

# Administrative Register *Robertson of Kentucky*

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## 14 Regulations Approved By Subcommittee

The Administrative Regulation Review Subcommittee approved 14 proposed regulations, all of which became effective on September 11, the date of the Subcommittee meeting.

The Subcommittee also returned eight proposed regulations to the issuing agencies. (See Minutes of the Subcommittee meeting on page 108.)

The approved regulations, published in the August issue of the Administrative Register, are listed below with their subject headings and page number of the Register containing the text:

1 KAR 1:010—Legislative Research Commission; Administrative Regulations—Codification—Administrative Register; 1 Ky. R.7.

31 KAR 1:010—State Board of Elections: Absentee voting—when charged with or indicated for a crime; 1 Ky.R.8.

210 KAR 2:010—Kentucky Board of Pharmacy: Schools approved by board; 1 Ky.R.9.

201 KAR 2:020—Kentucky Board of Pharmacy: Examinations; 1 Ky.R.9.

201 KAR 2:040—Kentucky Board of Pharmacy: Registration of Interns; 1 Ky.R.9.

201 KAR 2:050—Kentucky Board of Pharmacy: Licenses and permits—Fees; 1 Ky.R.10.

201 KAR 2:060—Kentucky Board of Pharmacy: Pocket certificates; 1 Ky. R.10.

201KAR 2:070—Kentucky Board of Pharmacy: Prescription intermediary services restricted; 1 Ky.R.10.

410 KAR 1:020—Bureau of Environmental Quality; Division of Plumbing: Installation permits; 1 Ky.R.10.

601 KAR 1:010—Bureau of Vehicle Regulation Division of Motor Carriers: Truck tractors, semi-trailers; maximum length; 1 Ky.R.14.

601 KAR 1:020—Bureau of Vehicle Regulation, Division of Motor Carriers: Permit for hauling industrial materials—Free—Bond; 1 Ky.R.14.

602 KAR 1:010—Division of Aeronautics and Airport Zoning: Air Carriers—Applications for certificates of convenience and necessity; 1 Ky.R.15.

602 KAR 1:020—Division of Aeronautics and Airport Zoning: Air Carriers—Rules and procedures for hearings on certificates; 1 Ky. R.15.

801 KAR 1:040—Registry of Election Finance: Reports and forms—Registration and statement of organization of a campaign committee; 1 Ky. R.7,17.

This is an official publication of the Commonwealth of Kentucky, Legislative Research Commission, giving public notice of all proposed regulations filed by administrative agencies of the Commonwealth pursuant to the authority of Kentucky Revised Statutes 13.082.

Persons having an interest in the subject matter of a proposed regulation published herein may request a public hearing or submit comments within 30 days of the date of this issue to the official designated at the end of each proposed regulation.

The Administrative Register is the monthly advance sheets service for the 1975 Edition of KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE.

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## Review Subcommittee To Meet October 2

The next meeting of the Administrative Regulation Review Subcommittee will be at 10 a.m. CDT on October 2, 1974, in Room 327 at the State Capitol. The meeting is open to the public.

**DEADLINE FOR NEXT ISSUE**  
Deadline for submitting proposed regulations for publication in the November 1, 1974 issue of the Administrative Register is Friday, October 18, 1974.

**COMPILER'S OFFICE MOVED**  
Mrs. Mabel D. Robertson, the Regulations Compiler, has moved to Room 433 in the State Capitol, telephone 502-564-7740.

## Agencies Set Open Hearings On Regulations

The Department of Education and the State Fire Marshal's Office have scheduled public hearings on proposed regulations. Persons with an interest in the subject matter of these regulations are invited to appear and testify, or to submit comments in writing to the agency.

**Department of Education Hearings**  
Hearings will be held at 9 a.m. CDT October 3, 1974 in the State Board Room, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky on the following eight proposed State Board of Education regulations, all published in the September issue of the Administrative Register:

(702 KAR 1:010) — School construction and use plan; facilities survey.

(703 KAR 1:020) — School food service directors.

(703 KAR 1:030) — School food service, principal's responsibilities.

(703 KAR 1:040) — Food service personnel; policies and procedures.

(703 KAR 1:060) — Food service, minimum time for meals.

(703 KAR 1:070) — Food service funds and reports.

(703 KAR 1:080) — Food service cost accounting.

(703 KAR 2:010) — Minimum school term; holidays; closings

### State Fire Marshal's Hearings

Hearings will be held at 10 a.m. November 1, 1974 in Room G-2, Capital Plaza Tower, Frankfort, Kentucky, on seven proposed regulations of the State Fire Marshal's Office, all published in this issue of the Administrative Register:

(806 KAR 50:010) — General construction requirements.

(806 KAR 50:020) — Construction to accommodate physically handicapped.

(806 KAR 50:050) — LP Gas license denial, revocation or suspension.

(806 KAR 50:060) — LP Gas license; financial responsibility.

(806 KAR 50:070) — LP Gas, standby usage requirements.

(806 KAR 50:080) — Flammable liquids, self-service stations.

(806 KAR 50:100) — Fire Department aid.

## Administrative Register *of Kentucky*

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# Emergency Regulations

WENDELL H. FORD, GOVERNOR  
Executive Order 74-693  
September 11, 1974

## EMERGENCY REGULATION Travel and Subsistence Expenses

WHEREAS, The Commissioner, Executive Department for Finance and Administration, has determined that the rates of reimbursement for subsistence expenses of state officers and employees for travel and other expenses incident to the discharge of their official duties at the rates presently authorized under State Travel Regulations have created personal hardships on certain classes of state employees who are required in course of the performance of their official duties to engage in extensive travel, and

WHEREAS, the Commissioner, Executive Department for Finance and Administration, has similarly determined that the definition of the official station of state employees for purposes of reimbursing such state employees for their travel and other expenses incident to the discharge of their official duties as now contained in the State Travel Regulations is so broad as to preclude reimbursement for necessary vicinity travel that may be required of state employees in the course of their employment, and

WHEREAS, the Commissioner, Executive Department for Finance and Administration, having so determined and found, has promulgated certain amendments to the State Travel Regulations revising the rates of reimbursement for subsistence expenses for state employees, and redefining in a less restrictive manner the definition of the official work station of state employees, and

WHEREAS, due to the remedial nature of such amendments, it has been found by the Commissioner, Executive Department for Finance and Administration, that an emergency exists with respect to the pertinent amendatory regulations and that thereby, such amendatory regulations should pursuant to the provisions of law made and provided, be effective immediately upon filing with the Legislative Research Commission,

NOW, THEREFORE, I, Wendell H. Ford, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by KRS 13.087(2), do hereby approve the finding of emergency by the Commissioner, Executive Department for Finance and Administration, with respect to the filing of two certain regulations of the Executive Department for Finance and Administration amending Regulation Fin-Tr 6-8, entitled "Subsistence Expenses," and Regulation Fin-Tr 3-2, entitled "Official Station," of the Executive Department for Finance and Administration, and direct that said amendatory regulations shall be effective upon filing with the Legislative Research Commission as provided in KRS Chapter 13.

Done at Frankfort, Kentucky, this 11th day of September, 1974.

WENDELL H. FORD, Governor  
THELMA L. STOVALL, Secretary of State  
MATTIE H. HANNON, Assistant Secretary of State

## EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION Finding of Emergency

WHEREAS, it has been determined that the definition of the official station of state employees for purposes of reimbursing such employees for their travel and other expenses incident to the discharge of their official duties as set forth in Fin-Tr 3-2 of the Kentucky Administrative Regulations, now ineffective, is so broad as to preclude reimbursement for necessary vicinity travel that may be required of state employees in the performance of their official duties, and

WHEREAS, it is believed that the state government should not, in the public interest, impose upon its agents and employees the personal burden of bearing the expense of the conduct of the public's business in the course of their employment and discharge of their official duties,

NOW, THEREFORE, the Commissioner of the Executive Department for Finance and Administration, being adequately advised, hereby finds in the public interest and convenience that an emergency exists with respect to the within regulation and that this regulation should be effective immediately upon filing with the Legislative Research Commission, subject to the issuance of an Executive Order of the Governor so ordering.

Done at Frankfort, Kentucky, this 9th day of September, 1974.

JAMES O. KING, Acting Commissioner

## EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION 200 KAR 2:030E

RELATES TO: KRS Chapters 42, 44 and 45.  
PURSUANT TO: KRS 45.180 and 13.082  
SUPERSEDES: Fin-Tr 3-2  
EFFECTIVE: September 11, 1974.  
EXPIRES: January 9, 1975.

NECESSITY AND FUNCTION: The Executive Department for Finance and Administration is authorized to issue rules and regulations governing the reimbursement of state officers and employees for travel or other expenses incident to the discharge of their official duties. Except as may otherwise be provided by law with respect to the reimbursement of travel and related expenses of any state officer, this regulation defines and establishes for purposes of reimbursing state employees for travel and related expenses the official work stations of state employees.

Section 1. The official station of employees assigned to an office is the city or town within which such office is located. The official station of field employees shall be established by the heads of their respective employing agencies. The designation by agency heads of the official stations of field employees shall be based solely on the best interest of the Commonwealth and not for the convenience of the employees. No mileage expense or transportation costs reimbursement is permitted between an employee's domicile and his official station; reimbursement for such expenses for vicinity travel and necessary authorized travel within the geographic limits of the official stations of all employees may be permitted pursuant to the provisions of Fin-Tr 5-2.

Section 2. If an employee is permanently reassigned, or if he is stationed at a place for three months or longer, such new location shall immediately become his official work station.

JAMES O. KING, Acting Commissioner  
ADOPTED: September 9, 1974  
RECEIVED BY LRC: September 11, 1974 at 3:56 p.m.

## EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION Finding of Emergency

WHEREAS, it has been determined that, as authorized by Fin-Tr 6-8, superseded hereby, the rates for reimbursement of subsistence expenses fixed thereby have caused hardship in the cases of certain state employees who are required to engage in extensive travel in the performance of their official duties, and

WHEREAS, it is believed that the public interest is best served by the establishment of rates of reimbursement for subsistence expenses of state officers and employees at levels that will avoid creating a hardship or economic burden on any such officer and employee,

NOW, THEREFORE, the Commissioner of the Executive Department for Finance and Administration, being adequately advised, hereby finds in the public interest and convenience that an emergency exists with respect to the within regulation and that this regulation should be effective immediately upon filing with the Legislative Research Commission, subject to the issuance of an Executive Order by the Governor so ordering.

Done at Frankfort, Kentucky, this 9th day of September, 1974.

JAMES O. KING, Acting Commissioner

## EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION 200 KAR 2:060E

RELATES TO: KRS Chapters 42, 44 and 45  
PURSUANT TO: KRS 45.180 and 13.082  
SUPERSEDES: Fin-Tr 6-8  
EFFECTIVE: September 11, 1974  
EXPIRES: January 9, 1975

NECESSITY AND FUNCTION: The Executive Department for Finance and Administration is authorized to issue rules and regulations governing the reimbursement of state officers and employees for travel or other expenses incident to the discharge of their official duties. Except as may otherwise be provided by law with respect to expense reimbursement for any state officer, this regulation establishes the rates of reimbursement generally allowable for state officers and employees for subsistence expenses (meals and lodging).

Section 1. Actual and necessary subsistence expenses for official travel outside an employee's official work station is reimbursable. No reimbursement of subsistence expense will be made unless total travel time outside the employee's official work station as defined in Section 1, 200 KAR 2:030E, is two (2) hours or more.

Section 2. Meals. (1) The cost of meals consumed during in-state travel shall be reimbursed at a rate not to exceed

\$13 per twenty-four (24) hour day, exclusive of sales and/or excise taxes. Where travel involves a portion of a day, meals will be reimbursed as follows:

- (a) Breakfast - Departure from work station or domicile prior to 6:30 a.m. or return thereto after 8:00 a.m., reimbursement shall not exceed \$2.
- (b) Lunch - Departure from work station or domicile prior to 11:00 a.m. or return thereto after 1:30 p.m., reimbursement shall not exceed \$3.
- (c) Dinner - Departure from work station or domicile prior to 5:30 p.m. or return thereto after 7:00 p.m., reimbursement shall not exceed \$8.

(2) Meals during out-of-state travel shall be reimbursed at a rate not to exceed \$18 per twenty-four (24) hour day, exclusive of sales and/or excise taxes. Where travel involves a portion of a day, meals will be reimbursed as provided in subsection 1 above, at the following rates:

- (a) Breakfast, \$3
- (b) Lunch, \$5
- (c) Dinner, \$10.

(3) Service gratuities for meals may be reimbursed up to an amount equal to fifteen percent (15%) of the amount claimed for each meal.

(4) Subject to the provisions of Paragraph B, Fin-Tr 2-2, the cost of meals purchased for non-state employees who are business guests of agency heads, members of the Governor's and Lieutenant Governor's staffs, and employees of the departments of Commerce and Public Information in connection with the industrial development and tourism promotional activities of those departments, may be reimbursed. Such expenses shall be shown as "other expenses" on Form AP-6.

Section 3. Lodging. (1) Reimbursement for the cost of lodging will be made for overnight accommodations only. Lodging should be at the most economical rate available, consistent with the best interests of the Commonwealth. Facilities having commercial or governmental rates will be utilized wherever possible.

(2) No allowance will be claimed or reimbursed for lodging within thirty-five (35) miles of an employee's official work station or domicile unless advance approval is obtained from the Commissioner of the Executive Department for Finance and Administration.

(3) Lodging accommodations shared by other persons, not state employees, will be reimbursed at the rate for a single room. Lodging accommodations shared with other state employees will be reimbursed on a pro rata basis.

(4) Actual lodging expense will be reimbursed, but any claim exceeding \$20 per day, excluding taxes, must be approved in writing by the agency head.

(5) Employees using camping trailers, or truck campers, shall be reimbursed for lodging at the rate of \$3 per night plus parking or camping charges. A receipt for parking or camping charges claimed must be submitted with the travel voucher.

Section 4. Lodging for Employee Groups. (1) State agencies and institutions may independently contract with hotels, motels, and other establishments for the occupancy and use of one or more rooms in such establishments by a group of state employees engaged in official business away from their official work station. Such contract shall cover only group employee lodging, and shall not apply to meals or other reimbursable expenses incurred by employees on travel status.

(2) A written request to the Commissioner of the Executive Department for Finance and Administration by the agency or institution shall be tendered; and his approval thereof shall be obtained before any such hotel rental agreement may be entered into by the agency or institution. The written request shall specifically indicate:

- (a) The reason for the request;
- (b) The length of the anticipated occupancy;
- (c) The number of employees and rooms required;
- (d) The expected amount of charges to be incurred;
- (e) The location of the official business necessitating the travel;
- (f) Name and location of the hotel, motel or other establishment proposed as vendor.

With the approval of the Commissioner of the Executive Department for Finance and Administration, the agency shall enter into an agreement with the establishment proposed as vendor for the necessary accommodations, evidenced by the execution of a contract on the form to be provided by the Division of Purchases. A substitution of vendors may be made in the event that the proposed vendor is unable to provide the necessary rooms on the dates required.

(3) A statement of the vendor's charges under the hotel rental agreement, a copy of the rental agreement, and the Commissioner's letter of approval, shall be attached to a departmental purchase order form and forwarded to the Division of Purchases for approval for payment. Such payments shall be made directly to the hotel, motel or other establishment.

JAMES O. KING, Acting Commissioner

ADOPTED: September 9, 1974

RECEIVED BY LRC: September 11, 1974 at 3:56 p.m.

## Proposed Regulations

SECRETARY OF THE CABINET  
Teachers' Retirement System  
(102 KAR 1:020)

RELATES TO: KRS 161.620

PURSUANT TO: KRS 161.310

NECESSITY AND FUNCTION: KRS 161.620(5) provides that the trustees of the Teachers' Retirement System shall provide by regulation for the distribution of funds appropriated by the General Assembly for the purpose of supplementing annuity payments of retirees and certain beneficiaries of retirees. This proposed regulation sets up the methods of determining allocation of such funds and the procedures to be followed in distributing these supplemental payments.

Section 1. Funds provided for cost-of-living bonus payments in the Executive Budget for 1974-76 as approved by the General Assembly shall be distributed in the following amounts to persons found eligible for such payments under KRS 161.620(5) and these regulations:

(1) For the payments to be made in 1974, the following schedule will be followed:

Retirement Date	Base %	Minimum	Maximum
8/1/72 to 7/1/73	5%	\$150	\$300
8/1/71 to 7/1/72	7%	\$200	\$400
8/1/70 to 7/1/71	9%	\$250	\$500
7/1/70 and before	11%	\$300	\$600

(2) For the payments to be made in 1975, the following schedule will be followed:

Retirement Date	Base %	Minimum	Maximum
8/1/73 to 7/1/74	5%	\$150	\$300
8/1/72 to 7/1/73	7%	\$200	\$400
8/1/71 to 7/1/72	9%	\$250	\$500
7/1/71 and before	11%	\$300	\$600

Section 2. In order to be eligible for the above payments the following additional conditions must be met:

(1) The person must be a service or disability retiree, a beneficiary of a retirement option, or a person receiving an annuity under provisions of KRS 161.525.

(2) The recipient of a bonus payment must be eligible to receive a regular benefit payment in the month during which the bonus payment is to be made.

(3) The beneficiary of a retirement option must be a named individual in order to qualify for a bonus payment. These payments shall not be made to an estate or an organization.

Section 3. For purposes of this regulation persons who qualify for annuity payments in July and August and who have rendered no services in a position covered by the Teachers' Retirement System subsequent to June 30 of that calendar year, shall be considered as having retired at the beginning of the fiscal year in which the member qualified for such annuity payments.

TED L. CROSTHWAITE, Executive Secretary

ADOPTED: September 16, 1974

RECEIVED BY LRC: September 19, 1974 at 9:25 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Ted L. Crosthwaite, Executive Secretary, Teachers' Retirement System, 216 West Main Street, Frankfort, Kentucky 40601.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION  
(200 KAR 1:010)

RELATES TO: KRS 171.650 and 12.080

PURSUANT TO: KRS Chapters 12, 13, 42, 45, 56 and 171

SUPERSEDES: Finance-4

NECESSITY AND FUNCTION: State agencies having custody of public records are authorized by KRS 171.650 and KRS 12.080 to prescribe reasonable rules as to the time and place of inspection by interested persons of the public records in their custody. This regulation is to govern the inspection of all public records in the custody of the Executive Department for Finance and Administration.

Section 1. All records of any matter required by law or administrative rule to be maintained and kept by the Executive Department for Finance and Administration and all records arising from the exercise by the Executive Department for Finance and Administration of functions authorized by law or administrative rule shall be made available to any person desiring to inspect such records at any reasonable time during normal working hours.

Section 2. Any person desiring access for purposes of inspecting any records of the Executive Department for Finance and Administration shall submit to the Commissioner, Executive Department for Finance and Administration, or his designate, a request to inspect said records. The request shall include the name of the person desiring to inspect the records, the nature of the records, the office, bureau or division having



physical custody of the records if known and the date and time proposed for the inspection of the records.

Section 3. The inspection of all records of the Executive Department for Finance and Administration shall be made in the presence of the custodian of the records or an employee designated by the custodian at any reasonable time during normal working hours. No document in any official file shall be removed from the premises without written authorization from the Commissioner or Deputy Commissioner of the Executive Department for Finance and Administration. Any question or dispute between the custodian of the records and the person desiring to inspect such records as to the reasonableness of the time of inspections shall be submitted to the Commissioner or Deputy Commissioner, Executive Department for Finance and Administration, for determination.

Section 4. Copies of any public record maintained by the Executive Department for Finance and Administration may be made by the person seeking access for purposes of inspection at a cost of 10 cents a page subject to the condition that the copy must be made in the presence of the custodian of the record or an employee designated by the custodian to assure the safe return of the record to the file.

Section 5. Subject to the approval by the Commissioner or Deputy Commissioner, Executive Department for Finance and Administration, of such requirement, and to avoid the undue disruption of the regular activities of any office, the director or manager of any office, bureau or division in the Executive Department for Finance and Administration, as custodian of the records of that office, bureau or division, may require persons seeking to obtain copies of 100 or more pages of such records during a single working day to submit a written request for the copies of the records sought to be obtained. The process of copying records under this section may be limited to specific times during the working day to insure that there is no undue disruption of the regular and proper conduct of the office's, bureau's or division's work, provided however there shall be reserved as needed, at least one period, not less than an hour, during each working day for processing copies of records requested by interested persons under this section.

JAMES O. KING, Acting Commissioner

ADOPTED: August 23, 1974

RECEIVED BY LRC: August 26, 1974 at 8:21 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Executive Department for Finance and Administration, 301 Capitol Annex Building, Frankfort, Kentucky 40601

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION  
(200 KAR 2:030)

RELATES TO: KRS Chapters 42, 44 and 45.

PURSUANT TO: KRS 45.180 and 13.082

SUPERSEDES: Fin-Tr 3-2

NECESSITY AND FUNCTION: The Executive Department for Finance and Administration is authorized to issue rules and regulations governing the reimbursement of state officers and employees for travel or other expenses incident to the discharge of their official duties. Except as may otherwise be provided by law with respect to the reimbursement of travel and related expenses of any state officer, this regulation defines and establishes for purposes of reimbursing state employees for travel and related expenses the official work stations of state employees.

Section 1. The official station of employees assigned to an office is the city or town within which such office is located. The official station of field employees shall be established by the heads of their respective employing agencies. The designation by agency heads of the official stations of field employees shall be based solely on the best interest of the Commonwealth and not for the convenience of the employees. No mileage expense or transportation costs reimbursement is permitted between an employee's domicile and his official station; reimbursement for such expenses for vicinity travel and necessary authorized travel within the geographic limits of the official stations of all employees may be permitted pursuant to the provisions of Fin-Tr 5-2.

Section 2. If an employee is permanently reassigned, or if he is stationed at a place for three months or longer, such new location shall immediately become his official work station.

JAMES O. KING, Acting Commissioner

ADOPTED: September 9, 1974

RECEIVED BY LRC: September 12, 1974 at 4:22 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Executive Department for Finance and Administration, 301 Capitol Annex, Frankfort, Kentucky 40601.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION  
(200 KAR 2:060)

RELATES TO: KRS Chapters 42, 44 and 45

PURSUANT TO: KRS 45.180 and 13.082

SUPERSEDES: Fin-Tr 6-8

NECESSITY AND FUNCTION: The Executive Department for Finance and Administration is authorized to issue rules and regulations governing the reimbursement of state officers and employees for travel or other expenses incident to the discharge of their official duties. Except as may otherwise be provided by law with respect to expense reimbursement for any state officer, this regulation establishes the rates of reimbursement generally allowable for state officers and employees for subsistence expenses (meals and lodging).

Section 1. Actual and necessary subsistence expenses for official travel outside an employee's official work station is reimbursable. No reimbursement of subsistence expense will be made unless total travel time outside the employee's official work station as defined in Section 1, 200 KAR 2:030E, is two (2) hours or more.

Section 2. Meals. (1) The cost of meals consumed during in-state travel shall be reimbursed at a rate not to exceed \$13 per twenty-four (24) hour day, exclusive of sales and/or excise taxes. Where travel involves a portion of a day, meals will be reimbursed as follows:

- (a) Breakfast - Departure from work station or domicile prior to 6:30 a.m. or return thereto after 8:00 a.m., reimbursement shall not exceed \$2.
- (b) Lunch - Departure from work station or domicile prior to 11:00 a.m. or return thereto after 1:30 p.m., reimbursement shall not exceed \$3.
- (c) Dinner - Departure from work station or domicile prior to 5:30 p.m. or return thereto after 7:00 p.m., reimbursement shall not exceed \$8.

(2) Meals during out-of-state travel shall be reimbursed at a rate not to exceed \$18 per twenty-four (24) hour day, exclusive of sales and/or excise taxes. Where travel involves a portion of a day, meals will be reimbursed as provided in subsection 1 above, at the following rates:

- (a) Breakfast, \$3
- (b) Lunch, \$5
- (c) Dinner, \$10.

(3) Service gratuities for meals may be reimbursed up to an amount equal to fifteen percent (15%) of the amount claimed for each meal.

(4) Subject to the provisions of Paragraph B, Fin-Tr 2-2, the cost of meals purchased for non-state employees who are business guests of agency heads, members of the Governor's and Lieutenant Governor's staffs, and employees of the departments of Commerce and Public Information in connection with the industrial development and tourism promotional activities of those departments, may be reimbursed. Such expenses shall be shown as "other expenses" on Form AP-6.

Section 3. Lodging. (1) Reimbursement for the cost of lodging will be made for overnight accommodations only. Lodging should be at the most economical rate available, consistent with the best interests of the Commonwealth. Facilities having commercial or governmental rates will be utilized wherever possible.

(2) No allowance will be claimed or reimbursed for lodging within thirty-five (35) miles of an employee's official work station or domicile unless advance approval is obtained from the Commissioner of the Executive Department for Finance and Administration.

(3) Lodging accommodations shared by other persons, not state employees, will be reimbursed at the rate for a single room. Lodging accommodations shared with other state employees will be reimbursed on a pro rata basis.

(4) Actual lodging expense will be reimbursed, but any claim exceeding \$20 per day, excluding taxes, must be approved in writing by the agency head.

(5) Employees using camping trailers, or truck campers, shall be reimbursed for lodging at the rate of \$3 per night plus parking or camping charges. A receipt for parking or camping charges claimed must be submitted with the travel voucher.

Section 4. Lodging for Employee Groups. (1) State agencies and institutions may independently contract with hotels, motels, and other establishments for the occupancy and use of one or more rooms in such establishments by a group of state employees engaged in official business away from their official work station. Such contract shall cover only group employee lodging, and shall not apply to meals or other reimbursable expenses incurred by employees on travel status.

(2) A written request to the Commissioner of the Executive Department for Finance and Administration by the agency or institution shall be tendered, and his approval thereof shall be obtained before any such hotel rental agreement may be entered into by the agency or institution. The written request shall specifically indicate:

- (a) The reason for the request;
- (b) The length of the anticipated occupancy;
- (c) The number of employees and rooms required;
- (d) The expected amount of charges to be incurred;
- (e) The location of the official business necessitating the travel;
- (f) Name and location of the hotel, motel or other establishment proposed as vendor.

With the approval of the Commissioner of the Executive Depart-



ment for Finance and Administration, the agency shall enter into an agreement with the establishment proposed as vendor for the necessary accommodations, evidenced by the execution of a contract on the form to be provided by the Division of Purchases. A substitution of vendors may be made in the event that the proposed vendor is unable to provide the necessary rooms on the dates required.

(3) A statement of the vendor's charges under the hotel rental agreement, a copy of the rental agreement, and the Commissioner's letter of approval, shall be attached to a departmental purchase order form and forwarded to the Division of Purchases for approval for payment. Such payments shall be made directly to the hotel, motel or other establishment.

JAMES O. KING, Acting Commissioner

ADOPTED: September 9, 1974

RECEIVED BY LRC: September 12, 1974 at 4:22 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Executive Department for Finance and Administration, 301 Capitol Annex, Frankfort, Kentucky 40601.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION  
Kentucky Board of Optometric Examiners  
(201 KAR 5:030)

RELATES TO: KRS 320.280

PURSUANT TO: KRS 320.240 and 13.082

NECESSITY AND FUNCTION: KRS 320.280 requires all licensed optometrists to annually take courses of study in subjects relating to the practice of optometry. This proposed regulation prescribes the approved programs and those records which will be maintained and submitted showing proof of attendance at said programs.

Section 1. The annual course of study year shall be from January 1 through December 31. Each licensee shall be required to attend a minimum of four (4) credit hours in order to renew his or her license for the year 1975. For subsequent years, each licensee must receive eight (8) credit hours. The licensee shall be entitled to credit for those years in which he or she actually attended courses. As an example, a licensee who attends educational courses in the year 1975, shall furnish proof of those courses attended at the time that he seeks renewal of his license in 1976. Courses he attended in 1974 will not be considered for the year 1976.

Section 2. Educational programs which will be approved as meeting the minimum standards include those hereinafter listed. This approval is based on past performances and continued maintenance of minimum standards for:

- (1) Educational meetings of the American Optometric Association.
- (2) Educational meetings of the Kentucky Optometric Association.
- (3) Educational meetings of the Southern Council of Optometrists.
- (4) Educational meetings (scientific sections) of the American Academy of Optometry.
- (5) Post graduate courses offered at any approved college of optometry.
- (6) Other educational programs approved by the Board as meeting the criteria as set forth in this regulation. This shall include any organization named herein, or any other regularly organized group of Kentucky Optometrists which wishes to sponsor an educational program to meet the standards for annual license renewal. Any such organization or group shall submit five (5) copies of a program schedule and outline to the Board not less than sixty (60) days prior to the date of the program. The Board will review the schedule and outline and, if the program meets the minimum standards, will grant prior approval.

Section 3. Board approval of continuing education programs will be determined on the following basis:

- (1) Whether the program is likely to contribute to the advancement and extension of professional skill and knowledge in the practice of optometry.
- (2) Whether the speakers, lecturers and others participating in the presentation are recognized by the Board as being qualified in their field.
- (3) Whether the proposed course, if it is to be conducted within the Commonwealth of Kentucky, is open to all optometrists licensed in this state.
- (4) Whether the tuition fees charged for courses conducted within the Commonwealth of Kentucky is the same for non-members of the organization sponsoring the course, as it is for members of the organization. Any difference in tuition charged to non-members, as opposed to members of the sponsoring organization, shall be reasonably and directly related to the sponsoring organization's expense in operating the course.

Section 4. (1) Evidence of attendance at an educational program shall be furnished by the sponsoring organization to each registrant at the program. This evidence shall consist of a certificate of attendance, which shall be signed by the secretary or president of the sponsoring organization and shall contain the following information:

- (a) The name of the sponsoring organization.
- (b) The name and address of the licensee.
- (c) The educational topics.
- (d) Number of hours attended.

(e) The date of the educational program.

(f) Such other evidence as the Board may deem necessary.

(g) A certification by the licensee that he attended the study course.

(2) This evidence shall accompany a licensee's application for renewal of his license.

Section 5. Credit shall not be given for more than two (2) hours attendance in courses of office management and administration.

Section 6. The Board shall, on or before February 15 of each year, mail written notices to all licensed optometrists for the ensuing year.

Section 7. In the event any licensee shall fail to attend the required educational programs, the secretary of the Board shall notify such licensee at his or her last known address that his or her license may be revoked. A licensee claiming exemption from attendance at an educational program shall file a sworn statement of reasons with the Secretary of the Board when he applies for renewal of his license. The Board shall upon receipt of the affidavit, determine whether good cause is shown for the waiving of the requirements of the continuing education program. Good cause shall be either of the following:

- (1) Any licensee serving in the regular Armed Forces of the United States during any part of the twelve (12) months immediately preceding the annual license renewal date.
- (2) Those licensees, who the Board determines, were unable to attend sufficient hours of continuing education courses because of illness, incapacity or other undue hardships.
- (3) Any licensee first licensed by examination or reciprocity within twelve (12) months immediately preceding the annual license renewal dates.

Section 8. In the event an optometrist becomes ineligible for license renewal for failure to comply with the continuing education requirements, he shall be suspended from further practice. The Board may reinstate any such suspended licensee upon receipt of satisfactory proof that the licensee has completed the deficient hours of study.

Section 9. All registered optometrists shall at all times keep the secretary of the Board informed of their correct addresses.

PAT WARREN, O. D., President

ADOPTED: September 13, 1974

RECEIVED BY LRC: September 16, 1974 at 1:34 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: William E. Johnson, Attorney, Kentucky Board of Optometric Examiners, 326 West Main Street, Frankfort, Kentucky, 40601.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION  
Kentucky Board of Licensure for Nursing Home Administrators  
(201 KAR 6:010)

RELATES TO: KRS Chapter 216A

PURSUANT TO: KRS 13.082

SUPERSEDES: NHA-1 and NHA 1-1

NECESSITY AND FUNCTION: KRS Chapter 216A authorizes the Kentucky Board of Licensure for Nursing Home Administrators to regulate the practice of nursing home administration in Kentucky, including the adoption of standards for licensure. The purpose of this regulation is to establish uniform requirements for the licensing of nursing home administrators.

Section 1. Requirements for Issuance of License. An applicant for a license as a nursing home administrator shall in addition to meeting the requirements provided by KRS 216A.080:

- (1) Establish a bona fide residency or express an intent to reside in Kentucky, unless employed by a health care facility located in Kentucky.
- (2) Have satisfactorily completed sixty-four (64) college semester hours (or its equivalent) in courses deemed suitable for preparation for nursing home administration by the Board. However, for a period of six (6) months following the effective date of this regulation, Board approved experience as an administrator of a health facility or service may be substituted on a year for year basis in lieu of this education requirement, provided such experience was gained within three (3) years prior to the effective date of this regulation.
- (3) Have had at least one (1) year of administrative experience in a health related field. In the case of applicants with more than sixty-four (64) college semester hours, the one (1) year experience requirement in a health related field may be reduced by three (3) months for each additional thirty-two (32) college semester hours, with a maximum reduction of six (6) months.
- (4) Pay a license fee of \$100 at the time of application, \$75 of which shall be refunded in the event the applicant is not subsequently licensed.

Section 2. Educational Requirement after July 1, 1977. On and after July 1, 1977, an applicant for a license as a nursing home administrator shall have completed a course of study for and have been awarded a baccalaureate degree from an accredited institution of higher learning. If such academic preparation is not acceptable to the Board as suitable pre-

paration for nursing home administration, the applicant shall submit evidence satisfactory to the Board that he had attended a specialized approved course of study in the area of health care administration.

Section 3. Examination Subjects. Every applicant for a license as a nursing home administrator shall successfully pass a written examination which shall include, but need not be limited to, the following subjects:

- (1) Applicable standards of environmental health and safety;
- (2) Local health and safety regulations;
- (3) General administration;
- (4) Psychology of patient care;
- (5) Principles of patient care;
- (6) Personal and social care;
- (7) Therapeutic and supportive care and services in long-term care;
- (8) Departmental organization and management; and
- (9) Community interrelationships.

Section 4. Temporary Permits. The fee for a temporary permit shall be \$50. The temporary permit shall not be transferable to any other health facility.

Section 5. Renewal of Licenses. Upon making an application for biennial renewal of a license, such licensee shall pay a biennial renewal fee of \$100 and at the same time, submit evidence satisfactory to the Board that during the biennial period immediately preceding such application that he has attended a continuing education program of approved study which contained a minimum of six (6) college semester hours or eighty (80) clock hours; provided, however, fifty (50) clock hours shall be acceptable if the licensee had a baccalaureate or higher degree, or made an examination score of 120 or above, or has two (2) years experience in administrative duties in a health care facility. Upon receipt of such application for renewal of a license, the renewal fee, and the evidence required with respect to continuing education, the Board shall issue a renewed license to such nursing home administrator. Failure to pay the license renewal fee sixty (60) days from the date on which it is due shall cause the license to automatically expire and terminate.

Section 6. Endorsement. The Board may license by endorsement, without examination, a nursing home administrator currently licensed by examination by the proper authorities of any other State upon payment of a fee of \$100, provided the conditions specified in KRS 216A.130 are met, and provided the applicant demonstrates to the Board:

- (1) That he is familiar with State and local health and safety regulations relating to nursing homes; and
- (2) That his license has not been revoked or suspended in any other state.

Section 7. Refusal, Suspension, and Revocation of Licenses. The Board may suspend, revoke, or refuse to issue or renew a license of a nursing home administrator, or may reprimand or otherwise discipline a licensee after due notice and an opportunity to be heard at a formal hearing, upon substantial evidence that such applicant or licensee:

- (1) Has violated any of the provisions of the law pertaining to the licensing of nursing home administrators or the rules and regulations of the Board pertaining thereto;
- (2) Has willfully or repeatedly violated any of the provisions of the law, code, rules, or regulations of the licensing or supervising authority or agency of the State or political subdivision thereof having jurisdiction of the operation and licensing of nursing homes;
- (3) Has been convicted of a felony involving moral turpitude;
- (4) Has practiced fraud, deceit, or misrepresentation in securing or procuring a nursing home administrator license;
- (5) Is incompetent to engage in the practice of nursing home administration or to act as a nursing home administrator;
- (6) Has practiced fraud, deceit, or misrepresentation in his capacity as a nursing home administrator;
- (7) Has committed acts of misconduct in the operation of a nursing home under his jurisdiction;
- (8) Is addicted or dependent upon the use of alcohol, controlled substances or other drugs; and
- (9) Has wrongfully transferred or surrendered possession, either temporarily or permanently, his license to any other person.

Section 8. Complaints and Hearing Procedures. Any person, public officer, or association, or the Board may prefer charges against any licensee:

- (1) Such charges shall be in writing and shall be submitted to the Board.
- (2) The Board, or any person or persons appointed by it for the said purpose, may hold a preliminary hearing to determine whether a formal hearing on the charges is necessary.
- (3) The Board may dismiss the charges and take no action thereon, by formal hearing or otherwise, in which event the charges and the order dismissing the charges shall be filed with the Board.
- (4) If the Board decides that the charges shall be heard formally, the Board may hear the charges or designate a hearing officer to hear the charges and set a time and place for a hearing.
- (5) A copy of the charges, together with notice of the time and place of the hearing, shall be served on the accused at least thirty (30) days before the date fixed for the hearing.

(6) Upon the conclusion of the hearing, the Board may revoke the license of the accused, or suspend such license for a fixed period, or reprimand, or take other disciplinary action, or dismiss the charges.

(7) An order of suspension made by the Board may contain such provisions as to reinstatement of the license as the Board shall direct.

Section 9. Conduct of Hearing. At any hearing conducted pursuant to these regulations, any party to the proceedings may appear personally and with counsel and shall be given the opportunity to introduce evidence and witnesses and to cross-examine witnesses:

- (1) At any formal hearing conducted pursuant to these regulations, if a party shall appear without counsel, the Board or person designated as a hearing officer shall advise such party of his right to be represented by counsel; and that if he desires to proceed without counsel that he may call witnesses, cross-examine witnesses, and introduce evidence in his behalf.
- (2) Appearances shall be noted on the official record of hearing.

(3) The Board or designated hearing officer may grant adjournments upon request of any party to the proceedings, provided that an adjournment shall not be for an indefinite period of time, but shall be set down for a day certain.

(4) If an adjournment is requested in advance of the hearing date, such request shall be submitted in writing and shall specify the reason for such request.

(5) In considering an application for adjournment of a hearing the Board or hearing officer shall consider whether the purpose of the hearing will be affected or defeated by the granting of such adjournment.

(6) The Board or designated hearing officer shall issue subpoenas and subpoena duces tecum upon request of any party to the proceedings of any hearing set down by the Board.

(7) The Board or hearing officer shall not be bound by the strict rules of evidence in the conduct of a hearing, but the determination and recommendations of the hearing officer shall be founded upon sufficient legal evidence to sustain them.

(8) Upon the conclusion of a hearing the Board shall take such action upon such written findings and determinations as it deems proper.

Section 10. Display of Licenses. Every person licensed as a nursing home administrator shall display such license and certificate of biennial registration in a conspicuous place in the office or place of business or employment of such licensee.

Section 11. Duplicate Licenses. The Board may issue a duplicate license upon payment of a fee of ten dollars (\$10).

WILLIAM T. BURKETT, Secretary  
JAMES O. KING, Commissioner

APPROVED:

ADOPTED: August 14, 1974

RECEIVED BY LRC: September 20, 1974 at 3:16 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. William T. Burkett, Secretary, Kentucky Board of Licensure for Nursing Home Administrators, New State Office Building Annex, First Floor, Frankfort, Kentucky 40601.

#### DEVELOPMENT CABINET

Department of Fish and Wildlife Resources  
(301 KAR 1:050)

RELATES TO: KRS 150.025, 150.620 and 150.990

PURSUANT TO: KRS 13.082

SUPERSEDES: KFR-P-113

NECESSITY AND FUNCTION: The purpose of this regulation is to set creel, possession and size limits on fishes. It is necessary to protect the fish population in small state-owned lakes.

Section 1. The Commissioner of the Department of Fish and Wildlife Resources with the concurrence of the Department of Fish and Wildlife Resources Commission declares that from time to time special creel limits, possession limits and size limits on fishes may be necessary because of unique and/or special needs to protect the fish populations of the smaller state-owned lakes.

Section 2. These special regulations will be conspicuously posted on the premises of these lakes. It is the responsibility of each fisherman fishing these lakes to familiarize himself with these special regulations and to abide by them.

Section 3. Failure of any person to comply with the posted special limits will be a violation of this regulation.

ARNOLD L. MITCHELL, Commissioner  
CHARLES F. HAYWOOD, Secretary

ADOPTED: September 19, 1974

RECEIVED BY LRC: September 20, 1974 at 12:21 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Office Tower, 4th Floor, Frankfort, Kentucky 40601.

DEVELOPMENT CABINET  
Department of Fish and Wildlife Resources  
(301 KAR 1:060)

RELATES TO: KRS 150.010

PURSUANT TO: KRS 13.082

SUPERSEDES: KPWR-P-120

NECESSITY AND FUNCTION: The purpose of this regulation is to limit the taking of certain fishes to angling. It is necessary to protect the fish population.

Section 1. The following fishes are hereby designated sport fishes and may be taken only by angling as described in KRS 150.010, subsection 1:

- |                    |                             |
|--------------------|-----------------------------|
| 1. Largemouth Bass | 9. Sauger                   |
| 2. Smallmouth Bass | 10. Rockfish (Striped Bass) |
| 3. Kentucky Bass   | 11. White Bass              |
| 4. Coosa Bass      | 12. Yellow Bass             |
| 5. Rock Bass       | 13. Musky                   |
| 6. White Crappie   | 14. Northern Pike           |
| 7. Black Crappie   | 15. Chain Pickerel          |
| 8. Walleye         | 16. Trouts                  |

Section 2. All species of fishes except those listed in Section 1, are hereby designated as rough fish and may be harvested by the methods prescribed by any section of KRS Chapter 150 or by any regulation adopted by the Department, including angling.

ARNOLD L. MITCHELL, Commissioner  
CHARLES F. HAYWOOD, Secretary

ADOPTED: September 19, 1974

RECEIVED BY LRC: September 20, 1974 at 12:22 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, 4th Floor, Frankfort, Kentucky 40601.

DEVELOPMENT CABINET  
Department of Fish and Wildlife Resources  
(301 KAR 1:070)

RELATES TO: KRS 150.175 and 150.440

PURSUANT TO: KRS 13.082

SUPERSEDES: KPWR-P-122

NECESSITY AND FUNCTION: The purpose of this regulation is to limit the taking of rough fish in backwaters. It is necessary to protect the fish population.

Section 1. The Commissioner of the Department of Fish and Wildlife Resources may designate all conservation officers and other employees of the Department of Fish and Wildlife Resources to establish and supervise areas for the taking of all types of rough fish as described in 301 KAR 1:060 from the backwaters, or overflow areas of streams, rivers and reservoirs as long as the backwater, or overflow area is connected with the stream or reservoir. When the backwater is no longer connected with the stream or reservoir the landowner may, under the supervision of the conservation officer, direct the taking of rough fish in accordance with this regulation. The conservation officer or other designated officials are authorized to determine the exact dates and time when the taking of these rough fish shall commence and cease.

Section 2. Fish may be taken in the above described areas by any method except by the use of poison, electrical devices or firearms. If nets and seines are used, they must be appropriately tagged and the user must have an appropriate commercial fishing license.

Section 3. No conservation officer or designated official shall permit the taking of any fish from any slough, or backwater, or overflow area without first having the permission of the landowner on whose land the water has overflowed.

Section 4. All persons engaged in this type of fishing must have a fishing license.

ARNOLD L. MITCHELL, Commissioner  
CHARLES F. HAYWOOD, Secretary

ADOPTED: September 19, 1974

RECEIVED BY LRC: September 20, 1974 at 12:22 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, 4th Floor, Frankfort, Kentucky 40601.

DEVELOPMENT CABINET  
Department of Fish and Wildlife Resources  
(301 KAR 1:080)

RELATES TO: KRS 150.010 and KRS 150.025

PURSUANT TO: KRS 13.082

SUPERSEDES: KPWR-P-123

NECESSITY AND FUNCTION: The purpose of this regulation is to limit the taking of fishes to lawful means. It is necessary to protect the fish population.

Section 1. It is hereby declared that no person may "take", as defined in KRS 150.010, fish and/or aquatic organisms from

the public or private waters of the Commonwealth except by the methods and gear authorized, during the seasons designated, and of the sizes (lengths) and kinds prescribed in the Kentucky Revised Statutes or the regulations of the Kentucky Department of Fish and Wildlife Resources.

ARNOLD L. MITCHELL, Commissioner  
CHARLES F. HAYWOOD, Secretary

ADOPTED: September 19, 1974

RECEIVED BY LRC: September 20, 1974 at 12:23 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, 4th Floor, Frankfort, Kentucky 40601.

DEVELOPMENT CABINET  
Department of Fish and Wildlife Resources  
(301 KAR 1:090)

RELATES TO: KRS 150.025, 150.175 and 150.360

PURSUANT TO: KRS 13.082

SUPERSEDES: KPWR-P-143

NECESSITY AND FUNCTION: The purpose of this regulation is to define and limit bow fishing. It is necessary to protect the fish population.

Section 1. The words "bow and arrow" as used in this regulation means any long bow with a barbed arrow of one or more points, but does not include cross bows.

Section 2. Any person may take by bow and arrow, with twine and rope attached, rough fishes from:

(1) All navigable (see KRS 150.010) streams and impoundments which shall be open the year around, but all non-navigable streams shall be closed during the month of May. The open season as applicable shall be during daylight hours between sunrise and sunset.

(2) No bow and arrow can be used within one (1) mile below Wolf Creek Dam or within 700 yards below Kentucky Dam or within 200 yards below any other dam in the state. All persons using the bow and arrow for fishing are required to have an appropriate fishing license and may take rough fish from either the bank or from a boat. There is no limit on the number of rough fishes taken.

ARNOLD L. MITCHELL, Commissioner  
CHARLES F. HAYWOOD, Secretary

ADOPTED: September 19, 1974

RECEIVED BY LRC: September 20, 1974 at 12:23 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, 4th Floor, Frankfort, Kentucky 40601.

DEVELOPMENT CABINET  
Department of Fish and Wildlife Resources  
(301 KAR 1:100)

RELATES TO: KRS 150.170, 150.175, 150.650, 150.660 and 150.670

PURSUANT TO: KRS 13.082

SUPERSEDES: KPWR-P-144

NECESSITY AND FUNCTION: The purpose of this regulation is to require a trout stamp. It is necessary to protect the trout population.

Section 1. No person shall take from any Kentucky water and retain in his possession a trout herein defined as any fish of the family Salmonidae, unless he has in his possession a valid trout stamp which he has previously signed across the face, in ink, and permanently affixed, using the mucilage on the stamp, to the back of an appropriate fishing license.

Section 2. A person will be deemed to have retained a trout if he does not immediately upon lifting the trout from the water, remove the hook and return it to the waters from which taken in the best condition possible and in such a place that no obstruction prohibit or interfere with the fishes immediate escape.

Section 3. Those persons exempted in KRS 150.170 from having to have a fishing license are likewise exempted from having to have a trout stamp.

Section 4. Those persons fishing in licensed pay lakes for trout placed in those waters by the pay lake owner are not required to have a trout stamp.

ARNOLD L. MITCHELL, Commissioner  
CHARLES F. HAYWOOD, Secretary

ADOPTED: September 19, 1974

RECEIVED BY LRC: September 20, 1974 at 12:24 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, 4th Floor, Frankfort, Kentucky 40601.



## ADMINISTRATIVE REGISTER

DEVELOPMENT CABINET  
Department of Fish and Wildlife Resources  
(301 KAR 1:110)

RELATES TO: KRS 150.025 and 150.650

PURSUANT TO: KRS 13.082

SUPERSEDES: KFRP-P-147

NECESSITY AND FUNCTION: The purpose of this regulation is to prohibit the raising or hatching of fish in public waters. It is necessary in order to protect the fish population.

Section 1. No person or organization may use public waters in order to raise or hatch fish or aquatic organisms for private or commercial purposes. This includes, but is not limited to, cage culture of fishes.

ARNOLD L. MITCHELL, Commissioner  
CHARLES F. HAYWOOD, Secretary

ADOPTED: September 19, 1974

RECEIVED BY LRC: September 20, 1974 at 12:24 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, 4th Floor, Frankfort, Kentucky 40601.

DEVELOPMENT CABINET  
Department of Fish and Wildlife Resources  
(301 KAR 2:030)

RELATES TO: KRS 150.175, 150.190 and 150.412

PURSUANT TO: KRS 13.082

SUPERSEDES: KFRP-G-71

NECESSITY AND FUNCTION: This regulation pertains to licensing of commercial guides for hunting and fishing. In accordance with KRS 150.015, this regulation is necessary to insure that the commercial aspect of hunting and fishing be represented by persons who are experienced and qualified in their respective fields and are of good moral character. The function of this regulation is to screen applicants to determine their fitness for commercial hunting and/or fishing guides.

Section 1. Where to Apply and Term of License. (1) All applications for a commercial guide's license must be made through the local Conservation Officer or Wildlife Management Area Manager, who will determine the applicant's fitness and qualifications through personal interview and investigation and certify to this in writing to the Department.

(2) A commercial guide's license is valid for one (1) calendar year.

Section 2. Requirements. (1) Applicants must be eighteen (18) years of age or older.

(2) Applicants must be of good moral character, sober and in good physical condition.

(3) Applicants must be experienced in the field in which they are guiding.

Section 3. Restrictions and Prohibitions. (1) Persons convicted of any game or fish violation during the past three (3) years are prohibited from obtaining a commercial guide's license, or the holder of such license convicted of any game or fish violation shall have his license revoked and will not be eligible for another commercial guide's license for a period of three (3) years.

(2) No commercial guide shall participate in the taking of game or fish beyond the bag limit or creel limit of the person or persons he is guiding.

DR. ROBERT C. WEBB, Chairman  
Department of Fish and Wildlife Resources Commission

ARNOLD L. MITCHELL, Commissioner

CHARLES F. HAYWOOD, Secretary

ADOPTED: September 19, 1974

RECEIVED BY LRC: September 20, 1974 at 12:16 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, Frankfort, Kentucky 40601.

DEVELOPMENT CABINET  
Department of Fish and Wildlife Resources  
(301 KAR 2:040)

RELATES TO: KRS 150.025, 150.170, 150.175, 150.240 and 150.330

PURSUANT TO: KRS 13.082

SUPERSEDES: KFRP-SP-G-106

NECESSITY AND FUNCTION: This regulation pertains to shooting preserves for upland game birds and ungulate animals. This regulation is necessary to insure that detrimental exotic game species are not introduced or interfere with the Department's present or future experimental game bird releases. It also insures some uniformity of upland and big game shooting preserve operating procedures. The function of this regulation is to protect native wildlife and habitat from introductions of potentially destructive

wildlife species and insure some uniformity in upland and big game shooting preserve operating procedures.

Section 1. Hunting Seasons: (1) Pheasants - October 1 through April 15 inclusive.

(2) Chukar and other exotic partridges - October 1 through April 15 inclusive.

(3) Ducks - October 1 through April 15 inclusive.

(4) Bobwhite quail and/or Coturnix quail - October 1 through April 15 inclusive.

(5) Ungulate species - October 1 through April 15 inclusive.

(6) Other game - conform with statewide regulations.

Section 2. Upland Game Birds: (1) Permits and Applications. A shooting preserve permit renewable annually on July 1, shall be required for the operation of any public or private shooting preserve for upland game birds. Applications for shooting preserve permits shall be made on standard forms supplied by the Department of Fish and Wildlife Resources. All applications for commercial shooting preserve permits shall be signed by all persons having a financial interest in the preserve. All applications for private shooting preserve permits shall be signed by the president, treasurer and secretary of the organization and a list of the members shall accompany the application. The applicant for a preserve permit shall produce evidence that he is the owner or a bona fide lessee of record of the land where he proposes to establish a shooting preserve. No shooting preserve permit shall be issued to any private association which intends to limit shooting privileges to associate members and which has less than one hundred fifty (150) members.

(2) Grounds for Permit Refusal and Suspension. The Department may refuse to issue a permit in any area where substantial evidence indicates that the establishment of a shooting preserve would be detrimental to stocking and experimental programs conducted by the Department. In no event shall a shooting preserve permit be issued for an area which lies within five (5) miles of an established release point for birds stocked by the Department. The Department shall suspend the permit provided for herein permanently or temporarily, when they have received substantial evidence that the operator or employee of a commercial shooting preserve, or any associate member of a private shooting preserve, has failed to comply with any provisions of these regulations, or any applicable law or regulation dealing with conservation of wildlife. If the violation or failure to comply occurs during the closed season, the suspension, temporary or permanent, shall be made to apply during the open season. In the case of subsequent violations, the Department may suspend the permit for a period of time, or revoke it permanently, at its discretion.

(3) Nonresident License. Preserve operators desiring to sell nonresident shooting preserve licenses, must furnish the Department of Fish and Wildlife Resources, Capital Plaza Tower, Frankfort, Kentucky 40601, with a surety bond in the amount of five hundred (\$500) dollars. At the end of each month from October through April, inclusive, the preserve operator shall submit to the Department all money received from the sale of nonresident shooting preserve licenses.

(4) Shooting Preserve Size Requirements and Posting. Shooting preserves for upland game birds shall have no minimum acreage requirements, but shall consist of not more than 1,000 acres in one block. Under no circumstances shall the Department issue permits for shooting preserves in excess of 1,500 acres in any one county.

(5) The entire boundary of each licensed shooting preserve shall be marked with signs of a type prescribed by the Department of Fish and Wildlife Resources. Signs shall be not more than 400 feet apart and all boundaries not bordered by a natural stream or road shall be bounded by a minimum of a single wire four (4) feet above the ground level. The applicant shall bear the entire cost of posting and bounding.

(6) Operating Rules and Reporting Requirements:

(a) No person shall hunt or attempt to hunt, in any manner, or carry a gun on any licensed upland game shooting preserve without first registering and checking in with the owner, operator or keeper of the game preserve.

(b) No resident or nonresident shall hunt on a shooting preserve without a current resident or nonresident hunting license.

(c) Bird dogs or beagles may be trained throughout the year on a licensed shooting preserve provided that the party doing the training possesses a valid Kentucky resident or nonresident hunting license (except as exempted by KRS 150.170 (3), (5) and (6)). Field trials may be held throughout the year on a licensed shooting preserve. Residents or nonresidents attending and participating in field trials as authorized by permit from the Department may so attend and participate without obtaining a Kentucky hunting license so long as game is not taken. Residents or nonresidents attending or participating in field trials that are not authorized by permit from the Department, may so attend and participate if they possess a valid Kentucky resident or nonresident hunting license.

(d) All game birds or waterfowl except Bobwhite quail and/or Coturnix quail killed on the shooting preserves shall be tagged before leaving the preserve. Bobwhite quail and/or Coturnix quail shall be banded prior to their release. Such tags or bands shall remain on the leg of the given species until prepared for cooking. Tags and bands shall be supplied

the operator at cost by the Department of Fish and Wildlife Resources. Properly tagged birds killed on a shooting preserve may be processed or transported throughout the state by the shooter during the open season and properly tagged birds may be possessed in a frozen food locker.

- (e) Mallards and black ducks may be taken on a licensed shooting preserve provided a right hind toe is clipped.
- (f) At the end of each month from October through April, inclusive, the preserve operator shall submit to the Department of Fish and Wildlife Resources the names, addresses and hunting license numbers of all hunters.
- (g) Preserve operators must obtain and retain for one (1) fiscal year (July 1 - June 30 of the following year) a receipt showing evidence of purchase of upland game bird eggs or birds. The receipt shall show the number of eggs or birds purchased by species.

**Section 3. Ungulate Animals:** (1) Any person holding a commercial shooting preserve permit may release for shooting purposes on his licensed area and under stipulated conditions, ungulates (hoofed animals) legally acquired and approved by the Commissioner.

(2) **Size Requirements.** The shooting area for ungulates shall be a single body of land not less than 300 acres or more than 1,000 acres and shall be so fenced as to enclose and contain all released animals, and exclude all hoofed wildlife of the state from becoming a part of the enterprise.

(3) **Records and Reporting.** The permittee shall keep a record of the number of each species released and the number killed. Records shall also be kept of the names, addresses, hunting license numbers and game killed by species by each hunter. At the end of each month from October through April, inclusive, the preserve operator shall submit these records to the Department of Fish and Wildlife Resources.

(4) **License and Transporting Requirements.** Each person taking game or hunting on such area shall have in his possession a current resident or nonresident hunting license, or special license for nonresidents for purpose of hunting on licensed hunting preserves. Game taken on such areas may be possessed and transported only when accompanied by a bill of sale showing the date, commercial hunting permit number and name and address of taker.

DR. ROBERT C. WEBB, Chairman  
Department of Fish and Wildlife Resources Commission

ARNOLD L. MITCHELL, Commissioner

CHARLES F. HAYWOOD, Secretary

ADOPTED: September 19, 1974

RECEIVED BY LRC: September 20, 1974 at 12:19 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, Frankfort, Kentucky 40601.

DEVELOPMENT CABINET  
Department of Fish and Wildlife Resources  
(301 KAR 2:050)

RELATES TO: KRS 150.170, 150.176 and 150.360

PURSUANT TO: KRS 13.082

SUPERSEDES: KPWR-G-109

**NECESSITY AND FUNCTION:** This regulation pertains to general rules for hunting on Land Between the Lakes Wildlife Management Area located in Trigg and Lyon Counties. This regulation is necessary in order for the Department's conservation officers to enforce the hunting regulations in cooperation with Tennessee Valley Authorities on Land Between the Lakes Wildlife Management Area located in Trigg and Lyon Counties. The function of this regulation is to provide law enforcement services which fall within the jurisdiction of the Department.

**Section 1. License Requirements.** Hunters must have a valid Kentucky hunting license and a Land Between the Lakes hunting permit. Permits are non-transferable and may be cancelled if rules and regulations are violated and/or if the holder is deemed to be careless with firearms. Permits may be obtained at Information Office, Center Station, Golden Pond, Kentucky 42231.

**Section 2. General Rules.** (1) Except as noted, state and federal regulations apply.

(2) No species of wildlife may be molested or taken except as authorized.

(3) Target practice is prohibited except at designated ranges.

(4) Operation of all motorized vehicles is permitted only on paved, graveled or graded roads unless otherwise posted, or other roads as authorized. Driving in woods, fields, foot trails or utility right-of-ways is prohibited.

**Section 3. Weapons.** (1) Prohibitions:

- (a) Sidearms and crossbows are prohibited.
- (b) Firearms and bows and arrows, except target and fishing arrows, are prohibited except during author-

ized hunts. At this time, a hunter must have in his possession a valid Land Between the Lakes hunting permit and valid state hunting license, or as otherwise authorized by special regulations.

(c) Firearms transported in vehicles during authorized hunts must be unloaded in both chamber and magazine.

(2) **Legal Weapons:**

(a) For Small Game Hunting. Shotguns using No. 2 (#2) shot or smaller, rifles using .22 caliber rimfire ammunition (no magnums permitted), muzzle-loading rifles and shotguns and longbows with blunt-tipped or field arrows.

(b) For Deer Gun Hunting. Shotguns and rifles according to state regulations. Muzzle-loading shotguns and rifles using ball ammunition only.

(c) For Deer and Turkey Bow Hunting. Longbows according to state regulations.

(d) For Turkey Gun Hunting. Shotguns only, no larger than 12 gauge nor smaller than 20 gauge. Only No. 2 (#2) shot or smaller is permitted.

**Section 4. Hunting and Chasing.** (1) Hunting is prohibited in all developed public use areas, safety zones and posted areas.

(2) Hunting from domestic animals is prohibited. Domestic animals may be used in authorized field trial areas and while training dogs. A state permit is required to conduct a field trial.

(3) Fox chasing and raccoon and opossum hunting are permitted from sunset to sunrise during the designated season. Only .22 caliber rifles using rimfire ammunition (no magnums) and shotguns are permitted. Raccoons may be bagged or taken for restocking. Dogs must be removed by 8:00 a.m.

(4) Deer gun hunting applicants are selected for each hunt by computerized drawing. Hunters may hunt only during the period assigned to them and must stay within their assigned hunt area. Hunt areas and dates cannot be changed. Only one (1) application is permitted per hunter. Groups are limited to not more than five (5) hunters. Hunters under eighteen (18) must apply with an adult. Some Land Between the Lakes permits for deer may be valid for antlerless deer or either-sex deer as specified on permit.

(5) Deer and Turkey Bow Hunting. During the concurrent deer and turkey bow hunting season, only those hunters who have a valid Kentucky deer hunting permit are eligible to hunt turkey. Turkey hunting will not be allowed after the hunter is successful in bagging a deer. This rule applies only when deer and turkey are hunted concurrently and not during the spring turkey only hunting season. Deer and/or turkey taken must be checked out.

**Section 5. Tree Stands.** Nails, spikes, tree climbers, screw-in devices, or wire must not be used for attaching stands or for climbing trees. No existing permanent stands may be used. Portable stands and climbing devices that do not injure trees may be used. Portable stands may be placed on trees no more than two (2) weeks prior to the hunting season and must be removed within one (1) week following a hunting season or portion of a split season. All portable stands must display the name and address of the owner.

DR. ROBERT C. WEBB, Chairman  
Department of Fish and Wildlife Resources Commission

ARNOLD L. MITCHELL, Commissioner

CHARLES F. HAYWOOD, Secretary

ADOPTED: September 19, 1974

RECEIVED BY LRC: September 20, 1974 at 12:20 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, Frankfort, Kentucky 40601.

DEVELOPMENT CABINET  
Department of Fish and Wildlife Resources  
(301 KAR 4:020)

RELATES TO: KRS 150.300 and 150.600

PURSUANT TO: KRS 13.082

SUPERSEDES: KPWR-G-76

**NECESSITY AND FUNCTION:** This regulation pertains to entering upon the premises and disturbing or poaching waterfowl and other wildlife on Ballard Wildlife Management Area and Refuge, located in Ballard County. This regulation is necessary to prevent disturbance of migratory waterfowl. The function of this regulation is to insure that migratory waterfowl and other wildlife are not disturbed or molested by hunters and other persons.

**Section 1. Trespass by Unauthorized Persons.** No person, except bona fide Department employees acting under the direction of the Commissioner of the Department, Director of Game Management or Wildlife Management Area Manager, and U. S. Fish and Wildlife Service special agents, shall enter upon the premises of the Ballard Refuge and Wildlife Management Area for any reason other than assigned duties by the above mentioned supervisors during the period October 15 through March 15.

**Section 2. Carrying of Weapons or Accompanied by a Dog.** No person, except bona fide employees and U. S. Fish and Wildlife

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Service special agents engaged in assigned duties, shall enter upon the premises of the Ballard Refuge and Wildlife Management Area while accompanied by a dog, or carrying any type of firearms, bow and arrows or crossbow upon or about his person or in a vehicle, except when permitted during any regular hunting season as authorized by regulation.

Section 3. Trespass by Boat. During periods of high water or flood, no unauthorized person(s) may enter upon the premises of the Ballard Refuge and Wildlife Management Area by boat for any purpose. High water or flood conditions do not affect or change the Refuge or Management Area boundary which is marked by yellow signs.

DR. ROBERT C. WEBB, Chairman  
Department of Fish and Wildlife Resources Commission

ARNOLD L. MITCHELL, Commissioner

CHARLES F. HAYWOOD, Secretary

ADOPTED: September 19, 1974

RECEIVED BY LRC: September 20, 1974 at 12:18 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, Frankfort, Kentucky 40601.

DEPARTMENT OF TRANSPORTATION  
Bureau of Highways  
(603 KAR 5:030)

RELATES TO: KRS 189.338

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: This regulation is considered necessary to define and condition under which a driver, making a right turn, may be prohibited from making such movement in obedience to a red or stop signal.

Section 1. No driver of a vehicle when facing a steady circular red signal shall make a right turn against said signal at any intersection where an official sign erected at the intersection by the Department of Transportation is displayed prohibiting such movement.

BILLY PAXTON, Secretary

ADOPTED: September 20, 1974

RECEIVED BY LRC: September 20, 1974 at 11:18 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: William L. Willis, General Counsel, Department of Transportation, State Office Building, Frankfort, Kentucky 40601.

DEPARTMENT OF TRANSPORTATION  
Bureau of Highways  
(603 KAR 6:010)

RELATES TO: KRS 189.222

PURSUANT TO: KRS 13.082

SUPERSEDES: HIWA-TC-KY 15

NECESSITY AND FUNCTION: KRS 189.222 authorizes the Bureau of Highways to establish reasonable weight classification of highways and fix a different maximum for each classification.

Section 1. The classifications for KY 15 are as follows:

KY 15 AAA From: Jct. Mt. Parkway at Clay City  
To: W.C.L. of Whitesburg, and  
  
From: W.C.L. of Whitesburg  
To: Jct. with US 119 S.E. of Whitesburg,  
Except: L & N Railroad overpass in Whitesburg

KY 15 Alt. (Solomon St.)

From: Jct. KY 15 near Post Office via  
Solomon Street  
To: Jct. KY 15 near L & N Railroad Overpass

AA From: Jct. US 60 at Winchester  
To: Jct. Mt. Parkway at Clay City

BILLY PAXTON, Secretary

ADOPTED: August 12, 1974

RECEIVED BY LRC: August 23, 1974 at 4:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Director, Division of Maintenance, Bureau of Highways, Frankfort, Kentucky 40601.

DEPARTMENT OF TRANSPORTATION  
Bureau of Highways  
(603 KAR 6:011)

RELATES TO: KRS 189.222

PURSUANT TO: KRS 13.082

SUPERSEDES: HIWA-TC-KY 36

NECESSITY AND FUNCTION: KRS 189.222 authorizes the Bureau of Highways to establish reasonable weight classification of highways and fix a different maximum for each classification.

cations of highways and fix a different maximum for each classification.

Section 1. The classifications of KY 36 are as follows:

KY 36 AAA From: South end of bridge at Milton  
To: Jct. US 42 at Prestonsville near Carrollton, and  
  
From: Junction with US 60 in Owingsville  
To: Junction with I-64, and  
  
From: Jct. US 68 approximately 13 miles NE of Paris  
To: Jct. KY 32 in Carlisle

AA From: Breckinridge  
To: Jct. US 27 in Cynthiana, and

From: Jct. I-64  
To: Jct. US 460 in Frenchburg

A From: Jct. with I-75 and Old US-25 near Williamstown  
To: Breckinridge  
Except: Southern R. R. Overpass near Williamstown (10 Ton Cap.)

B All other portions not herein classified.

BILLY PAXTON, Secretary

ADOPTED: August 12, 1974

RECEIVED BY LRC: August 23, 1974 at 4:01 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Director, Division of Maintenance, Bureau of Highways, Frankfort, Kentucky 40601.

DEPARTMENT OF TRANSPORTATION  
Bureau of Highways  
(603 KAR 6:012)

RELATES TO: KRS 189.222

PURSUANT TO: KRS 13.082

SUPERSEDES: HIWA-TC-US 119

NECESSITY AND FUNCTION: KRS 189.222 authorizes the Bureau of Highways to establish reasonable weight classification of highways and fix a different maximum for each classification.

Section 1. The classification for US 119 is as follows:

US 119 AAA From: US 25E in Pineville, Via Cumberland, Whitesburg and Jenkins  
To: West Virginia State Line at Williamson

BILLY PAXTON, Secretary

ADOPTED: August 12, 1974

RECEIVED BY LRC: August 23, 1974 at 4:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Director, Division of Maintenance, Bureau of Highways, Frankfort, Kentucky 40601.

DEPARTMENT OF TRANSPORTATION  
Bureau of Highways  
(603 KAR 6:013)

RELATES TO: KRS 189.222

PURSUANT TO: KRS 13.082

SUPERSEDES: HIWA-TC-KY 136

NECESSITY AND FUNCTION: KRS 189.222 authorizes the Bureau of Highways to establish reasonable weight classification of highways and fix a different maximum for each classification.

Section 1. The classifications of KY 136 are as follows:

KY 136 AAA From: Jct. US 60 West of Henderson, extend west  
To: 0.3 mile east of KY 268

AA From: Jct. KY 81 near NCL of Calhoun  
To: A point 0.9 mile N.W. of Jct. KY 81

A From: Jct. KY 797  
To: Jct. KY 56 at Beech Grove, and

From: Jct. KY 81 near NCL of Calhoun  
To: Jct. US 231 North of Hartford, and

From: 0.9 mile northwest of Jct. with KY 81 near Calhoun  
To: Jct. with KY 797

B All other portions not herein classified.

BILLY PAXTON, Secretary

ADOPTED: August 12, 1974

RECEIVED BY LRC: August 23, 1974 at 4:01 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Director, Division of Maintenance, Bureau of Highways, Frankfort, Kentucky 40601.



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DEPARTMENT OF TRANSPORTATION  
Bureau of Highways  
(603 KAR 6:014)

RELATES TO: KRS 189.222  
PURSUANT TO: KRS 13.082  
SUPERSEDES: HIWA-TC-KY 797

NECESSITY AND FUNCTION: KRS 189.222 authorizes the Bureau of Highways to establish reasonable weight classification of highways and fix a different maximum for each classification.

Section 1. The classification of KY 797 is as follows:

KY 797 B From: Jct. KY 136, 2.3 miles East of Beech Grove  
To: Jct. KY 256, 1.7 miles East of KY 147

BILLY PAXTON, Secretary

ADOPTED: August 12, 1974

RECEIVED BY LRC: August 23, 1974 at 3:59 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Director, Division of Maintenance, Bureau of Highways, Frankfort, Kentucky 40601.

DEPARTMENT OF TRANSPORTATION  
Bureau of Highways  
(603 KAR 6:015)

RELATES TO: KRS 189.222  
PURSUANT TO: KRS 13.082  
SUPERSEDES: HIWA-TC-KY 909

NECESSITY AND FUNCTION: KRS 189.222 authorizes the Bureau of Highways to establish reasonable weight classifications of highways and fix a different maximum for each classification.

Section 1. The classifications for KY 909 are as follows:

KY 909 AAA From: Jct. US 25, 0.8 mile S.E. of the Rockcastle County Line  
To: Jct. I-75

B All other portions not herein classified.

BILLY PAXTON, Secretary

ADOPTED: August 14, 1974

RECEIVED BY LRC: August 23, 1974 at 4:02 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Director, Division of Maintenance, Bureau of Highways, Frankfort, Kentucky 40601.

DEPARTMENT OF TRANSPORTATION  
Bureau of Highways  
(603 KAR 6:016)

RELATES TO: KRS 189.222  
PURSUANT TO: KRS 13.082  
SUPERSEDES: HIWA-TC-KY 1232

NECESSITY AND FUNCTION: KRS 189.222 authorizes the Bureau of Highways to establish reasonable weight classifications of highways and fix a different maximum for each classification.

Section 1. The classification for KY 1232 is as follows:

KY 1232 AAA From: Jct. KY 312 in Corbin  
(Old US 25E) To: Jct. KY 233 and US 25E at Gray

BILLY PAXTON, Secretary

ADOPTED: August 14, 1974

RECEIVED BY LRC: August 23, 1974 at 4:02 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Director, Division of Maintenance, Bureau of Highways, Frankfort, Kentucky 40601.

DEPARTMENT OF TRANSPORTATION  
Bureau of Highways  
(603 KAR 6:017)

RELATES TO: KRS 189.222  
PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 189.222 authorizes the Bureau of Highways to establish reasonable weight classification of highways and fix a different maximum for each classification.

Section 1. The classifications of KY 1526 are as follows:

KY 1526 AAA From: Jct. KY 61  
To: 0.25 mile N.E. of beginning at entrance to stone quarry

B All other portions not herein classified

BILLY PAXTON, Secretary

ADOPTED: August 27, 1974

RECEIVED BY LRC: September 10, 1974 at 2:35 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Director, Division of Maintenance, Bureau of Highways, Frankfort, Kentucky 40601.

DEPARTMENT OF TRANSPORTATION  
Bureau of Highways  
(603 KAR 6:018)

RELATES TO: KRS 189.222  
PURSUANT TO: KRS 13.082  
SUPERSEDES: HIWA-TC-KY 1

NECESSITY AND FUNCTION: KRS 189.222 authorizes the Bureau of Highways to establish reasonable weight classifications of highways and fix a different maximum for each classification.

Section 1. The classifications for KY 1 are as follows:

AAA From: Jct. US 60 in Grayson  
To: Jct. of KY 1 and KY 7 near Pactolus

AA From: Jct. US 60 in Grayson  
To: Lawrence County Line

B All other portions not herein classified.

BILLY PAXTON, Secretary

ADOPTED: September 10, 1974

RECEIVED BY LRC: September 20, 1974 at 9:40 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Director, Division of Maintenance, Bureau of Highways, Frankfort, Kentucky 40601.

DEPARTMENT OF TRANSPORTATION  
Bureau of Highways  
(603 KAR 6:019)

RELATES TO: KRS 189.222  
PURSUANT TO: KRS 13.082  
SUPERSEDES: HIWA-TC-KY 7

NECESSITY AND FUNCTION: KRS 189.222 authorizes the Bureau of Highways to establish reasonable weight classifications of highways and fix a different maximum for each classification.

Section 1. The classifications for KY 7 are as follows:

AAA From: Jct. Mt. Parkway Extension near Salyersville  
To: Jct. with US 460 in Salyersville

AAA From: Jct. KY 1 and KY 7 near Pactolus  
To: Jct. with US 460 at West Liberty

AA From: Jct. KY 15 at Jeff  
To: Jct. KY 588 at Blackey

A From: Jct. KY 588 at Blackey  
To: Jct. KY 15 at Isom

A From: Jct. KY 317 at Deane  
To: Jct. KY 80 at Lackey

A From: Jct. KY 1 and KY 7 near Pactolus  
To: Jct. US 23 in South Shore

B All other portions not herein classified.

BILLY PAXTON, Secretary

ADOPTED: September 10, 1974

RECEIVED BY LRC: September 20, 1974 at 9:39 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Director, Division of Maintenance, Bureau of Highways, Frankfort, Kentucky 40601.

DEPARTMENT OF TRANSPORTATION  
Bureau of Highways  
(603 KAR 6:020)

RELATES TO: KRS 189.222  
PURSUANT TO: KRS 13.082  
SUPERSEDES: HIWA-TC-US 31-W

NECESSITY AND FUNCTION: KRS 189.222 authorizes the Bureau of Highways to establish reasonable weight classifications of highways and fix a different maximum for each classification.

Section 1. The classifications for US 31-W are as follows:

US 31-W AAA From: Indiana State Line  
To: Tennessee State Line except underpass at 30th and Montgomery in Louisville (VC 12-3)

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US 31-W AAA (T.R.) Louisville Area  
 From: Jct. with US 60 (B.R.)  
 To: Jct. with US 150  
 and From: Jct. with US 60 (B.R.)  
 To: Jct. with US 31-W  
 except R.R. underpass in Louisville on 22nd Street  
 between Magnolia and Standard Avenue  
 (12' 8" VC)

US 31-W AAA (Elizabethtown Bypass)  
 From: US 31-W North of Elizabethtown  
 To: Jct. with Western Kentucky Parkway  
 west of Elizabethtown

BILLY PAXTON, Secretary

ADOPTED: September 13, 1974

RECEIVED BY LRC: September 20, 1974 at 9:39 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Director,  
 Division of Maintenance, Bureau of Highways, Frankfort, Ken-  
 tucky 40601.

DEPARTMENT OF TRANSPORTATION  
 Bureau of Highways  
 (603 KAR 6:021)

RELATES TO: KRS 189.222

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 189.222 authorizes the  
 Bureau of Highways to establish reasonable weight classifi-  
 cations of highways and fix a different maximum for each  
 classification.

Section 1. The classification for I-24 is as follows:

AAA From: Jct. US 60 west of Paducah  
 To: The Illinois State Line

BILLY PAXTON, Secretary

ADOPTED: September 10, 1974

RECEIVED BY LRC: September 20, 1974 at 9:40 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Director,  
 Division of Maintenance, Bureau of Highways, Frankfort, Ken-  
 tucky 40601.

EDUCATION AND ARTS CABINET  
 Department of Education  
 Bureau of Administration and Finance  
 (702 KAR 1:020)

RELATES TO: KRS 157.390(2) (a)

PURSUANT TO: KRS 156.070, 156.130, 156.160 and 13.082

SUPERSEDES: SBE 8.060

NECESSITY AND FUNCTION: To provide approved employment  
 under the minimum foundation program beyond the regular  
 school term for vocational units, supervisory units and  
 units for administrators, directors of pupil personnel, and  
 special instructional services.

Section 1. School districts shall be allotted teachers' salaries for more than 9.25 months by the minimum foundation program for classroom units listed below. Allotments shall be limited to the lesser of: (1) the number of months employed in the position; (2) maximum months under this regulation; or (3) the months approved under a program for lengthened employment.

Section 2. The following positions shall be allotted a maximum of 2.75 months extended employment:

- (1) Superintendent
- (2) Assistant superintendent
- (3) Finance officer and school business administrator
- (4) Principal who administers a school with twenty-five (25) or more full-time equivalent teachers under his supervision
- (5) Supervisor of instruction
- (6) Director of pupil personnel in districts with fifty (50) or more basic classroom units allotted
- (7) Local director of vocational education
- (8) Teachers of vocational education in:
  - (a) Agribusiness
  - (b) Business and office
  - (c) Marketing and distributive education
  - (d) Health occupations
  - (e) Home economics
  - (f) Public service education
  - (g) Special vocational programs
  - (h) Trade and industrial.

Section 3. The following position shall be allotted a maximum of two (2) months extended employment:

- (1) Principal who administers a school with from 12.0 to 24.9 full-time equivalent teachers under his supervision.

Section 4. The following positions shall be allotted a maximum of one (1) month extended employment:

- (1) Full-time librarians
- (2) Principal who administers a school with from 8.0 to 11.9 full-time equivalent teachers under his supervision.

- (3) Assistant principal assigned to a school with 25.0 or more full-time equivalent teachers
- (4) Full-time guidance counselors
- (5) Directors of pupil personnel in districts with fewer than fifty (50) basic classroom units allotted.

Section 5. A program plan for lengthened employment for all positions listed in this regulation with the exception of superintendent, assistant superintendent, finance officer, school business administrator, and director of pupil personnel shall be submitted annually to the Superintendent of Public Instruction for approval.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:19 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
 Department of Education  
 Bureau of Administration and Finance  
 (702 KAR 1:030)

RELATES TO: KRS 161.159

PURSUANT TO: KRS 156.070, 156.130, 156.160 and 13.082

NECESSITY AND FUNCTION: To provide the basis for Departmental administration of the Group Life Insurance Program for certificated and non-certificated employees of local public school boards of education authorized by the 1974 Session of the General Assembly.

Section 1. Group life insurance with accident provisions will be provided at state expense for regular, full-time certificated and non-certificated employees of local public school boards of education.

Section 2. Coverage shall consist of \$3,000 life insurance for each certificated and non-certificated employee of such boards of education through age fifty-nine (59) and \$1,500 for such employees aged sixty (60) and over.

Section 3. For the purposes of administration of the above referenced statutes:

(1) A regular, full time non-certificated employee is one who is employed with the expectation that they are to be employed for the full school term (or the remainder of a school term), as defined in KRS 158.070, and whose assignments require a minimum of eighty (80) hours per school month as defined in KRS 158.060.

(2) A regular, full time certificated employee is one who is employed with the expectation that they are to perform their duties for the full school term (or the remainder of the school term) as defined in KRS 158.070 but in no instance will such employment require less than seventy percent (70%) of the school day and/or school month as defined in KRS 158.060.

Section 4. All employees not covered but eligible for coverage on July 1, 1974, shall be covered as of that date; and individuals employed after July 1, 1974 shall become covered the first of the month after the commencement of their assigned duties.

Section 5. Each local school board of education shall provide accurate employment data on covered employees on a month to month basis on such forms and such detail as may be specified by the Superintendent of Public Instruction.

Section 6. It shall be the responsibility of each local school district superintendent to certify individually and collectively on a monthly basis those eligible employees who are covered under the terms of the above referenced statutes and these regulations.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:27 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
 Department of Education  
 Bureau of Administration and Finance  
 (702 KAR 3:010)

RELATES TO: KRS 157.420(3) (e)

PURSUANT TO: KRS 156.070, 156.130, 156.160 and 13.082

SUPERSEDES: SBE 21.001, 21.100, 21.115, 21.130, 21.240, and 21.315

NECESSITY AND FUNCTION: To provide guidelines for the use of foundation program capital outlay funds in districts which have a special levy for capital outlay or debt service.

Section 1. A district levying a special voted tax under the provisions of KRS 160.477 or a sinking fund tax under the provisions of KRS 162.080 may with the approval of the Superintendent of Public Instruction retain all or a proportionate fraction of their foundation program capital outlay fund in the general fund for current expenses.

Section 2. In considering the approval of application to use foundation program capital outlay funds in the general fund, the Superintendent of Public Instruction shall ascertain that the local school district presenting the application is making satisfactory progress toward meeting its capital outlay needs as reflected by the latest school facility survey acceptable to the State Department of Education.

Section 3. The amount of foundation program capital outlay funds retained in the general fund shall not exceed the amount of revenues produced by KRS 160.477 or KRS 162.080.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:19 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Administration and Finance  
(702 KAR 3:020)

RELATES TO: KRS 162.060, 162.170 and 162.180  
PURSUANT TO: KRS 156.070, 156.130, 156.160 and 13.082  
SUPERSEDES: SBE 21.010  
NECESSITY AND FUNCTION: To provide a method for the approval of bond issues.

Section 1. The Superintendent of Public Instruction shall determine the financial soundness of all school revenue bond issues. He shall supervise all phases of school revenue and voted bonds.

Section 2. The Superintendent of Public Instruction shall approve all school revenue and school voted bond issues, subject to subsequent review by the State Board of Education.

Section 3. The maximum interest rate for the sale of school revenue bonds established by the State Board of Education shall be seven and three-fourths per cent (7 3/4%). In the event a bid on an issue of bonds exceeds the maximum interest rate the Superintendent of Public Instruction may declare an emergency to exist and request the Chairman to convene the State Board of Education for the purpose of approving or disapproving his recommendation that the bonds be sold.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:19 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Administration and Finance  
(702 KAR 3:030)

RELATES TO: KRS 162.140 and 162.300  
PURSUANT TO: KRS 156.070, 156.130, 156.160 and 13.082  
SUPERSEDES: SBE 21.020  
NECESSITY AND FUNCTION: To provide protection to holders of school building revenue bonds.

Section 1. Each local board of education shall report annually to the Superintendent of Public Instruction on the Annual Financial Report, Department of Education, Form P-55, the amount of insurance coverage provided for each building which has been mortgaged for the security of outstanding revenue bonds. The amount of insurance coverage provided for each mortgaged building shall be at least an amount equal to the amount of the revenue bonds outstanding against the school building.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:20 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Administration and Finance  
(702 KAR 3:040)

RELATES TO: KRS 160.560  
PURSUANT TO: KRS 156.070, 156.130, 156.160 and 13.082  
SUPERSEDES: SBE 21.030  
NECESSITY AND FUNCTION: To provide local boards of education some uniformity in a policy of issuing checks.

Section 1. The local board of education shall submit to the Superintendent of Public Instruction prior to July 1 each year, or before issuing any check, a copy of the minutes stating its local policy for issuing checks:

(1) The treasurer shall receive Department of Education Form P-40, properly executed including signatures of the chairman and the secretary of the board before issuing checks.

(2) Authorized payments made between local board meetings shall be limited to contract salaries, payments made to take advantage of discounts and payments made to prevent penalties and disruption of services, and shall be specified in the board's policy statement approved by the Superintendent of Public Instruction.

(3) The board of education shall give subsequent approval to all disbursements made in accordance with their approved policy between meetings of the board.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:20 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Administration and Finance  
(702 KAR 3:045)

RELATES TO: KRS 156.160  
PURSUANT TO: KRS 156.070, 156.130, 156.160 and 13.082  
SUPERSEDES: SBE 21.040  
NECESSITY AND FUNCTION: To insure that all reports and documents are filed as required.

Section 1. The Superintendent of Public Instruction shall be authorized to withhold state funds from any school district of the state which fails to file or to have on file in the State Department of Education any and all reports as required by the statutes or the rules and regulations of the State Board of Education or for failure to file any and all information requested of such district by the department or any of its divisions until delinquent reports have been received.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:20 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Administration and Finance  
(702 KAR 3:050)

RELATES TO: KRS 160.550  
PURSUANT TO: KRS 156.070, 156.130, 156.160 and 13.082  
SUPERSEDES: SBE 21.050  
NECESSITY AND FUNCTION: To provide a safeguard against deficit spending by local boards of education.

Section 1. The Superintendent of Public Instruction shall determine on the basis of evidence submitted in an application of a local board of education whether or not an emergency exists within the meaning of KRS 160.550. The Superintendent of Public Instruction shall examine carefully all facts pertaining to the claimed emergency and take such action as he deems appropriate, including the authority to declare an emergency in those cases where the health and safety of the pupils of the school district are placed in jeopardy or the school program disrupted.

Section 2. Any application filed under this regulation, as well as any emergency declared by the Superintendent of Public Instruction, shall be submitted to the State Board of Education for final approval.

Section 3. Each board of education shall amend its working budget to conform to salaries paid to instructional personnel as of February 1. This amendment shall be submitted to the



Division of Finance on or before February 15.

LYMAN V. GINGER  
Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:20 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Administration and Finance  
(702 KAR 3:060)

RELATES TO: KRS 157.420(1) and (2)

PURSUANT TO: KRS 156.070, 156.130, 156.160 and 13.082

SUPERSEDES: SBE 21.060

NECESSITY AND FUNCTION: To establish regulations relative to payment of teachers.

Section 1. Teachers' salaries shall be payable at the close of each school month as defined in KRS 158.060. Boards of education may pay salaries for partial school months through established board policies. In no case shall salaries be paid until after services have been rendered. A board of education may require a teacher to present reports of attendance and other necessary reports before the salary check is delivered. A board of education may adopt a policy whereby salaries may be made payable for a period in excess of the number of months for which the school is operated, not exceeding twelve (12) months. If this plan is adopted, the first salary payment for the current year is not due until the close of the first school month following the opening of school unless the board has a policy for making payment for a partial school month.

Section 2. A board of education shall adopt one of the following plans if a policy is approved for payment of teachers' salaries other than on the basis of months of service:

(1) The board of education shall write all deferred salary checks on or before June 30 of the current fiscal year. These deferred checks shall then be delivered at the regular pay periods in July and August of the following fiscal year.

(2) The board of education shall set up a payroll account into which will be transferred on the order of the board of education on or before June 30, the gross amount for salaries earned by teachers but not paid. The amounts transferred into this payroll account shall be held for the payment of deferred teachers' salaries and shall not be used for any other purpose. Payment of salaries from this fund are to be at the regular pay periods in July and August of the following fiscal year.

LYMAN V. GINGER  
Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:21 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Administration and Finance  
(702 KAR 3:070)

RELATES TO: KRS 157.320(13), 157.390 and 157.420(1) &

(2)

PURSUANT TO: KRS 156.070, 156.130, 156.160 and 13.082

SUPERSEDES: SBE 21.070

NECESSITY AND FUNCTION: To define teaching experience allowable in Foundation Program salary calculations and to define extra service pay.

Section 1. Each board of education shall adopt and submit for the approval of the State Board of Education a single salary schedule as defined in KRS 157.320.

Section 2. For the purpose of calculating the salary allotment of each school district, experience for all professional personnel shall be defined as follows:

(1) Professional personnel shall have taught or rendered professional service under contract for a complete school year or a minimum of 140 days during a school term in a public or non-public elementary or secondary school or college or university that is approved by the public accrediting authority in the state in which the professional experience was rendered. In no case shall more than one (1) year of experience be credited for professional experience during a given school year.

(2) Experience credit shall not be taken into consideration in calculating the salary allotment for a Foundation Program unit under the following circumstances:

- (a) Substitute teaching.
- (b) Teaching for less than a half day
- (c) Nursery schools.

(3) School psychologist, school social worker, school business administrator and other professional personnel shall have rendered professional service in their present profession and in the employment of a federal, state or local agency. Professional personnel shall have been employed by these agencies for a complete year or a minimum of 190 days during a calendar year. In no case shall more than one (1) year of experience be credited for professional experience during a calendar year.

(4) It will be the responsibility of the local board of education to validate all experience of professional personnel employed in the school district.

(5) Such validation of experience shall be on file in the office of the superintendent.

(6) Units granted to a public school district by the Bureau of Vocational Education for contracted services in an area vocational school or an area vocational school extension center will be calculated on the basis of Rank III with four (4) to nine (9) years of experience.

(7) Professional personnel leaving employment of a local board of education after June 16, 1966, shall be granted experience credit when calculating the Foundation Program salary allotment when the employee's career was interrupted to perform military duty, voluntarily or involuntarily, and who has been relieved from such duty under conditions other than dishonorable.

Section 3. Each local board of education may allow increments in pay to members of its professional staff who render services beyond those normally expected of other professional members of the staff when these duties rendered extend beyond the regular school day.

Section 4. Expenditures for increments for extra duties classified as extra service shall be paid from local revenue or funds other than the allotment for instructional salaries in Foundation Program calculations and shall not be counted toward meeting the requirements of KRS 157.420.

LYMAN V. GINGER  
Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:21 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Administration and Finance  
(702 KAR 3:075)

RELATES TO: KRS 157.320(13)

PURSUANT TO: KRS 156.070, 156.130, 156.160 and 13.082

SUPERSEDES: SBE 21.075

NECESSITY AND FUNCTION: To establish a pay schedule for substitute teaching.

Section 1. Local boards of education shall submit annually to the Division of Finance a per diem pay schedule for substitute teaching. Such pay schedule shall take into consideration the following:

(1) Substitute teachers shall be paid on a single salary schedule based on training and experience.

(2) Substitute teachers shall be ranked in accordance with Foundation Program requirements as outlined in KRS 157.390.

(3) Local Boards of Education shall adopt a pay schedule for substitute teaching which may be the same, higher, or lower than the rate of pay for a regular full-time teacher.

LYMAN V. GINGER  
Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:23 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Administration and Finance  
(702 KAR 3:080)

RELATES TO: KRS 160.560(4)

PURSUANT TO: KRS 156.070, 156.130, 156.160 and 13.082

SUPERSEDES: SBE 21.080

NECESSITY AND FUNCTION: To establish a penal sum for the bond of treasurer and to require the bonding of other school employees.

Section 1. It shall be the duty of each local board of education, on the advice of the superintendent, to determine the amount of the penal sum of the bond of treasurer of the board and that of other school employees who are responsible for board of education funds.

Section 2. No bond shall be approved which in the opinion of the Superintendent of Public Instruction is inadequate to safeguard the funds of the district board of education.

Section 3. The district board of education shall require the bonding of all employees who are responsible for board funds. The cost of such bonds may be a liability of the general fund or of any account which the specific bond protects. The penal sum of any bond shall be determined by the amount in custody of the treasurer during the period covered by the bond.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:23 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Administration and Finance  
(702 KAR 3:090)

RELATES TO: KRS 160.570

PURSUANT TO: KRS 156.070, 156.130, 156.160 and 13.082

SUPERSEDES: SBE 21.090 and 21.270

NECESSITY AND FUNCTION: To provide for certain regulations relative to bonds of depository.

Section 1. It shall be the duty of each local board of education, on the advice of the superintendent, to determine the penal sum of the bond of depository.

Section 2. No depository bond shall be approved which in the opinion of the Superintendent of Public Instruction is inadequate to insure the deposits of the local board of education.

Section 3. As security for this bond, the depository bank shall deposit with its escrow agent, collateral in an amount equal to the penal sum of the bonds. This collateral shall consist of United States Government Bonds and/or Kentucky School Building Revenue Bonds. The escrow agent shall file safekeeping receipts with the local board of education as evidence that collateral has been pledged in accordance with the provisions of the bond executed by the depository institution. At no time may the local board of education permit a reduction of the collateral of a bond without execution of a new bond with prior approval of the Superintendent of Public Instruction.

LYMAN V. GINGER,

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:24 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Administration and Finance  
(702 KAR 3:100)

RELATES TO: KRS 157.390 and 157.420 (1)

PURSUANT TO: KRS 156.070, 156.130, 156.160 and 13.082

SUPERSEDES: SBE 21.110 and SBE 21.125 (6)

NECESSITY AND FUNCTION: To provide assignment and salary data on teachers employed by the school district and included in the minimum foundation program calculation as classroom units.

Section 1. Department of Education Professional Staff Data Form shall be completed during the week of September 15 for any teacher paid by and/or under the supervision of the district board of education.

Section 2. Rank and experience of the teacher on September 15 shall determine the rank of the foundation program teacher for the school year.

Section 3. A vacancy or new position staffed between September 15 through January 31 shall be assigned a fraction of a classroom unit. Changes of personnel, vacancy, new position staffed, or position abolished shall be reported on the February amendment to the professional staff data form. This amendment shall be completed February 1 and is due in the Division of Finance on or before February 5. No part of a unit shall be granted for positions staffed after January 31.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:24 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Administration and Finance  
(702 KAR 3:110)

RELATES TO: KRS 160.470

PURSUANT TO: KRS 156.070, 156.130, 156.160 and 13.082

SUPERSEDES: SBE 21.120

NECESSITY AND FUNCTION: To establish dates of filing for State Board of Education financial archives.

Section 1. The documents which become a part of State Board of Education archives shall be submitted to the Division of Finance by the following dates annually:

Annual Financial Report (F-55)	July 25
Working Budget (F-10)	September 15.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:24 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Administration and Finance  
(702 KAR 3:120)

RELATES TO: KRS 156.160

PURSUANT TO: KRS 156.070, 156.130, 156.160 and 13.082

SUPERSEDES: SBE 21.125

NECESSITY AND FUNCTION: To provide a uniform system of financial accounting for boards of education.

Section 1. Local boards of education shall follow the uniform financial accounting system detailed in "Official Manual of Instruction for the Kentucky Uniform School Financial Accounting System," Bureau of Administration and Finance, July 1, 1968, approved by the Superintendent of Public Instruction, a copy of which is made a part of this regulation and may be obtained from the Superintendent of Public Instruction.

Section 2. A close estimate or working budget shall be required annually of each board of education. The form of this document will conform to the uniform financial accounting system provided.

Section 3. As occasions will demand, certain local boards of education may be permitted, upon approval of the Superintendent of Public Instruction, to deviate from the "Official Manual of Instruction for the Kentucky Uniform School Financial Accounting System," Bureau of Administration and Finance, July 1, 1968, in general use in order to experiment or to serve as pilot systems from time to time.

Section 4. All the financial records of the local board of education shall be prepared and filed in either the office of the superintendent or in offices adjacent to the superintendent's office.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:25 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Administration and Finance  
(702 KAR 3:130)

RELATES TO: KRS 156.070

PURSUANT TO: KRS 156.070, 156.130, 156.160, 156.200 and 13.082

SUPERSEDES: SBE 21.250, 21.260, 21.270, 21.280, 21.290, 21.295, 21.300, and 21.305

NECESSITY AND FUNCTION: To establish uniform procedures for the accounting of school activity funds.

Section 1. Internal accounts shall be defined as all funds derived from fund raising activities sponsored under the auspices of the school except that funds raised by organizations which do not come under the direct supervision of school authorities shall not be considered internal accounts.

Section 2. The basic responsibility for administration and control of internal accounts shall rest with the district board of education.

Section 3. The district board of education in delegating the responsibility of accounting for school activity funds shall direct the superintendent to develop accounting procedures consistent with those set out in the Kentucky Department of Education's Manual, "A Uniform Program of Accounting for School Activity Funds in Kentucky Schools," Bureau of Administration and Finance, May 1, 1972, a copy of which is made a part of these regulations by reference and may be obtained from the Superintendent of Public Instruction.

Section 4. Internal accounts shall be audited annually:

(1) High School Activity Fund Accounts shall be audited by a Certified Public Accountant.

(2) The High School Activity Fund Account for the purpose of making the audit shall be defined as follows:

(a) Schools with grade ranges of 10 through 12

(b) Schools with grade ranges of 9 through 12

(c) Schools with grade ranges of 7 through 12

(d) Schools with grade ranges of 1 through 12.

(3) Activity Fund Accounts other than High School Accounts shall be audited either by a Certified Public Accountant or a Select Committee approved by the board of education. The committee shall be composed of central office staff, principals, teachers or citizens who are not employees of the board.

(4) If an audit committee is selected by the board of education, the names and titles of the committee members shall be submitted to the Superintendent of Public Instruction for approval prior to the date of the audit.

(5) Two (2) copies of the audit reports of all internal accounts shall be made. A copy shall be on file in both the office of the principal and the office of the superintendent of the local school district where they shall be open for public inspection.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:25 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Administration and Finance  
(702 KAR 3:140)

RELATES TO: KRS 424.260

PURSUANT TO: KRS 156.070, 156.130, 156.160 and 13.082

SUPERSEDES: SBE 21.310

NECESSITY AND FUNCTION: To provide guidelines in the acceptance of bids for the purchase of materials, supplies, equipment or contractual services other than professional, involving an expenditure in excess of \$2500 without first making newspaper advertisement.

Section 1. Notice for bidding shall state time and place for receiving and opening of bids.

Section 2. All bids shall be submitted in writing, type-written or in ink; sealed, opened and read publicly at a legal meeting of the board of education or its authorized agent.

Section 3. No bids shall be changed after they are once submitted. This in no way prevents the acceptance or rejection of alternates which are specified as a part of the regular bid forms and specifications. However, the full intent of this section is to prohibit negotiation of contracts subsequent to time bids are submitted.

Section 4. In the event the lowest bid is not accepted, the board shall record in the minutes the reason for the rejection.

Section 5. All bids submitted shall be recorded in the official minutes.

Section 6. Notification of the awarding of the contract shall be given in writing to all bidders. This notice shall include a list of all bidders together with their bids.

Section 7. Any bid which is accepted in non-compliance with any of the above items shall be considered null and void.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:26 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Administration and Finance  
(702 KAR 3:150)

RELATES TO: KRS 156.070

PURSUANT TO: KRS 156.200, 156.265 and 13.082

SUPERSEDES: SBE 21.325

NECESSITY AND FUNCTION: To provide a procedure for correcting exceptions identified in the independent audit authorized by the State Committee for School District Audits.

Section 1. All local boards of education shall be required to report to the Superintendent of Public Instruction, in writing, progress being made to correct exceptions appearing in school audits authorized by the State Committee for School District Audits or, in writing, justify any failure to correct exceptions appearing in any school audit authorized by the State Committee for School District Audits.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:26 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Administration and Finance  
(702 KAR 3:160)

RELATES TO: KRS 157.360(10)

PURSUANT TO: KRS 156.070, 156.130, 156.160 and 13.082

SUPERSEDES: SBE 21.340

NECESSITY AND FUNCTION: To establish regulation relative to allotting classroom units on the basis of an area larger than a district.

Section 1. The Superintendent of Public Instruction shall allot classroom units or pupil units for an area larger than a school district where there is a need for educational services which cannot be adequately and economically provided on a district basis.

Section 2. The number of classroom units allotted under this regulation shall not exceed the number of unused units of entitlement for all the school districts which make up the area.

Section 3. The request to the Superintendent of Public Instruction for units shall be accompanied with a program plan.

Section 4. One of the local boards of education in the area will be designated by the Superintendent of Public Instruction as a district of record, and classroom units for any services to the area will be allotted to the district of record.

Section 5. The district of record may contract with an Educational Development District, organized under KRS Chapter 65 for delivery of all services specified in the program plan and approved by the Superintendent of Public Instruction.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:26 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 1:020)

RELATES TO: KRS 157.200-157.305

PURSUANT TO: KRS 13.082, 156.070, 156.130 and 156.160

NECESSITY AND FUNCTION: The 1974 General Assembly amended KRS 157.280 to include provisions for contracting with private organizations for services for exceptional children. This necessitates the adoption of a State Board of Education Regulation.

Section 1. (1) Private organizations having programs for exceptional children and youth shall apply to the State Board of Education for approval if they wish to enter into contract agreements with local school districts.

(2) Private organizations' educational programs shall meet the requirements of appropriate section(s) of Kentucky Revised Statutes and State Board of Education regulations. In the event that a private organization located outside of Kentucky desires to provide contractual services, it shall be approved



in the area of exceptionality involved by the Department of Education in the state where the organization is located and doing business.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:39 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 1:030)

RELATES TO: KRS 157.200 - 157.305

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: The 1974 General Assembly amended KRS 157.200 to include a specific definition for multiple handicapped children. This necessitates the adoption of State Board of Education Regulations for Programs for Multiple Handicapped Children.

Section 1. Local boards of education shall operate programs for multiple handicapped children pursuant to KRS 157.200 - KRS 157.305 and the criteria listed below:

(1) Admission and Release Committee: An Admission and Release Committee established by the local school district shall be responsible for the placement and release of pupils in programs for the multiple handicapped. The Committee shall consist of a minimum of two (2) permanent and two (2) temporary members. The Superintendent or his designate shall be one (1) of the permanent members. All actions of the Committee shall be on file and shall be subject to review by the State Department of Education.

(2) Reports and Information: Every child shall be given an appropriate individualized psychological assessment by a qualified examiner(s). A physician's written report of general physical examination and other referrals deemed necessary by the examiner(s) and/or Committee shall be obtained. An educational assessment shall be administered reflecting the individual child's developmental and/or academic achievement.

(3) Placement: All reports and records shall be reviewed by the Admission and Release Committee. Pupils shall be placed in a special program based on the consensus agreement of the Admission and Release Committee, with the two permanent members concurring.

(4) Ongoing Assessment: The teacher shall maintain an ongoing objective and subjective assessment of the pupil:

(a) An annual summary shall be entered in the pupil's permanent record.

(b) Upon recommendation of the teacher and the concurrence of the Admission and Release Committee, a comprehensive re-evaluation of the pupils shall be made as specific need arises.

(5) Release: A pupil shall be transferred to another educational program upon the recommendation of the Admission and Release Committee based upon the progress of the pupil and/or a re-evaluation. The Superintendent or his designate shall be one (1) of the two permanent members concurring.

(6) Personnel: Appropriate state certification shall be required.

(7) Type of Programs: Appropriate special education programs for multiple handicapped children shall provide for continuing instructional programs and services commensurate with the child's ability. Multiple handicapped children shall be integrated into other programs as possible.

(8) Housing: Classes for multiple handicapped children shall be housed in an elementary or secondary school, dependent upon the age range of the pupils unless specific approval of other facilities has been obtained from the Division of Special Education and the Division of Buildings and Grounds, State Department of Education.

(9) Age Range: The chronological age range for the special class shall not exceed six (6) years unless specific approval for an extended age range has been obtained from the Division of Special Education.

(10) Length of the School Day: The school day for classes for multiple handicapped children shall be six (6) hours unless approval for a shortened school day is obtained from the Division of Special Education under the following conditions:

(a) It shall not be less than four and one-half (4 1/2) clock hours.

(b) The superintendent's request for reduction shall be made on an annual basis prior to the beginning of the school year.

(c) The teacher shall spend the remaining one and one-half (1 1/2) hours of the school day in preparation.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:39 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 3:010)

RELATES TO: KRS 157.360(6)

PURSUANT TO: KRS 156.070, 156.130, 156.160 and 13.082

SUPERSEDES: SBE 40.100

NECESSITY AND FUNCTION: To provide authorization of positions to be included in administrative and special instructional service classroom units under the minimum foundation program.

Section 1. The following positions shall be administrative and special instructional service classroom units under the minimum foundation program:

- (1) Art education teacher
- (2) Art program consultant
- (3) Assistant principal shall be employed one-half time in position
- (4) Assistant superintendent shall be employed full-time in position
- (5) Consultant in an academic subject field
- (6) Driver education teacher
- (7) Finance officer shall be employed full-time in position
- (8) Guidance counselor
- (9) Health and/or physical education program consultant
- (10) Industrial arts teacher
- (11) Librarian shall be employed one-half time in position
- (12) Local director of vocational education
- (13) Materials specialist
- (14) Music education teacher
- (15) Music program consultant
- (16) Physical education teacher
- (17) Principal shall be employed one-half time in position
- (18) Reading program consultant
- (19) School attendance worker
- (20) School business administrator shall be employed full-time in position
- (21) School health coordinator
- (22) School lunch director
- (23) School psychologist
- (24) School social worker
- (25) Special education work-study program coordinator
- (26) Superintendent shall be employed full-time in position
- (27) Teacher consultant in programs for exceptional children
- (28) Visiting teacher.

Section 2. The following administrative and special instructional service classroom units shall be allotted as basic classroom units provided the school district has not staffed its total basic classroom unit entitlement and has staffed more administrative and special instructional service classroom units than allotted:

- (1) Art education teacher
- (2) Driver education teacher
- (3) Industrial arts teacher
- (4) Music education teacher
- (5) Physical education teacher.

LYMAN V. GINGER

Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 3:020)

RELATES TO: KRS 158.080

PURSUANT TO: KRS 13.082, 156.070, 156.130, and 156.160

SUPERSEDES: SBE 40.120

NECESSITY AND FUNCTION: This proposed regulation is to assure the health and safety of first grade pupils. KRS 158.070 requires the State Board of Education to adopt regulations governing the use of school days.

Section 1. Any school may reduce the school day for pupils in the first grade to less than six (6) hours, provided the superintendent of the district requests such reduction and receives prior approval from the Superintendent of Public Instruction.

(1) The school day for first grades shall not be less than three and one-half (3 1/2) hours. The request of the superintendent for reduction of hours for first grade pupils shall be made on an annual basis prior to the beginning of the school year and shall be submitted as a part of the instructional program of the school district.

(2) Special request shall be made for districts employing double sessions or which have a school or schools regularly operating for less than a six (6) hour day.

LYMAN V. GINGER

Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 3:030)

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, and 156.160

SUPERSEDES: SBE 40.140

NECESSITY AND FUNCTION: KRS 157.360 provides for the allocation of classroom units for administrators, their certified assistants, and for certain special service personnel. This proposed regulation is to furnish superintendents and boards of education with the minimum requirements for approval of special units.

Section 1. The Foundation Program provides for the allocation of classroom units for administrators, their certified assistants and for certain special service personnel. Three (3) factors shall be considered in the approval of Administrative and Special Instructional Services Units:

- (1) Personnel qualified as set forth in the criteria, teacher certification standards and State Board Regulations.
- (2) A planned program approved by the State Department of Education.
- (3) Satisfactory physical facilities, equipment, materials, and financial support as provided in the criteria and approved by the Department of Education.

LYMAN V. GINGER

Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 3:040)

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, and 156.160

SUPERSEDES: SBE 40.150

NECESSITY AND FUNCTION: KRS 157.360 requires the superintendent of public instruction to allot units to each district for superintendents. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. (1) Personnel qualified to serve in approved units for superintendent or assistant superintendent shall hold a certificate valid for the position of superintendent.

(2) The Superintendent of Public Instruction will approve the employment of an assistant superintendent on an internship basis under the following conditions:

- (a) The request shall be made by the local school superintendent and approved by the local board of education.
- (b) The prospective assistant superintendent shall have been admitted to the program of preparation-certification for the school superintendency by the teacher education institution and shall lack no more than fifteen (15) semester hours graduate credit for the completion of the total program.
- (c) The internship program shall be planned jointly by the teacher education institution and the local school superintendent and shall include provisions for completing the academic requirements within a two (2) year maximum period with at least nine (9) semester hours progress the first year.

Section 2. Duties of the superintendent. (1) In the performance of his duties, the superintendent shall at all times be governed by the provisions of the Kentucky Revised Statutes, the regulations of the State Board of Education, and the policies of the local board of education.

(2) The superintendent shall have the responsibility of cooperating with the State Department of Education in all inservice training programs and other programs designed to improve instruction.

(3) Application for the unit of assistant superintendent shall indicate specific duties to be performed by the assistant and shall include information on such factors as number of teachers, transportation program, instructional program, building program, and size of the district. The duties shall be designed to relieve the superintendent and shall not be primarily the duties of a supervisor of instruction, business manager, or director of pupil personnel. An assistant superintendent shall devote full time to this position.

Section 3. (1) Adequate space for the superintendent and

for the assistant superintendent shall be provided.

(2) Adequate clerical assistance shall be provided.

(3) Sufficient equipment and supplies shall be furnished to enable the superintendent to efficiently perform his duties. Adequate financial support to allow constant supervision of the entire system and permit visitation outside the system for purposes of professional growth shall be provided.

LYMAN V. GINGER

Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 3:050)

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, and 156.160

SUPERSEDES: SBE 40.155

NECESSITY AND FUNCTION: KRS 157.360 requires the superintendent of public instruction to allot units to principals. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. (1) A principal shall be defined as a person who devotes fifty percent (50%) or more of his time to the supervision of instruction. The remaining portion of his time shall be devoted to administrative duties.

(2) A principal shall be designated for a school for eight (8) or more teachers; however, a full-time principal is not recommended for an eight (8) teacher school.

(3) An assistant principal shall have such duties as may be assigned including administration duties and supervision of instruction for the same school population as that of a principal. The assistant principal shall devote at least fifty percent (50%) of his time to the duties of the assistant principalship. Classroom teaching will not be considered a part of this unit.

Section 2. (1) Personnel qualified to serve in approved units of principalship or assistant principalship shall hold a certificate valid for the position of principalship at the appropriate level (elementary or secondary or twelve grade).

(2) The Superintendent of Public Instruction will approve the employment of an assistant principal on an internship basis under the following conditions:

- (a) The request shall be made by the local school superintendent and approved by the local board of education.
- (b) The prospective assistant principal shall have been admitted to the program of preparation-certification for the school principalship by the teacher education institution and shall lack no more than nine (9) semester hours graduate credit for the completion of the total program.
- (c) The internship program shall be planned jointly by the teacher education institution and the local school superintendent and must include provisions for completing certification requirements for principalship before September 1 of the following school year.

Section 3. The principal of an elementary, secondary, or twelve-grade school shall devote a significant portion of his time to supervision. He shall be a cooperating participant in the various activities which are designed to improve instruction. The principal's program of improving instruction shall be submitted as a part of the school's annual report. This plan shall reflect the thinking of all those concerned with the instructional program.

Section 4. (1) Adequate office and storage space shall be provided. Clerical assistance commensurate with the size of the school shall be provided.

(2) Provision shall be made for furnishing the necessary equipment such as typewriter, adding machine, duplicating equipment, etc., to permit the principal to perform his duties in a satisfactory and efficient manner.

(3) Sufficient financial support to permit the adequate operation of the principal's office shall be furnished.

LYMAN V. GINGER

Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 3:060)

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130 and 156.160

SUPERSEDES: SBE 40.165

NECESSITY AND FUNCTION: KRS 157.360 requires the superintendent of public instruction to allot units to visiting teachers. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. (1) Approval of this unit shall be based upon the needs of the district. The visiting teacher shall work in cooperation with the Director of Pupil Personnel in carrying out field services such as serving individual pupils who need special understanding, helping with problems of social adjustment, promoting positive adjustment to school experience, and helping pupils find opportunities to continue their educational progress toward realization of their potentialities and shall coordinate the finds with the respective teachers.

(2) Persons approved for the position of visiting teacher for either the 1966-67 or 1967-68 school year may continue to serve in the position. Beginning July 1, 1968, no new units shall be approved for the position of visiting teacher.

Section 2. The visiting teacher shall be a person with a Bachelor's Degree and a certificate valid for elementary or secondary teaching. The visiting teacher shall have had a minimum of two (2) years' successful teaching experience.

Section 3. The program shall be based on the following points:

(1) Working with parents and other citizens to promote desirable home-school relationships.

(2) Acting as liaison with community and state agencies in seeking solutions to the problems of children.

(3) Guiding and counseling individual children in making adjustment to the school situation.

(4) Investigating and correcting home situations which are resulting in nonadjustment and nonattendance.

(5) Working with principals, teachers, and guidance counselors in identifying problems of children and assisting in the solution.

Section 4. Adequate clerical assistance shall be provided. The visiting teacher shall be provided with office space and the necessary equipment and supplies to carry on her activities.

LYMAN V. GINGER

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 3:070)

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130 and 156.160

SUPERSEDES: SBE 40.166

NECESSITY AND FUNCTION: KRS 157.360 requires the superintendent of public instruction to allot units to the unit of school social worker. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. Approval of this unit shall be based upon the needs of the district. The school social worker shall work in cooperation with the director of pupil personnel in carrying out field services such as serving individual pupils who need special understanding, helping with problems of social adjustment, promoting positive adjustment to school experience, and helping pupils find opportunities to continue their educational program toward realization of their potentialities and shall coordinate the finds with their respective teachers.

Section 2. Personnel qualified to serve in an approved unit for school social worker shall hold a certificate valid for the position of school social worker.

Section 3. The program shall be based on the following points:

(1) Case work service with the individual pupil toward the correction of certain personal, social, or emotional maladjustments.

(2) Case work service with parents as an integral part of the task of helping the pupil; to increase parents' understanding, their constructive participation, and their use of appropriate resources.

(3) Case consultation and collaboration with other school

personnel; to gather and give information on a case, and to establish and plan for respective roles in the modification of pupil's behavior.

(4) Cooperative action with the person in charge of pupil personnel services in referral of pupils, cooperation with parents, contact with community social agencies, coordination of school work services with the work of these agencies, and cooperation with such agencies in determining needs for and developing additional case work resources.

Section 4. Adequate clerical assistance shall be provided. The school social worker shall be provided with office space, equipment and supplies to carry on the necessary activities.

LYMAN V. GINGER

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 3:080)

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, and 156.160

SUPERSEDES: SBE 40.167

NECESSITY AND FUNCTION: KRS 157.360 requires the superintendent of public instruction to allot units to the unit of school health coordinator. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. Approval of this unit shall be based upon the needs of the district. The school health coordinator shall work in cooperation with the director of pupil personnel and other school personnel in promoting a school health services program, meeting the health needs of individual pupils and assisting the local school district in complying with the School Health Code of the State Board of Education.

Section 2. Personnel qualified to serve in an approved unit for school health coordinator shall hold a teaching or administrative certificate valid for serving as a teacher at the high school and/or elementary level based on a minimum of a baccalaureate degree and meet the standards by one of the following plans:

(1) Have preparation in a recognized area in health, physical education, and recreation or an area in home economics or a major or minor in one (1) of the following: health, health-physical education, biology, home economics.

(2) Have a total of twelve (12) semester hours consisting of six (6) hours natural science, three (3) hours in nutrition, health or physical education, and three (3) hours in human growth and development.

Section 3. The program shall consist of the following general duties:

(1) Coordinate all comprehensive health screening procedures.

(2) Supervise appropriate follow-up of mass screening and direct to appropriate services for each individual child.

(3) Secure and obtain appropriate consultation for communicable diseases.

(4) Supervise and assess the completeness of periodic health examinations of children.

(5) Establish and supervise first aid facilities for each school.

(6) Assist with parent health education program.

(7) Periodically check with teacher for classroom observation, teacher evaluation, and follow-up in such areas as psychological, speech, and neurological.

(8) Follow-up of prolonged illness with the pupil's physician and interpret physician's recommendations to teacher.

(9) Assist with medical aspect of sports.

(10) Maintain a good dental program.

(11) Assist local school officials in meeting the requirements of the school health code pertaining to school employee medical examinations.

Section 4. The school health coordinator shall be provided with office space, equipment, and supplies to carry on the necessary activities. Adequate clerical assistance shall be provided.

LYMAN V. GINGER

Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 3:090)

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, and 156.160

SUPERSEDES: SBE 40.170

NECESSITY AND FUNCTION: KRS 157.360 requires the superintendent of public instruction to allot units to the unit of physical education teacher. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. No elementary or secondary school shall be considered as having an approved physical education program until programs have been put into operation which meet the guidelines prescribed by the State Board of Education as approved and published in its specified bulletins, syllabi, and courses of study.

Section 2. Personnel qualified to serve in an approved unit of physical education shall meet the criteria of one of the following plans:

(1) For positions in grades seven (7) through twelve (12): any regular certificate which is valid for teaching at the high school level if the holder has one of the following types of specialization: (a) area of concentration in health, physical education and safety; (b) major in health and physical education; (c) major in physical education; (d) minor in physical education.

(2) For elementary positions: beginning with the 1961-62 school year, persons new to the position shall have a regular teaching certificate valid for the elementary school level, a bachelor's degree and eighteen (18) semester hours credit in physical education (courses definitely labeled as physical education rather than health or hygiene). Persons who served in an approved unit of physical education at the elementary level during the 1960-61 school year on the basis of a regular certificate valid at the elementary school level and eighteen (18) semester hours credit in health and physical education may continue to be approved on the same preparation and a regular certificate for the elementary school level.

(3) Twelve-grade positions: a special certificate in health and physical education or any regular certificate which has been officially endorsed for teaching physical education in all twelve (12) grades.

(4) No emergency certificate will be approved for this special ASIS unit.

Section 3. (1) Physical education, to be an integral part of education, shall contribute to and enrich general education by the specific values inherent in a properly organized program of physical activities. Properly organized programs of physical education in the elementary and secondary schools shall provide for boys and girls a well-rounded and progressive program of activities of a physical nature and shall help them acquire skill in the performance of these activities.

(2) The program of physical education shall be developed cooperatively by the administrator, physical education teacher, and other personnel concerned with the total curriculum. The programs shall follow the recommendations contained in the "Approved Guidelines for Health and Physical Education."

Section 4. The functional design of the school plant for physical education shall be predicated upon its use as a community center for recreation as well as an educational unit for the school system. The facilities shall be planned to equitably meet the needs of a modern program of physical education and recreation. Intelligent planning requires consultation with and the cooperation of those who are to use the facilities, the coach, the physical education and health educator, and others who will conduct the activities. The proper number of teaching stations shall be provided in the construction of gymnasiums and playfields as specified by the "Approved Guidelines for Health and Physical Education."

LYMAN V. GINGER

Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 3:100)

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, and 156.160

SUPERSEDES: SBE 40.171

NECESSITY AND FUNCTION: KRS 157.360 requires the superintendent of public instruction to allot units to the unit of health and physical education program consultant. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. (1) A consultant shall be defined as a person who coordinates a school district program of health and/or physical education. Coordination of safety, driver education, athletics, and school recreation programs may be included in this position if a local school district chooses to do so.

(2) Personnel qualified to serve in an approved unit as health and/or physical education consultant shall meet the following standards:

(a) A Masters Degree.

(b) A certificate in health and/or physical education or an administrative certificate issued since September 1, 1935.

(c) An area of concentration in health, physical education, or a minor in health and a major in physical education, or a major in health and a minor in physical education.

Section 2. (1) The consultant shall give leadership to the development of a comprehensive school health program and shall strive for the school district's compliance with the School Health Code of the State Board of Education.

(2) The consultant shall plan, organize, and administer, a program of physical education and other programs which are included in this position. These programs shall follow the guidelines contained in the "Approved Guidelines for Health and Physical Education."

(3) The consultant shall work for better facilities, equipment, and material for improving these school programs.

(4) The consultant shall work in cooperation with the existing supervisory program in the school district.

Section 3. Sufficient office space and clerical assistance shall be provided this unit to allow the consultant's time to be used efficiently and effectively.

LYMAN V. GINGER

Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 3:110)

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130 and 156.160

SUPERSEDES: SBE 40.175

NECESSITY AND FUNCTION: KRS 157.360 requires the superintendent of public instruction to allot units to the unit of music education teacher. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. No elementary or secondary school shall be considered as having met standards or approval in music until programs have been put into operation which meet the minimum guidelines prescribed by the State Board of Education as approved and published in its specified bulletins, syllabi, and courses of study.

Section 2. (1) A special unit for music education will be granted for a person who is teaching music in an elementary and/or secondary school or is teaching music in more than one approved elementary and/or secondary school.

(2) Personnel qualified to serve in an approved unit for music shall hold a certificate which is valid for the level of assignment:

(a) Certificate shall be based upon an area, major or minor in music.

(b) No emergency certificate will be approved for this special ASIS unit.

Section 3. The program shall follow the criteria contained in the "Approved Guidelines for Music Education."

Section 4. Physical facilities for music education shall follow the criteria contained in the "Approved Guidelines for Music Education."

LYMAN V. GINGER

Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET  
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RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, and 156.160

SUPERSEDES: SBE 40.176

NECESSITY AND FUNCTION: KRS 157.360 requires the superintendent of public instruction to allot units to the unit of music program consultant. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. Personnel qualified to serve as a consultant in music education shall have:

(1) A Masters Degree and a major or area in music education.

Section 2. The consultant shall assist in developing an organized music program that provides the following:

(1) Work in cooperation with the existing supervisory program in the school district.

(2) Help plan, correlate and develop the music program in individual schools as well as systemwide.

(3) Give scheduled demonstrations for classroom teachers, serve as a consultant in music, and help individual teachers improve the quality of the music program at the classroom level, such services to be rendered generally in the classroom.

(4) Promote school and district workshops on an in-service basis as much as possible. This will include the use of outside demonstration consultants when available.

(5) Work to improve music facilities, equipment and material and bring about the greatest utilization of music material.

(6) Seek to improve the relation of musical experience to the total school program.

Section 3. Sufficient office space, storage space and clerical assistance shall be provided to allow the consulting teacher's time to be used efficiently and effectively.

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 3:130)

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, and 156.160

SUPERSEDES: SBE 40.180

NECESSITY AND FUNCTION: KRS 157.360 requires the superintendent of public instruction to allot units to the unit of art education teacher. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. Every accredited school shall provide an accepted program in art education as described in the "Approved Guidelines for Art Education."

Section 2. Personnel qualified to serve in an approved unit for art shall meet the standards by one of the following plans:

(1) At the secondary level, hold a regular teaching certificate and have an area of concentration, major, or a minor in art.

(2) At the elementary level, hold a regular teaching certificate valid for the elementary school and have an area of concentration, major or minor in art.

Section 3. Adequate work space, storage areas, display areas, and equipment shall be provided as described in the art education section of "Buildings and Grounds Regulations for Planning."

Section 4. Financial support for instructional media shall be comparable to expenditures for other special areas of study.

LYMAN V. GINGER

Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 3:140)

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, and 156.160

SUPERSEDES: SBE 40.181

NECESSITY AND FUNCTION: KRS 157.360 requires the superintendent of public instruction to allot units to the unit of art program consultant. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. Personnel qualified to serve in an approved unit of art program consultant shall have:

(1) A Masters Degree.

(2) Hold a regular certificate based upon a degree which qualifies the individual to serve at the level assigned.

(3) A major or an area of concentration in art.

Section 2. The art program consultant shall:

(1) Work in cooperation with the existing supervisory program in the school districts.

(2) Help plan, coordinate, and develop art programs in individual schools as well as system-wide.

(3) Serve as a consultant in art to classroom teachers, do demonstration teaching and help individual teachers improve the quality of the art program at the classroom level.

(4) Work to improve art facilities, art equipment and utilization of art materials.

(5) Seek to improve the relationship of art experiences to the total school program.

Section 3. Sufficient office space and clerical assistance shall be provided this unit to allow the consultant's time to be used efficiently and effectively.

LYMAN V. GINGER

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 3:150)

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130 and 156.160

SUPERSEDES: SBE 40.185

NECESSITY AND FUNCTION: KRS 157.360 requires the superintendent of public instruction to allot units to the unit of industrial arts teacher. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. Teachers qualified to serve in an approved unit of industrial arts in a junior and/or senior high school shall meet the certification standards with the following certificate:

(1) A regular certificate, valid at the secondary level, with an area of concentration or a major or minor selected from an approved program of preparation in industrial arts education. Continuing approval of an ASIS unit beginning with the school year 1960-1961 will require a minimum of twenty-four (24) semester hours applicable towards a major or area of concentration.

Section 2. (1) In scheduling industrial arts classes, consideration shall be given to pupil placement with beginning pupils being placed in beginning classes and advanced pupils in advanced classes.

(2) The State Department of Education Bulletin, "Industrial Arts for Kentucky High Schools," shall be used as a manual for guidance by administrators and industrial arts teachers.

(3) The maximum number of pupils per shop class should not exceed twenty-four (24). Drafting classes should not exceed that of the normal classroom unit.

(4) The length of class periods shall be equal to other classes requiring laboratory experiences.

(5) A school with one industrial arts teacher should offer a comprehensive general shop program including not less than three (3) broad unrelated areas.

(6) Evaluative procedures shall be included in the plans for the program.

Section 3. (1) Minimum space requirements shall be forty (40) square feet per pupil in drafting classes and sixty (60) square feet per pupil in shop classes exclusive of adequate auxiliary facilities such as storage rooms, a planning room and a finishing room.

(2) The shop shall be provided with equipment adequate for the instructional program.

(3) An adequate shop budget shall be provided.

LYMAN V. GINGER

Superintendent of Public Instruction

## ADMINISTRATIVE REGISTER

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:32 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 3:160)

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130 and 156.160

SUPERSEDES: SBE 40.186

NECESSITY AND FUNCTION: KRS 157.360 requires the superintendent of public instruction to allot units to the unit of local director of vocational education. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. Personnel qualified to serve in an approved unit as local director of vocational education shall meet the following standards:

- (1) Be a graduate from an accredited college or university with a Master's degree and professional preparation in an approved curriculum of vocational education.
- (2) Have three (3) years of progressively responsible experience working with vocational education programs.
- (3) Hold the Kentucky education certificate designated for this position.

Section 2. The program of local supervision in vocational education shall make provision for:

- (1) Coordinating and directing the development of the annual and long-range education plan for the local school districts in cooperation with educational agencies, an advisory committee, and other planning agencies that relate to the local school district.
- (2) Planning, coordinating, and developing programs in individual schools as well as systemwide.
- (3) Cooperating with the existing supervisory program in the school district.
- (4) Improving vocational facilities, equipment, and utilization of vocational materials.
- (5) Planning for teacher and community participation in development of curriculum.
- (6) Planning for professional improvement of the vocational staff.
- (7) Evaluating vocational programs.

Section 3. Sufficient office space and clerical assistance shall be provided this unit to allow the local director of vocational education to use his time efficiently and effectively.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 3:170)

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, and 156.160

SUPERSEDES: SBE 40.190

NECESSITY AND FUNCTION: KRS 157.360 requires the superintendent of public instruction to allot units to the unit of school media librarian. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. Personnel serving in an approved unit for school media librarian shall meet certification standards in the official regulations of the State Board of Education.

Section 2. The organization and administration of a functional program shall provide:

- (1) A systematic plan for the selection and acquisition of books and other materials.
- (2) A loan system for student use.
- (3) Provisions for every child to have access to the library.
- (4) Not less than half-time librarian.

Section 3. The quarters and facilities being utilized shall provide:

- (1) A central location.
- (2) Space consisting of a reading room for pupils and a workroom and storage area.

(3) Space and equipment for the listening and viewing of audio/visual materials.

(4) Standard library furniture and other equipment that permits an efficient operation.

LYMAN V. GINGER

Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 3:180)

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, and 156.160

SUPERSEDES: SBE 40.195

NECESSITY AND FUNCTION: KRS 157.360 requires the superintendent of public instruction to allot units to the unit of school psychologist or school psychometrist. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. (1) A school psychologist holding a valid teaching certificate and currently employed shall be approved for a special service unit in 1959-60, and until such time as criteria including certificate standards are adopted by the State Board of Education.

(2) The position of school psychometrist is defined as a skilled technician employed by the school district to assist principals, supervisors, guidance counselors, and teachers in the measurement of abilities, achievements, progress and other characteristics of school pupils.

Section 2. A person qualified to serve in an approved unit of school psychometrist shall have a certificate valid for the position of school psychometrist.

Section 3. (1) The school psychometrist employs his specialized knowledge and skills in the measurement of pupil characteristics and abilities in the schools under the direction of the school's administrative and supervisory officers. While he has specialized in the evaluation and measurement of the psychological and educational traits of young persons, and in the statistical treatment of numerical data obtained by evaluative methods, he is neither a psychologist nor an instructional supervisor.

(2) The purpose of the services rendered by the school psychometrist to members of the school's staff is to provide more accurate data than would otherwise be available regarding individual pupils and groups of pupils in the school. The school psychometrist's chief responsibility is to recommend and to direct the application of those measuring instruments which will provide most accurately the information about pupils desired by other staff members. He discharges these responsibilities by:

- (a) Selecting and recommending the measuring devices that are the most valid and reliable indicators of the pupil characteristics to be considered.
  - (b) Planning, organizing and directing the administration of the tests or other devices chosen by the school staff member or members.
  - (c) Planning, organizing and directing the scoring of the measures administered.
  - (d) Converting the raw scores into such terms as are desired by the staff.
  - (e) Making such statistical calculations as are needed by the staff.
  - (f) Preparing charts, graphs and other interpretative materials for the use of the staff.
  - (g) Keeping and filing for later reference the important data obtained.
  - (h) Selecting, training and supervising clerical workers employed to score tests, collect data, and carry out statistical tasks in his office.
  - (i) Conducting minor research studies of groups of school pupils for administrative, supervisory or guidance officers.
  - (j) Assisting guidance officers in obtaining and organizing pertinent data needed regarding individual students.
  - (k) Making diagnostic studies of the individual child.
- (3) The purpose of the services rendered by the school psychometrist to other individuals and groups is to conserve the time of the school's teachers, guidance counselor(s) and administrative and supervisory personnel in supplying recorded data regarding students to agencies or individuals not directly involved in the school's educational programs. This responsibility is discharged by:
- (a) Supplying data regarding students to approved state, national or university research workers.
  - (b) Supplying data regarding students who transfer to other school systems or who graduate and apply for admission to colleges, etc.
  - (c) Supplying data regarding students to prospective employers.

- (d) Supplying data regarding gifted students to approved organizations seeking to honor or to aid such students.
- (e) Supplying data regarding handicapped students to approved groups seeking to stimulate interest in and aid for such students.
- (4) The work of the school psychometrist supplements the work of the guidance counselor. Therefore, the position of guidance counselor shall be established in the school or school district before that of the school psychometrist.

Section 4. Provision of office space, financial support and clerical assistance shall be provided.

LYMAN V. GINGER

Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 3:190)

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, and 156.160

SUPERSEDES: SBE 40.200

NECESSITY AND FUNCTION: KRS 157.360 requires the superintendent of public instruction to allot units to the unit of driver education and traffic safety teacher. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. Driver education and traffic safety is the comprehensive program of learning experiences provided by schools for the purpose of teaching students knowledge, skills, and attitudes necessary to their well-being. Through effective instruction, the driver education and traffic safety course can do a great deal to promote traffic efficiency and safety.

Section 2. Driver and traffic safety education teachers shall be required to complete the certificate endorsement (12 hours) for driver education. No emergency certificates shall be approved for this special unit.

Section 3. The driver and traffic safety education program shall follow the guidelines found in "Approved Guidelines of Driver and Traffic Safety Education."

Section 4. Financial support shall be provided for maintenance of a car(s).

LYMAN V. GINGER

Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 3:200)

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, and 156.160

SUPERSEDES: SBE 40.205

NECESSITY AND FUNCTION: KRS 157.360 requires the superintendent of public instruction to allot units to the unit of finance officer. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. The school business administrator shall be responsible under the direction of the local superintendent for the financial affairs of the school district. He shall be responsible to the superintendent for budget and accounts control and shall generally supervise personnel concerned with accounting procedures. He may serve as treasurer of the board of education.

Section 2. Personnel qualified to serve in an approved unit for school business administrator shall meet one of the following plans:

(1) Hold either the Provisional or the Standard Certificate for School Business Administrator.

(2) Persons serving in an approved unit for finance officer during the 1966-67 school year on the basis of a regular teaching certificate may continue to serve under the title of finance officer in the same school district provided the teaching certificate is kept valid.

Section 3. (1) The application for the unit shall state that the school business administrator will be employed full-time in his duties.

(2) The application shall clearly set forth the school business administrator's functions and duties and the procedures to be followed in carrying them out.

Section 4. Provision of office space and financial support shall be provided.

LYMAN V. GINGER

Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 3:210)

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, and 156.160

SUPERSEDES: SBE 40.210

NECESSITY AND FUNCTION: KRS 157.360 requires the superintendent of public instruction to allot units to the unit of school lunch director. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. The district school lunch director shall be defined as a person who works with others to plan, develop, administer, and supervise the school lunch program on a school districtwide basis, as part of the school curriculum.

Section 2. Personnel qualified to serve in an approved unit for school lunch director shall meet the standards by one of the following plans:

(1) Hold a high school certificate with a major in home economics with three (3) years of experience in teaching or work related to education.

(2) Hold a valid high school or elementary certificate with a minimum of nine (9) semester hours of approved work in the area of foods and nutrition and also have three (3) years of experience in teaching or work related to education.

(3) Personnel new to the program beginning with the school year 1957-58 shall be qualified to serve in an approved unit for district school lunch director provided that they meet one of the following qualifications:

(a) Hold a high school certificate with a major in home economics and provided they have had one (1) year experience in teaching or work related to education, or

(b) Hold a provisional high school or provisional elementary certificate with a minimum of nine (9) semester hours of approved work in the area of foods and nutrition and an additional nine (9) semester hours of approved work in the area of foods and nutrition and an additional nine (9) semester hours of foods and nutrition or related subjects such as: Administration, Biological Chemistry, Child Care and Development, Curriculum Development, Economics, Evaluation, Food Chemistry, Institutional Management, Institutional Marketing, Methods of Teaching, Organic Chemistry, Physiology, Psychology, Sociology, Supervision, Visual Teaching, and provided they have had one (1) year experience in teaching or work related to education.

(c) In addition to the requirements in paragraphs (a) or (b), persons new to the program beginning with the year 1958-59 shall be required to have three (3) years of experience in teaching or work related to education.

Section 3. The plans for a school lunch program shall deal with ways to achieve full service, effective personnel, and financial management, economical purchase and storage, adequate facilities, and desirable health practices, and means of interpreting these to the community.

Section 4. Office space, equipment, supplies necessary to carry out the program, typewriter, mimeograph machine, desk, phone, and other items depending upon the needs in the school community, and adequate financial support to insure an effective program shall be provided.

LYMAN V. GINGER

Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 3:220)

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

SUPERSEDES: SBE 40.215

NECESSITY AND FUNCTION: KRS 157.360 requires the superintendent of public instruction to allot units to the unit of supervisor of instruction. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. (1) A supervisor of instruction is a person who devotes the allotted time for supervision to providing leadership services in the improvement of instruction in the school program by working with administrators, teachers, other supervisors, and the lay public.

(2) In districts entitled to a fractional unit or one (1) unit for a supervisor, this unit or fraction shall be for a general supervisor. Districts entitled to more than one (1) unit for a supervisor shall employ a general supervisor for the first unit.

Section 2. (1) A supervisor of instruction shall hold a certificate valid for the position at the appropriate level: elementary, secondary, or twelve grade. The Standard Special Education Certificate for Supervisors shall be required of persons who supervise the educational programs of all types of handicapped children.

(2) Emergency certificates shall not be issued for the position of supervisor.

(3) The personal qualifications of the person for a position of leadership in the improvement of instruction shall weigh heavily in the establishment of a program of supervision for instructional services.

Section 3. The program of supervision shall make provision for:

(1) Cooperative curriculum revision and development involving the total staff.

(2) Assistance in the selection and use of good instructional materials.

(3) Preparation of study guides, courses of study, handbooks, and other materials adapted to local needs.

(4) Cooperative efforts with principals and classroom teachers to improve the learning environment in schools and to meet pupil needs.

(5) Adequate evaluation of the supervisory program in terms of improved instructional services.

Section 4. Adequate office space and necessary office equipment shall be provided; sufficient clerical help shall be provided to enable the supervisor to use her time effectively; financial support shall be provided to the degree necessary to permit proper classroom supervision and to furnish those supplies, instructional materials and other items of expense of the supervisor's office.

LYMAN V. GINGER

Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 3:230)

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130 and 156.160

SUPERSEDES: SBE 40.220

NECESSITY AND FUNCTION: KRS 157.360 requires the superintendent of public instruction to allot units to the unit of director of pupil personnel. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. Each board of education shall employ a director of pupil personnel.

Section 2. A director of pupil personnel shall hold a certificate valid for the position of director of pupil personnel or attendance officer or official approval from the superintendent of public instruction. In the event that a person holding regular certification for the position of director of pupil personnel cannot be secured by the local board of education either locally or from a listing of available personnel supplied by the Department of Education, the superintendent of public instruction will approve the employment for a one-year period of a person who has

- (1) A classroom teaching certificate
- (2) A Master's degree, and
- (3) Two (2) years of successful teaching experience.

Section 3. (1) The director of pupil personnel shall be

responsible for working with pupils, teachers, and parents in developing and understanding the functions of the school. He shall devote his time and effort to discovering problems of social adjustment that result in nonattendance and lack of adjustment of the school situation and seek means to correct these conditions.

(2) The director of pupil personnel shall be responsible for the records and reports relating to attendance and pupil personnel accounting.

(3) The director of pupil personnel shall initiate and conduct research projects which will aid in planning the total school program.

(4) The director of pupil personnel shall cooperate with the community and state agencies and utilize resources in seeking solutions to the problems of children.

(5) The director of pupil personnel shall be responsible for the enforcement of the compulsory attendance and census laws and shall secure the enrollment of all children who should be enrolled and keep such children in reasonably regular attendance.

Section 4. The director of pupil personnel shall be furnished with the necessary office space to properly carry out the functions of his office, together with the filing cabinets and other equipment needed for efficient operation. Sufficient clerical assistance shall be provided to permit accurate accounting for all pupils in the local system.

LYMAN V. GINGER

Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 3:240)

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, and 156.160

SUPERSEDES: SBE 40.225

NECESSITY AND FUNCTION: KRS 157.360 requires the superintendent of public instruction to allot units to the unit of reading program consultant. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. Personnel qualified to serve as a consultant in a reading program shall have:

- (1) A Master's degree.
- (2) A regular certificate.
- (3) Evidence of special preparation in the teaching of reading.
- (4) Special approval by the assistant superintendent for instruction.

Section 2. The consultant shall:

- (1) Work in cooperation with the existing supervisory program in the school district.
- (2) Help plan, correlate and develop the reading program in individual schools as well as systemwide.
- (3) Give scheduled demonstrations for classroom teachers, serve as a consultant in reading and help individual teachers improve the quality of the reading program at the classroom level, such services to be rendered generally in the classroom.
- (4) Promote school and district workshops on an in-service basis as much as possible. This will include the use of outside demonstration consultants when available.
- (5) Work to improve reading facilities, equipment, and material and bring about the greatest utilization of reading materials.
- (6) Seek to improve the relation of reading experiences to the total school program.

Section 3. Sufficient office space, storage space and clerical assistance shall be provided to allow the consulting teacher's time to be used efficiently and effectively.

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Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 3:250)

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130 and 156.160

SUPERSEDES: SBE 40.230



**NECESSITY AND FUNCTION:** KRS 157.360 requires the superintendent of public instruction to allot units to the ASIS unit of special education work-study program coordinator. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. (1) A Work-Study Program for Exceptional Children and Youth shall include instruction in the classroom and placement in actual on-the-job working situations under the supervision of a work-study program coordinator.

(2) The on-the-job training phase of the program shall be a cooperative arrangement between the school system and employers whereby students receive actual part-time job training under the joint supervision of the school and employers.

(3) The work-study program coordinator shall have the responsibility for the coordination of the program between the school and employers.

(4) The coordinator shall supervise exceptional students between the ages of sixteen (16) and twenty-one (21) who are enrolled in a special education program and/or enrolled in regular classes.

(5) The maximum number of students shall depend on the types of handicapped individuals included in the program and the size of the school district.

(6) The school system shall give school credit for the time in which the student is in the on-the-job training program.

(7) Students' wages shall be paid directly to the student.

(8) The student shall not pay any fees for job placement under this program.

Section 2. Students shall be counted in attendance full-time on this basis on the rolls of the special education program, or the homeroom, in which they are enrolled. Students participating in the work-study program shall not spend more than the equivalent of one-half of the school year in the on-the-job training. Absences from either phase of the program shall be recorded according to the usual methods.

Section 3. The work-study coordinator shall hold a valid special education teaching certificate or a special education supervision certificate.

LYMAN V. GINGER

Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 3:260)

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, and 156.160

SUPERSEDES: SBE 40.235

**NECESSITY AND FUNCTION:** KRS 157.360 requires the superintendent of public instruction to allot units to the unit of special consultants in academic subjects. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. Personnel qualified to serve as a consultant in a special subject area shall have at least a teaching major or area of concentration in the specific academic subject field, a Master's degree, and a regular teaching certificate and shall be approved in advance of employment by the State Department of Education.

Section 2. The consultant shall work in cooperation with the existing supervisory program in the school district or districts.

Section 3. Sufficient office space and clerical assistance shall be provided to allow the consultant's time to be used efficiently and effectively.

LYMAN V. GINGER

Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 3:270)

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130 and 156.160

SUPERSEDES: SBE 40.240

**NECESSITY AND FUNCTION:** KRS 157.360 requires the superintendent of public instruction to allot units to the unit of teacher-consultant in programs for exceptional children. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. An administrative and special instruction services unit shall be approved for qualified persons to serve as a teacher-consultant provided that the local school district has a total special education teaching staff exceeding ten (10) in at least two (2) areas of exceptionality.

Section 2. Personnel qualified to serve as a teacher-consultant in a specific area of exceptionality shall have certification and three (3) years teaching experience in the area of exceptionality, a Master's degree, and shall be approved in advance of employment by the State Department of Education.

Section 3. The teacher-consultant shall work in cooperation with the existing supervisory program in the school district.

Section 4. Sufficient office space and clerical assistance shall be provided to allow the teacher-consultant's time to be used efficiently and effectively.

LYMAN V. GINGER

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 4:010)

RELATES TO: KRS 156.160

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

SUPERSEDES: SBE 48.001, 48.002, 48.003, 48.004, 48.005, 48.006, 48.020, 48.030, 48.040, 48.050, 48.060, 48.070, and 48.080

**NECESSITY AND FUNCTION:** KRS 156.160 requires the superintendent of public instruction to prepare regulations governing medical inspection, physical education and recreation, and other rules and regulations deemed necessary or advisable for the protection of the physical welfare and safety of the public school children.

Section 1. (1) All elementary school pupils shall receive organized physical education instruction which shall total a minimum of 120 minutes per week.

(2) In the secondary school, opportunities for physical education experiences shall be provided for each pupil.

(3) No elementary or secondary school shall be considered as having met physical education regulations until programs have been put into operation which meet the "Approved Guidelines of Physical Education."

Section 2. Each school shall include health instruction in its curriculum for grades K-12. All pupils shall receive health instruction in programs meeting the "Approved Guidelines of Health Education."

LYMAN V. GINGER

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 4:020)

RELATES TO: KRS 156.160

PURSUANT TO: KRS 13.082, 156.070, 156.130 and 156.160

SUPERSEDES: SBE 48.011

**NECESSITY AND FUNCTION:** KRS 156.160 requires the superintendent of public instruction to prepare regulations governing medical inspection, physical education and recreation, and other rules and regulations deemed necessary or advisable for the protection of the physical welfare and safety of the public school children.

Section 1. School employee medical examinations shall be required for the protection of the physical welfare and safety of the public school children:

(1) All local boards of education shall require a medical examination of each teacher upon initial employment which shall include a tuberculin skin test. All positive reactors

shall obtain a chest x-ray for evidence of tuberculosis. Local school authorities shall require each year thereafter a repeat tuberculin skin test for all tuberculin nonreactors and a chest x-ray for all positive reactors, followed by the currently acceptable treatment of tuberculosis infection or disease. Additional tests and examinations may be required as deemed necessary by the local boards of education.

(2) All local boards of education shall require a medical examination of each school bus driver in accordance with the requirements of the State Board of Education regulations pertaining to pupil transportation, upon initial employment and each year thereafter. The medical examination shall include test for tuberculosis, hearing and vision disorders, emotional instability, and for serious medical diseases including diabetes, epilepsy, heart disease, and other chronic or communicable diseases if indicated in the opinion of the examining physician. (All medical examinations of school bus drivers shall be reported on the special form approved by the State Department of Education.)

(3) All local boards of education shall require a medical examination of each custodian, cafeteria worker, and other school employees upon initial employment which shall include a tuberculin skin test. All positive reactors shall obtain a chest x-ray for evidence of tuberculosis. Local school authorities shall require each year thereafter a repeat tuberculin skin test for all tuberculin nonreactors and chest x-ray for all positive reactors followed by the currently acceptable treatment for tuberculosis infection or disease. Additional tests and examinations may be required as deemed necessary by the local boards of education.

Section 2. All local boards of education shall require a medical examination of each child within a period of six (6) months prior to, or one (1) month following his initial admission to school regardless of grade. All local boards of education shall have an approved program of continuous health supervision for all school enrollees; such supervision shall include scheduled screening tests for tuberculosis, vision, hearing and dental:

(1) An effective mechanism for referral and appropriate follow-up of any apparent abnormality noted by screening examination or teacher observation shall be recorded on school health records within nine (9) weeks of screening program or detection of abnormality.

(2) Each school shall develop emergency care procedures to take care of accidents and sudden illnesses occurring in the school. The emergency care procedures shall include first aid facilities, personnel with first aid training, parents' telephone number, name of family physician, and means of transportation when necessary.

(3) Local boards of education shall require all vaccinations and immunizations as required by law or regulations:

- (a) Except as otherwise provided by law, all children shall be required to present a valid immunization certificate upon enrollment in school, and a valid up-to-date immunization certificate shall be on file for all children at all times. The governing body of private and public schools shall enforce the provisions of this subsection in accordance with the established laws.
- (b) Children transferring into any school district shall comply with the above requirements.

Section 3. (1) Each elementary and secondary school shall initiate a cumulative health record for each pupil entering school. Such record shall be maintained throughout the pupil's attendance. Such record shall be uniform and shall be on forms prescribed by the Superintendent of Public Instruction. Such record shall include health data of the pupil including screening test, teacher observation, and physician's and dentist's recommendations. A follow-up by the proper health or school authorities shall be made on each defect noted and the result recorded.

(2) Local school authorities shall report all known or suspected cases of communicable disease immediately to the local health department.

Section 4. All boards of education shall, in relation to each school under its jurisdiction, provide and maintain a physical environment that is conducive to the health and safety of school children. It shall be the responsibility of all local boards of education to comply with current laws and regulations applicable to all public buildings pertinent to health, sanitation, and safety. In accordance with current regulations and standards it shall be the responsibility of all local boards of education to provide:

- (1) An adequate supply of water of safe, potable, sanitary quality.
- (2) A sanitary disposal of sewage, other water carried waste, and solid waste.
- (3) Adequate toilet and lavatory facilities and other sanitary fixtures according to the State Plumbing Code.
- (4) Adequate heating, lighting, and ventilation in all school buildings.
- (5) Adequate facilities and equipment for cafeterias and lunchrooms as required by the State Food Service Code.
- (6) Supervision of general sanitation and safety of the school buildings, grounds, and playground equipment.
- (7) Adequate first aid facilities.
- (8) Adequate control of air pollutants as required by the Department for Natural Resources and Environmental Protection, Division of Air Pollution.

Section 5. Each board of education, based on needs, shall designate a person to serve as School Health Coordinator. Such person shall meet the minimum qualifications required of this position. The school health coordinator shall work in cooperation with the Director of Pupil Personnel, other local school officials, the Bureau of Pupil Personnel Services in the State Department of Education, and the local health department in planning, promoting, and implementing a school health services program that meets the requirements of the school health code adopted by the State Board of Education.

Section 6. Each school district shall require a medical examination for each child that engages in a strenuous, athletic, physical activity at the beginning of each school year in which he or she participates or more often if deemed necessary due to illness or injury.

Section 7. Each school district shall require its curriculum to include health instruction, stressing timely and local health problems such as alcoholism, drug abuse, personal hygiene, accident prevention, family living, environmental health, nutrition, venereal disease, and consumer health.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:38 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 5:010)

RELATES TO: KRS 158.300, 158.310, 158.320, 158.330, 158.340, and 158.350

PURSUANT TO: KRS 13.082, 156.070, 156.160, 156.130

SUPERSEDES: SBE 50

NECESSITY AND FUNCTION: KRS 158.300(1) states: "Kindergarten-Nursery School" means any private kindergarten or nursery school which provides educational experiences for four or more children, between the ages of three and six years, in return for tuition, fees or other forms of compensation; provided, that the kindergarten or nursery school shall not include any public, private school or college operating under the accreditation program of the State Department of Education.

Section 1. (1) Permits shall be of two kinds, Regular and Provisional. A Regular Permit shall be issued when the school has met all requirements provided for by the regulations of the State Board of Education and the law. A Provisional Permit shall be issued when the school does not meet the requirements provided for by the regulations of the State Board of Education and the law for a Regular Permit, but shows intention of meeting the full requirements within a three-year period.

(2) The Permit shall be posted in a conspicuous place in the School.

(3) A Regular or Provisional Permit shall be issued when a completed application, accompanied by a fee of thirty-five dollars (\$35), has been approved. Permits shall be subject to renewal annually on payment of a ten-dollar (\$10) fee. When a school holding a Provisional Permit fails to meet the requirements for a Regular Permit, the Superintendent of Public Instruction, at his discretion, may continue to reissue Provisional Permits for a reasonable length of time beyond the three-year period stated above.

Section 2. (1) The educational qualifications of the instructional staff are an indication of the quality of the educational program.

(2) For a Regular Permit at least one (1) member of the instructional staff shall hold a Baccalaureate Degree in elementary education from a recognized college or university. All other staff members shall be graduates of an accredited high school and prepared to take in-service training.

(3) For a Provisional Permit one (1) or more instructional staff members shall have a minimum of two (2) years of college training (60 semester hours) in elementary education. Recommended courses include: Child Development, Methods Course in Pre-Primary Teaching, Children's Literature, Science, Music, Plays and Games, and Arts and Crafts. All other staff members shall be graduates of an accredited high school and prepared to take in-service training.

(4) All adult personnel shall file with the annual report to the State Department of Education a certificate from a qualified physician indicating their physical health, including freedom from tuberculosis as ascertained by physical and chest x-ray examinations. This regulation shall apply to all members of a household, if the school is maintained in a private residence. These records shall be open for inspection at all times.

Section 3. (1) The child-instructional staff ratio shall

be as follows:

Age 3:	10 children	1 adult
	11 - 15 children	1 adult and 1 full-time assistant
Age 4:	15 children	1 adult
	16 - 25 children	1 adult and 1 full-time assistant
Age 5:	20 children	1 adult
	21 - 35 children	1 adult and 1 full-time assistant

(2) Children shall never be left without one (1) adult in attendance and the availability of a second person.

Section 4. If the school provides transportation, insurance comparable to the local public school district's transportation insurance coverage shall be carried.

Section 5. (1) The program shall provide opportunities and experiences in accordance with each child's level of comprehension and rate of growth.

(2) The program shall include desirable experiences in:

- (a) Social living
- (b) Physical development
- (c) Emotional growth and stability
- (d) Literature, language, science, music and art
- (e) Creative activities

(3) A good program shall be informal and flexible with a suitable balance between quiet and active periods. This type program requires careful daily planning if the individual needs and interests of each child are to be met. A record of each child's needs and interests will be beneficial to the instructor in her daily planning.

Section 6. The kindergarten facility shall not only provide for the health, safety, and comfort of children and staff but enhance the educational program as well:

(1) No school shall be operated above the second story. Basement quarters shall be permitted only after authorization of the State Department of Education.

(2) There shall be at least thirty-five (35) square feet of space in the classroom for each child enrolled.

(3) There shall be facilities with hooks or a bar at a height to allow children to handle their wraps independently.

(4) All stairs shall have good hand rails at the right height for the age children who will use them. Second floor stairs in schools used by three (3), and four (4) year old children shall be guarded by gates which are kept closed when stairways are not in use.

(5) There shall be open shelving in the playrooms to hold blocks, toys, and other materials children should reach for themselves. All of this shelving shall be low. Space shall be left near this shelving for block building and the use of floor toys.

(6) There shall be closed storage space for extra consumable materials and other equipment not in use.

(7) Bulletin boards shall be placed low enough for children to see their work displayed there.

(8) All exits shall open outward and safety locks shall be placed on any doors leading to the street.

(9) Every school shall be equipped with fire extinguishers with a separate carbon dioxide extinguisher or its equivalent for each kitchen maintained. All staff members shall be trained in the use of fire extinguishers.

(10) All gas heaters shall be vented.

(11) There shall be at least sixty (60) square feet of yard space per child enrolled.

(12) The yard surface shall be well drained with grassy and asphalted areas, shady and sunny spaces.

(13) The yard shall be completely fenced or otherwise protected when hazardous conditions exist to insure the safety of the children.

(14) All kindergarten/nursery schools shall be in compliance with the regulations of the Division of Buildings and Grounds, State Department of Education, pertaining to public school kindergarten facilities, as well as the regulations of the office of the State Fire Marshal.

(15) A certificate or statement of approval from the State Fire Marshal's Office shall be kept on file at the school.

Section 7. The health of young children is of extreme importance and every effort shall be made to insure good health standards are being maintained:

(1) Heating shall be of a type that would keep floor warm and the room temperatures at sixty-eight (68) to seventy-two (72) degrees and guarded so that children cannot be burned by hot apparatus.

(2) There shall be warm water available at all times.

(3) A drinking fountain or water from individually dispensed paper cups shall be made easily accessible to classroom, playroom or yard.

(4) Refrigeration shall be provided where children are served milk or juice as mid-morning and/or mid-afternoon refreshment.

(5) All first-aid materials shall be kept beyond the reach of children.

(6) Toilet and wash basin facilities shall be provided and toilet tissue, soap, and paper towels shall be available at all times.

(7) All children shall have the same recommended immunizations as those required for enrollment in First Grade.

(8) For each thirty (30) children enrolled, there shall be at least fifty (50) square feet in a separate room or a partitioned-off space for isolating a child who is ill.

(9) All kindergarten/nursery schools shall be in compliance with the regulations of the Bureau for Health Services of the Department for Human Resources that pertain to public school kindergartens.

(10) Sanitation shall meet the regulations established by the Bureau for Health Services of the Department for Human Resources.

Section 8. Even though a kindergarten room is well equipped and contains an abundant supply of materials, this is no guarantee that there will be an effective program. The teacher must know how to use the equipment and supplies effectively and what takes place in a kindergarten room is limited only by the imagination of the teacher:

(1) All furniture shall be child size, sturdy and washable.

(2) There shall be a piano and/or record player for each school.

(3) The housekeeping area shall be set up to include equipment such as: doll bed, dolls, tea table and chairs, dishes, stove, cooking utensils, telephone, broom, dust pan and mop. This type equipment shall be scaled to the size of the children.

(4) Wooden unit blocks of various shapes and sizes with shelving for storage, large hollow blocks and ramps, and walking boards shall be provided.

(5) The library area shall be provided with a table and chairs, book trolley or shelves and from five (5) to ten (10) well-selected books per child.

(6) Manipulative equipment, consisting of such items as blocks, puzzles, clay, scissors, trains, trucks, boats, airplanes, cars, animals, and people is essential and shall be provided each kindergarten room.

(7) Consumable materials in ample supply shall be available in each kindergarten room and shall include such things as newsprint paper, powder paints, brushes, crayons, paste, and construction paper.

(8) Some type of easel shall be provided all children in the three (3) to five (5) age range.

(9) Outdoor equipment contributing to good physical development shall include some of the following or similar items: slide, jungle-gym, or other climbing apparatus, sand pit or box, rail fences or saw horses, walking boards or planks, packing boxes, hollow blocks, balls, and wheel toys such as tricycles, wagons, kiddie cars, or scooters.

Section 9. This regulation shall in no way limit or modify the authority of other regulatory agencies for enforcement of their rules and regulations.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 5:050)

RELATES TO: KRS 157.312, 157.315, 157.360, 158.070, 158.090 and 158.300

PURSUANT TO: KRS 13.082, 156.070, 156.130 and 156.160

SUPERSEDES: SBE 51

NECESSITY AND FUNCTION: KRS 157.315 requires the State Board of Education to adopt regulations defining and prescribing the criteria for kindergartens in the common schools and the eligibility requirements of pupils to attend these classes.

Section 1. (1) Each teacher of kindergarten shall hold a regular elementary certificate and shall have completed the courses specified in the State Board of Education Regulations.

(2) Teachers must be aware of the physical, social, emotional and intellectual needs of young children; how they grow and develop, how personality development is affected by educative experiences; and how their needs may best be met through guidance adapted to each individual child.

(3) Provisional and Standard Elementary Certificates issued after September 1, 1971, shall be valid for teaching at the kindergarten level only upon completion of the endorsement program for kindergarten teaching.

Section 2. The pupil-teacher ratio shall be such as to insure safety and guidance for the growth and development of children. The pupil-teacher ratio shall not exceed twenty (20) children per teacher.

Section 3. A child who is five (5) years of age on or before December 31 following the opening of school may enter kindergarten.

Section 4. (1) There shall be a minimum of thirty-five (35) square feet of floor space per child within the classroom. The requirements for heating, lighting, and ventilation shall be in accordance with the State Board of Education Regulations. The classroom shall be located on the first floor to provide safety for children.



(2) The room shall provide adequate storage space with individual locker space for each child.

(3) Drinking fountain, a sink of child height with warm and cold water, and toilet facilities shall be made as easily accessible as possible.

Section 5. The length of the school day for kindergarten shall be not less than three (3) hours. The session may be lengthened to include lunch.

Section 6. The program shall include desirable experiences in social living, physical development, emotional growth and stability, language arts, science, music, art, and creative activities. The program shall provide opportunities and experiences in accordance with each child's level of comprehension and rate of growth.

Section 7. There shall be an adequate amount of good equipment and consumable materials to provide for a well-balanced activity program for children, recognizing individual and group differences.

LYMAN V. GINGER

Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Vocational Education  
(705 KAR 5:010)

RELATES TO: KRS 156.070, 157.320, and 163.030

PURSUANT TO: KRS 13.082

SUPERSEDES: SBE 73.220

NECESSITY AND FUNCTION: To establish proper procedures for determining the number of secondary school students eligible for enrollment in area vocational education centers when more than one (1) local school district enrolls students in such a facility.

Section 1. The enrollment quota for eligible secondary school students, fifteen (15) years of age and older, for each cooperating local school district utilizing the facilities of an area vocational education center shall be determined on a pro rata basis. Quotas shall be determined by the following factors: (a) the ratio of secondary school students which are enrolled in grades nine (9) through twelve (12) in a given school district to the total number of students enrolled in grades nine (9) through twelve (12) in all of the cooperating local school districts; (b) the total enrollment capacity of the area vocational education center during the regular school day; and (c) the total capacity of each vocational education program offered in the area vocational education center during the regular school day.

Section 2. Each participating local school district shall receive its equitable quota of secondary school students to attend the center and to enroll in the different programs offered in the center. If a given local school district does not fill its quota, the enrollment vacancies shall be reallocated to the other cooperating local school districts on the same basis that the original quotas were established.

Section 3. Quotas shall be determined by the regional director of vocational education and the coordinator of the area vocational education center working in cooperation with the official steering committee appointed for the area vocational education center. Quota calculations shall be submitted to the Assistant Superintendent for Vocational Education for his consideration and recommendation to the Superintendent of Public Instruction for approval.

LYMAN V. GINGER

Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Vocational Education  
(705 KAR 5:030)

RELATES TO: KRS 163.020, 163.030, 180.320, and 280.320

PURSUANT TO: KRS 13.082

SUPERSEDES: SBE 76.200 (3)

NECESSITY AND FUNCTION: To establish the limits for reimbursement of school bus transportation expenses incurred by local school districts sending their students to state vocational-technical schools and area vocational education centers.

Section 1. Local school districts shall be reimbursed for the transportation costs of their secondary school students attending officially designated state vocational-technical schools and area vocational education centers. Mileage for the purpose of reimbursement shall be calculated from the secondary school to the area vocational school and back to the secondary school. Reimbursement shall be based on the state's average cost per bus mile for the previous school year, exclusive of the pay for the bus driver, as calculated by the Division of Pupil Transportation, Bureau of Administration and Finance.

Section 2. Local school districts shall be reimbursed for the actual number of days students are transported to the area vocational school up to a maximum of one hundred seventy-five (175) school days per year.

Section 3. Reimbursement for bus transportation shall be limited to the expenses allowable for transporting secondary school students to the nearest officially designated state vocational-technical school or area vocational education center. However, this shall not preclude a local school district from sending certain students to a more distant area vocational school to enroll in a particular program which is not available in the officially designated school if the local school district is prepared to pay the extra transportation costs.

Section 4. Twelve (12) or more secondary school students shall constitute the basis for one hundred (100) percent reimbursement of the bus transportation expenses. When there are fewer than twelve (12) students to be bussed, transportation reimbursement (including pay for the driver) shall be prorated on the basis of the actual number of students transported.

Section 5. Reimbursement for bus driver expenses shall be on an hourly basis not to exceed the hourly rate paid other bus drivers employed in the local school district.

Section 6. Local school districts that do not provide public transportation for their secondary school students shall be reimbursed on an individual basis in terms of each negotiated contract made with another party. The average cost per bus mile for the state for the previous school year as calculated by the Division of Pupil Transportation, Bureau of Administration and Finance, shall serve as the guide in determining the level of reimbursement.

Section 7. Reimbursement for the employer's share in matching social security costs shall be made only when such requests are submitted as part of the annual budget request.

LYMAN V. GINGER

Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Vocational Education  
(705 KAR 5:060)

RELATES TO: KRS 156.070, 163.030 and 339.430

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To establish the procedure accepting live work projects in state-operated area vocational education facilities.

Section 1. State-operated vocational-technical schools and area vocational education centers shall be permitted to accept live work projects when the administrative and instructional staffs deem these necessary and appropriate for the vocational education of the students.

Section 2. State-operated area vocational schools accepting live work shall adhere to the following standards:

(1) All services performed in a school shop shall be documented on standard shop order forms provided by the Bureau of Vocational Education.

(2) The principal or coordinator of the facility shall be responsible for all unused shop order forms and assigning and recording all services performed in a shop order log book that shall be maintained as a ready reference.

(3) Individuals or organizations committing live work to a school shop shall be provided a copy of the school policies for accepting and performing live work. Persons committing live work shall sign the policy form indicating that they understand the policies and agree with them.

(4) Live work shop orders shall be approved and initialed by the principal or coordinator of the school and by the instructor of the class.

(5) A shop fee of two dollars (\$2) shall be charged for each live work project accepted by the school.

(6) No payments shall be handled by an instructor. Live work shop orders shall not be released until payment for parts, supplies, and other cost items has been made and documented by the authorized personnel in the school.



(7) School employees and members of the State Board of Education shall not guarantee or be liable for any live work performed in the vocational shops, nor shall they be responsible for the theft or loss of any article or articles that may be left in the vocational shops for any reasons.

Section 3. No state-operated vocational school shall be obligated to accept any live work projects. Neither shall any work be done which is of a production nature and in competition with business or industry, nor shall any live work be done for the purpose of making a profit.

LYMAN V. GINGER

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Vocational Education  
(705 KAR 7:010)

RELATES TO: KRS 156.070 and 156.485

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To define terms pertinent to adult basic education in Kentucky.

Section 1. The following definitions apply for all adult basic education programs in Kentucky:

(1) "Eighth Grade Equivalency Certificate" means a certificate issued by a local board of education indicating that a person's educational achievement level is equivalent to that of persons who have completed the eighth grade while formally enrolled in school.

(2) "High School Equivalency Certificate" means a certificate issued by the State Department of Education which indicates that a person's educational achievement level is equivalent to that of persons who have formally graduated from high school.

(3) "General Education Development test" means the test used to determine a person's eligibility for issuance of a High School Equivalency Certificate. This test is referred to as the GED test.

LYMAN V. GINGER

Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Vocational Education  
(705 KAR 7:040)

RELATES TO: KRS 156.070 and 156.485

PURSUANT TO: KRS 13.082

SUPERSEDES: SBE 78.300

NECESSITY AND FUNCTION: To establish the means whereby local boards of education can issue an Eighth Grade Equivalency Certificate to adults who qualify.

Section 1. An Eighth Grade Equivalency Certificate shall be issued by local school districts to adults who meet the following qualifications: have completed at least one hundred (100) hours of adult basic education instruction in an organized class or an adult learning center; are residents of Kentucky; are at least sixteen (16) years of age; have been tested at a site designated by the local board of education and by a designated staff member; and attained a minimum average score of 8.0 on the required test.

Section 2. One of the following tests shall be administered in order to qualify a person for an Eighth Grade Equivalency Certificate: ABLE - Adult Basic Learning Examination, Level III; California Test of Adult Basic Education, Level D; or Pollett Adult Basic Education Student Survey, Form A or Form B.

LYMAN V. GINGER

Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Vocational Education  
(705 KAR 10:010)

RELATES TO: KRS 163.340 and 163.360

PURSUANT TO: KRS 13.082

SUPERSEDES: SBE 79.805

NECESSITY AND FUNCTION: Before a certificate of approval may be issued, it is necessary to ascertain that the applicant school has satisfactorily complied with the rules, regulations, and standards as set forth in order to improve and establish higher educational standards and protect the public interest.

Section 1. A school seeking an initial certificate of approval or renewal shall submit certain required information on forms provided by the State Board of Education. The State Board of Education shall determine upon investigation that information contained in the application is correct and that the school has substantially complied with the minimum standards of KRS 163.340 and 163.360.

Section 2. The school shall furnish each student prior to enrollment a copy of the school's policies on grades, attendance, and conduct; a copy of the course outline with a detailed schedule of charges including tuition, fees, supplies, books, and all other expenses; and a copy of the refund policy and the student enrollment contract.

Section 3. A separate approval shall be required for each location or branch thereof:

(1) Upon transfer of ownership, the school shall submit a new application.

(2) Changes in name, location, or major curriculum adjustments must be approved by the State Board of Education.

Section 4. Those schools offering correspondence training shall be subject to the same rules and regulations as outlined for resident schools as far as possible.

(1) Correspondence schools shall relate to the following items to be evaluated:

(a) The educational or training objectives shall be clearly defined, simply stated, and be of such nature that they can be achieved through correspondence study.

(b) Courses offered are sufficiently comprehensive, accurate, and up to date with educationally sound instructional material.

(c) The school provides adequate examination services with appropriate notification of a student's grades and progress.

(2) Correspondence schools that require as a part of their training program some type of residence training shall comply with appropriate rules and regulations pertaining to facilities and staff of resident schools.

(3) Correspondence schools must submit evidence with their application indicating that a majority of the persons completing such a course over the preceding two-year period have been employed in related areas. Schools that have not operated for a two-year period shall submit such evidence at the appropriate time.

LYMAN V. GINGER

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EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Vocational Education  
(705 KAR 10:040)

RELATES TO: KRS 163.360

PURSUANT TO: KRS 13.082

SUPERSEDES: SBE 79.820 and 79.825

NECESSITY AND FUNCTION: To assure that the education, experience, and qualifications of the school personnel are satisfactory in terms of quality education.

Section 1. The chief administrator must be a graduate of an institution of higher learning (college or university) or have sufficient background and training in the area for which he will be responsible.

Section 2. An instructor must be a graduate of an accredited high school or its equivalence determined by evidence of an acceptable score on a GED test administered by an approved testing center and three (3) years of successful and appropriate occupational experience in the area to be taught. Adequacy of work experience shall be determined by the Department of Education. One (1) year of occupational experience shall be equated with two thousand (2,000) clock hours. One (1) year of the required work experience in the trade area may be substituted with the following educational experiences:

(1) One (1) year of additional education beyond high school graduation may be equated as thirty (30) semester hours of credit from an accredited institution or

## ADMINISTRATIVE REGISTER

(2) Approximately one thousand three hundred twenty (1,320) clock hours of state approved postsecondary instruction.

Section 3. An instructor in health occupations shall have at least a high school diploma, or its equivalence, determined by evidence of an acceptable score on a GED test administered by an approved testing center; be a graduate of an approved curriculum of vocational education in the health occupation area to be taught; and have at least three (3) years of work experience in the occupational area. One (1) year of the work experience requirement may be substituted by one (1) year of additional education beyond the high school level in an approved postsecondary school. The qualifications for an instructor of health occupations shall be as high as those required by state and national boards and associations that license, certify, or approve the graduates of vocational programs.

Section 4. Instructors employed in flight training programs shall have appropriate Federal Aviation Administration (FAA) certificates.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:43 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Vocational Education  
(705 KAR 10:050)

RELATES TO: KRS 163.340 and 163.360

PURSUANT TO: KRS 13.082

SUPERSEDES: SBE 79.830

NECESSITY AND FUNCTION: To provide information to prospective students regarding the school's requirements.

Section 1. A copy of the school's catalog or bulletin in published form, and certified as true and correct in content and policy by an authorized official of the school, shall be submitted including the following:

- (1) Data, such as the volume number and date of publication.
- (2) Name of the institution, its governing body, officials, and faculty.
- (3) A calendar of the institution showing legal holidays, beginning and ending date of each quarter, term or semester, and other important dates.
- (4) Institution policy and regulations on enrollment with respect to enrollment dates and specific entrance requirements for each course.
- (5) Institution policy and regulations relative to absence, class cuts, make up work, tardiness, and interruptions for unsatisfactory attendance.
- (6) Institution policy and regulations relative to standards of progress required of the student by the institution. (This policy will define the grading system of the institution; the minimum grades considered satisfactory; grades or progress; and a description of the probationary period, if any, allowed by the institution, and conditions of re-entrance for those students dismissed for unsatisfactory progress. Also, a statement will be made regarding progress records kept by the institution and furnished to the student.)
- (7) Institution policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct.
- (8) Detailed schedule of fees, charges for tuition, books, supplies, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other charges.
- (9) Policy and regulations of the institution relative to the refund of the unused portion of tuition, fees, and other charges in the event the student does not enter the course or withdraws or is discontinued therefrom.
- (10) A description of the available space, facilities, and equipment.
- (11) A course outline for each course for which approval is requested, showing subjects or units in the course, type of work or skill to be learned, and the approximate time and clock hours to be spent on each subject or unit.
- (12) Policy and regulations of the institution relative to granting credit for previous education and training.

Section 2. Correspondence schools shall include the following additional information:

- (1) The number of lessons in each course.
- (2) The cost of kits or other items of equipment required for completion of the course.
- (3) The total cost of the course.
- (4) If the course is a combination of correspondence and essential residential instruction, the number of lessons, total cost of correspondence portion, and length and resident portion of course will be shown separately.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:43 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Vocational Education  
(705 KAR 10:060)

RELATES TO: KRS 163.360

PURSUANT TO: KRS 13.082

SUPERSEDES: SBE 79.835

NECESSITY AND FUNCTION: To assure a fair and equitable cancellation and refund policy for both the school and the student.

Section 1. Cancellation and refund policy must be clearly stated in the school catalog and the student enrollment contract.

Section 2. If the school is accredited by a nationally recognized accrediting agency, which is approved by the U.S. Office of Education, and if that accrediting agency has a specific refund and cancellation policy, the State Board of Education will accept the stated refund and cancellation policy.

Section 3. If the school is not accredited by a nationally recognized accrediting agency, or if the nationally recognized accrediting agency which has been approved by the U.S. Office of Education does not have a stated refund and cancellation policy, the State Board of Education will accept the refund and cancellation policy of such school if it meets the following minimum requirements:

- (1) If tuition is collected in advance of entrance and the student does not enter the school, then not more than fifty dollars (\$50) shall be retained by the school.
- (2) If notification of cancellation of training is given by the student, the school shall comply with the following schedule:
  - (a) During the first twenty-five (25) percent of the course, seventy-five (75) percent of the tuition shall be returned to the student.
  - (b) During the second twenty-five (25) percent of the course, fifty (50) percent of the tuition shall be returned to the student.
  - (c) After completion of fifty (50) percent of the course of instruction, the student is entitled to no refund.
- (3) For programs longer than one (1) year, twelve (12) calendar months in length, one hundred (100) percent of the stated course price attributable to the period beyond the first year will be refunded when the student withdraws from the school during the first year.
- (4) After completion of one (1) year, twelve (12) calendar months, and the student has continued into the second year, in the thirteenth (13) calendar month, the school shall comply with Section 3 (2).
- (5) In case of illness or an accident, death in the family, or other circumstances beyond the control of the student, the school shall make a settlement which is fair and reasonable.
- (6) Refunds will be made within thirty (30) days after appropriate notification has been received by the school.

Section 4. A school located outside this state that enrolls Kentucky residents shall refund in accordance with the above policies unless their policy is more favorable to the student.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:44 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Vocational Education  
(705 KAR 10:070)

RELATES TO: KRS 163.360

PURSUANT TO: KRS 13.082

SUPERSEDES: SBE 79.840

NECESSITY AND FUNCTION: To clarify advertising which is untrue, deceptive, or misleading in order to protect the general public.

Section 1. All advertisements placed by the school, representatives, or agents for prospective students must include and clearly indicate the full and correct licensed name of the school, its address, and city where the school is located. A person who responds to such an advertisement or promotional material should not be visited by a school representative unless the advertisement so indicates.

Section 2. No school shall advertise that it is "supervised," "recommended," "endorsed," or "accredited" by the

State Board of Education, the Department of Education, or the State of Kentucky. The use of similar terms is also prohibited; however, the school may advertise that it has a "certificate of approval or license from the State Board of Education."

Section 3. The school shall not utilize advertising of any type which is misleading or erroneous, either by actual statement, omission or intimation as outlined in the Federal Trade Act (15USC41058).

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:44 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Vocational Education  
(705 KAR 10:080)

RELATES TO: KRS 163.360

PURSUANT TO: KRS 13.082

SUPERSEDES: SBE 79.845

NECESSITY AND FUNCTION: To establish health and safety criteria to protect the student.

Section 1. Adequate space shall be maintained for instruction in classroom and laboratory experience. Enrollment will not exceed the design characteristics of the student training station. The facilities shall not be overcrowded or in sub-standard housing, and the equipment shall be adequate to provide good training conditions. The equipment and facilities must be of such quality and kind as to be adequate and acceptable for the type of course offered and the number of students in attendance.

Section 2. Flight schools shall own or have a leased airworthy aircraft appropriately equipped for the type of flight instruction to be given. Flight schools shall maintain a base of operation which includes adequate space, equipment, instructional materials, and instructor personnel to provide training of good quality. All flight schools must meet appropriate Federal Aviation Administration (FAA) requirements.

Section 3. The school shall submit current evidence to indicate that it complies with applicable criteria established in other State Board of Education regulations pertaining to building and grounds and with other local, county, state and federal regulations pertaining to fire, health, sanitation, and safety standards. This evidence shall be submitted annually.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:44 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Vocational Education  
(705 KAR 10:090)

RELATES TO: KRS 163.360

PURSUANT TO: KRS 13.082

SUPERSEDES: SBE 79.850

NECESSITY AND FUNCTION: Adequate records and reports, certain required information, and student enrollment contracts are necessary to assist the State Board of Education in its effort to protect the investment of the student.

Section 1. The school's student enrollment application, contract, or agreement must be certified as true and correct by an authorized official, shall be submitted at the time of application, and shall include:

- (1) Name and description of the course for which the student has enrolled.
- (2) Total cost and initial payment at time of registration.
- (3) Subsequent payments and dates the payments are due.
- (4) Refund and cancellation policies.

Section 2. The school shall maintain the following records:

- (1) Record of payments made.
- (2) Record of attendance.
- (3) Record of units of work completed and skills developed.
- (4) Flight schools shall maintain the additional following records:
  - (a) Daily flight record for each day.
  - (b) Ground school attendance record.
  - (c) Individual student log book.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:45 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Vocational Education  
(705 KAR 10:100)

RELATES TO: KRS 163.360

PURSUANT TO: KRS 13.082

SUPERSEDES: SBE 79.855

NECESSITY AND FUNCTION: To assist the State Board of Education to ascertain and evaluate the financial condition of a school and to determine the capability of the school to fulfill its training commitments to the students.

Section 1. Each school shall be required to submit annually a financial statement of condition on prescribed forms approved by the State Board of Education which are appropriately signed by a licensed accountant or pre-qualified official.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:45 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Vocational Education  
(705 KAR 10:120)

RELATES TO: KRS 163.360

PURSUANT TO: KRS 13.082

SUPERSEDES: SBE 79.865

NECESSITY AND FUNCTION: To assure a school or agent an opportunity to a hearing before the State Board of Education.

Section 1. Should a proprietary school's certificate of approval or an agent's permit be denied or revoked, the proprietary school or agent will have the right to a hearing if justifiable cause for appeal can be shown. The hearing must be requested within fifteen (15) days after receipt of notice of denial or suspension pending a hearing for revocation. The State Board of Education shall give adequate notice by registered mail to the proprietary school or agent for, or holder of a certificate of approval or permit, that a hearing will be held at such time and place as the State Board shall determine. At said hearing before the State Board, the proprietary school or agent may appear in person or by counsel and present arguments to the State Board in support of the granting or retaining of a certificate of approval or agent's permit. The State Board shall, within ten (10) days after the hearing, issue an order granting, denying, or revoking a certificate of approval or agent's permit for the operation of a proprietary school or the soliciting of students and shall state in such order the reasons for such action. Upon the denial or revocation of a certificate of approval or permit, the State Board shall serve a copy of its order upon the proprietary school or agent by registered mail within ten (10) days of the entry of the order. The order may be appealed to the Franklin Circuit Court by the filing of a complaint therein within fifteen (15) days after receipt by the proprietary school or agent of a copy of the order.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:45 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Vocational Education  
(705 KAR 11:010)

RELATES TO: KRS 156.070, 156.100 and 163.030

PURSUANT TO: KRS 13.082

SUPERSEDES: SBE 77.200 and 77.210

NECESSITY AND FUNCTION: To establish a procedure and minimal criteria for approval of courses in all types of schools for the training of veterans.

Section 1. Educational institutions desiring approval of

courses for the education and training of veterans, war orphans, and other eligible persons shall apply to the State Approving Agency on such forms and in such manner as prescribed by the State Board of Education.

Section 2. The State Approving Agency shall approve accredited courses for the training of veterans and other eligible persons when it is found upon investigation that the institution meets all the requirements of Section 1775, Chapter 36, Title 38, United States Code.

Section 3. The State Approving Agency shall approve non-accredited courses for the training of veterans and other eligible persons when it is found upon investigation that:

(1) The institution meets all of the requirements of Section 1776, Chapter 36, Title 38, United States Code.

(2) The specific course has been in operation for a minimum of two (2) years immediately preceding the date of application for approval.

(3) The instructors meet certification standards as established by the State Board of Education of like teachers in the public schools, or meet licensing requirements for those schools operating under the jurisdiction of other state boards or agencies.

(4) Certain schools offering courses such as sales, sales management, and truck driving, shall show that at least one-half of the persons completing such courses over the preceding two-year period have been employed in the field for which they were trained.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:40 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Vocational Education  
(705 KAR 11:020)

RELATES TO: KRS 156.070, 156.100, 163.030

PURSUANT TO: KRS 13.082

SUPERSEDES: SBE 77.300 and 77.310

NECESSITY AND FUNCTION: To establish a procedure and minimal criteria for approval of apprenticeship and other on-the-job training programs for veterans.

Section 1. Training establishments desiring approval of apprenticeship and other on-the-job courses for the training of veterans and other eligible persons shall apply to the state approving agency on such forms and in such manner as prescribed by the State Board of Education.

Section 2. The state approving agency shall approve apprentice and other on-the-job courses for the training of veterans and other eligible persons when it is found upon investigation that the training establishment meets all of the requirements of Sections 1683 and 1777, respectively, of Title 38, United States Code.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:40 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Vocational Education  
(705 KAR 11:030)

RELATES TO: KRS 156.070, 156.100, 163.030

PURSUANT TO: KRS 13.082

SUPERSEDES: SBE 77.400

NECESSITY AND FUNCTION: To provide for updating of programs by revisions and amendments to initial approvals.

Section 1. Should the educational institution or training establishment desire to make changes in any portion of its program or any amendments after initial approval has been granted, the institution or training establishment shall make application to the state approving agency for such approval as may be needed.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:41 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Vocational Education  
(705 KAR 11:040)

RELATES TO: KRS 156.070, 156.100, 163.030

PURSUANT TO: KRS 13.082

SUPERSEDES: SBE 77.410 and 77.430

NECESSITY AND FUNCTION: To provide a means of withholding or withdrawing approval in any case that fails to conform to required standards.

Section 1. The state approving agency, when upon investigation finds that an institution or training establishment has been guilty of unscrupulous practice, misrepresentation, fraud, or has failed to conform to any of the representations contained in its application for approval, shall withhold approval; or if such institution or training establishment has been approved previously, the approval shall be withdrawn.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:41 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky, 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Vocational Education  
(705 KAR 11:050)

RELATES TO: KRS 156.070, 156.100, 163.030

PURSUANT TO: KRS 13.082

SUPERSEDES: SBE 77.420

NECESSITY AND FUNCTION: Provide for the required inspection and supervision of all types of facilities.

Section 1. The State Approving Agency, through its administrative unit in the Interagency Relations Division, Bureau of Vocational Education, shall:

(1) Visit institutions and training establishments in order to inspect the training facilities and ascertain that they meet the minimum criteria before approval is granted, and

(2) Visit approved institutions and training establishments when deemed necessary. These visits must be in accordance with the provisions and limitations as outlined in the annual contract entered into between the Veterans Administration and the State Board of Education. The visits will be to determine whether the institutions and training establishments continue to comply with the representations made in their approval applications, and for the general improvement and upgrading of their training programs.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 11, 1974

RECEIVED BY LRC: September 18, 1974 at 9:41 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET  
Department of Labor  
Occupational Safety and Health  
(803 KAR 2:020)

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS 13.082

SUPERSEDES: OSH 11-2

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules, regulations, and standards. Express authority to adopt by reference established federal standards and national consensus standards is also given to the Board. The following regulations contain those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of general industry.

Section 1. The Occupational Safety and Health Board hereby adopts 29 CFR Part 1910, the Occupational Safety and Health Standards, December, 1972 edition, Volume 37, Number 243, Government Printing Office, Washington, D. C. 20402, including those changes which have been adopted by the U.S. Department of Labor through July 31, 1973. These standards are hereby adopted by reference with the following exceptions:

(1) 29 CFR Part 1910.1 shall read as follows:

The provisions of this regulation adopt and extend the applicability of established federal standards contained in CFR Part 1910 to all employers, employees, and places of employment throughout the Commonwealth except those excluded in KRS 338.021.

(2) 29 CFR Part 1910.2 shall read as follows:

As used in this part, unless the context clearly requires otherwise:



- (a) "Act" means KRS Chapter 338.
  - (b) "Assistant Secretary of Labor" means the Commissioner of Labor, Commonwealth of Kentucky.
  - (c) "Employer" means any entity for whom a person is employed except those employers excluded in KRS 338.021.
  - (d) "Employee" means any person employed except those employees excluded in KRS 338.021.
  - (e) "Standard" means a standard which requires condition, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment. "Standard" has the same meaning as and includes the words "regulation" and "rule".
  - (f) "National Consensus Standard" means any occupational safety and health standard or modification thereof which has been adopted and promulgated by a nationally recognized standards-producing organization.
  - (g) "Established Federal Standard" means any operative occupational safety and health standard established by any agency of the United States Government.
- (3) 29 CFR Part 1910.13 through 1910.16 relating to ship repairing, shipbuilding, shipbreaking, and longshoring; and 1910.267a relating to pesticides are excluded in their entirety.
- (4) 29 CFR Part 1910.141(c) (2) (i) shall read as follows:
- (i) Each water closet shall occupy a separate compartment with walls or partitions between fixtures sufficiently high to assure privacy.
- (5) 29 CFR 1910.309(c) shall be added and it shall read as follows:
- (c) Notwithstanding the provisions of subsections (1) and (2) of this section, the effective date of the requirement in section 210-7 of the National Electrical Code, that all 15- and 20-ampere receptacle outlets on single-phase circuits for construction sites, shall have approved ground-fault circuit protection for personnel, is postponed indefinitely.
- (6) Vinyl Chloride is hereby deleted from the table G-1 which is found in 29 CFR 1910.93.
- (7) 29 CFR 1910.151 relating to medical services and first aid shall be changed to read as follows:
- (a) The employer shall ensure the ready availability of medical personnel for advice and consultation on matters of occupational health.
  - (b) Employers with eight (8) or more employees within the establishment shall have persons adequately trained to render first-aid and first-aid supplies approved by a consulting physician, along with a signed list of these supplies, shall be readily available. Outside salesmen, truck drivers, seasonal labor, and others who while performing their duties are away from the premises more than fifty (50) percent of the time are not to be included in determining the number of employees.
  - (c) All other employers shall maintain a self-help program, with documentation therefor, utilizing first-aid instructional material approved by the Kentucky Department of Labor. Lone workers such as salesmen, truck drivers, etc., shall be subject to the self-help program or approved first-aid training.
  - (d) Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.
  - (e) This revision shall become effective January 1, 1975.

Section 2. (1) 29 CFR Part 1910.93 c-p is hereby adopted by reference.

(2) 29 CFR Part 1910.93 g is hereby adopted by reference.

(3) Situations where workers are exposed to levels of vinyl chloride in excess of 200 p.p.m. without proper protective equipment shall be considered to constitute an imminent danger.

GEORGE R. WAGONER, Deputy Commissioner, for  
JAMES R. YOCOM, Commissioner of Labor

ADOPTED: September 12, 1974

APPROVED: ELIJAH M. HOGGE, Secretary

RECEIVED BY LRC: September 19, 1974 at 2:10 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Coordinator, Kentucky Department of Labor, Occupational Safety and Health Program, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET  
Department of Labor  
Occupational Safety and Health  
(803 KAR 2:030)

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS 13.082

SUPERSEDES: OSH 12-2

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules, regulations, and standards. Express authority to adopt by reference established federal standards and

national consensus standards is also given to the Board. The following regulations contain those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of construction.

Section 1. The Occupational Safety and Health Standards Board hereby adopts 29 CFR Part 1926, the Occupational Safety and Health Standards, December, 1972 edition, Volume 37, Number 243, Government Printing Office, Washington, D.C. 20402, including those changes which have been adopted by the U.S. Department of Labor through July 31, 1973. These standards are hereby adopted by reference with the following exceptions:

(1) 29 CFR Part 1926.1 shall read as follows:

The provisions of this regulation adopt and extend the applicability of established federal standards contained in 29 CFR Part 1926 to all employers, employees, and places of employment throughout the Commonwealth except those excluded in KRS 338.021.

(2) 29 CFR 1926.100 shall read as follows:

- (a) Hard hats conforming to specifications of the American National Standards Institute, safety requirements for industrial head protection z89.1 (1971) shall be worn by all employees at all times while engaged in the type of work covered by the scope of this safety standard.

- (b) Helmets for the head protection of employees exposed to high voltage electrical shock and burns shall meet the specifications contained in American National Standards Institute z89.2 (1971).

(3) 29 CFR 1926.602(a) (8) (ii) relating to material handling equipment shall read as follows:

- (ii) Notwithstanding the provisions of paragraph (a) (8) (i) of this section, the requirement that fenders be installed on pneumatic-tired earthmoving haulage equipment manufactured before January 1, 1972, is postponed indefinitely.

(4) 29 CFR 1926.400(h) shall read as follows:

- (h) Notwithstanding any other provisions of this part, the effective date of the requirement in section 210-7 of the National Electrical Code, that all 15- and 20-ampere receptacle outlets on single-phase circuits for construction sites shall have approved ground-fault circuit protection for personnel, is postponed indefinitely.

(5) 29 CFR 1926.55 shall read as follows:

- (a) Exposure of employees to inhalation, ingestion, skin absorption, or contact with any material or substance at a concentration above those specified in the "Threshold Limit Values of Airborne Contaminants for 1970" of the American Conference of Governmental Industrial Hygienists, shall be avoided.

- (b) To achieve compliance with paragraph (a) of this subsection, administrative or engineering controls must first be implemented whenever feasible. When such controls are not feasible to achieve full compliance, protective equipment or other protective measures shall be used to keep the exposure of employees to air contaminants within the limits prescribed in this section. Any equipment and technical measures used for this purpose must first be approved for each particular use by a competent industrial hygienist or other technically qualified person. Whenever respirators are used, their use shall comply with 1926.103.

- (c) Paragraphs (a) and (b) of this subsection do not apply to the exposure of employees to airborne asbestos dust. Whenever any employee is exposed to airborne asbestos dust, the requirements of 1910.93a of this title shall apply.

- (d) Paragraphs (a) and (b) of this subsection do not apply to the exposure of employees to vinyl chloride. Whenever any employee is exposed to vinyl chloride, the requirements of OSH 11-3, section 2(b) and (c) shall apply.

GEORGE R. WAGONER, Deputy Commissioner, for  
JAMES R. YOCOM, Commissioner of Labor

APPROVED:

ELIJAH M. HOGGE, Secretary

ADOPTED: September 12, 1974

RECEIVED BY LRC: September 19, 1974 at 2:10 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Coordinator, Kentucky Department of Labor, Occupational Safety and Health Program, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET  
Department of Mines and Minerals  
Division of Oil and Gas  
(805 KAR 1:030)

RELATES TO: KRS 353.550 and 353.590

PURSUANT TO: KRS 13.082, 353.550 and 353.560

SUPERSEDES: OAG-Rg-1

NECESSITY AND FUNCTION: KRS 353.550 and 353.560 requires the Department of Mines and Minerals to regulate the preparation and filing of well location plats. This proposed regulation is to assure uniformity and clarity in well locations and identity.

Section 1. Location plats for wells proposed to be drilled under the provisions of KRS Chapter 353 shall be prepared and certified as accurate and correct by a licensed Kentucky Land Surveyor, provided that when the location of the well is known to be underlain by coal bearing stratum, such plat shall be prepared by a licensed Land Surveyor and certified by an engineer registered in Kentucky. If any plat submitted by an applicant is determined by the Department to be materially inaccurate or incomplete, the Department may require that a new plat be prepared and submitted. The Department may further require that all future plats submitted by such applicant be prepared by a licensed Kentucky Land Surveyor or a Kentucky registered engineer approved by the Director.

Section 2. A separate location plat shall be submitted with each application to drill, deepen or reopen a well.

Section 3. Location plats for wells proposed to be drilled under the provisions of KRS Chapter 353 shall be prepared in the following manner:

(1) All plats shall be submitted on a sheet 8 1/2" x 14". This sheet may be bond paper, tracing cloth, tracing paper or equivalent.

(2) The location of the proposed well shall be shown relative to the two (2) nearest boundaries of oil and gas ownership, and to the nearest producing well (if within 1,000 feet of the proposed well). The distances shall be clearly shown in feet.

(3) The location of the proposed well shall be shown relative to two (2) permanent points (landmarks or monuments) by bearing and distance.

(4) The plat shall include a diagram or description sufficient to enable the Department of Mines and Minerals to locate the proposed well site on a 7 1/2" quadrangle topographic map, scale 1 to 24,000. The diagram or description shall be prepared with use of either the Carter coordinate system, Latitude and Longitude, or the Kentucky coordinate system.

(5) The plat shall be prepared to a scale of one (1) inch equals 100, 200, 300, 400, 500 or 600 feet.

Section 4. Location plats in addition to the data required in Section 3 shall also include the following information:

- (1) Operator.
- (2) Farm or lease name.
- (3) Well number.
- (4) Elevation of well (by instrument). The method of determining such elevation shall be noted.
- (5) County.
- (6) Scale at which plat is drawn.
- (7) North direction.
- (8) Date of preparation of plat.
- (9) Name of quadrangle topographic map (7 1/2") on which the well site may be located.
- (10) Owners of oil and gas on tract or tracts which are offset by the proposed well.
- (11) Certification in the following form: "I hereby certify that the above plat is accurate and correct to the best of my knowledge and belief."
- (12) Certification shall be followed by the written signature of the person preparing said plat, his mailing address and registration number.

ELIJAH M. HOGGE, Secretary

ADOPTED: July 17, 1974

RECEIVED BY LRC: September 16, 1974 at 10:03 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Director, Division of Oil and Gas, Department of Mines and Minerals, P. O. Box 680, Lexington, Kentucky 40501.

PUBLIC PROTECTION AND REGULATION CABINET  
Department of Insurance  
Office of the State Fire Marshal  
(806 KAR 50:010)

RELATES TO: KRS 227.220

PURSUANT TO: KRS 227.300 and 13.082

SUPERSEDES: Ksfty Section 100, 101, 102, 200

NECESSITY AND FUNCTION: KRS 227.300 requires the State Fire Marshal's Office to establish by regulation principles and practices for construction in order to safeguard life and property from the hazards of fire and panic. These proposed regulations set out the basic procedures, and definitions used in the State Fire Marshal's Office.

Section 1. Citations: These regulations constitute and may be cited as the "Standards of Safety."

Section 2. Purpose and Application: (1) The purpose of the Standards of Safety is to provide, in accordance with KRS 227.300, reasonable rules and regulations, based upon recognized good fire prevention and fire protection engineering principles and practices, for the safeguarding, to a reasonable degree, of human life and property from the hazards of fire and panic:

- (a) By establishing minimum requirements governing the design and construction of buildings, particularly those involving the public interest or welfare, and including any building or structure, permanent or temporary which is used or occupied or is to be used or occupied by persons who are employed, lodged, housed, cared for, assembled, served, entertained,

or instructed therein, including, but not limited to, hotels, motels, apartments, schools or other educational institutions, colleges, hospitals of all kinds, penal institutions, asylums, nursing homes, convalescent homes, or homes for the aged, mercantile establishments, office buildings, apartment houses, theaters, churches, restaurants, auditoriums, grandstands and stadiums, gymnasiums, armories, night clubs, lodge halls, dance halls, factories, work shops, meeting rooms, bowling alleys, manufacturing and processing establishments, and all other buildings and structures of same or similar character or of same or similar use;

- (b) By establishing minimum standards for safeguarding the more common fire hazards;
- (c) By establishing minimum requirements for public and private care and cleanliness, as they relate to fire; and,
- (d) By establishing minimum regulations governing the operation and maintenance of certain occupancies which have a direct bearing on general safety of life and property (including provisions for issuance of permits, inspection of property, etc.).

(2) Except as otherwise specifically provided, the general provisions of the Standards of Safety apply to all buildings, occupancies, installations or conditions, including those occupancies for which special requirements are given.

(3) While safety to life warrants as close compliance as possible with the Standards of Safety, nothing herein shall apply to farm property, unless there are activities of an industrial nature sufficient to require the consideration of the State Fire Marshal from a life hazard standpoint.

(4) Unless otherwise provided, the Standards of Safety are intended primarily to apply to new or remodeled buildings, installations, equipment, or conditions; however, they shall also apply to existing buildings, installations, equipment, conditions and occupancies where safety to life or protection of the public interest requires their enforcement.

(5) The standards herein contained are to be considered a minimum. Where an ordinance has been adopted by a municipality, the Standards of Safety do not modify any provision of said ordinance, unless the Standards of Safety impose greater restrictions, in which case the provisions of the Standards of Safety shall control.

(6) Where the purpose of any provision of the Standards of Safety, as it pertains to safety to life and property from fire, can be fulfilled by other means, the State Fire Marshal may modify the provision to permit certain specific alternatives.

(7) It is not the intent of the Standards of Safety to dictate use of specific materials, provided the necessary degree to safety is otherwise attained. Other materials than those herein specified may be used if approved and having the equivalent strength, fire resistance, and other qualities needed for the purpose for which they are intended.

(8) Many of the Standards of Safety are specific. Others, for the sake of brevity simplification, are of general nature. All features of construction and occupancy, and operations of any nature, shall be such as to provide reasonable safety to life and property from fire and shall conform to recognized safe practice requirements. Unless specifically covered by a provision of these Standards, the following nationally recognized codes, standards, and regulations shall be deemed safe practice requirements. These codes, standards and regulations have been approved by the Commissioner, and copies have been placed on file in the Office of the State Fire Marshal and with the Legislative Research Commission.

- (a) Standards of the National Fire Protection Association known as the National Fire Codes, Volume 1-10, (1973-1974 Edition).
- (b) National Building Code recommended by the American Insurance Association, 1967 Edition, hereafter referred to as "The National Building Code."

(NOTE: These Standards and Codes also adopt other nationally recognized Standards and Codes, i.e. Article XVIII of the National Building Code.)

Section 3. Definitions: (1) Unless otherwise expressly stated, the following terms, as used in these Standards, shall have the meanings indicated in this Article.

(2) Words used in the present tense include the future; the singular number includes the plural and the plural the singular.

(3) Where terms are not defined in this Article, they shall have their ordinarily accepted meaning or such as the context may imply.

- (a) "Addition" as applied to a building or structure, means any construction which increases the area or the height of any portion of the building or structure.
- (b) "Alley" means any public space or thoroughfare less than twenty-one (21) feet in width which has been dedicated or devoted to public use.
- (c) "Alteration" as applied to a building or structure, means any change or modification in construction, exit facilities, or permanent fixture or equipment which does not include an addition to the building or structure.
- (d) "ASTM" means American Society for Testing and Materials.
- (e) "Approved" as applied to a material, device, or mode of construction, means materials, devices or equipment listed by Underwriter's Laboratories, Inc., the testing laboratory of the American Gas Association,

or other recognized testing authority or approved by the State Fire Marshal.

- (f) "Area" as applied to a building or structure, means the maximum horizontal projected area of the building or structure at or above grade.
- (g) "Areaway" means an unroofed subsurface space adjacent to a building.
- (h) "Attic" means the space between the ceiling beams of the top habitable story and the roof rafters.
- (i) "Automatic" as applied to a fire door or other opening protective, means normally held in an open position and automatically closed by a releasing device that is actuated by abnormal high temperature, a predetermined rate of rise in temperature or electrically connected to an approved fire alarm system.
- (j) "Basement" means that portion of a building the average height of which is more than half below grade. However, the space shall not be considered a basement if its ceiling is seven and one-half (7 1/2) feet or more above the grade level at any point next to the building. If this space is used for human habitation it shall be considered a story.
- (k) "Building" means the total area enclosed between exterior walls, or exterior walls and fire walls. For the purpose of this Code each portion of a building separated from other portions by a fire wall shall be considered as a separate building.
- (l) "Combustible Material" as applied to installation of heating equipment means any material made or surfaced with wood, compressed paper, plant fibers, or other material that will ignite and burn whether flameproof or not, or whether plastered or not plastered.
- (m) "Concrete" means a mixture of portland cement, aggregates and water.
- (n) "Concrete, Reinforced" means concrete in which reinforcement other than provided for shrinkage or temperature changes is embedded in such a manner that the two materials act together as a resisting force.
- (o) "Court" means any open, uncovered, unoccupied space on the same lot with a building:
  1. Inner court means any court other than an outer court or yard.
  2. Outer court means a court other than a yard having at least one side thereof opening to a street, ally, or yard or other permanent open space.
  3. Yard means a court on the same lot with a building extending along the entire length of a lot line.
- (p) "Dwelling" means a building occupied exclusively for residence purposes and having:
  1. One (1) dwelling unit; or
  2. Two (2) dwelling units; or
  3. One or two dwelling units with a total of not more than fifteen (15) boarders or roomers in these units served with means or sleeping accommodations or both.
- (q) "Dwelling Unit" means one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, with cooking, living, sanitary, and sleeping facilities.
- (r) "Elevator" means a hoisting and lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction, and which served two (2) or more floors of a building or structure:
  1. Freight elevator means an elevator ordinarily used for carrying freight and on which only the operator and the persons necessary for unloading and loading the freight are permitted to ride.
  2. Passenger elevator means an elevator used primarily to carry persons other than the operator.
- (s) "Existing" means in existence before the time that this Code becomes effective.
- (t) "Fire Chief" means the authorized head of a fire department that is recognized by the State Fire Marshal's Office.
- (u) "Fire Department", for the purposes of these Standards, means a fire department recognized by the State Fire Marshal's Office.
- (v) "Fire Door" means a door and its assembly, so constructed and assembled in place as to give protection against the passage of fire (See approved).
- (w) "Fire Resistance Rating" means the time in hours that the material or construction will withstand the standard fire exposure, as determined by a fire test made in conformity with the "Standard Method of Fire Tests in Building Construction and Materials," ASTM E119-55 (See Appendix B for fire resistance ratings for specific types of construction).
- (x) "Fire Resistive Construction" means construction conforming to the requirements of Section 702 of the National Building Code.
- (y) "Fire Retardant Treated Lumber" means lumber that has been treated by an approved pressure impregnation process and has a flame spread rating not higher than equivalent of twenty-five (25) with no evidence of significant progressive combustion when tested for thirty (30) minutes duration under the Standard Test Method for Fire Hazard Classification of Building Materials of Underwriter's Laboratories, Inc., U.L. 723, NFPA 255, ASTM E84. All fire retardant treated lumber shall be easily identifiable.

- (z) "Fire Walls" - (See Walls)
- (aa) "Grade" with reference to a building or structure, means the elevation of the ground adjoining the building.
- (bb) "Heavy Timber Construction" means construction conforming to the requirement of Section 706 of the National Building Code.
- (cc) "Height"
  1. As applied to buildings, means the vertical distance from grade to the highest finished roof surface, or to a point at the average height of a roof having a pitch of more than one (1) foot in four and one-half (4 1/2) feet; "height" of a building in stories does not include basements. (See "Basement").
  2. As applied to a story, means the vertical distance from top to top of two successive tiers of floor beams or finished floor surfaces.
  3. As applied to a wall, means the vertical distance to the top measured from the foundation wall, or from a girder, or other immediate support of such wall.
- (dd) "Horizontal Separation" means a permanent open space between the building wall under consideration and the lot line or the center line of a facing street, alley or public way. Where two or more buildings are on a lot, the horizontal separation of the wall under consideration shall be measured from an imaginary line drawn at a distance from the facing wall equal to the horizontal separation applicable for that wall.
- (ee) "Interior Finish" means the material of walls, partitions or fixed or movable type ceilings and other exposed interior surfaces of building. Interior finish includes materials affixed to the building structure as distinguished from decorations and furnishings, which are not so affixed:
  1. Class A Interior Finish-Flame Spread Rating 0-25
  2. Class B Interior Finish-Flame Spread Rating 26-75
  3. Class C Interior Finish-Flame Spread Rating 76-200
  4. Class D Interior Finish-Flame Spread Rating 201-500
  5. Class E Interior Finish-Flame Spread Rating over 500.
- (ff) "Legislative Body" means a city council, fiscal court, board of directors, commissioners, committee, or any group however, named, which governs a recognized fire department.
- (gg) "Masonry" means a built-up construction or combination of building units of such materials as clay, shale, concrete, glass, gypsum or stone set in mortar; or plain concrete:
  1. "Hollow Masonry Unit" means a masonry unit whose net cross-sectional area in any plane parallel to the bearing surface is less than seventy-five per cent (75%) of its cross-sectional area measured in the same plane.
  2. "Masonry of Hollow Units" means masonry consisting wholly or in part of hollow masonry units laid continuously in mortar.
  3. "Solid Masonry" means consisting of solid masonry units laid continuously in mortar, or consisting of plain concrete.
  4. "Solid Masonry Unit" means a masonry unit whose net cross-sectional area in every plane parallel to the bearing surface is seventy-five per cent (75%) or more of its gross cross-sectional area measured in the same plane.
  5. "Reinforced Masonry" means unit masonry in which reinforcement is embedded in such manner that the two materials act together in resisting forces.
- (hh) "Multifamily House" means a building or portion thereof containing three (3) or more dwelling units; including tenement houses, apartment houses, flats, etc.
- (ii) "Noncombustible" as applied to a building construction material, means a material which, in the form in which it is used, falls into one of the following groups:
  1. Materials no part of which will ignite or burn and which will not liberate flammable gases or melt when heated to a temperature of 1380 degrees F. and to the maximum temperature to which it will be subjected under its normal use under the applicable conditions as follows:
    - a. Where the combustibility of material is a factor in the application or requirements for clearance of the material from a heating appliance, flue, or other device which is a source of high temperature and such clearance is the only consideration requiring that the material be non-combustible.
    - b. When the material other than backing is used to support only interior finish.
    - c. When the material is used for window sashes, doors, trims, or frames required to be non-combustible but not required as opening protectives to prevent the spread of fire through an opening.
  2. Materials having a structural base of a non-combustible material as defined in (1) with surfacing not over 1/8 inch thick which has a flamespread rating not higher than 50.
  3. Materials other than as described in 1. or 2. above having a surface flamespread rating not higher than twenty-five (25) without evidence of continued progressive combustion when tested (as per ASTM E84) for a duration of thirty (30) minutes. It does not apply to surface finishes or coatings



which are applied to the surface of combustible materials. Flamespread rating as used herein refers to a rating obtained according to the standard test method for fire hazard classification of the building materials of Underwriter's Laboratories, Inc., U.L. 723, NFPA 255, ASTM E84.

- (jj) "Noncombustible" as applied to the installations of heating equipment, means any material which will not ignite and burn.
- (kk) "Occupancy": (1) "Assembly Occupancy" means the occupancy or use of a building or structure or any portion thereof by a gathering of persons for civic, political, travel, religious, social, or recreational purposes; including among others:

Armories	Lecture Rooms
Assembly Halls	Lodge Rooms
Auditoriums	Motion Picture Theaters
Bowling Alleys	Museums
Broadcasting Studios	Night Clubs
Chapels	Opera Houses
Churches	Passenger Stations
Clubrooms	Pool Rooms
Community Buildings	Recreation Areas
Courthouses	Restaurants
Dance Halls	Skating Rinks
Exhibition Rooms	Television Studios
Gymnasiums	Theaters

2. "Business Occupancy" means the occupancy or use of a building or structure or any portion thereof for the transaction of business, the rendering or receiving of professional services, or the displaying, selling or buying of goods, wares, or merchandise, or the housing of vehicles of transportation, except where occupancy is of high hazard; including among others:

Banks	Service Stations
Barber Shops	Offices
Beauty Parlors	Stores
Department Stores	Radio Stations
Garages	Telephone Exchanges
Markets	Television Stations

3. "Educational Occupancy" means the occupancy or use of a building or structure or any portion thereof by persons assembled for the purpose of learning or of receiving education instruction; including among others:

Academies	Pre-school Child
Care Centers	Relocable Classroom Unit
Colleges	Schools
Kindergartens	Seminaries
Libraries	Universities

4. "High Hazard Occupancy" means the occupancy or use of a building or structure or any portion thereof that involves highly combustible, high flammable or explosive materials or which as inherent characteristics that constitute a special fire hazard; including among others:

Aluminum Power Factories	Grain Elevators
Charging or filling stations	Lacquer Factories
Distilleries	Liquefied Petroleum Gas
Dry Cleaning Plants	Mattress Factories
Dry Dyeing Plants	Paint Factories
Explosive-Manufacture, Sale or Storage	Pyroxylin-Factories, or Warehouses
Flour and Feed Mills	Rubber Factories
Gasoline Bulk Plants	Sales Rooms

5. "Industrial Occupancy" means the occupancy or use of a building structure or any portion thereof for assembling, fabricating, finishing, manufacturing, packaging or processing operations, except for occupancies of high hazard; including among others:

Assembly Plants	Mills
Creameries	Power Plants
Electrical Substations	Processing Plants
Factories	Pumping Stations
Ice Plants	Repair Garages
Laboratories	Smokehouses
Laundries	Workshops
Manufacturing Plants	

6. "Institutional Occupancy" means the occupancy or use of a building or structure or any portion thereof by persons harbored or detained to receive medical, charitable or other care or treatment, or by persons involuntarily detained; including among others:

Asylums	Nursing Homes
Homes for the Aged	Orphanages
Hospitals	Penal Institutions
Houses of Correction	Reformatories
Infirmaries	Sanitariums
Jails	Nurseries

7. "Residential Occupancy" means the occupancy or use of a building or structure or any portion thereof by persons for who sleeping accommodations are provided but who are not harbored or detained to receive medical, charitable or other care or treatment, or are not involuntarily detained, including among others:

Apartments	Hotels
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Boarding Houses	Lodging Houses
Club Houses	Motels
Convents	Multifamily Houses
Dormitories	Studios
Dwellings	Tenements

8. "Storage Occupancy" means the occupancy or use of a building or structure or any portion thereof for the storage of goods, wares, merchandise, agricultural, or manufactured products or the sheltering of livestock and other animals except where the occupancy is classified as high hazard.
- (ll) "Ordinary Construction" means construction conforming to the requirements of Section 707 of the National Building Code.
- (mm) "Pent House" means an enclosed structure other than a roof structure, located on the roof, extending not more than twelve (12) feet above a roof and used primarily for living or recreational accommodations. (See Story)
- (nn) "Place of Assembly" shall apply to all buildings or sections of buildings used for the gathering of more than 100 persons in one (1) room or space for religious, recreational, education, political, social, or amusement purposes, or for the consumption of food or drink.
- (oo) "Pre-fabricated" means fabricated prior to erection or installation on a building or structure foundation.
- (pp) "Protected Noncombustible Construction" means construction conforming to the requirements of Section 704 of the National Building Code.
- (qq) "Public Place" means a thoroughfare or open space over twenty-one (21) feet wide which is dedicated to a governmental body maintaining accessibility to the fire department and other public services.
- (rr) "Publicway" means a thoroughfare over twenty-one (21) feet wide on a privately owned, privately maintained property but designated for public use and which by agreement is kept accessible at all times to the fire department and other public services.
- (ss) "Repair" means the replacement of existing work with equivalent materials for the purpose of its maintenance; but not including any addition, change or modification in construction, exit facilities, or permanent fixtures of equipment.
- (tt) "Required" means required by some provision of these Standards.
- (uu) "Self-Closing" as applied to a fire door or other protective, means normally closed and equipped with an approved device which will insure closing after having been opened for use.
- (vv) "Shaft" means a vertical opening or passage through two (2) or more floors of a building or through floors and roof.
- (ww) "Shall" indicates mandatory provisions of these Standards.
- (xx) "Should" indicates advisory provisions of these Standards which, while not mandatory, are highly desirable and strongly recommended.
- (yy) "Solid Wooden Door or the Flush Type" means a door of solid wooden construction (No indented panels or hollow spaces) not less than one and three-fourths (1 3/4) inch in thickness at any point.
- (zz) "Sprinklered" means equipped with an approved automatic sprinkler system.
- (aaa) "Story" means that part of a building comprised between a floor and the floor or roof next above. A mezzanine shall be considered a story if it exceeds thirty-three and one-third per cent (33 1/3%) of the area of the floor immediately below. A penthouse shall be considered a story if it exceeds 1,000 square feet or thirty-three and one-third per cent (33 1/3%) of the roof area. The basement of a building used for educational occupancy shall be considered a story if it is used for purposes other than storage, mechanical, or electrical equipment.
- (bbb) "Street" means any public thoroughfare or space twenty-one (21) feet or more in width, which has been dedicated or devoted to the public for public use.
- (ccc) "This Office" means the State Fire Marshal's Office.
- (ddd) "Unprotected Noncombustible Construction" means conforming to the requirements of Section 705 of the National Building Code.
- (eee) "Walls"
1. "Bearing Wall" means a wall which supports any vertical load in addition to its own weight.
  2. "Cavity Wall" means a wall built of masonry or of plain concrete, or a combination of these materials, so arranged as to provide an air space within the wall, and in which the inner and outer parts of the wall are tied together with metal ties.
  3. "Curtain Wall" means a nonbearing wall between columns or piers and which is not supported by girders or beams.
  4. "Faced Wall" means a wall in which the masonry facing the backing is so bonded as to exert common action under load.
  5. "Fire Wall" means a wall constructed in accordance with Section 800, for the purpose of subdividing a building or separating buildings to restrict the spread of fire and which starts at the foundation and extends continuously through all stories through and above the roof, except where the roof is



fire-resistive and wall is carried up tightly against the underside of the roof slab.

6. "Foundation Wall" means a wall below the first floor extending below the adjacent ground level and serving as a support for a wall, pier, column, or other structural part of a building.
  7. "Hollow Wall" of masonry means a wall built of masonry units so arranged as to provide an air space within the wall, and in which the inner and outer parts of the wall are bonded together with masonry units.
  8. "Nonbearing Wall" means a wall which supports no load other than its own weight.
  9. "Panel Wall" means a nonbearing wall built between columns or piers and wholly supported at each story.
  10. "Party Wall" means a wall used or adapted for joint services between two buildings.
  11. "Veneered Wall" means a wall having a facing which is not attached and bonded to the backing as to form an integral part of the wall for purposes of load bearing and stability.
- (fff) "Wood Frame Construction" shall mean construction conforming to Section 708 of the National Building Code. Buildings having exterior masonry veneer, metal, or stucco, on wooden frame, constituting wholly or in part the structural support of the building are considered "frame buildings".

#### Section 4. Administration, Enforcement, and Permits:

##### (1) Jurisdiction.

- (a) Any person, persons, firm or corporation failing, refusing, or neglecting to comply with the Standards of Safety shall be punished as provided by KRS 227.990.

##### (2) Permits.

- (a) General: Permits required by this Subsection will be issued when the requirements of the Standards of Safety have been complied with, and they may be suspended or revoked if the requirements are violated. Application for such permits shall be made in writing. When submission of plans and specifications is required by the Standards of Safety, it is strongly recommended that preliminary plans and specifications be submitted for review in order to eliminate unnecessary delays to the registered architect and/or professional engineer through minimizing any changes to the final working drawings. Any deviation from the final plans and/or specifications shall have prior approval from the office of the State Fire Marshal in writing.

- (b) Application: Application for "State Permits" required by paragraph (C), following, shall be made to the State Fire Marshal, Division of Fire Prevention, Department of Insurance, Frankfort, Kentucky. Where submission of plans and specifications is required by the Standards of Safety, the application for a "State Permit" together with at least one (1) complete set of plans and specifications shall be submitted.

- (c) State Permits: A permit or license shall be obtained from the State Fire Marshal, for the following:

1. The transportation, selling, storing for resale, or delivering of liquefied petroleum gases, or for engaging in the business of installing or servicing liquefied petroleum gas equipment; or for persons who actually perform such installations or servicing operations. Licenses issued under this Subparagraph shall be in accordance with the provisions of KRS 234.120. Under this Subparagraph, licenses or permits are not required for storage or transportation in quantities of ten (10) gallons or less by the ultimate consumer, handling in quantities of less than one gallon where the gas is an integral part of a device for its utilization, or for use as a motor fuel while in the fuel tank of the motor vehicle.
2. The construction, or substantial remodeling, of any plant or building of a class listed in Subsection (3) "Design Responsibility - Plans and Specifications", paragraph (b), following.
3. The construction or substantial remodeling of any plant or building containing an occupancy for which a license is required under KRS 234.120 relating to the storage and handling of liquefied petroleum gases.
4. Conditions where permits are required by Section 6 Flammable Liquids, Section 7 Dry Cleaning, Section 8 Airports, and NFPA Pamphlet 495 Explosives.

- (d) Local Permits: Where the "State Permits" are required as, above, local permits shall also be obtained from an authorized city official, where provisions have been made by the municipality for the issuance of permits, and where the municipality has adopted the Standards of Safety, or has regulations at least as stringent as the Standards of Safety.

- (e) Certificate of Occupancy: The provisions on Certificates of Occupancy in the National Building Code will be enforced in their entirety.

##### (3) Design Responsibility, Plans and Specifications:

- (a) Responsibility for the design, plans, and specifications, (Architectural, structural, mechanical, and electrical) covering the construction or substantial

remodeling of any building of the classes listed below, shall be entrusted either to a professional architect registered in Kentucky, acting with the scope of his professional registration in accordance with KRS chapter 323 or a professional engineer registered in Kentucky, acting with the scope of his professional registration in accordance with KRS Chapter 322 or both, when, at the discretion of the State Fire Marshal, the circumstances so require. Such architects' and engineers' seals shall be attached to the data covering each area of construction for which he assumes design responsibility.

- (b) Plans and specifications in specific detail and in conformity with good architectural and engineering practices shall be submitted to the State Fire Marshal, Division of Fire Prevention, Department of Insurance, Frankfort, Kentucky, and approval received (See "State Permits" preceding) before construction or substantial remodeling is started for the following:

1. Asylums, hospitals, nursing or convalescent homes for the aged; however named, and regardless of capacity.
2. A school or other educational facility, regardless of capacity.
3. A residential occupancy, defined, for the purpose of this section only, as:
  - a. Hotels. Includes buildings or groups of buildings under the same management in which there are more than fifteen (15) sleeping accommodations for hire, primarily used by transients who are lodged with or without meals, whether designated as a hotel, inn, club, motel, or by any other name. So-called apartment hotels shall be classified as hotels because they are potentially subject to transient occupancy like that of hotels.
  - b. Apartment Buildings. Includes buildings containing three (3) or more living units with independent cooking and bathroom facilities, whether designated as apartment house, tenement, garden apartments, or by any other name.
  - c. Dormitories. Includes buildings where group sleeping accommodations are provided for persons not members of the same family group in one (1) room or in a series of closely associated rooms under joint occupancy and single management, as in college dormitories, orphanages, fraternity houses, military barracks, ski lodges; with or without meals.
4. A place of assembly, regardless of capacity.
5. Mercantile building having a capacity in excess of 100 persons.
6. Industrial buildings having a capacity in excess of 100 persons.
7. Office buildings having a capacity in excess of 100 persons.
8. Any building having more than 20,000 square feet of floor area.

- (c) The architects and professional engineers shall notify this office before the end of construction or remodeling of any building listed above, in order that a final inspection may be made prior to occupancy. When supervision of the construction is not conducted by the architect or professional engineer, it shall be noted on the State Fire Marshal's Project Information Sheet.

##### (4) Inspection:

- (a) This office has state-wide jurisdiction to inspect all places insofar as it is necessary for the enforcement of all laws, ordinances and lawful orders requiring any place to be safe from fire loss. The chief of the fire department or an officer or member of his department, designated by him for that purpose, has authority to inspect all places in his city except the interiors of private dwellings in order to determine whether hazardous conditions exist in which case he shall order proper remedies. The power of inspection mentioned in this paragraph applies to the interior of private dwellings only when a fire has occurred or when there is reason to believe dangerous conditions exist in the dwelling. (KRS 227.270, 227.370).
- (b) If any owner fails to comply with an order issued pursuant to KRS 227.380 or with an order as modified on appeal to the Commissioner, the officer may cause the property to be repaired or removed if repair is not feasible, and all fire hazard conditions remedied at the expense of the owner. (KRS 227.390). The fire chief shall have primary responsibility for the safety of places under his jurisdiction. Regulations of this office establish minimum standards, which shall not prevent any city from enacting more stringent regulations; but this Office will cooperate with local officials in enforcing all fire safety laws and ordinances of the State or its political subdivision. (KRS 227.220, 227.230, 227.320). Inspection of property in the territory served by the fire department shall be made as often as practicable or as often as the legislative body may direct. A written report of continued violations should be sent to the State Fire Marshal who will cooperate with local authorities to secure compliance with the Standards of Safety and other laws, ordinances and regulations of the State and

its political subdivisions relating to matters within the scope of this office (KRS 227.220 et seq).

- (c) It shall be the duty of the Chief of Police in each city or town having a Police Department to render all possible assistance in the enforcement of the provisions of the Standards of Safety, and to direct and require Police Officers to enter places of public assembly for such purpose.

Section 5. Constitutionality: If any part of the "Standards of Safety" is adjudged to be invalid such judgment shall not invalidate the remainder of the "Standards of Safety", but shall be confined in its effect solely to the part directly involved in the proceeding in which rendered.

Section 6. Storage, Handling and Transportation of Flammable Liquids: (1) Permit Requirements.

(a) State Permits.

1. A permit subject to the provisions of Section 2-2, shall be obtained from the State Fire Marshal for the construction, substantial remodeling, or operation of any refinery, bulk storage plant, distributing station, or service station; and for the transporting of flammable liquids in tank vehicles other than in drums, cans, or other containers, of less than sixty (60) gallons individual capacity.
2. Every owner of a tank vehicle used for the transportation of flammable liquids in Kentucky shall make application annually to the State Fire Marshal for a permit to operate such vehicle. Such application shall be accompanied by a statement of the condition of the vehicle at the time application is made. The State Fire Marshal will issue annually numbered permits upon receipt of proper application and certification of conditions.
3. The annual permit number shall be displayed at the top of the rear of each tank. Such numbers shall be of a sharply contrasting color and a minimum of three (3) inches in height.
4. No person shall place any flammable liquid in a tank vehicle for transportation in Kentucky until such vehicle has received, and displayed a permit number as required in paragraph "c" above from the State Fire Marshal.

(b) Local Permits: A permit, subject to the provisions of Section 2-2, shall be obtained from an authorized city official for:

1. The storage or handling of Class I liquids in excess of one gallon in any building of "Residential Occupancy", in excess of ten (10) gallons inside any other building, and in excess of fifty (50) gallons outside of any building.
2. The storage or handling of Class II liquids in excess of ten (10) gallons in any building of "Residential Occupancy", in excess of sixty (60) gallons in any other building, and in excess of 120 gallons outside any building.
3. The storage or handling of Class III liquids in excess of 275 gallons inside any building, and in excess of 1100 gallons outside of any building.
4. The construction, substantial remodeling, or operation of a refinery, bulk storage plant, distributing station or service station.
5. Quantities of paints, oils, varnishes, and similar flammable liquids in excess of those given above, for use on the premises, stored for not more than thirty (30) days.

Section 7. Dry Cleaning and Dyeing: (1) Definitions.

- (a) For the purposes of the Standards of Safety, "dry cleaning" shall be considered the process of removing dirt, grease, paints, and stains from wearing apparel, textiles, fabrics, rugs, etc., through the use of nonaqueous liquid solvents by one or more of the following methods:

1. Immersion and agitation in open vessels.
2. Immersion and agitation in approved closed machines.
3. Spotting or local application of solvents to spots of dirt, grease, paints and stains not removed by immersion and agitation processes.
4. Brushing or scouring with solvents.

- (b) "Dry dyeing" shall be considered the process of drying clothes, textiles, fabrics, rugs, etc., in solutions of dye colors and non-gaseous liquid solvents.

(c) In the following regulations, wherever reference is made to "dry cleaning", that term shall be construed as applying to both dry cleaning and dry dyeing operations.

(2) Permits and Plans.

- (a) A permit from the State Fire Marshal, subject to the provisions of Section 2-2, shall be obtained for the construction or operation of a dry cleaning or dry dyeing plant; or for using any room or structure for dry cleaning or dry dyeing operations; or for the storage of flammable or volatile substances for use in such business.
- (b) Plans shall be drawn to an indicated scale and shall show the relative location of the dry cleaning building, boiler room, finishing building or department, storage tanks for solvents, and the location and arrangement of all equipment, such as pumps washers, drying tumblers, extractors, filter traps,

still, condensers, and piping. Such plans and specifications, based on NFPA Pamphlet No. 32, shall be submitted with the application for a permit. Where a dry cleaning operation is intended to meet Class III requirements as specified in NFPA Pamphlet No. 32, specifications shall include sufficient information to identify listed equipment and solvents (listees' names and model designation on equipment, and name and trade designation for solvents).

Section 8. Airports: (1) Permit:

- (a) A permit subject to the provisions of Section 2-2 shall be secured from the State Fire Marshal before beginning the construction or operation of any airport, or hangar, or similar building intended for the storage or service of airships or airplanes.

(2) General:

- (a) In addition to the applicable provisions of the Standards of Safety the following requirements shall be met:
1. Gas or other open flame lights shall not be used for runway lighting.
  2. Aboveground storage tanks for flammable liquids shall not be permitted.

WARREN SOUTHWORTH, State Fire Marshal  
HAROLD B. MCGUFFEY, Commissioner

ADOPTED: September 15, 1974

APPROVED:

ELIJAH M. HOGGE, Secretary

RECEIVED BY LRC: September 19, 1974 at 2:11 p.m.

PUBLIC HEARING: A public hearing will be held on November 1, 1974 at 10:00 a.m. in Room G-2, Capital Plaza Tower, Frankfort, Kentucky. Persons having an interest in the subject matter of the proposed regulation are invited to attend and present testimony or submit their comments in writing to: State Fire Marshal's Office, Capital Plaza Tower, Frankfort, Kentucky 40601.

CABINET FOR PUBLIC PROTECTION AND REGULATION  
Department of Insurance  
Office of the State Fire Marshal  
(806 KAR 50:020)

RELATES TO: KRS 227.305

PURSUANT TO: KRS 227.305 and 13.082

NECESSITY AND FUNCTION: KRS 227.305 requires the State Fire Marshal's Office to issue regulations relating to the minimum requirements for facilities for the physically handicapped in all public buildings and public accommodations. This proposed regulation sets out the standards to be enforced by the State Fire Marshal's Office.

Section 1. Definitions: (1) "Public Building" shall mean any building constructed, owned, or leased by the Commonwealth or any political subdivision thereof;

(2) "Public Accommodation" shall mean:

- (a) Any inn, hotel, motel, or other establishment which provides lodging to transient guest, other than an establishment located within a building which contains not more than five (5) rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;
- (b) Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food or consumption on the premises of any retail establishment; or any gas station;
- (c) Any motion picture house, theater, concert hall, sports arena or other place of exhibition or entertainment; and
- (d) Any establishment:
  1. Which is physically located within any establishment otherwise covered by this definition, or within the premises of which is physically located any such covered establishment, and
  2. Which holds itself out as serving patrons of such covered establishment.

(3) "Physically Handicapped Person" shall mean a person confined to a wheelchair; a person who uses braces or crutches; a person who because of the loss of a foot or leg or because of an arthritic, spastic, pulmonary or cardiac condition, walks with difficulty or insecurity; a person who suffers from a faulty coordination or balance; a person who is blind or whose sight is so impaired that functioning in a public area, he is insecure or exposed to danger; a person whose hearing is so impaired that he is unable to hear warning signals; and a person whose mobility, flexibility, coordination and perceptiveness are significantly reduced by aging;

(4) "Facility for Physically Handicapped Persons" shall mean any convenience or device which facilitates the health, safety, or comfort of a handicapped person, including, but not limited to, ramps, handrails, elevators, and stairs;

(5) "American National Standard Institute Specifications" shall mean the American National Standard Institute Specifications for Making Buildings and Facilities accessible to, and usable by, the Physically Handicapped, A117.1-1961 (R1971);

(6) "American Standard A 9.1-1953" shall mean American National Standards Institute Specifications for Safety to Life from fire in Buildings and Structures, ANSI A9.1-1971; and

(7) "Remodel" shall mean, with respect to an existing public building or public accommodation, to construct an addi-

tion, make substantial repairs, or substantially alter the appearance, design or layout.

Section 2. Basic Requirements: (1) All public buildings and public accommodations to be constructed or remodeled after June 21, 1974, shall meet the American National Standard Institute Specifications A117.1-1961 (R1971); herein filed by reference.

(2) After June 21, 1974, no building permit or other official authorization for construction or remodeling of a public building or public accommodation by any person is valid unless the plans and specifications are in compliance with these regulations.

Section 3. Minimum facilities for physically handicapped persons: (1) Toilet Rooms:

(a) A minimum of two percent (2%) of total fixtures or, in the case of a multi story building, a minimum of one (1) fixture within each four (4) floors shall meet the requirements of ANSI A117.1-1961 (R1971), 5.6.1.-5.6.6.

(b) Exception: Where one or more toilet rooms are provided in an individual residential unit or suite of residential units of publicly owned residential projects, a minimum of five percent (5%) or a minimum of one (1), whichever is greater, toilet room shall comply with ANSI 117.1-1961 (R1971), 5.6.1, 5.6.2, 5.6.4, 5.6.6, and have walls capable of supporting handrails which can support a 250 pound load.

(2) Water fountains: Where water fountains are provided, such water fountains shall comply with ANSI 117.1-1961 (R1971), 5.7.1, 5.7.2.

(3) Public telephones: Where "banks" of public telephones are located at least one public telephone shall be made usable by the physically handicapped in accordance with ANSI 117.1-1961 (R1971), 5.8.1, 5.8.2.

(4) Inns, Hotels, Motels, and other establishments providing lodging to transient guests: In all inns, hotels, motels, and other establishments which provide lodging to transient guests, other than an establishment located within a building which contains not more than five (5) rooms for rent or hire and which is actually occupied by the Proprietor of such establishments as his residence; a minimum of five percent (5%) or a minimum of one, whichever is greater, of lodging rooms must comply with ANSI 117.1-1961.

(5) Seating for assembly:

(a) In places of assembly with fixed type seating and a capacity greater than forty (40) seats, identified spaces for the wheelchair handicapped shall be provided at a rate of one percent (1%), or a minimum of two, whichever is greater, of the total seating capacity shall be set aside for the handicapped with crutches and/or walkers.

(b) Such spaces and seating shall be located as an integral part of the overall floor plan of said assembly area.

(c) Seats and spaces shall be designed to conform with the requirements of accessibility for wheelchairs described in ANSI 117.1-1971, 3.1, 3.2, 3.3, 3.4.

(6) Instructional facilities, dining halls, and other areas utilizing fixed facilities:

(a) Where fixed tables are used, a minimum of two percent (2%), or at least one (1), shall have twenty-nine (29) inches clearance under the table top, and if aprons are greater than two (2) inches, they shall be recessed one (1) foot. In dining areas and libraries, all fixed tables shall meet this requirement.

(b) Width between fixed tables shall be a minimum of five (5) feet, five (5) inches.

(c) Outside rail heights of fixed tray slides in dining areas shall be no greater than thirty-four (34) inches.

(d) Aisles between fixed tray slides and control railings in dining areas shall be a minimum of thirty-four (34) inches.

(e) In areas with twenty-four (24) or more fixed stations or seats (eg., lecture halls, libraries, dining areas, and other work or study areas), or two percent (2%), or at least one station or seat, shall be designed to conform with the requirements of accessibility for wheelchairs described in ANSI 117.1-1961 (R1971), 3.1, 3.2, 3.3, 3.4.

(f) In laboratories and other work or study areas using work benches, each "Handicapped station" shall be designed to have a low work bench with a clear minimum of twenty-nine (29) inches, (floor to underside of work area) and shall not have an apron.

(g) Aisles between fixed work benches shall have a minimum clear width of three (3) feet.

(h) Aisles between fixed stacks in libraries shall be a minimum width of four (4) feet.

Section 4. Parking lot-sidewalk ramps: (1) In order to enable persons using wheelchairs to travel freely and without assistance from parking lot to sidewalk, a ramp with nonslip surface shall be built into the curb so that the sidewalk and parking lot blend to a common level.

(2) Where such ramps are required, they shall not have a slope greater than one (1) foot rise in twelve (12) feet, or 8.33%, or 4 degrees 50 minutes.

(3) Where such ramps are required, they shall be at least thirty-two (32) inches wide.

(4) Care shall be taken so that the curb cut is not itself a Hazard to the blind.

Section 5. Parking Spaces, minimum number: The minimum number of handicap parking spaces shall be as follows:

TOTAL IN PARKING LOT	REQUIRED NUMBER OF ACCESSIBLE SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of Total-20 plus 1
over 1000	for each 200 over 1000

Section 6. Identification: (1) All buildings shall have sufficient markings to indicate the location of all facilities for the physically handicapped including but not limited to: parking spaces, access ramps, and toilet rooms.

(2) The international symbol of access shall be displayed only on those buildings in which a person in a wheelchair can enter unassisted, conduct his business, use its facilities, and return to the mainstream of pedestrian traffic or a parked automobile without meeting physical impediments of design or construction.

(3) A small international symbol of access may be displayed in large public use buildings to identify certain facilities that have been made accessible and usable by the handicapped.

(4) Use of the international symbol shall conform to these specifications:

(a) Visibility requires that the symbol be no smaller than four (4) inches (ten (10) centimeters) on each side; at long distances, an eighteen (18) inch (forty-five (45) centimeters) square would normally be sufficiently large. Size for road signs or large display should maintain the square proportion and not alter the abstract figure in the wheelchair.

(b) Color should be blue or black for high contrast. If made of metal, black on silver or gold is preferred. If necessary, coloring may be reversed.

WARREN SOUTHWORTH, State Fire Marshal  
HAROLD B. MCGUFFEY, Commissioner

ADOPTED: September 15, 1974

APPROVED: ELIJAH M. HOGGE, Secretary

RECEIVED BY LRC: September 19, 1974 at 2:17 p.m.

PUBLIC HEARING: A public hearing will be held on November 1, 1974 at 10:00 a.m. in Room G-2, Capital Plaza Tower, Frankfort, Kentucky. Persons having an interest in the subject matter of the proposed regulation are invited to attend and present testimony or submit their comments in writing to: State Fire Marshal's Office, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET  
Department of Insurance  
Office of the State Fire Marshal  
(806 KAR 50:050)

RELATES TO: KRS 234.120

PURSUANT TO: KRS 234.140 and 13.082

NECESSITY AND FUNCTION: KRS 234.140 requires the Commissioner to promulgate rules to provide for the safe storage, transportation, and use of LP Gas. This proposed regulation will assure the LP Gas dealers are responsible persons before, during, or after granting a license.

Section 1. LP Gas License, Denial, Revocation, or Suspension: All licenses required under KRS 234.120 may be denied, revoked, suspended after hearing thereon for:

(1) Evidence of Insolvency;

(2) Failure to pay the required fee;

(3) Repeated violations of the applicable regulations;

(4) Failure to have and maintain proof of ability to respond in damages.

WARREN SOUTHWORTH, State Fire Marshal  
HAROLD B. MCGUFFEY, Commissioner

ADOPTED: July 15, 1974

APPROVED: ELIJAH M. HOGGE, Secretary

RECEIVED BY LRC: September 19, 1974 at 2:13 p.m.

PUBLIC HEARING: A public hearing will be held on November 1, 1974 at 10:00 a.m. in Room G-2, Capital Plaza Tower, Frankfort, Kentucky. Persons having an interest in the subject matter of the proposed regulation are invited to attend and present testimony or submit their comments in writing to: State Fire Marshal's Office, Capital Plaza Tower, Frankfort, Kentucky 40601.



## ADMINISTRATIVE REGISTER

PUBLIC PROTECTION AND REGULATION CABINET  
Department of Insurance  
Office of the State Fire Marshal  
(806 KAR 50:060)

RELATES TO: KRS 234.120

PURSUANT TO: KRS 234.120 and 13.082

NECESSITY AND FUNCTION: KRS 234.120 requires the Commissioner to promulgate reasonable regulations requiring proof of financial responsibility. This proposed regulation is made to assure persons injured by LP Gas dealers have some assets against which to recoup some of their loss.

## Section 1. Proof of financial responsibility, amount:

(1) Subject to the exceptions provided in KRS 234.120 subsection (2), no person shall obtain a license to engage in any of the businesses set out below without having shown proof of ability to respond in damages for personal injury and property damages in the minimum amounts of \$10,000.00:

- (a) Selling, to the ultimate consumer or user, of Liquefied Petroleum Gas, of Liquefied Petroleum Gas containers, or of Liquefied Petroleum Gas regulating equipment for use with Liquefied Petroleum Gas;
- (b) Assembling, repairing, installing or connecting of Liquefied Petroleum Gas containers, or regulating equipment, or Liquefied Petroleum Gas appliances, or any Liquefied Petroleum Gas utilization equipment, or the filling of I.C.C. Liquefied Petroleum Gas containers of less than one hundred (100) pounds capacity;
- (c) Selling or delivering Liquefied Petroleum Gas in prefilled containers (this does not authorize the filling of containers or delivery by tank truck);
- (d) The selling of Liquefied Petroleum Gas for use in motor vehicles, as a motor fuel, from storage containers, dispensing devices, and pertinent equipment;
- (e) Engaging in all the businesses set out in paragraphs (a), (b), (c), and (d), and having not more than five hundred (500) customers (this license shall be in lieu of the four (4) individual licenses required by paragraphs (a), (b), (c), and (d)).

(2) Subject to the exceptions provided in KRS 234.120 subsection (2), no person shall obtain a license to any of the businesses set out below without having shown proof of ability to respond in damages for personal injury and property damages in the minimum amount of \$50,000:

- (a) Engaging in all the businesses set out in section 1, paragraphs (a), (b), (c), and (d), and having more than five hundred (500) customers (this license shall be in lieu of all other licenses);
- (b) Storing, for resale, of Liquefied Petroleum Gas in other than I.C.C. containers, except qualifications under section 1, paragraphs (b) or (d);
- (c) Transporting of Liquefied Petroleum Gas, by tank truck, over the highways of this state;
- (d) Delivering of Liquefied Petroleum Gas to any person, by tank truck, or the delivering, to any person other than the ultimate consumer, in containers, except where the delivering is incidental to the carrying on of a business licensed under paragraph (a) herein;
- (e) The filling of Liquefied Petroleum Gas containers of one hundred (100) pound capacity or more;
- (f) Engaging in all or any combination of the businesses set out in section 1, paragraphs (a) through (e) and section 2, paragraphs (a) through (e) inclusive (this license shall be in lieu of all individual licenses required herein).

WARREN SOUTHWORTH, State Fire Marshal  
HAROLD B. MCGUFFEY, Commissioner

ADOPTED: September 15, 1974

APPROVED:

ELIJAH M. HOGGE, Secretary

RECEIVED BY LRC: September 19, 1974 at 2:14 p.m.

PUBLIC HEARING: A public hearing will be held on November 1, 1974 at 10:00 a.m. in Room G-2, Capital Plaza Tower, Frankfort, Kentucky. Persons having an interest in the subject matter of the proposed regulation are invited to attend and present testimony or submit their comments in writing to: State Fire Marshal's Office, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET  
Department of Insurance  
Office of the State Fire Marshal  
(806 KAR 50:070)

RELATES TO: KRS 234.180; 234.140

PURSUANT TO: KRS 234.140 and 13.082

NECESSITY AND FUNCTION: The Commissioner has been given the authority to promulgate regulations to insure safe storage, handling and use of Liquefied Petroleum Gas. This proposed regulation will help insure the proper procedure in handling Liquefied Petroleum Gas held for commercial or industrial standby usage during local energy shortage situations.

Section 1. LP Gas, storage for standby usage: Before any plant may be constructed for the storage of Liquefied Petroleum Gas for the industrial or commercial standby usage, a

copy of the plans and specifications must be submitted in duplicate to the Hazardous Materials Section, Office of the State Fire Marshal and shall be approved by said section before construction or installation is begun. Plans so submitted shall show the following information as a minimum:

- (1) The name and address of the owner;
- (2) Location of the proposed plant in relation to the nearest city, town, highway, railroads, and built up areas;
- (3) A plot plan showing dimensions of the area proposed to be used for the plant, distances to the nearest property lines and location and construction of any buildings which might affect the distances required under regulations adopted by the Commissioner;
- (4) Construction drawings showing the arrangement and construction of all tanks, tank supports, piping, accessories, buildings, and appurtenant items of construction. These drawings shall be in sufficient detail to allow a contractor who is familiar with tank and pipe installation but not necessarily familiar with Liquefied Petroleum Gas installations to use such drawings to satisfactorily complete the installation without further instruction;
- (5) A copy of the original boiler inspector's report of inspection of the tank or tanks to be used or a reference to manufacturer's name and serial number of the tank so that such report may be obtained direct;
- (6) The date of completion of the plans, the dates of any subsequent revisions and the signature of the person assuming responsibility for the correctness of the plans.

WARREN SOUTHWORTH, State Fire Marshal  
HAROLD B. MCGUFFEY, Commissioner

ADOPTED: September 15, 1974

APPROVED:

ELIJAH M. HOGGE, Secretary

RECEIVED BY LRC: September 19, 1974 at 2:14 p.m.

PUBLIC HEARING: A public hearing will be held on November 1, 1974 at 10:00 a.m. in Room G-2, Capital Plaza Tower, Frankfort, Kentucky. Persons having an interest in the subject matter of the proposed regulation are invited to attend and present testimony or submit their comments in writing to: State Fire Marshal's Office, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION  
Department of Insurance  
Office of the State Fire Marshal  
(806 KAR 50:080)

RELATES TO: KRS 227.300

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 227.300 requires the Commissioner to promulgate rules to provide for the safe storage, and handling of all flammable liquids. This proposed regulation supplements the National Fire Protection Association pamphlet 30, 1973 edition, in the area of safe practices in a self-service station for Class I flammable liquids.

Section 1. Remote Control Required: In all self-service stations for flammable liquids there shall be a control room in which a remote control device is located. Said device must be located within arms reach of the attendant while he is maintaining the appropriate and adequate observation and control of dispensing activities.

Section 2. Attendant Required, Duties: (1) There shall be not less than one (1) attendant on duty at all times while the station is open to the public and the self-service gasoline dispensing equipment is in use.

(2) An attendant shall supervise the dispensing of Class I liquids from within the confines of the control room or stand wherein the remote control device is located.

(3) The attendant shall refuse service to any customer who is smoking or who appears for any reason to be unable or incompetent to participate in the dispensing of a Class I liquid.

Section 3. Communication System: A two-way communication system of the public address type shall be provided to facilitate direct and individual communication between the control room or stand, and each pump island.

Section 4. Water for Spillage: (1) An operable water hose shall be connected and available for washing down spillage at all times the station is open for business.

(2) In the event of Class I liquid spillage, an attendant shall forthwith wash down said spillage, unless in so doing a greater hazard would result.

Section 5. Locking Dispensing Units: Each dispensing device for Class I liquids at a remote control dispensing station shall be kept locked or otherwise maintained inoperable at all times that the station is unattended.

WARREN SOUTHWORTH, State Fire Marshal  
HAROLD B. MCGUFFEY, Commissioner

ADOPTED: September 15, 1974

APPROVED:

ELIJAH M. HOGGE, Secretary

RECEIVED BY LRC: September 19, 1974 at 2:16 p.m.

PUBLIC HEARING: A public hearing will be held on November 1, 1974 at 10:00 a.m. in Room G-2, Capital Plaza Tower, Frankfort, Kentucky. Persons having an interest in the subject matter of the proposed regulation are invited to



attend and present testimony or submit their comments in writing to: State Fire Marshal's Office, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET  
Department of Insurance  
Office of the State Fire Marshal  
(806 KAR 50:100)

RELATES TO: KRS 17.210

PURSUANT TO: KRS 13.082 and 17.250

SUPERSEDES: FDA: Stds: 1, FDA: Pro: 1, FDA: Apl: 1, FDA: Ver: 1, FDA: Prss: 1, and FDA: Expd: 1

NECESSITY AND FUNCTION: KRS 17.250 requires the Commissioner to allot funds to local fire departments in order to promote better fire protection through better facilities and equipment. This proposed regulation sets out standards and procedures for determining the amount or use of Fire Department Aid.

Section 1. Standards and Procedure: (1) To qualify to receive aid under the Fire Department Aid Law, fire departments in cities of all classes, fire prevention districts organized pursuant to KRS Chapter 75, county districts established under authority of KRS 67.320 and all other organized fire departments operated and maintained on a non-profit basis in the interest of the health, safety, prosperity and security of the inhabitants of the Commonwealth must maintain at least twelve (12) paid or volunteer firemen. Cities, districts or fire departments in the process of establishing such a fire department may qualify.

(2) For any department to be eligible for Fire Department Aid, the Chief shall furnish to the Fire Department Aid Coordinator proof that their department has met or are in the process of meeting the minimum requirements for firefighters as certified by the Commission on Fire Protection Personnel Standards and Education and promulgated by the Commissioner of Insurance.

(3) Allotments for each fiscal year of all funds available for such year shall be made at the discretion of the Commissioner of Insurance and shall be based on the funds available and the comparative needs of the applicants.

Section 2. Application for Aid: (1) It shall be the responsibility of the Chief Officer or his appointed representative of each department, to furnish any information required or requested by the Fire Department Aid Coordinator for determination of eligibility.

(2) Any fire department seeking aid pursuant to the authority of KRS 17.250 shall file an application on blanks which may be obtained from the Office of the State Fire Marshal.

(3) Such applications shall be executed in duplicate, one copy to be retained by the applicant and the original to be forwarded to the State Fire Marshal.

Section 3. Verification and Inspection: (1) The application for aid shall contain or have attached thereto a detailed statement of the equipment to be purchased, repairs to be made, or other purposes for which the allotment is to be expended, and such other information as the Commissioner of Insurance may require to give proper consideration to the request.

(2) Where a new department is being established, additional information as to the territory to be served, and plans and specifications for the establishment of the department shall accompany the application.

(3) The Fire Department Aid Coordinator shall, upon receipt of the application advise the Commissioner of Insurance as to the validity of the qualifications and approval for grant in aid.

(4) The Commissioner of Insurance or the Fire Department Aid Coordinator or his representative may make an inspection of the applicant's department to determine its comparative needs before allotment is made.

Section 4. Processing Applications For and Expenditure of Aid: (1) Applications for aid for current fiscal year, July 1, to June 31, received on or before September 30, will be disbursed during the second half of the fiscal year.

(2) Applications for allotment for any fiscal year, submitted during the first quarter, July 1 - September 30, of such year, will be processed during the second quarter of the year, October 1 - December 31. Allotments made will be disbursed during the second half of the fiscal year, January 1 - June 31, for all funds available for the year involved. Applications received after September 30, of any fiscal year will be held for approval or disapproval, for participation in funds during the next fiscal year.

(3) No allotment may be expended for any purpose than that for which it is allowed without the approval of the Fire Department Aid Coordinator.

(4) If approved allotment is insufficient to cover cost of equipment or other approved purpose, funds granted for any fiscal year may be deposited in any bank legally authorized by applicant, to be held for a period not to exceed five (5) years from the initial request. If additional time beyond the five (5) years is needed a written request shall be made to the Fire Department Aid Coordinator, giving reasons why additional time is needed. This shall be a special and separate bank account marked Fire Department Aid.

(5) If an allotment is granted to a department and is not

to be used for purchase of equipment for which it was granted, the Chief of the Department shall:

(a) Contact the State Aid Coordinator directly giving reason why he wishes to make a change in the original equipment list, and

(b) Resubmit a new equipment list which is to be approved by the commissioner or

(c) Refund the grant in aid allotment.

(6) Amounts expended for expenses of firemen in attending schools or conventions shall not exceed \$100 for any one department. This shall be an item entered on your regular equipment list.

(7) When expenditure is made of any allotted funds, copies of receipted bills shall be forwarded, (by the 31st of December of the current fiscal year), to the State Aid Coordinator and after his approval shall be forwarded to the Commissioner of Insurance. If grant is to be used toward the retirement of a pre-existing debt for purchase of land, buildings or equipment, proof of such expenditure in the form of affidavit or cancelled note shall be furnished the Commissioner.

WARREN SOUTHWORTH, State Fire Marshal  
HAROLD B. MCGUFFEY, Commissioner

ADOPTED: September 15, 1974

APPROVED:

ELIJAH M. HOGGE, Secretary

RECEIVED BY LRC: September 19, 1974 at 2:12 p.m.

PUBLIC HEARING: A public hearing will be held on November 1, 1974 at 10:00 a.m. in Room G-2, Capital Plaza Tower, Frankfort, Kentucky. Persons having an interest in the subject matter of the proposed regulation are invited to attend and present testimony or submit their comments in writing to: State Fire Marshal's Office, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET  
Department of Insurance  
Office of the State Fire Marshal  
(806 KAR 50:200)

RELATES TO: KRS 227.570

PURSUANT TO: KRS 227.590 and 13.082

NECESSITY AND FUNCTION: KRS 227.590 requires the Mobile Home Certification and Licensure Board to establish rules and regulations governing the standards for manufacture, sale, and alteration of mobile homes and recreational vehicles. These regulations are intended to assure safety for owners and occupiers of mobile homes and recreational vehicles.

Section 1. Authorization: (1) These rules are authorized by KRS 227.590 and established pursuant to the rule making procedures set forth in KRS Chapter 13, in order to implement, interpret, and carry out the provisions of laws of 1974, KRS Chapter 227, relating to mobile homes and recreational vehicles. In the event that these regulations conflict with the codes promulgated by the National Fire Protection Association NFPA 501 (B), and NFPA (C), the codes shall govern in all cases.

(2) At least thirty (30) days before the adoption or promulgation of any change in or addition to the rules and regulations, the office shall mail to all manufacturers possessing valid Certificates of Acceptability and dealers possessing valid licenses a notice including a copy of the proposed changes and additions and the time and place that the Board will consider any objections to the proposed changes and additions. After giving the notice required by this section, the Board shall afford interested persons an opportunity to participate in the rule making through submission of written data, views or arguments with or without opportunity to present the same orally in any manner.

(3) Every rule or regulation, or modification, amendment or repeal of a rule or regulation adopted by the Board shall state the date it shall take effect.

Section 2. Enforcement: Subject to the provisions of applicable law, the Office of the State Fire Marshal shall administer and enforce all the provisions of the Mobile Home and Recreational Vehicle Act. Any officer, agent, or employee of the State Fire Marshal's Office is authorized to enter any premises in order to inspect any mobile home or recreational vehicle for which the office has issued a seal of approval, or to inspect such mobile home's or recreational vehicle's equipment and, or its installations to insure compliance with the Act, the code and these regulations. Upon complaint and request, a privately owned mobile home or recreational vehicle bearing a seal may be entered to determine compliance with these regulations. When it becomes necessary to determine compliance he may require that a portion or portions of such mobile homes or recreational vehicles be removed or exposed in order that a compliance inspection can be made.

Section 3. Definitions: In addition to the definitions contained herein, the definitions of NFPA 501 (B), and NFPA (C) by the National Fire Protection Association shall apply:

(1) Act: The Mobile Home and Recreational Vehicle Act.

(2) Agency, Testing: An outside organization which is:

(a) Primarily interested in testing and evaluating equipment and installations;

(b) Qualified and equipped for, or to observe experimental testing to approved standards;

(c) Not under the jurisdiction or control of any manufacturer or supplier of any industry;

ADMINISTRATIVE REGISTER

- (d) Makes available a published report in which specific information is included stating that the equipment and installations listed or labeled have been tested and found safe for use in a specific manner; and
- (e) Approved by the Board.
- (3) Alteration or Conversion: The replacement, addition, modification or removal of any equipment or installations which may affect the body and frame design and construction, plumbing, heat-producing or electrical systems or the functioning thereof of mobile home or recreational vehicle subject to these rules, the above equipment must be installed in accordance with manufacturer's specifications.
- (4) Board: Mobile Home Certification and Licensure Board.
- (5) Certificate of Acceptability: The certificate provided to the manufacturer signifying the manufacturer's ability to manufacture, import, or sell mobile homes or recreational vehicles within the state.
- (6) Class "A" Seal: A device or insignia issued by the office to indicate compliance with the standards, established by the office or rules and regulations established by the Board for new mobile homes and recreational vehicles manufactured after the effective date of the Act.
- (7) Class "B" Seal: A device or insignia issued by the office to indicate compliance with the standards, established by the office, rules and regulations established by the Board for used mobile homes or recreational vehicles without a Class "A" Seal, or for new mobile homes or new recreational vehicles manufactured prior to the effective date of the Act.
- (8) Dealer: Any person, other than a manufacturer, as defined herein, who sells or offers for sale three (3) or more mobile homes or recreational vehicles in any consecutive twelve (12) month period.
- (9) Established Place of Business: A fixed and permanent place of business in this state, including an office building and hard surface lot of suitable character and adequate facilities and qualified personnel, for the purpose of performing the functional business and duties of a mobile home or recreational vehicle dealer, which shall include the books, records, files, and equipment necessary to properly conduct such business or a building having sufficient space therein to properly show and display the mobile homes or recreational vehicles being sold and in which the functional duties of a mobile home or recreational vehicle dealer may be performed. The place of business shall not consist of residence, tent, temporary stand or open lot. It shall display a suitable sign identifying the dealer and his business with letters of a minimum height of six inches (6") and width of one and one-half inches (1 1/2").
- (10) Manufacturer: Any person who manufactures mobile homes or recreational vehicles and sells to dealers.
- (11) Mobile Home: For purposes of the Scope of the Act and regulations this means a movable or portable unit constructed to be moved from place to place on the public streets or highways and designed to permit the permanent or temporary occupancy therein for the purpose of use as a place of residence, business, profession, or trade by the owner, lessee, or their assigns and which can be connected to electric, water, gas, sewage, and telephone facilities. It may consist of one (1) or more units that can be attached or joined together to comprise an integral unit or condominium structure. It shall include house-trailers which are regulated as to length, width and registration by KRS Chapter 186. "Add-a-Room" units are not considered an integral part of a mobile home, therefore, manufacturer's Certificates of Acceptability and seals are required.
- (12) NFPA 501 (B): That section of the National Fire Code adopted by the National Fire Protection Association that pertains to standards for mobile homes.
- (13) NFPA 501 (C): That section of the National Fire Code adopted by the National Fire Protection Association that pertains to standards for recreational vehicles.
- (14) Office: The Office of the State Fire Marshal.
- (15) Person: This means a person, partnership, corporation or other legal entity.
- (16) Recreational Vehicle: For purposes of the Scope of the Act and regulations this is a vehicular type unit designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted or drawn by another vehicle.
- (17) Suitable Sign: A sign with the dealership name and type of dealership in letters of a minimum height of six (6) inches and a minimum width of one and one-half inches (1 1/2").

Section 4. Scope and Purpose of the Act and Regulations: (1) Except to the extent otherwise stated in the Act and these regulations and in other laws of the Commonwealth which are not inconsistent with or superseded by the Act and these regulations, these regulations govern the design, manufacture, storage, sale, and methods for transportation of mobile homes and recreational vehicles which are manufactured, sold, leased, or transported for use within or outside of the Commonwealth. These regulations apply to mobile homes or recreational vehicles manufactured in manufacturing facilities located within or outside the Commonwealth. Mobile homes or recreational vehicles brought into this state for exhibition use only and which will not be sold in this state may be excluded from the coverage of this Act and Regulations if inspection reveals no condition hazardous to health or safety, provided a sign is conspicuously posted at said exhibition that this home is not approved for sale in Kentucky.

(2) The State Legislature has enacted the Mobile Home and Recreational Vehicle Act to protect the health and safety of the owner, occupants, and all other persons from

mal-manufactured mobile homes and recreational vehicles. The office has been given authority to carry out the purposes of the Act. Past experience indicates that rigid enforcement is required. The Act sets out the minimum standards for design and manufacture. Manufacturers are encouraged to surpass these standards. Dealers are encouraged to maintain ethical business standards beyond non-fraudulent minimums.

Section 5. Standards for Vehicles in Manufacturers' or Dealers' Possession: (1) The office shall enforce such standards and requirements for the installation of plumbing, heating, and electrical systems in mobile homes and recreational vehicles as it determines are reasonably necessary to protect the health and safety of the occupants and the public.

(2) The office shall also enforce such standards and requirements for the body and frame design and construction of mobile homes and recreational vehicles as are reasonably necessary in order to protect the health and safety of the occupants and the public.

(3) On all mobile homes and recreational vehicles manufactured after June 21, 1974, until the effective date of these regulations said standards shall be NFPA 501 (B) and NFPA 501 (C), 1973 edition. After the effective date of these regulations said standards will be NFPA 501 (B), 1974 edition, herein adopted by reference and NFPA 501 (C), 1974 edition, herein adopted by reference.

(4) On all used mobile homes and recreational vehicles without a seal or any mobile home or recreational vehicle manufactured prior to June 21, 1974, said standards shall be that the dealer shall certify that the electric, heating, and plumbing systems have been checked, and repaired if necessary, and found to be in safe working condition and thus be in conformity with intent of the Act to protect the health and safety of the occupants and general public.

Section 6. Applicability and Interpretation of Code and Regulation Provisions: (1) Any question regarding the applicability or interpretation of any provisions of any code or regulation adopted shall be submitted in writing by any interested person to the office for resolution. It is the policy of the office that with respect to questions regarding NFPA 501 (B) or NFPA 501 (C), any such question shall whenever feasible be submitted to the NFPA in accordance with the established procedures of the organization. The decision of the office shall be in writing.

Section 7. Certificate of Acceptability: (1) No manufacturer may manufacture, import, or sell any mobile home or recreational vehicle in this state after the effective date of this Act, unless he has procured a Certificate of Acceptability from the Board. Compliance shall be enforced through KRS 227.992. Mobile homes or recreational vehicles manufactured in this state and designed for delivery to and for sale in a state that has a code that is inconsistent with NFPA 501 (B) or NFPA 501 (C) need not comply with this provision.

(2) Requirements for Issuance:

- The manufacturer must submit and the office must approve in-plant quality control systems.
- The manufacturer must apply for approval of systems for transportation.
- An affidavit certifying compliance with the applicable standards must be attached to the application.
- A five hundred dollar (\$500) fee must accompany the application. The fee, if paid by check or money order, shall be made payable to: Kentucky State Treasurer. Said fee shall be prorated on a calendar year basis.
- The manufacturer must furnish and maintain with the office a \$20,000 bond, with corporate surety conditioned upon such manufacturer's complying with the applicable statutes and as an indemnity for any loss sustained by any person by reason of acts of the certificate holder constituting grounds for suspension or revocation for his Certificate of Acceptability.
- Proof of financial responsibility must accompany the application.

(3) To obtain in-plant quality control approval, a manufacturer shall submit a system for in-plant quality control pursuant to paragraph (b) of this subsection and submit to inspection by the office for field verification of satisfactory quality control. Applications for approval of in-plant quality control systems shall contain the following:

- A certified copy of the plans and specifications of a model or model-group for body frame design and construction and electrical, heating, plumbing systems. All plans shall be submitted on sheets approximately 24" x 30" and bear the signature and seal of a registered architect or professional engineer certifying that the aforementioned systems comply with NFPA 501 (B) and NFPA 501 (C) by the National Fire Protection Association.
- Also a copy of the procedure which will direct the manufacturer to construct mobile homes and recreational vehicles in accordance with the plans, specifying:
  - Scope and Purpose.
  - Receiving the inspection procedure for basic materials.
  - Material storage and stock rotation procedure.
  - Types and frequency of product inspection.
  - Sample of inspection control form used.
  - Responsibility for quality control programs, indicating personnel, their assignments, experience and qualifications.

7. Test equipment.
8. Control of drawings and material specifications.
9. Test procedures.
10. Record-keeping procedures.

(4) No manufacturer to which a Certificate of Acceptability has been issued shall modify in any way its manufacturing specifications without prior written approval of the office.

(5) If the manufacturer is also a dealer, he must also comply with dealer licensing provisions.

(6) Should the applicant not conform with these regulations, the applicant shall be so notified in writing by the office within ten (10) working days of the date received. Should the applicant fail to submit a corrected application in accordance with the information supplied on the application correction notice, the application will be deemed abandoned and twenty percent (20%) of fees due will be forfeited to the office. Any additional submission shall be processed as new application.

(7) Manufacturers shall notify the office in writing within thirty (30) days of any of the following occurrences:

- (a) The corporate name is changed;
- (b) The main address of the company is changed;
- (c) There is a change in twenty-five percent (25%) or more of the ownership interest of the company within a twelve (12) month period;
- (d) The location of any manufacturing facility is changed;
- (e) A new manufacturing facility is established; or,
- (f) There are changes in the principal officers of the firm.

(8) Any information relating to building systems, in-plant quality control systems, and transportation systems which the manufacturer considers proprietary shall be so designated by him at the time of its submission, and shall be so held by the office, and by the inspection, evaluation, and local enforcement agencies unless the Board determines in each case that disclosure is necessary to carry out the purposes of the Act.

(9) The office may determine that the standards for mobile homes or recreational vehicles established by a state or a recognized body or agency of the federal government are at least equal to NFPA 501 (B) or NFPA 501 (C). If the office find that such standards are actually enforced then it shall issue a Certificate of Acceptability for such mobile homes and recreational vehicles.

(10) A Certificate of Acceptability may be denied, suspended, or revoked on the following grounds:

- (a) Evidence of insolvency;
- (b) Material misstatement in application for Certificate of Acceptability;
- (c) Willful failure to comply with any provisions of the Act or any rule or regulation promulgated by the Board under the Act;
- (d) Willfully defrauding any buyer;
- (e) Willful failure to perform any written agreement with any buyer or dealer;
- (f) Failure to furnish or maintain the required bond;
- (g) A fraudulent sale, transaction, or repossession;
- (h) Violation of any law relating to the sale or financing of mobile homes or recreational vehicles.

(11) If a certificate holder is a firm or corporation, it shall be sufficient cause for the denial, suspension, or revocation of a certificate that any officer, director, or trustee of the firm or corporation, or any member in case of a partnership, has been guilty of any act or omission which would be cause for refusing, suspending, or revoking a certificate to such party as an individual. Each certificate holder shall be responsible for any or all of his salesmen while acting as his agent.

(12) Procedure for Denial, Revocation or Suspension:

- (a) The office may deny the application for a Certificate of Acceptability by written notice to the applicant, stating the grounds for such denial.
- (b) No Certificate of Acceptability shall be suspended or revoked by the office except after a hearing thereon. The office shall give the certificate holder at least thirty (30) days notice of the time and place of the hearing and of the charges to be heard.
- (c) Any manufacturer or dealer who violates or fails to comply with this Act or any rules or regulations promulgated thereunder shall be notified in writing setting forth facts describing the alleged violation and instructed to correct the violation within sixty (60) days. Should the manufacturer fail to make the necessary corrections within the specified time, the office may, after notice and hearing, suspend or revoke any Certificate of Acceptability if it finds that:
  1. The manufacturer has failed to pay the fees authorized by the Act; or that
  2. The manufacturer, either knowingly or with the exercise of due care to prevent the same, has violated any provision of this Act or any regulation or order lawfully made pursuant to and within the authority of the Act.
  3. The manufacturer has shipped or imported into this state a mobile home or recreational vehicle to any person other than to a duly licensed dealer.

(13) Any person aggrieved by any ruling of the office denying a Certificate of Acceptability within fifteen (15) days after any such ruling of the office may appeal such ruling to the Board herein provided for. Such appeal shall be in writing. The Board shall state in writing, officially signed by all the members concurring therein, its findings and determi-

nation after such hearing and its order in the matter. If the Board shall determine and order that any applicant is not qualified to receive a Certificate of Acceptability, no certificate shall be granted. If the Board shall determine that the certificate holder was willfully or through gross negligence been guilty of a violation of any of the provisions of the Act, his certificate may be suspended or revoked.

(14) Any person aggrieved by any ruling of the Board may appeal to the Franklin Circuit Court and to the Court of Appeals in the manner provided for by KRS 281.780 and 281.785.

(15) Under proceedings for the suspension of a Certificate of Acceptability for any of the violations enumerated in the Act, the holder of a Certificate of Acceptability may have the alternative subject to the approval of the Board, to pay in lieu of part or all of the days of any suspension the sum of fifty (50) dollars per day.

Section 8. - Serial Numbers, Model Numbers, Date Manufactured: (1) A clearly designated serial number, model number, and date manufactured shall be stamped into the front (hitch end) cross member of the frame at the lower left hand side (while facing the unit), and if there is no such cross member, then a data plate with this information shall be affixed on the outside next to the main entry door.

Section 9. Dealer License: (1) No dealer of mobile homes or recreational vehicles shall engage in business as such in this state without a license issued by the office upon application.

(2) Application must contain the following information:

- (a) Name and address of the chief managing officer;
- (b) Location of the established place of business;
- (c) Social security number and date of birth of chief managing officer;
- (d) Test score (see below);
- (e) Previous year's units sold, new and used;
- (f) Affidavit certifying compliance with the Act and Regulations;
- (g) Bond (see below);
- (h) Names of officers if dealership in corporate form;
- (i) Names of partner if dealership in partnership form;
- (j) Proof of financial responsibility;
- (k) Any other information the office deems commensurate with safeguarding of the public interest in the locality of the proposed business.

(3) Pursuant to KRS 227.610, the office may test each applicant's chief managing officer at the time of application for a license or renewal of a license previously issued.

(4) All licenses shall be granted or refused within thirty (30) days after application therefore, and shall expire, unless sooner revoked or suspended, on December 31 of the calendar year for which they are granted.

(5) The license fee shall be \$150 and in the case of a new license, not a renewal license, the fee shall be prorated on a calendar year basis. The fee, if paid by check or money order, shall be made payable to: Kentucky State Treasurer.

(6) The license must be conspicuously displayed at the established place of business. In case such location be changed, the office shall endorse the change of location on the license without charge if it be within the same municipality. A change of location to another municipality shall require a new license.

(7) The dealer must furnish and maintain with the office a \$20,000 bond, with corporate surety conditioned upon such dealer's complying with the applicable statutes and as an indemnity for any loss sustained by any person by reason of acts of the licensee constituting grounds for suspension or revocation of his license:

- (a) The bond form prescribed by the State Fire Marshal shall be used.
- (b) Forfeiture of the bond will not occur until after a court adjudication thereof.

(8) Periodic Reports:

- (a) Every dealer licensed in accordance with the provisions of the Act, shall make reports to the office at such intervals and showing such information as the office may require.
- (b) On January 1, April 1, July 1, October 1, of each year the dealer must supply the following information:
  1. Serial number of units sold, new and used.
  2. Any change of facts that would render inaccurate their application.
- (c) Notification of a change in the application information must be made within thirty (30) days of any of the following occurrences:
  1. Dealership name is changed;
  2. Established place of business is changed;
  3. There is a change in twenty-five percent (25%) or more of the ownership interest of the dealership within a twelve (12) month period; or
  4. There are changes in the principal officers of the firm.

(9) A license may be denied, suspended or revoked on the following grounds:

- (a) Evidence of Insolvency;
- (b) Material misstatement in application;
- (c) Willful failure to comply with any provision of the Act or any rule or regulation promulgated by the Board under the Act.
- (d) Willful failure to perform any written agreement with the buyer;
- (e) Willfully defrauding any buyer;



- (f) Failure to have or to maintain an established place of business;
- (g) Failure to furnish or maintain the required bond;
- (h) Making a fraudulent sale, transaction or repossession;
- (i) Employment of fraudulent devices, methods, or practices in connection with the requirements under the statutes of this state with respect to the retaking of goods under retail installment contracts and the redemption and resale of such goods.
- (j) Failure of a dealer to put the title to a mobile home or recreational vehicle in his name after said dealer has acquired ownership of the mobile home or recreational vehicle by trade or otherwise.
- (k) Violation of any law relating to the sale or financing of mobile homes or recreational vehicles.

(10) If a licensee is a firm or corporation, it shall be sufficient cause for the denial, suspension or revocation of a license that any officer, director or trustee or the firm or corporation, or any member in case of a partnership, has been guilty of any act or omission which would be cause for refusing, suspending, or revoking a license to such party as an individual. Each licensee shall be responsible for any or all of his salesmen while acting as his agent.

(11) Upon proceedings for the suspension of a license for any of the violations enumerated in the Act, the licensee may have the alternative, subject to the approval of the Board, to pay in lieu of part of all of the days of any suspension the sum of fifty (\$50) dollars per day.

(12) Procedure for Denial, Revocation, or Suspension:

- (a) The office may deny the application for a license within thirty (30) days after receipt thereof by written notice to the applicant, stating the grounds for such denial.
- (b) No license shall be suspended or revoked by the office except after a hearing thereon. The office shall give the licensee at least thirty (30) days notice of the time and place of hearing and of the charges to be heard.
- (c) Any dealer who violates or fails to comply with the Act or any rules or regulations promulgated thereunder shall be notified in writing setting forth facts described the alleged violation and instructed to correct the violation within sixty (60) days. Should the dealer fail to make the necessary corrections within the specified time, the office may, after notice and hearing, suspend or revoke any license if it finds that:
  1. The dealer has failed to pay the fees authorized by the Act; or that
  2. The dealer either knowingly or without the exercise of due care to prevent the same, has violated any provision of the Act or any regulation or order lawfully made pursuant to and within the authority of the Act.

(13) Any person aggrieved by any ruling of the office denying, suspending or revoking a license, within fifteen (15) days after such ruling of the office may appeal such ruling to the Board herein provided for. Such appeal shall be in writing. The Board shall state in writing, officially signed by all the members concurring therein, its findings and determination after such hearing and its order in the matter. If the Board shall determine that the licensee has willfully or through gross negligence been guilty of a violation of any of the provisions of the Act, his license may be suspended or revoked.

(14) Any person aggrieved by any ruling of the Board may appeal to the Franklin Circuit Court and to the Court of Appeals in the manner provided for by KRS 281.780 and 281.785.

Section 10. Seals: (1) No manufacturer who has received a Certificate of Acceptability from the office shall sell or offer for sale to Kentucky dealers in this state mobile homes or recreational vehicles unless they bear a Class A seal of approval issued by and purchased from the office. This provision shall not apply to vehicles sold or offered for sale for shipment out of state.

(2) No dealer who has received a license from the office shall sell a mobile home or recreational vehicle unless it has a seal. Any dealer who has acquired a used mobile home or recreational vehicle without a Class A seal or a mobile home or recreational vehicle manufactured prior to June 21, 1974, shall apply to the office for a Class B seal by submitting an affidavit certifying either that all electrical, heating, and plumbing equipment has been checked, and if necessary, repaired, and is now in safe working condition, or that the unit meets the applicable NFPA Code.

(a) Acquisition of Seals:

1. Any manufacturer, except one altering a new mobile home or recreational vehicle bearing a seal, may qualify for acquisition of a Class "A" seal by obtaining Certificate of Acceptability pursuant to KRS 227.580 and Section 7 of this regulation.
2. Any dealer, except one altering a mobile home or recreational vehicle bearing a seal, may qualify for acquisition of a Class "B" seal by giving an affidavit certifying either that all electrical, heating, and plumbing equipment has been checked, if necessary, repaired, and is now in safe working condition, or that the unit meets the applicable NFPA Code.

(b) Application for Seals:

1. Any person who has met the applicable requirements of Section 7 or Section 9 of this regulation shall

apply for seals in the form prescribed by the office. The application shall be accompanied by the seal fee of fifteen dollars (\$15) for each Class A seal or fifteen dollars (\$15) for each Class B seal.

2. If the applicant has qualified to apply for seals pursuant to the in-plant quality control approval method, the seal application shall include the Certificate of Acceptability number and the serial number of each mobile home or recreational vehicle for which a seal is requested. Multiple mobile homes and recreational vehicles shall be designated where applicable. Advance inclusions of the mobile home's or recreational vehicle's serial number may be omitted from the application provided the applicant submits a report of the seal number and serial number of the specified mobile home or recreational vehicle to which the seal has been assigned. Such report shall be on the seal application form and shall be submitted no later than thirty (30) days after placement on vehicle.

(c) Alteration or Conversion of a Unit Bearing a Seal:

1. Any alteration of the construction, plumbing, heat-producing equipment, electrical equipment or installations or fire safety in a mobile home which bears a seal, shall void such approval and the seal shall be returned to the office.
2. The following shall not constitute an alteration or conversion:
  - a. Repairs with approved component parts.
  - b. Conversion of listed fuel-burning appliances in accordance with the terms of their listing.
  - c. Adjustment and maintenance of equipment.
  - d. Replacement of equipment in kind.
  - e. Any change that does not affect those areas covered by NFPA 501 (B) or NFPA 501 (C).
3. Any dealer proposing an alteration to a mobile home bearing a seal shall make application to the office. Such application shall include:
  - a. Make and model of the mobile home.
  - b. Serial number.
  - c. State seal number.
  - d. A complete description of the work to be performed together with plans and specifications when required.
  - e. Location of the mobile home where work is to be performed.
  - f. Name and address of the owner of the mobile home.
4. Upon completion of the alteration, the applicant shall request the office to make an inspection pursuant to KRS 227.660.
5. The applicant may purchase a replacement seal, based on inspection of the alteration for a fee of two dollars (\$2).

(d) Denial and Repossession of Seals: Should inspection reveal that a manufacturer is not constructing mobile homes or recreational vehicles according to NFPA 501 (b) or NFPA 501 (C) and such manufacturer, after having been served with a notice setting forth in what respect the provisions of these rules and the code have been violated, continues to manufacture mobile homes or recreational vehicles in violation of these rules and the code, applications for new seals shall be denied and the seals previously issued and unused shall be confiscated and credit given. Upon satisfactory proof of compliance such manufacturer may resubmit an application for seal.

(e) Seal Removal: In the event that any mobile home or recreational vehicle bearing the seal is found to be in violation of these rules, the office shall attach to the vehicle a notice of non-compliance and furnish the manufacturer or dealer a copy of same. The office, dealer or manufacturer shall not remove the non-compliance tag until corrections have been made, and the owner or his agent has requested an inspection in writing to the office or given an affidavit certifying compliance.

(f) Placement of Seals:

1. Each seal shall be assigned and affixed to a specific mobile home. Assigned seals are not transferable and are void when not affixed as assigned, and all such seals shall be returned to or may be confiscated by the office. The seal shall remain the property of the office and may be seized by the office in the event of violation of the Act or regulations.
2. The seal shall be securely affixed on the door on the handle side at approximately handle height.
3. No other seal, stamp, cover, or other marking may be placed so as to cover, hide, or detract from the visibility to the seal.

(g) Lost or Damaged Seals:

1. When a seal becomes lost or damaged, the office shall be notified immediately in writing by the owner. The owner shall specify the manufacturer, the mobile home serial number, and when possible, the seal number.
2. All damaged seals shall be promptly returned. Damaged and lost seals shall be replaced by the office with a replacement seal, which bears the date of issue of the original seal and which shall be designated as a replacement seal, on payment of the replacement seal fee of two dollars (\$2).

WARREN SOUTHWORTH, Chairman  
Mobile Home Certification and Licensure Board



# ADMINISTRATIVE REGISTER

ADOPTED: September 12, 1974  
 APPROVED: ELIJAH M. HOGGE, Secretary  
 RECEIVED BY LRC: September 19, 1974 at 4:32 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: State Fire Marshal's Office, Capital Plaza Tower, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES  
 Kentucky Drug Formulary Council  
 (902 KAR 1:010)

RELATES TO: KRS 217.814 to 217.826 and 217.990 (9) (10)  
 PURSUANT TO: KRS 13.082  
 SUPERSEDES: GDF-1-1

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the Council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. KRS 217.819 also directs the Council to provide for the distribution of copies of such formulary and revisions and additions thereto among practitioners and pharmacists and to supply a copy to any person on request upon payment of a price determined by the Council. This regulation provides for the distribution of the formulary and prescribes a fee to be paid by other persons requesting a copy of the formulary.

Section 1. Distribution of Formulary to Physicians and Pharmacists. The Kentucky Generic Drug Formulary shall be distributed, when available, without request or cost, to all licensed pharmacists and to all licensed medical and osteopathic physicians and dentists actively engaged in practice in Kentucky.

Section 2. Distribution of Formulary to Podiatrists and Veterinarians. The Kentucky Generic Drug Formulary shall be distributed, when available, upon written request, without cost to all licensed podiatrists and veterinarians actively engaged in practice in Kentucky.

Section 3. Distribution of Formulary to Individuals; Fee. The Kentucky Generic Drug Formulary shall be distributed, when available, to any person upon written request, upon payment of a \$5 fee. The cost of subsequent annual revisions of the Formulary to such persons shall be \$5.

APPROVED: ROBERT L. BARNETT, JR., Chairperson  
 LAUREL TRUE, Secretary  
 ADOPTED: September 19, 1974  
 RECEIVED BY LRC: September 20, 1974 at 4:09 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Al Austin, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES  
 Kentucky Drug Formulary Council  
 (902 KAR 1:020)

RELATES TO: KRS 217.814 to 217.826 and 217.990 (9) (10)  
 PURSUANT TO: KRS 13.082  
 SUPERSEDES: GDF-2-2

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the Council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Ampicillin pharmaceutical products by their generic and brand names that have been determined by the Council to be therapeutically equivalent.

Section 1. Ampicillin Capsule Pharmaceutical Products. The following ampicillin capsule pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

## (1) Ampicillin 250mg Capsule Form

Alpen	Lederle
Ancill	Parke-Davis
Ampicillin	Bocan Drug Company
Ampicillin	International Laboratories, Inc.
Ampicillin	Richie Pharmacal Company
Ampicillin Trihydrate	Bell Pharmacal Corporation
Ampicillin Trihydrate	Purepac Pharmaceutical Co.
Ampicillin Trihydrate	Rondex Laboratories, Inc.
Omnipen	Wyeth Laboratories
Pen A	Pfizer
Penbritin	Ayerst

Pensyn	Upjohn
Polycillin	Bristol
Principen	Squibb
QIDamp	Mallinckrodt Chemical Works
SK-Ampicillin	Smith, Kline & French
Supen	Reid-Provident Laboratories, Inc.
Totacillin	Beecham-Massengill
Vampen	Vanguard Laboratories

## (2) Ampicillin 500mg Capsule Form

Alpen	Lederle
Ancill	Parke-Davis
Ampicillin	Bocan Drug Company
Ampicillin	International Laboratories, Inc.
Ampicillin	Richie Pharmacal Company
Ampicillin Trihydrate	Bell Pharmacal Corporation
Ampicillin Trihydrate	Purpac Pharmaceutical Co.
Ampicillin Trihydrate	Rondex Laboratories, Inc.
Omnipen	Wyeth Laboratories
Pen A	Pfizer
Penbritin	Ayerst
Pensyn	Upjohn
Polycillin	Bristol
Principen	Squibb
QIDamp	Mallinckrodt Chemical Works
SK-Ampicillin	Smith, Kline & French
Supen	Reid-Provident Laboratories, Inc.
Totacillin	Beecham-Massengill
Vampen	Vanguard Laboratories

Section 2. Ampicillin Oral Suspension Pharmaceutical Products. The following ampicillin oral suspension pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

## (1) Ampicillin 125mg per 5ml Oral Suspension

Alpen	Lederle
Ancill	Parke-Davis
Ampicillin	Bocan Drug Company
Ampicillin	International Laboratories, Inc.
Ampicillin Trihydrate	Bell Pharmacal Corporation
Omnipen	Wyeth Laboratories
Pen A	Pfizer
Penbritin	Ayerst
Pensyn	Upjohn
Polycillin	Bristol
Principen	Squibb
QIDamp	Mallinckrodt Chemical Works
SK-Ampicillin	Smith, Kline & French
Supen	Reid-Provident Laboratories, Inc.
Totacillin	Beecham-Massengill
Vampen	Vanguard Laboratories

## (2) Ampicillin 250mg per 5ml Oral Suspension

Alpen	Lederle
Ancill	Parke-Davis
Ampicillin	Bocan Drug Company
Ampicillin	International Laboratories, Inc.

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Ampicillin Trihydrate	Bell Pharmacal Corporation
Omnipen	Wyeth Laboratories
Pen A	Pfizer
Penbritin	Ayerst
Pensyn	Upjohn
Polycillin	Bristol
Principen	Squibb
QIDamp	Mallinckrodt Chemical Works
SK-Ampicillin	Smith, Kline & French
Supen	Reid-Provident Laboratories, Inc.
Totacillin	Beecham-Massengill
Vampen	Vanguard Laboratories

APPROVED: ROBERT L. BARNETT, JR., Chairperson  
LAUREL TRUE, Secretary  
ADOPTED: September 19, 1974  
RECEIVED BY LRC: September 20, 1974 at 4:09 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Al Austin,  
Kentucky Drug Formulary Council, 275 East Main Street,  
Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES  
Kentucky Drug Formulary Council  
(902 KAR 1:030)

RELATES TO: KRS 217.814 to 217.826 and 217.990 (9) (10)  
PURSUANT TO: KRS 13.082  
SUPERSEDES: GDF-3-1

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the Council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Erythromycin pharmaceutical products by their generic and brand names that have been determined by the Council to be therapeutically equivalent. This regulation relates to four (4) separate entities of erythromycins, viz: erythromycin base; erythromycin stearate; erythromycin ethyl succinate; and erythromycin estolate.

Section 1. Erythromycin Estolate Pharmaceutical Product. The following erythromycin estolate pharmaceutical product is not interchangeable with any other erythromycin product:

Ilosone	Eli Lilly & Company
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Note: No other current product is considered therapeutically equivalent.

Section 2. Erythromycin Base Pharmaceutical Products. The following erythromycin base pharmaceutical products, 250mg. solid oral dosage form, are considered to be therapeutically equivalent:

E-Mycin	Upjohn Company
Erythromycin Base	Abbott Laboratories
Erythromycin Base	Bocan Drug Company
Erythromycin Base	I.L.I. Atlanta
Ilotycin	Eli Lilly & Company
Kesso-Mycin	McKesson Laboratories
Robimycin	A. H. Robins Co., Inc.
RP-mycin	Reid-Provident Laboratories, Inc.

Section 3. Erythromycin Stearate Pharmaceutical Products. The following erythromycin stearate pharmaceutical products; 125mg., 250mg., and 500mg. solid oral dosage form, are considered to be therapeutically equivalent in each respective dosage:

Erypar	Parke-Davis & Company
Erythrocin Stearate Filmtab	Abbott Laboratories
Erythromycin Stearate	Alliance Laboratories, Inc.
Erythromycin Stearate	Columbia Medical Company
Erythromycin Stearate	Bell Pharmacal Corporation
Erythromycin Stearate	Mylan Pharmaceuticals
Erythromycin Stearate	Purepac Pharmaceutical Company

Erythromycin Stearate	Richie Pharmacal Company
Erythromycin Stearate	Rondex Laboratories
Erythromycin Stearate	Wyeth Laboratories
Pfizer-E	Pfizer Laboratories
QIDmycin	Mallinckrodt Chemical Works
Sk-Erythromycin	Smith, Kline & French Laboratories
V-Mycin	Vanguard Laboratories

Note: All manufacturers may not produce the products listed above in all dosage forms.

Section 4. Erythromycin Ethyl Succinate Pharmaceutical Products. The following erythromycin ethyl succinate pharmaceutical products: oral suspension; chewable tablets; drops 100mg. per 2.5ml.; and granules 200 mg. per 5ml. are considered to be therapeutically equivalent within the respective dosage form:

- (1) Oral Suspension 200mg. per 5ml.

Erythrocin Liquid	Abbott Laboratories
Pediamycin	Ross Laboratories

- (2) Chewable Tablets

Erythrocin	Abbott Laboratories
Pediamycin	Ross Laboratories

- (3) Drops 100mg. per 2.5ml

Erythrocin	Abbott Laboratories
Pediamycin	Ross Laboratories

APPROVED: ROBERT L. BARNETT, JR., Chairperson  
LAUREL TRUE, Secretary  
ADOPTED: September 19, 1974  
RECEIVED BY LRC: September 20, 1974 at 4:10 p.m.

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Kentucky Drug Formulary Council, 275 East Main Street,  
Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES  
Kentucky Drug Formulary Council  
(902 KAR 1:040)

RELATES TO: KRS 217.814 to 217.826 and 217.990 (9) (10)  
PURSUANT TO: KRS 13.082  
SUPERSEDES: GDF-4

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the Council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Penicillin-G pharmaceutical products by their generic and brand names that have been determined by the Council to be therapeutically equivalent.

Section 1. Penicillin-G Tablet Pharmaceutical Products. The following Penicillin-G tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

- (1) Penicillin-G Tablets 100,000 USP Units

Potassium Penicillin-G	Columbia Medical Company
Potassium Penicillin-G	Eli Lilly & Company
Vanpen-G	Vanguard Laboratories

- (2) Penicillin-G Tablets 200,000 USP Units

Kesso-Pen	McKesson Laboratories
Potassium Penicillin-G	Alliance Laboratories, Inc.
Potassium Penicillin-G	Columbia Medical Company
Potassium Penicillin-G	Dow Pharmaceuticals
Potassium Penicillin-G	Mylan Laboratories
Potassium Penicillin-G	Wyeth Laboratories
Pentids	E. R. Squibb & Sons., Inc.
Pfizerpen G	Pfizer Laboratories
Vanpen G	Vanguard Laboratories

- (3) Penicillin-G Tablets 250,000 USP Units

Kesso-Pen	McKesson Laboratories
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Pfizerpen G	Pfizer Laboratories
Potassium Penicillin-G	Alliance Laboratories, Inc.
Potassium Penicillin-G	Columbia Medical Company
Potassium Penicillin-G	Eli Lilly & Company
Potassium Penicillin-G	Mylan Laboratories
Potassium Penicillin-G	Purepac Pharmaceutical Co.
Potassium Penicillin-G	Richie Pharmacal Co., Inc.
Potassium Penicillin-G	Rondex Laboratories
Potassium Penicillin-G	Wyeth Laboratories
Vanpen G	Vanguard Laboratories
(4) Penicillin-G Tablets 400,000 USP Units	
Kesso-Pen	McKesson Laboratories
Pentids "400"	E. R. Squibb & Sons, Inc.
Pfizerpen G	Pfizer Laboratories
Potassium Penicillin-G	Alliance Laboratories, Inc.
Potassium Penicillin-G	Columbia Medical Company
Potassium Penicillin-G	Dow Pharmaceuticals
Potassium Penicillin-G	Mylan Laboratories
Potassium Penicillin-G	Parke-Davis & Company
Potassium Penicillin-G	Purepac Pharmaceutical Co.
Potassium Penicillin-G	Richie Pharmacal Co., Inc.
Potassium Penicillin-G	Rondex Laboratories
Potassium Penicillin-G	Wyeth Laboratories
QIDpen G	Mallinckrodt Chemical Works
Vanpen G	Vanguard Laboratories
(5) Penicillin-G Tablets 500,000 USP Units	
Potassium Penicillin-G	Columbia Medical Company
Vanpen G	Vanguard Laboratories
(6) Penicillin-G Tablets 800,000 USP Units	
Pentids "800"	E. R. Squibb & Sons, Inc.
Pfizerpen G	Pfizer Laboratories

Section 2. Penicillin-G Oral Liquid Pharmaceutical Products. The following Penicillin-G pharmaceutical products for oral liquids are determined to be therapeutically equivalent, in each respective dosage:

(1) Penicillin-G Oral Liquids 200,000 Units	
Kesso-Pen	McKesson Laboratories
Vanpen G	Vanguard Laboratories
(2) Penicillin-G Oral Liquids 250,000 Units	
Sugarcillin	Upjohn
Vanpen G	Vanguard Laboratories
(3) Penicillin-G Oral Liquids 400,000 Units	
Kesso-Pen	McKesson Laboratories
Pfizerpen G	Pfizer Laboratories
Vanpen G	Vanguard Laboratories

ROBERT L. BARNETT, JR., Chairperson  
LAUREL TRUE, Secretary

APPROVED:  
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Kentucky Drug Formulary Council, 275 East Main Street,  
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DEPARTMENT FOR HUMAN RESOURCES  
Kentucky Drug Formulary Council  
(902 KAR 1:050)

RELATES TO: KRS 217.814 to 217.826 and 217.990 (9) (10)  
PURSUANT TO: KRS 13.082  
SUPERSEDES: GDF-5

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the Council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Phenoxymethyl Penicillin (Penicillin V) pharmaceutical products by their generic and brand names that have been determined by the Council to be therapeutically equivalent.

Section 1. Phenoxymethyl Penicillin (Penicillin V) Tablet Pharmaceutical Products. The following Penicillin V tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

(1) Penicillin V Tablets 125mg	
Compocillin VK	Abbott Laboratories
Penicillin V	Columbia Medical Company
Pen Vee K	Wyeth Laboratories
Phenoxymethyl Penicillin	Purepac Pharmaceutical Co.
Phenoxymethyl Penicillin	Rondex Laboratories
Vanpen VK	Vanguard Laboratories
V-Cillin-K	Eli Lilly & Company
(2) Penicillin V Tablets 250mg	
Compocillin VK	Abbott Laboratories
Dowpen VK	Dow Pharmaceuticals
Kesso-Pen-VK	McKesson Laboratories
Penapar VK	Parke-Davis & Company
Penicillin V	Columbia Medical Company
Penicillin VK	Phillips-Roxane Labs., Inc.
Penicillin VK	Richie Pharmacal Co., Inc.
Pen Vee K	Wyeth Laboratories, Inc.
Pfizerpen VK	Pfizer Laboratories
Phenoxymethyl Penicillin	Mylan Laboratories
Phenoxymethyl Penicillin	Purepac Pharmaceutical Co.
Phenoxymethyl Penicillin	Rondex Laboratories
QIDpen VK	Mallinckrodt Chemical Works
Robicillin VK	A. H. Robins Co.
SK-Penicillin-VK	Smith, Kline & French
Uticillin VK	Upjohn Company
Vanpen VK (oval or round)	Vanguard Laboratories
V-Cillin-K	Eli Lilly & Company
Veetids	E. R. Squibb & Sons, Inc.
(3) Penicillin V Tablets 500mg	
Compocillin VK	Abbott Laboratories
Dowpen VK	Dow Pharmaceuticals
Kesso-Pen-VK	McKesson Laboratories
Penapar VK	Parke-Davis & Company
Pencillin V	Columbia Medical Company
Pencillin VK	Phillips-Roxane Labs., Inc.
Pen Vee K	Wyeth Laboratories, Inc.
Pfizerpen VK	Pfizer Laboratories
Phenoxymethyl Penicillin	Mylan Laboratories
QIDpen VK	Mallinckrodt Chemical Works
Robicillin VK	A. H. Robins Co.
SK-Penicillin-VK	Smith, Kline & French
Uticillin VK	Upjohn Company
Vanpen VK	Vanguard Laboratories
V-Cillin-K	Eli Lilly & Company

ADMINISTRATIVE REGISTER

Veetids	E. R. Squibb & Sons, Inc.
Section 2. Phenoxyethyl Penicillin (Penicillin V) Oral Liquid Pharmaceutical Products. The following Penicillin V pharmaceutical products for oral liquids are considered to be therapeutically equivalent, in each respective dosage:	
(1) Penicillin V Powders or Granules for Oral Liquid Dosage 125mg	
Compocillin VK	Abbott Laboratories
Kesso-Pen-VK	McKesson Laboratories
Penapar VK	Parke-Davis & Company
Penicillin V	Columbia Medical Company
Penicillin VK	Richie Pharmacal Co., Inc.
Pen Vee K	Wyeth Laboratories, Inc.
Pfizerpen VK	Pfizer Laboratories
Phenoxyethyl Penicillin	Mylan Laboratories
QIDpen VK	Mallinckrodt Chemical Works
Robicillin VK	A. H. Robins Co.
SK-Penicillin-VK	Smith, Kline & French
Uticillin VK	Upjohn Company
Vanpen VK	Vanguard Laboratories
V-Cillin-K	Eli Lilly & Company
Veetids	E. R. Squibb & Sons, Inc.
(2) Penicillin V Powders or Granules for Oral Liquid Dosage 250mg	
Compocillin VK	Abbott Laboratories
Kesso-Pen-VK	McKesson Laboratories
Penapar VK	Parke-Davis & Company
Penicillin V	Columbia Medical Company
Penicillin VK	Richie Pharmacal Co., Inc.
Pen Vee K	Wyeth Laboratories, Inc.
Pfizerpen VK	Pfizer Laboratories
Phenoxyethyl Penicillin	Mylan Laboratories
QIDpen VK	Mallinckrodt Chemical Works
Robicillin VK	A. H. Robins Co.
SK-Penicillin-VK	Smith, Kline & French
Uticillin VK	Upjohn Company
Vanpen VK	Vanguard Laboratories
V-Cillin-K	Eli Lilly & Company
Veetids	E. R. Squibb & Sons, Inc.

APPROVED: ROBERT L. BARNETT, JR., Chairperson  
 ADOPTED: September 19, 1974  
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SUBMIT COMMENT OR REQUEST FOR HEARING TO: Al Austin, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES  
 Kentucky Drug Formulary Council  
 (902 KAR 1:060)

RELATES TO: KRS 217.814 to 217.826 and 217.990 (9) (10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the Council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Sodium Pentobarbital pharmaceutical products by their generic and brand names that have been determined by the Council to be therapeutically equivalent.

Section 1. Sodium Pentobarbital Capsule Pharmaceutical Products. The following sodium pentobarbital capsule pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

(1) Sodium Pentobarbital 100mg Capsule Form

Nembutal Sodium	Abbott Laboratories
Penbar	Vanguard Laboratories
Sodium Pentobarbital	Kasar Laboratories
Sodium Pentobarbital	Purepac Pharmaceutical Co.
Sodium Pentobarbital	Rondex Laboratories, Inc.
Sodium Pentobarbital	Wyeth Laboratories, Inc.

APPROVED: ROBERT L. BARNETT, JR., Chairperson  
 ADOPTED: September 19, 1974  
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SUBMIT COMMENT OR REQUEST FOR HEARING TO: Al Austin, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES  
 Kentucky Drug Formulary Council  
 (902 KAR 1:070)

RELATES TO: KRS 217.814 to 217.826 and 217.990 (9) (10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the Council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Sodium Secobarbital pharmaceutical products by their generic and brand names that have been determined by the Council to be therapeutically equivalent.

Section 1. Sodium Secobarbital Capsule Pharmaceutical Products. The following sodium secobarbital capsule pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

(1) Sodium Secobarbital 100mg Capsule Form

Sebar	Vanguard Laboratories
Sodium Secobarbital	Kasar Laboratories
Sodium Secobarbital	Purepac Pharmaceutical Co.
Sodium Secobarbital	Rondex Laboratories, Inc.
Sodium Secobarbital	Wyeth Laboratories, Inc.
Seconal	Eli Lilly and Company

APPROVED: ROBERT L. BARNETT, JR., Chairperson  
 ADOPTED: September 19, 1974  
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SUBMIT COMMENT OR REQUEST FOR HEARING TO: Al Austin, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40601.

## How To Cite

Cite all material in the Administrative Register of Kentucky by Volume number and page number. Example: Volume 1, Kentucky Register, page 318. (Short form: 1 Ky.R.318).

Cite portions of the 1975 KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE by Title, Chapter and Regulation number, as follows:

601 KAR 1:010

meaning Regulation 010 of Chapter 1 of Title 601. The 600-series of Titles indicates that the issuing authority is the Department of Transportation. Title 601 is the Bureau of Vehicle Regulation: Chapter 1 relates to Motor Carriers and Regulation 010 deals with the maximum length of such vehicles on specified highways.



# KAR Codification

(Following is an outline of the codification system which has been developed for the KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE. The entries for regulations received to date are listed below. Other Cabinets, Departments and agencies of state government will be assigned Titles and Chapters as their regulations are received.)

- TITLE 1 LEGISLATIVE RESEARCH COMMISSION
- Ch. 1 Administrative Regulations  
010 Form of administrative regulations; Administrative Register; Codification
- TITLE 11 KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY
- Ch. 1 State Student Incentive Grants  
010 Criteria for selection; amounts  
010E (same as above, filed on Emergency basis)
- TITLE 31 STATE BOARD OF ELECTIONS
- Ch. 1 Absentee Voting  
010 When charged with or indicted for a crime
- TITLE 40 DEPARTMENT OF LAW
- Ch. 1 Attorney General  
010 Procedures for Official Opinions  
020 Private requests for opinions
- TITLE 100 SECRETARY OF CABINET
- TITLE 102 TEACHERS' RETIREMENT SYSTEM
- Ch. 1 General Rules  
020 Supplemental payments
- TITLE 200 EXECUTIVE DEPARTMENT FOR FINANCE & ADMINISTRATION
- Ch. 1 Public Records  
010 Inspecting and copying  
010E (same as above, filed on emergency basis)
- Ch. 2 Travel Expense and Reimbursement  
030 Official work station  
030E (same as above, filed on emergency basis)  
060 Subsistence expenses  
060E (same as above, filed on emergency basis)
- TITLE 201 DIVISION OF OCCUPATIONS AND PROFESSIONS
- Ch. 1 Board of Accountancy  
(010 through 110 reserved)  
120 Examinations; Subjects, grading, reexamination
- Ch. 2 Board of Pharmacy  
010 Schools approved by the Board  
020 Examinations  
030 (reserved for "Reciprocity")  
040 Registration of interns  
050 Licenses and permits; Fees  
060 Pocket certificates  
070 Prescription intermediary services restricted
- Ch. 3 Board of Auctioneers  
010 Apprenticeship requirements for principal examination  
020 Residence requirements for apprentices  
030 Reciprocity with Indiana residents  
040 Non-cancellation during active military duty  
050 Accounting of funds by licensed auctioneers  
060 Sale of real estate at auction
- Ch. 5 Board of Optometric Examiners  
030 Annual courses of study required
- Ch. 6 Board of Licensure for Nursing Home Administrators  
010 Licensure
- TITLE 301 DEPARTMENT OF FISH AND WILDLIFE RESOURCES
- Ch. 1 Fish  
010 Boat docks and concession stands  
020 Snagging  
030 Tennessee River closing hours  
040 Skin diving prohibited; exceptions  
050 Small state-owned lakes, special regulations of  
060 Sport and rough fish  
070 Rough fish from backwaters  
080 Fish and aquatic organisms  
090 Bow fishing  
100 Trout stamp  
110 Prohibition on raising or hatching fish in public waters

- Ch. 2 Game  
010 Use of steel traps  
020 Use of devices for taking and pursuing wildlife  
021E Migratory birds; seasons, limits  
030 Commercial guides  
040 Upland game shooting preserves  
050 Land Between the Lakes hunting rules

- Ch. 3 Hunting and Fishing  
010 Acts of depredation prohibited  
020 License fees

- Ch. 4 Wildlife  
010 Districts  
020 Ballard Refuge restrictions

## TITLE 401 BUREAU OF ENVIRONMENTAL QUALITY

- Ch. 1 Division of Plumbing  
(010 reserved for definitions)  
020 Installation permits

- Ch. 2 (reserved for Division of Solid Waste)

- Ch. 3 (reserved for Division of Air Pollution)

- Ch. 4 Division of Water Resources  
010 Water withdrawal permits; Criteria; Reports

## TITLE 402 BUREAU OF LAND RESOURCES

- Ch. 1 Division of Reclamation  
010 Reclamation plans of surface effects of underground mines; Definitions; Certificates, fees, terms; Requirements

- Ch. 2 Division of Conservation  
010 Direct aid eligibility of districts  
020 Allowable district expenditures

- Ch. 3 (reserved for Division of Forestry)

## TITLE 601 BUREAU OF VEHICLE REGULATION

- Ch. 1 Division of Motor Carriers  
010 Truck tractors, semi-trailers; Maximum length  
020 Permit for hauling industrial materials; Fee; Bond  
020E (same as 020, filed on Emergency basis)

- Ch. 12 (reserved for Driver's Licensing)

- Ch. 13 Driver Improvement  
010 Medical Review Board - Basis for examination, evaluation, test

- Ch. 14 (reserved for Driver Training Schools)

## TITLE 602 DIVISION OF AERONAUTICS AND AIRPORT ZONING

- Ch. 1 Air Carriers  
010 Applications for intrastate certificates of public convenience and necessity  
020 Rules and procedures for hearings on certificates  
030 Operation of aircraft in intrastate air commerce  
040 Insurance and indemnity bond requirements

## TITLE 603 BUREAU OF HIGHWAYS

- Ch. 1 (reserved for Construction and Materials)

- Ch. 2 (reserved for Pre-Construction)

- Ch. 3 (reserved for Maintenance)

- Ch. 4 (reserved for Right of Way)

- Ch. 5 Traffic  
010 Types of limited access; permits for other access  
020 Pedestrian traffic on limited access facilities  
030 Right turn on red signal prohibitions

- Ch. 6 Truckway Classifications  
010 KY 15 Classifications  
011 KY 36 Classifications  
012 US 119 Classification  
013 KY 136 Classifications  
014 KY 797 Classification  
015 KY 909 Classifications  
016 KY 1232 Classification  
017 KY 1526 Classifications  
018 KY 1 Classifications  
019 KY 7 Classifications  
020 US 31-W Classifications  
021 I-24 Classification

## TITLE 701 DEPARTMENT OF EDUCATION

## ADMINISTRATIVE REGISTER

## TITLE 702 EDUCATION - BUREAU OF ADMINISTRATION AND FINANCE

- Ch. 1 General Administration
  - 010 Facilities surveys
  - 020 Length of employment
  - 030 Group life insurance program
- Ch. 2 Surplus Property
  - 010 Definitions of eligible entities
  - 020 Authority for organizing and operating
  - 030 Certification of eligibles
  - 040 Donee requirements on use and disposal of Federal surplus personal property donated for public health or educational purposes
  - 050 Donee requirements on use and disposal of Federal excess property
  - 060 Nonfederal excess, surplus or purchased property; requirements on use and disposal
  - 070 Acquisition from Division
  - 080 Service charges, funds and accounting procedures
  - 090 Director of Division; duties
  - 100 Property not covered by PL 152; authority for acquisition
- Ch. 3 School District Finance
  - 010 Guidelines for use of foundation program capital outlay funds
  - 020 Bond issue approval
  - 030 Insurance requirements on mortgaged buildings
  - 040 Check issuing policy
  - 045 Withholding funds
  - 050 Budget not to be exceeded
  - 060 Teachers' salaries payment plan
  - 070 Teachers' salary scheduling
  - 075 Substitute teachers' salary scheduling
  - 080 Treasurer's bond, penal sum
  - 090 Depository bond, penal sum
  - 100 Data form, professional staff
  - 110 Document filing dates
  - 120 Uniform school financial accounting system
  - 130 Internal accounting
  - 140 Bidding guidelines
  - 150 Audit exceptions and corrections
  - 160 Classroom units on basis of an area larger than a district

## TITLE 703 EDUCATION - BUREAU OF PUPIL PERSONNEL SERVICES

- Ch. 1 Food Service Programs
  - 010 Local responsibilities
  - 020 District director
  - 030 Principal's responsibilities
  - 040 Personnel; policies and procedures
  - 050 Lunch and breakfast requirements
  - 060 Time minimum for meals
  - 070 Funds and reports
  - 080 Accrual cost accounting
- Ch. 2 School Terms, Attendance and Operation
  - 010 Terms and months
  - 020 Calendar
  - 030 Census
  - 040 Experimental schools
- Ch. 3 Guidance Services
  - 010 Personnel functions
  - 020 Counselor; criteria and duties
  - 030 Counselor units
  - 040 Federal funds

## TITLE 704 EDUCATION - BUREAU OF INSTRUCTION

- Ch. 1 Exceptional and Handicapped Programs
  - 010 Hearing impairment
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## Administrative Regulations Review Subcommittee Minutes

September 11, 1974.

The Administrative Regulations Review Subcommittee held its third meeting on Wednesday, September 11, 1974, at 10:00 a.m. in Room 327 of the State Capitol.

Present were:

Members

Sen. Michael R. Moloney,  
Chairman  
Rep. James Davis  
Rep. Richard Lewis

Guests

Stanley Paher, State of  
Nevada  
Perry Lewis, Department  
of Highways

LRC

Phillip R. Patton  
Hugh Morris  
Mabel Robertson  
Susan Martin

Press

Don Walker

The meeting was called to order by Chairman Moloney.

Chairman Moloney moved to file Regulation No. 1 KAR 1:010, Legislative Research Commission, (Form of Regulations), in that it was felt that the word "Regulation", as referred to in the text of 1 KAR 1:010 referred to the actual material submitted to the Legislative Research Commission rather than the material incorporated by reference. In addition the Subcommittee felt that the provision of KRS 13.090 permitted the LRC to prescribe the manner and form for regulations.

Regulation No. 31 KAR 1:010, State Board of Elections, (Absentee voting when charged with crime), was filed.

Regulations No. 40 KAR 1:010 and 40 KAR 1:020, Attorney General, (Official Opinions), were returned for clarification to the Attorney General.

Regulation No. 201 KAR 1:120, Accountancy (Examinations), was returned on the grounds that it was adopted prior to July 1, 1974, and would not have permanent effect as it was adopted prior to the 1974 amendment to Chapter 13.084 which requires that all regulations be adopted subsequent to July 1, 1974.

Regulation No. 201 KAR 2:010, Pharmacy (Schools), was filed.

Regulation No. 201 KAR 2:020, Pharmacy (Examinations), was filed.

Regulation No. 201 KAR 2:040, Pharmacy (Interns), was filed.

Regulation No. 201 KAR 2:050, Pharmacy (Licenses and permits), was filed.

Regulation No. 201 KAR 2:060, Pharmacy (Pocket certificates), was filed.

Regulation No. 201 KAR 2:070, Pharmacy (Restricted service), was filed.

Regulation No. 401 KAR 1:020, Plumbing (Permits), was filed.

Regulations No. 402 KAR 2:010, Conservation (Aid to districts), and 402 KAR 2:020, Conservation (District Expenditures), were returned to Conservation for resubmission under the provisions of KRS 13.084 which provides that all regulations be adopted after July 1, 1974, in order to have permanent effect.

Regulation No. 601 KAR 1:010, Vehicle Regulation (Truck length), was filed.

Regulation No. 601 KAR 1:020, Vehicle Regulation (Industrial material permits), was filed.

Regulation No. 602 KAR 1:010, Aeronautics (Certificate of convenience, etc.), was filed.

Regulation No. 602 KAR 1:020, Aeronautics (Hearing Procedures), was filed.

Regulations No. 801 KAR 1:010, Registry of Election Finance (Executive Comm. Report), 801 KAR 1:020, Registry of Election Finance (Campaign Committee), and 801 KAR 1:030, Registry of Election Finance (Campaign Treasurer), were returned on the grounds that the 1974 amendments to KRS 123.086 require that when the net proceeds of a fund raising event exceed the sum of \$1,500 the sales relating to the fund raising event must be reported to the Registry by name, address, and occupation of the purchaser as well as the amount purchased by each purchaser.

Regulation No. 801 KAR 1:040, Registry of Election Finance (Notice of Organization), was filed.

Because of scheduling conflicts the Subcommittee will hold its next meeting on Wednesday, October 2, 1974 instead of its regular meeting date.

The meeting was adjourned at 12:15 p.m.

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	301 KAR 1:050	156.160	702 KAR 3:045	162.170	702 KAR 3:020	244.140	804 KAR 1:010
	301 KAR 1:080		702 KAR 3:120	162.180	702 KAR 3:020		804 KAR 1:020
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# KENTUCKY REVISED STATUTES

## Chapter 13

### ADMINISTRATIVE REGULATIONS

**13.075 Definition of Commission.** — As used in this chapter unless the context requires otherwise: "Commission" means the Legislative Research Commission. (Enact. Acts 1956, ch. 97, sec. 1, eff. May 18, 1956.)

**13.080 Definitions and construction.** — As used in KRS 13.080 to 13.125,

(1) "Administrative Body" means each state board, bureau, commission, department, division, authority, officer, or other entity, except the legislature and the courts, authorized by law to make regulations.

(2) "Subcommittee" means Administrative Regulation Review Subcommittee.

(3) "Regulation" means each statement of general applicability issued by an administrative body that implements, interprets, or prescribes law or policy, or describes the organization procedure, or practice requirements of any administrative body. The term includes the amendment or repeal of a prior regulation, but does not include

(a) statements concerning only the internal management of an administrative body and not affecting private rights or procedures available to the public, or

(b) declaratory rulings, or

(c) intradepartmental memoranda.

(4) "Affirmative consideration" means that an administrative body must either adopt suggestions or recommendations regarding a regulation or issue a concise statement setting forth the reasons for not adopting suggestions or recommendations regarding a regulation.

(5) Compliance with the provisions of KRS 13.080 to 13.125 does not dispense with the requirements of any other law necessary to make the regulation effective. (Enact. Acts 1952, ch. 63, sec. 1; 1972, ch. 180, sec. 1; 1974, ch. 73, sec. 1, eff. July 1, 1974.)

**13.082 Uniformity of power to adopt regulations — Repeal of conflicting provisions.** — (1) The power vested in every administrative body to adopt regulations shall be uniform and shall be confined to the direct implementation of the functions and duties assigned to an administrative body by the General Assembly, or by executive order.

(2) All grants of authority to adopt regulations inconsistent with this provision are hereby repealed and the Legislative Research Commission is hereby directed to identify and to draft legislation for introduction in the 1976 General Assembly repealing all provisions of the Kentucky Revised Statutes in conflict with this section. (Enact. Acts 1974, ch. 73, sec. 5, eff. July 1, 1974)

**13.084 Refiling of regulations — Rescinding of regulations not refiled.** — (1) Each administrative body shall file within one (1) year of July 1, 1974, in accordance with the provisions of KRS Chapter 13, all regulations which were adopted by such administrative body prior to July 1, 1974, and which are still effective and all regulations which were adopted by such administrative body prior to July 1, 1974 and which do not become effective until after July 1, 1974.

(2) All regulations filed prior to July 1, 1974, whether or not they shall have become effective, are rescinded effective one (1) year after July 1, 1974. (Enact. Acts 1974, ch. 73, sec. 6, eff. July 1, 1974.)

**13.085 Publication, hearing, and review of proposed administrative regulation — Requisites of proposal — Public hearing.** — (1) Except as provided in subsection (2) of this section no regulation made by any administrative body after July 1, 1974, shall become effective until after an original and five (5) duplicate copies of the regulation are forwarded to the office of the Legislative Research Commission, and:

(a) the proposed regulation has been published in the Administrative Register as required by KRS 13.096; and

(b) a public hearing is held, if requested, by a person having an interest in the subject matter, within thirty (30) days following publication of proposed regulation, as provided by subsection (4) of this section; Provided, however, that if no public hearing is requested within thirty (30) days of publication the regulation shall be submitted to the Administrative Regulation Review Subcommittee;

(c) the proposed regulation has been reviewed by the Administrative Regulation Review Subcommittee as required by KRS 13.087; and

(d) the proposed regulation is reviewed by the appropriate interim or standing committees of the General Assembly, if required by KRS 13.087.

(2) The requirements of subsection (1) of this section shall not apply when the administrative body finds that an emergency exists, and the Governor issues an executive order that the regulation become effective immediately upon being filed in the office of the Legislative Research Commission. A regulation so filed shall expire at the end of 120 days, during which time the proposed regulation may be processed in accordance with this section if the administrative body desires it to become permanent. The General Assembly hereby declares that it is the state policy that emergencies are held to a minimum.

(3) Each proposed regulation submitted to the Legislative Research Commission shall include a citation of the authority pursuant to which it, or any

part of it, was adopted, a brief statement which sets forth the necessity for issuing the regulation, a summary of the functions sought to be implemented by the regulation, and the place and manner in which interested persons may present their views.

(4) If within thirty (30) days following publication of the text of a proposed regulation a request is received by the administrative body from a person having an interest in the subject matter of the regulation to offer comment upon the proposed regulation, the administrative body shall fix a date, time and place for a hearing, open to the public, on the proposed regulation. Every hearing shall be conducted in such a manner so as to guarantee each person who wishes to offer comment a fair and reasonable opportunity to do so; Provided, However, every hearing shall be conducted so as to be completed within sixty (60) days from the date the proposed regulation was first published in the Administrative Register. No transcript need be taken of the hearing unless a written request for a transcript is made in which case the person requesting the transcript shall have the responsibility of paying for same. Following the hearing the administrative body shall give affirmative consideration to all written and oral statements submitted regarding the proposed regulation. The administrative body shall then forward to the Legislative Research Commission a copy of the regulation as originally published in the Register accompanied by a statement indicating whether any changes have been made in the original wording and by a statement summarizing the comments submitted to the administrative body at the hearing.

(5) The Legislative Research Commission shall cause to be endorsed on the original and duplicate copies of each regulation submitted the time and date of the filing thereof and shall maintain a file of such regulations for public inspection, with suitable indexes. (Enact. Acts 1952, ch. 63, sec. 2; 1972, ch. 180, sec. 3; 1974, ch. 73, sec. 2, eff. July 1, 1974.)

**13.087 Administrative Regulation Review Subcommittee—Procedure upon objection to regulations.**—(1) There is hereby created a permanent subcommittee of the Legislative Research Commission to be known as the Administrative Regulation Review Subcommittee. The subcommittee shall be composed of three (3) members, no more than two (2) of whom shall be members of the same political party. The Legislative Research Commission shall appoint from the membership of the General Assembly, the members of the subcommittee for terms of two (2) years, and the members so appointed shall elect one (1) of their number to serve as chairman. Any vacancy which may occur in the membership of the subcommittee shall be filled by the Legislative Research Commission at its next regularly scheduled meeting after the occurrence of the vacancy.

(2) The subcommittee shall meet monthly at such time and place as the chairman may determine. The members of the subcommittee shall be compensated for attending meetings, as provided in KRS 7.090(2).

(3) Any professional, clerical or other employees required by the subcommittee shall be provided in accordance with the provisions of KRS 7.090(4) and (5).

(4) Prior to filing, all regulations shall be submitted to the Administrative Regulation Review Subcommittee to determine if the regulation conforms to the statutory authority under which it was promulgated and if it carries out the legislative intent of the statutory authority under which it was promulgated. The subcommittee's finding that a regulation does not conform to the statutory authority or carry out the legislative intent shall be reported to the promulgating administrative body and to the Director of the Legislative Research Commission. In the event the subcommittee determines that a regulation, other than an emergency filing approved by the Governor, does not conform to the statutory authority, or does not coincide with the legislative intent, the subcommittee shall attach to the regulation a written notation of its objection, including a statement of the reasons therefor, and shall return the regulation to the promulgating administrative body. Notice of such objection shall be given by the subcommittee to the Director of the Legislative Research Commission. The subcommittee shall act on a regulation submitted to the Legislative Research Commission within thirty (30) days of the submission of the regulation.

(5) The promulgating administrative body may revise a regulation to comply with the subcommittee's objections, and may return the revised regulation to the subcommittee, or it may return the regulation, with the subcommittee's notation attached, without change. The Legislative Research Commission shall immediately accept a regulation as filed if it is not objected to by the subcommittee.

(6) In the event an administrative body returns a regulation, objected to by the subcommittee, to the Legislative Research Commission, without change, the regulation shall be referred by the Director to the standing committee of the House of Representatives and Senate or to the Interim Committee with appropriate jurisdiction as determined by the Rules of the House and Senate then in effect or in effect during the most recent session of the General Assembly. The standing committees of the House and Senate or the interim committee to which a regulation is referred under this section shall review the regulation in the same manner as did the Administrative Regulation Review Subcommittee and shall not expand their review beyond determining whether the regulation conforms to the statutory authority under which it was promulgated and whether the regulation carries out the legislative intent of the statute it seeks to implement. In the event the standing committee of the House

and Senate or the Interim Committee determines that a regulation does not conform to the statutory authority under which it was promulgated, or does not coincide with the legislative intent of the statute it seeks to implement the standing committees or the interim committee shall attach to the regulation a written notation of its objection, including a statement of the reasons therefor, and the Director shall return the regulation to the promulgating administrative body. Notice of such objection shall be given by the standing committees or by the interim committee to the Director of the Legislative Research Commission. The standing committees or interim committee shall act on a regulation submitted in accordance with this section within thirty (30) days of the date the administrative body returns the regulation.

(7) The promulgating administrative body may revise a regulation to comply with the subcommittee's interim or standing committee's objections, and may return the revised regulation to said subcommittee or committee, or may return the regulation with the subcommittee's interim or standing committee's notation attached, without change. The Legislative Research Commission shall immediately accept the regulation as filed.

(8) The subcommittee shall report monthly to the Legislative Research Commission all action taken on administrative bodies' regulations. The Director of the Legislative Research Commission shall report to the Commission all action taken by the standing committee or by the interim committee.

(9) All regulations objected to by the subcommittee and by the standing committees or interim committee and not revised by the promulgating administrative body together with the notations of the subcommittee's and the standing committee's or interim committee's objection shall be transmitted by the Director to the clerk of the Senate and the clerk of the House of Representatives on or before the first day of each regular session of the General Assembly. The clerk of the Senate and the clerk of the House of Representatives shall lay all regulations so transmitted before the Senate and the House of Representatives, respectively, for such action as the respective legislative bodies may determine to be appropriate. (Enact. Acts 1972, ch. 180, sec. 4; 1974, ch. 73, sec. 3, eff. July 1, 1974.)

**13.090 Functions of Legislative Research Commission.**—(1) The commission shall prescribe rules governing the manner and form in which regulations shall be prepared, to the end that all regulations shall be prepared in a uniform manner. The commission may refuse to accept for filing any regulation that does not conform to the rules.

(2) The Legislative Research Commission shall furnish advice and assistance to all administrative bodies in the preparation of their regulations, and in revising, codifying and editing existing or new regulations. (Enact. Acts 1952, ch. 63, sec. 3; 1972, ch. 180, sec. 5.)

**13.096 Kentucky Administrative Regulations Service—Administrative Register.**—(1) The Legislative Research Commission shall compile, publish and distribute the regulations filed by administrative bodies in a manner which will accommodate changes in regulations and allow distribution of any topical or organizational part of the regulations as well as all of them. This compilation shall be known as the Kentucky Administrative Regulations Service and shall constitute the official state publication of administrative regulations.

(2) There is hereby created a publication known as "The Administrative Register" to be printed and published on a monthly basis by the Legislative

Research Commission for the purpose of giving notice of proposed regulations filed in accordance with KRS 13.085. Every regulation forwarded to the Legislative Research Commission shall have its complete text printed in the Administrative Register along with the accompanying statements required by KRS 13.085.

(3) The Commission shall prescribe reasonable fees for subscription to the Kentucky Administrative Regulations Service and the Administrative Register. All fees paid to the Commission for these publications shall be placed in the State Treasury to the credit of a revolving, trust or agency fund account, for use by the Legislative Research Commission in carrying out the provisions of this section. (Enact. Acts 1956 (1st Ex. Sess.) ch. 6, sec. 1; 1972, ch. 180, sec. 6; 1974, ch. 73, sec. 4, eff. July 1, 1974.)

**13.097 Regulations Compiler—Certificate—Filing of publication with Secretary of State.**—The Kentucky Administrative Regulations Service shall be prepared under the direct supervision of an employee appointed by the director of the Legislative Research Commission and designated the Regulations Compiler. The Director shall cause to be prepared a certificate to the effect that the text of the regulations as printed in this service is correct. One (1) copy of the Kentucky Administrative Regulations Service with the original certificate therein shall be maintained in the office of the Secretary of State. All other copies shall contain a printed copy of the certificate and shall constitute prima facie evidence of the law in all courts and proceedings. (Enact. Acts 1956 (1st Ex. Sess.) ch. 6, sec. 2; 1974, ch. 370, sec. 2.)

**13.100 Effect of Commission's file stamp on regulation or publication of regulation.**—The Legislative Research Commission's authenticated file stamp on a rule or regulation, or publication of a rule or regulation in the Kentucky Administrative Regulations Service shall raise a rebuttable presumption that the rule or regulation was adopted and filed in compliance with all requirements necessary to make it effective. (Enact. Acts 1952, ch. 63, sec. 5; 1956 (1st Ex. Sess.), ch. 6, sec. 3.)

**13.102 Administrative body's publication of informational copies.**—No administrative body other than the Legislative Research Commission shall publish administrative rules or regulations unless the rules or regulations are inclosed in a booklet or binder on which the words "Informational Copy" are clearly stamped or printed. (Enact. Acts 1958, ch. 47, sec. 1; repealed and reen. Acts 1966, ch. 255, sec. 5; 1972, ch. 180, sec. 7.)

**13.105 Judicial notice.**—The courts shall take judicial notice of any regulation duly filed under the provisions of KRS Chapter 13, after the regulation has become effective. (Enact. Acts 1952, ch. 63, sec. 6; 1972, ch. 180, sec. 8.)

**13.115 File of ineffective regulations to be kept.**—When any regulation filed with the Legislative Research Commission expires by its own terms, or is superseded or revoked, the commission shall cause the same to be placed in a "dead" file. (Enact. Acts 1952, ch. 63, sec. 8.)

**13.125 Notice and hearings on proposed regulations.**—Where practicable to do so, state agencies are encouraged to give notice, to interested persons, of proposed regulations, and conduct hearings upon the proposed regulations prior to adoption thereof. (Enact. Acts 1952, ch. 63, sec. 10, eff. June 19, 1952.)

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