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LEGISLATIVE RESEARCH COMMISSION
FRANKFORT, KENTUCKY

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 Chapter 13.

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.

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KENTUCKY ADMINISTRATIVE REGULATIONS are codified according to the following system and are to be cited by Title, Chapter and Regulation number, as follows:

Title	Chapter	Regulation
806 KAR 50 : 155		
Cabinet, Department, Board or Agency	Bureau, Division or Major Function	Specific Area of Regulation

Administrative Register of Kentucky

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Public Hearings

402 KAR 1:011, Reclamation plans of surface effects of underground mines; definitions; certificates; fees; terms; requirements. [Page 128 in this issue]

The Department for Natural Resources and Environmental Protection, Bureau of Land Resources, Division of Reclamation, has scheduled a public hearing on this regulation at 10 a.m. EDT October 9, 1975 in the Auditorium of the Human Resources Building (formerly State Health Department Building), 275 East Main Street, Frankfort, Kentucky 40601.

Persons desiring additional information or wanting to submit comment on the proposed regulation should contact Phillip Fox, Jr., Associate Director, Division of Reclamation, Department of Natural Resources and Environmental Protection, Capital Plaza Tower, Frankfort, Kentucky 40601.

904 KAR 1:044. Mental health center services.

This regulation was published in the August Register [2 Ky.R. 111] and the issuing agency has sent to the Regulations Compiler a copy of a letter requesting a public hearing on it. At press time the agency had not set a time or date for the hearing.

For further information, contact the Department for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

Emergency Regulations

JULIAN M. CARROLL, GOVERNOR

Executive Order 75-715

August 1, 1975

EMERGENCY REGULATION
Executive Department for Finance
and Administration

WHEREAS, the Commissioner of the Executive Department for Finance and Administration has determined that, due to the rapidly rising cost of gasoline and other petroleum products, the amount allowed state officers, members of state boards and commissions, and state employees as reimbursement for expenses incurred in using their personal motor vehicles in official travel should be increased from twelve (12) cents per mile to fourteen (14) cents per mile; and

WHEREAS, pursuant to the authority of KRS 44.060, the Commissioner of the Executive Department for Finance and Administration has promulgated an amendment to 200 KAR 2:050, Transportation, of the State Travel Regulations providing for such increase in the mileage allowance; and

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

NOW, THEREFORE, I, JULIAN M. CARROLL, Governor of the Commonwealth of Kentucky, by virtue of the

authority vested in me by KRS 13.085(2), do hereby acknowledge the finding of emergency by the Commissioner of the Executive Department for Finance and Administration with respect to the filing of said regulation of the Executive Department for Finance and Administration amending 200 KAR 2:050, entitled "Transportation," of the Executive Department for Finance and Administration, and direct that said amendatory regulation shall be effective upon filing with the Legislative Research Commission as provided in Chapter 13 of Kentucky Revised Statutes.

JULIAN M. CARROLL, Governor
THELMA L. STOVALL, Secretary of State

**EXECUTIVE DEPARTMENT FOR FINANCE
AND ADMINISTRATION**
As Amended

200 KAR 2:050E. Transportation.

RELATES TO: KRS Chapters 42, 44, 45

PURSUANT TO: KRS 45.180, 44.060

EFFECTIVE: August 1, 1975

EXPIRES: November 29, 1975

NECESSITY AND FUNCTION: The Executive Department for Finance and Administration is required by statute to promulgate rules and regulations pursuant to which state employees and officials are reimbursed for travel expenses incurred in the performance of their official duties. This regulation requires that the means of transportation employed be the most economical via the most direct route, special conditions warranting additional expense must meet approval of the Commissioner of the Executive Department for Finance and Administration; airline travel

is to be by coach class unless it is unavailable, and reimbursement for use of privately-owned automobiles.

Section 1. The means of transportation used by state officers, agents, and employees traveling on Commonwealth business shall be the most economical and/or standard mode available, via the most direct and usually traveled routes. Additional expenses incurred as a result of using other means of transportation or routes will not be allowed unless special conditions warranting such additional expenses are justified to the satisfaction of the Commissioner of the Executive Department for Finance and Administration. Agency heads are responsible for insuring that all transportation means and practices within their agencies are the most economical obtainable under the circumstances of the travel involved, consistent with their programs and in the best interest of the Commonwealth.

Section 2. Railroad sleeping car accommodations are limited to a roomette when practicable.

Section 3. Commercial airline travel shall be by coach class and shall be on American airplanes. No first class airline travel may be claimed or reimbursed unless coach class is unavailable. Reimbursement for first class airline travel and travel on foreign airlines shall be granted by the specific written request of the agency head and with the approval of the Commissioner of the Executive Department for Finance and Administration. The definition of an American airplane is an airplane registered under the laws of the United States but excludes those operating under certificates or permits held by foreign airlines.

Section 4. The cost of hiring automobiles or other special conveyances may be allowed if ordinary means of public transportation cannot be utilized to the best interest of the Commonwealth. Justification for the expense of special conveyances used shall be noted on Form AP-6 and shall be approved by the agency head.

Section 5. Employees are encouraged to employ buses and subways where possible in intracity travel. Taxi fare may be allowed when other, more economical means of ground transportation are unavailable or impracticable.

Section 6. State-owned vehicles and credit cards may be utilized for travel when available. No mileage allowance shall be claimed or reimbursed when state-owned vehicles are used.

Section 7. Privately-owned automobiles may be authorized for official travel if state-owned vehicles or common carrier transportation are unavailable or impracticable.

Section 8. Computation of mileage for in-state travel will be from point of origin to point of destination as given in the State Department of Transportation Official Mileage Map. Rand McNally mileage maps will be used for out-of-state travel. Reimbursement will be made only for actual miles traveled. However, when point of origin is the employee's private residence, reimbursement will be based on the lesser of the distance between work station and destination or private residence and destination.

Section 9. Vicinity travel and necessary authorized travel within an employee's work station, as defined in 200 KAR 2:030, will be reported separately on Form AP-6.

Section 10. Reimbursement for the use of privately-owned automobiles authorized for official travel shall be at the rate of *fourteen (14) cents* [twelve (12) cents] per mile. However, the total mileage reimbursement allowed for out-of-state travel in a privately-owned automobile shall not exceed the lesser of rail or air coach fare to the same destination.

Section 11. Actual parking, bridge, and toll charges incurred during authorized travel by automobile are reimbursable. Toll charge receipts will not be required for in-state travel where two (2) axle vehicles are used; however, where vehicles with more than two (2) axles are used receipts will be required for all toll charges.

Section 12. Return trip, excursion or other reduced rate railroad or airplane fares shall be obtained whenever available and practicable.

Section 13. The use of privately-owned airplanes is permitted when it is to the advantage of the state, measured by both comparative travel cost and the time of travel. Reimbursement of such travel expense shall be computed as provided in Section 10 above. State-owned airplanes shall be used whenever available for authorized air travel. Agencies requiring the use of state-owned planes shall make all necessary arrangements with the Division of Aeronautics, Department of Transportation.

WILLIAM E. SCENT, Commissioner

ADOPTED: July 31, 1975

RECEIVED BY LRC: August 1, 1975 at 9:23 a.m.

JULIAN M. CARROLL, GOVERNOR
Executive Order 75-681
July 22, 1975

EMERGENCY REGULATION
Department of Banking and Securities

WHEREAS, it is in the best interest of the Commonwealth that all financial institutions compete on an equal basis; and

WHEREAS, federally chartered institutions are being permitted to use electronic funds transfer systems with little or no regard for State branching restrictions, thus giving them a substantial advantage over State-chartered financial institutions; and

WHEREAS, the Commissioner of Banking and Securities, in conjunction with the Secretary of Public Protection and Regulation, pursuant to KRS 287.020 and KRS 289.702, has promulgated the Regulation hereinabove referenced;

NOW, THEREFORE, I, JULIAN M. CARROLL, Governor of the Commonwealth of Kentucky, by the authority vested in me by Section 13.085(2) of the Kentucky Revised Statutes, hereby acknowledge the finding of the Department of Banking and Securities within the Public Protection and Regulation Cabinet that an emergency exists and direct that the attached Regulation become effective

immediately upon being filed in the Office of the Legislative Research Commission.

JULIAN M. CARROLL, Governor
THELMA L. STOVALL, Secretary of State

PUBLIC PROTECTION AND REGULATION
Department of Banking and Securities

808 KAR 1:060E. Remote service units.

RELATES TO: KRS 287.180, 289.061

PURSUANT TO: KRS 13.082, 287.011, 287.020, 289.702

EFFECTIVE: July 24, 1975

EXPIRES: November 21, 1975

NECESSITY AND FUNCTION: To clarify the definition of the term "branch" and "branch office," as used in KRS 287.180 and 289.061, respectively, and to provide a procedure and set of criteria for the establishment of remote service units so as to ensure the maintenance of competitive equality between state and federally chartered financial institutions.

Section 1. Unless otherwise provided, whenever the term "bank" is used in this regulation, it shall be deemed to refer to either a state-chartered bank or savings and loan association.

Section 2. A bank may receive and act upon communications from its customers transmitted through electronic or mechanical devices (hereinafter referred to as "remote service units") requesting the withdrawal of funds either from the customer's deposit account or from a previously authorized line of credit, or instructing the bank to receive funds or to transfer funds for the customer's benefit. In accordance with a customer's request or instruction, and subject to verification by the bank, cash or checks may be received, and cash may be dispensed at the location of the device.

Section 3. Any transaction initiated by a remote service unit shall be subject to verification by the bank, either by direct wire transmission or otherwise.

Section 4. Although the approval of the commissioner shall not be required to operate the devices described in this regulation, if a bank wishes to establish, use or share a device which allows customers to leave cash or checks for deposit or to receive cash in connection with a debit to any of his accounts, then such bank shall furnish to the Department of Banking and Securities at least thirty (30) days prior to its actual use of such device the following information: (1) The location;

(2) A general description of the area where located and the manner of installation at that location;

(3) The manner of operation, including whether the device is on-line, and a step-by-step analysis of how a customer is to use the device. A description of how the transactions are recorded and verified should also be included;

(4) The types of transactions that will be performed;

(5) Whether the device will be manned, and if so, by whose employee;

(6) Whether the device will be shared, and if so, the

names and locations of the other institutions participating, and the costs and terms of the sharing agreement;

(7) The manufacturer and, if owned, the purchase price; or, if leased, the lease payments and the name of the lessor;

(8) If a card or other device is used to activate the remote service unit, how such card or device is to be used;

(9) Consumer protection procedures, including the disclosure of rights and liabilities of consumers and protection against wrongful or accidental disclosure of confidential information;

(10) The distance from the nearest office of the reporting bank, and the distance from the nearest remote service unit of the reporting bank;

(11) The distance from the nearest office of another bank that will not share the facility, and the name of such other bank; and the distance from the nearest remote service unit that is not shared by the reporting bank, and the names of the financial institutions that use such unit;

(12) Insurance and the security provisions protecting the installation and its users.

Section 5. The commissioner may, if he deems it appropriate, allow a bank to establish, use or share a remote service unit less than thirty (30) days after furnishing the information required by Section 4.

Section 6. Written notice must be given to the Department of Banking and Securities at least ten (10) days prior to changing any of the operations described in a notice previously given pursuant to Section 4; provided that the commissioner may, if he deems it appropriate, allow a change upon shorter notice.

Section 7. Any bank which desires to operate or to enable its customers to utilize a remote service unit must make such device available for use by customers of any other bank or savings and loan association which has its principal office in the same county, whether it be state or federally chartered, upon the request of such bank or savings and loan association to share in the use of the device and to share all costs, including a reasonable return on capital expenditures incurred in connection with its development, installation and operation; provided, that banks and savings and loan associations shall be required to share these devices with federally-chartered banks and savings and loan associations only to the extent that each particular federally-chartered bank or savings and loan association is willing to share its own remote service units with such state-chartered bank or savings and loan association; and further provided that a remote service unit which is located on the same property that a bank or savings and loan association office is located on, or which is a mere extension of such office need not be made available for use by any other financial institution or its customers. Remote service units which are capable of being operated without the assistance of either bank or non-bank employees need not be made available for use by any other bank or savings and loan association, whether it be state or federally chartered.

Section 8. One or more banks sharing one or more remote service units may give a single notice to the Department of Banking and Securities, provided that such notice include the information listed in Section 4 for each shared device.

Section 9. The Commissioner of the Department of

Banking and Securities reserves the right to require new or additional information from any financial institution desiring to participate in the operation of one or more remote service units.

Section 10. No notice is required for any device which:

(1) Is used only to transfer funds for goods or services received, and through which neither cash is dispensed nor cash or checks left for subsequent deposit;

(2) Is used solely to verify a customer's credit for purposes of cashing a check or completing a credit card transaction.

Section 11. No bank shall establish, share, or in any way participate in the operation or use of a remote service unit unless such unit is located within the county in which its principal office is located.

Section 12. A remote service unit may not be staffed by a bank employee; except that the bank may, for a reasonable period of time, provide an employee to instruct and assist customers in the operation of the device. The use

of non-bank employees to operate or assist in the operation of remote service units shall not be deemed to constitute the conducting of the business of banking by them or their employers, and such non-bank employees may be trained in the use of the devices by bank employees.

Section 13. Any financial transaction effected by use of a remote service unit shall be deemed to be transacted at the bank and not at the remote service unit, and such remote service unit shall not be considered to be a branch or branch office.

Section 14. If, as a result of this regulation, any action by one or more banks would be in violation of what is commonly referred to as the anti-trust law, then this regulation shall be construed so as to permit or require only such action as shall not be in violation of such law.

JOHN L. WILLIAMS, Commissioner

ADOPTED: July 21, 1975

APPROVED:

ELIJAH M. HOGGE, Secretary

RECEIVED BY LRC: July 24, 1975 at 1:31 p.m.

Amended Regulations

(In order to show the effect of amendments, the original regulation is reprinted with matter being deleted enclosed within brackets and new matter underlined where typewritten, or in italics if typeset.)

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION (Proposed Amendment)

200 KAR 2:050. Transportation.

RELATES TO: KRS Chapters 42, 44, 45

PURSUANT TO: KRS 45.180, 44.060

NECESSITY AND FUNCTION: The Executive Department for Finance and Administration is required by statute to promulgate rules and regulations pursuant to which state employees and officials are reimbursed for travel expenses incurred in the performance of their official duties. This regulation requires that the means of transportation employed be the most economical via the most direct route, special conditions warranting additional expense must meet approval of the Commissioner of the Executive Department for Finance and Administration; airline travel is to be by coach class unless it is unavailable, and reimbursement for use of privately-owned automobiles.

Section 1. The means of transportation used by state officers, agents, and employees traveling on Commonwealth business shall be the most economical and/or standard mode available, via the most direct and usually traveled routes. Additional expenses incurred as a result of using other means of transportation or routes will not be allowed unless special conditions warranting such additional expenses are justified to the satisfaction of the Commissioner of the Executive Department for Finance and Administration. Agency heads are responsible for insuring that all transportation means and practices within their agencies are

the most economical obtainable under the circumstances of the travel involved, consistent with their programs and in the best interest of the Commonwealth.

Section 2. Railroad sleeping car accommodations are limited to a roomette when practicable.

Section 3. Commercial airline travel shall be by coach class and shall be on American airplanes. No first class airline travel may be claimed or reimbursed unless coach class is unavailable. Reimbursement for first class airline travel and travel on foreign airlines shall be granted by the specific written request of the agency head and with the approval of the Commissioner of the Executive Department for Finance and Administration. The definition of an American airplane is an airplane registered under the laws of the United States but excludes those operating under certificates or permits held by foreign airlines.

Section 4. The cost of hiring automobiles or other special conveyances may be allowed if ordinary means of public transportation cannot be utilized to the best interest of the Commonwealth. Justification for the expense of special conveyances used shall be noted on Form AP-6 and shall be approved by the agency head.

Section 5. Employees are encouraged to employ buses and subways where possible in intracity travel. Taxi fare may be allowed when other, more economical means of ground transportation are unavailable or impracticable.

Section 6. State-owned vehicles and credit cards may be

utilized for travel when available. No mileage allowance shall be claimed or reimbursed when state-owned vehicles are used.

Section 7. Privately-owned automobiles may be authorized for official travel if state-owned vehicles or common carrier transportation are unavailable or impracticable.

Section 8. Computation of mileage for in-state travel will be from point of origin to point of destination as given in the State Department of Transportation Official Mileage Map. Rand McNally mileage maps will be used for out-of-state travel. Reimbursement will be made only for actual miles traveled. However, when point of origin is the employee's private residence, reimbursement will be based on the lesser of the distance between work station and destination or private residence and destination.

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Section 13. The use of privately-owned airplanes is permitted when it is to the advantage of the state, measured by both comparative travel cost and the time of travel. Reimbursement of such travel expense shall be computed as provided in Section 10 above. State-owned airplanes shall be used whenever available for authorized air travel. Agencies requiring the use of state-owned planes shall make all necessary arrangements with the Division of Aeronautics, Department of Transportation.

WILLIAM E. SCENT, Commissioner

ADOPTED: July 31, 1975

RECEIVED BY LRC: August 1, 1975 at 9:23 a.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 Barbering
(Proposed Amendment)**

201 KAR 14:050. Apprentice's license; qualifications.

RELATES TO: KRS 317.450(2), 317.540(1)(a)

PURSUANT TO: KRS 317.440

NECESSITY AND FUNCTION: Educational qualifications of apprentices.

Section 1. Applicants for a license as an apprentice barber must show proof of having completed four (4) years of high school by presenting a transcript of grades and attendance, or show results of a G. E. D. test with a result of forty-five (45) percent or better.

Section 2. Applicant must have completed at least 1500 hours of instruction in an *approved school of barbering* and be a graduate of such school.

MELVIN HIGGINS, Chairman

ADOPTED: July 24, 1975

APPROVED: WILLIAM E. SCENT, Commissioner

RECEIVED BY LRC: August 4, 1975 at 1:59 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Administrator, Kentucky Board of Barbering, 4265 Roosevelt Avenue, Louisville, Kentucky 40213.

(The following regulation, published originally in the May, 1975 Register [1 Ky.R. 1032], was amended by the issuing agency to meet objections of the Administrative Regulation Review Subcommittee. The regulation, as amended, was approved for filing by the Subcommittee at its August 13, 1975 meeting and became effective on that date.)

**DEPARTMENT OF JUSTICE
Bureau of State Police
As Amended**

502 KAR 10:030. Instructor's license.

RELATES TO: KRS 332.030

PURSUANT TO: KRS 15A.160, 332.100

EFFECTIVE: August 13, 1975

SUPERSEDES: PSfty-DTS-2-D

NECESSITY AND FUNCTION: KRS 15A.160 and 332.100 provide that the Secretary of the Department of Justice in cooperation with the Commissioner, Bureau of State Police, may adopt such regulations necessary to carry out the provisions of KRS Chapter 332. This regulation establishes the bureau's policy regarding the licensing of driver training instructor.

[Section 1. In addition to those provisions set forth in KRS 332.030(3), the bureau shall not issue a driver training instructor license to any applicant unless the applicant:

(1) Has not been convicted of more than two (2) moving hazardous traffic violations within the two (2) year period immediately preceding the date of application;

(2) Manifests good driving habits indicating a respect for traffic laws and regard for the safety of others on the highways;

(3) Has passed a written examination and road test

administered by the bureau for a driver training instructor license;

(4) Is physically able to safely operate a motor vehicle and instruct or train others in its operation;

(5) Properly makes application for a driver training instructor license on forms prepared by the bureau;

(6) Is employed by a driver training school licensed by the bureau; and

(7) Furnishes a complete set of fingerprints and two (2) one and one-half (1½) by one and one-half (1½) inch glossy photographs of himself to the bureau.]

Section 1. [2.] Each person desiring to be licensed as a driver training instructor must make application on forms furnished by the bureau. The forms shall consist of sections dealing with the personal history of the applicant and include a physical examination report signed by an examining physician.

Section 2. [3.] The driver training instructor license application must indicate the name and address of the driver training school employing the applicant and must be signed by an agent or representative of the driver training school. The application must be verified under oath and signed by the applicant.

Section 3. [4.] Upon receipt by the bureau of a duly completed driver training instructor application, together with a twenty dollar (\$20) fee, fingerprints, photographs, and physical examination report, the applicant, if otherwise qualified, shall be entitled to take a driver training instructor written examination and driving test administered by the bureau.

Section 4. [5.] The written examination shall consist of questions dealing with Kentucky motor vehicle traffic laws, operation of motor vehicles, safe driving practices, proper teaching methods and one (1) standard textbook on driver education. The bureau may also test the applicant for depth perception, peripheral vision, and reaction time.

Section 5. [6.] The bureau's driving test will examine the applicant's ability to drive and to give driver training instructions to others.

Section 6. [7.] All applicants who pass the instructor's examination and who are otherwise qualified will be issued a driver training instructor license containing the instructor's photograph, the name and address of the licensee, the name and address of the driver training school by whom he is employed.

Section 7. [8.] Should a license be lost, mutilated, or destroyed, a duplicate license will be issued upon proof of the date the license was lost or destroyed and the circumstances involving such loss, mutilation, or destruction. In the case of a mutilated license, the surrender of such license is necessary. A one dollar (\$1) replacement charge will be made for all duplicates.

TRUETT A. RICKS, Commissioner

ADOPTED: April 11, 1975

APPROVED: HENRI L. MANGEOT, Secretary

RECEIVED BY LRC: August 1, 1975 at 3:20 p.m.

DEPARTMENT OF TRANSPORTATION
Division of Aeronautics and Airport Zoning
(Proposed Amendment)

602 KAR 20:010. Definitions.

RELATES TO: KRS 183.090

PURSUANT TO: KRS 13.082, 183.024

NECESSITY AND FUNCTION: The purpose of this regulation is to define certain terms that are used in the regulations of the department relating to airport inspection and to further define terms relating to heliports.

Section 1. "Landing area designation" means a certificate of approval of the safety and adequacy of an airport facility by the Department of Transportation. A landing area designation may limit the use of the airport to airplanes, rotorcraft or both. It may set forth other restrictions on its use in accordance with the regulations of the department.

Section 2. Airport terms *not applicable to heliports*:
(1) [(4)] "approach surface" means that area extending from the end of the primary surface in an inclined plane and increasing in elevation at a given ratio of horizontal to vertical feet.

(2) [(1)] "Primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point of the primary surface is the same as the elevation of the nearest point of the runway centerline.

(3) [(7)] "Clear zone" is an area at ground level which begins at the end of each primary surface and extends with the width of each approach surface to terminate directly below each approach surface slope at the point or points where the slope reaches a height of fifty (50) feet above the elevation of the runway or fifty (50) feet above the terrain at the outer extremity of the clear zone, whichever distance is shorter.

(4) [(2)] "Nonprecision instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment for which a straight-in nonprecision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on a FAA planning document.

(5) [(3)] "Precision instrument runway" means a runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by a FAA approved layout plan.

[(5)] "Heliport" means an airport used exclusively or intended to be used for the landing and takeoff of helicopters.]

(6) "Visual runway" means a runway intended solely for the operation of aircrafts using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on Federal Aviation Administration layout plan.

(7) "Landing area" also means runway when used in

regulations relating to airports used for the takeoff and landing of airplanes.

Section 3. Terms that relate to aircraft. (1) "Rotorcraft" means a heavier-than-air craft that depends principally for its support in flight on lift generated by one or more rotors.

(2) "Airplane" means an engine-driven fixed-wing aircraft heavier than air, that is supported in flight by the dynamic reaction of air against its wings.

(3) "Helicopter" means a rotorcraft that, for its horizontal motion, depends principally on its engine-driven-rotors.

Section 4. General Definitions. (1) "FAA" means the Federal Aviation Administration, that agency of the United States government empowered to regulate operation of aircraft, aviation facilities and persons operating and maintaining aircraft.

(2) "Flight visibility" means the average forward horizontal distance from the cockpit of an aircraft in flight at which prominent unlighted objects may be seen and identified by day and prominent lighted objects may be seen and identified by night,

Section 5. Definitions relating to Heliports. (1) "Heliport" means an airport used exclusively or intended to be used for the landing and takeoff of helicopters. It may either be at ground level or elevated on a structure.

(2) "Landing area" means that specific area on land, water or a structure on which the helicopter actually lands and takes off, including the touchdown area.

(3) "Touchdown area" means that part of the landing area where it is preferred that the helicopter alight.

(4) "Heliport approach surfaces" means those obstruction clearance planes, which are aligned with the path selected for flight and which extend upward and outward from the edge of the landing area. They increase in elevation at a given ratio of horizontal to vertical feet. These surfaces may be curved.

(5) "Heliport transitional surfaces" mean those obstruction clearance planes, also called "side slopes," adjacent to the landing area and the heliport approach surfaces. They extend outward and upward from the edges of the landing area and the heliport approach surfaces at a given ratio of horizontal to vertical feet.

(6) "Peripheral area" means a safety zone that provides an obstruction-free area on all sides of the landing area.

(7) "Heliport clear zone" means an area at ground level which begins at the junction of each heliport approach surface with the landing area and extends with the width of each heliport approach surface to terminate when a length of 400 feet is reached. In the case of an elevated heliport it is that airspace extending from the landing and takeoff area and parallel to the ground which begins at the junction of each heliport approach surface with the landing area and extends with the width of each heliport approach surface to terminate when a length of 400 feet is reached.

J. C. ROBERTS, Secretary

ADOPTED: July 18, 1975

RECEIVED BY LRC: July 18, 1975 at 11:57 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Director, Division of Aeronautics and Airport Zoning,
421 Ann Street, Frankfort, Kentucky 40601.

DEPARTMENT OF TRANSPORTATION
Division of Aeronautics and Airport Zoning
(Proposed Amendment)

602 KAR 20:030. Standards applicable to all airports.

RELATES TO: KRS 183.090, 183.110

PURSUANT TO: KRS 13.082, 183.024

NECESSITY AND FUNCTION: This regulation sets forth the safety and adequacy standards applicable to all airports *including heliports* that are required before the issuance of a landing area designation.

Section 1. All airports *including heliports* regardless of class shall provide the following basic facilities that are conspicuous under normal flight visibility conditions:

(1) Wind sock, wind tee or other approved type of wind indicator; and

[(2) An international circle which shall be maintained in conformity with current Federal Aviation Administration standards; and]

(2) [(3)] A sufficient number of markers to make plainly discernable the turf runway *or landing area* useable or in use; or

(3) [(4)] A paved runway or landing area shall be marked in accordance with Federal Aviation Administration standards.

Section 2. (1) An airport that operates a runway or landing area lighting system shall comply with current Federal Aviation Administration standards.

(2) An airport that operates a runway for airplanes shall maintain an international circle in conformity with current Federal Aviation Administration standards.

Section 3. The approach surface shall be free of obstructions and hazards that are not otherwise allowed by law.

Section 4. Taxiways are optional to any class of airport. [;] However, if any airport should provide a taxiway, [however, should any airport provide a taxiway,] then such taxiway shall meet the standard set forth in the regulation related to that class of airport.

Section 5. All airports *including heliports* that maintain aircraft servicing facilities shall provide:

(1) Fire extinguishers in sufficient number and sizes to control probable fires.

(2) Telephones maintained in proper operating condition [conditions].

Section 6. The owner of an airport *not including heliports* shall have control of the clear zones and in addition no fences or other obstructions on the ground shall be located within 200 feet of the ends of a runway.

Section 7. Airports in this state used primarily by airplanes shall be classified according to the runway with the greatest length, and the airport shall meet all standards related to that class of airport as it may pertain to the classifying runway. However, if an airport has other runways of a shorter length, then such runways shall meet the standards in regulation related to airport inspection for that class of airport that have runways of comparable length.

Section 8. All heliports regardless of class shall meet the

following safety and adequacy standards: (1) The heliport approach and transitional surfaces shall be free of obstructions and hazards that are not otherwise allowed by law.

(2) The owner of a heliport shall have control of the heliport clear zones. In the case on an elevated heliport, an airspace easement may be sufficient.

Section 9. A heliport shall meet the minimum safety standards set forth in this regulation and the minimum safety standards of the class of airport to which it belongs, as set forth in this chapter.

J. C. ROBERTS, Secretary

ADOPTED: July 18, 1975

RECEIVED BY LRC: July 18, 1975 at 11:58 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Director, Division of Aeronautics and Airport Zoning,
421 Ann Street, Frankfort, Kentucky 40601.

DEPARTMENT OF TRANSPORTATION
Bureau of Highways
(Proposed Amendment)

603 KAR 5:095. Truckway classifications.

RELATES TO: KRS 189.222

PURSUANT TO: KRS 13.082, 174.050, 189.222

NECESSITY AND FUNCTION: KRS 189.222 authorizes the Secretary of Transportation to establish reasonable weight and dimension limits on all highways included in the State Primary Road System. This regulation is adopted to identify those portions of the highway system affected and indicate their classification.

Section 1. The classifications for KY 1681 are amended to read as follows:

KY 1681 AAA From: Jct. KY 4 near Lexington, via Faywood, Nugent Crossroads, and Duckers
To: Jct. KY 1659 at Millville in Woodford County
[Jct. with US 60 (Versailles Road)]
[Jct. with KY 4]
B All other portions not herein classified.

JOHN C. ROBERTS, Secretary

ADOPTED: June 18, 1975

RECEIVED BY LRC: July 24, 1975 at 9:27 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: W. L. Willis,
General Counsel, Assistant Attorney General, Department of
Transportation, Frankfort, Kentucky 40601.

(The following regulation, published originally in the July, 1974 Register [1 Ky.R. 1402], was amended by the issuing agency to meet objections of the Administrative Regulation Review Subcommittee. The regulation, as amended, was approved for filing by the Subcommittee at its August 13, 1975 meeting and became effective on that date.)

PUBLIC PROTECTION AND REGULATION
Department of Labor
As Amended

803 KAR 1:063. Trading time.

RELATES TO: KRS 337.275, 337.285

PURSUANT TO: KRS 13.082, 337.295

EFFECTIVE: August 13, 1975

NECESSITY AND FUNCTION: KRS 337.295 authorizes the commissioner to issue regulations for special items usual in a particular employer-employee relationship. The function of this regulation is to define the criteria to be

met by public employers who wish to permit employees engaged in fire protection activities to use the practice of "trading time."

Section 1. A common practice or agreement among employees engaged in fire protection activities is that of substituting for one another on regularly scheduled tours of duty (or for some part thereof) in order to permit an employee to absent himself or herself from work to attend to purely personal pursuits. This practice is commonly referred to as "trading time." [Although the usual rules for determining hours of work would require that the additional hours worked by the substituting employee be counted in computing his or her total hours of work, the commissioner in substituting his judgment for the legislature feels that the legislature made it clear in KRS 337.295 to recognize these particular situations and to promulgate regulations to continue the use of trading time without the employer being subject to additional compensation by virtue of the voluntary trading of time by employees.]

Section 2. The practice of "trading time" will be deemed to have no effect on hours of work if the following criteria are met: (1) The trading of time is done voluntarily by the employees participating in the program and not at the behest of the employer;

(2) The reason for trading time is due, not to the employer's business operations, but to the employee's desire or need to attend to personal matters;

(3) A record is maintained by the employer of all time traded by his employees; and

(4) The period during which time is traded and paid back does not exceed twelve (12) months.

PUBLIC PROTECTION AND REGULATION
Alcoholic Beverage Control
(Proposed Amendment)

804 KAR 2:025. Novelties and specialties.

RELATES TO: KRS 244.130

PURSUANT TO: KRS 13.082, 241.060

NECESSITY AND FUNCTION: Under the general authority of KRS 244.130, permitting this department to regulate the advertising of alcoholic beverages, this regulation is intended to prohibit brewers and distributors of malt beverages from providing retailers with any novelty or specialty advertising of their particular brands of malt beverages. This prohibition is necessary to prevent brewers and distributors from competing with each other by means of giving away bigger and better novelties and specialties to their particular retailers. Without the prohibition there would be a constant escalation of competition between the brewers and distributors to see who could provide their retailers with novelties and specialties more expensive than their competitors. That type of competition is neither needed nor desired. *The purpose of this amendment is to delete from the existing regulation the sentence "No such case shall be divided into smaller pre-packed containers and/or cartons." This sentence has, in the past, limited brewers to the packaging of malt beverages into twenty-four (24) bottle cases. In view of modern packaging and marketing, conservation and resources, and the environment, this sentence has become an unnecessary prohibition of such packaging and marketing. The prohibition serves no*

useful purpose and, therefore, should be deleted from the existing regulation.

Section 1. Advertising novelties and specialties are hereby prohibited. Brewers and distributors are permitted to furnish with the distribution of their product not more than one (1) can opener, or bottle opener for each twelve (12) bottles or cans distributed to the retail licensee. Returnable export bottles shall be packed only in returnable cases upon which the container charge provided in KRS 244.040(2) and Regulation 804 KAR 11:020 is collected. [No such case shall be divided into smaller pre-packed containers and/or cartons.] Brewers may pre-pack non-returnable cans or bottles in disposable cases and/or cartons. No other containers, bags, cases, or cartons

of any kind shall be supplied to any distributor or retailer.

Section 2. Brewers and distributors are permitted to advertise brands in printed form on materials such as: calendars, athletic schedules, recipes, pamphlets, etc., which conform to the provisions of this chapter.

JULIAN W. KNIPPENBERG, Chairman

ADOPTED: July 14, 1975

APPROVED: ELIJAH M. HOGGE, Secretary

RECEIVED BY LRC: July 16, 1975 at 3:19 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

Proposed Regulations

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION Kentucky Board of Auctioneers

201 KAR 3:005. Name required on advertising.

RELATES TO: KRS 330.110(11), 330.100

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To protect the public and to require disclosure of the auctioneer conducting a sale.

Section 1. Any printed advertisements pertaining to an auction sale must contain the name of the principal auctioneer.

CHARLES H. SWITZER, Chairman

ADOPTED: May 21, 1975

APPROVED: WILLIAM E. SCENT, Secretary

RECEIVED BY LRC: July 28, 1975 at 11:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Secretary-Counselor, Kentucky Board of Auctioneers, 912 Kentucky Home Life Building, Louisville, Kentucky 40202.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION Kentucky Board of Auctioneers

201 KAR 3:015. Experience requirements for principal auctioneers.

RELATES TO: KRS 330.070(1)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To define the experience requirements for an apprentice auctioneer before he is eligible to take the examination to become a principal auctioneer.

Section 1. Upon application for a principal auctioneer's license, each apprentice auctioneer must present an affidavit signed by his principal auctioneer and himself stating that said apprentice has participated as a bid caller in at

least five (5) auction sales during the course of his apprenticeship.

CHARLES H. SWITZER, Chairman

ADOPTED: May 21, 1975

APPROVED: WILLIAM E. SCENT, Secretary

RECEIVED BY LRC: July 28, 1975 at 11:31 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Secretary-Counselor, Kentucky Board of Auctioneers, 912 Kentucky Home Life Building, Louisville, Kentucky 40202.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION Kentucky Board of Auctioneers

201 KAR 3:025. Reciprocity requirements.

RELATES TO: KRS 330.195

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To define the requirements for a reciprocity license with another state which does not have an apprenticeship requirement for licensees.

Section 1. Due to the fact that some states do not require licensees to serve an apprenticeship, reciprocity with any state that does not require an apprenticeship shall be granted only after a licensee in that state who is a non-resident of Kentucky has held his license for a minimum of one (1) year.

CHARLES H. SWITZER, Chairman

ADOPTED: May 21, 1975

APPROVED: WILLIAM E. SCENT, Secretary

RECEIVED BY LRC: July 28, 1975 at 11:31 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Secretary-Counselor, Kentucky Board of Auctioneers, 912 Kentucky Home Life Building, Louisville, Kentucky 40202.

DEPARTMENT FOR NATURAL RESOURCES
AND ENVIRONMENTAL PROTECTION
Bureau of Land Resources
Division of Reclamation

402 1:011
401 KAR 1:001. Reclamation plans of surface effects of underground mines; definitions; certificates; fees; terms; requirements.

RELATES TO: KRS 350.151
PURSUANT TO: KRS 13.082, 224.033(17),
224.045(6)(b), 350.028

NECESSITY AND FUNCTION: This regulation is necessary to implement KRS 350.151, which was adopted by the 1974 session of the Kentucky General Assembly and places the control of reclamation of the surface effects of underground mines under the jurisdiction of the Kentucky Department for Natural Resources and Environmental Protection.

Section 1. Purpose and Goals of this Regulation.

(1) Purpose. The purpose of this regulation is to provide for the reclamation of lands upon which surface disturbances have been or will be created by underground mining.

(2) Goals. In the preparation and enforcement of this regulation the Kentucky Department for Natural Resources and Environmental Protection has the following goals:

- (a) The prevention of land erosion;
- (b) The prevention of air pollution incidental to mining;
- (c) The prevention of water pollution incidental to mining;
- (d) The protection of the personal and property rights of persons living near mines;
- (e) The regulation in a fair and equitable manner of the reclamation of land disturbed or removed by activities resulting from or incident to a mine as defined in KRS 353.010(1)(s).

Section 2. Definitions. Unless clearly indicated otherwise by their context, terms in this regulation are defined as follows: (1) "Abandoned operation" means any mine from which coal has not been removed during the six (6) months immediately preceding the effective date of this regulation, and the surface areas surrounding the operations which are not being used in conjunction with the underground mining activity at some other location;

(2) "Acid producing materials" means any material capable of producing an acid condition when exposed to air or water;

(3) "Approval certificate" means the reclamation plan approval certificate issued by the Division of Reclamation pursuant to this regulation;

(4) "Area of land affected and affected area" means the area of land from which overburden is to be or has been removed or upon which the overburden, mine waste or refuse is to be or has been deposited, and shall include all lands affected by the construction of new roads or the improvement or use of existing roads other than public roads, to gain access and to haul coal;

(5) "Department" means the Department for Natural Resources and Environmental Protection;

(6) "Director" means the Director of the Division of Reclamation of the Department for Natural Resources and Environmental Protection;

(7) "Disturbance" means to change the condition of the surface in any manner;

(8) "Division" means the Division of Reclamation, Bureau of Land Resources, Department for Natural Resources and Environmental Protection;

(9) "Existing operation" means every other mine or activity for which the surface has been disturbed by an underground mining activity that occurred on or prior to the effective date of this regulation, other than an abandoned or new operation;

(10) "Face-up area" means any area where the surface is to be or has been disturbed to make entry into a seam of coal to be recovered by underground mining methods;

(11) "Highwall" means any side of a pit next to unmined land, or cut in the natural terrain made for entry into an underground mine;

(12) "Method of operation" means the method or manner by which the cut or open pit is made, the overburden is placed or handled, water is controlled, and other incidental acts are performed by the operator in the process of uncovering and removing the coal;

(13) "Mine management area" means that portion of the surface affected by mine management activities, and includes buildings, parking lots, driveways, equipment storage or repair areas and any other building, structure or facility used as part of or incidental to the underground mining operation but not directly related to coal removal, handling, storing, processing, or transporting;

(14) "New operation" means any mine for which the surface is disturbed for a face-up area, coal processing area, coal refuse area, transportation area, mine management area, and/or drainage control area, subsequent to the effective date of this regulation;

(15) "Operator" means any person, partnership, or corporation, who for the purpose of extracting any type of merchantable minerals from the earth, or processing or handling such causes a surface disturbance;

(16) "Overburden" means all of the earth and other solid materials which lie above a natural deposit of coal and also means such earth, rock, and other solid material removed from their natural state in the process of deep mining;

(17) "Pre-split highwall" means a highwall that has been constructed by a method of controlled blasting designed to minimize fracturing and overbreaking of the rock;

(18) "Processing area" means that portion of the surface affected by tipples, coal storage yards, loading ramps, docks, wharves, railroad sidings, washers or other area (other than transportation area as defined below) on which coal is stored, handled, processed or refined;

(19) "Reclamation" means the rehabilitation of disturbed areas in accordance with statutory and regulatory requirements;

(20) "Refuse area" means any area of the surface affected by deposited waste, gob, slurry or any other rejected material, liquid or solid, resulting from mining coal or clay by any or all methods or processing of such materials;

(21) "Secretary" means the Secretary of the Department for Natural Resources and Environmental Protection;

(22) "Spoil" means removed overburden;

(23) "Stream" means any water course, regardless of physical proportions, in which any amount of water is present in portions or sections thereof for substantial periods of the year;

(24) "Surface" means the mantle of the earth, the topmost layer of soil, rock, land, or water present in any location;

(25) "Transportation area" means any surface, controlled or used by the operator for any means of transporting coal from points of entry to any points on the mine property surface;

(26) "Underground mine" means all underground workings from which coal or clay is produced for sale, exchange or commercial use, and all shafts, slopes, drifts or inclines leading thereto, and includes all buildings and equipment, above or below the surface of the ground, used in connection with such workings other than strip or auger mining as defined in KRS 350.010(1);

(27) "Underground mining" means any method of extracting subsurface coal or clay and removing it to the surface from an underground mine.

Section 3. Application for Certificate, Reclamation Plan, Fees, and Bonds. (1) New operations. No construction of a face-up area, processing area, refuse area, transportation area, drainage control area, mine management area or any surface disturbance in the area of a proposed new operation shall begin until the operator has received a reclamation plan approval certificate from the division.

(2) Existing operations. Within 120 days from

the effective date of this regulation, existing operations shall file a reclamation plan with the division and present an application to the division for a reclamation plan approval certificate. Plans for existing operations shall include a time schedule for bringing the operation into compliance with this regulation. Time schedules for compliance with this regulation shall not extend beyond one (1) year from its effective date.

(3) Abandoned operations. This regulation does not apply to an abandoned operation. However, should the surface of an area connected with an abandoned operation be disturbed, constructed on, improved or otherwise used in conjunction with underground mining at the abandoned operation subsequent to the effective date of this regulation, the provisions relating to new operations shall apply.

(4) Applications. Applications for a reclamation plan approval certificate shall be made on forms supplied by the division.

(5) Fees. Each application shall be accompanied by a fee of \$150, plus thirty-five dollars (\$35) per acre or fraction thereof of land affected. Fees are payable to the Kentucky State Treasurer.

(6) Bonds. The applicant for a reclamation plan approval certificate shall file with the division a bond payable to the Commonwealth of Kentucky before receiving a certificate. The amount of the bond shall be determined and may be adjusted by the division when circumstances so require, but shall not be less than \$500 per acre or fraction thereof or more than \$1,500 per acre or fraction thereof of the land affected, with a minimum bond of \$5,000 required. Maximum bond shall be required on all coal refuse areas. Return of the bond is conditioned upon the faithful performance of the requirements of this regulation. Return of portions of the bond upon satisfactory completion of portions of the requirements of this regulation may be made under provisions established by the division.

(7) Certificates. Certificates shall be issued for the life of the mine or operation, subject to faithful compliance with the requirement of this regulation. The division at its option shall review performance under this regulation at least on an annual basis.

(8) Reclamation plan. The reclamation plan shall include the location and acreage of the land to be affected, present and future land use, plans and specifications for reclamation measures to be taken, the types and amounts of seeds, fertilizers and mulch to be used, the procedures to be used to re-establish vegetation, and four (4) copies of a map, as described in subsection (9) of this section.

(9) Map. Four (4) copies of a United States Geological Survey topographic map, or aerial photograph-topographic map or equivalent map enlarged or made to a scale of not less than 100 nor more than 600 feet to the inch shall be submitted with the reclamation plan. The map shall be prepared and certified by a professional engineer, registered under the provisions of KRS Chapter 322. The certification of the maps by the professional engineer shall read as follows: "I, the undersigned, hereby certify that this map is correct, and shows to the best of my knowledge and belief all the information required by the surface effects of underground mining regulation." The certificate shall be signed by the above described engineer and notarized. The department shall reject any map as incomplete if its accuracy is not so attested. Each copy of the map shall show the following information:

(a) The boundaries of the area of land affected, the cropline of the seam or deposit of coal to be mined, and the total number of acres involved in the area of land affected, including but not limited to, the area on which spoil, gob, slurry or other refuse will be placed.

(b) Adjacent deep mining and the boundaries of surface properties and names of surface owners on the affected area and within 500 feet of any part of the affected area.

(c) The names and locations of all streams, creeks, or other bodies of public water, roads, buildings, cemeteries, oil and gas wells and utility lines on the area of land affected and within 500 feet of such area.

(d) The date on which the map was prepared, the north point and the quadrangle name.

(e) The drainage plan on and away from the area of land affected. Such plan shall indicate the directional flow of water, constructed and proposed drainways, natural waterways used for drainage, and the streams or tributaries receiving the discharge.

(f) Processing areas with the location of buildings, tipplers, coal storage yards, loading ramps, railroad sidings, docks, wharves, roadways, conveyors, washers, other structures or facilities to be used in processing the coal to be recovered.

(g) Mine management areas with the location of buildings, shops, parking lots, storage yards, driveways and other facilities or structures to be used in conjunction with the management of the mine.

(h) Constructed and proposed drainways and channels, diversion ditches, settling ponds, silt control structures and other control measures necessary or appropriate for drainage control for the protection of the surface.

(i) Transportation areas.

Section 4. Earthmoving, Grading, Backfilling, Compacting, and Draining to Prevent Erosion.

(1) Screening vegetation. In any new operation, existing vegetation which will screen any portion of the operation from adjoining property or from any wild river, park, recreation area, public road, cemetery, or other building or public property shall be left in place.

(2) Topsoil. In any new operation involving disturbance of the earth's surface, the division may require that topsoil and/or other strata capable of supporting vegetation be saved and segregated. In areas to be resoiled, topsoil and/or other strata capable of supporting vegetation shall be evenly distributed over a graded area and conditioned as required by the division by discing, ripping or other appropriate methods to enable it to support vegetation.

(3) Earthmoving, backfilling, grading, etc. Earthmoving, grading, backfilling and compacting of surface areas of a mine shall be done as follows:

(a) The face-up area of new operations shall be arranged in such a manner that all overburden is deposited in a location controlled such that no surface runoff or other drainage from the highwall, face-up bench, or area on which the overburden is placed will deposit silt or sediment or debris in any stream.

(b) On new operations, the face-up area shall be scalped of brush and other debris and the material removed or windrowed immediately below the line where the outslope intersects the natural slope of the terrain. The amount of excavated material placed over the outslope shall be governed by Table 1 herein, but in no case may more than forty (40) percent of the total surface materials excavated be placed over the outslope. All other excavated material must be hauled to an approved disposal site. Where benches are required in preparation for underground mining, the maximum solid bench width of the first cut shall not exceed those limits shown in Table No. 1, unless complete end-hauling or similar methods are employed which do not create a fill bench. The division may approve an additional cut or a larger bench may be made upon request to the division, provided that the excavated material is hauled to a disposal site approved by it.

(Continued on Next Page)

TABLE NO. 1

Natural Slope in Degrees	Maximum Solid Bench Width in feet	Maximum Scalping Distance in feet	Total Bench Width in feet
12 - 14	132	70	173
15 - 18	102	70	151
20	90	70	122
21	85	60	114
22	80	60	105
23	75	60	96
24	65	50	85
25	60	50	79
26	55	50	73
27	50	50	67
28 - 33	25	25	40
Above 33	No Fill Bench		

(c) The division may require solid rock highwalls on new operations to be pre-split.

(d) Where new operations are in an area which has been previously surfaced mined, outcrops resulting from surface mining operations shall not be disturbed without prior, written approval of the division.

(e) Benches of all face-up areas shall be graded to eliminate holes or depressions in which surface water or other drainage or runoff may accumulate. Drainways shall be constructed where necessary to carry drainage, runoff or surface water across or around the face-up area to an appropriate sediment control structure or facility in order to eliminate erosion of either the highwall, bench or outslope. Where the nature of the terrain precludes the use of sediment control structures, the benches of all face-up areas or portions thereof shall be isolated by dikes, retaining walls, or other approved methods so as to assure that no surface runoff will deposit silt, sediment or debris in any stream. Plans for the collection of surface water in the face-up area for dust suppression, either above or underground, shall be subject to the approval of the division. In special cases where natural drainage is difficult to construct or maintain, the pumping of water from depressions to a point of discharge beyond the toe of the outslope may be approved by the division.

(4) Processing area. To prevent stream sedimentation from surface water drainage or other runoff from the processing area, operators shall grade the processing area to eliminate holes or depressions in which surface water, drainage or other runoff may accumulate, and shall provide drainways around the processing area to channel such surface water, drainage or other runoff to an appropriate sediment control structure or facility. Where the nature of the terrain precludes the above control structures, the processing area, or portions thereof shall be isolated by dikes, retaining walls, or other approved methods.

(5) Refuse piles. On and after the effective date of this regulation, refuse piles on new or existing operations shall be compacted in layers and graded to a slope which will be determined by the division based on the site locations, materials, and local conditions. Where refuse is hauled to below grade facilities and buried, such as in a surface mine pit, the compaction requirement may be waived by the division. The refuse area shall be graded so that there are no holes or depressions in which surface water, drainage or other runoff may accumulate. Where necessary, channels or drainways shall be constructed to collect surface water, drainage or other runoff and direct it to an appropriate sediment control structure or facility.

(6) Drainage control. New operations shall take measures to control drainage in the face-up area upon completion of the highwall or face, bench and outslope, and prior to opening any mine entries, slopes, or shafts to be used for or in connection with coal removal. Except where otherwise provided in this regulation, new operations shall have all

drainage control measures constructed and operating before any other area is disturbed in conjunction with underground mining activities. All silt and water control structures shall be designed by, and the construction thereof certified by a registered professional engineer or local conservation district.

(7) Transportation and mine management areas. All transportation and mine management areas shall be constructed or improved so erosion due to drainage or other surface runoff is controlled or eliminated. New operations shall comply during construction. Existing operations shall have one (1) year from the effective date of this regulation to bring these areas into compliance. All parking lots, driveways, and equipment storage or repair areas subject to erosion by surface water or other runoff shall be graded to eliminate holes, depressions, and ruts caused by vehicular traffic, and shall have drainways or channels to carry surface water, drainage or other runoff to an appropriate sediment control facility. To control erosion, the division may require portions of the management area to be covered with crushed rock or other suitable material.

(8) Final grading. Where operations are being conducted in an area which has been previously surface mined and reclaimed, final grading of new and existing operations shall blend with the previously reclaimed area.

(9) Discharges to meet water standards. Discharges from any drainage control structure or device shall meet applicable water quality standards including but not limited to the provisions of Section 7 of this regulation.

(10) Partial bond release. When filling, backfilling, grading, surfacing and revegetation of an area have been completed and approved by the division, the director may release that portion of the acreage bonded that has been reclaimed to the satisfaction of the division, provided that \$5,000 minimum bond shall be retained until the remaining requirements of this regulation are satisfied.

Section 5. Access Road Requirements. (1) Purpose. Coal mine haul and access roads contribute substantially to stream sedimentation, which affects the water quality of streams flowing from mining areas. In some parts of Kentucky, mining roads account for ten (10) percent of the total area affected by mining. The provisions of this section are designed to minimize these adverse effects.

(2) Definitions. For purposes of this section, a haul road is any road used for hauling coal, clay or refuse. An access road is any road that can be traversed by an automobile or other mechanical means and is used for any purpose incident to the mining operation except for hauling coal, clay or refuse. Both types of roads shall be considered a surface disturbance from the affected area to the point at which such road joins a publicly maintained road or highway.

(3) Standards. Haul and access roads at new operations shall comply with the standards set forth in this section. Existing operations shall have one (1) year from the effective date of this regulation to bring haul or access roads up to these standards.

(a) No haul or access roads shall be constructed in a stream, nor shall any stream or stream bed be used as a haul or access road. Any channel changes shall be approved by the Division of Water Resources or its successors, as required by KRS 151.250 or other applicable laws or regulations. When a stream crossing is proposed and the drainage area above the proposed structure is considered by the Division of Reclamation to be large enough that the proposed structure could create a hazard to health, life or property, a permit from the Division of Water Resources or its successors shall be required. This shall not be construed as a waiver of other permitting requirements of the Division of Water Resources or other applicable laws and regulations.

(b) All stream fordings shall be approved by the division and other appropriate divisions within the department. Consideration will be given to the time of year the crossing is to be constructed, and the length of time it is to be used, but in no event and under no condition may the normal flow of the stream be affected or the sediment load of the stream be materially increased.

(c) The center line of the proposed road must be flagged or marked with an acceptable substitute at the time the reclamation plan is submitted to the division.

(d) The grading of an access or haul road shall be such that the maximum pitch grade shall not exceed twenty (20) percent and grades above ten (10) percent shall not exceed a length of 300 feet and shall revert to a ten (10) percent grade or less for a minimum distance of 300 feet between the beginning and ending of each such incline.

(e) The grade on switch back curves must be reduced to less than the approach grade and shall not be greater than five (5) percent.

(f) Ditch relief cross drains shall be spaced according to grade. All natural drains shall be accommodated with an appropriate sized relief structure at the point where the natural drain intersects the roadway. Appropriate skews shall be introduced to reduce turbulence and other resistance factors. Outlet and inlet ends of structures shall be constructed on original ground when possible. Fill sections shall not be subjected to discharge flows of structures or open channels.

(g) Ditch relief culverts will be installed according to the following table of spacings in terms of percent of road grade:

Road Grade in Percent	Spacing of Culverts in Feet
2-5	300-500
6-10	200-300
11-15	100-200
16-20	100

(h) Culvert pipe sizes shall be as determined by a hydraulic study of the area drained and approved by the division.

(i) Where drainage structures are required for areas greater than 100 acres they shall be large enough to carry a twenty-five (25) year storm without creating a head elevation that might inundate adjacent property which has not heretofore been inundated. When the drainage area above the structure is greater than 300 acres or when a potential hazard exists to either life or property, a permit from the Division of Water Resources or its successors shall be required.

(j) Cut slopes shall not be steeper than 1:1 (45 degrees) in soils and may be vertical in rock.

(k) All fill and cut slopes shall be seeded in accordance with Section 6 of this regulation.

(l) If a berm is produced in skimming the road, it shall not be left on the ditch side.

(m) Roads shall not be surfaced with any acid producing material which will produce a runoff of acid, the surface being that part of the road which is normally used by vehicles in motion to and from the defined terminals.

(n) Bridges, culverts, stream crossings, etc., which the operator might elect to use on another project, may not be removed from their existing function or location prior to bond release without the consent of the Division of Reclamation.

(o) Before an access or haul road is abandoned by an operator, surface drainage and adequate vegetative cover shall be provided as required by the division before the bond on the road may be released. When a road is to be turned over to another party for his use, adequate surface drainage shall be provided as required by the division before the bond on the road may be released.

(p) All grades referred to in this regulation shall be subject to a tolerance of two (2) percent except a maximum pitch grade. All measurements referred to in this regulation shall be subject to a tolerance of five (5) percent of measurement. All angles referred to in this regulation shall be

measured from the horizontal and shall be subject to a tolerance of five (5) degrees.

(q) Haul or access road surfaces shall be elevated at a ratio not to exceed one-fourth (1/4) inch per foot of road width. Except in places where safety conditions are overriding, all road surfaces shall drain to the outside of the roadway. In places where road construction requires a cut on both sides of the road, surface drainage shall be on the side of the deepest cut. Where the road is constructed entirely on fill, drainage will be on the side having the shortest fill slope.

(r) All road surfaces, ditch lines, cross drains, back slopes and fill slopes shall be maintained as required by the division as long as the bond is in force. Loose material produced in skimming a road shall not be pushed into the ditch.

(s) Traffic on any haul or access road in violation of this regulation may be halted by the secretary of the department until proper corrective measures are taken.

Section 6. Revegetation Requirements.

(1) Revegetation shall include seeding and establishment of permanent grasses and legumes as approved by the Division of Reclamation and at seeding rates as recommended by the division. The operator shall submit with the application for a permit a proposed revegetation plan compatible with this regulation.

(a) In the Eastern Kentucky coal field seeding shall be done on all spoil or other disturbed areas, including access roads, within fifteen (15) days after grading is finished. Where circumstances prevent the seeding to be accomplished within fifteen (15) days or where adequate justification is provided, an extension for seeding not to exceed thirty (30) days may be approved by the division. This requirement is suspended for the period of October 15th through February 15th. Areas disturbed during this period shall be seeded during the first forty-five (45) days following February 15th.

(b) In the Western Kentucky coal field seeding shall be done on all spoil or other disturbed areas, including access roads, within forty-five (45) days after grading is finished. This requirement is suspended for the periods from October 15th through February 15th and from May 15th through August 15th. Warm season grasses may be seeded from April 15th to June 15th.

(c) A chemical analysis of the spoil material shall be made to determine the lime and fertilizer requirements. A chemical analysis of a minimum of one (1) composite spoil sample per three (3) acres of disturbed surface shall be required. A composite sample shall consist of at least five (5) thoroughly mixed sub-samples from the area. More samples may be required, depending on the variability of the spoil and the size of the permit. The operator will be held responsible for meeting the above requirements. The chemical analysis must be done by laboratories operated under the supervision of the Kentucky Agricultural Experimental Station or other laboratories approved by the Division of Reclamation. Sufficient agricultural limestone, or an approved substitute, shall be applied and incorporated into spoils to raise the water pH to a minimum of 5.5. All limestone used shall be purchased from agricultural limestone dealers licensed by the Department of Agriculture. The SMP buffer pH method shall be used to determine the agricultural limestone required if the water pH is below 6.0. The potential acidity tests or total sulfur analysis shall be required on areas where acid problems are suspected to more accurately determine the lime requirement. Where agricultural limestone is required, it shall be incorporated into the spoil to a depth of six (6) inches.

(d) Minimum fertilizer requirements for revegetation shall be 100 pounds of available P205 per acre and sixty (60) pounds of available nitrogen per acre. The nitrogen application may be split, one-half (1/2) put on at time of seeding and one-half (1/2) during the first part of the next

growing season. Potassium may be required depending on the results of the spoil tests. The division may approve lesser amounts of fertilizer if approved spoil tests indicate lesser amounts are needed for satisfactory revegetation.

(e) Mulch shall be required on all disturbed areas where the slope exceeds fifteen (15) degrees, on disturbed areas with a buffer pH below 5.0 prior to liming, on all areas where seedbed preparation is impossible, and on all areas that are seeded with predominantly cool season species from June 1st to August 1st. Mulch may be required by the Division of Reclamation on other problem areas. A material to hold the mulch in place may be required. The acceptable mulching materials and minimum rates are listed below:

Material	Rate/Acre
Straw or hay	1 1/2 tons
Wood Bark	45 cubic yards
Wood Fiber	1,500 pounds

Other mulching materials may be approved if shown to be satisfactory.

(f) Trees shall be planted at no less than 800 seedlings per acre on all disturbed areas. The division may exempt benches formed by underground mining and gob piles from the above requirements. Kentucky-grown nursery tree seedlings are encouraged, but seedlings acclimatized to Kentucky conditions may be used. Direct seeding of Black Locust trees at the rate of two (2) pounds per acre may be a satisfactory method of establishing trees on steep slopes and on other critical areas. Trees with higher aesthetic and commercial value have preference to Black Locust where they will perform satisfactorily.

(g) Shrubs for wildlife may be planted in lieu of tree seedlings, may be planted on any part of the mined area and may include border plantings, clump plantings, and intervening strips.

(h) All legume seed, except Black Locust, shall be inoculated with the proper strain of bacteria immediately prior to seeding. The inoculation rate shall be increased four (4) times if a hydroseeder is used.

(i) A seedbed shall be prepared by scarifying the spoil immediately prior to seeding, except where the seeding is done on freshly graded material or on spoil loosened by frost action.

(2) Existing operators shall revegetate all disturbed areas including but not limited to outcrops and refuse areas according to the requirements of paragraphs (a) to (i) of subsection (1).

(3) As the use of any refuse area or portion thereof is discontinued, all refuse areas shall be covered with a minimum of three (3) feet of non-acid producing (water pH above 5.5 with low potential acidity) material which must be capable of supporting permanent vegetation as required by the division. The discontinued portion shall be graded in such a way as to reduce runoff and erosion, and revegetated and mulched according to the requirements of paragraphs (a) to (i) of subsection (1). Additional material for covering shall be required if severe erosion occurs before the vegetation is established.

(4) At least twenty-four (24) hours prior to commencing any revegetation activity, the operator may be required to notify the area supervisor for the division and have invoices available for inspection as proof of purchase for seed, seedlings, lime, fertilizer, mulch and spoil test report(s).

(5) Roads shall be seeded to legumes and permanent grasses. This may be modified if, in the opinion of the division, the roadway will not contribute off-site damage to the public or adjacent property owners.

(6) When seeding or planting is completed, the operator shall file a detailed planting report with the exact amounts of lime, fertilizer, seed and mulch within two (2) weeks with the Division of Reclamation on a form furnished by the division.

(7) Prior to complete bond release, there shall

be established at least a seventy (70) percent ground cover per acre of permanent vegetation on all disturbed areas. The permanent vegetation shall consist of both permanent grasses and legumes which are recommended by the Division of Reclamation.

(8) Prior to complete bond release, there shall be 600 or more living woody plants per acre, including volunteers, with distribution of stems fairly uniform on all areas except those mentioned in subsection (1)(f) of this section.

(9) Inspection shall be made by the division at the end of the first and second growing season for purposes of determining vegetation bond release. If the revegetation result is unsatisfactory, the division may require a new plan to include rates of mulch, seed, fertilizer and lime based on spoil tests, or if circumstances warrant, the division may declare bond forfeiture. If a revegetation plan is required, it shall be submitted to and implemented under the direction of the division.

Section 7. Water Quality Criteria. (1) As used in this regulation, unless the context clearly indicates otherwise:

(a) "Jackson Turbidity unit" means an arbitrary unit for the optical property of a sample indicating the presence of suspended matter. (For an example of preparation of the Standard Jackson Turbidity suspension, see pgs. 349-356 of "Standard Methods for the Examination of Water and Wastewater," Thirteenth Edition; published by: American Public Health Association, 1015 18th St., N.W., Washington D. C. 20036).

(b) "Settleable matter" means that matter in a sample that will settle in one (1) hour. Examples of tests are described on page 539 of "Standard Methods for the Examination of Water and Wastewater," Thirteenth Edition.

(2) In order to establish and maintain an effective program for assuring high quality water in the Commonwealth, operators shall comply with the following requirements:

(a) Treatment facilities of sufficient size and number consisting of, but not limited to, collection basins, water retarding structures and silt dams shall be constructed prior to the mining operation for maintaining a quality of water which meets the specifications in subsection (2)(c) of this section. The location of all sediment control facilities shall be indicated on the permit map(s) prior to issuance of the permit.

(b) All treatment facilities shall be kept in proper working order to maintain those specifications in subsection (2)(c) of this section until the division determines that these specifications can be met without such treatment facilities. Records of treatment shall be maintained by the operator.

(c) The operator shall prevent discharge of drainage into the waters of the Commonwealth from the area of land affected, the pH of which is less than 6.0 or greater than 9.0 or which contains a concentration of iron in excess of seven (7) milligrams per liter (mg/l). The total alkalinity of the discharge must exceed the total acidity. The discharge shall contain no settleable matter, nor shall it contain suspended matter in excess of 150 Jackson Turbidity units, except during a contributing and causative precipitation event affecting the water quality, which the operator must show to have occurred, in which event, 1,000 Jackson Turbidity units may not be exceeded. Suspended matter in parts per million (ppm) may not exceed the number of Jackson Turbidity units multiplied by 2.20. Sampling and analyses are to be defined and performed to "Standard Methods for the Examination of Water and Wastewater," Thirteenth Edition, unless otherwise specified in writing by the division.

(d) Streams in the area of land affected shall be kept free of spoil material for a minimum distance of fifty (50) feet on each side of the channel. The division may grant permission to operate within these limits provided all excavated materials are hauled beyond the fifty (50) feet limit and proper sized cross drains are placed in the

stream for crossing purposes.

(e) Sudden release of large volumes of water onto outer slopes of spoil banks is prohibited.

(f) All drainage originating on the area of land affected must meet the specifications in subsection (2)(c) of this section or exit through treatment facilities in accordance with subsection (2)(a) of this section.

Section 8. Mine Closing, Temporary and Permanent. (1) Clean up, grading and seeding required. When the use of a face-up area of either a new or existing operation is discontinued for a period which will be greater than one (1) year, the bench shall be cleaned up, graded, if necessary, and seeded. All scrap metal, used lumber, abandoned equipment, junk, and refuse resulting from the operation shall be removed from the area or buried prior to grading. Pits shall be filled to the satisfaction of the division. Any exposed seam of coal shall be covered with a minimum of four (4) feet of non-acid bearing material. The fill shall be graded to slope away from the highwall at an angle not to exceed ten (10) degrees from the horizontal, and in such a manner that no holes or depressions remain to accumulate drainage, runoff or other surface water. Sealing of any mine openings or exposed shafts or tunnels, as required by the laws or regulations of the Kentucky Department of Mines and Minerals or of any agency of the United States Government, shall be completed prior to such grading.

(2) Buildings, structures, facilities. Where the use of a processing area, transportation area or management area on either a new or existing operation is temporarily discontinued, the areas shall be cleared of scrap metal, used lumber, abandoned equipment, and all refuse resulting from the operation, and structures, buildings and facilities thereon shall be put into and kept in a state of good repair as determined by the division during the period of non-use. When a mining operation is permanently discontinued, all structures, buildings, facilities, and equipment, the use of which is or could be associated exclusively with mining, shall be dismantled, torn down and removed, and all metal, lumber, equipment and refuse removed from the area or buried. All remaining buildings and facilities shall be put into and kept in a state of good repair as determined by the division.

(3) Land under dismantled structures. The land on which dismantled or removed structures have stood will be reclaimed as required by the division.

(4) No final release of the bonding requirements shall be made until all requirements of the regulations have been complied with.

Section 9. Signs. Appropriate signs shall be displayed at all points of access to each operation from public roads and highways. Each sign shall be at least two (2) feet by four (4) feet, constructed of a durable material, and clearly visible from the intersection of the public road or highway and the point of access. Each sign shall clearly identify the name of the operator and number of his reclamation approval certificate. Each sign shall be maintained during the life of the operation, and until all bonding has been released, and shall be kept visible by the clearing away of vegetation as required.

Section 10. Succession of Operators. When an operator succeeds another at an operation, either by sale, assignment, lease or otherwise, and both have complied with the requirements of this regulation, and the successor assumes in writing all liability for the reclamation of the area of land affected by the former, the division may release the first operator from all liability under this regulation regarding the operation.

Section 11. Notification of Emergencies. Any operator governed by the provisions of this regulation shall immediately notify the nearest representative of the division of any flood, landslide,

dike or pipeline rupture, power or bridge failure, breakdown, mechanical failure or other emergency which endangers life or property or causes or threatens to cause the sudden discharge of contaminants into streams, and shall immediately take the necessary corrective measures.

Section 12. Exemption or Partial Exemption.

(1) Any person subject to any deep mine rule or regulation of the Division of Reclamation of the Department for Natural Resources and Environmental Protection may apply in writing for an exemption or partial exemption from such rule or regulation. There shall exist in all cases a strong presumption against the granting of any such exemption or partial exemption or renewal thereof, and the burden of showing the necessity for such shall in all cases be on the applicant. An exemption, partial exemption or renewal thereof shall not be a right of the applicant or holder thereof, but shall issue under the sole discretion of the department and shall not be considered at any time or in any manner to have become a vested interest of the applicant or holder.

(2) The department shall promptly review the application upon receipt and if the department in its discretion concludes that the application is meritorious and warrants a hearing, or if anyone objects in writing to the division to the granting of such exemption within thirty (30) days from date of the first publication of notice for any exemption, then a hearing shall be held in the manner prescribed by statute and by the rules and regulations of the department. At this hearing, the duly appointed hearing officer shall, in his recommendations to the department, give due consideration to the following criteria, including but not limited to:

(a) Economic hardship to the applicant;

(b) The health, welfare, safety, and well-being of the citizens of the Commonwealth and their personal and real property;

(c) The duration of the exemption sought, if less than one (1) year.

(3) Any person applying to the department for an exemption shall publish notice of his application in at least one (1) newspaper of general circulation in the county in which the operation for which the exemption is being sought is located, in accordance with the requirements of KRS Chapter 424.

(4) No exemption or partial exemption pursuant to this section shall be granted for greater than one (1) year, but may be granted for less than one (1) year. Reviews of exemptions by the department shall in no case be less than once per year. Any such exemption or partial exemption may be renewed for like periods if no objection to such renewal is made to the department, or if such objection is made and duly considered at a hearing held by the department in the manner provided in subsection (2) of this section, and the department finds the renewal is justified. No renewal shall be granted except on written application. Any such application shall be made at least sixty (60) days prior to the expiration of the exemption or partial exemption. Immediately prior to the application for renewal the applicant shall give public notice in accordance with subsection (3) of this section. Any renewal pursuant to this subsection shall be on the same grounds and subject to the same conditions and limitations and requirements as set out herein and applicable to the initial application.

(5) Following the hearing as set out herein before, the department, upon the determination by the hearing officer that the granting of the exemption will not have an irreparable impact upon the environment of the Commonwealth of Kentucky and that compliance with the rules and/or regulations from which the exemption is sought would produce irreparable harm or serious hardship of greater amount without a greater benefit to the public in consideration of the criteria of subsection (2), then the department may grant said exemption.

(6) Nothing in this section and no exemption, partial exemption, or renewal granted pursuant

thereto shall be construed to prevent or limit the application of the emergency provisions and procedures of KRS 224.071 to any person or his property.

Section 13. Severability. The specific declaration by a court of competent jurisdiction that any of the provisions of this regulation are invalid shall not abrogate the viability of that portion remaining which any such court shall leave unchallenged.

Section 14. Conflicting Regulations. In the event that two (2) or more regulations promulgated by the department impose standards which are at variance with one another when applied to the same set of circumstances, that regulation requiring the more restrictive standards shall be made applicable.

JOHN STANLEY HOFFMAN, Secretary

ADOPTED: August 15, 1975

RECEIVED BY LRC: August 15, 1975 at 4:54 p.m.

PUBLIC HEARING: A public hearing on this proposed regulation is scheduled for October 9, 1975 at 10 a.m. EDT in the Auditorium of the Human Resources Building, 275 East Main Street, Frankfort, Kentucky 40601. For additional information or submission of comments, please contact Phillip Fox, Jr., Associate Director, Division of Reclamation, Department for Natural Resources and Environmental Protection, Capital Plaza Tower, Frankfort, Kentucky 40601.

DEPARTMENT OF TRANSPORTATION Division of Aeronautics and Airport Zoning

602 KAR 20:100. Special and public use heliport.

RELATES TO: KRS 183.090

PURSUANT TO: KRS 13.082, 183.024

NECESSITY AND FUNCTION: This regulation sets forth the minimum airport safety standards for a landing area designation as a special use heliport or as a public use heliport.

Section 1. (1) A special use heliport (HS) is any heliport in this state that is not open to the general public. A public use heliport (HP) is any heliport in this state that is open to the general public with or without a prior request to use the heliport.

(2) Any airport in this state classified as a special use heliport or public use heliport shall meet the minimum safety standards set forth in this regulation.

Section 2. (1) The person who owns or controls a special use heliport or a public use heliport shall have control over a minimum land area equal to the dimensions of the landing area surrounded by the peripheral area.

(2) The landing area shall be a square with each side equal to one and one-half ($1\frac{1}{2}$) times the overall length of the largest helicopter anticipated to use the facility.

(3) The peripheral area shall have a minimum width equal to one-fourth ($\frac{1}{4}$) the overall length of the largest helicopter anticipated to use the facility, but not less than ten (10) feet.

Section 3. The touchdown area dimensions shall be equal to the rotor diameter of the largest helicopter anticipated to use the facility.

Section 4. There shall be at least a ninety (90) degree separation between heliport approach surfaces.

Section 5. The heliport approach surface shall be at a ratio of eight (8) to one (1). The width of the sloping plane surface shall coincide with the dimension of the landing area and flare uniformly to a width of 500 feet at a distance of 4,000 horizontal feet from the landing area.

Section 6. If the heliport approach surface is curved, then 300 feet shall be the distance from the edge of the landing area prior to the beginning of the curve.

Section 7. The heliport transitional surface shall be at a ratio of two (2) to one (1) to a distance of 250 feet from the center of the landing and 250 feet from the centerline of the heliport approach surface.

Section 8. Where the helicopter taxis on the ground, a taxiway twenty (20) feet in width shall be provided and lateral clearance shall provide a minimum of ten (10) feet between the rotor tip and any object where the helicopter taxis on the ground.

Section 9. The Department of Transportation shall restrict the use of a special use heliport by noting the restriction on the landing area designation to use by a person or class of people.

J. C. ROBERTS, Secretary

ADOPTED: July 18, 1975

RECEIVED BY LRC: July 18, 1975 at 11:58 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Director, Division of Aeronautics and Airport Zoning, 421 Ann Street, Frankfort, Kentucky 40601.

DEPARTMENT OF TRANSPORTATION Division of Aeronautics and Airport Zoning

602 KAR 20:110. Restricted use heliport.

RELATES TO: KRS 183.090

PURSUANT TO: KRS 13.082, 183.024

NECESSITY AND FUNCTION: This regulation sets forth the minimum airport safety standards for a landing area designation as a restricted use heliport.

Section 1. An airport classified as a restricted use heliport (HR) is any heliport in this state that does not meet the criteria for any other class of heliports because of its landing area dimensions, peripheral area dimensions, heliport clear zone, heliport approach surfaces, or heliport transitional surface. Any heliport classified as restricted use shall meet the minimum criteria set forth in this regulation.

Section 2. (1) The person who owns or controls a restricted use heliport shall have control over a minimum land area equal to the dimensions of the landing area surrounded by the peripheral area.

(2) The landing area shall be a square with each side equal to one and one-half ($1\frac{1}{2}$) times the overall length of the largest helicopter anticipated to use the facility.

(3) The peripheral area shall have a minimum width of ten (10) feet.

Section 3. The touchdown area shall have minimum dimensions of twenty (20) feet by twenty (20) feet.

Section 4. There shall be at least ninety (90) degrees separation between heliport approach surfaces.

Section 5. The heliport approach surface shall be at a ratio of eight (8) to one (1) for a minimum of 400 feet or for such a distance from the landing area that a terrain clearance of fifty (50) vertical feet is attained. The minimum width of the heliport approach surface shall be the length of one side of the landing area.

Section 6. The heliport transitional surface shall be at a ratio of two (2) to one (1) for a minimum of 100 feet from the center of the landing area and 100 feet from the centerline of the heliport approach surface.

Section 7. The Department of Transportation may limit the use of a restricted use heliport by noting such restriction on the landing area designation to use by a person or class of people or limit the use of the heliport to a certain type of helicopter in the interest of air navigation safety in this state.

J. C. ROBERTS, Secretary

ADOPTED: July 18, 1975

RECEIVED BY LRC: July 18, 1975 at 11:57 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Director, Division of Aeronautics and Airport Zoning,
421 Ann Street, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET Department of Library and Archives

725 KAR 1:010. Records officer.

RELATES TO: KRS Chapter 171

PURSUANT TO: KRS 171.450

SUPERSEDES: ARC-RO-1

NECESSITY AND FUNCTION: KRS 171.450 requires the department to prescribe regulations governing the procedures for disposal of public records, and for the transfer of public records to the State Archives and Records Center. This proposed regulation is to assure uniformity and continuity in these procedures.

Section 1. Each constitutional, statutory, and executive authority of state and local government shall designate a member of the staff as records officer, whose duties it will be to represent his unit of government in its relations with the Division of Archives and Records.

Section 2. Duties and responsibilities of each records officer are as follows:

(1) He shall assist the Division of Archives and Records in inventorying, analyzing, and scheduling records of his unit of government, or in any manner, as approved by the highest superior in the same unit of government as may tend to establish an efficient system of records management.

(2) He shall keep a record of the destruction of public records, noting the authorization for said destruction and the amount of records disposed of. He shall make an annual report of this record to his highest superior and to the Director of the Division of Archives and Records.

(3) He shall prepare a semiannual listing of all publications of his unit of government and shall cause three (3)

copies of each publication listed therein to be forwarded to the Division of Archives and Records.

CHARLES F. HINDS, State Librarian

ADOPTED: July 21, 1975

APPROVED: LYMAN V. GINGER, Secretary

RECEIVED BY LRC: August 12, 1975 at 1:17 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: State Librarian, Department of Library and Archives,
Box 537, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET Department of Library and Archives

725 KAR 1:020. Reproduction of records.

RELATES TO: KRS 171.450(c), 171.600, 171.670

PURSUANT TO: KRS 171.450, 171.660, 171.670

SUPERSEDES: ARC-RPR-1

NECESSITY AND FUNCTION: KRS 171.450(c) requires the department to establish standards for the reproduction of public records by photographic or microphotographic process.

Section 1. Due to the rapid changes being brought about in technology, the State Archives and Records Commission does not approve or disapprove of one method of recording by photographic or microphotographic process over another. In order to safeguard the present and future interests of the people of the Commonwealth, all agencies of state and local governments shall obtain advice from the Division of Archives and Records prior to changing their methods of recording.

Section 2. Recording may be done on paper, photostats, electrostatic, thermographic or on film.

Section 3. If the recording is done on paper, it must be done on thirty-six (36) weight, 100 percent linen paper or its equivalent in accordance with specifications established by the National Bureau of Standards.

Section 4. If done on photostats, electrostatic or thermographic methods, it must be done on thirty-two (32) weight stock of proven permanency.

Section 5. If the recording is done on microfilm, mini-print, microprint, microcard, microfiche or some other type of microform, the following safeguards must be observed to obtain approval of the State Archives and Records Commission:

(1) A security copy (negative or positive in 16mm or 35mm) roll form must be provided the Division of Archives and Records for security storage. This film shall be provided at no cost.

(2) No filming shall be done after the first roll until a test of the film is made. The film is forwarded to the Division of Archives and Records for testing. Approval of the test film shall be given before the agency is permitted to proceed with its filming. If additional tests are required, these tests, must be done in order to obtain approval from the State Archives and Records Commission to proceed with the microfilming.

(3) The security and use copies of film must be tested for resolution, density, and hypo-residue; and in addition to this, the security film shall be physically inspected every

five (5) years for mold, spots, or other evidence of deterioration.

(4) The security copy shall not be used or handled in any way to cause the film to be scratched or damaged.

(5) The Division of Archives and Records shall be responsible for making the appropriate tests of the film, which shall follow the most up-to-date standards of the United States Government Bureau of Testing.

Section 6. No original records may be destroyed by any state or local agency after being microfilmed or otherwise duplicated unless approved in writing by the State Librarian, Chairman of the State Archives and Records Commission.

Section 7. If there is conflict or difference of opinion between the agencies and the Division of Archives and Records or an emergency condition arises, an appeal may be made to the State Librarian, who may decide the proper action that must be taken. The State Librarian must present his decision with reasons at the following State Archives and Records Commission meeting, which shall confirm or make the ultimate decision.

Section 8. The State Archives and Records Commission shall be the final authority in the executive branch of government for the disposition of all public records in Kentucky—state, county, and city, but shall not make any decisions without first working closely with the agencies involved who shall participate in the decision making.

CHARLES F. HINDS, State Librarian

ADOPTED: July 21, 1975

APPROVED: LYMAN V. GINGER, Secretary

RECEIVED BY LRC: August 12, 1975 at 1:16 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: State Librarian, Department of Library and Archives, Box 537, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET Department of Library and Archives

725 KAR 1:030. Disposition of records.

RELATES TO: KRS Chapter 171

PURSUANT TO: KRS 171.450

SUPERSEDES: ARC-PR-1

NECESSITY AND FUNCTION: KRS 171.450 requires the department to establish procedures for the compilation and submission to the department of lists and schedules for the disposal or destruction of public records authorized for disposal or destruction.

Section 1. Each constitutional, statutory, and executive authority of state and local government shall dispose of records by an orderly system of records disposal, known as the "State Records Retention and Disposal Schedules," a system developed by the Division of Archives and Records, unless otherwise provided for in this regulation.

Section 2. Authorization for the destruction of public records may be given in two (2) ways. It may be as listed in the unit "state records retention and disposal schedule" or it may be requested in writing by the agency for a specific request of an emergency nature. Authorization may also be given for the disposal of records for agencies pending

completion of records retention and disposal schedules for their unit. Requests for the disposal or destruction of records must be submitted in writing by the agency head to the Director, Division of Archives and Records, who will submit the request to the State Archives and Records Commission for approval. No public record may be destroyed or disposed of without the final signature of approval of the State Librarian, Chairman of the State Archives and Records Commission. The State Librarian may designate the Director, Division of Archives and Records to approve disposal requests provided they are presented at the next commission meeting.

Section 3. No public record may be transferred from a state or local unit of government to another state or local unit of government or to a non-public agency unless provided for in the Kentucky Revised Statutes or unless the removal is approved by the State Librarian, Chairman, State Archives and Records Commission.

Section 4. No original documents may be destroyed by any political unit of state or local government after being microfilmed or otherwise duplicated, unless approved in writing by the State Librarian, Chairman, State Archives and Records Commission or the Director, Division of Archives and Records, acting in his behalf.

CHARLES F. HINDS, State Librarian

ADOPTED: July 21, 1975

APPROVED: LYMAN V. GINGER, Secretary

RECEIVED BY LRC: August 12, 1975 at 1:18 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: State Librarian, Department of Library and Archives, Box 537, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET Department of Library and Archives

725 KAR 1:040. Distribution of publications and reports.

RELATES TO: KRS 171.500

PURSUANT TO: KRS 171.450

SUPERSEDES: ARC-PR-1

NECESSITY AND FUNCTION: KRS 171.450 requires the department to establish procedures for collection and distribution by the central depository of all reports and publications issued by any department, board, commission, officer or other agency of the Commonwealth for general public distribution.

Section 1. The designated records officer of each agency or department of state government is responsible for depositing each month with the Department of Library and Archives, Division of Archives and Records three (3) copies of all reports and publications issued by his agency for general public distribution during the preceding month. Reports and publications as used in this regulation shall be construed in the broadest sense to include typed, mimeographed, and multilithed publications. It does not include the Kentucky Revised Statutes. In case of doubt by any records officer as to whether a particular publication or report constitutes a publication or report, the records officer should consult with the Director, Division of Archives and Records and work out a mutual agreement.

Section 2. Each state agency shall be responsible for numbering its publications and reports serially or in consecutive order and by year to facilitate classification and cataloging by the Division of Archives and Records.

CHARLES F. HINDS, State Librarian

ADOPTED: July 21, 1975

APPROVED: LYMAN V. GINGER, Secretary

RECEIVED BY LRC: August 12, 1975 at 1:17 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: State Librarian, Department of Library and Archives,
Box 537, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET Department of Library and Archives

725 KAR 2:010. Public libraries.

RELATES TO: KRS 171.150, 171.204, 171.125 to 171.306

PURSUANT TO: KRS 13.082, 171.150, 171.204, 171.125 to 171.306

NECESSITY AND FUNCTION: The following rules and regulations are necessary for the Department of Library and Archives to exercise its duties. The Department of Library and Archives is designated by KRS Chapter 171 as the agency to administer funds granted for the purpose of providing and equalizing minimum public library service in Kentucky. This service includes the establishment, extension and development of local public library facilities. The Construction Officer of the Department of Library and Archives is authorized to act according to the following document.

Section 1. Hereinafter, the expression, the "Board" refers to the library trustees, the initials, "C.O." refer to the Construction Officer, and the initials "D.L.A." refer to the Department of Library and Archives.

Section 2. All public library buildings are bound by certain stipulations concerning any public service and any public building. Those stipulations are: (1) Public building code:

(a) Federal regulations:

1. Federal wage law for contractor,
2. Physically handicapped entrance.

(b) State regulations:

1. State Fire Marshal requirements,
2. Physically handicapped entrance,
3. State health codes,
4. State minimum wage law.

(c) County ordinances.

(d) City ordinances:

1. Sidewalks, etc.,
2. Sanitation laws, etc.

(2) Public service law:

(a) The right of any individual, regardless of race, creed, color, etc., to use and enjoy the services of the library.

(b) The right of any group to use the facility as provided for under the rules and regulations of the board of trustees.

(3) The following stipulations are required by the Department of Library and Archives:

(a) The site must be approvable by the construction officer.

(b) Purchase of existing buildings for renovation for library purposes may be authorized if this would be the

best and most reasonable method of obtaining adequate library facilities. The C.O. will approve this purchase following approval by the Board of Review

(c) The site and facility must be owned or will be purchased by the local board of trustees.

(d) The application for a construction grant must be filed with the C.O.'s office.

(e) Buildings or alterations must be planned and construction supervised by an architect registered in the Commonwealth of Kentucky and approved by the D.L.A. This approval will be based on registration of the architect and the experience as shown by the architect in previous projects.

(f) The plans submitted by the architect must be approved by the D.L.A. (C.O.) as to size, adequacy, location, function and suitability for services of a public library.

Section 3. Preliminary Review of Applications For Construction. A preliminary review is recommended for the purpose of establishing the construction application. This will be a working meeting of a small group and should be held regularly to keep information on the applications current and to prevent unpreparedness for the Board of Review. The intent of the review is to have more persons informed about the proposed projects and to provide a complete and current application to the Board of Review.

(1) A preliminary review to establish the completeness of applications for construction projects will be held at least two (2) months before the regular Board of Review.

(a) A review committee of five (5) shall be established. These shall be appointed at the first yearly Board of Review. Three (3) of the members shall be from field staff, one (1) from each of the three (3) library areas, selected by the area library directors. The two (2) other members shall be selected by the three (3) field members on the committee. The terms shall be for one (1) year. New members shall be appointed yearly. The committee members shall select replacements for any members who resign from the committee during the year.

(b) The review committee will read the applications and shall have the responsibility to communicate with the district director involved about any questions they have concerning the applications.

(2) Procedures of the Review Committee:

(a) Applications will be presented alphabetically by county name.

(b) Realistic operating budget for the proposed facility will be presented insofar as practicable; i.e., estimates on costs of utilities, etc., should be obtained from proper authority. This budget should be brought up-to-date before each review.

(c) Proof of need must be plainly established, i.e., lack of service, lack of space for the book collection, etc., which an expanded facility would enable the library to provide. Willingness to provide these services should be made clear. A plan of projected service should be submitted.

(d) Ability to provide service adequately after the new facility is in operation is necessary. The board should not cut its staff budget to pay for the building.

(e) Librarians must be certified in accordance with the Kentucky Revised Statutes.

(f) The district director involved should be able to show serious intent of the board by having a knowledge of possible sites, possible square footage, approximate costs, and the board's willingness to proceed immediately.

(g) A history of operational budgets should be presented.

(h) A report of library relations to the community and governing bodies should be in the application.

(i) The Review Committee shall return the applications to the C.O. with recommendations for approval or disapproval. Those approved shall be scheduled for the next Board of Review.

(3) Correction of Application. If an application is found to be lacking in the above, it should be returned to the applicant with an explanation of deficiencies. The applicant should correct the form and re-submit it for consideration by the Board of Review or Preliminary Review Committee, whichever is first. The C.O. will have the responsibility of checking the corrections if the Board of Review meets before the Preliminary Review Committee. A corrected application should not be held up for a preliminary review.

Section 4. Establishment of the Board of Review. (1) A Board of Review is established to award grants from such monies as are available to the D.L.A. for construction, improvement and equipping of public library facilities.

(a) The Board of Review shall meet every six (6) months, once in September and once in March, as scheduled by the C.O.

(b) The voting membership of the Board of Review shall be the C.O., State Librarian, Director of Field Services, Director of Administrative Services, Area Library Directors and District Library Directors. The District Director of the county involved should attend the Board of Review, or have an official delegate there.

(2) Priority system for consideration of grants. (This establishes the order of consideration of applications.)

(a) Those counties or districts serving as headquarters for a multi-county federation (called Library Development Districts), having an established adequate income, but with facilities which do not meet minimum standards.

(b) Those county or district libraries participating in multi-county federations (called Library Development Districts) which have an assured, adequate income, but with facilities that do not meet minimum standards.

(c) Those county or district libraries participating in multi-county federations (called Library Development Districts) having an assured, adequate income which have reached minimum facilities and service and are applying for a branch facility or an addition or renovation to an existing building.

(d) Those libraries giving county-wide service which meet other requirements of this document.

(e) When minimum standards are referred to, exceptions to those standards may be made upon joint recommendations of the area director, district director, and C.O. to the Board of Review.

(3) Ranking system for applications within a priority group. The applicants will be ranked in high to low per capita library income order within a priority group. The application showing the highest income is the first to be considered.

(a) Income can include: all assured funds; taxes from library districts or from taxes legally established within the general fund, income trusts or property.

(b) Income cannot include: fines, gifts or appropriations (including those from other units of government) or income from annual art exhibits, plays, shows, fairs, cookie sales, etc.

(c) Population as used for per capita definition is based on the latest annual Kentucky Department of Commerce census figure.

(d) All previous steps being equal between any two (2) or more applicants, a "coin flip" (or other method acceptable to both parties) will determine the first to be considered in the priority group making.

(4) The Board of Review will take formal action on the project or projects for which application to ascertain that the requirements of the plan for grants have been met. The action of the board will be to:

(a) Approve the application as submitted, or

(b) Reject the application completely.

(5) Action following the board of review.

(a) Promptly following the meeting of the Board of Review, those library boards whose applications have been rejected will receive notice of the rejection from the Department of Library and Archives.

(b) When the application has been approved, the Board of Review will ask the construction officer to notify the library board of the approval.

Section 5. Board of Appeals. (1) If the application is rejected, a letter of rejection will explain the reasons for the rejection, and the procedures to be followed by the board if members desire to appeal the decision of the Board of Review.

(2) Procedures:

(a) Within twenty-one (21) days of the date of the letter of rejection, the library board must notify the Department of Library and Archives of the intent of members to appeal. This notification must be in writing, to the State Librarian, and include the basis for appeal. The appeal is to be filed by registered mail with the State Librarian who is charged then with the responsibility of notifying and convening the appeal board.

(b) The board of appeals shall consist of three (3) people: one (1) appointed by the Kentucky Trustees Association; one (1) appointed by the Friends of Kentucky Libraries; and one (1) appointed by the Kentucky Library Association. The President of each organization will be notified by the State Librarian when an appeal has been received by his office.

(c) The appeals board will notify, in writing, both the applicant and the State Librarian of the date (within three (3) weeks), and place, at which a hearing will be held. After the hearing has been held, the appeals board will notify the State Librarian and the board of its recommendation, within a reasonable length of time.

(d) The State Librarian will consider the recommendation of the appeal board and render a final decision.

Section 6. Procedures After Approval. (1) After a letter of approval has been received by the board, the following items must be completed for presentation at the next board of review.

(a) Architect's contract as approved by C.O.

(b) Option on site as approved by C.O.

(c) Letter of intent concerning financing.

(d) Contract between D.L.A. and board.

(e) Holding company contract, if needed.

(f) Schematics (preliminary plans).

(g) Other documentation as specified by C.O.

(2) Files for the project will be kept at C.O.'s office.

(3) The board of review will be asked to preview schematic drawings of a proposed facility. The intent is to use previous experience of the district staff to advise on the various proposals.

(4) After approval of schematics, construction of the

project should be started in accordance with the following schedule:

- Under \$100,000 — 6 months
- \$100,000 to \$250,000 — 9 months
- \$250,000 to \$500,000 — 10 months
- \$500,000 to \$750,000 — 12 months
- \$750,000 to \$1,000,000 — 14 months
- \$1,000,000 and over — 14 to 24 months

(5) All requirements of subsection (4) may be delayed with written approval of C.O.

Section 7. Construction Procedures. (1) The library board and/or holding company will establish a separate bank account into which will be deposited all funds making up the total budget of the construction project.

(2) The architect for the project immediately submits a list of construction trades that will be involved to the Department of Labor to quote the wage rate which the contractor will be required to pay.

(3) The architect will proceed immediately with the working drawings and specifications for submission to the construction officer for final approval by the department before the project is advertised for bids.

(4) When the department has approved the working drawings, the plans will be completed and advertised publicly for construction bids.

(5) The bid opening date (coordinated with the construction officer) shall be at least seven (7) days after the third weekly running of the bid advertisement in the local newspaper.

(6) The contract will be awarded to the "lowest and best" bidder, as mutually determined by the library board, the architect, and the Construction Officer of the Department of Library and Archives.

(7) In case of serious disagreement as to which bid is "lowest and best," the final decision is to be made by the State Librarian.

(8) The architect will have the responsibility of notifying the construction officer, one (1) week in advance, when the building is ready for inspection. The building must be inspected by the construction officer or his designated official when the foundations are complete, during roofing, and at the completion of the building.

(9) Payments will be made to the architect and contractor by the library board in accordance with state law. These payments will be made from the bank account established to pay the bills for the project.

(10) Duplicate copies of all invoices, checks, deposit documents, and all contractor's payrolls must be filed with the Department of Library and Archives to facilitate state audits.

(11) The Department of Library and Archives will assist the library board to whatever extent members desire in selecting and ordering the furniture and equipment for the project. The department will supervise the advertisement for bids and purchase of the equipment. State law must be adhered to and all requirements for public advertisement and bids be met. In any case, bidding for furniture and equipment must be competitive.

(12) Payments will be made promptly to contractors and suppliers when approved by the architect except that ten (10) per cent will be withheld until the satisfactory completion of the building has been officially approved by the department, the library board, the architect, and until the construction officer has concluded his audit, and all necessary documents are on file in Frankfort.

Section 8. Amount and Type of Grants. An optimum program of project funding will be decided on by the Board of Review, based on recommendations by the C.O. and architect, when possible.

(1) Grants will be based on the total projected cost at the time of the Board of Review.

(2) Grants made with state funds shall be on a matching basis, sixty-five (65) per cent of the project cost to be provided by the D.L.A.

(3) If amortization funds are used, the funds granted annually will be based on amortizing sixty-five (65) per cent of the estimated minimum project cost for all counties. The annual check will be based on "total project cost X .65/10" regardless of the actual interest rate or loan period. The check shall be awarded to the board once a year for twenty (20) years; provided amortization funding is budgeted each biennium by the state legislature.

(4) Grants up to \$15,000 will be made for renovation and repair of library facilities. These grants are based on sixty-five (65) per cent of the cost up to \$15,000 provided by the D.L.A.

(5) If library services and construction act funds are used, the rate shall be based on the formula as described by H.E.W. This amount will be given to the library district or holding company in four (4) payments during the construction period. If the applicant county is in the Appalachian area, a supplemental grant of approximately eighteen (18) per cent of the total project cost will be made. This grant is coordinated with the four (4) library services and construction act payments.

(6) Grants up to \$15,000 will be made for emergency repairs or purchases for library facilities. The qualifications for "emergency" will mean that library service would have to cease unless the facility's condition is immediately repaired or that the timing of purchase arrangements or legalities concerned with facilities would be greatly enhanced by immediate action. This grant does not need to be matched.

CHARLES F. HINDS, State Librarian

ADOPTED: July 21, 1975

APPROVED: LYMAN V. GINGER, Secretary

RECEIVED BY LRC: August 12, 1975 at 1:18 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: John Lee West, Construction Officer, Department of
Library and Archives, Box 537, Frankfort, Kentucky
40601.

PUBLIC PROTECTION AND REGULATION
Department of Banking and Securities

808 KAR 1:041. Repeal.

RELATES TO: KRS 287.050, 287.180, 289.031, 289.051

PURSUANT TO: KRS 13.082, 287.011, 287.020

NECESSITY AND FUNCTION: To repeal regulation 808 KAR 1:040 for the reason that said regulation has become invalid and of no utility by reason of the recent decisions of the Franklin Circuit Court in the cases of:

1. *James B. Phelps, Sr., et al v Howard Sallee*, (Civ. act. no. 86019, June 16, 1975) and;

2. *First National Bank of Jackson, et al v Howard T. Sallee*, (Civ. act. no. 86032, July 25, 1975).

Section 1. Regulation 808 KAR 1:040 is hereby repealed.

JOHN L. WILLIAMS, JR., Commissioner

ADOPTED: July 31, 1975

APPROVED: ELIJAH M. HOGGE, Secretary

RECEIVED BY LRC: August 1, 1975 at 4:10 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO:
 The Commissioner, Department of Banking and Securities,
 911 Leawood Drive, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION
Department of Banking and Securities

808 KAR 1:060. Remote service units.

RELATES TO: KRS 287.180, 289.061

PURSUANT TO: KRS 13.082, 287.011, 287.020, 289.702

NECESSITY AND FUNCTION: To clarify the definition of the term "branch" and "branch office," as used in KRS 287.180 and 289.061, respectively, and to provide a procedure and set of criteria for the establishment of remote service units so as to ensure the maintenance of competitive equality between state and federally chartered financial institutions.

Section 1. Unless otherwise provided, whenever the term "bank" is used in this regulation, it shall be deemed to refer to either a state-chartered bank or savings and loan association.

Section 2. A bank may receive and act upon communications from its customers transmitted through electronic or mechanical devices (hereinafter referred to as "remote service units") requesting the withdrawal of funds either from the customer's deposit account or from a previously authorized line of credit, or instructing the bank to receive funds or to transfer funds for the customer's benefit. In accordance with a customer's request or instruction, and subject to verification by the bank, cash or checks may be received, and cash may be dispensed at the location of the device.

Section 3. Any transaction initiated by a remote service unit shall be subject to verification by the bank, either by direct wire transmission or otherwise.

Section 4. Although the approval of the commissioner

shall not be required to operate the devices described in this regulation, if a bank wishes to establish, use or share a device which allows customers to leave cash or checks for deposit or to receive cash in connection with a debit to any of his accounts, then such bank shall furnish to the Department of Banking and Securities at least thirty (30) days prior to its actual use of such device the following information: (1) The location;

(2) A general description of the area where located and the manner of installation at that location;

(3) The manner of operation, including whether the device is on-line, and a step-by-step analysis of how a customer is to use the device. A description of how the transactions are recorded and verified should also be included;

(4) The types of transactions that will be performed;

(5) Whether the device will be manned, and if so, by whose employee;

(6) Whether the device will be shared, and if so, the names and locations of the other institutions participating, and the costs and terms of the sharing agreement;

(7) The manufacturer and, if owned, the purchase price; or, if leased, the lease payments and the name of the lessor;

(8) If a card or other device is used to activate the remote service unit, how such card or device is to be used;

(9) Consumer protection procedures, including the disclosure of rights and liabilities of consumers and protection against wrongful or accidental disclosure of confidential information;

(10) The distance from the nearest office of the reporting bank, and the distance from the nearest remote service unit of the reporting bank;

(11) The distance from the nearest office of another bank that will not share the facility, and the name of such other bank; and the distance from the nearest remote service unit that is not shared by the reporting bank, and the names of the financial institutions that use such unit;

(12) Insurance and the security provisions protecting the installation and its users.

Section 5. The commissioner may, if he deems it appropriate, allow a bank to establish, use or share a remote service unit less than thirty (30) days after furnishing the information required by Section 4.

Section 6. Written notice must be given to the Department of Banking and Securities at least ten (10) days prior to changing any of the operations described in a notice previously given pursuant to Section 4; provided that the commissioner may, if he deems it appropriate, allow a change upon shorter notice.

Section 7. Any bank which desires to operate or to enable its customers to utilize a remote service unit must make such device available for use by customers of any other bank or savings and loan association which has its principal office in the same county, whether it be state or federally chartered, upon the request of such bank or savings and loan association to share in the use of the device and to share all costs, including a reasonable return on capital expenditures incurred in connection with its development, installation and operation; provided, that banks and savings and loan associations shall be required to share these devices with federally-chartered banks and savings and loan associations only to the extent that each particular federally-chartered bank or savings and loan association is willing to share its own remote service units

with such state-chartered bank or savings and loan association; and further provided that a remote service unit which is located on the same property that a bank or savings and loan association office is located on, or which is a mere extension of such office need not be made available for use by any other financial institution or its customers. Remote service units which are capable of being operated without the assistance of either bank or non-bank employees need not be made available for use by any other bank or savings and loan association, whether it be state or federally chartered.

Section 8. One or more banks sharing one or more remote service units may give a single notice to the Department of Banking and Securities, provided that such notice include the information listed in Section 4 for each shared device.

Section 9. The Commissioner of the Department of Banking and Securities reserves the right to require new or additional information from any financial institution desiring to participate in the operation of one or more remote service units.

Section 10. No notice is required for any device which:
(1) Is used only to transfer funds for goods or services received, and through which neither cash is dispensed nor cash or checks left for subsequent deposit;

(2) Is used solely to verify a customer's credit for purposes of cashing a check or completing a credit card transaction.

Section 11. No bank shall establish, share, or in any way

participate in the operation or use of a remote service unit unless such unit is located within the county in which its principal office is located.

Section 12. A remote service unit may not be staffed by a bank employee; except that the bank may, for a reasonable period of time, provide an employee to instruct and assist customers in the operation of the device. The use of non-bank employees to operate or assist in the operation of remote service units shall not be deemed to constitute the conducting of the business of banking by them or their employers, and such non-bank employees may be trained in the use of the devices by bank employees.

Section 13. Any financial transaction effected by use of a remote service unit shall be deemed to be transacted at the bank and not at the remote service unit, and such remote service unit shall not be considered to be a branch or branch office.

Section 14. If, as a result of this regulation, any action by one or more banks would be in violation of what is commonly referred to as the anti-trust law, then this regulation shall be construed so as to permit or require only such action as shall not be in violation of such law.

JOHN L. WILLIAMS, Commissioner

ADOPTED: July 21, 1975

APPROVED: ELIJAH M. HOGGE, Secretary

RECEIVED BY LRC: July 22, 1975 at 10:57 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: The Commissioner, Department of Banking and
Securities, 911 Leawood Drive, Frankfort, Kentucky
40601.

Reprinted Regulations

(As a convenience to subscribers the following regulations, which became effective on August 13, 1975, are being reprinted here. All were published originally in Volume 1 of the Administrative Register but are not included in the bound volumes of the KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE.)

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

200 KAR 2:090. Travel expense voucher.

RELATES TO: KRS Chapters 42, 44 and 45

PURSUANT TO: KRS 45.180

EFFECTIVE: August 13, 1975

SUPERSEDES: Fin-Tr-9-2

NECESSITY AND FUNCTION: In order to assure uniformity in the use and preparation of Travel Voucher forms (Form AP-6), this regulation requires the use of the Travel Voucher form for reporting travel expenses for which reimbursement is claimed, sets forth the time period to be covered by a travel voucher, and gives the Commissioner of the Executive Department for Finance and Administration the authority to disallow, reduce or strike any excessive claim.

Section 1. Travel voucher, Form AP-6, shall be used for reporting all travel expenses for which reimbursement is authorized and claimed.

Section 2. One travel voucher shall cover a period not less than one (1) month. However, if expenses for a given month total less than ten dollars (\$10), the voucher may be withheld and submitted to cover a period not to exceed three (3) months within the same fiscal year.

Section 3. If approved annual leave or qualified sick leave has interrupted a period of official travel status, the inclusive dates of such leave shall be given on the travel voucher.

Section 4. The travel voucher, Form AP-6, may be either typed or prepared in ink. All entries shall be completed as appropriate, and receipts stapled on the back at the upper left-hand corner. Expenses other than those enumerated on the face of the voucher shall be listed on the back by date, and a total for each day carried to the front in the "other" column. Where continuation sheets are used, post column totals from each sheet on separate lines of voucher, and enter sheet number in "from" column.

Section 5. Travel vouchers shall be signed and dated by the employee submitting the claim, and approved by the employee's authorized supervisor. Agency heads shall sign as approved all vouchers including claims for entertainment expenses as provided in 200 KAR 2:060, lodging expenses in excess of limits or exceptions requested pursuant to 200 KAR 2:010, Section 2; however, no employee may approve his or her own travel voucher. Vouchers for agency heads shall be approved by the Commissioner of the Executive Department for Finance and Administration.

Section 6. The Commissioner of the Executive Department for Finance and Administration may disallow, reduce,

or strike from the voucher any claim exceeding the allowances provided for in these regulations, and may require written justification for any claim from the head of the agency whose employee made the claim.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION Office for Local Government

200 KAR 10:010. District boards; directors, terms.

RELATES TO: KRS Chapter 147A

PURSUANT TO: KRS 147A.060

EFFECTIVE: August 13, 1975

NECESSITY AND FUNCTION: KRS 147A.060 requires that the composition of the Board of Directors and the terms of its members in each district shall be specified by administrative regulation issued by the Executive Department for Finance and Administration.

Section 1. Definitions: (1) "Area Development Districts" means the fifteen (15) Area Development Districts as set out in KRS 147A.050.

(2) "Board of Directors" means the Boards of Directors established in each Area Development District as set out in KRS 147A.060 to 147A.090.

Section 2. Composition: The Board of Directors of each Area Development District shall consist of the categories and memberships as hereinafter enumerated, and the composition characteristics hereinafter specified, including geography and interest groups.

Section 3. Ex Officio Members: A simple majority of the Board of Directors of each Area Development District shall be composed of elected officials.

(1) The county judge of each county located within the Area Development District shall be a member of the Board of Directors.

(2) A mayor of at least one (1) incorporated city in each county located within the Area Development District shall be a member of the Board of Directors.

(a) The mayor of each city of the first, second or third class located in the Area Development District shall be a member of the Board of Directors.

(b) If more than one (1) incorporated city below the third class is located within a county of the Area Development District, the Board of Directors shall establish the procedure in which a mayor will be selected.

(3) The Board of Directors may make provision for ex officio membership of additional elected officials. In this regard, membership for State Legislators should be encouraged.

(4) Elected officials, as noted above, may authorize by written proxy alternates to represent their interests on the Board of Directors. A person so designated shall serve at the

pleasure of the elected official who designated him or her, and any action taken or vote cast by a designated alternate shall be considered the action or vote of the designating elected official. Designated alternates who are not elected officials must meet the requirements of citizen members as set out hereinafter.

Section 4. Citizen Members: (1) A citizen member must reside within the Area Development District.

(2) The elected public officials serving on the Board of Directors shall elect citizen members in accordance with the procedure hereinafter set out:

(a) Each Board of Directors shall make provision for the inclusion of reasonable representation relative to population in the district of major minority groups. Provision should also be made for adequate representation of women on the board.

(b) Each Board of Directors shall make provisions for representation of low-income groups.

Section 5. Advisory Committee Chairmen: The chairmen of functional advisory committees of the Board of Directors may serve as members of the Board of Directors.

Section 6. Elections; Tenure: (1) Elected public officials shall serve on the Board of Directors of each Area Development District during the tenure of their public office.

(2) Citizen members shall be individually elected to the Board of Directors for terms not to exceed three (3) years.

(3) The Board of Directors of each Area Development District shall provide for staggered terms to assure continuity of involvement by citizen members.

(4) Each Board of Directors shall provide for rotation of citizen members to insure broad participation of the citizens of the District.

Section 7. Termination of Membership: (1) Citizen board membership shall terminate on expiration of a term, board acceptance of a resignation, or change of residence to locality outside the Area Development District.

(2) The Board of Directors may declare a membership vacant when a member has failed, without reason, to attend three (3) successive regular or special meetings of the board.

Section 8. Officers: (1) The Board of Directors of each Area Development District shall elect the following officers: a chairman, a vice-chairman, a secretary, a treasurer, and such other officers as the board may deem necessary. The office of secretary and treasurer may be combined. Each officer shall be elected for a term of one (1) year. No member shall be eligible to hold more than one (1) office at a time, and no officer shall be eligible to serve more than two (2) full terms consecutively in the same office. Officers shall perform such duties as may be prescribed by the Board of Directors.

(2) Annual election of officers shall be held at a designated regular board meeting in each calendar year.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION Board of Hairdressers and Cosmetologists

201 KAR 12:025. Additional study after failing examination.

RELATES TO: KRS 317A.050

PURSUANT TO: KRS 317A.050

EFFECTIVE: August 13, 1975

SUPERSEDES: KBHC: Appr: Exam-1-1

NECESSITY AND FUNCTION: Applicants failing the state board examination may require additional study in those areas failed.

Section 1. An applicant for apprentice cosmetologists license who does not pass the apprentice examination conducted by the board may complete a further course of study in a licensed school of cosmetology on the subject or subjects failed. A re-enrollment application must be filed in the office of the board and a certification of additional hours completed must accompany application for re-enrollment.

Section 2. An applicant for instructors license who does not pass the instructors examination conducted by the board may complete a further course of study in a licensed school of cosmetology on the subject or subjects failed. A re-enrollment application must be filed in the office of the board and a certification of additional hours completed must accompany application for re-enrollment.

Section 3. An applicant failing the apprentice cosmetologist, regular cosmetologist, instructor, or manicurist examination, may retake the examination three (3) times within a twelve (12) month period without paying an additional fee. The appropriate statutory fee will be required for every three (3) failures.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION Board of Hairdressers and Cosmetologists

201 KAR 12:045. Apprentice, manicurist and instructor's licensing.

RELATES TO: KRS 317A.050

PURSUANT TO: KRS 317A.050

EFFECTIVE: August 13, 1975

SUPERSEDES: KBHC: Bd-Exam-1-1 and KBHC: Appr. Exam 4-1

NECESSITY AND FUNCTION: Applicants for apprentice, manicurist and instructor examination must complete a statutory number of hours prior to examination and purchase license on successful completion of examination.

Section 1. All applications for apprentice, manicurist, and instructor examinations must be accompanied by a notarized certification of hours from the school the student attended.

Section 2. An apprentice must apply for his regular license no sooner than six (6) months and no longer than eighteen (18) months after passing the apprentice examina-

tion. Any extension of this period of time to be granted at the discretion of the board.

Section 3. An apprentice instructor must apply for his instructor license no sooner than six (6) months and no longer than twenty-four (24) months after receiving apprentice instructor license. Any extension of this period of time to be granted at the discretion of the board.

**EXECUTIVE DEPARTMENT FOR FINANCE
AND ADMINISTRATION
Board of Hairdressers and Cosmetologists**

201 KAR 12:065. Inspection of new, relocated and change of owner salons.

RELATES TO: KRS 317A.050, 317A.060

PURSUANT TO: KRS 317A.060

EFFECTIVE: August 13, 1975

SUPERSEDES: KBHC: Inspect-2-2

NECESSITY AND FUNCTION: Any business seeking licensing by this board must meet various city, county and state zoning laws, building and plumbing codes, as well as inspection by board personnel. This board does not issue a dual license for barber shops and beauty salons.

Section 1. All new beauty salons and all beauty salons moving to a new location must complete an application furnished by the board.

Section 2. All new beauty salons, all beauty salons moving to a new location, and all beauty salons changing owners shall notify the board five (5) days before opening for business of the new location date on which the salon is to be opened for business and name of the owner and/or manager of the salon.

Section 3. All new beauty salons and all beauty salons moving to a new location shall be inspected by an inspector employed by the board before issuance of license. No salon shall open for business prior to issuance of a salon license.

Section 4. All new beauty salons and all beauty salons moving to a new location must comply with all city, county, and state zoning, building and plumbing laws, regulations and codes.

Section 5. All beauty salons shall be separated from all barber shops by a soundproof partition extending to the ceiling and each facility shall have its own individual entrance.

Section 6. Any salon located in a residence shall have an outside entrance and a lavatory not used for family or residential purposes.

**EXECUTIVE DEPARTMENT FOR FINANCE
AND ADMINISTRATION
Board of Hairdressers and Cosmetologists**

201 KAR 12:085. School advertising.

RELATES TO: KRS 317A.050

PURSUANT TO: KRS 317A.050

EFFECTIVE: August 13, 1975

SUPERSEDES: KBHC: Sch: Adver-1-1

NECESSITY AND FUNCTION: Schools advertise for

student enrollments and services rendered.

Section 1. Schools shall not advertise or use deceptive statements and false promises which act as inducements in an effort to get students to enroll in said schools.

Section 2. No prices for services rendered to patrons shall be advertised in any newspapers or any other form outside the school.

Section 3. A school of cosmetology must display in the reception room, clinic room, or any other area in which the public receives services a sign to read: "School of Cosmetology—Work Done By Students Only." The sign must be large enough to be read the length of the room in which sign is posted.

Section 4. No school is permitted to advertise professional work or guarantee students' work.

Section 5. All school advertisements must include the following statement: "A Cosmetology School Operating for Teaching Purposes Only."

Section 6. Schools are forbidden to advertise positions or guarantee future employment to students.

**EXECUTIVE DEPARTMENT FOR FINANCE
AND ADMINISTRATION
Board of Hairdressers and Cosmetologists**

201 KAR 12:100. Sanitation standards.

RELATES TO: KRS 317A.060

PURSUANT TO: KRS 317A.030

EFFECTIVE: August 13, 1975

SUPERSEDES: KBHC: San-1

NECESSITY AND FUNCTION: KRS 317A.030 prohibits licensees suffering from communicable diseases from working on the public. KRS 317A.060 authorizes the Kentucky State Board of Hairdressers and Cosmetologists to regulate the practice of cosmetology in Kentucky and establish uniform standards for sanitation.

Section 1. (1) Any licensee, student, or employee of an establishment licensed by this board shall not be allowed to practice if being known to have any communicable or infectious diseases.

(2) No person having communicable or infectious diseases shall be rendered service by any licensee or student of cosmetology.

Section 2. All establishments, including furniture, equipment, utensils, floors, walls, ceilings, restrooms and lavatories shall be kept in a clean and sanitary condition. Individual soap and clean towels shall be provided for use of the patrons. The use in common of towels of any type is prohibited.

Section 3. Each student, apprentice cosmetologist, and cosmetologist shall have a sufficient number of combs and brushes at their disposal. Said combs and brushes must be sterilized after each use. No comb or brush shall be used in common on any patron. Any article dropped on the floor shall be disinfected before being used again.

Section 4. All water supply and waste connections shall

be constructed in conformity with the city, county, and state plumbing statutes, regulations, and code.

Section 5. A sufficient number of covered waste receptacles shall be provided in every establishment for disposal of trash and other waste.

Section 6. No towel shall be used on more than one person without laundering. Drying of towels or linens on lines or radiators in licensed establishments is prohibited.

Section 7. A protective covering must be placed around the patrons neck so the cape does not come into contact with the nude skin. The protective covering must be discarded after each use.

Section 8. All tweezers, combs, brushes, and perm wave rods must be washed with hot water and soap and disinfected and placed in a dry sterilizer. Only such methods of disinfection as are bacteriologically effective shall be permitted. The Department for Human Resources, Bureau for Health Services, has approved the following methods of disinfection:

(1) Dry disinfection: Formaldehyde gas has a place in disinfecting valuable articles, but it has no penetrating power and is limited in its action to the surface. Further, it requires a temperature of sixty-five (65) degrees Fahrenheit or over and a humidity of at least sixty (60) degrees Fahrenheit to be effective. Exposure of at least six (6) to twelve (12) hours in a small type cabinet to strong concentration of the gas is necessary to achieve surface disinfection. Formaldehyde gas cannot be depended upon to accomplish more than surface disinfection under optimistic conditions.

(2) Liquid disinfection:

(a) Bichloride of mercury (corrosive sublimate) is a very effective germicide, but poisonous to humans and corrodes metals. It is usually used in a 1-1000 solution and made by mixing and dissolving one (1) dram of bichloride of mercury in one (1) gallon of water or a gram of chlorine in one (1) liter (quart) of water. Direct exposure to this solution for one-half (½) hour is usually sufficient to destroy all harmful bacteria.

(b) Carbolic acid and phenol are useful disinfectants in five (5) percent solutions (seven (7) ounces to one (1) gallon of water) with exposure for one-half (½) hour. They are effective against all ordinary harmful bacteria.

(c) Sodium hypochlorite solutions made up from effective preparations and containing 200 p.p.m. of chlorine are effective for the surface disinfection of equipment which has been thoroughly cleaned. Contact with the solution should not be for less than two (2) minutes.

(d) A ten (10) percent solution of Formalin is satisfactory for disinfection of all equipment. Formalin does not attack copper, nickel, zinc, or other metal substances.

(e) Instruments are to be disinfected by boiling water and should be boiled at least fifteen (15) minutes. (One (1) percent alkaline substance, such as carbonate of soda will prevent rusting, or injury to the cutting edge of bright steel instruments.)

(f) A seventy (70) percent solution of alcohol is an effective disinfectant for cleaning equipment.

(g) Steam sterilization at fifteen (15) pounds pressure at 248 degrees Fahrenheit for thirty (30) minutes is an effective means of sterilization. Steaming steam has the disinfecting power as boiling water and exposure for

one-half (½) hour to steaming steam is sufficient for most purposes.

Section 9. Use of brush rollers of any type are prohibited in any establishment licensed by this board.

Section 10 (1) The following grading shall be used for the inspection of any salon or school of cosmetology: 100%-90% = A; 89%-80% = B; 79%-70% = C.

(2) Any standard of less than an "A" rating will indicate failure to comply with the statutes and regulations of the board.

CABINET FOR DEVELOPMENT

Department of Fish and Wildlife Resources

301 KAR 2:105. Deer gun and archery season; restrictions.

RELATES TO: KRS 150.025, 150.170, 150.176, 150.330, 150.340, 150.360, 150.370, 150.400

PURSUANT TO: KRS 13.082

EFFECTIVE: August 13, 1975

SUPERSEDES: KFWR-G-116

NECESSITY AND FUNCTION: This regulation pertains to the statewide deer gun season, the deer gun and archery season on specified wildlife management areas and refuges and the turkey archery season on Land Between the Lakes. This regulation is necessary for the continued protection of the species listed herein, and to insure a permanent and continued supply of the wildlife resource for the purpose of furnishing sport and recreation for present and future residents of the state. The function of this regulation is to provide for the prudent taking of deer and turkey within reasonable limits based upon an adequate supply.

Section 1. Statewide Deer Gun Season, Limits and Hunting Hours. (1) Season. Opens on the first Saturday in December and continues through December 10, 1975.

(2) Limits. Bucks only with at least one (1) forked antler, whitetail, fallow or European red, except in Barren, Hart and Edmonson Counties where either sex deer may be taken. One (1) per season per hunter, either by gun or archery except as noted herein on the Fort Campbell Wildlife Management Area.

(3) Hunting Hours. Daylight hours only for gun or archery.

Section 2. Counties and Wildlife Areas Closed to Gun and Archery Deer Hunting. (1) The following counties are closed to both gun and archery deer hunting: Jackson, Owsley, Clay, Powell, Harlan, Leslie, Wolfe and Clark. All other counties are open to archery and gun deer hunting.

(2) The following wildlife management areas are closed to all hunting: Grayson Wildlife Management Area in Carter and Elliott Counties, Beaver Creek Wildlife Management Area, including all private inholdings, in Pulaski and McCreary Counties, Pine Mountain Wildlife Management Area in Letcher County, Robinson Forest Wildlife Management Area in Breathitt, Perry and Knott Counties and Redbird Wildlife Management Area, including all private inholdings, in Leslie and Clay Counties.

Section 3. License Requirements for Gun and Archery Deer Hunting. Each hunter taking or attempting to take deer must have in his or her possession a valid deer hunting permit, unless exempted by KRS 150.170(3), (5) or (6) (the resident owner of farmlands, his wife or dependent children; resident tenants or their dependent children residing upon said farmlands; residents sixty-five (65) years or older; and resident servicemen

on furlough of more than three (3) days in their county of legal residence). All persons except those exempted by KRS 150.170(3), (5) or (6), must have a valid Kentucky hunting license in addition to the deer hunting permit. All non-residents are required to possess an annual non-resident hunting license or combination license as well as a deer permit.

Section 4. General Requirements for Gun and Archery Hunting. (1) Deer hunting is prohibited within the exterior boundaries of Mammoth Cave National Park.

(2) Each hunter who kills a deer must immediately attach to the deer the locking metal tag provided with the deer permit. The tag may be attached to any portion of the deer, provided that it cannot be removed without mutilating the deer carcass or damaging or destroying the locking tag. The tag must remain attached to the deer until the carcass is processed and packaged by locker plant, butcher or hunter. The card portion of the deer permit must be separated from the metal tag when tagging the deer and retained in possession of licensee. All persons eligible to hunt without a hunting license or deer hunting permit as exempted by KRS 150.170(3), (5) or (6), must attach to the deer a free identification tag obtained from a conservation officer or deer check station before removing said deer from their land or other lands.

(3) The deer hide tag attached to the deer permit must be attached to the raw hide immediately after removal from the carcass. Deer hides legally taken and tagged may be possessed and processed, but cannot be bought or sold.

(4) Hunters killing a deer must leave the head attached to the body until the carcass is removed from the field and processed by a locker plant, butcher or hunter.

(5) All eligible hunters hunting in accordance with KRS 150.170(3), (5) or (6), shall notify the department in writing as to deer killed.

(6) Non-residents whose state does not grant residents of Kentucky the same hunting privilege as provided by KRS 150.176, may not hunt deer in Kentucky.

(7) Deer may not be taken with the aid of dogs.

(8) Deer may not be taken with the use of boats, any type of land vehicle or any domestic animal.

(9) Deer may not be taken at any time or place while the deer is in the act of swimming or in any stream or body of water where the deer's body is submerged except for neck and head.

Section 5. Gun Season Requirements. (1) Permitted weapons:

- (a) Shotgun ten (10) gauge maximum and twenty (20) gauge minimum with shells carrying a single slug.
- (b) Center fire rifles .240 caliber or larger.
- (c) Muzzle-loading rifles of .38 caliber or larger fired from the shoulder.
- (d) Semi-automatic rifles (trigger has to be pulled each time the rifle fires).
- (e) Any type of muzzle-loading weapon may be used on Pioneer Weapons Wildlife Management Area in Bath and Menifee Counties. If muzzle-loading shotgun is used, the shot must be No. 2 buckshot or larger. Muzzle-loading shotguns and rifles using ball ammunition only on Land Between the Lakes Wildlife Management Area during the gun season only. Muzzle-loading rifles of not less than .40 caliber or more than .58 caliber on Fort Campbell Wildlife Management Area during the deer gun season only. Muzzle-loading rifles of .38 caliber or larger on Higginson-Henry Wildlife Management Area during the deer gun season only.

(2) Prohibited weapons and conditions:

- (a) Persons under eighteen (18) years of age may not hunt deer unless accompanied by an adult.

- (b) No one may hunt deer with a gun (archers exempted) unless wearing a vest, or coat, or coveralls, or cap or hat of hunter orange color. The entire vest, coat, coveralls, cap or hat must be of the hunter orange color. Any one of these items may be worn to comply with this regulation.
- (c) Buckshot or any type of shot shells are prohibited except on the Pioneer Weapons Wildlife Management Area located in Bath and Menifee Counties.
- (d) Fully automatic rifles (when holding down the trigger will fire all remaining shells in the rifle).
- (e) Full jacketed (military type) ammunition.
- (f) Tracer bullet ammunition.
- (g) Any Army issue M-1 .30 caliber carbine or its equivalent commercially sold counterpart. Any .256 caliber rifle.
- (h) Muzzle-loading shotgun, except on Pioneer Weapons Wildlife Management Area and a portion of the Land Between the Lakes Wildlife Management Area.
- (i) Revolvers, pistols or any type of handgun may be carried during the deer gun season, but cannot be used in any way to take deer (except for muzzle-loading handguns on Pioneer Weapons Wildlife Management Area).
- (j) Crossbows and longbows.

Section 6. Archery Season Requirements. (1) Permitted weapons:

- (a) Longbows and compound bows.
 - (b) Barbed arrows with broad head points at least seven-eighths (7/8) inch wide.
 - (c) Crossbows on Pioneer Weapons Wildlife Management Area only in Bath and Menifee Counties. Crossbows must be of not less than eighty (80) points pull with barbed arrows with broad head points at least seven-eighths (7/8) inch wide.
- (2) Prohibited weapons and conditions:
- (a) Any type of firearms.
 - (b) Crossbows, except as stated under permitted weapons.
 - (c) Chemically treated arrows, or attachments containing chemicals.

Section 7. Exceptions to Statewide Deer Hunting Regulations on the following Wildlife Management Areas and Refuges. Except as stated, all other hunting regulations, bag and possession limits apply on the areas listed:

(1) West Kentucky Wildlife Management Area located in McCracken County:

- (a) Deer Archery (either sex): October 15 through October 31 on Tracts 1, 2, 3, 4, 5, and 6. December 17 through December 31, 1975, on Tract 6 only.
- (b) Deer Gun (either sex): November 4 and 5, December 13 and 14 on Tracts 1, 2, 3, 4, 5 and 6.
- (c) Checking in and out: All hunters must check in and out at the designated check station.
- (d) Legal and prohibited guns: No rifles and sidearms permitted. Only shotguns twenty (20) gauge to ten (10) gauge with slug ammunition may be used for taking deer.
- (e) Legal and prohibited archery weapons: Refer to Section 6(1) and (2) of this regulation.
- (f) Closed Areas: All tracts designated by a number followed by the letter "A" are closed to hunting.

(2) Land Between the Lakes Wildlife Management Area located in Trigg and Lyon Counties:

- (a) Deer Archery (either sex): October 11 through November 5. December 13 through December 31, 1975.
- (b) Deer Gun: Bucks with at least one (1) forked antler. Some areas either sex or antlerless or species as specified on

- permit. November 8, 11, 14, 17, 24, 1975.
- (c) Turkey Archery. Gobblers only with visible beards. One (1) per hunter. October 11 through November 5. December 13 through December 31, 1975.
 - (d) Area Open to Hunting. State line to Barkley Canal except developed public use areas, safety zones, and posted areas.
 - (e) Deer Gun Hunt Applications and Drawing. A drawing by computer will select hunters for each of the hunts. Application forms must be submitted to Kentucky Deer Hunt, Land Between the Lakes, Golden Pond, Kentucky 42231, not later than 12 noon September 1, 1975.
 - (f) Checking In and Out. All hunters, including those camping in Land Between the Lakes, must check in, but will not be required to check out unless a deer or turkey is killed. Hunters may check in between noon and 5:00 p.m. the day before the hunt, or after 4:00 a.m. on hunt days. Check Stations will be open from 4:00 a.m. to 6:30 p.m. (CST) on hunt days.
 - (g) Tagging Deer. All deer taken during the gun hunt must be tagged with a Land Between the Lakes deer hunt tag in addition to the state metal locking tag.
 - (h) Turkey Archery Hunting Restriction. Turkey hunting will not be allowed after a hunter has killed a deer.
 - (i) Prohibited Weapons. Firearms and crossbows are prohibited during the bow hunt.
 - (j) For Land Between the Lakes general hunting rules refer to 301 KAR 2:050.
- (3) Pioneer Weapons Wildlife Management Area located in Bath and Menifee Counties:
- (a) Deer Archery (either sex): October 1 through November 16. December 17 through December 31, 1975.
 - (b) Deer Gun: Bucks with at least one (1) forked antler. December 6 through December 13, 1975.
 - (c) Legal Archery Weapons: Longbows, compound bows and crossbows. Crossbows must not be less than eighty (80) pounds pull with barbless arrows with broad head points at least seven-eighths (7/8) inch wide.
 - (d) Legal Guns: Only pioneer weapons are permitted. These include muzzle-loading rifles, muzzle-loading shotguns and muzzle-loading pistols.
- (4) Fort Campbell Wildlife Management Area located in Christian and Trigg Counties:
- (a) Deer Archery (either sex): October 16 through October 20. October 21 through November 26 on selected areas. December 3 through December 16, 1975, on selected areas.
 - (b) Deer Gun (either sex): October 21 through November 26. December 3 through December 16, 1975, on selected areas.
 - (c) Shooting Hours: Daylight hours only for gun or archery deer hunting.
 - (d) Bag Limit and Permits: Two (2) deer of either sex may be taken by either gun or bow. If a deer is taken on Fort Campbell with a valid statewide permit, the permit card shall be so stamped and dated by Fort Campbell authorities and a statewide metal tag attached to the deer before removal from the Post. Fort Campbell authorities will record the name, address and permit or tag numbers of all persons taking deer. A permit card so stamped and dated shall be valid evidence that the bearer is eligible to receive a free Fort Campbell tag. Authorities shall enter the date of issuance of this free tag on the card itself. No further tags may be issued to a person carrying two
- (2) dates on said card. Any hunter found in the field hunting outside the Fort Campbell Reservation with a Fort Campbell Kentucky deer tag, or with the card portion of the permit which bears the Fort Campbell stamp and date, either in his possession or attached to the deer, will be in violation of this regulation. Any person having taken a deer elsewhere in Kentucky legally, may obtain a second deer tag free at Fort Campbell upon the presentation of the permit card for stamping and dating. Persons having taken one (1) deer at Fort Campbell are not eligible to hunt deer any where else in the state during the season.
- (e) Legal Guns: Muzzle-loading rifles of not less than .40 caliber or more than .58 caliber will be allowed during the deer gun season. Shotguns of twenty (20), fifteen (15) and twelve (12) gauge only using slugs are also allowed.
 - (f) Legal and Prohibited Archery Weapons: Bows for deer hunting must have a minimum pull of thirty-five (35) pounds. Big game hunting arrows must be not less than twenty-four (24) inches in length, equipped with broad head barbless blades not less than seven-eighths (7/8) inch nor more than one and one-half (1 1/2) inches wide for single two-edged blades, or not more than three (3) inches in circumference for three (3) or more blades. The minimum weight for all broad heads will be 100 grains. Chemically treated arrows or explosive heads are prohibited. Crossbows are prohibited.
- (5) Fort Knox Wildlife Management Area located in Hardin, Bullitt and Meade Counties:
- (a) Deer Archery (either sex): October 1 through October 31, 1975.
 - (b) Deer Gun: Bucks only with at least one (1) forked antler. November 29 and 30, 1975. Either sex. December 6 and 7, 1975.
 - (c) Legal and Prohibited Archery Weapons. Refer to Section 6(1) and (2) of this regulation.
 - (d) Legal Guns. Shotguns of sixteen (16), twenty (20) and twelve (12) gauge with slug ammunition only.
 - (e) Applications for Deer Archery and Gun Hunting Permits: Permission must be obtained for each hunt. Applications for permits should be made by letter with enclosed fee of ten dollars (\$10) by certified check or money order to the Fort Knox Conservation and Beautification Committee, P.O. Box 1052, Fort Knox, Kentucky 40121. Deadlines for accepting applications for bow hunting permits are September 1 and for gun hunting, October 1, 1975. The fees of those applicants not selected will be returned.
- (6) Higginson-Henry Wildlife Management Area located in Union County:
- (a) Deer Archery (either sex): October 1 through November 15. December 17 through December 31, 1975.
 - (b) Deer Gun (either sex): November 18 and 19, 1975.
 - (c) Legal and Prohibited Archery Weapons. Refer to Section 6(1) and (2) of this regulation.
 - (d) Legal Guns: Shotguns of ten (10) gauge maximum and twenty (20) gauge minimum with slug ammunition only and muzzle-loading rifles of .38 caliber or larger.
 - (e) Checking In and Out: All hunters must check in and out daily at a designated check station.
 - (f) Applications for Deer Gun Hunting Permits: Deer gun hunters will be limited to 300 persons chosen by a drawing.

Requests for deer gun hunting applications should be made to: Manager, Higginson-Henry Wildlife Management Area, Route #5, Morganfield, Kentucky 42437. Applications for a deer gun permit will be accepted only during the period August 15 through noon September 5, 1975. Requests for applications received before or after these dates will be discarded. The drawing of 300 names will take place shortly thereafter in a Union County official's office. Permits will be mailed by September 22 to the persons drawn. Persons unsuccessful in the drawing will not be notified.

(7) Blue Grass Army Depot Wildlife Management Area located in Madison County:

- (a) Deer Archery: Bucks with visible antlers only. October 4 and 5, 18 and 19, 1975.
- (b) Applications for Deer Archery Permits: Requests for deer hunting permits should be mailed on a postcard to the Chairman, Wildlife Management Subcommittee, Building S-14, Lexington Blue Grass Army Depot, Lexington, Kentucky 40507. To be eligible for a hunting permit, the card must contain the following information: name of hunter (one person only), address, age and telephone number. All cards must be postmarked no earlier than August 15 or no later than September 15. More than one (1) card from an individual will disqualify the applicant. A ten dollar (\$10) fee will be charged by the Army Depot, payable only after the hunter is notified of his selection and specific hunting date.
- (c) Legal Archery Weapons: Refer to Section 6(1) and (2) of this regulation.

(8) Ballard County Wildlife Management Area located in Ballard County. Regular statewide deer gun and archery seasons and regulations apply only to the wooded area south of Terrell Landing Road and designated by signs reading "Wildlife Management Area for Public Hunting."

DEPARTMENT FOR NATURAL RESOURCES
AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality

401 KAR 1:060. Soil, waste and vent systems.

RELATES TO: KRS Chapter 318

PURSUANT TO: KRS 13.082, 211.090, 318.130, and Executive Order 74-449

EFFECTIVE: August 13, 1975

NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to material and the design of the soil, waste and vent systems that will be used in all types of plumbing systems that are constructed throughout the Commonwealth.

Section 1. Grades and Supports of Horizontal Piping. All horizontal piping shall be run in practical alignment and at a uniform grade of not less than one-eighth (1/8) inch per foot, and shall be supported or anchored in accordance with the manufacturer's recommendations but in no instance to exceed ten (10) feet in length. All stacks shall be supported at their bases and all pipes shall be rigidly secured. No-hub pipe and fittings shall be supported at each joint of pipe and fittings. Polyvinyl chloride and acrylonitrile-butadiene-styrene schedule forty (40) horizontal piping shall be supported at intervals not to exceed five (5) feet and at the base of all vertical stacks and at all trap branches as close to the trap as possible. Polyethylene pipe and fittings must be continuously supported with a V channel. Stacks must be rigidly supported at their bases and at each floor level.

Section 2. Change in Direction. All changes in direction shall be made by the appropriate use of forty-five (45) degree wyes, half-wyes, quarter, sixth, eighth or sixteenth bends, except that a single sanitary tee may be used in a vertical stack, or a sanitary tee may be turned on its back or side at an angle of not more than forty-five (45) degrees.

Section 3. Prohibited Fittings. No double hub bend or double hub tee or inverted hubs shall be used on sewers, soil or waste line. The drilling and tapping of house sewers or house drains, soil, waste or vent pipes, and the use of saddle hubs and bands is prohibited. Double sanitary tees may be used on vertical soil, waste and vent lines. All pipes shall be installed without hubs or restrictions that would reduce the area or capacity of the pipe.

Section 4. Dead Ends. In the installation of any drainage system dead ends shall be avoided.

Section 5. Protection of Material. All pipes passing under or through walls shall be protected from breakage. All pipes passing through, or under cinder, concrete, or other corrosive material shall be protected against external corrosion.

Section 6. Materials. All main or branch soil, waste and vent pipes and fittings within or underneath a building shall be hub and spigot extra heavy or service weight cast iron, no-hub service weight cast iron, galvanized steel, galvanized wrought iron, lead, brass, types K, L, M, DWV copper, standard high frequency welded tubing conforming to ASTM B-586-73, Types R-K, R-L, R-DWV, brass tubing, seamless stainless steel tubing, Grade G or H conforming to CS-263-68, polyvinyl chloride schedule 40 or 80 conforming to ASTM D-2661-69 and D-1788-67, silicon iron or borosilicate. All mains or branch soil waste and vent pipe and fittings underground shall either be hub and spigot extra heavy or service weight cast iron, Type K or L copper pipe, Type R-K, R-L brass tubing, lead, silicon iron or borosilicate.

Section 7. Size of Waste Pipe Per Fixture Unit on Any One Stack. The following table, based on the rate of discharge from a lavatory as a unit, shall be employed to determine fixture equivalents.

Pipe Size (In Inches)	Maximum Developed Length	Fixture Units
1 1/4	25 ft.	1
1 1/2	30 ft.	2
2	50 ft.	6
2 1/2	100 ft.	12
3	225 ft.	30
		96
		180
		420
		1200
		2400
		4200

Section 8. Size of Combined Soil and Waste Pipe Per Fixture Unit on Any One (1) Stack. The following table, based on the rate of discharge from a lavatory as the unit, shall be employed to determine fixture equivalents.

Pipe Size (In Inches)	Maximum Developed Length of Combined Soil and Waste and Vent	Fixture Units
*3	100 ft.	24
4		96
5		180
6		420
8		1200
10		2400
12		4200

*Not more than two (2) water closets or two (2) bathroom groups.

Section 9. Soil and Waste Branch Interval. The total number of fixture units installed on any soil or waste branch interval shall not exceed one-half (1/2) of the fixture units set forth in the table in Section 8, above.

Section 10. Soil and Waste Stacks. Every building in which plumbing fixtures are installed shall have a soil or waste stack, or stacks extending full size through the roof. Soil and waste stacks shall be as direct as possible and free from sharp bends or turns. The required size of the soil or waste stack shall be determined from the total of all fixture units connected to the stack in accordance with the above tables except that no more than two (2) water closets shall discharge into a three (3) inch stack.

Section 11. Future Openings. All openings left or installed in a plumbing system for future openings shall be complete with its soil and/or waste and vent piping and shall comply with all other sections of this code.

Section 12. House Drain. When a three (3) inch house drain enters a building it shall be provided with a three (3) inch stack. One (1) basement floor drain may be added to the house drain with a three (3) inch trap. Seven and one-half (7 1/2) fixture units may be added to the three (3) inch house drain if an additional two (2) inch stack is provided and the fixtures are vented in accordance with the other applicable sections of this code. The center of the last fixture must not exceed five (5) feet from the center line of the house drain.

Section 13. Soil and Waste Stacks, Fixture Connections. All soil and waste stacks and branches shall be provided with correctly faced inlets for fixture connections. Each fixture shall be independently connected to the soil and/or waste system. Fixture connections to water closets, floor-outlet pedestal sinks, pedestal urinals, or other similar plumbing fixtures shall be made by either cast iron, lead, brass, copper, or plastic closet bends. All three (3) inch closet bends shall have a four (4) inch by three (3) inch flange.

Section 14. Changing Soil and Vent Pipes. In an existing building where the soil, waste and vent piping is not extended undiminished through the roof or where there is a sheet metal soil or waste piping such piping shall be replaced with appropriate sizes and materials as prescribed for new work when a fixture or fixtures are changed or replaced.

Section 15. Prohibited Connections. No fixture connection shall be made to a lead bend or a branch of a water closet or a similar fixture. Vent pipes above the highest installed fixture on a branch or main shall not be used as a soil or waste pipe.

Section 16. Soil, Waste and Vent Pipe Protected. No soil, waste, or vent pipe shall be installed or permitted outside a building unless adequate provision is made to protect it from frost. The piping must be wrapped with one (1) layer of heavy hair felt and at least two (2) layers of two (2) ply tar paper, all properly bound with copper wire or in lieu thereof, the vent may be increased to full size, the size of the increaser if it were passing through the roof.

Section 17. Roof Extensions. All roof extensions of soil and waste stacks shall be run full size at least one (1) foot above the roof, and when the roof is used for other purposes than weather protection, such extensions shall not be less than five (5) feet above the roof. All stacks less than three (3) inches in diameter passing through a roof shall be increased. No stack shall be less than three (3) inches. When a change in diameter is made the fitting must be placed at least one (1) foot below the roof.

Section 18. Terminals. If a roof terminus or any stack or vent is within ten (10) feet of the top, bottom, face or side edge of any door, window, scuttle, or air shaft, and not screened from such an opening by a projecting roof or building wall, it shall be extended at least two (2) feet above the top edge of the window or opening.

Section 19. Terminals Adjoining High Buildings. No soil, waste or vent pipe extension of any new or existing building shall be run or placed on the outside of a wall, but shall be carried up in the inside of the building unless the piping is protected from freezing. In the event, the new building is built higher than the existing building, the owner of the new building shall not locate windows within ten (10) feet of any existing vent stack on the lower building.

Section 20. Traps, Protected; Vents. Every fixture trap shall be protected against siphonage and back-pressure. Air circulation shall be assured by means of an individual vent. Crown vents are not permitted.

Section 21. Distance of Trap from Vent. (1) The distance between the vent and the fixture trap shall be measured along the center line of the waste or soil pipe from the vertical inlet of the trap to the vent opening. The fixture trap vent, except for water closets and similar fixtures, shall not be below the dip of the trap, and all ninety (90) degree turns in the water line of the main waste, soil, or vent pipes shall be washed. Each fixture trap shall have a vent located with a developed length not greater than that set forth in the table below:

Size of Fixture Drain (In Inches)	Distance-Trap to Vent
1 1/4	2 ft. 6 in.
1 1/2	3 ft. 6 in.
2	5 ft.
3	6 ft.
4	10 ft.

(2) A fixture branch on a water closet shall not be more than three (3) feet.

Section 22. Main vents to Connect at Base. The main vent or the vent stack shall connect full size at their base to the main soil or waste pipe at or below the lowest fixture branch and shall extend undiminished in size through the roof or shall be re-connected with the main soil or vent stack at least six (6) inches above the rim of the highest fixture. This section shall not apply to one (1) and two (2) story residential installations. When it becomes necessary to increase a vertical vent stack it then becomes a main vent and must comply with other sections of this code.

Section 23. Vents; Required Sizes. (1) The required size of a vent or vent stacks shall be determined by the total number of fixture units it serves and the developed length of the vent, in accordance with the following table, interpolating, when necessary, between permissible length of vent given in the following table.

MAXIMUM PERMISSIBLE LENGTH OF VENTS		
Pipe Size (In Inches)	Maximum Length (In Feet)	Fixture Units
1 1/4	30	2
1 1/2	150	8
2	200	18
2 1/2	250	36
3	300	72
4	400	240
5	600	420
6	800	720

(2) If a fixture opening is installed more than twenty-five (25) feet of developed length from the point where it is connected to the main soil or

waste systems, or, if more than ten (10) feet of vertical piping is used, the vent shall be continued full size through the roof or returned full size to the main vent.

Section 24. Branch and Individual Vents. In no instance shall a branch or individual vent be less than one and one-fourth (1 1/4) inches in diameter and shall not exceed the maximum length permitted for a main vent.

Section 25. Vent Pipes Grades and Connections. All vent and branch vent pipes shall be free from drops or sags and be so graded and connected as to drip back to the soil or waste pipe by gravity. Where vent pipes connect to a horizontal soil or waste pipe, the vent branch shall be taken off above the center line of the pipe, and the vent pipe must rise vertically at an angle of forty-five (45) degrees to the vertical, to a point six (6) inches above the fixture it is venting before offsetting horizontally or connecting to the branch, main, waste, soil or vent.

Section 26. Vents Not Required. Vents will not be required on a back-water trap, or a subsoil catch basin trap, or a basement floor drain provided that the basement floor drain is the first opening on the house drain and that the basement floor drain branches into the house drain so that measuring along the flow line from the center of the stack, the floor drain shall not be closer than five (5) feet to the stack, nor farther than twenty (20) feet. The floor drain line shall be four (4) inches above the house drain. All floor drains on a house drain in between stacks shall be vented. All floor drains shall be the caulk-on-type.

Section 27. When Common Vent Permissible. Where two (2) water closets, two (2) lavatories or two (2) of any fixtures of identical purpose are located on opposite sides of a wall or partition, or directly adjacent to each other within the prescribed distance as set forth in Section 21 of this regulation measured along the center line of the flow of water, the fixtures may have a common soil or waste pipe and a common vent. It shall be vented in accordance with the other sections of this code.

Section 28. Floor Drain Individual Vent Not Required. Manufacturers' floor drains do not require individual vents when they are placed on a waste line for floor drains only within the prescribed distance of ten (10) feet from the main waste line, or stack, provided the base of the stack is washed and the stack or stacks are undiminished through the roof, or connected to a main vent stack.

Section 29. A Basement Floor Drain Does Not Require an Individual Vent. A basement floor drain does not require an individual vent if it conforms to Section 26 of this regulation, or if it is the first floor drain on the main and is ahead of all sanitary openings and is not farther than five (5) feet from the main.

Section 30. House Drain Material. House drains shall be either extra heavy cast iron, service weight cast iron, brass Type (K) or (L) copper, lead, ABS or PVC plastic, or duriron.

Section 31. Indirect Waste Connections. Waste pipe from a refrigerator drain or any other receptacle where food is stored or waste water from a water cooled compressor, shall connect indirectly with the house drain, soil or waste pipe. The drain shall be vented to the outside air. Such waste pipes shall discharge into an open sink or another approved open receptacle that is properly supplied with water in accordance with other sections of this code. Such connections shall not be located in an inaccessible or unventilated area.

Section 32. Bar and Soda Fountain Wastes. Bar and soda fountain wastes, sinks and receptacles shall have a one and one-half (1 1/2) inch P trap and branches. The main shall not be less than two (2) inches. The fresh air pipe shall not be less than one and one-half (1 1/2) inches. The main waste line shall discharge into a properly vented and trapped open receptacle inside or outside a building. Food storage compartment drains shall be indirectly connected through a trapped receptacle whose upper edge is raised at least one (1) inch above the finished floor line.

Section 33. Open Receptacles. Soil or waste piping receiving the discharge from an open receptacle shall be at least six (6) inches above the surface of the ground when it discharges into a septic system.

Section 34. Refrigerator Wastes. Refrigerator waste pipes shall not be less than one and one-half (1 1/2) inches for one (1) to three (3) openings, and at least two (2) inches for four (4) to eight (8) openings. Each opening shall be trapped. Such waste piping shall be provided with sufficient cleanouts to allow for thorough cleaning.

Section 35. Overflow Pipes. Waste from a water supply tank or exhaust from a water lift shall not directly connect to a house drain, soil, or waste pipe. Such waste pipe shall discharge upon a roof or into a trapped open receptacle.

Section 36. Acid and Chemical Wastes. Except as provided herein, no corrosive liquids shall be permitted to discharge into the soil, waste or sewer system. Such waste shall be thoroughly diluted or neutralized by passing through a properly constructed and acceptable dilution or neutralizing pit before entering the house sewer.

Section 37. Laboratory Waste Piping. Laboratory waste piping shall be sized in accordance with the other sections of this code. Each fixture shall be individually trapped. A continuous waste and vent pipe system may be used, provided the waste discharges into a vented dilution pit outside the building with a vent equal to the size of the drain. The vent may be eliminated when a pit has a ventilated cover. If under certain conditions a dilution pit is not required and is not used, each fixture shall be individually vented. If construction conditions permit, the base of the stack of the continuous waste and vent system shall be washed by the last fixture opening, and continue full size independently through the roof. All fixture branches exceeding more than the distance specified in the table in Section 21 of this regulation from the main shall be revented. The distance shall be measured from the center of the main to the center of the vertical riser. Fixture connections shall rise vertically to a height so that the trap will not be lower than twelve (12) inches from the bottom of the sink. Two (2) or more sinks may be connected into a common waste before entering the riser of the continuous waste and vent system, provided the fixtures are not more than five (5) feet from the center of one (1) fixture to the center of the other.

Section 38. Acid Waste Piping. Underground piping for acid wastes shall be extra heavy salt glazed vitrified pipe, silicon iron, lead, polyethylene pipe and fittings conforming to PS 10-69, PS 11-69, and PS 12-69, polypropylene pipe conforming to ASTM D-2146-65T, or other materials approved by the department. Piping for acid wastes and vents above ground shall be of silicon iron, lead, borosilicate, or polyethylene pipe conforming to PS 10-69, PS 11-69, and PS 12-69.

Section 39. Special Vents. Flat or wet vents serving a plumbing fixture may be constructed only with special permission when a plumbing system is being remodeled or when additions are added to an original system.

**DEPARTMENT OF EDUCATION
Bureau of Instruction**

704 KAR 20:005. Kentucky plan for preparation program approval.

RELATES TO: KRS 161.020, 161.025, 161.030

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

EFFECTIVE: August 13, 1975

NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes the standards and procedures which are to be used for the approval of the various teacher preparation programs offered by the colleges and universities.

Section 1. Pursuant to the statutory authority placed upon the Superintendent of Public Instruction, the State Board of Education, and the Kentucky Council on Teacher Education and Certification under KRS Chapter 161, there is hereby devised, created, and incorporated by reference a Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel which shall include the standards and procedures for the approval of college and university curricula for the preparation of professional school personnel for purposes of teacher certification as prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education. The Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel shall be published by the Superintendent of Public Instruction and copies furnished upon request directed to his office.

Section 2. The Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel is amended by the addition of standards for the preparation of secondary school teachers for health occupations education which are hereby incorporated by reference.

**DEPARTMENT OF EDUCATION
Bureau of Instruction**

704 KAR 20:135. Kindergarten teachers.

RELATES TO: KRS 161.020, 161.025, 161.030

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

EFFECTIVE: August 13, 1975

NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore,

the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. An endorsement for teaching kindergarten shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who holds a certificate valid for classroom teaching at the elementary school level and who has completed the approved program of preparation for the kindergarten endorsement at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 2. (1) The provisional certificate for kindergarten teaching shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

(2) The provisional certificate for kindergarten teaching shall be issued initially for a duration period of ten (10) years and shall be renewed for another ten (10) year period only upon completion of the planned fifth year program. The certificate may be extended for life upon completion of three (3) years of successful teaching experience at the kindergarten level on a regular certificate and upon completion of the planned fifth year program.

(3) The provisional certificate for kindergarten teaching shall be valid for teaching only at the kindergarten level.

(4) Teacher education institutions shall not admit new students to the program for preparation for the Provisional Certificate for Kindergarten Teaching during the 1976-77 academic year or thereafter. Teacher candidates currently enrolled in this program prior to the 1976-77 academic year shall have until September 1, 1980, to complete the requirements. All the provisions of Section 2 of this regulation shall expire on September 1, 1980.

Section 3. The certificates issued for a duration period beginning prior to September 1, 1971, and valid for classroom teaching at the elementary school level, shall continue to be valid for teaching kindergarten. Certificates issued for a duration period beginning after September 1, 1971, and valid for classroom teaching at the elementary school level, shall be valid for teaching kindergarten only upon completion of the endorsement program for kindergarten teaching.

ADMINISTRATIVE REGISTER

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education

705 KAR 2:110. Add-on weights for classes.

RELATES TO: KRS 156.070, 163.030, 157A.060

PURSUANT TO: KRS 13.082

EFFECTIVE: August 13, 1975

NECESSITY AND FUNCTION: KRS 157A.060(4) provides for the State Board of Education to approve new vocational classes for add-on weights under the weighted pupil unit calculation. This is to adjust class title changes and to include new vocational programs to be offered as included in the Kentucky Program of Studies.

Section 1. The add-on weights for vocational education programs as identified in KRS 157A.060(3) shall be as indicated below:

<u>Date-</u> <u>sory</u>	<u>Add-on</u> <u>Weight</u>	<u>Present</u> <u>Title</u>	<u>New Title</u>
(1) Program Area: Business and Office:			
I	.30	Record Keeping	Business Recordkeeping
II	.55	Office Machines	Business Machines
III	.80	Unit Data Process- ing	Introduction to Data Processing
V	1.30	Co-op Coordination Elec. Data Process- ing	Co-op Office Education Advanced Data Process- ing
VI	1.55	None	Model Office
(2) Program Area: Health and Personal Services:			
VI	1.55	Health Occupations	Health Careers Medical Records Tech- nician (Assistant) Medical Assistant Dental Assisting
(3) Program Area: Home Economics:			
I	.30	Intro. to Consumer Education	Consumer Education
II	.55	Clothing - Wage Earning	Clothing Services - Wage Earning
		Becoming Employable H. Ec. for Boys	None
		Consumer Education	Bachelor Living Management/Consumer Education - Special Interest
III	.80	Food Management	Food and Nutrition - Special Interest
		Clothing Management Special Interest Comprehensive H. Ec. III	Clothing and Textiles Special Interest
		Food - Wage Earning	None
		Home Management - Special Interest	Food Services - Wage Earning
IV	1.05	H. Ec. - Special Needs	None
		None	
(4) Program Area: Industrial Education:			
II	.55	Plumbing & Pipe Trades	Plumbing
IV	1.05	Dressmaking & Tailoring	Industrial Sewing Tailoring
		Trowel Trades Drafting & Commer- cial Art	Masonry Drafting Commercial Art
V	1.30	Sheet Metal & Air Cond. Trades	Air Conditioning & Heating Appliance Repair Sheet Metal
V	1.30	Woodworking & Building Trades	Carpentry Building Maintenance Cabinet Making Interior Finishing Upholstery
		Electrical Trades	Industrial Electricity Office Machine Repair Radio & TV Repair Electronics
VI	1.55	Automotive Trades	Auto Body Repair Auto Mechanics Diesel Mechanics Service Station Attendant
			Small Engine Repair Truck Mechanics
		Mech. & Metal Trades	Mine Equipment Main- tenance Welding and Machine Shop
		Printing Trades	Graphic Arts
(5) Program Area: Marketing and Distributive Education:			

II	.55	Economics of Dis- tribution	D.E. I - Economics of Distribution
IV	1.05	Merchandising	D.E. II - Merchandising
		Co-op Supervision	D.E. IIIa - Marketing & Co-op Work Experience
		Marketing Simulated Work Exp.	D.E. IIIB - Marketing & Simulated Work Experi- ence

(6) Program Area: Practical Arts;

I	.30	None	Exploration I
		None	Exploration II
		None	Exploration III

(7) Program Area: Public Service:

IV	1.05	None	Law Enforcement
		None	Fire Service Tech- nology

(8) Program Area: Special Vocational Programs:

IV	1.05	Special Voc. Ed. Class	Orientation to the World of Work Exploration in the World of Work Specialization in One Occupational Cluster Special Interest: Vocational Career Choice Interlocking Cooper- ative Vocational Education Vocational Orientation for Seniors
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Section 2. Practical arts units shall be funded on this basis only for school year 1975-76.

PUBLIC PROTECTION AND REGULATION CABINET
Workmen's Compensation Board

803 KAR 25:020. Self insurers.

RELATES TO: KRS 342.340, 342.345

PURSUANT TO: KRS 342.260, 13.082

EFFECTIVE: August 13, 1975

SUPERSEDES: WCB 2-1

NECESSITY AND FUNCTION: KRS 342.340 requires that every employer subject to KRS Chapter 342 shall either keep insured his liability for compensation or furnish satisfactory proof of his financial ability to pay directly the compensation due as provided by KRS Chapter 342. The function of this regulation is to outline the duties and responsibilities of these employers who desire to insure their own liability.

Section 1. Application for Authorization to Carry own Risk: Filing Requirements. (1) Every employer under and subject to the Workmen's Compensation Laws of Kentucky who does not insure and keep insured his liability for compensation in some insurance company authorized to transact the business of workmen's compensation insurance in Kentucky under an insurance policy which provides for complete coverage, that is, that the policy shall cover the entire liability of the employer for compensation, shall furnish to the board satisfactory proof of his financial ability to pay directly the compensation in the amount and manner and when due as provided for in this chapter. In the latter case, the board shall require the deposit of an acceptable security, indemnity or bond to secure, to such an extent as the board directs, the payment of compensation liabilities as they are incurred.

(2) Each employer who desires to carry his own risk shall file with the board his application for a certificate authorizing him to carry his own risk, and each such application must be accompanied, as a part thereof, by the following:

(a) An audit report of the applicant for the last preceding calendar or fiscal year, prepared and signed by a Certified Public Accountant licensed under the laws of the Commonwealth of Kentucky or licensed under the laws of some other state of the United States. If the Certified Public Accountant or firm who prepared and

signed such audit belongs to the American Institute of Accountants, it will be appropriate for the certificate to so state.

- (b) A summary statement showing whether the applicant is an individual, a co-partnership, corporation or association, when organized, the location of its principal office, the nature and location of its principal business and operations, the average number of its employees, the average monthly payroll and the amount of any workmen's compensation claims which are unpaid, both due and to become due. All of said averages shall be stated for the preceding calendar or fiscal year as the case may be.

(3) Each such application shall be assigned a number and appropriate designation. If the application be approved that number and designation will be assigned to the applicant and appropriate records will be kept relating to such employer, as will from time to time show the accident experience and accrued and unpaid workmen's compensation liability of such employer.

(4) Each application to the board for a certificate under this article shall be submitted on the board's revised Form No. 2.

(5) Each employer who qualifies to carry his own risk shall file with the board on or before April of each year an annual report on the board's Form No. 25. In addition to the annual report, each own risk carrier must file semi-annual supplemental reports in sufficient detail to disclose any significant change in its financial condition and accident experience for the preceding six (6) months. Said semi-annual reports must be filed on the board's revised Form No. 26.

(6) Each employer must execute and file such other forms and make such other reports as are required by law and by the general rules and regulations of the board.

Section 2. Requirements as to Insurance Bonds or Other Forms of Security to be Furnished by Applicant. (1) In each case of an application for qualification of an employer to carry his own risk, the Workmen's Compensation Board, on the basis of the examination and consideration of the application and the data submitted therewith and such additional data, if any, as the board may require will determine: Whether or not the applicant has established to the satisfaction of the board, his financial soundness and has resources sufficient to fully pay and discharge any and all of his workmen's compensation liabilities as and when such payments are due under the Workmen's Compensation Laws of Kentucky.

(2) In making such determination as hereinabove referred to, the board will determine and fix the amount of bond which must be executed by the applicant as a condition precedent to the approval of the application.

(3) In connection with the approval of the application, the board will determine whether or not the applicant should be required to execute bond with corporate surety approved by the board. If the board finds that the applicant has net assets and income in amounts sufficient to adequately secure payment of all his workmen's compensation liability as and when due without any surety being required, the board, by appropriate order, will approve the application and the execution by the applicant of a bond without surety.

(4) In the event the board, in approving the application, requires a bond with corporate surety to be approved by the board in an amount fixed by the board, the applicant in lieu of bond with surety may deposit cash or securities which are eligible under the laws of Kentucky for investment by insurance companies or by fiduciaries of the current market value equal to the principal amount fixed for such bond. The depository agreement and securities to be deposited shall be subject to the approval of the board.

(5) In any case in which the applicant for qualification to carry his own risk submits to the board a policy or policies of insurance on policy forms which have been approved by the Department of Insurance, and which expressly incorporates all of the provisions of the Workmen's Compensation Laws of Kentucky relating to workmen's compensation insurance, and which policy or policies clearly cover liability of the issuing company for the direct payment of all workmen's compensation liability of the employer above a specified amount, the bond will be limited in amount to the liability that is not covered by such insurance policy or policies.

(6) The Board in fixing the amount of bond or the amount of the deposit of securities will consider no insurance policy or policies unless: (i) The policy is written by an insurance company duly licensed and engaged in business in Kentucky; (ii) the insurance policy expressly refers to and incorporates the provisions of KRS 342.360, 342.365, 342.375, 342.380 and 342.445; (iii) the form of the policy shall have been duly approved by the Kentucky Department of Insurance; (iv) the policy must clearly and unequivocally embrace the full liability of the applicant employer under the Workmen's Compensation Act, excluding only the amount of the bond or the amount of securities deposited with the board; and (v) in lieu of the express reference specified in (ii) of this paragraph, the insurance policy incorporates generally the statutory provisions embraced in the Workmen's Compensation Laws of Kentucky and the following general provisions, to-wit:

(a) The company shall be directly and primarily liable to any person entitled to the benefits of the Workmen's Compensation Law under this policy. The obligations of the company may be enforced by such person or for his benefit by any agency authorized by law, whether against the company alone or jointly with the insured. Bankruptcy or insolvency of the insured or of the insured's estate, or any default of the insured, shall not relieve the company of any of its obligations under the Kentucky Workmen's Compensation Laws.

(b) As between the employee and the company, notice or knowledge of the injury on the part of the insured shall be by notice or knowledge, as the case may be, on the part of the company; the jurisdiction of the insured, for the purposes of the Workmen's Compensation Law, shall be jurisdiction of the company and the company shall in all things be bound by and subject to the findings, judgments, awards, decrees, orders or decisions rendered against the insured in the form and manner provided by such law and within the terms, limitations and provisions of this policy not inconsistent with such law.

(c) All of the provisions of the Workmen's Compensation Law shall be and remain a part of this policy as fully and completely as if written herein, so far as they apply to compensation and other benefits provided by this policy and to special taxes, payments into security or other special funds, and assessments required or levied against compensation insurance carriers under such law.

Section 3. Coverage of Subsidiary Corporations. Any corporation which can qualify hereunder as an own risk carrier which has wholly owned or controlled subsidiaries may qualify for itself and such subsidiary or subsidiaries in one joint application to the board, provided the parent corporation has sufficient assets to qualify as an own risk carrier both for itself and its subsidiary or subsidiaries. However, such joint application shall be accompanied by a certificate of the secretary of both the

parent and the subsidiary corporation or each of the subsidiary corporations to the effect that such corporations are making such joint application and the joint and several liability of both the parent and the subsidiary or subsidiaries for all of the compensation claims asserted against them have been authorized by due and proper orders and resolutions of the respective boards of directors of such parent and each subsidiary company. Such certificates by such secretaries of the parent and subsidiary corporations shall be effective until revoked by such corporations and until the board is notified in writing of such revocation.

Section 4. Factors Affecting Determination of Employer's Qualification for Carrying own Risk. In analyzing the employer's application for qualification to carry his own risk, and any subsequent annual or semi-annual report filed in connection therewith, special consideration shall be given to the following factors:

(1) Nature and amount of assets, including proportion which are fixed assets subject to execution in this state.

(2) Nature and amount of indebtedness, whether funded or current, secured or unsecured, and whether any defaults exist.

(3) Contingent liabilities, if any, including pending litigation or judgments in which the employer is not protected by public liability insurance or other applicable insurance coverage.

(4) Outstanding compensation claims not covered by insurance.

(5) The employer's record of compensable injuries sustained by employees during preceding three (3) calendar or fiscal years.

(6) Normal hazard of employer's type of business, as shown by applicable compensation manual insurance rates in effect in this state.

(7) The relative frequency of deaths, permanent total disabilities and long-term impairments developed by that type of business during the preceding three (3) years, as shown by classification of injuries and compensation payments appearing in the annual reports of the Workmen's Compensation Board.

(3) The consideration of the foregoing factors does not exclude consideration of any other relevant factors which may affect a particular employer's application, either favorably or unfavorably.

Section 5. Processing of Applications and Subsequent Reports of Employers: Revocation of Certificates. A person selected by the board, who shall either be a Certified Public Accountant duly qualified and licensed under the laws of Kentucky or some other person, who by training and experience is qualified to analyze financial statements submitted by applicants for qualification to carry their own risks will be assigned by the board the primary duty of (i) carefully analyzing each application of an employer for qualification to carry his own risk, such examination to include a careful analysis of the applicant's financial statement and such applicant's previous workmen's compensation claims' experience for the last preceding period of three (3) years. He shall summarize, in writing, his analysis and submit it to the Workmen's Compensation Board, together with his recommendation, in writing, that the application should be granted or denied, as the case may be; (ii) such person shall keep a continuing check upon the workmen's compensation claims, reports of accidents, etc., of each employer who has qualified to carry his own risk; (iii) such person shall carefully analyze each annual and each semi-annual report of each self-risk carrier, and, if in any case, as a result of such continuing study and analysis, or from other information, it shall appear doubtful as to whether or not the employees of any self-risk carriers are adequately protected or secured, he shall recommend, in writing to the board, that it issue an order to such employer to show cause why his qualification as a self-risk carrier should not be revoked; and (iv) it shall be the duty of such

person to see that each self-risk carrier files his annual and semi-annual reports in the manner, in the form and at the time prescribed.

PUBLIC PROTECTION AND REGULATION

Workmen's Compensation Board

803 KAR 25:030. Special fund and employer; joint liability.

RELATES TO: KRS 342.120, 342.316

PURSUANT TO: KRS 13.082, 342.260

EFFECTIVE: August 13, 1975

SUPERSEDES: WCB 3-1

NECESSITY AND FUNCTION: KRS 342.120 and 342.316 requires that a regulation be promulgated outlining the method of reimbursement for compensation paid when an employer and the Special Fund are jointly liable. The function of this regulation is to prescribe these methods of reimbursement.

Section 1. Reimbursement of Carriers and Self-Insured Employers by Special Fund. Each insurance carrier and self-insured employer applying for reimbursement by the Special Fund under the provisions of KRS 342.120(4) or 342.316(13)(a) shall furnish the board quarterly a statement in duplicate showing the name of the employee, the amount of compensation paid such employee, and the periods for which such compensation has been paid, which statement shall be filed with the board within thirty (30) days from the end of each quarter for which reimbursement is sought, or within such further time thereafter as the board may for good cause permit, and shall be certified by a designated officer or employee of the employer or insurance carrier.

PUBLIC PROTECTION AND REGULATION

Workmen's Compensation Board

803 KAR 25:040. Average weekly wage certification.

RELATES TO: KRS 342.143

PURSUANT TO: KRS 13.082, 342.260

EFFECTIVE: August 13, 1975

SUPERSEDES: WCB 4-1

NECESSITY AND FUNCTION: KRS 342.143 requires that the average weekly wage of the state be certified to the director by the Bureau of Social Insurance, Department for Human Resources, in a manner prescribed by the Workmen's Compensation Board by regulation. The function of this regulation is to prescribe this manner.

Section 1. Certification of average weekly wage of the state. On or before September 1 of each year, the Secretary of the Department for Human Resources shall certify to the director the "average weekly wage of the state" for the preceding calendar year, pursuant to KRS 342.143. This certification shall include the mathematical calculation used in determining the average weekly wage in accordance with KRS 342.143.

**PUBLIC PROTECTION AND REGULATION
Workmen's Compensation Board**

803 KAR 25:050. Compensation payment time limitation; enforcement.

RELATES TO: KRS 342.040, 342.990
PURSUANT TO: KRS 13.082, 342.260
EFFECTIVE: August 13, 1975

NECESSITY AND FUNCTION: KRS 342.040 provides that payment of compensation shall be payable on the regular payday of the employer and no later than fifteen (15) days after the employer has knowledge of the disability or death. KRS 342.990 provides penalties of the violation of KRS 342.040. The function of this regulation is to determine when a violation of KRS 342.040 has taken place and provide for the enforcement of this section.

Section 1. Enforcement. (1) Whenever an employer without good cause fails to pay compensation when due as provided for by KRS 342.040, the employee may file with the Workmen's Compensation Enforcement Section a written complaint in triplicate setting forth all of the facts incident to the injury and his disability therefrom. Said complaint shall state the name of the workmen's compensation insurance carrier of the employer, or if not insured by an insurance carrier, whether self-insured, or has not secured payment of insurance as provided for by KRS Chapter 342.

(2) Upon receipt of the complaint as set out in subsection (1) above, the Workmen's Compensation Enforcement Section shall forward a copy thereof to the employer. Within twenty (20) days of the mailing of the copy of the complaint to the employer, said employer shall file a response thereto, should he so desire, setting out the reasons for failing to pay compensation when due as required by KRS 342.040. Thereafter the Workmen's Compensation Enforcement Section shall investigate the complaint and said section shall make a finding thereto. Said section shall forthwith forward a copy of said findings to the employer. Immediately after forwarding a copy of said findings to the employer, should said employer have failed to answer within the twenty (20) day period, or should said section have concluded that the employer without good cause has failed to comply with KRS 342.040, said section shall proceed to enforce the penalties as provided for in KRS 342.990.

(3) Failure of the employer to file an answer to the complaint within the twenty (20) day period as provided for hereinabove shall be construed as failure without good cause to pay compensation as provided for in KRS 342.040, and the enforcement section, without notice to the employer, may proceed immediately to enforce the penalties provided for in KRS 342.990.

(4) The complaint and answer hereinabove mentioned shall be duly sworn to and be under oath.

(5) This section shall not apply to occupational disease claims nor shall it in any manner be construed as the filing of a claim (Form 11) or the giving of notice of an accident as is required by KRS 342.185 and 342.190.

**PUBLIC PROTECTION AND REGULATION CABINET
Department of Mines and Minerals
Kentucky Oil and Gas Conservation Commission**

805 KAR 1:100. Commission's rules of procedure; spacing of deep well drilling; wildcat wells and pooling of interests.

RELATES TO: KRS 353.651, 353.652
PURSUANT TO: KRS 13.082, 353.565
EFFECTIVE: August 13, 1975

NECESSITY AND FUNCTION: KRS 353.565 requires the Kentucky Oil and Gas Conservation Commission to administer and enforce the provisions of KRS 353.651 and 353.652 by regulating the spacing of deep well drilling, drilling units and pooling of interest.

Section 1. Definitions and Construction. Unless the context otherwise requires, the following words and terms shall have the following meanings when used in these regulations:

(1) "Department" means the Department of Mines and Minerals as defined in KRS 353.010;

(2) "Commissioner" means the Commissioner of the Department of Mines and Minerals as defined in KRS 351.010;

(3) "Director" means the Director of Oil and Gas Conservation as provided in KRS 353.530;

(4) "Commission" means the Kentucky Oil and Gas Conservation Commission as provided in KRS 353.565;

(5) "Person" means any natural person, corporation, association, partnership, receiver, governmental agency subject to KRS 353.500 to 353.720, trustee, so-called common-law or statutory trust, guardian, executor, administrator or fiduciary of any kind;

(6) "Correlative rights" means the reasonable opportunity of each person entitled thereto to recover and receive without waste the oil and gas in and under his tract or tracts, or the equivalent thereof;

(7) "Oil" means natural crude oil or petroleum and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary production methods and which are not the result of condensation of gas after it leaves the underground reservoir;

(8) "Gas" means all natural gas, including casinghead gas, and all other hydrocarbons not defined above as oil;

(9) "Pool" means an underground reservoir containing a common accumulation of oil or gas or both. Each productive zone of a general structure which is completely separated from any other zone in the structure, or which for the purpose of KRS 353.500 to 353.720 may be so declared by the department, is covered by the word "pool" as used herein;

(10) "Field" means the general area which is underlaid or appears to be underlaid by at least one (1) pool; and "field" includes the underground reservoir containing oil or gas or both. The words "field" and "pool" mean the same thing when only one (1) underground reservoir is involved; however, "field" unlike "pool," may relate to two (2) or more pools;

(11) "Just and equitable share of production" means, as to each person, an amount of oil or gas or both substantially equal to the amount of recoverable oil or gas in that part of a pool underlying his tract or tracts;

(12) "Well" means a borehole drilled, or proposed to be drilled, for the purpose of producing natural gas or petroleum, or one through which natural gas or petroleum is being produced, or a borehole drilled or proposed to be drilled for the purpose of injecting any water, gas or other fluid therein or one into which any water, gas or other fluid is being injected;

(13) "Deep well" means any well drilled and completed below the depth of 4,000 feet or, in the case of a well located east of longitude line 84 degrees 30 minutes, a well drilled and completed at a depth below 4,000 feet or below the base of the

lowest member of the Devonian Brown Shale, whichever is deeper;

(14) "Operator" means any owner of the right to develop, operate and produce oil and gas from a pool and to appropriate the oil and gas produced therefrom, either for himself or for himself and others; in the event that there is no oil and gas lease in existence with respect to the tract in question, the owner of the oil and gas rights therein shall be considered as "operator" to the extent of seven-eighths (7/8) of the oil and gas in that portion of the pool underlying the tract owned by such owner, and as "royalty owner" as to one-eighth (1/8) interest in such oil and gas; and in the event the oil is owned separately from the gas, the owner of the right to develop, operate and produce the substance being produced or sought to be produced from the pool shall be considered as "operator" as to such pool;

(15) "Royalty owner" means any owner of oil and gas in place, or oil and gas rights, to the extent that such owner is not an operator as defined in subsection (14) of this section;

(16) "Drilling unit" generally means the maximum area in a pool which may be drained efficiently by one well so as to produce the reasonable maximum recoverable oil or gas in such area. Where the regulatory authority has provided rules for the establishment of a drilling unit and an operator, proceeding within the framework of the rules so prescribed, has taken the action necessary to have a specified area established for production from a well, such area shall be a drilling unit.

(17) The singular shall include the plural, and the masculine gender shall include the feminine and neuter.

Section 2. Rules of Procedure. (1) Rules, regulations, and orders of the commission of general, or statewide, effect shall be submitted, published, and reviewed in accordance with KRS Chapter 13. Hearings on such rules, regulations, or orders shall be held, in accordance with KRS Chapter 13.

(2) Rules, regulations, or orders other than those of general, or statewide, effect, including but not limited to orders establishing drilling units, pool or field-wide units, or special field rules, shall be adopted only after notice and hearing in accordance with these rules and consistently with provisions of KRS 353.500 to 353.720.

(3) All hearings before the commission shall be open to the public. Hearings shall be called by the commission for the purpose of taking an action in respect to any matter within its jurisdiction upon its own motion or upon the request or application of any interested party. Applications or requests for hearings (except as otherwise provided herein) shall be written and may be in the form of a letter, shall be brief and concise, shall state in general terms the matter upon which action of the commission is desired, the interest of the applicant or person making the request, the action sought, and the reasons therefor.

(4) The director shall maintain a docket book, and all applications or requests for hearings and all hearings called on motion of the commission shall be docketed and given a docket number, and a file carrying such number shall be opened by the director. All applications for hearing, a copy of the notice of hearing, together with proof of its publication, the originals of all instruments, documents, plats, and other data filed in connection with the hearing or the subject matter thereof, a transcript of all evidence taken at the hearing, the originals or copies of all correspondence with the commission concerning such hearing or the subject matter thereof shall be stamped with the docket number of the hearing and placed and kept in the file carrying such number. The docket book and all files pertaining to hearings shall be open to the public at all reasonable times but shall not be removed from the custody of the commission or its employees. Copies of all such instruments, documents, plats, other data, and correspondence shall be furnished to any interested

party upon payment of the cost of making such copies. All notices of hearing shall refer to the docket number thereof. Copies of applications for hearing shall be furnished by the director to any person upon request.

(5) All hearings shall be held in Lexington, Kentucky, unless otherwise ordered.

(6) Upon receipt of a proper request or application for hearing, the commission shall call a hearing within thirty (30) days, and after such hearing and with all convenient speed, and in any event within thirty (30) days after the conclusion of the hearing, shall take action with regard to the subject matter thereof.

(7) Notice of all hearings shall be given by publication, as authorized by KRS 353.680, in accordance with KRS Chapter 424. When required by KRS 353.651 or 353.652 to give personal notice to all persons reasonably known to own an interest in the oil and gas in an area to be unitized or for which special field rules are proposed, the commission shall give such notice by registered mail unless a person has given a mailing address as provided in subsection (8).

(8) The director shall maintain a general mailing list and shall place thereon the names and addresses of all persons, firms, or corporations who make request in writing to be included on such list. Each person, firm, and corporation on such mailing list shall be mailed by first class mail at the address listed a copy of all notices and orders issued by the commission. The director shall maintain a mailing list for each field in the state containing deep wells and shall place on each such list the names and addresses of all persons, firms, or corporations who make request in writing to be included thereon. Each person included on the mailing list of any field shall be mailed by first class mail at the address listed a copy of all notices and orders issued by the commission as to such field. The failure to mail a copy of a notice to any such person, firm, or corporation shall not affect the validity of any hearing held pursuant to the notice published in accordance with subsection (7) or any rule, regulation, or order issued pursuant to such hearing, unless such person is one reasonably known to own an interest in the oil and gas in an area to be unitized or for which special field rules are proposed and is thus entitled to personal notice by KRS 353.651 or 353.652. When a person entitled to personal notice of a hearing has requested to be placed on either the general or a field mailing list, a notice mailed by first class mail to the address given shall constitute compliance with KRS 353.651 or 353.652, as the case may be.

(9) Notices of all hearings shall state the time and place of the hearing, the name of the party requesting the hearing, the nature thereof, the action sought, and the docket number.

(10) No notice by personal service shall be necessary except as required by KRS 343.651 or 353.652 or by special order of the commission entered on its minutes.

(11) After notice of a hearing is once given, the hearing may be continued to another day and from day to day by order of the commission entered on the day fixed for the hearing.

(12) The commission may adopt an emergency rule, regulation, or order of general, or statewide, effect without notice and hearing upon a finding of necessity to prevent waste, prevent irreparable injury, or other cause and issuance by the Governor of an executive order providing that it shall become effective upon submission to the Legislative Research Commission in accordance with KRS 13.085(2). Such a rule, regulation, or order shall provide that it will remain in force no longer than 120 days from the date of filing. If the commission desires to make such a rule, regulation, or order permanent, it shall proceed as required by KRS Chapter 13.

(13) The commission may adopt emergency rules, regulations, or orders other than those of general, or statewide, effect without notice and hearing

- 875 feet to the boundary of the proposed unit.
4. A deep gas well at a depth of 7,000 feet or more may be located no closer than 1,250 feet to the boundary of the proposed unit.
 - (b) The director shall not grant a permit under the provisions of subsection (4)(a) of this section except in the presence of evidence which reasonably substantiates that the proposed location is justified by either topographical or geological conditions. Upon granting such a permit, the director shall inform the other members of the commission of his action in writing.
 - (c) Prior to the time a certificate of compliance is granted and a well is produced other than for the purpose of testing, the director shall determine whether a hearing is necessary for the purpose of taking any special action that may be required to offset any advantage resulting from the location of the well according to the permit and thus protecting correlative rights of others with interests in the pool. If it is determined that special action is necessary, the director shall call a hearing.
 - (5)(a) Exception locations varying from the limitations provided in subsections (2) to (4) of this section may be granted if the commission determines, after notice and hearing, and the facts clearly support the determination, that a proposed unit or a previously formed unit is partly outside the pool, or, for some other reason, a well located in accordance with the statewide rules could not reasonably be expected to be productive or topographical conditions are such as to make the drilling at such a location unduly burdensome. An application for an exception location shall be accompanied by a plat drawn to the scale of not smaller than 1:12,000 accurately showing to scale the proposed location of the well according to the Carter Coordinate System and all other deep wells within two (2) locations of the proposed location. The application shall be verified by some person acquainted with the facts.
 - (b) When an exception location is sought on the ground of topographical conditions, it must be shown that the commission can effectively offset any advantage to the applicant accruing from such variation.
 - (c) Whenever an exception is granted, the commission shall take such concurrent action as may be required to offset any advantage to the applicant and thus to protect the correlative rights of others with interests in the pool. If the proposed unit or already formed unit is of less acreage than that prescribed by the applicable spacing rule for a regular unit, whether proposed or formed according to special field orders for the pool in question, such special unit shall be allowed to produce only in the proportion that the acreage content of such special unit bears to the acreage content of a regular unit.
 - (6) No portion of a proposed unit or unit formed by order of the commission upon which a well is located shall be attributed, in whole or in part, to any other drilling or producible well in the same pool.
 - (7)(a) Unless authorization to intentionally deviate and directionally drill is granted by the commission, every well shall be drilled in such a manner that at any measured depth the actual or apparent location of the well bore shall be within a circle whose center is the surface

- location and whose radius is equal to the measured depth multiplied by a factor 0.087156. The actual or apparent resultant deviation of the well bore from the vertical shall not be in excess of five (5) degrees at any measured depth. In the event a survey indicates that the well bore is outside the above circle at any measured depth, the deviation must be corrected so that drilling will be restored to the specified limit. Upon completion of a survey showing or in the presence of knowledge giving rise to a reasonable belief that a well may be deviated beyond the above prescribed tolerance, the operator shall inform the director. After an operator has commenced drilling a well and desires to change the bottomhole location by directionally controlling and intentionally deflecting the well from the vertical, whether more or less than five (5) degrees, unless done to straighten the hole or to sidetrack junk in the hole or because of other mechanical difficulties, he shall first make application for an amended location showing by attached plat the amended projected bottomhole objective and secure an amended permit to drill before commencing such operations. The amended bottomhole location or objective shall comply with all minimum distances from unit lines as prescribed by all statewide orders or applicable field orders.
- (b) In the event a well is to be drilled at a distance from a unit line where such distance is less than the apparent resultant lateral deviation, as determined by multiplying the proposed total depth of the well by the factor 0.087156, a permit to drill will be issued with the understanding that the operator will be required to furnish the commission with inclination or directional survey data as proof that the well will be completed in compliance with the provisions of this order before a certificate of compliance is issued. An inclination survey shall be made on all wells drilled with the first shot point at a depth not greater than that of the surface casing seat and succeeding shot points not more than 1,000 feet apart. Inclination surveys conforming to these requirements may be made either during the normal course of drilling or after the well has reached total depth. Such survey data shall be certified by the operator's representative or drilling contractor and shall indicate the resultant lateral deviation as the sum of the calculated lateral displacement determined between each inclination survey point, assuming that all such displacement occurs in the direction of the nearest unit line. If a directional survey determining the bottom of the hole is filed with the commission upon completion of the well, it shall not be necessary to furnish the inclination survey data.
 - (c) The commission may, at its discretion, require an operator to conduct inclination or directional surveys under conditions other than those above specified.

Section 5. Certificate of Compliance. (1) Prior to production from a deep well, other than test production for a period not in excess of fifteen (15) days, the operator thereof shall apply for and obtain a certificate of compliance from the director. The application, which must be verified, shall disclose information adequate to satisfy the director that:

- (a) All working interests in the drilling

unit or proposed unit are identically owned, or have been pooled by voluntary agreement or order of the commission, or that the well may be produced without violating the correlative rights of any owner in the unit; and

- (b) The operator in the location, drilling, and completion of the well has complied with the conservation laws of the Commonwealth and the rules and regulations established by the Director of the Division of Oil and Gas and the commission applicable thereto.

(2) A certificate of compliance for a well for which a unit has not been established may be conditioned by the director by limiting its duration to a period of not more than 180 days unless a unit has been established and separately owned tracts have been pooled voluntarily or by order of the commission.

Section 6. Application for Special Field Orders. (1) When a new pool is penetrated and a well is proven by surface production test to be capable of producing oil or gas in paying quantities, the operator thereof shall, within 120 days after the test is completed or after the well is completed as a producible well, whichever occurs first, or within sixty (60) days of the completion of a confirmation well in the pool, whether drilled by him or another operator, apply for a hearing to issue special field orders governing the spacing of wells and establishment of units in the pool.

(2) An application for special field orders shall contain a plat showing all wells in the pool affected and the unit or units proposed for the pool.

(3) If upon testing a discovery well an operator believes that the confirmation well should not or cannot reasonably be located in accordance with the statewide spacing rules, he shall proceed by applying for a hearing to obtain an exception location.

Section 7. Pooling of Interests in Units Established by Order of the Commission. (1) An applicant for a hearing to issue special field orders for a new pool or otherwise to establish a drilling unit, or any interested party, may request that the commission pool the interests of the owners and royalty owners in any unit or units established as a result of the hearing. A request to pool separately owned tracts concurrently with the establishment of a unit or units must be submitted with the application for the hearing, or sufficiently in advance to include notice of the request in the notices of hearing. When in its judgment it is necessary, the commission may on its own motion include the pooling of separately owned tracts in the notice of a hearing to establish a unit or units.

(2) If separately owned tracts are not pooled as a result of the hearing to establish a unit or units, any interested party may request pooling at any subsequent time; provided, however, that if the owners and royalty owners have not agreed to pool their interests within 120 days of the issuance of a certificate of compliance, the operator of the well shall apply for a hearing to issue a pooling order.

Section 8. Reformation of Drilling Units. (1) Drilling units formed by the commission may be reformed upon notice and hearing as required by KRS 353.651, to exclude previously included acreage or to include new acreage, or both.

(2) A request for a hearing to reform drilling units must specify that there is new geological or geophysical data which will form a basis for the requested reformation and generally describe the source and nature of the data. Units will not be reformed in the absence of such data. Generally, "new data" must be data not in existence at the time of the hearing resulting in the formation of the units proposed for reformation.

Re-interpretation of data existing at the time of the prior hearing will not serve as a basis for reformation.

DEPARTMENT FOR HUMAN RESOURCES Bureau for Health Services

902 KAR 8:010. Membership; executive committee.

RELATES TO: KRS Chapter 212

PURSUANT TO: KRS 13.082, 194.050, 211.090

EFFECTIVE: August 13, 1975

SUPERSEDES: LHD-1

NECESSITY AND FUNCTION: The Department for Human Resources is authorized by KRS 212.810 to 212.930 to approve of the establishment of district health departments. The Department for Human Resources is also authorized by KRS 211.025 and 211.090 to supervise, assist and appoint members of local boards of health as provided by law. The purpose of this regulation is to clarify the membership of a district board of health where a district health department has been established and to insure representation from each county of the district on an executive committee if such a committee is created.

Section 1. Membership of District Boards of Health. District Boards of Health shall be composed of the members of the respective county boards of health of the counties that have joined together to create the district health department.

Section 2. Membership of Executive Committee of District Boards of Health. In those instances where a district board of health chooses to form an executive committee, the membership of such committee shall have at least two (2) persons from each of the counties comprising the district, one of whom shall be the county judge or his designee.

DEPARTMENT FOR HUMAN RESOURCES Bureau for Health Services Certificate of Need and Licensure Board

902 KAR 20:057. Health maintenance organizations.

RELATES TO: KRS 216.405 to 216.485, 216.990(2)

PURSUANT TO: KRS 13.082, 216.425

EFFECTIVE: August 13, 1975

SUPERSEDES: HFHS 20

NECESSITY AND FUNCTION: This regulation, which relates to the operations and services of Health Maintenance Organizations, is being promulgated pursuant to the mandate of KRS 216.425(3) that the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board regulate health facilities and health services.

Section 1. Scope: This regulation relates to the organization and operation of Health Maintenance Organizations.

Section 2. Definition: Health Maintenance Organizations; General:

(1) "Health Maintenance Organization" means any person who undertakes to provide either directly or through agreements with others, health care services to individuals who have voluntarily enrolled with the organiza-

tion. Charges for these services are prepaid at a fixed rate on a per capita basis.

(2) "Enrollee" means a person who has been enrolled in a health maintenance organization. The term "subscriber" has the same meaning as "enrollee."

(3) "Health care services" includes all services essential to furnishing primary outpatient or inpatient care as well as all services and goods necessary for preventing, alleviating, curing, or healing illnesses, disabilities, or injuries.

(4) "Person" includes, but is not limited to, any individual, partnership, association, trust, or corporation.

(5) A "consumer" is an enrollee of the health maintenance organization who does not stand to profit from the nature of his association with the organization. He must not be an employee of the health maintenance organization; nor may he have a financial interest therein.

(6) "Provider" means a licensed individual physician or group of physicians, licensed health facilities or services, and other licensed health professionals who have entered into an agreement with a health maintenance organization for the purpose of providing health services to enrollees.

(7) "Medical group" means a partnership, association, corporation or other entity organized for the delivery of health care.

(8) "Individual practice association" means an individual or group of physicians who have as their primary objective the delivery or arrangements for the delivery of health services and who have entered into a written agreement with a health maintenance organization. Such written service agreements shall provide that the individual practice association shall provide their professional services in accordance to the agreement with the health maintenance organization.

(9) "Evidence of coverage" means any certificate, agreement, or contract issued to an enrollee stating the health care services to which he is entitled.

(10) "In-area" means the geographical area authorized by the Certificate of Need and Licensure Board for the health maintenance organization as its service area in which it provides health services to its members directly through its own resources or through agreements with other providers.

(11) "Out-of-area" means that area outside of the geographical area authorized by the Certificate of Need and Licensure Board for the health maintenance organization as its service area.

(12) "Health manpower" means physicians, dentists, nurses, podiatrists, optometrists, mid-level practitioners, clinical psychologists, social workers, pharmacists, nutritionists, occupational therapists, physical therapists and other professionals engaged in the delivery of health services who are licensed, practice under an institutional license, are certified, or practice under authority of the health maintenance organization, a medical group, individual practice association or other authority consistent with the Kentucky state laws.

(13) "Board" means the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board.

(14) "Department" means the Kentucky Department for Human Resources.

(15) "Commissioner" means the Commissioner of the Kentucky Department of Insurance.

(16) "Primary health care" means services that provide the entry point into the health care delivery system for ambulant persons of all ages. Primary health care emphasizes a preventive health care program and consists of diagnostic and therapeutic services of sufficiently broad

scope to accommodate the basic health needs of the enrollee. These services are administered by appropriately licensed members of the health professions in a manner that assures continuity of care.

Section 3. Characteristics of a Health Maintenance Organization: The characteristics of a health maintenance organization include the following: (1) An organized health care delivery system which emphasizes primary health care and includes health manpower and facilities capable of providing or arranging for the health services the health maintenance organization provides.

(2) A managing organization which assures legal, fiscal, public accountability, and a system for assuring quality medical care.

(3) A mechanism for direct advisory input by consumers to the governing authority of the health maintenance organization.

(4) A mechanism for prepayment of health services.

Section 4. Administrative Organization. (1) Governing authority. There shall be a governing authority which assumes full responsibility for the management and operation of the health maintenance organization.

(a) The identity of the person or persons, natural or corporate, in which the ultimate responsibility and authority for the conduct of health maintenance organization is vested, shall be fully disclosed to the board.

(b) The governing authority shall be responsible for compliance with the applicable laws and regulations of legally authorized agencies.

(c) The governing authority shall have in effect bylaws, articles of incorporation, policies or similar documents that regulate the conduct of the affairs of the organization.

(d) The governing authority shall appoint a full-time administrator.

(2) Consumer input shall be available to the governing authority through one (1) of the following means:

(a) One third (1/3) of the governing authority's membership shall be consumers of the health maintenance organization.

(b) An advisory council consisting of at least nine (9) consumers of the health maintenance organization will make direct comments to the governing authority concerning those affairs of the organizations that affect the enrollees.

(3) Service delivery and resource requirements. The following shall be demonstrated to the satisfaction of the board:

(a) That the ability of the organization to assure that health services offered are available and accessible to all its members promptly and appropriately and in a manner which assures continuity.

(b) That the health maintenance organization show evidence that coverage and rate schedules have received necessary approvals from the Department of Insurance. This approval will be evidenced by the organization receiving a certificate of authority from the commissioner. This approval is required after receiving a certificate of need and prior to the licensing or relicensing of the organization by the board.

(c) That the health maintenance organization be organized in such a manner that provides procedures for hearing and resolving grievances between the organization (including the staff of the health maintenance organization, medical group, or groups, and the individual practice association) and the enrollees of the organization. Such

procedures will assure that grievances and complaints will be transmitted in a timely manner to appropriate decision making levels within the organization which has authority to take corrective action.

(d) That the health maintenance organizations have organizational agreements to carry out an ongoing quality review program based on written policies and procedures for its health services with reference to the quality, appropriateness, and effectiveness of such services.

(e) That the health maintenance organization provide, or make written agreements for continuing education for its health manpower staff.

(f) That in support of the provision of health services, the health maintenance organization shall offer its enrollees health education services and education in the appropriate use of health services and the contribution each enrollee can make to the maintenance of his own health.

(g) Physician services. Physicians must possess an unlimited license to practice in Kentucky or in the state of their medical practice.

Section 5. Scope of Services: Basic Health Services. (1) A health maintenance organization may offer a comprehensive range of health services, but as a minimum, the following basic services shall be included in the covered benefits plan:

(a) Outpatient services including physician services and primary health care.

(b) Inpatient services.

(c) Instructions to its enrollees on procedures to be followed to secure medically necessary emergency health services to individuals within and outside of the area in question.

(d) Diagnostic laboratory and radiology services in support of basic health services.

(e) Health education services and education in the appropriate use of health services and in the contribution each member can make to the maintenance of his own health.

(2) The following supplemental health services may be provided but are not required in the basic covered benefit plan:

(a) Corrective appliances and artificial aids;

(b) Mental health services;

(c) Cosmetic surgery;

(d) Prescribed drugs and medicines incidental to outpatient care;

(e) Ambulance services;

(f) Treatment for chronic alcoholism and drug addiction;

(g) Care for military service connected disabilities for which the enrollee is legally entitled to services and for which the facilities are reasonably available to this enrollee;

(h) Dental services;

(i) Vision care;

(j) Skilled, intermediate or personal care;

(k) Experimental medical, surgical, or other experimental health care procedures;

(l) Personal or comfort items and private rooms, unless medically necessary during inpatient hospitalization;

(m) Whole blood and blood plasma; and

(n) Home health services.

Section 6. Providers of Service. (1) Basic health services shall be provided or arranged through health manpower who are members of the staff of the health maintenance organization or through medical groups or individual practice associations with which the health maintenance

organization has entered into written service agreements. To the extent that basic health services are not covered by such agreements, the health maintenance organization may arrange for their provision by other health manpower as members of its staff who are either directly employed or appointed to its staff through a written agreement for services. Basic health services shall be so provided unless:

(a) The services are unusual or infrequently used services which do not warrant provision through staff of the health maintenance organization, a medical group, or an individual practice association as demonstrated by the health maintenance organization to the satisfaction of the board. The provision of such services not provided through the staff of a health maintenance organization or through individual practice association shall be contracted or arranged for by the health maintenance organization with other providers in the area;

(b) The services are required for a medically necessary emergency and not for reasons of convenience and are provided to an enrollee other than through the health maintenance organization because the enrollee's condition would be jeopardized before he could obtain such services through the health maintenance organization; or

(c) The services are provided as part of inpatient hospital services by employees or staff of a hospital.

(2) Each health maintenance organization shall pay the provider, or reimburse its members for the payment of, reasonable charges for basic health services for which its members have contracted, which are medically necessary emergency services obtained within area or out-of-area other than through the health maintenance organization. Each health maintenance organization shall adopt procedures to review promptly all claims from members for reimbursement for the provision of medically necessary health services, which procedures shall include the determination of the medical necessity for obtaining such services.

(3) Supplemental health services may be provided or arranged for by the health maintenance organization through a medical group, an individual practice association, or other entity.

Section 7. Payment for Basic Health Services. Each health maintenance organization shall provide or arrange for basic health services, and for basic health services payments. All such payments shall conform to the applicable regulations of the commissioner.

Section 8. General Conditions. (1) All services rendered by health maintenance organizations shall be in accordance with applicable laws and regulations relating thereto. When facilities and services are subject to separate licensure, these regulations shall not be construed as obviating the need for such licensure. Any service which the health maintenance organization provides by written agreement shall be with duly licensed institutions or practitioners or services where such licensure is required by law.

(2) Within the area served by the health maintenance organization, basic health services and the supplemental health services for which enrollees have contracted shall:

(a) Be provided or arranged for by the health maintenance organization;

(b) Be available and accessible to each of the health maintenance organization's enrollees promptly as appropriate with respect to its geographic location, hours of operation, and provisions for after-hours services (medically necessary emergency services must be available and accessible twenty-four (24) hours a day, seven (7) days a week)

including some provision for evening hours. "Accessible" shall mean that no special type of transportation is required other than public or personal transportation. The location of all services must be accessible from a public road.

(c) Be provided in a manner which assures continuity.

(3) A medical record system which provides current information and assures continuity of patient care including pertinent medical record information from referral sources will be provided.

(a) Medical records exclusive of those records maintained by physicians in their private office shall be made available, when requested, for inspection by duly authorized representatives of the board.

(b) Confidentiality of all enrollee records shall be maintained at all times.

(4) The health maintenance organization shall provide an effective referral system to assure the continuity of care to enrollees.

(5) Reports:

(a) Each health maintenance organization shall furnish to the board and to the commissioner on forms provided by the commissioner and within ninety (90) days from the end of the organization's fiscal year, a statement under oath covering the preceding year and shall include:

1. A financial statement of the organization including a balance sheet, receipts and disbursements for the preceding year;

2. The number of persons enrolled during the year, the number of enrollees as of the end of the year, the number of enrollments terminated during the year, and such other information relating to the operation of the health maintenance organization as may be prescribed by the commissioner and/or by the board to enable them to evaluate the performance of the health maintenance organization.

(b) Each health maintenance organization shall make the following information available to its enrollees at its principal office and place of business on an annual basis:

1. Its most recent balance sheet and summary of receipts and disbursement; and

2. A current description of its organization structure and operation.

Section 9. Enrollee Bill of Rights. (1) The health maintenance organization shall adopt written policies regarding the rights and responsibilities of enrollees. The enrollee bill

of rights shall assure that each enrollee:

(a) Is fully informed of these rights and of all rules and regulations governing enrollee conduct and responsibilities, including a procedure for handling enrollee grievances.

(b) Is fully informed of services made available by the health maintenance organization and of the payments applicable for basic and supplemental services.

(c) Is fully informed of his medical condition unless medically contraindicated (as documented in his medical record) and is afforded the right to be fully informed of his medical treatment and other alternatives if available and to refuse to participate in experimental research.

(d) Is encouraged and assisted to understand and exercise his enrollee rights and to this end may voice grievances and recommend changes in policies and services. The grievances and recommendations will be conveyed, within a reasonable time, to an appropriate decision making level within the organization which has authority to take corrective action.

(e) Is assured confidential treatment of his records and disclosures, and is afforded the opportunity to approve or refuse their release to any individual not involved in his care except as required by law or third-party payment contract.

(f) Is treated with consideration, respect, and with full recognition of his dignity and individuality, including privacy in treatment and in care for his personal needs.

Section 10. Revocation of License. The board may revoke the license and/or take other appropriate action if a health maintenance organization has its certificate of authority revoked or suspended by the commissioner.

Section 11. Certificate of Need and Licensure Board. Except in those sections of this regulation which indicate otherwise, the health maintenance organization shall abide by the decisions of the board.

Section 12. Separability. If any clause, sentence, paragraph, section or part of these regulations shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof, directly involved in the controversy in which the judgment was rendered.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE MINUTES

Minutes of August 13, 1975 Meeting

(Subject to Subcommittee approval at its next meeting on September 10, 1975.)

The Administrative Regulation Review Subcommittee held its fourteenth meeting on Wednesday, August 13, 1975, at 10 a.m. EDT in Room 307 of the Capitol. Present were:

Members: Senator Michael R. Moloney, Chairman; Representative James A. Davis and Representative Bobby H. Richardson.

Guests: Representatives from the Kentucky Hospital Association were James White, Bill Conn, H. Glen Joiner, Carole Mobley, Ginger Goff, Elizabeth Bailey, John J. Piecow, Jr. and Clifford Hyamiman; Office of Public Defender, Bill Ayer and Jack Emory Farley; Department of Labor, G. Philip Williams and Earl M. Cornett; Department for Human Resources, W. O. Hubbard and Kirk M. Kandle; Charles Head, United Mine Workers.

LRC Staff: Phillip R. Patton, E. Hugh Morris, Mabel Robertson, Garnett Evins, Brandon Haynes, Deborah Herd and Paula Lay.

The minutes of the meeting of July 2, 1975 were approved.

504 KAR 1:070, Department of Justice, Office of Public Defender, was resubmitted by the agency without change after having been rejected by the Subcommittee at its July 2 meeting. The Subcommittee turned the regulation over to the Director of the Legislative Research Commission for referral to the Joint Interim Committee on Judiciary.

The following regulations were returned to the issuing agency for these reasons:

201 KAR 12:035, Board of Hairdressers and Cosmetologists, Certification fee, was returned for the reason that the proposed regulation provides for a certification fee which is not authorized by statute.

201 KAR 12:055, Board of Hairdressers and Cosmetologists, Instructor's license for out-of-state applicant, was returned for the reason that it does not conform to statutory authority.

The following regulations were approved and ordered filed.

OFFICE OF THE GOVERNOR**Kentucky Higher Education Assistance Authority
Kentucky Tuition Grant Program**

11 KAR 2:010. Authority, purpose; name of program.
11 KAR 2:020. Definitions.
11 KAR 2:030. Eligibility requirements.
11 KAR 2:040. Forms to be used by eligible institutions.

11 KAR 2:050. Students' application forms.
11 KAR 2:070. Award determination procedures.
11 KAR 2:080. Notification and acceptance of awards.
11 KAR 2:090. Disbursement procedures.
11 KAR 2:110. Grant programs are mutually exclusive.
11 KAR 2:120. Grant shall not exceed need.

**EXECUTIVE DEPARTMENT FOR FINANCE
AND ADMINISTRATION****Travel Expense and Reimbursement**

200 KAR 2:090. Travel expense voucher.

Office of Local Government

200 KAR 10:010. District boards, directors, terms. (Amended)

Board of Hairdressers and Cosmetologists

201 KAR 12:025. Additional study after failing examination.

201 KAR 12:045. Apprentice, manicurist and instructor's licensing.

201 KAR 12:065. Inspection of new, relocated or change of owner salons.

201 KAR 12:085. School advertising.

201 KAR 12:100. Sanitation standards.

CABINET FOR DEVELOPMENT**Department of Fish and Wildlife Resources****Game**

301 KAR 2:105. Deer gun and archery season; restrictions.

**NATURAL RESOURCES
AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality****Division of Plumbing**

401 KAR 1:060. Soil, waste and vent systems. (Amended)

DEPARTMENT OF JUSTICE**Bureau of State Police****Driver Training**

502 KAR 10:030. Instructor's license. (Amended)

DEPARTMENT OF TRANSPORTATION**Bureau of Highways****Traffic**

603 KAR 5:095. Truckway classifications. (Amended)

DEPARTMENT OF EDUCATION**Bureau of Instruction****Teacher Certification**

704 KAR 20:005. Kentucky plan for preparation program approval. (Amended)

704 KAR 20:135. Kindergarten teachers. (Amended)

Bureau of Vocational Education**Fiscal Management**

705 KAR 2:110. Add-on weights for classes.

PUBLIC PROTECTION AND REGULATION**Department of Labor****Labor Standards; Wages and Hours**

803 KAR 1:063. Trading time. (Amended)

Workmen's Compensation Board

803 KAR 25:010. Procedure. (Amended)

803 KAR 25:020. Self insurers.

803 KAR 25:030. Special fund and employer; joint liability.

803 KAR 25:040. Average weekly wage certification.

803 KAR 25:050. Compensation payment time limitation.

Department of Mines and Minerals**Division of Oil and Gas**

805 KAR 1:100. Commission's rules of procedure; spacing of deep well drilling; wildcat wells and pooling of interests.

DEPARTMENT FOR HUMAN RESOURCES**Bureau for Health Services****District Boards of Health**

902 KAR 8:010. Membership; executive committee.

Certificate of Need and Licensure Board

902 KAR 20:057. Health maintenance organizations.

The meeting adjourned at 11:00 a.m. to meet again at 10:00 a.m. on Wednesday, September 10, 1975 in the State Senate Chamber.

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