory Committee

Notice of Meeting

The Division of Services for the Blind Advisory Committee will meet at 10 a.m. Friday, January 18, in the Rehabilitation Center for the Blind conference room, 2516 W. 6th, Topeka.

Richard A. Schutz
Director, Division of Services
for the Blind

Doc. No. 010099

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 58,000 cubic yard detention dam, Site 102 in Chase County, will be received by the South Fork Watershed Joint District No. 76 at the Chase County District Office, 336 Broadway, Box F, Cottonwood Falls 66845, until 1:30 p.m. February 4, and then opened. A copy of the invitation for bids and the plans and specifications can be obtained from the Chase County Conservation District Office, (316) 273-6462.

Kenneth F. Kern
Executive Director

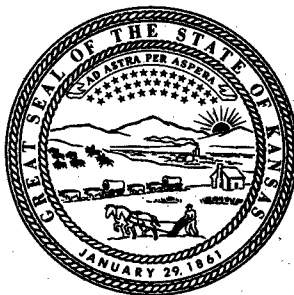
Doc. No. 010107

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Bill Graves
Secretary of State
2nd Floor, State Capitol
Topeka, KS 66612-1594
(913) 296-2236



Register Office:
235-N, State Capitol
(913) 296-3489

State of Kansas

Secretary of State

Usury Rate for January

Pursuant to the provisions of K.S.A. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate executed during the period of January 1, 1991, through January 31, 1991, is 11.23 percent.

Bill Graves
Secretary of State

Doc. No. 010114

State of Kansas

State Emergency Response Commission

Notice of Meeting

The State Emergency Response Commission will meet at 9 a.m. Tuesday, January 8, in the Mills Building, Board of Agriculture conference room, seventh floor, 109 S.W. 9th, Topeka.

Stanley C. Grant
Secretary of Health
and Environment

Doc. No. 010116

State of Kansas

Kansas State University

Notice to Bidders

Sealed bids for items listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 532-6214 for additional information.

Monday, January 14, 1991

#10101

3/4-ton pickup

#10100

Computers

#10098

Centrifuge

Wednesday, January 16, 1991

#10099

Digitizers and plotters

William H. Sesler
Director of Purchasing

Doc. No. 010101

State of Kansas

Department of Health
and Environment

Notice of Hearing

A public hearing will be conducted by the Kansas Department of Health and Environment, Bureau of Air and Waste Management (BAWM) at the Hillsboro City Hall at 7 p.m. Wednesday, January 30, to receive comments on the proposed issuance of a permit in accordance with K.A.R. 28-19-14 (permits required) to F and R Metals Control, Inc. (FR), Wichita, for the installation and operation of a scrap lead-acid battery reclamation facility to be located at Industrial Park, Hillsboro.

The BAWM has evaluated the air emissions estimates from this proposed facility and has determined that it can be expected to comply with applicable Kansas Air emissions regulations and the Kansas Air Toxics Strategy (KATS). Air pollution dispersion modeling studies conducted by the BAWM indicated the predicted ambient air concentration of lead will not cause the National Ambient Air Quality Standard (NAAQS) for lead to be exceeded. Dispersion modeling also conducted for heavy metals, which may be emitted by the proposed facility, indicates that the predicted concentrations would be less than any limits established by the KATS.

The complete administrative record for this proposed permit is available for public inspection through February 1 by contacting David Butler at the BAWM office, 1919 N. Amidon, Wichita 67203, (316) 838-1071; and at the BAWM office, Building 740, Forbes Field, Topeka. Questions pertaining to the proposed permit should be directed to L.C. Hinthner, BAWM, (913) 296-1576.

All interested parties may submit relevant written comments pertaining to the proposed permit prior to the hearing to the Secretary, KDHE, 900 S.W. Jackson, Topeka 66612. Interested parties also will be given reasonable opportunity during the hearing to present relevant verbal comments. In order to give all parties an opportunity to present their comments, the hearing officer may find it necessary to limit the time period of individual comments. All written and verbal comments received will be considered by the secretary before a final decision on the issuance of the permit is made.

Stanley C. Grant
Secretary of Health
and Environment

Doc. No. 010112

State of Kansas

Department of Administration

Public Notice

The application for funds and statewide strategy plan under the Drug Control and System Improvement Formula Grant Program established by the Anti-Drug Abuse Act of 1988 and the Crime Control Act of 1990 is available for public review and comment in the Office of Drug Abuse Programs, Room 265-E, State Capitol, Topeka.

Shelby Smith
Secretary of Administration

Doc. No. 010104

(Published in the Kansas Register January 3, 1991.)

**Notice of Redemption
to the holders of
City of Wichita, Kansas
General Obligation Bonds, Series 685
Dated December 1, 1981**

Notice is hereby given, pursuant to the provisions of Section 1 of Bond Ordinance No. 37-569 of the city, that all the above-mentioned bonds maturing February 1, 1992, and thereafter, have been called for redemption and payment on February 1, 1991, at 102 percent plus accrued interest to February 1, 1991.

Maturity Date	Principal Amount	Interest Rate	CUSIP Number
02-01-92	1,245,000	10.00%	967240DD1
02-01-93	1,380,000	10.00	967240DE9
02-01-94	1,530,000	10.25	967240DF6
02-01-95	1,700,000	10.40	967241AQ3
02-01-96	1,885,000	10.50	967241NR1
02-01-97	2,040,000	07.25	967241AS9

Coupon bonds with the August 1, 1991, and all subsequent coupons attached should be presented for payment to one of the corporate trust offices below:

Kansas State Bank and Trust Company
123 N. Market
P.O. Box 2
Wichita, KS 67201

The Chase Manhattan Bank
Bond Redemption Department
One New York Plaza
New York, NY 10081

Interest on the bonds shall cease to accrue February 1, 1991.

Coupons for February 1, 1991, should be detached and presented for payment in the usual manner.

Dated December 31, 1990.

City of Wichita
Sedgwick County, Kansas
By: Kansas State Bank and Trust
Company of Wichita, Kansas
as Escrow Trustee

Doc. No. 010109

State of Kansas

Department of Administration

Division of Purchases

Notice to Bidders

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

Monday, January 14, 1991

27341A

Statewide—Institutional clothing
86546

Department of Transportation—Furnish and install exhaust extraction system

Tuesday, January 15, 1991

27557

Kansas State University—February (1991) meat products

86559

University of Kansas—Maintenance service on DEC VAX cluster

Wednesday, January 16, 1991

86565

Wichita State University—Furnish all labor and materials for walk repair

86566

Kansas State University—Refrigerator, ranges and dishwashers

Thursday, January 17, 1991

A-6453, A-6454

Kansas Neurological Institute—Fire safety improvements, replace toilet partitions, Meadowlark Lodge

A-6543

School for the Visually Handicapped—Roof replacement, Johnson Building

Tuesday, January 22, 1991

86558

Wichita State University—IBM 7171 ASCII device controller

Wednesday, January 23, 1991

27947

Statewide—Surgical staplers and surgical specialty items (Class 012)

Wednesday, January 30, 1991

A-5920

University of Kansas—Water distribution improvements

Tuesday, February 5, 1991

A-5951 (Rev.)

University of Kansas—Pearson Scholarship Hall renovation

Nicholas B. Roach
Director of Purchases

Doc. No. 010100

State of Kansas

**Office of Judicial Administration
Supreme Court Docket**

(Note: Dates and times of arguments are subject to change.)

Monday, January 14, 1991

9:30 a.m.

Case No.	Case Name	Attorneys	County
63,639	State of Kansas, Appellee, v. Nicholas R. Wagner, Appellant.	Robert T. Stephan, Attorney General Debra Byrd Wagner, Assistant District Attorney Jessica R. Kunen, Chief Appellate Defender	Sedgwick
64,777	Mark W. Robertson, <i>et al.</i> , Appellees, v. Gerald Dunnegan, <i>et al.</i> , Appellants.	Jon D. Graves Morris D. Birch Russell L. Mills	Sedgwick
64,439	State of Kansas, Appellant, v. Howard D. Jamison, Appellee.	Robert T. Stephan, Attorney General Debra Byrd Wagner, Assistant District Attorney Frank Kamas	Sedgwick
64,668	State of Kansas, Appellee, v. James Nance, Appellant.	Robert T. Stephan, Attorney General Gunnar A. Sundby, County Attorney Jessica R. Kunen, Chief Appellate Defender	Atchison

1:30 p.m.

65,060	Angie Lee, Paula Aaron, Karin McLeaf, and Dawn Profit, Appellants, v. Robert J. Werne, <i>et al.</i> , Appellees.	Donald S. Anderson Alan L. Rupe Kevin M. McMaster	Sedgwick
65,616	Kerry Knudsen, Appellant, v. Kansas Gas and Electric Company, a Corporation, Appellee.	Jim L. Lawing Stephen W. Cavanaugh J. Michael Peters	Sedgwick
64,926	State of Kansas, Appellee, v. Gary Lee Wayne Diehl, Appellant.	Robert T. Stephan, Attorney General Leigh Hood, County Attorney Jessica R. Kunen, Chief Appellate Defender	Ford

Tuesday, January 15, 1991

9:30 a.m.

65,351	City of Overland Park, Appellant, v. Thomas Pavelcik, <i>et al.</i> , Appellees.	Steven A. Jensen David R. Gilman David M. Jancich	Johnson
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(continued)

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|------------------------------------|--|--|---|
| 64,370 | Farm Bureau Mutual Insurance Company, Inc., Appellee,
v.
Curtis Sutterby, <i>et al.</i> , Appellants. | Paul Hasty, Jr.
Bradley S. Russell

William E. Metcalf | Johnson

On Petition for Review |
| 64,636 | In the Interest of R.L.M., Jr., DOB: 8-2-87, A Child Under 18 Years of Age. | Thomas J. Bath, Jr., Assistant District Attorney
William T. Smith

Dennis E. Mitchell | Johnson

On Petition for Review |
| 64,786 | In the Matter of the Estate of Claude W. Riley, Deceased, Appellant,
v.
James Riley, Appellee. | Tom R. Smith

Keen K. Brantley | Lane

On Petition for Review |
| 1:30 p.m. | | | |
| 64,846 | State of Kansas, Appellant,

v.
Carl Eugene Leonard, Appellee. | Robert T. Stephan, Attorney General
Edwin A. Van Petten, Deputy Attorney General

Jessica R. Kunen,
Chief Appellate Defender | Cherokee

 |
| 64,875
64,876
(consolidated) | State of Kansas, Appellant,

v.
Elliot M. Kaplan, David C. Owen, and John E. Palmer, Appellees. | Robert T. Stephan, Attorney General
Thomas D. Haney
Michael A. Barbara

William R. Coffee
James L. Eisenbrandt
Bruce C. Houdek | Johnson

 |
| Wednesday, January 16, 1991 | | | |
| 9:30 a.m. | | | |
| 64,223 | State of Kansas, Appellee,

v.
Archie E. Owens, Jr., Appellant. | Robert T. Stephan, Attorney General
Nick A. Tomasic, District Attorney

Jessica R. Kunen,
Chief Appellate Defender | Wyandotte

 |
| 65,418 | Arthur C. Kennedy, <i>et al.</i> , Appellants,

v.
David L. Gray, <i>et al.</i> , Appellees. | Eldon Shields
Gregory M. Garvin

John J. Jurcyk, Jr. | Wyandotte

 |
| 64,721 | State of Kansas, Appellee,

v.
Frank Leon Woods, Appellant. | Robert T. Stephan, Attorney General
Nick A. Tomasic, District Attorney

Jessica R. Kunen,
Chief Appellate Defender | Wyandotte

 |
| 65,479 | Martin J. Peck, Appellee, Cross-Appellant,
v.
University Residence Comm. of Kansas State University, Appellant, The Kansas Board of Regents, Intervenor. | John Q. Royce
Ted D. Ayres

Dorothy L. Thompson | Riley

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1:30 p.m.

65,312	The Kansas Workers' Compensation Fund, Appellant, v. Silicone Distributing, Inc., et al., Appellees.	Anne L. Baker John D. Jurcyk Steven Hornbaker	Riley
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Thursday, January 17, 1991

9:30 a.m.

64,772	State of Kansas, Appellee, v. M. C. Mayberry, Appellant.	Robert T. Stephan, Attorney General Tim Chambers, County Attorney Jessica R. Kunen, Chief Appellate Defender	Reno
65,123	Rachel McGee, by and through Charlie McGee, Appellee, v. Thomas C. Chalfant, et al., Appellants.	Phillip R. Fields Gerald L. Green Herbert R. Hess	Reno
65,334	In the Matter of C.W., DOB: 1-7-72, Alleged to be a Juvenile Offender.	Timothy J. Chambers, County Attorney Steven Graber	Reno
64,749	State of Kansas, Appellee, v. Ernest Lee Thomas, Jr., Appellant.	Robert T. Stephan, Attorney General Paul J. Morrison, District Attorney Jessica R. Kunen, Chief Appellate Defender	Johnson

1:30 p.m.

65,353	Verilyn Faye Mitchell, Appellant, v. Thorman & Wright Motel Corporation, et al., Appellees.	Frank D. Taff Steven R. Fabert	Shawnee
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Friday, January 18, 1991

9:30 a.m.

65,135	State of Kansas, Appellant, v. Marlon Richardson, Appellee.	Robert T. Stephan, Attorney General James E. Flory, District Attorney Edward G. Collister	Douglas
64,815	State of Kansas, Appellee, Cross-Appellant, v. John William, Appellant, Cross-Appellee.	Robert T. Stephan, Attorney General James E. Flory, District Attorney Jessica R. Kunen, Chief Appellate Defender	Douglas
65,240	Stephen Bair, Plaintiff, v. Roger C. Peck, M.D., et al., Defendants.	Lee Turner John L. Carmichael	Certified Question

Lewis C. Carter
Clerk of the Appellate Courts

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled from January 7-13:

Date	Room	Time	Committee	Agenda
January 7	514-S	10:00 a.m.	SRS Task Force	Review of subcommittee reports. Direction to staff on final report.
January 8	514-S	9:00 a.m.		

Emil Lutz
Director of Legislative
Administrative Services

Doc. No. 010113

(Published in the Kansas Register January 3, 1991.)

**Summary Notice of Bond Sale
City of Hays, Kansas**

\$1,110,000

**General Obligation Internal Improvement Bonds
Series Y**

(general obligation bonds payable from
unlimited ad valorem taxes)

Sealed Bids

Subject to the terms and conditions of the complete notice of bond sale and preliminary official statement dated December 27, 1990, sealed bids on the official bid form will be received by Carol Sue Grabbe, city clerk of the city of Hays, Kansas, at City Hall, 1507 Main, Hays, KS 67601, on behalf of the governing body, until 5 p.m. C.S.T. Thursday, January 10, 1991, for the purchase of \$1,110,000 principal amount of General Obligation Internal Improvement Bonds, Series Y. The bids will be publicly opened, read and considered at a meeting of the governing body of the city at 7:30 p.m. on said day. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered. Each bid shall be accompanied by a cashier's or certified check in the amount of \$22,200.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated January 1, 1991, and will become due serially on September 1 in the years as follows:

Year	Principal Amount
1992	\$ 35,000
1993	90,000
1994	95,000
1995	105,000
1996	110,000
1997	115,000
1998	125,000
1999	135,000
2000	145,000
2001	155,000

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 March 1, 1992. Bonds maturing on September 1, 2000, and thereafter will be subject to redemption prior to maturity at the option of the city, as a whole or in part, in inverse order of maturity, on September 1, 1999, or on any interest payment date thereafter, at a redemption price of 100 percent of the principal amount redeemed, plus accrued interest, without a premium.

Paying Agent and Bond Registrar

The Kansas State Treasurer will be the paying agent and bond registrar for the bonds.

Delivery

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about January 31, 1991, at such location as may be specified by the purchaser.

Assessed Valuation and Indebtedness

The equalized assessed valuation for computation of bonded debt limitations for the year 1990 is \$88,084,255. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$5,683,593.62.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Stinson, Mag & Fizzell, Kansas City, Missouri, bond counsel, whose approving 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.

Additional Information

Additional information regarding the bonds may be obtained from the undersigned or George K. Baum & Company, Kansas City, Missouri, (816) 474-1100, the city's financial advisor.

Dated December 27, 1990.

City of Hays, Kansas
By Carol Sue Grabbe
City Clerk
City Hall
1507 Main
Hays, KS 67601
(913) 625-3465

Doc. No. 010115

State of Kansas

Board of Veterinary Medical Examiners

Permanent Administrative
Regulations

Article 3.—EXAMINATIONS

70-3-2. Standard to pass. To pass the examination administered by the board, the examinee shall demonstrate scientific and practical knowledge sufficient in the judgment of the board to prove competency to practice veterinary medicine. The successful examinee shall obtain a score of 70 using a -1.5 standard deviation below the mean on each of the national tests, and a score of 70 percent on the state written and practical examinations. (Authorized by K.S.A. 1989 Supp. 47-821, K.S.A. 47-825; implementing K.S.A. 47-825; effective Jan. 1, 1974; amended Feb. 18, 1991.)

Tom D. Vincent, D.V.M.
Executive Director

Doc. No. 010108

State of Kansas

Department of Health
and EnvironmentPermanent Administrative
Regulations

Article 60.—CREDENTIALING PROGRAM

28-60-20. Application for a license. (a) Each applicant applying for a license or temporary license shall submit a completed department-prescribed application form and any requested supporting documentation to the department, together with the appropriate fee set by K.A.R. 28-60-26.

(b) Each applicant shall provide the department with the applicant's academic transcripts and proof of receipt of baccalaureate or postbaccalaureate degree. These documents shall be provided directly to the department by the academic institution.

(c) Each applicant applying for renewal of a temporary license shall submit a letter to the secretary requesting such a renewal and describing why the applicant has failed to obtain a license in the last six months and what measures are being taken to secure a license, together with the temporary license renewal fee set by K.A.R. 28-60-26. (Authorized by K.S.A. 1989 Supp. 65-5904 and implementing K.S.A. 1989 Supp. 65-5906 and 65-5907; effective Feb. 18, 1991.)

28-60-21. Application for a person licensed in another state. Each applicant applying for a license who is presently licensed in another state shall submit a completed, department-prescribed application form with the license application fee set by K.A.R. 28-60-26. (Authorized by K.S.A. 1989 Supp. 65-5904 and implementing K.S.A. 1989 Supp. 65-5910; effective Feb. 18, 1991.)

28-60-22. Educational and experience require-

ments. (a) To determine whether an applicant has complied with the requirement that the person has received a baccalaureate or postbaccalaureate degree pursuant to K.S.A. 1989 Supp. 65-5906(a)(2), consideration shall be given to whether the course of study is accredited or approved by the American dietetic association or is deemed equivalent by the secretary.

(b) Each applicant who has received a baccalaureate or postbaccalaureate degree outside the United States or its territories whose transcript is not in English shall submit an officially translated English copy of the applicant's transcript and, where necessary, supporting documents. The transcript shall be translated by a source and in a manner that is acceptable to the secretary. Each applicant shall pay any transcription fee directly to the transcriber.

(c) Each applicant who has received a baccalaureate or postbaccalaureate degree outside of the United States and its territories shall obtain an equivalency validation from an agency approved by the secretary that specializes in educational credential evaluations. Each applicant shall pay the required equivalency validation fee directly to the validation agency.

(d) Each applicant who received a baccalaureate or postbaccalaureate degree and the course of study was not from an American dietetic association accredited or approved program shall obtain an equivalency validation from a college or university accredited or approved dietetics program approved by the secretary.

(e) To determine whether an applicant has complied with the requirement that a person complete 900 clock hours of dietetic experience as outlined in K.S.A. 1989 Supp. 65-5906(a)(3), consideration shall be given to whether the supervised experience is acquired through an American dietetic association approved or accredited program for dietitians or is deemed its equivalent by the secretary.

(f) Each applicant who did not receive the supervised experience from an American dietetics association accredited or approved program shall obtain an equivalency validation from a college or university accredited or approved dietetics program approved by the secretary.

(g) Each applicant shall submit the necessary documentation for an equivalency validation to be made. Each equivalency validation, evaluation and corresponding documentation shall be sent directly to the department by the agency providing the validation. After consideration of the evaluation and documentation, the applicant shall be notified in writing of the decision of the secretary.

(h) "American dietetic association" means the national professional association which accredits or approves educational programs and supervised experience programs in dietetics. (Authorized by K.S.A. 1988 Supp. 65-5904 and implementing K.S.A. 1989 Supp. 65-5905 and 65-5906; effective Feb. 18, 1991.)

28-60-23. Examination requirement. (a) The following are procedures for the examination of applicants:

(continued)

(1) Each applicant shall successfully pass an examination for dietitians approved by the secretary. The minimum passing score for the examination is 25.

(2) Each applicant shall have successfully completed a course of study and supervised experience pursuant to K.S.A. 1989 Supp. 65-5906 prior to submitting an application to sit for the examination.

(3) Each applicant shall pay the required examination fee directly to the testing agency. (Authorized by K.S.A. 1989 Supp. 65-5904 and implementing K.S.A. 1989 Supp. 65-5906; effective Feb. 18, 1991.)

28-60-24. License renewal. (a) Each applicant for renewal of a license shall submit a completed, department-prescribed application form and any requested supporting documentation with the license renewal fee set by K.A.R. 28-60-26.

(b) Each applicant for renewal of a license shall have completed 15 clock hours of documented and approved continuing education during each two-year renewal period. Approved continuing education clock hours completed in excess of the 15-hour requirement shall not be carried over to the subsequent renewal period.

(c) (1) Continuing education may be accrued from:

- (A) academic courses;
- (B) workshops, seminars, or poster sessions;
- (C) self-directed study materials; or
- (D) presentations.

(2) Academic courses shall be from a regionally accredited college or university.

(3) Self-study materials may include audio tapes, study kits, and video tapes.

(d) The content and objective of the continuing education activity shall be primarily related to the practice of dietetics as defined by K.S.A. 1989 Supp. 65-5902(d). The educational activity:

(1) Shall be for the purpose of furthering the applicant's education, and

(2) shall not be a part of the applicant's job responsibilities.

(e) Each applicant shall have requested and received approval by the department for continuing education activities prior to submission of the license renewal application and license renewal fee.

(f) Approval for a continuing education activity may be obtained by:

(1) the instructor or sponsor of a continuing education activity submitting information and documentation on forms prescribed by the department prior to the activity's occurrence; or

(2) the applicant submitting information and documentation on forms prescribed by the department requesting approval for an activity that has already taken place.

(g) Assignment of clock hours to approved continuing education activities shall be determined by the following:

(1) One academic-semester credit hour course shall be equivalent to 15 clock hours of continuing education. One academic-trimester credit hour course shall be equivalent to 14 clock hours of continuing education. One academic-quarter credit hour course shall be equivalent to 10 clock hours of continuing education.

(2) One academic-semester credit hour course audited shall be equivalent to eight clock hours of continuing education. One academic-trimester credit hour course audited shall be equivalent to seven clock hours of continuing education. One academic-quarter credit hour course audited shall be equivalent to five clock hours of continuing education.

(3) One clock hour of contact between a presentation instructor and the applicant shall be equivalent to one clock hour of continuing education for the applicant.

(A) Contact time shall be rounded down to the nearest one-half hour interval.

(B) The presenting instructor may be given two clock hours of continuing education for every one clock hour of contact between the instructor and the attendees for each first-time preparation and presentation of a new workshop, seminar, or poster session.

(C) If the presentation was presented by more than one instructor, the continuing education clock hours shall be prorated among the instructors.

(4) One clock hour of time required to complete the self-directed study material, as specified by the sponsor of the material, shall be equivalent to one clock hour of continuing education.

(A) Contact time shall be rounded down to the nearest one-half hour interval.

(B) Each applicant shall provide validation of actual completion of the material.

(h) Each applicant shall maintain individual records of information and documentation on approved continuing education hours. A summary of these records shall be submitted to the department as part of the license renewal application.

(i) Each application for renewal of license shall be filed before March 1 of the calendar year in which the license expires. All licenses shall be renewable on a biennial basis, with the day of expiration to be March 1 of the applicable year. On March 1, 1991, qualified dietitian whose last names begin with A-K shall be issued a license to expire on March 1, 1993. On September 1, 1991, qualified dietitians whose last names begin with L-Z shall be issued a license to expire on March 1, 1994. (Authorized by and implementing K.S.A. 1989 Supp. 65-5904 and 65-5909; effective Feb. 18, 1991.)

28-60-25. Unprofessional conduct. (a) The following acts shall be evidence of unprofessional conduct of a licensee or applicant:

(1) Misrepresenting any professional qualifications or credentials;

(2) promoting or endorsing products in a manner which is misleading or false;

(3) making false or misleading claims about the efficacy of any dietetic services;

(4) permitting the use of the licensee's or applicant's name or credentials for the purpose of certifying that dietetic services have been rendered when the licensee or applicant has not provided or supervised the provision of the services;

(5) failing to maintain knowledge and skills required for continuing professional competence;

(6) failing to exercise appropriate supervision over

persons with whom the dietitian has a supervisory relationship;

(7) impersonating another person who is licensed;

(8) knowingly allowing another person to use one's license;

(9) assisting another person to obtain a license under false pretense;

(10) failing to report to the department alleged violations of K.S.A. 1989 Supp. 65-5901, et seq., and any amendments thereto, and K.A.R. 28-60-20, et seq.;

(11) failing to notify the department of any disciplinary action or limitation, restriction, or revocation of employment in a dietetic practice for some form of misfeasance, malfeasance, or nonfeasance;

(12) refusing to cooperate in a timely manner with the department's investigation of complaints lodged against an applicant or licensee;

(13) acquiring or providing a commission or rebate or any other form of remuneration for referral to any other service or for the use of any services;

(14) failing to disclose to a client any interest in commercial enterprises which the licensee or applicant promotes for the purpose of personal gain or profit;

(15) using undue influence on a client, including the promotion of the sales of services and products in such a manner to exploit the client for financial gain or personal gratification;

(16) failing to provide prospective clients with information, including obligation for fee payment and financial arrangements, which might affect the client's decision to enter into the relationship;

(17) misrepresenting professional competency by performing or offering to perform services that are clearly unwarranted on the basis of education, training, or experience; or

(18) failing to conform to generally accepted principles and standards of dietetic practice which are those generally recognized by the profession as appropriate for the situation presented, including those promulgated or interpreted by professional or governmental bodies. (Authorized by and implementing K.S.A. 1989 Supp. 65-5911(a)(2); effective Feb. 18, 1991.)

28-60-26. Fees. (a) The license application fee shall be \$200.00.

(b) The license renewal fee shall be \$170.00.

(c) The license renewal late fee shall be \$25.00.

(d) The temporary license application fee shall be \$85.00.

(e) The temporary license renewal fee shall be \$85.00.

(f) The reinstatement of a revoked license application fee shall be \$200.00. (Authorized by and implementing K.S.A. 1989 Supp. 65-5913; effective Feb. 18, 1991.)

28-60-27. Change of name or address. (a) Each licensee shall notify the department of any changes in name or mailing address within 15 days of such changes.

(b) Notification of address changes shall be made in

writing, including the name, mailing address, and zip code, and mailed to the department.

(c) Before replacement of a renewal identification card can be issued by the department, notification of name changes must be received by the department along with a notarized copy of a marriage certificate, court decree evidencing such change, or a social security card reflecting the new name. In addition, the previously issued identification card shall be returned to the department. (Authorized by and implementing K.S.A. 1989 Supp. 65-5904; effective Feb. 18, 1991.)

Stanley C. Grant
Secretary of Health
and Environment

Doc. No. 010105

State of Kansas

The Kansas Lottery

Temporary Administrative Regulations

Article 3.—INSTANT GAME RULES

111.3-1. Definitions. The following definitions apply to all instant ticket games: (a) "Bare arm technique" means a type of drawing in which the person drawing the winning ticket from the receptacle wears a short-sleeved (sleeve not extending past the elbow) or a no-sleeve shirt which exposes the drawer's bare arm.

(b) "Book" means a pack of fanfolded instant game tickets which are attached to each other by perforations, which perforations the retailer tears when selling a ticket from the book. The books are packed in plastic shrinkwrapping which shall be removed by the retailer so that the retailer can apply the retailer's name and number to each ticket prior to sale. Each book shall consist of 300 instant game tickets fanfolded by fives.

(c) "Book-ticket number" means the unique number appearing on each ticket which includes the number of the book from which it was removed and the serially assigned number of the ticket within that book. The book-ticket number is a book number followed by a dash and then a 3-digit ticket number. The ticket numbers in each book start with 000 and end with 299. The book-ticket number is printed in gray/black ink on the bottom right portion of the front of each instant game ticket.

(d) "Claimant" means a holder of a ticket who presents it for payment of a prize.

(e) "Drum" means a container which can be sealed and rotated for the purpose of mixing, and into which "Kansas Lottery Entry Envelopes" are placed for the purpose of drawing the preliminary and final "Grand Prize Drawing" winner.

(f) "Executive director" means the executive director of the Kansas lottery, or the person designated by the executive director.

(g) "Instant game" means a lottery game in which a ticket is purchased by a player and the player can immediately determine whether he or she has won a

(continued)

prize by removing the removable covering on the ticket and comparing the exposed play numbers or symbols with those specified as winners in the published game rules for that instant game.

(h) "Participant" means any person, player, or contestant participating in a lottery game and anyone designated by a prize winner to appear on his or her behalf for any lottery game including the Grand Prize Drawing and the "Televised Draw Show." In the event the prize winner or his or her designee fails to appear for the Grand Prize Drawing or "Televised Draw Show," the executive director shall designate an adult who may be a member of his staff to participate on behalf of the non-appearing prize winner. Any prize won by a participant appearing through a designee shall be payable to and delivered to the prize winner as provided by these rules and regulations.

(i) "Play area" is the portion of the front of each instant game ticket where the play symbols appear. It is covered by a removable layer of material which is intended to be removed ("scratched off") by the player to reveal the play symbols.

(j) "Play symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket holder is entitled to a prize.

(k) "Play symbols captions" are the words or portions of words printed beneath each play symbol in the play area and are used to repeat or explain the play symbol. The play symbol caption associated with each play symbol is designated by the rules of the game.

(l) Prize Tiers:

(1) "Low-tier prize" means a lottery instant game prize not exceeding \$25.00.

(2) "Mid-tier prize" means a lottery instant game prize of more than \$25.00 but not exceeding \$599.99.

(3) "High-tier prize" means a lottery instant game prize in excess of \$599.99.

(m) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer.

(n) "Special event" means a drawing or other method of awarding an additional prize or prizes within a group of lottery instant game winners as defined by the rules for a particular instant game.

(o) "Ticket holder" or "holder" means the person who has possession of an unsigned ticket or the person whose signature appears in the area upon a ticket designated for signature.

(p) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. The ticket validation number appears under the removable covering on the front of each instant ticket. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-88-39, Oct. 15, 1987; amended, T-89-7, Feb. 26, 1988; amended, T-115-12-28-89, Dec. 21, 1989; amended, T-111-10-10-90, Sept. 15, 1990; amended, T-111-12-21-90, Dec. 14, 1990.)

111-3-12. Determination of Instant Prize Win-

ners. The following subparagraphs specify how an instant prize winner is determined for instant games:

(a) The player must remove or "scratch off" the removable layer of material covering the play area to reveal the play symbols and captions. If the designated number of play symbols match, the player wins the prize designated by the rules of the game.

(b) In any event, only the highest instant prize shall be paid on a given ticket.

(c) Once a player has collected a prize from a retailer, the player shall not be entitled to any other prize even if the prize paid by the retailer was less than the prize actually entitled to.

(d) Only play symbols are used for determination of entitlement to instant prizes. Play symbol captions, validation numbers, agent validation codes, book-ticket numbers, any portion of the display printing and any extraneous materials are not play symbols and shall not be usable or playable to win instant prizes.

(e) In all events, the determination of instant prize winners shall be subject to the general ticket validation requirements set forth in K.A.R. 111-3-13 and the requirements set forth on the back of each instant game ticket.

(f) An instant ticket is a bearer instrument. The prize payable for an instant ticket shall be paid to the bearer or holder thereof unless the ticket has been signed on the back. Once a ticket has been signed on the back, any prize payable for such ticket shall be paid to the apparent owner of the ticket as evidenced by such signature. The holder of a winning ticket shall sign his or her name on the back of the ticket.

(g) No particular prize may be paid more than once.

(h) All instant prizes must be claimed within 180 days following the termination of the game announced by the executive director. Any instant prize not claimed by such date and in the manner specified on the back of each ticket shall be forfeited. If a claim is to be mailed to the lottery, the envelope containing the winning ticket and the claim form, must be postmarked within the 180-day limit noted above.

(i) The right of any person to a prize shall not be assignable, except that payment of any prize may be paid to the estate of a deceased prize winner or to a person designated pursuant to an appropriate judicial order. (Authorized by K.S.A. 1989 Supp. 74-8710 (b), (c), & (i); implementing K.S.A. 1989 Supp. 74-8710 (b), (c) & (i) and 74-8720 (b) & (d); effective, T-89-4, Jan. 21, 1988; amended, T-111-4-13-89, April 13, 1989; amended, T-111-3-14-90, March 2, 1990; amended, T-111-10-31-90, Oct. 19, 1990; amended, T-111-12-21-90, Dec. 14, 1990.)

111-3-14. Payment of Prizes. The procedures for payment of instant monetary prizes to the winners of the instant games are as follows:

(a) The executive director or his designee shall award the designated prize to the appropriate person as soon as it is determined that all laws, regulations, and rules have been adhered to.

(b) Low-tier instant game prizes of \$25.00 or less shall be paid as follows:

(1) Present the ticket to the same retailer from whom

the ticket was purchased. Upon receipt and validation of the ticket, the retailer shall immediately make payment for the prize to the claimant. If the retailer cannot validate the claim, the claimant shall fill out a claim form provided by the retailer and personally present or mail the completed form together with the ticket to Kansas lottery headquarters. If the claim is received and validated, then payment shall be made to the claimant by mail.

(2) Bring the ticket to any Regional office of the Kansas lottery during the hours that such office is open to the public for business. Upon receipt and verification of the claim, payment for such claim shall be made to the winner in the following manner:

(A) The prize for a validated free ticket winner redeemed in this manner shall be \$1.00 to be paid by the Kansas lottery.

(B) The prize for other validated low-tier winners redeemed in this manner shall be paid out of the lottery prize payment fund. Upon receipt and verification of the claim, the payment for the prize shall be mailed to the claimant.

(3) Mail the ticket with a completed claim form in any envelope other than an official "Grand Prize Draw" envelope to any office of the Kansas lottery. Claim forms can be obtained from any lottery instant game retailer or any office of the Kansas lottery. Upon receipt and verification of the claim, the payment for such claim shall be made to the winner in the following manner:

(A) The prize for a validated free ticket winner redeemed in this manner shall be \$1.00 which shall be paid by the Kansas lottery. Upon receipt and verification of the claim, the payment for the prize shall be mailed to the claimant.

(B) The prizes for other validated low-tier winners redeemed in this manner shall be paid out of the lottery prize payment fund. Upon receipt and verification of the claim, the payment for the prize shall be mailed to the claimant.

(c) Mid-tier game prizes in excess of \$25.00 but not exceeding \$599.99 shall be paid by any one of the following methods:

(1) Present the ticket to any authorized Kansas lottery retailer. Upon receipt and validation of the ticket the retailer may immediately make payment of the prize to the claimant. If the retailer chooses not to make the payment, the claimant shall claim the prize in another manner prescribed in these rules. On all mid-tier prizes not paid by the retailer, the winning ticket holder may elect to mail the winning ticket and claim form to the lottery. Claimant may request any Kansas lottery retailer to validate the claim by having the retailer call the lottery and validate the ticket. Although the ticket is validated, no authorization numbers will be provided the retailer when retailer is not paying the claim. No Kansas lottery retailer is entitled to any compensation for selling lottery tickets or shares, or paying claims, except as authorized by contract and rules and regulations adopted by the lottery commission.

(2) Bring the ticket to any office of the Kansas lottery during the hours that such office is open to the public

for business. Upon receipt and verification of the claim, the payment for the prize shall be mailed to the claimant.

(3) Mail the ticket with a completed claim form in any envelope other than an official "Grand Prize Draw" envelope to the Kansas lottery headquarters. Claim forms can be obtained from any lottery instant game retailer or any office of the Kansas lottery. Upon receipt and verification of the claim, the payment for the prize shall be mailed to the claimant.

(d) High tier instant game prizes in excess of \$599.99 shall be paid by any one of the following methods:

(1) Bring the ticket to any office of the Kansas lottery during the hours that such office is open to the public for business. Upon receipt and verification of the claim, the payment shall be made to the claimant by the executive director by any means deemed appropriate. On all high-tier claims, should the winning ticket holder elect to mail the winning ticket and claim form to the lottery, claimant may insure validation by requesting any Kansas lottery retailer to verify the claim by having the retailer call the lottery and validate the ticket. Although the ticket is validated, no authorization numbers will be provided the retailer since retailer is not paying a high-tier claim.

(2) Mail the ticket with a completed claim form in any envelope other than a "Grand Prize Draw" envelope to any office of the Kansas lottery. Claim forms may be obtained from any lottery instant game retailer or any office of the Kansas lottery. Upon receipt and verification of the claim, the payment shall be made to the claimant by the executive director by any means deemed appropriate.

(e) Tickets submitted for payment of a prize shall become property of the lottery and shall not be returned to claimant. (Authorized by K.S.A. 1989 Supp. 74-8710(c); implementing K.S.A. 1989 Supp. 74-8710(c), 74-8712(a) and 74-8720(c); effective, T-89-4, Jan. 21, 1988; amended, T-89-7, Feb. 26, 1988; amended, T-111-7-7-88; amended, T-111-4-13-89, April 7, 1989; amended, T-115-12-28-89, Dec. 21, 1989; amended, T-111-4-26-90, April 6, 1990; amended, T-111-10-31-90, Oct. 19, 1990; amended, T-111-12-21-90, Dec. 14, 1990.)

Article 5.—KANSAS LOTTO AMERICA GAME RULES

111-5-18. Ticket Responsibility. (a) If there is no signature on the back of a ticket in the area designated for a signature, a ticket shall be owned by the holder of the ticket.

(b) If the signature of more than one person appears on the back of the ticket in the designated place, the lottery shall make payment to the person identified on the winner claim form. If all persons whose signatures appear in the appropriate space cannot identify one person to whom payment should be made, the lottery shall keep the prize until a determination of entitlement is made by the parties. In no event shall more than one person be entitled to a particular prize.

(c) The MUSL and Kansas lottery shall not be responsible for lost or stolen tickets. (Authorized by

(continued)

K.S.A. 1989 Supp. 74-8710; implementing K.S.A. 1988 Supp. 74-8710 and 74-8720; effective, T-89-4, Jan. 21, 1988; amended, T-111-10-31-90, Oct. 19, 1990; amended, T-111-12-21-90, Dec. 14, 1990.)

Article 6.--ON-LINE GAMES

111-6-1. Definitions. (a) All definitions contained in the Kansas Lottery Act (K.S.A. 1988 Supp. 74-8701 *et seq.*) and lottery regulations are hereby incorporated by reference unless otherwise indicated.

(b) "On-line Game" means a lottery game in which a player selects a combination of numbers or symbols, the type of game and amount of play, and the drawing date(s) by use of a computer. In return for paying the appropriate fee, the player receives a computer-generated ticket with the player's selection printed on it. The Kansas lottery (lottery) will conduct a drawing to determine the winning combination in accordance with the rules of the specific game being played. Each ticket holder whose valid ticket includes a winning combination shall be entitled to a prize if the ticket and a valid claim form are submitted within the specified time period.

(c) "On-line Retailer" means a person or business authorized by the Lottery to sell on-line tickets.

(d) "On-line Terminal (OLT)" means the computer hardware by which an on-line retailer or player enters the combination selected by the player and by which on-line tickets are generated and claims are validated.

(e) "On-line Ticket" means a computer-generated ticket issued by an on-line terminal to a player as a receipt for the combination a player had selected. That ticket shall be the only acceptable evidence of the combination of numbers or symbols selected.

(f) "Drawing" means the procedure determined by the Director by which the Lottery selects the winning combination in accordance with the rules of the game. Drawings are open to the public, and are required to be witnessed by a representative of an independent certified public accounting firm. Furthermore, the equipment used in any drawing must be inspected by a representative of the independent certified public accounting firm and an employee of the Lottery both before and after the drawing. All drawings and inspections are required to be recorded on both video and audio tape.

(g) "Winning Combination" means one or more numbers of symbols randomly selected by the Lottery in a public drawing.

(h) "Validation" means the process of determining whether an on-line ticket presented for payment is a winning ticket.

(i) "Ticket Holder" or "holder" means the person who has possession of an unsigned ticket or the person whose signature appears in the area upon a ticket designated for signature. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-89-4, Jan. 21, 1988; amended, T-111-1-27-89, Jan. 26, 1989; amended, T-111-10-10-90, Sept. 15, 1990; amended, T-111-12-21-90, Dec. 14, 1990.)

111-6-5. Payment of Prizes. (a) To claim an on-line game prize of \$599 or less, the claimant may pres-

ent the winning on-line ticket to any on-line retailer, to any lottery regional office, or to the lottery's headquarters in Topeka.

(b) If the claim is presented to an on-line retailer, the on-line retailer shall validate the claim and, if determined to be a winning ticket, make payment of the amount due the claimant. For prizes over \$599, the claimant shall complete a claim form obtained from the retailer and submit it with the winning ticket to a lottery regional office or to lottery headquarters. If the on-line retailer cannot validate the claim, the claimant may obtain and complete a claim form and submit it with the disputed ticket to the lottery by mail or in person. Upon determination that the ticket is a winning ticket, the Lottery shall present or mail a check to the claimant in payment of the amount due. If the ticket is determined to be a non-winning ticket, the claim shall be denied and the claimant shall be promptly notified. Non-winning tickets will not be returned to the claimant.

(c) If the claim is presented to a lottery regional office or to lottery headquarters, the claimant shall complete a claim form regardless of the prize amount and submit it with the winning ticket, either by mail or in person. Upon determination that the ticket is a winning ticket, the lottery shall present or mail a check to the claimant in payment of the amount due, less any withholding required by state and federal laws. If the ticket is determined to be a non-winning ticket, the claim shall be denied and the claimant shall be promptly notified. Non-winning tickets will not be returned to the claimant.

(d) To claim an on-line prize of more than \$599, the claimant shall obtain and complete a claim form and submit it with the winning ticket to the lottery's headquarters in Topeka by mail or in person. Prizes greater than \$599 can only be paid from the lottery's headquarters in Topeka. Upon determination that the ticket is a winning ticket, the lottery shall process for payment the amount due, less any withholding required by state and federal laws. The amount due shall be calculated according to the rules adopted for the particular on-line game. If the ticket is determined to be a non-winning ticket, the claim shall be denied and the claimant shall be promptly notified. Non-winning tickets will not be returned to the claimant.

(e) All prizes must be claimed within 365 days including the first day of the game of the drawing in which the prize was won. In the event the final day of the 365-day period falls on a Sunday or a state holiday, the claim period will be extended to end on the next business day. Any prizes not claimed within the specified period shall be added to the prize pools of subsequent Kansas lottery games. (Authorized by and implementing L. 1989, K.S.A. 1989 Supp. 74-8710; effective, T-89-4, Jan. 21, 1988; amended, T-111-12-21-90, Dec. 14, 1990.)

Gerald F. Simpson
Executive Director

Doc. No. 010110

INDEX TO ADMINISTRATIVE REGULATIONS

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115-20-1	New	V. 9, p. 951
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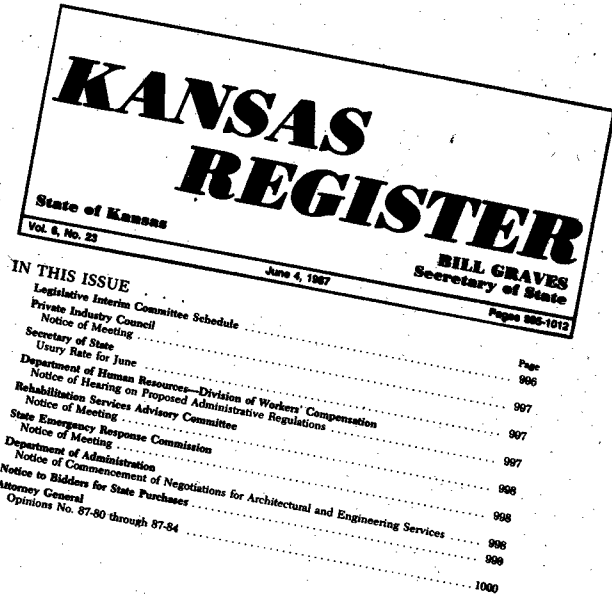
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117-6-3	New	V. 9, p. 1788
117-7-1	New	V. 9, p. 1789

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