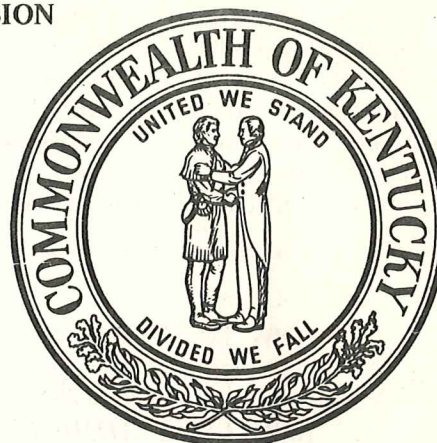


LEGISLATIVE RESEARCH COMMISSION  
FRANKFORT, KENTUCKY

VOLUME 2, NUMBER 11

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

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## Public Hearings

### 806 KAR 50:200. Mobile homes. [2 Ky.R. 000]

The Mobile Home Certification and Licensure Board will conduct a public hearing on proposed amendments to this regulation at 10 a.m. EDT Wednesday, June 30, 1976 in the Capital Plaza Tower Auditorium. For further information contact the State Fire Marshal's Office, Department of Insurance, Frankfort, Kentucky 40601.

## 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.)

### SECRETARY OF THE CABINET Department of Revenue (Proposed Amendment)

#### 103 KAR 40:090. Consumer tax rates.

RELATES TO: KRS 243.270

PURSUANT TO: KRS 13.082

**NECESSITY AND FUNCTION:** *Distilled spirits and wine in metric measure containers is now or shortly will be entering trade channels in the United States. As a result, the alcoholic beverage taxes imposed by KRS 243.720(1) and (2) which are stated only in U.S. measure quantities must be translated into metric equivalents to provide taxpayers with a basis for computing the taxes due on alcoholic beverages bottled in metric sizes. This amended regulation provides such equivalent tax rates and sets out the tax applicable to various standard U.S. and metric measure case liquid volumes of distilled spirits and wine authorized or required by the United States Department of the Treasury and the Kentucky Department of Alcoholic Beverage Control. [This regulation, for the convenience of taxpayers, summarizes tax rates on distilled spirits and wine as provided in KRS 243.720 and lists applicable rates for various sizes of containers.]*

Section 1. *Distilled spirits consumption tax imposed by KRS 243.720(1) shall be paid at the rate of \$1.92 per wine gallon on distilled spirits in U.S. measure containers or an equivalent rate of \$0.5073 per liter on distilled spirits in metric measure containers. The tax applicable to various U.S. and metric measure standard case liquid volumes of distilled spirits is as follows:*

<i>DISTILLED SPIRITS CASE LIQUID VOLUME</i>	<i>TAX APPLICABLE</i>
3 Gallons	\$5.76
2.4 Gallons	4.61
12 Liters	6.09
10.5 Liters	5.33
9 Liters	4.57

[Distilled spirits consumption tax imposed by KRS 243.720(1) is to be paid at the following rates: containers eight (8) ounces or less, \$0.12; containers over eight (8) ounces, up to and including thirteen (13) ounces, \$0.195;

containers over thirteen (13) ounces, up to and including sixteen (16) ounces, \$0.24; containers over sixteen (16) ounces, up to and including twenty-six (26) ounces, \$0.39; containers over twenty-six (26) ounces, up to and including thirty-two (32) ounces, \$0.48.]

Section 2. *Wine consumption tax imposed by KRS 243.720(2) shall be paid at the rate of \$0.50 per wine gallon on wine in U.S. measure containers or an equivalent rate of \$0.1321 per liter on wine in metric measure containers, but in no event shall the tax be less than \$0.04 on the sale or distribution of any retail container of wine. The tax applicable to various U.S. and metric measure standard case liquid volumes of wine, excluding those cases containing retail containers of less than eleven (11) ounces or 303 milliliters, is as follows:*

<i>WINE CASE LIQUID VOLUME</i>	<i>TAX APPLICABLE</i>
4 Gallons	\$2.00
3.2 Gallons	1.60
3 Gallons	1.50
2.4 Gallons	1.20
12 Liters	1.59
9 Liters	1.19

*The tax on wine in retail containers of less than eleven (11) ounces or 303 milliliters is to be paid at the rate of \$0.04 per retail container. [Wine consumption tax imposed by KRS 243.720(2) is to be paid at the following rates: containers eight (8) ounces or less, \$0.04; containers over eight (8) ounces, up to and including thirteen (13) ounces, \$0.05; containers over thirteen (13) ounces, up to and including sixteen (16) ounces, \$0.0625; containers over sixteen (16) ounces, up to and including twenty-six (26) ounces, \$0.10; containers over twenty-six (26) ounces, up to and including thirty-two (32) ounces, \$0.125; containers of one-half (½) gallon, \$0.25; containers of one (1) gallon, \$0.50; containers of five (5) gallons, \$2.50; containers of ten (10) gallons, \$5.00; containers of twenty-five (25) gallons, \$12.50.]*

MAURICE P. CARPENTER, Commissioner

ADOPTED: May 13, 1976

RECEIVED BY LRC: May 13, 1976 at 3:10 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Commissioner, Department of Revenue, Capitol Annex  
Building, Frankfort, Kentucky 40601.

**SECRETARY OF THE CABINET  
Department of Revenue  
(Proposed Amendment)**

**103 KAR 44:010. Usage tax.**

RELATES TO: KRS 138.460, 138.470

PURSUANT TO: KRS 13.082

**NECESSITY AND FUNCTION:** This regulation summarizes significant portions of the statutes dealing with the motor vehicle usage tax as administered by the Department of Revenue and the county court clerks. *Changes made by the 1976 session of the General Assembly are reflected in this amended regulation.*

Section 1. The tax imposed by KRS 138.460 applies when motor vehicles are first offered for registration in Kentucky and when vehicles are transferred. The tax at the rate of five percent (5%) shall be paid on the use in this state of every motor vehicle except those exempted by KRS 138.470.

Section 2. Value Upon Which Tax is Imposed: (1) The five percent (5%) motor vehicle usage tax shall be computed on the "retail price" as defined in KRS 138.450[(3)]. In the case of trucks of gross weight in excess of 10,000 pounds, the tax shall be levied upon ninety percent (90%) of the retail price. The "*Motor Vehicle Usage Tax Return*" [motor vehicle bill of sale] provides an itemized sworn statement of vehicle values and must be submitted with the application for registration or transfer.

(2) For new passenger cars the retail price shall be determined as follows:

(a) The factory A.D.P. (advertised delivery price) as shown in the "N.A.D.A. Official Used Car Guide" or the port of entry price on imports; plus

(b) The factory A.D.P. of optional equipment installed by manufacturer or dealer. (Total price of optional equipment must agree with manufacturer's price label required by KRS 138.460 (6)); plus

(c) Transportation or destination charges;

(d) *The taxable value is ninety percent (90%) of the total of (a), (b), and (c).*

(3) For new trucks, motor homes, ambulances, hearses or motorcycles, the retail price shall be determined as follows:

(a) The factory price as shown in the *prescribed automotive reference manual* ["Blue Book"] or furnished by the department if not shown therein; plus

(b) The factory price of optional equipment installed by manufacturer or dealer. (Must agree with manufacturer's itemized billing required by KRS 138.460 (6)); plus

(c) Transportation or destination charges;

(d) *The taxable value is ninety percent (90%) of the total of (a), (b), and (c).*

(e) *In the case of new trucks of gross weight in excess of 10,000 pounds, the tax shall be levied on ninety percent (90%) of the taxable value.*

(4) For used passenger cars previously registered in any state the retail price shall be determined as follows: The average retail price as shown in the "N.A.D.A. Official Used Car Guide;" plus all optional equipment; minus the trade-in allowance prescribed in KRS 138.450[(3)] if applicable.

(5) For used trucks, motor homes, hearses, ambulances or motorcycles which have been previously registered, the retail price shall be determined as follows: The average

retail value in the *prescribed automotive reference manual*, ["Blue Book"] or furnished by the department; plus all optional equipment; minus the trade-in allowance prescribed in KRS 138.450[(3)] if applicable.

(6) For older model motor vehicles whose values are no longer listed in the price manual, "*retail price*" shall be determined as follows: [or furnished by the department a minimum taxable value of fifty dollars (\$50) shall be used as the retail price.]

(a) *One (1) year removed from manual the retail price shall be seventy-five percent (75%) of value last appearing in manual.*

(b) *Two (2) years removed from manual the retail price shall be fifty percent (50%) of value last appearing in manual.*

(c) *Three (3) years removed from manual the retail price shall be twenty-five percent (25%) of value last appearing in manual.*

(d) *For all others the retail price shall be ten percent (10%) of the value last appearing in the manual with the minimum retail price being \$100.*

(7) If an owner of a wrecked vehicle demands a value less than the retail price as defined in KRS 138.450[(3)], he may request an appraisal of the vehicle. The county clerk shall direct the owner of the vehicle to the Department of Revenue District Office that serves the county in which the vehicle is to be transferred. The manager of the district office will assign a field representative to make the appraisal within fifteen (15) days from the date the request is received. *No appraisal will be made on a vehicle after repairs are begun or after the vehicle has been transferred.*

(8) *In the case of used motor vehicles previously registered in this state, which are sold in this state, a trade-in allowance equal to the "retail price" of the vehicle taken in trade shall be deducted in computing the "retail price" of the vehicle sold.*

(9) *Notwithstanding the provisions of KRS 138.450, in no case shall the tax be less than five dollars (\$5) upon first registration of or any transfer of ownership of a motor vehicle in this state, except those exempted from tax under KRS 138.470.*

(10) Motor vehicles used as dealer demonstrators for a reasonable length of time should have a lower taxable value than the value obtained for new motor vehicles. The lower valuation should be determined as follows:

*The dealer will complete an affidavit in duplicate that will indicate the amount of demonstrator time, the number of miles driven as shown on the odometer and the average retail price as shown in the N.A.D.A. Guide or other reference manual. If the retail price of the vehicle is not given in the current guide, the retail price will be no less than seventy-five percent (75%) of the vehicle's window sticker price. If the actual selling price of the vehicle is greater than seventy-five percent (75%) of sticker price, the actual sale price shall be inserted on the affidavit. Demonstrators have not been previously registered and are considered new motor vehicles. The tax will be computed at five percent (5%) of ninety percent (90%) of the retail value. Dealer demonstrators that are not sold in the current model year will be valued by the average retail value plus optional equipment as shown in the January issue of the reference manual following the model year and the tax computed at five percent (5%) of ninety percent (90%) of that value.*

(11) *New motor vehicles of a year model preceding the current year model should have a lesser value for usage tax purposes. After new models are offered for sale by local*

*dealers, a discount of ten percent (10%) may be allowed from the taxable value as shown on the motor vehicle usage tax return.*

**Section 3. Computation of Tax:** The total *taxable value as shown on the "Motor Vehicle Usage Tax Return"* [retail price] shall be entered on the Certificate of Registration and Title or Transfer Certificate of Registration and Title and the five percent (5%) tax rate applied to determine the amount of tax due.

**Section 4. Credit for Tax Paid to Other States:** When a motor vehicle, formerly registered in another state is offered for registration in Kentucky for the first time, the owner of such vehicle shall be entitled to receive a credit equal to the amount of tax paid to the state of previous registration against the tax levied under KRS 138.460, provided that the state to which the tax was paid provides a similar credit for substantially identical taxes paid in Kentucky. The Department of Revenue shall furnish county clerks with a list of states granting similar credit. "Similar taxes" do not include property tax or registration fees paid to another state but do include sales tax, use tax, usage tax or other excise taxes. Any person claiming a credit for tax paid on a motor vehicle to another state must comply with the following:

(1) The applicant for registration must prove that he paid a tax similar to Kentucky's motor vehicle usage tax to another state on the vehicle being offered for registration. Payment of the tax by any previous owner will not suffice. The payment must be proved by a receipt or affidavit from an official in the other state authorized to give such receipt or affidavit, or a receipt issued by the seller of the motor vehicle, showing the date and the amount of tax paid, description of the vehicle, name of purchaser, and in the case of a receipt, must be signed by the public official or seller of the vehicle as the case may be. A similar tax includes a general or selected sales and use tax imposed by the other state.

(2) The tax claimed as a credit must have been paid to a state which grants credit for similar taxes paid to Kentucky. From time to time, the clerks will be furnished a list of the states which qualify. When credit is claimed, the clerk should first check this list to see if that state is listed. If it is not listed, no credit against the motor vehicle usage tax may be given. Kentucky military personnel on active duty are entitled to credit against the motor vehicle usage tax imposed under KRS 138.460 for a similar tax paid to any state on the same motor vehicle. This policy applies only to military personnel.

(3) If a motor vehicle usage tax due under KRS 138.460 is greater than the tax paid to another state that qualifies, the clerk should collect the difference upon registering the vehicle. If the tax paid to another state that qualifies is equal to or greater than tax due under KRS 138.460, only the appropriate registration and clerk's fees should be collected upon registering the vehicle.

**Section 5. Weekly Reports by County Clerks:** The law requires each county court clerk to make a weekly report on Monday covering business of the previous week and to mail such report to the Department of Revenue, together with a check payable to the State Treasurer for the amount of tax due under such report, less the *two and one-half percent (2½%)* [two percent (2%)] of the total tax which is allowed the clerk for collection. A penalty of one percent (1%) per month or fraction thereof of the amount of the

tax due the Commonwealth is levied by law if payment is not delivered to the department on or before, or enclosed in an envelope postmarked on or before the second Tuesday following the Monday on which the report should be made, or if the department's copies of all receipts and usage tax returns do not accompany the county clerk's report.

**Section 6. Refund Provisions:** (1) *Where a new motor vehicle is sold by a dealer in this state and the original purchaser returns the vehicle to the same dealer within ten (10) days for a new vehicle replacement, the purchaser shall be entitled to a refund of the amount of usage tax received by the Department of Revenue as a result of the registration of the returned vehicle. The registration of the returned vehicle shall be cancelled and the vehicle shall be considered to have not been previously registered in Kentucky when resold by the dealer. The request for refund submitted to the department shall be accompanied by the owner's copy of the Certificate of Registration and Title, the license plates and an affidavit from the dealer and the purchaser verifying the date the vehicle was returned.*

(2) *When a manufacturer replaces for the original purchaser within ninety (90) days a new motor vehicle because of a malfunction or defect, the purchaser shall be entitled to a refund of the amount of motor vehicle usage tax received by the Department of Revenue as a result of the first registration. No person shall be entitled to a refund unless he shall have filed with the department an affidavit from the manufacturer identifying the vehicle that was replaced and the date of the replacement.*

**Section 7. Exemptions From the Tax:** There is expressly exempted from the tax imposed by KRS 138.460:

(1) *Motor vehicles sold to the United States, or to the Commonwealth of Kentucky or any of its political subdivisions;*

(2) *Motor vehicles sold to institutions of purely public charity and institutions of education not used or employed for gain by any person or corporation;*

(3) *Motor vehicles which have been previously registered and titled in any state or by the federal government when being sold or transferred to licensed motor vehicle dealers for resale. Such motor vehicles shall not be leased, rented or loaned to any person and must be held for resale only;*

(4) *Motor vehicles sold by or transferred from dealers registered and licensed in compliance with the provisions of KRS 186.070 and KRS 190.010 to 190.080 to nonresident members of the armed forces on duty in the Commonwealth under orders from the United States Government;*

(5) *Commercial motor vehicles, excluding passenger vehicles having a seating capacity for nine (9) persons or less, owned by non-resident owners and used primarily in interstate commerce and based in a state other than Kentucky which are required to be registered in Kentucky by reason of operational requirements or fleet proration agreements and are registered pursuant to KRS 186.145;*

(6) *Motor vehicles previously registered in Kentucky, transferred between husband and wife or parent and child;*

(7) *Motor vehicles transferred when a business changes its name and no other transaction has taken place or an individual changes his or her name;*

(8) *Motor vehicles transferred to a corporation from a proprietorship when the business is incorporated;*

(9) *Motor vehicles transferred by will, court order, or*

under the statutes covering descent and distribution of property;

(10) Motor vehicles transferred between a subsidiary corporation and its parent corporation when there is no consideration or nominal consideration, or in sole consideration of the cancellation or surrender of stock;

(11) The interest of a partner in a motor vehicle when other interests are transferred to him;

(12) Motor vehicles repossessed by a secured party who has filed a financing statement as required by KRS 186.045(2) and a repossession affidavit as required by KRS 186.045(6). The repossession must hold the vehicle for resale only and not for personal use unless he has previously paid the motor vehicle usage tax on said vehicle;

(13) Motor vehicles transferred to an insurance company to settle a claim. Such vehicles shall be junked or held for resale only.

MAURICE P. CARPENTER, Commissioner

ADOPTED: May 13, 1976

RECEIVED BY LRC: May 13, 1976 at 3:10 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Commissioner, Department of Revenue, Capitol Annex Building, Frankfort, Kentucky 40601.

**SECRETARY OF CABINET**  
**Kentucky Retirement Systems**  
**(Proposed Amendment)**

**105 KAR 1:010. Contributions and interest rates.**

RELATES TO: KRS 16.505 to 16.652 [16.645], 61.510 to 61.692 [61.700], 78.510 to 78.852 [78.990]  
PURSUANT TO: KRS 13.082, 16.640, 61.645, 78.780  
NECESSITY AND FUNCTION: KRS 16.645, 61.565 and 78.545, require the Board to determine the employer contribution rate based on an actuarial valuation. KRS 61.552 requires the Board to adopt a rate of interest payable on a recontribution of refund. KRS 16.560, 61.575 and 78.640 provide that the Board may determine the rate of interest payable on the members' contribution account. KRS 61.670 provides that the Board shall adopt such actuarial tables as are necessary for the administration of the system. This regulation sets the employer contribution rates, and rate of interest on a recontribution of refund and member contribution account and establishes the actuarial tables for computation of retirement allowances for members of the Kentucky Employees Retirement System (KERS), County Employees Retirement System (CERS) and State Police Retirement System (SPRS). [KRS 16.645, 61.565 and 78.545, require the Board to determine the employer contribution rate based on an actuarial valuation. KRS 61.670 requires the Board to adopt actuarial tables as necessary for the administration of the system and for the annual determination of assets and liabilities of the system. This regulation sets the employer contribution rates, and establishes the bases for all actuarial tables necessary to the administration of the retirement programs for members of the Kentucky Employees Retirement System (KERS), County Employees Retirement System (CERS) and State Police Retirement System (SPRS).]

Section 1. The employer contribution rate payable by a participating agency applicable to creditable compensation

earned on or after July 1, 1976 [1974] shall be as follows:  
KRS 61.565 State Police Retirement System 13½% [12½%]  
KRS 61.565 Kentucky Employees Retirement System .7¼%  
KRS 61.565 County Employees Retirement System . . . 7¼%  
KRS 61.592 Ky. Employees Retirement System 17¼% [14%]  
KRS 61.592 County Employees Retirement System . . . 16%

Section 2. The interest rate on a recontribution of refund as provided under KRS [16.52], 61.552 [and 78.607 and delayed contribution due to non-election of member as provided under KRS 61.552 and 78.607 and deferred participation of a participating agency] shall be six (6) percent compounded annually, except that the interest rate on recontribution of refund made by an employee who has been reinstated by order of the Personnel Board shall be at the rate of zero (0) percent, if the refund is recontributed within a reasonable period of time.

Section 3. Interest creditable on a member's accumulated contributions in accordance with KRS 16.560, 61.575, and 78.640 shall be at the rate of three (3) percent.

Section 4. Reduction factors to be applied to determine immediate annuity equivalent to annuity deferred to Normal Retirement age under KRS 16.577, 16.578, 61.595, 61.640[,], and 61.680 [and 78.680(2)] shall be as follows except:

(1) A SPRS, KERS or CERS hazardous duty employee[s] who would attain thirty (30) years of service (fifteen (15) years of which would be current service) prior to age fifty-five (55), if his employment had continued shall [with less than five (5) years of hazardous duty service will] have his [their early] retirement benefit[s] computed based on the [number of years prior to Normal Retirement age based on the] appropriate factor as follows:

Years Required to Complete 30 Years Service [Years Prior to Normal Retirement Age]	Percentage Payable
1	94.5%
2	89.0%
3	83.5%
4	78.0%
5	72.5%

(2) A KERS or CERS non-hazardous member [retiring under provisions of KRS 61.680 from SPRS, TRS with a CERS or KERS account] who has combined service of thirty (30) or more years (fifteen (15) years of which would be current service) and has not attained age fifty-five (55) will have benefits [from CERS or KERS] computed using the appropriate factor as follows:

Years Prior to Age 55	Percentage Payable
1	95.0%
2	90.0%
3	85.0%
4	80.0%
5	75.0%
6	71.0%
7	67.0%
8	63.0%
9	59.0%
10	55.0%

(3) Effective January 1, 1976, a KERS or CERS member [retiring under provisions of KRS 61.595(2) or KRS 78.680(2)] who would attain thirty (30) years of service (fifteen (15) years of which would be current service) prior to age sixty-five (65) if employment were continued shall have [early retirement] benefits computed using the appropriate factor as follows:

Years Retired to Complete 30 Years Service	Percentage Payable
1	95.0%
2	90.0%
3	85.0%
4	80.0%
5	75.0%
6	71.0%
7	67.0%
8	63.0%
9	59.0%
10	55.0%

Early Age	65	Normal Retirement Age 60	55
64	95.0%		
63	90.0%		
62	85.0%		
61	80.0%		
60	75.0%		
59	71.0%	[94.5%]	
58	67.0%	[89.0%]	
57	63.0%	[83.5%]	
56	59.0%	[78.0%]	
55	55.0%	[72.5%]	
54	51.3%	[69.2%]	94.5%
53	47.9%	[65.9%]	89.0%
52	44.9%	[62.6%]	83.5%
51	42.1%	[59.3%]	78.0%
50	39.5%	[56.0%]	72.5%
49	37.1%	[53.0%]	68.8%
48	34.9%	[50.1%]	65.2%
47	33.0%	[47.4%]	61.7%
46	31.3%	[44.8%]	58.2%
45	29.9%	[42.3%]	54.7%
44	28.7%	[40.0%]	51.3%
43	27.6%	[37.8%]	47.9%
42	26.7%	[35.8%]	44.9%
41	25.8%	[34.0%]	42.1%
40	25.1%	[32.3%]	39.5%
39	24.4%	[30.8%]	37.1%
38	23.8%	[29.4%]	34.9%
37	23.2%	[28.1%]	33.0%
36	22.5%	[26.9%]	31.3%
35	21.9%	[25.9%]	29.9%
34	21.2%	[25.0%]	28.7%
33	20.6%	[24.1%]	27.6%
32	20.0%	[23.4%]	26.7%
31	19.5%	[22.7%]	25.8%
30	19.0%	[22.1%]	25.1%
29	18.5%	[21.5%]	24.4%
28	18.0%	[20.9%]	23.8%
27	17.5%	[20.4%]	23.2%
26	17.0%	[19.8%]	22.5%
25	16.5%	[19.2%]	21.9%

The member's exact age in years and months shall be

determined and the above factors shall be used to extrapolate in order to determine the appropriate factor.

Section 5. *This regulation shall become effective July 1, 1976.* [The following actuarial assumptions are adopted by the Board of Trustees of Kentucky Retirement Systems as required under KRS 61.670 and shall be used to determine actuarial tables as are necessary for the administration of the Kentucky Employees Retirement System as provided by KRS 61.510 to 61.700, the County Employees Retirement System under KRS 78.510 to 78.990 and the State Police Retirement System under KRS 16.505 to 16.645. These assumptions shall also be used for the annual actuarial valuation for determination of assets and liabilities of these retirement systems.

(1) Kentucky Employees Retirement System and County Employees Retirement System non-hazardous members:

#### ACTUARIAL ASSUMPTIONS

Interest—6%.

Valuation of Assets—Book value except that unrealized appreciation of investments is capitalized but only to the extent required to result in a total yield of 6% for the year from dividends and capitalized appreciation.

Mortality—Pre-retirement—1951 Group Annuity Mortality Table Projected by Scale C to 1960, without age adjustment for males, but set back one year for females. Post-retirement—Same as pre-retirement. Mortality of members receiving disability allowances—1965 Disabled Annuitants Mortality Table of Railroad Retirement Board.

Turnover—First 2 years—100%. Thereafter annual turnover rates varying by ages as illustrated below.

Disability—Annual rates varying by age as illustrated below.

Retirement Rates—Early Retirement: Assumed 50% will retire as soon as eligible for unreduced benefits and balance would continue to normal retirement age.

Normal Retirement: As soon as eligible.

\*Salary Increase—5% annually to age 30, graduated to 4½% at age 40 and 4½% annually thereafter.

#### ILLUSTRATION OF ANNUAL TURNOVER AND DISABILITY RATES ASSUMED

Age	Turnover Rate	Disability Rate
27	.107	.00030
32	.088	.00035
37	.066	.00055
42	.044	.00110
47	.024	.00215
52	.011	.00445
57	.005	.00805
62	.002	.01400
65	.000	.00000

(2) State Police Retirement System, Kentucky Employees Retirement System and County Employees Retirement System hazardous members:

#### ACTUARIAL ASSUMPTIONS

Interest—6%.

Valuation of Investments—Book value except that unrealized appreciation of investments is capitalized but only to the extent required to result in a total yield of 6% for the year from dividends and capitalized appreciation.

Mortality—Pre-retirement—1951 Group Annuity Mortality Table Projected to 1960, by Scale C, plus a duty death rate of 5 deaths per 10,000 per year.

Post-retirement—1951 Group Annuity Mortality Table

Projected to 1960. Mortality of members receiving disability allowances, 1965 Disabled Annuities Mortality Table of Railroad Retirement Board.

Turnover—Annual rates varying by age as illustrated below.  
Disability—Annual rates varying by age as illustrated below.  
Retirement Rates—SPRS Normal Retirement as soon as eligible.

CERS Hazardous—Assumed 50% will retire as soon as eligible for unreduced benefits and balance would continue until age 60.

KERS Hazardous—Assumed 50% will retire as soon as eligible for unreduced benefits and balance would continue until age 65.

\*Salary Increases—5% annually to age 30, graduated to 4½% at age 40 and 4½% annually thereafter.

\*The actuarial assumptions for salary increases is based on analysis of retirement system accounts for the period ended June 30, 1972 and is not to be construed as a policy of the Commonwealth of Kentucky or local government as to the rate of salary increases an employee may expect to receive.

#### ILLUSTRATION OF ANNUAL TURNOVER AND DISABILITY RATES ASSUMED

Age	Turnover Rate	Disability Rate	
		Non Duty	Duty
22	.0405	.00025	.00025
27	.0423	.00030	.00030
32	.0400	.00035	.00035
37	.0275	.00055	.00055
42	.0160	.00110	.00110
47	.0060	.00215	.00215
52	.0000	.00445	.00445

GEORGE R. ARVIN, General Manager

ADOPTED: April 7, 1976

APPROVED: JACKSON W. WHITE, Secretary

RECEIVED BY LRC: May 13, 1976 at 1:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: General Manager, Kentucky Retirement Systems, 226 West Second Street, Frankfort, Kentucky 40601.

#### CABINET FOR DEVELOPMENT Department of Fish and Wildlife Resources (Proposed Amendment)

**301 KAR 2:045. Upland game birds and small game; seasons, limits.**

RELATES TO: KRS 150.300, 150.305, 150.330, 150.340, 150.360, 150.365, 150.370, 150.400

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: This regulation pertains to the hunting season, bag and possession limits for upland game birds and animals and trapping season for burbearers. 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 upland game birds, animals and furbearers within reasonable limits based upon an adequate supply. *This amendment is necessary to change*

*the season dates and close additional counties to small game hunting during the deer gun season.*

Section 1. Closing of Small Game Season During the December 4 through 8 [6 through 10] Statewide Deer Gun Season, and Exceptions:

(1) *The entire state will be closed to hunting for all game species except waterfowl, rails and gallinules and trapping for furbearers during the December 4 through 8 statewide deer gun season, except the following areas where hunting will be allowed:*

(a) West Kentucky Wildlife Management Area in McCracken County.

(b) Higginson-Henry Wildlife Management Area in Union County.

(c) Land Between the Lakes Wildlife Management Area in Trigg and Lyon Counties.

(d) Fort Knox Wildlife Management Area in Hardin, Meade and Bullitt Counties.

(e) Fort Campbell Wildlife Management Area in Christian and Trigg Counties.

(2) [(1)] Hunting for all game species except waterfowl, rails and gallinules *and trapping for furbearers* will be closed [during the December 6 through 10 statewide deer gun season; December 6 through 13] on the Pioneer Weapons Wildlife Management Area in Bath and Menifee Counties *during the December 4 through 11 deer gun season on this area.*

[(2)] The following areas will be open to small game hunting during the December 6 through 10 statewide deer gun season:]

(3) [(4)] The following counties will be closed to all hunting except for waterfowl, rails, and gallinules *and trapping for furbearers* during the December 4 through 8 [6 through 10] statewide deer gun season: Jackson, Owsley, Clay, Powell, Harlan, Leslie, Wolfe, [and] Clark, Johnson, Perry, Knott *and that portion of Breathitt County south of Buckhorn Creek Road.*

[(3)] The following Wildlife Management Areas will be closed to all hunting at all times:]

[(a)] Grayson Wildlife Management Area in Carter and Elliott Counties.]

[(b)] Beaver Creek Wildlife Management Area, including all private inholdings, in Pulaski and McCreary Counties.]

[(c)] Pine Mountain Wildlife Management Area in Letcher County.]

[(d)] Robinson Forest Wildlife Management Area in Breathitt, Perry and Knott Counties.]

[(e)] Red Bird Wildlife Management Area in Leslie and Clay Counties.]

[(4)] The following counties will be closed to all hunting except for waterfowl, rails and gallinules during the December 6 through 10 statewide deer gun season: Jackson, Owsley, Clay, Powell, Harlan, Leslie, Wolfe and Clark.]

[(5)] Taking of furbearers by means other than trapping is prohibited during the five (5) day statewide deer gun season.]

[(6)] Hunting for waterfowl, rails and gallinules will be permitted during the five (5) day statewide deer gun season.]

[(7)] The following counties are closed to grouse hunting because of stocking: Christian, Caldwell, Hopkins, Butler, Hardin, Bullitt, Meade, including all of Fort Knox, Taylor and Adair.]

Section 2. Hunting and Trapping Seasons. See Section 1 for Exceptions and Closures.

(1) Squirrel: Opens third Saturday in August (21st), [(16th)] continues through October 31. Opens again on the third Thursday in November (18th), [(20th)] continues through December 31, 1976 [1975].

(2) Rabbits: Opens third Thursday in November (18th), [(20th)] continues through January 31, 1977 [1976].

(3) Quail (Bobwhite): Opens third Thursday in November (18th), [(20th)] continues through February 28, 1977 [29, 1976].

(4) Grouse: Opens third Thursday in November (18th), [(20th)] continues through February 28, 1977 [29, 1976]. [See Section 1(7) for exceptions.]

(5) Furbearers: Opens third Thursday in November (18th), [(20th)] continues through January 31, 1977 [1976]. Includes mink, muskrat, beaver, opossum, red fox, raccoon, weasel and skunk, except the spotted skunk which is an endangered species. The bobcat is protected year around and may not be trapped or killed.

Section 3. Bag and Possession Limits. Possession limit applies after two (2) or more days of shooting to transporting, but does not permit double bag limit to be taken or possessed in the field:

Game	Bag Limits	Possession Limits
Squirrel	6	12
Rabbit	6	12
Quail (Bobwhite)	10	20
Grouse or native pheasant	4	8
Furbearers (except Raccoon by means other than trapping)	No Limits	No Limits
Raccoon (by means other than trapping)	1*	No Limits**
*One (1) per hunter, with no more than three (3) per party of three (3) or more hunters while hunting.		
**No possession limit on raccoons, except that no hunter or party of hunters shall possess no more than the daily bag limit while hunting in the field.		

Section 4. Shooting Hours. Shooting hours on the above species shall be from daylight to dark, except for raccoon and opossum which may be taken at any time during day or night.

Section 5. Use of Calling Devices. The above species may be taken with the aid of hand or mouth operated calls, or both. The use of electronic recording devices shall be prohibited except for taking by authorized persons, those animals or birds recognized by the department to be causing damages or creating a nuisance or health hazard.

Section 6. Squirrel Hunting Weapons. No person while in the act of hunting squirrels, may use or possess a breech-loading rifle of .240 caliber or larger, or a shotgun with slugs or buckshot. Squirrels may be taken with any type of muzzle-loading weapon.

Section 7. Prohibited Ammunition. No person while in the act of hunting any of the game species listed in this

regulation may have in his or her possession any buckshot or shotgun slugs.

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

ARNOLD L. MITCHELL, Commissioner

ADOPTED: March 29, 1976

APPROVED: WILLIAM L. SHORT, Secretary

RECEIVED BY LRC: May 11, 1976 at 9:50 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, Frankfort, Kentucky 40601.

### CABINET FOR DEVELOPMENT Department of Fish and Wildlife Resources (Proposed Amendment)

301 KAR 2:047. Specified area; seasons, limits for birds and small game.

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

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: This regulation pertains to the hunting seasons, bag and possession limits for upland game birds and animals on specified wildlife management areas and refuges. 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 upland game birds and animals within reasonable limits based upon an adequate supply. This amendment is necessary because of changes in season dates.

Section 1. The following statewide regulations also apply to the wildlife areas listed herein:

(1) Prohibited ammunition. No person while in the act of hunting any small game species may have in his or her possession any buckshot or shotgun slugs.

(2) Squirrel hunting weapons. No person, while in the act of hunting squirrels, may use or possess a breech-loading rifle of .240 caliber or larger, or a shotgun with slugs or buckshot. Squirrels may be taken with any type of muzzle-loading weapon.

(3) Wild animals and wild birds may be taken with the aid of hand or mouth operated calls, or both. The use of electronic recording devices shall be prohibited except for the taking by authorized persons, those animals or birds recognized by the department to be causing damages or creating a nuisance or health hazard.

Section 2. The following wildlife management areas are closed to all hunting at all times:

(1) Grayson Wildlife Management Area in Carter and Elliott Counties.

(2) Beaver Creek Wildlife Management Area, including all private inholdings, in Pulaski and McCreary Counties.

(3) Pine Mountain Wildlife Management Area in Letcher County.

(4) Robinson Forest Wildlife Management Area in Breathitt, Perry and Knott Counties.

(5) Red Bird Wildlife Management Area in Leslie and Clay Counties.

Section 3. Exceptions to statewide small game 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. Hunting for small game species, plus waterfowl, rails, gallinules, woodcock and snipe is permitted during the December 4 [6] through 8 [10] statewide deer gun season on the following areas unless otherwise specified in this or other state or federal regulations:

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

(a) Quail (Bobwhite): November 18 [20] through February 28, 1977 [29, 1976] on Tracts 2, 3, and 6.

(b) Rabbit: November 18 [20] through February 28, 1977 [29, 1976] on Tracts 2 and 3. November 18 [20] through January 31, 1977 [1976] on Tract 6 only.

(c) Squirrel: August 21 [16] through October 14, 1976 [1975] on Tracts 1, 2, 3, 4, 5, and 6. November 18 [20] through December 31, 1976, [1975] on Tract 6 only.

(d) Raccoon and opossum: With gun or dog on Tracts 1, 2, 3, 4, 5 and 6 from November 18 [20] through January 31, 1977 [1976]. Night training and shake-out season is allowed on all Tracts from February 1 through the third Wednesday in November.

(e) Rabbit and quail hunters must check in and out at the designated check station.

(f) All tracts designated by numbers followed by the letter "A" are closed to gun hunting.

(g) Weapon restrictions. No rifles, or ball or slug ammunition of any type shall be permitted for taking small game on this area.

(2) Land Between the Lakes Wildlife Management Area located in Trigg and Lyon Counties. Areas open to hunting for the following species are located north of the state line to Barkley Canal, except that no hunting is allowed in developed public use areas, safety zones and posted areas unless otherwise noted:

(a) Squirrel: August 21 [16] through October 3 [9] 1976 [1975]; December 1 [November 27] through December 31, 1976 [1975].

(b) Quail (Bobwhite): December 1 [November 27] through February 28, 1977 [29, 1976].

(c) Rabbit: December 1 [November 27] through January 31, 1977 [1976].

(d) Raccoon and opossum: *Tuesdays, Fridays and Saturdays during the period December 1 through January 31, 1977.* [Selected dates of December 5, 6, 7, 12, 13, 14, 19, 20, 21, 26, 27 and 28, 1975. January 2, 3, 4, 9, 10, 11, 16, 17, 18, 23, 24, 25, 30 and 31, 1976.]

(e) Fox chasing: From sunset to sunrise; October 2 [3] and 3 [4], December 4 and 5, [November 28 and 29] south of highway 68 to state line.

(f) Fox taking: During daylight hours only; December 1 [November 27] through February 1977 [29, 1976].

(g) Bird dog and beagle hound training season: October 1 through October 31, 1976 [November 1, 1975] on Turkey Creek Area only. A permit is required from Land Between the Lakes.

(h) Field trial season: November 1 through April 15, 1977 [1976].

(i) For Land Between the Lakes hunting rules refer to 301 KAR 2:050.

(3) Reelfoot National Wildlife Refuge located in Fulton County:

(a) Squirrel: August 28 [September 1] through September 30, 1976 [1975] only in areas designated by signs as open to public hunting.

(b) Raccoon: Selected dates are September 20 [22] through 25 [27] and September 27 [29] through October 2, 1976 [4, 1975] with hunting allowed only during the hours of 7:30 p.m. to 12 *midnight* [p.m.].

(c) Permits. All hunters are required to have a special hunting permit which can be obtained at refuge headquarters, P. O. Box 295, Samburg, Tennessee 38254, or at designated check stations.

(d) Age limit. Hunters under age seventeen (17) must be accompanied by an adult. For safety reasons, the ratio should be one (1) adult to one (1) juvenile, but in no case more than two (2) juveniles per adult.

(e) Firearms. Only shotguns incapable of holding more than three (3) shells and .22 caliber rifles are permitted.

(f) Dogs are permitted only for raccoon hunting.

(g) Open fires and cutting trees are not permitted.

(4) Ballard County Wildlife Management Area located in Ballard County:

(a) Squirrel: August 21 [16] through October 14, 1976 [1975] on the whole management area.

(b) All statewide game seasons, bag and possession limits apply only to the wooded area south of Terrell Landing Road and designated by signs reading "Wildlife Management Area for Public Hunting." Small game hunting on this area will be closed during the statewide December 4 [6] through 8 [10] deer gun season.

(5) Central Kentucky Wildlife Management Area located in Madison County:

(a) Squirrel: August 21 [16] through October 14, 1976 [1975].

(b) This area is closed to all hunting except dove (*see statewide dove regulation*) and squirrel.

(6) Curtis Gates Lloyd Wildlife and Recreation Area in Grant County:

(a) Areas closed to hunting are designated by refuge signs. The remainder of the area is open to all statewide hunting seasons.

(b) Small game hunting will be closed during the statewide December 4 [6] through 8 [10] deer gun season.

(7) Pioneer Weapons Wildlife Management Area located in Bath and Menifee Counties:

(a) Statewide limits and seasons apply for all game species except during the deer gun season, but hunters on this area are restricted to pioneer weapons only. These include muzzle-loading rifles, muzzle-loading pistols, muzzle-loading shotguns, longbows and crossbows. Muzzle-loading shotguns for taking squirrels, quail, grouse and rabbits must not use shot larger than No. 2 in size.

(b) Small game hunting will be closed during the December 4 [6] through 11 [13] deer gun season.

(8) Fort Campbell Wildlife Management Area located in Christian and Trigg Counties; *[:] there will be no hunting on Mondays and Tuesdays except when Monday is a federal holiday, then hunting will be permitted.*

(a) Seasons, bag and possession limits:

1. Squirrel: September 1 through October 10 [15], 1976 [1975], November 24 [27] through November 28, 1976 [December 2, 1975]. December 1 [3] through December 12, 1976 [16, 1975] on selected areas. December 15 [17] through December 31, 1976 [1975]; *[.]* [January 1 through January 31, 1976. Refer to paragraph (b) of this subsection for special requirements;] bag limit six (6); possession limit twelve (12).

2. Quail: November 24 [27] through November 28,

1976 [December 2, 1975]. December 1 [3] through December 12, 1976 [16, 1975] on selected areas. December 15 [17] through February 27, 1977 [29, 1976]; bag limit ten (10); possession limit twenty (20).

3. Rabbit. November 24 [27] through November 28, 1976 [December 2, 1975]. December 1 [3] through December 12, 1976 [16, 1975] on selected areas. December 15 [17] through January 30, 1977 [31, 1976]; bag limit five (5); possession limit ten (10).

4. Raccoon and opossum: [5.] Taking with gun and/or dogs, November 24 [27] through November 28, 1976 [December 2, 1975]. December 1 [3] through December 12, 1976 [16, 1975] on selected areas. December 15 [17] through January 30, 1977 [31, 1976]; bag limit one (1) per person; possession limit one (1) per person. [Shake-out season with dogs only. October 2 through October 15, 1975; bag limit one (1) per person; possession limit one (1) per person.]

5. [6.] Gray fox and groundhog: July 14 [15] through October 10, 1976 [15, 1975]. December 15 [17] through April 10, 1977 [14, 1976]; no bag limit; no possession limit.

6. [7.] Red fox: November 24 [27] through November 28, 1976 [December 2, 1975]. December 1 [3] through December 12, 1976 [16, 1975] on selected areas. December 15 [17] through January 30, 1977 [31, 1976]; no bag limit; no possession limit.

[(b) Special requirements for Kentucky license holders hunting squirrels during the period January 1, 1976 through January 31, 1976. Since this hunting period does not conform to Kentucky's regular statewide squirrel season, Kentucky license holders must present their squirrel kill for validation at the rear area Military Police Station during the month of January.]

[(b) [(c)] Permission must be obtained for each hunt at building No. 6645 [from the rear area Military Police Station] and hunters must stay within their assigned area. A hunting permit costing seven dollars (\$7) is required and is good for all species hunting for the season.

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

ARNOLD L. MITCHELL, Commissioner

ADOPTED: March 29, 1976

APPROVED: WILLIAM L. SHORT, Secretary

RECEIVED BY LRC: May 11, 1976 at 9:50 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, Frankfort, Kentucky 40601.

**CABINET FOR DEVELOPMENT**  
**Department of Fish and Wildlife Resources**  
**(Proposed Amendment)**

**301 KAR 2:100. Archery season and limits for deer.**

RELATES TO: KRS 150.025, 150.170, 150.175, 150.176, 150.300, 150.305, 150.330, 150.340, 150.360, 150.390

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: This regulation pertains to the statewide deer archery season. This regulation is

necessary for the continued protection of the species listed herein, and to insure a permanent and continued supply of the wildlife resources 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 within reasonable limits based upon an adequate supply. *This amendment is necessary to change the season dates and close additional counties to deer hunting.*

Section 1. Seasons. Statewide Archery Season: October 1 through November 14 [16] and December 18 [17] through December 31, 1976 [1975].

Section 2. Limits. One (1) per year, either by gun or archery. Either sex deer, whitetail, fallow or European red.

Section 3. Open and Closed Counties and Wildlife Areas. (1) The following counties are closed to both gun and archery deer hunting: Jackson, Owsley, Clay, Powell, Harlan, Leslie, Wolfe, [and] Clark[.], Johnson, Perry, Knott, and that portion of Breathitt County south of Buckhorn Creek Road. All other counties are open to archery and gun deer hunting.

(2) The following wildlife management areas are closed to all hunting:

(a) Grayson Wildlife Management Area in Carter and Elliott Counties.

(b) Beaver Creek Wildlife Management Area, including all private inholdings, in Pulaski and McCreary Counties.

(c) Pine Mountain Wildlife Management Area in Letcher County.

(d) Robinson Forest Wildlife Management Area in Breathitt, Perry, and Knott Counties.

(e) Red Bird Wildlife Management Area, including all private inholdings, in Leslie and Clay Counties.

Section 4. License Requirements. 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 and a deer permit.

Section 5. Legal Weapons and Hours. (1) Deer may be taken by archery during daylight hours only.

(2) Longbows, including compound bows.

(3) Barbless arrows with broadhead points at least seven-eighths (7/8) inch wide.

(4) Crossbows on Pioneer Weapons Wildlife Management Area only. Crossbows must be of not less than eighty (80) pounds pull, with barbless arrows with broadhead points at least seven-eighths (7/8) inch wide.

Section 6. Prohibited Weapons and Conditions. (1) 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.

(2) Deer may not be taken with a crossbow except on the Pioneer Weapons Wildlife Management Area in Bath and Menifee Counties.

(3) Archery hunters must not carry firearms of any kind during the archery season.

(4) Deer may not be taken with the aid of boats, or any type of vehicles, or any domestic animals.

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

(6) Deer may not be taken with chemically treated arrows or attachments to arrows containing chemicals.

Section 7. Tagging Deer and Hides. (1) 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.

(2) 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.

Section 8. Notifying Department of Deer Killed. All eligible hunters that hunt in accordance with KRS 150.170(3), shall notify the department in writing when they kill a deer.

DR. ROBERT C. WEBB, Chairman

Department of Fish and Wildlife Resources Commission

ARNOLD L. MITCHELL, Commissioner

ADOPTED: March 29, 1976

APPROVED: WILLIAM L. SHORT, Secretary

RECEIVED BY LRC: May 11, 1976 at 9:50 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, Frankfort, Kentucky 40601.

**CABINET FOR DEVELOPMENT**  
Department of Fish and Wildlife Resources  
(Proposed Amendment)

**301 KAR 2:110. Raccoon and Opossum season; limits.**

RELATES TO: KRS 150.025, 150.360, 150.365, 150.370, 150.390, 150.399, 150.400, 150.410

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: This regulation pertains to the dog training and hunting season for opossum and raccoon. This regulation is necessary for the continued protection and conservation 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 raccoons and opossum within reasonable limits based upon an adequate supply. *This amendment is necessary to change the bag limits on raccoon taken by means other than trapping.*

Section 1. Night Training Season. (1) The night training season for opossum and raccoon dogs shall be February 1 through October 21, both dates inclusive.

(2) Neither species shall be taken during this period in any way, or by any method. During this period, the hunters shall not carry any firearms, slingshot, or any weapon, device or instrument, including climbers or squealers, that is capable of injuring, enticing or forcing the animals from the tree or den. The restrictions in this subsection also apply to the day training of dogs as authorized by KRS 150.370(2).

Section 2. Shake-out Season. (1) Shake-out season shall be October 22 through the third Wednesday in November, both dates inclusive.

(2) During the shake-out season, opossum or raccoon may be taken by dog only. During this period, the hunters shall not carry any firearms, slingshot, or any weapon, device or instrument that is capable of injuring the animals. Hunters may use squealers, climbers, their hands, or any other method not injurious to the animals, but no person shall cut or otherwise damage any tree in an attempt to force or entice a raccoon or opossum from it. The use of smoke, fire or gases to drive the animal from the tree is prohibited.

(3) The sale of raccoon carcasses is prohibited at all times.

Section 3. Open Season, [and] Bag and Possession Limits. (1) Open season and bag limits for raccoon and opossum for taking with gun, dog or trap shall be the third Thursday in November through January 31, both dates inclusive.

(2) Closed Period, Areas and Exceptions. *The entire state will be closed to hunting for all game species except waterfowl, rails and gallinules and trapping for furbearers, during the December statewide deer gun season, except the following areas where hunting will be allowed:*

(a) *West Kentucky Wildlife Management Area in McCracken County.*

(b) *Higginson-Henry Wildlife Management Area in Union County.*

(c) *Land Between the Lakes Wildlife Management Area in Trigg and Lyon Counties.*

(d) *Fort Knox Wildlife Management Area in Hardin, Meade and Bullitt Counties.*

(e) *Fort Campbell Wildlife Management Area in Christian and Trigg Counties.* [Hunting for raccoon, opossum, other furbearers and all other game species except waterfowl, rails and gullinules, will be closed statewide during the statewide deer gun season and on the Pioneer Weapons Wildlife Management Area in Bath and Menifee Counties, including counties closed to deer hunting. Except the following Wildlife Management Areas will be open to small game, raccoon and opossum hunting during the regular statewide deer gun season: West Kentucky Wildlife Management Area in McCracken County, Higginson-Henry Wildlife Management Area in Union County, Land Between the Lakes Wildlife Management Area in Trigg and Lyon Counties, Fort Knox Wildlife Management Area in Hardin, Meade and Bullitt Counties and Fort Campbell Wildlife Management Area in Christian and Trigg Counties. Taking of raccoon, opossum and other furbearers by means other than trapping is prohibited during the statewide deer gun season.]

(3) *Hunting for all game species except waterfowl, rails and gallinules will be closed on the Pioneer Weapons Wildlife Management Area in Bath and Menifee Counties during the deer gun season on that area.*

[(3) The following Wildlife Management Areas are closed to all hunting: Grayson Wildlife Management Area in Carter and Elliott Counties, Pine Mountain Wildlife Management Area in Letcher County, Beaver Creek Wildlife Management Area, including all private inholdings, in Pulaski and McCreary Counties, Robinson Forest Wildlife Management Area in Breathitt, Perry and Knott Counties and Red Bird Wildlife Management Area, including all private inholdings, in Leslie and Clay Counties.]

*(4) Bag and Possession Limits.*

*(a) Shake-out season. One (1) raccoon per hunter, with no more than three (3) raccoons per party of three (3) or more hunters while hunting. There is no possession limit on raccoons except that no hunter or party of hunters shall possess more than the daily bag limit while hunting in the field. There is no bag or possession limit on opossum.*

*(b) Open season for taking by means other than trapping. Same limits on raccoons as for the shake-out season. There is no bag or possession limit on opossum.*

[(4) Bag Limits. There is no bag limit on opossum, raccoon and other furbearers.]

Section 4. Prohibited Methods for Taking Raccoon and Opossum. Raccoon and opossum may not be taken [except by trapping] from a [motor driven] vehicle [,] or [paddle] boat with the aid of artificial light at any time or any place *except by trapping.*

DR. ROBERT C. Webb, Chairman

Department of Fish and Wildlife Resources Commission

ARNOLD L. MITCHELL, Commissioner

ADOPTED: March 29, 1976

APPROVED: WILLIAM L. SHORT, Secretary

RECEIVED BY LRC: May 11, 1976 at 9:50 a.m.

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

## EDUCATION AND ARTS CABINET

Department of Education

Bureau of Education for Exceptional Children

(Proposed Amendment)

### 707 KAR 1:050. Programs for exceptional children.

RELATES TO: KRS 157.200 to 157.305

PURSUANT TO: KRS 13.082, 156.070, 156.160

NECESSITY AND FUNCTION: To recodify and repropulgate State Board of Education regulations for programs for exceptional children pursuant to KRS 13.082.

Section 1. General provisions. Local boards of education shall operate programs for exceptional children of compulsory school attendance age pursuant to KRS 157.200 to 157.305, inclusive, and the criteria listed in this section and Sections 2 to 10 below:

(1) Classroom unit: Classroom units for exceptional children are allocated to local school districts provided the following criteria are met:

- (a) Approved teachers;
  - (b) Approved housing;
  - (c) Planned program; and
  - (d) Required number of children in membership.
- (2) Fractional classroom unit: A fractional classroom

unit is a unit having fewer pupils than the prescribed pupil-teacher ratio as indicated in the appropriate sections below or if the program is in operation for less than a full day or full school year. Such units shall be allotted and certified on a basis proportionate to the pupil-teacher ratio and/or the proportionate length of the school day or the school year.

(3) Personnel: Appropriate state certification shall be as required *and provided in 704 KAR 20:205.* Additional classroom units for teachers of exceptional children allotted to any school district for the 1972-73 school year, and thereafter, shall be staffed by teachers who are fully certified in the appropriate area of exceptionality, except as provided in 704 KAR 20:165.

*(4) Housing:*

(a) The resource room and special class programs for exceptional children shall be housed in an elementary or secondary school, dependent upon the age range of the pupils, unless exceptions are provided in Sections 2 to 10 below pertaining to specific areas of exceptionality. Classrooms shall meet the standards for regular classrooms as specified in State Board of Education regulations.

(b) Housing for the itinerant teacher plan shall be in facilities and/or rooms appropriate for instructing pupils in small groups or individually.

(5) Program plans: The appropriate program plan for exceptional pupils shall be determined by the needs of the pupils in the local school district. Programs shall be organized and operated under one or more, or a combination of the following:

(a) A special class plan shall be a classroom based program in which the handicapped pupil is enrolled. The chronological age range for pupils enrolled in the special class shall not exceed four (4) years. The pupils shall participate in the regular class whenever possible.

(b) A resource room plan shall be a program which serves exceptional pupils who shall be enrolled in the regular class and shall be able to do part of their classwork in the regular class. The pupil shall go to the resource room for special instruction not available in the regular class. No more than eight (8) pupils shall be in the resource room for instructional purposes at any one time.

(c) An itinerant teacher plan shall be a teacher who travels to the pupils' school(s) on a regularly scheduled basis to work with pupils either individually or in small groups. Pupils shall be enrolled in a regular class and shall receive a portion of their instruction in the regular program.

(d) A variation plan shall be a variation of the above plans to include one or more areas of exceptionality for which the local school district has submitted a request and received approval from the Bureau of Education for Exceptional Children.

(e) Programs for the trainable mentally handicapped shall be operated under the special class plan.

(6) Teacher headquarters: For the itinerant teacher plan permanent work space, in addition to the area where personnel work with pupils, shall be provided.

(7) Travel expenses: For the itinerant teacher plan the local board of education shall defray travel expenses incurred by personnel in the execution of duties related to the program.

(8) Length of school day: The length of the school day shall be the same as for non-handicapped children except as specified in KRS 157.200 which relates to instruction in a child's home or in hospitals or sanatoria.

(9) Admission and Release Committees: Local school district personnel shall establish one (1) district-wide Administrative Admissions and Release Committee and a

School-Based Admissions and Release Committee in each school with appropriate membership and functions as listed below:

(a) Administrative Admissions and Release Committee. The membership of the Administrative Admissions and Release Committee (AARC) shall consist of:

1. Director, local school district program for exceptional children, chairperson (permanent member).
2. Local school district superintendent or his designee (permanent member).
3. Referred pupil's principal (if the child is enrolled in a public or private school).
4. Involved instructional supervisor depending on the age and level of the child.
5. The parent(s) of the referred child or their designee (at parent(s) discretion).
6. Consulting members as requested by the AARC.

(b) The functions of the AARC shall include the following:

1. Receive information on identified children not currently enrolled in the local school district who are thought to need special educational services and/or programs.
2. Follow due process procedures to insure that exceptional children and their parents are guaranteed procedural safeguards in decisions regarding identification, evaluation, and educational placement.
3. Designate qualified persons to conduct appropriate evaluations on identified children.
4. Discuss results of the evaluation and make recommendations as to appropriate services and/or programs for the identified child. These recommendations shall include a written summary, in educationally relevant and common terms, of the referred pupil's special needs offering explicit strategies for meeting such needs and stating criteria by which the effectiveness of such intervention strategies may be determined.
5. Determine if the local school district can provide appropriate services, if local programs must be changed to accommodate the identified child, if additional services or programs will be developed, or if the child must receive services outside the local school district.
6. Review extreme cases where the School-Based Admissions and Release Committee is not able to reach a decision on appropriate educational placement for a referred pupil and make recommendations as to appropriate educational placement.
7. At least annually, review the placement of each exceptional child living in the local school district but receiving services outside the local school district in relation to his educational progress in that setting.
8. Serve as the review committee in cases in which parents disagree with the recommendations of the SBARC as to appropriate services to be provided for their child.

(c) School-Based Admissions and Release Committee. The membership of the School-Based Admissions and Release Committee (SBARC) shall consist of:

1. Building principal, chairperson.
2. Referring teacher(s).
3. Teacher(s) of exceptional children.
4. Parent(s) of the referred pupil or their designee (at parent's discretion).
5. Consulting members providing input into the referred pupil's educational program (i.e. guidance counselor, psychometrist, psychologist, school nurse, school social worker, etc.).

(d) The functions of the SBARC shall include the following:

1. Receive referrals on pupils currently enrolled in the school thought to need special educational services and/or programs.

2. Follow due process procedures to insure that exceptional children and their parents are guaranteed procedural safeguards in decisions regarding identification, evaluation, and educational placement.

3. Conduct or obtain appropriate evaluations on referred pupils.

4. Discuss results of formal and informal evaluations.

5. Make recommendations for appropriate services and/or programs for the referred pupil. These recommendations shall include a written summary, in educationally relevant and common terms, of the referred pupil's special needs, offering explicit strategies for meeting such needs and stating criteria by which the effectiveness of such intervention strategies may be determined.

6. At least annually, review the placement of each exceptional child in the school in relation to his educational progress in that setting.

7. Refer cases where appropriate services are not available within the school to the AARC.

(10) Identification of exceptional children. Local school district personnel shall commence and/or continue the identification of exceptional children residing in their school district who are otherwise eligible for attendance in public education systems but who are not attending a program of the local district. Local school district personnel shall forward a summary report of each identification of a child and the notification of parents to the Department of Education.

(11) Due process procedures: Each child and his or her parents and the local school district shall be guaranteed procedural safeguards in decisions regarding identification, location, evaluation, and educational placement of the child in programs for exceptional children. The safeguards shall include the following:

(a) The child shall be represented by his or her parent(s). "Parent" refers to a natural mother or father, an adoptive mother or father, a legally appointed guardian, or a surrogate parent. "Surrogate parent" refers to a person appointed to act in place of parent(s) or guardian(s) when the child's parents or guardians are unknown, are unavailable, or the child is a ward of the state.

(b) The parent(s) shall receive notification from the local school district that their child has been referred as a candidate for programs for exceptional children and that the child has the right to receive an educational opportunity from the public schools.

(c) All communications with parents concerning the identification, evaluation, and educational placement of the child shall include written and oral notification in English and in the primary language of the parent's home.

(d) The local school district shall obtain written parental approval to administer any specific individual psychological, psychiatric, medical and/or educational test for the purpose of placement of a child in a program for exceptional children. Any request to administer such tests shall be accompanied by statements which will inform the parent of:

1. The parent's right to deny permission for such tests, with the understanding that the local school district can request a hearing to present its reasons for the evaluation and try to obtain approval to conduct the evaluation;

2. The parent's right to review all school records pertaining to their child.

(e) If a parent fails to respond to the local school district's repeated attempts to obtain consent for

evaluation, by means in addition to regular mail (e.g., telephone, home visit), the local school district may proceed with the evaluation of special needs. The local school district shall provide notice to the parent(s) regarding full due process rights in this proceeding. The local school district shall:

1. Demonstrate with documentation that it has repeatedly attempted to contact the parent(s) through efforts that were reasonably likely to succeed;

2. Established with facts about the child's performance in his/her present placement that there is reasonable likelihood that the child will be found to have special needs.

(f) If the parent(s) refuse to give permission for the evaluation, the local school district shall either accept their decision or shall request an impartial hearing. The written request for a hearing should:

1. Document that resolution by conference with the concerned parents has been attempted and failed;

2. Demonstrate that the initiation of the evaluation procedure is justified because the present placement of the child is detrimental to the child's educational progress, or is dangerous to the child's health and safety, or is disruptive to the program for other children.

(g) If, when the evaluation is completed, a change is proposed in the child's educational program, the local school district shall notify the parent in advance of the proposed action. Such notice shall be presented orally and in writing, the written notice via certified mail. The notice shall:

1. Describe in detail the proposed action as well as the reasons why such action is deemed appropriate;

2. Specify the tests or reports upon which the proposed change is based;

3. State that the school files pertaining to the child are open for parental review;

4. Describe in detail the right to obtain a due process hearing;

5. Inform the parent(s) of alternative educational programs, including reasons why such programs are not suitable;

6. List the community agencies which provide free legal counsel;

7. Inform the parent(s) of the right to obtain an independent evaluation of the child;

8. Describe the procedure for appeal;

9. State that the child will remain in the present educational placement until such time as a decision is forthcoming or until such time that a proposed educational placement is accepted by both parties.

(h) The local school district shall obtain written parental approval prior to the placement of their child in a program for exceptional children. In addition, at the beginning of each school year in which the child has continued placement in a program for exceptional children, the local school district shall provide the parents with written verification of the placement.

(i) In cases where parent(s) and a local school district disagree on the need for evaluation of a child and/or the educational placement of a child, a hearing shall be conducted in accordance with the following procedures:

1. The hearing shall be in the school district of residence and held in the form of a conference between the parents, their representative, a representative of the appropriate Admissions and Release Committee, and the hearing officer;

2. The local school district shall provide factual

information concerning the appropriateness of the proposed evaluation or educational placement of the child;

3. An impartial hearing officer shall be appointed to preside at the hearing. "Impartial hearing officer" refers to a person(s) assigned to preside at a due process hearing and whose duty is to assure that proper procedures are followed. The impartial hearing officer must be: (i) Unbiased—not prejudicial for or against any party involved, (ii) Disinterested—not having any stake in the outcome;

4. The hearing officer shall provide parents and local school district representatives with notice of the hearing five (5) days prior to the hearing date. This notice shall include the time and place of the hearing, which shall be convenient for the parent(s);

5. The parent(s) and the local school district shall be given the right to have legal counsel or other professional persons attend the hearing;

6. All parties involved shall have the right to present evidence and testimony;

7. The hearing shall be closed to the public unless the parent(s) request an open hearing;

8. The parent(s), the local school district, or their respective representatives shall have the right to question all witnesses;

9. If the child is over the age of majority, he/she shall have the right to attend the hearing;

10. A tape recording or other verbatim record of the hearing shall be made;

11. At all stages of the hearing procedures, interpreters for the deaf and/or interpreters fluent in the primary language of the home shall be provided when needed.

(j) The hearing officer's decision shall be issued in accordance with the following requirements:

1. The decision shall be based solely on evidence and testimony presented at the hearing;

2. The decision shall be sent via certified mail to the parent(s), to the local school district, and to their respective representatives, return receipt requested, within five (5) days of the completion of the conference;

3. The decision shall include a summary of all proceedings and state the reasons for the decision;

4. Upon request of the parents or the local school district, a copy of the tape recording or other verbatim record of the hearing shall be transcribed and provided;

5. A statement shall be included that the decision of the hearing officer is binding upon the parent(s) or the child if over the age of majority, and upon the local school district, its officers, employees and agents, subject to procedures for administrative or judicial appeal;

6. The decision of the hearing officer shall include a statement of the procedures to be used for appealing such decision.

(k) Appeals may be initiated by a parent(s) or by the local school district in accordance with these requirements:

1. *The Superintendent of Public Instruction shall designate an individual or individuals within the Department of Education of the Commonwealth of Kentucky to hear such appeals;* [The appeal shall be heard by the State Board of Education or its impartial designee. Any designee shall meet all requirements described for hearing officers;]

2. The appeal shall be conducted in accordance with state *administrative* [administration] procedure.

3. The opportunity shall be given to the parents to appeal the decision of the State Board of Education or its designee to a state court.]

(l) In order to provide every child eligible for a public

education with the protection of procedural due process, even under circumstances where a child's parent(s) or guardian(s) are not known, are unavailable, or the child is a ward of the state, each child shall be assigned a parent surrogate.

(m) The State Department of Education and local school districts in cooperation with other public and private agencies shall recruit persons and maintain a registry of such persons who can and will serve as surrogate parents. Persons selected as surrogate parents shall:

1. Have no other vested interest that would conflict with their primary allegiance to the child they would represent;
2. Be committed to personally and thoroughly acquainting themselves with the child and the child's educational needs;
3. Be of the same racial, cultural, and linguistic background of the children they represent;
4. Be familiar with the educational system within the state;
5. Be readily accessible to the children they represent.

(n) Assignment of a surrogate to a particular child shall be made according to the following procedures:

1. Any person may file a request for the assignment of a surrogate to a child with the child's local school district with a copy of the request to the State Department of Education.
2. The local school district shall send a notice of the request for a surrogate to the adult in charge of the child's place of residence and to the parent(s) or guardian(s) at their last known address in an effort to determine the need for a surrogate parent.
3. If the local school district determines need for a surrogate as provided in Section 1(11), the State Department of Education shall be notified of the need. The State Department of Education shall assign a surrogate within five (5) days of the notification.
4. The assigned surrogate shall represent the child through the time of the first periodic review of the child's educational placement.
5. Surrogates shall not be assigned to children who have reached the age of majority.

(o) If at any time during the school year, the child's educational placement appears to be inappropriate to the parent(s), the principal, the teacher(s), or specialist(s) providing services to the child, any one of such persons may request a review of the placement:

1. When a placement in a less restrictive environment is seen as more appropriate, the Admissions and Release Committee shall review the child's placement. If the committee determines the child's needs can be met in a less restrictive setting, the child's placement and educational program shall be changed and support services provided as necessary. The parent(s) and local school district shall be afforded all due process rights as described in Section 1(11).
2. When a review is requested for the purpose of securing a more restricted educational placement for the child, the review shall take place after the current educational program has been implemented for the minimum time of one (1) month. The Admissions and Release Committee shall conduct the review. The parent(s) and local school district shall be afforded all due process rights as described in Section 1(11).

Section 2. Programs for Crippled and Other Health Impaired. (1) Eligibility criteria: A pupil shall be eligible for enrollment in a program for crippled and other health

impaired if a licensed physician determined that he is physically unable to attend regular class. A medical statement by a licensed physician shall be on file in the central office. The Admissions and Release Committee shall review this statement as well as any additional reports, information and assessments deemed necessary for placement of each individual child in an appropriate educational program.

(2) Program membership:

(a) Program membership shall be six (6) to fifteen (15) pupils per teacher for the special class plan.

(b) Program membership shall be ten (10) to twenty (20) pupils per teacher for the resource room plan and the itinerant teacher plan. The Bureau of Education for Exceptional Children, Department of Education, shall have the authority to increase the maximum membership to twenty-five (25) upon submission of a written request and justification by a local school district.

(3) Facilities: Facilities for rest periods shall be provided.

Section 3. Home Instruction, Hospital Instruction, Combined Home and Hospital Instruction Programs for Exceptional Children. (1) Eligibility Criteria:

(a) An exceptional child shall be eligible for instruction in his home, hospital, or sanatorium provided a signed statement is secured from a licensed physician, psychologist, psychiatrist, or public health officer, that the condition of the child prevents or renders inadvisable attendance at school or application to study. This statement shall be kept on file in the local school district office. The Admissions and Release Committee shall review this statement and any additional reports, information and assessments that it deems necessary for the placement of each individual child in appropriate educational program. The child shall be returned to a less restrictive and more appropriate educational environment when improvement of his condition renders this advisable.

(b) Children with communicable diseases shall not be enrolled in a home instruction program.

(c) A responsible adult shall be present in the home during the time the home instruction teacher is present.

(d) Home instruction shall not be used as a substitute for a more appropriate educational placement for exceptional children.

(2) Program membership:

(a) Program membership for a home instruction program shall be six (6) to ten (10) pupils per teacher.

(b) Program membership for a special class in a hospital shall be six (6) to fifteen (15) pupils per teacher.

(c) Program membership for a combined home and hospital instruction program shall be six (6) to fifteen (15) pupils per teacher.

(3) Schedule of visits and planning: The home instruction teacher shall complete a visitation and planning schedule. This schedule shall include specific times for teaching, for planning and for conferences. A copy of this schedule shall be on file in the central office.

(4) Attendance records: The home instruction teacher shall keep a regular Kentucky attendance register. A pupil enrolled on the home instruction program on the basis of the minimum standard of two (2) one (1) hour visits per week shall be counted as being in attendance five (5) days.

(5) Home instruction of high school students: High school pupils on home instruction programs shall meet minimum State Board of Education requirements, follow the prescribed local course of study, and acquire the required number of units prior to graduation from high

school. Credits shall be issued through the high school which the pupil would attend if he were not homebound. These credits shall be transferable to the same extent as credits earned in a regular high school program.

(6) Hospital instruction: Hospital instruction shall mean a special class within a hospital or individual instruction within a hospital for children who are confined to the hospital for care and treatment and, according to medical prescription, are well enough to participate.

(7) Combined home and hospital instruction: If there is not a sufficient number of pupils in the hospital to warrant the establishment of a special class or it is otherwise unfeasible, the school district shall operate a combined home and hospital instruction program with the teacher dividing his time according to the proportionate number of pupils enrolled in the two (2) programs.

(8) Mobile van: Local school districts shall have the authority to use a mobile van for the instructional program providing a request for approval has been submitted and approval has been received from the Department of Education.

Section 4. Programs for Educable Mentally Handicapped Pupils. (1) Eligibility criteria: Pupils who meet the definition pursuant to KRS 157.200(4) and who obtain intelligence quotient scores between fifty (50) and seventy-five (75) on individual intelligence tests shall be eligible for enrollment in programs for the educable mentally handicapped. Pupils whose intelligence score is borderline may be placed in a program for the educable mentally handicapped on a trial basis upon the recommendation of the appropriate Admissions and Release Committee. "Trial basis" shall be a period of time no longer than four (4) months, at which time the placement decision shall be reviewed by the appropriate Admissions and Release Committee in consultation with the teacher in whose classroom the pupil was enrolled.

(2) Evaluation: The evaluation of pupils referred for identification and placement purposes shall consist of:

(a) The referring person's assessment of the pupil's specific strengths and weaknesses in the academic and behavioral areas.

(b) A behavioral observation of the referred pupil in familiar surroundings (i.e., classroom, playground, etc.).

(c) Formal and informal educational evaluation data composed of individual and/or group standardized academic achievement tests and assessment of basic skills areas such as reading, math and language.

(d) A developmental history.

(e) An individual psychological assessment utilizing a recognized standardized measure of individual intelligence.

(f) In cases where vision, hearing, or serious emotional disturbance is suspected to be the primary handicapping condition, a referral for appropriate assessments by qualified professional(s) shall be made.

(g) Evaluations of referred pupils shall be completed by persons who are qualified to perform such evaluations.

(3) Program membership: Membership requirements shall range from ten (10) to twenty (20) pupils per teacher. The Bureau of Education for Exceptional Children, Department of Education, shall have the authority to increase the maximum membership to twenty-five (25) upon submission of a written request and justification by a local school district.

Section 5. Programs for Trainable Mentally Handicapped Pupils. (1) Eligibility criteria: Pupils who meet the definition pursuant to KRS 157.200(5) and who

obtain intelligence quotient scores below fifty (50) on individual intelligence tests shall be eligible for enrollment in programs for the trainable mentally handicapped.

(2) Evaluation: The evaluation of pupils referred for identification and placement purposes shall consist of:

(a) The referring person's assessment of the pupil's specific strengths and weaknesses in the academic and behavioral areas.

(b) A behavioral observation of the referred pupil in familiar surroundings (i.e., classroom, playground, etc.).

(c) A measure of social competence.

(d) An assessment of basic skills areas such as reading, math and language.

(e) A developmental history.

(f) An individual psychological assessment utilizing a recognized standardized measure of individual intelligence.

(g) In cases where vision, hearing, orthopedic handicaps or serious emotional disturbance is suspected to be the primary handicapping condition, a referral for appropriate assessments by qualified professional(s) shall be made.

(h) Evaluations of referred pupils shall be completed by persons who are qualified to perform such evaluations.

(3) Program membership: Membership requirements shall range from six (6) to twelve (12) children per teacher. The Bureau of Education for Exceptional Children, Department of Education, shall have authority to increase the maximum membership to fourteen (14) upon submission of a written request and justification by a local school district.

(4) Age range: The chronological age range for the special class shall not exceed six (6) years. The Bureau of Education for exceptional Children, Department of Education, shall have the authority to waive the age range requirements upon submission of a written request and justification by a local school district.

(5) Housing:

(a) Classes for trainable mentally handicapped pupils shall be housed in an elementary or secondary school commensurate with the age range of the pupils unless specific approval of other facilities have been obtained from the Bureau of Education for Exceptional Children and the Division of Buildings and Grounds, Department of Education

(b) Classrooms shall meet the standards for regular classrooms as specified in State Board of Education regulations.

Section 6. Programs for Children with Learning Disabilities (Neurologically Impaired). (1) Eligibility criteria: Pupils who meet the definition pursuant to KRS 157.200(8) shall be eligible for enrollment in programs for children with learning disabilities.

(2) Evaluation: The assessment of the referred pupil for identification and placement purposes shall consist of:

(a) The referring person's assessment of the pupil's specific strengths and weaknesses in the academic and behavioral areas.

(b) A behavioral observation of the referred pupil in familiar surroundings (i.e., classroom, playground, etc.).

(c) Individual and/or group standardized achievement test(s) of basic skills.

(d) A group measure of current intellectual functioning. In those few cases where the pupil performs below minus one (1) standard deviation on the group measure, an individual measure of intelligence shall be administered by qualified personnel.

(e) In cases where vision, hearing, or serious emotional disturbance is suspected to be the primary handicapping

condition, a referral for appropriate assessments by qualified professionals(s) shall be made.

(3) Program Membership:

(a) Alternative I and II: Itinerant teacher and resource room program:

1. Program membership: Eight (8) to fifteen (15) pupils per teacher.

2. The Bureau of Education for Exceptional Children, Department of Education, shall have the authority to increase the maximum membership to twenty (20) pupils per teacher for the itinerant teacher and resource room program alternatives upon submission of a written request and justification by a local school district.

(b) Alternative III: Special class program membership:

1. Pre-school through intermediate level: six (6) to eight (8) pupils per teacher.

2. Junior and senior high level: six (6) to ten (10) pupils per teacher.

3. Age range: Chronological age range for the special class shall not exceed four (4) years.

Section 7. Programs for Emotionally Disturbed (Behavior Disorders). (1) Eligibility criteria: Pupils shall be eligible for enrollment in a program for the emotionally disturbed (behavior disorders) whose emotional and behavioral disorders indicate they can benefit from a modified learning environment and an instructional program compatible with their individual learning needs. Such pupils may demonstrate varying degrees of the following:

(a) An inability to learn which cannot be explained by intellectual, sensory or health factors.

(b) A variety of extreme behavior patterns ranging from hyperactive, impulsive responses to depression and withdrawal.

(c) A general, pervasive mood of unhappiness or depression.

(d) A persistent inability to establish and maintain meaningful interpersonal relationships.

(e) A tendency to develop physical symptoms such as speech problems, pains and fears, associated with personal and/or school problems.

(2) Evaluation: The assessment of the referred pupil for identification and placement purposes shall consist of:

(a) The referring person's assessment of the referred pupil's specific strengths and weaknesses in the behavioral and academic areas.

(b) A behavior observation of the referred pupil in familiar surroundings (i.e., classroom, playground, etc.).

(c) Individual and/or group standardized achievement test(s) which measures performance in reading, arithmetic, and other basic skills areas.

(d) A developmental and social history.

(e) Individual psychological, psychiatric, and/or medical evaluation(s) when recommended by appropriate school authorities.

(3) Program membership:

(a) Alternatives I and II: Itinerant and resource room program:

1. Program membership: eight (8) to fifteen (15) pupils per teacher.

2. The Bureau of Education for Exceptional Children, Department of Education, shall have the authority to increase the maximum membership to twenty (20) pupils per teacher for the itinerant teacher and resource room alternatives upon submission of a written request and justification by a local school district.

(b) Alternative III: Special class program membership:

1. Six (6) to eight (8) pupils per teacher.

2. Age range: Chronological age range for the special class shall not exceed four (4) years.

Section 8. Programs for Speech Handicapped (Communication Disorders). (1) Admission and eligibility: Any pupil having a speech handicap/communication disorder shall be eligible for placement. Admission shall be based upon evaluation and/or recommendation by personnel certified by the Department of Education.

(2) Organizational patterns: Programs shall be organized and operated according to a plan which shall provide for individual or group instruction on a daily or less than daily basis.

(3) Planning: One-half (½) day per week shall be allotted for planning and conferences.

(4) Program membership: Membership requirements shall range from forty (40) to seventy-five (75) pupils per week. The Bureau of Education for Exceptional Children, Department of Education, shall have the authority to waive the membership requirements upon submission of a written request and justification by local school district.

(5) Reports: Data related to individual pupil status, required to complete state and local districts forms/reports, shall be maintained.

(6) Release: Shall be based upon ongoing subjective and objective assessment and/or recommendation by appropriately certified personnel.

(7) Mobile van: Local school districts shall have the authority to use a mobile van for the instructional program providing a request for approval has been submitted and approval has been received from the Department of Education.

Section 9. Programs for Children with Visual Handicaps. (1) Eligibility criteria: A pupil shall be eligible for enrollment in a program for the visually handicapped if an eye specialist certifies that he has a visual acuity of 20/70 or less in the better eye after correction.

(2) Reports and information: An eye examination report, completed and signed by an eye specialist shall be obtained. The Admissions and Release Committee shall obtain and review any additional reports, information and assessments that it deems necessary for the placement of each individual child in an appropriate educational program.

(3) Program membership: Program membership for the special class plan, the itinerant teacher plan and the resource room plan shall be from five (5) to ten (10) pupils per teacher. The Bureau of Education for Exceptional Children, Department of Education, shall have the authority to waive the maximum membership requirements upon submission of a written request and justification by a local school district.

Section 10. Programs for Multiple Handicapped Children. (1) Eligibility criteria: Pupils who meet the definition pursuant to KRS 157.200(10) shall be eligible for enrollment in programs for the multiple handicapped.

(2) Evaluation: The evaluation of pupils referred for placement in programs for the multiple handicapped shall include a comprehensive, individual child evaluation. This evaluation shall include a developmental and social history, a medical evaluation, and individual psychological assessment of current intellectual functioning, and any additional reports, information and assessments deemed necessary by the Admissions and Release Committee for the appropriate placement of each child.

(3) Program membership: Program membership shall be

from five (5) to ten (10) pupils per teacher.

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

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

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

JAMES B. GRAHAM,

Superintendent of Public Instruction

ADOPTED: May 5, 1976

RECEIVED BY LRC: May 10, 1976 at 2:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Dr. James B. Graham, Secretary, State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

## PUBLIC PROTECTION AND REGULATION CABINET

Department of Insurance  
Office of the State Fire Marshal  
(Proposed Amendment)

806 KAR 50:200. Mobile homes.

RELATES TO: KRS 227.570

PURSUANT TO: KRS 13.082, 227.590

NECESSITY AND FUNCTION: KRS 227.590 requires the Mobile Home Certification and Licensure Board to establish rules and regulations governing the standards for manufacture, sale, and alteration of mobile homes. [and recreational vehicles.] These regulations are intended to assure safety for owners and occupiers of mobile homes. [and recreational vehicles.]

Section 1. Authorization: (1) These rules are authorized by KRS 227.590 and established pursuant to the rule making procedures set forth in KRS Chapter 13, in order to implement, interpret, and carry out the provisions of Laws of 1974, as amended in 1976, KRS Chapter 227, relating to mobile homes. [and recreational vehicles.] In the event that these regulations conflict with the codes promulgated by the National Fire Protection Association NFPA 501 (B) and Title VI of the Federal Housing and Community Development Act of 1974 (HUD Act), [and NFPA 501 (C),] the codes or the HUD Act subsequent to the effective enforcement date, shall govern in all cases.

(2) At least thirty (30) days before the adoption or promulgation of any change in or addition to the rules and regulations, the office shall mail to all manufacturers possessing valid certificates of acceptability and dealers possessing valid licenses a notice including a copy of the proposed changes and additions and the time and place that the board will consider any objections to the proposed

changes and additions. After giving the notice required by this section, the board shall afford interested persons an opportunity to participate in the rule making through submission of written data, views or arguments with or without opportunity to present the same orally in any manner.

(3) Every rule or regulation, or modification, amendment or repeal of a rule or regulation adopted by the board shall state the date it shall take effect.

Section 2. Enforcement: Subject to the provisions of applicable law, the Office of the State Fire Marshal shall administer and enforce all the provisions of the Mobile Home and Recreational Vehicle Act. Any officer, agent, or employee of the State Fire Marshal's Office is authorized to enter any premises in order to inspect any mobile home [or recreational vehicle] for which the office has issued a seal of approval, or to inspect such mobile home's [or recreational vehicle's] equipment and/or its installations to insure compliance with the Act, the code and/or the HUD Act and these regulations. Upon complaint and request, a privately owned mobile home [or recreational vehicle] bearing a seal may be entered to determine compliance with these regulations. When it becomes necessary to determine compliance he may require that a portion or portions of such mobile homes [or recreational vehicles] be removed or exposed in order that a compliance inspection can be made.

Section 3. Definitions: In addition to the definitions contained herein, the definitions of NFPA 501 (B) [and NFPA 501 (C)] by the National Fire Protection Association and/or the HUD Act shall apply:

(1) Act: The Mobile Home and Recreational Vehicle Act, KRS 227.550 to KRS 227.660.

(2) HUD Act: Title VI of the "Housing and Community Development Act of 1974—National Mobile Home Construction and Safety Standards."

(3) [(2)] Agency, Testing: An outside organization which is:

(a) Primarily interested in testing and evaluating equipment and installations;

(b) Qualified and equipped for, or to observe experimental testing to approved standards;

(c) Not under the jurisdiction or control of any manufacturer or supplier of any industry;

(d) Makes available a published report in which specific information is included stating that the equipment and installations listed or labeled have been tested and found safe for use in a specific manner; and

(e) Approved by the board.

(4) [(3)] Alteration or Conversion: The replacement, addition, modification or removal of any equipment or installations which may affect the body and frame design and construction, plumbing, heat-producing or electrical systems or the functioning thereof of mobile homes [or recreational vehicle] subject to these rules is an alteration or conversion unless excluded by these rules. The above equipment must be installed in accordance with manufacturer's specifications.

(5) [(4)] Board: Mobile Home Certification and Licensure Board.

(6) [(5)] Certificate of Acceptability: The certificate provided to the manufacturer signifying the manufacturer's ability to manufacture, import, or sell mobile homes [or recreational vehicles] within the state.

(7) [(6)] Class "A" Seal: A device or insignia issued by the office to indicate compliance with the standards, established by the office or rules and regulations established

by the board for new mobile homes [and recreational vehicles] manufactured after the effective date of the Act.

(8) [(7)] Class "B" Seal: A device or insignia issued by the office to indicate compliance with the standards established by the office, rules and regulations established by the board for used mobile homes [or recreational vehicles] without a Class "A" Seal, or for new mobile homes [or new recreational vehicles] manufactured prior to the effective date of the Act.

(9) [(8)] Dealer: Any person, other than a manufacturer, as defined herein, who sells or offers for sale three (3) or more mobile homes [or recreational vehicles] in any consecutive twelve (12) month period.

(10) [(9)] Established Place of Business: A fixed and permanent place of business in this state, including an office building and hard surface lot of suitable character and adequate facilities and qualified personnel, for the purpose of performing the functional business and duties of a mobile home [or recreational vehicle] dealer, which shall include the books, records, files and equipment necessary to properly conduct such business or a building having sufficient space therein to properly show and display the mobile homes [or recreational vehicles] being sold and in which the functional duties of a mobile home [or recreational vehicles] dealer may be performed. The place of business shall not consist of residence, tent, temporary stand or open lot. It shall display a suitable sign identifying the dealer and his business.

(11) [(10)] Hard Surfaced Lot: An area open to the public during business hours with a surface of concrete, asphalt/macadam, compacted gravel and/or stone, or other material of similar characteristics.

(12) [(11)] Manufacturer: Any person who manufactures mobile homes [or recreational vehicles] and sells to dealers.

(13) [(12)] Mobile Home: For purposes of the scope of the Act and regulations this means a movable or portable unit constructed to be moved from place to place on the public streets or highways and designed to permit the permanent or temporary occupancy therein for the purpose of use as a place of residence, business, profession, or trade by the owner, lessee, or their assigns and which can be connected to electric, water, gas, sewage, and telephone facilities. It may consist of one (1) or more units that can be attached or joined together to comprise an integral unit or condominium structure. It shall include house trailers which are regulated as to length, width and registration by KRS Chapter 186. "Add-a-room" units are not considered an integral part of a mobile home.

(14) [(13)] NFPA 501 (B): That section of the National Fire Code adopted by the National Fire Protection Association that pertains to standards for mobile homes.

[(14) NFPA 501 (C): That section of the National Fire Code Adopted by the National Fire Protection Association that pertains to standards for recreational vehicles.]

(15) Office: The Office of the State Fire Marshal.

(16) Person: This means a person, partnership, corporation or other legal entity.

[(17) Recreational Vehicle: For purposes of the scope of the Act and regulations this is a vehicular type unit designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted or drawn by another vehicle.]

(17) [(18)] Suitable Sign: A sign with the dealership name and type of dealership in letters of a minimum height of six (6) inches and a minimum width of one and one-half (1½) inches.

Section 4. Scope and Purpose of the Act and Regulations: (1) Except to the extent otherwise stated in the Act and these regulations and in other laws of the Commonwealth which are not inconsistent with or superseded by the Act and these regulations, these regulations govern the design, manufacture, storage[,] and sale[, and methods for transportation] of mobile homes [and recreational vehicles] which are manufactured, sold, leased, or transported for use within or outside of the Commonwealth. These regulations apply to mobile homes [or recreational vehicles] manufactured in manufacturing facilities located within or outside the Commonwealth. Mobile homes [or recreational vehicles] brought into this state for exhibition use only and which will not be sold in this state may be excluded from the coverage of this Act and regulations if inspections reveal no condition hazardous to health or safety.

(2) The state legislature has enacted the Mobile Home and Recreational Vehicle Act to protect the health and safety of the owner, occupiers, and all other persons for mal-manufactured mobile homes. [and recreational vehicles.] The office has been given authority to carry out the purpose of the Act. The Act sets out the minimum standards for design and manufacture. Dealers are encouraged to maintain ethical business standards beyond non-fraudulent minimums.

Section 5. Standards for Vehicles in Manufacturers' or Dealers' Possession: (1) The office shall enforce such standards and requirements for the installation of plumbing, heating, and electrical systems in mobile homes [and recreational vehicles] as it determines are reasonably necessary to protect the health and safety of the occupants and the public.

(2) The office shall also enforce such standards and requirements for the body and frame design and construction of mobile homes as are reasonably necessary in order to protect the health and safety of the occupants and the public.

(3) On all mobile homes [and recreational vehicles] manufactured after *July 15, 1975*, [June 21, 1974, until the effective date of these regulations said standards shall be NFPA 501 (B) and NFPA 501 (C), 1973 edition After the effective date of these regulations] said standards *shall* [will] be NFPA 501 (B), 1974 edition, herein adopted by reference *and the HUD Act herein adopted by reference*. [and NFPA 501 (C), 1974 edition, herein adopted by reference.]

(4) On all used mobile homes [and recreational vehicles] without a seal or any mobile home [or recreational vehicle] manufactured prior to *July 15, 1975*, [June 21, 1974,] said standards shall be that the dealer shall certify that the electric, heating, and plumbing systems have been checked, and repaired if necessary, and found to be in safe working condition and thus be in conformity with the intent of the Act to protect the health and safety of the occupants and general public.

(5) *All mobile homes taken in trade must be reinspected and certified. The existing Class "A" or Class "B" seal may be removed or a new seal may be applied over the existing seal. A seal will not be required if such dealer submits an affidavit that the unit will not be resold for use as such by the public.*

(6) *All mobile homes purchased outside the Commonwealth of Kentucky shall be delivered to a certified Kentucky dealer for inspection according to the following criteria:*

(a) *Inspection of the plumbing and waste systems.*

(d) *Inspection of the heating unit to determine adequacy of systems.*

(c) *Inspection of the electrical systems including the main circuit box and all outlets/switches to detect any damaged coverings, lost screws, or improper installations.*

(7) *Any licensed Kentucky mobile home dealer that maintains the capability to perform minor maintenance of plumbing, heating and electrical systems of mobile homes shall be permitted to inspect and certify those mobile homes purchased in another state for use within the Commonwealth of Kentucky. Any dealer desiring to perform this service shall make application to the Office of the State Fire Marshal for appropriate certification.*

(8) *Any unit found to be in non-compliance with the requirements of Section 5(6) of this regulation shall be corrected prior to the dealer certifying the unit. All units requiring repairs or correction prior to unit certification shall be reported to the office specifying the repairs required to correct the deficiencies. Appropriate reporting forms shall be made available to qualified dealers performing inspection.*

(9) *The fee for the inspection of mobile homes shall be fifteen dollars (\$15) per hour plus mileage as required and a twenty dollar (\$20) seal fee.*

**Section 6. Applicability and Interpretation of Code and Regulation Provisions.** Any questions regarding the applicability or interpretation of any provisions or code or regulation adopted shall be submitted in writing by any interested person to the office for resolution. It is the policy of the office that with respect to questions regarding NFPA 501 (B), [or NFPA (C),] any such questions shall whenever feasible be submitted to the NFPA in accordance with the established procedures of the organization. The decision of the office shall be in writing.

**Section 7. Certificate of Acceptability:** (1) No manufacturer may manufacture, import, or sell any mobile home [or recreational vehicle] in this state after the effective date of this Act, unless he has procured a certificate of acceptability from the board. Compliance shall be enforced through KRS 227.992. Mobile homes [or recreational vehicles] manufactured in this state and designed for delivery to and for sale in a state that has a code that is inconsistent with NFPA 501 (B) [or NFPA 501 (C)] need not comply with this provision.

(2) **Requirements for Issuance:**

(a) The manufacturer must submit and the office must approve in-plant quality control systems.

[(b) The manufacturer must apply for approval of systems for transportation.]

(b) [(c)] An affidavit certifying compliance with the applicable standards must be attached to the application.

(c) [(d)] A four hundred dollar (\$400) fee must accompany the application. The fee, *shall be* [if] paid by check or money order [,] *and shall be made payable to:* Kentucky State Treasurer. Said fee shall be prorated on a calendar year basis if it is a new license.

(d) *The manufacturer must furnish and maintain with the office proof of liability insurance in the amount of \$100,000 bodily injury or death for each person, \$300,000 bodily injury or death for each accident, and \$50,000 property damage.*

[(e) The manufacturer must furnish and maintain with the office a \$20,000 bond, with corporate surety conditioned upon such manufacturer's complying with the applicable statutes and as an indemnity for any loss sustained by any person by reason of acts of the certificate

holder constituting grounds for suspension or revocation for his certificate of acceptability.]

(3) To obtain in-plant quality control approval, a manufacturer shall submit a system for in-plant control pursuant to paragraph (b) of this subsection and submit to inspection by the office for field certification of satisfactory quality control. Applications for approval of in-plant quality control systems shall contain the following:

(a) A certified copy of the plans and specifications of a model or model-group for body frame design and construction and electrical, heating, and plumbing systems. All plans shall be submitted on sheets, the minimum possible size of which is eight and one half inches by eleven inches (8½" x 11") and the maximum possible size of which is twenty four inches by thirty inches (24" x 30"). The manufacturer shall certify that the aforementioned systems comply with [the appropriate NFPA code, either] NFPA 501 (B). [or NFPA 501 (C).]

(b) Also a copy of the procedure which will direct the manufacturer to construct mobile homes [and recreational vehicles] in accordance with the plans, specifying:

1. Scope and Purpose.

2. Receiving *and* [the] inspection procedure for basic materials.

3. Material storage and stock rotation procedure.

4. Types and frequency of product inspection.

5. Sample of inspection control form used.

6. Responsibility for quality control programs, indicating personnel, their assignments, experience and qualifications.

7. Test equipment.

8. Control of drawings and material specifications.

9. Test procedures.

[10. Record-keeping procedures.]

(4) A unit certification format certifying compliance with the Act and regulations shall be submitted to the office no later than the end of the first week of each month. The unit certification format shall contain the information in the suggested format of Appendix A.

(5) No manufacturer to which a certificate of acceptability has been issued shall modify in any way its manufacturing specifications without prior written approval of the office.

(6) If the manufacturer is also a dealer, he must also comply with dealer licensing provisions.

(7) Should the applicant not conform with these regulations, the applicant shall be so notified in writing by the office within ten (10) working days of the date received. Should the applicant fail to submit a corrected application in accordance with the information supplied on the application correction notice, the application will be deemed abandoned and twenty percent (20%) of fees due will be forfeited to the office. Any additional submission shall be processed as new application.

(8) Manufacturers shall notify the office in writing within thirty (30) days of any of the following occurrences:

(a) The corporate name is changed;

(b) The main address of the company is changed;

(c) There is a change in twenty-five percent (25%) or more of the ownership interest of the company within a twelve (12) month period;

(d) The location of any manufacturing facility is changed;

(e) A new manufacturing facility is established; or,

(f) There are changes in the principal officers of the firm.

(9) Any information relating to building systems [,] *or* in-plant quality control systems, [and transportation

systems] which the manufacturer considers proprietary shall be so designated by him at the time of its submission, and shall be so held by the office, and by the inspection, evaluation, and local enforcement agencies unless the board determines in each case that disclosure is necessary to carry out the purposes of the Act.

(10) The office may determine that the standards for mobile homes [or recreational vehicles] established by a state or a recognized body or agency of the federal government are at least equal to NFPA 501 (B). [or NFPA 501 (C).] If the office finds that such standards are actually enforced then it *may* [shall] issue a certificate of acceptability for such mobile homes. [and recreational vehicles.]

(11) A certificate of acceptability may be denied, suspended, or revoked on the following grounds:

- (a) Evidence of insolvency;
- (b) Material misstatement in application for certificate of acceptability;
- (c) Willful failure to comply with any provisions of the Act or any rule or regulation promulgated by the board under the Act;
- (d) Willfully defrauding any buyer;
- (e) Willful failure to perform any written agreement with any buyer or dealer;
- (f) Failure to furnish or maintain the required *liability insurance*; [bond;]
- (g) A fraudulent sale, transaction, or repossession;
- (h) Violation of any law relating to the sale or financing of mobile homes. [or recreational vehicles.]

(12) If a certificate holder is a firm or corporation, it shall be sufficient cause for denial, suspension, or revocation of a certificate that any officer, director or trustee of the firm or corporation, or any member in case of a partnership, has been guilty of any act or omission which would be cause for refusing, suspending, or revoking a certificate to such party as an individual. Each certificate holder shall be responsible for any or all of his salesmen while acting as his agent *while the agent is acting within the scope of his authority*.

(13) Procedure for Denial, Revocation or Suspension:

(a) The office may deny the application for a certificate of acceptability by written notice to the applicant, stating the grounds for such denial.

(b) No certificate of acceptability shall be suspended or revoked by the office except after a hearing thereon. The office shall give the certificate holder at least thirty (30) days notice of the time and place of the hearing and of the charges to be heard.

(c) Any manufacturer [or dealer] who violates or fails to comply with this Act or any rules or regulations promulgated thereunder shall be notified in writing setting forth facts describing the alleged violation and instructed to correct the violation within sixty (60) days. Should the manufacturer fail to make the necessary corrections within the specified time, the office may, after notice and hearing, suspend or revoke any certificate of acceptability if it finds that:

1. The manufacturer has failed to pay the fees authorized by the Act; or that

2. The manufacturer, either knowingly or with the exercise of due care to prevent the same, has violated any provision of this Act or any regulation or order lawfully made pursuant to and within the authority of the Act.

3. The manufacturer has shipped or imported into this state a mobile home [or recreational vehicle] to any person other than to a duly licensed dealer.

(14) Any person aggrieved by any ruling of the office denying a certificate of acceptability within fifteen (15) days after any such ruling of the office may appeal such ruling to the board herein provided for. Such appeal shall be in writing. The board shall state in writing, officially signed by all the members concurring therein, its findings and determination after such hearing and its order in the matter. If the board shall determine and order that any applicant is not qualified to receive a certificate of acceptability, no certificate shall be granted. If the board shall determine that the certificate holder was willfully or through gross negligence been guilty of a violation of any of the provisions of the Act, his certificate may be suspended or revoked.

(15) Any person aggrieved by any ruling of the board may appeal to the Franklin Circuit Court and to the Court of Appeals in the manner provided for by KRS 281.780 and 281.785.

(16) Under proceedings for the suspension of a certificate of acceptability for any of the violations enumerated in the Act, the holder of a certificate of acceptability may have the alternative subject to the approval of the board, to pay in lieu of part or all of the days of any suspension the sum of fifty dollars (\$50) per day.

Section 8. Serial Numbers, Model Numbers, Date Manufactured: A clearly designated serial number, model number, and date manufactured shall be stamped into the mobile home tongue, or front cross member of the frame at the lower left hand side (while facing the unit), and if there is no such tongue or cross member, then a data plate with this information shall be affixed on the outside *in a conspicuous place* [by the main entry door on the right hand of the door.].

Section 9. Dealer License: (1) No dealer of mobile homes [or recreational vehicles] shall engage in business as such in this state without a license issued by the office upon application.

(2) Application must contain the following information:

- (a) Name and address of the chief managing officer;
- (b) Location of each and every established place of business;
- (c) Social security number and date of birth of chief managing officer;
- [(d) Test score (see below);]
- (d) [(e)] Previous year's units sold, new and used;
- (e) [(f)] Affidavit certifying compliance with the Act and regulations;
- [(g) Bond (see below);]
- (f) [(h)] Names of officers if dealership in corporate form;
- (g) [(i)] Names of partner if dealership in partnership form;
- (h) [(j)] Any other information the office deems commensurate with safeguarding of the public interest in the locality of the proposed business.

[(3) The office may test each applicant's chief managing officer at the time of application for a license or renewal of a license previously issued.]

(3) [(4)] All licenses shall be granted or refused within thirty (30) days after application therefore, and shall expire, unless sooner revoked or suspended, on December 31 of the calendar year for which they are granted.

(4) [(5)] The license fee shall be fifty dollars (\$50). [and in the case of a new license, not a renewal license, the fee shall be prorated on a calendar year basis.] The fee shall be [ , if ] paid by check or money order and [ , ] shall be made payable to Kentucky State Treasurer.

(5) [(6)] The license must be conspicuously displayed at the established place of business. In case such location be changed, the office shall endorse the change of location on the license without charge if it be within the same municipality. A change of location to another municipality shall require a new license.

(6) *The dealer must furnish and maintain with the office proof of liability insurance in the amount of \$100,000 bodily injury or death for each person, \$300,000 bodily injury or death for each accident, and \$50,000 property damage.*

[(7)] The dealer must furnish and maintain with the office a \$20,000 bond, with corporate surety conditioned upon such dealer's complying with the applicable statutes and as an indemnity for any loss sustained by any person by reason of acts of the licensee constituting grounds for suspension or revocation of his license: ]

[(a)] The bond form prescribed by the office shall be used. ]

[(b)] Forfeiture of the bond will not occur until after a court adjudication thereof. ]

[(7) [(8)]] Periodic Reports: A unit compliance format certifying compliance with the Act and Regulations shall be submitted to the office no later than the end of the first week of each month. The unit certification format shall contain the information in the suggested format of Appendix B.

(8) [(9)] A license may be denied, suspended or revoked on the following grounds:

(a) *A showing of insolvency in a court of competent jurisdiction; [Evidence of insolvency;]*

(b) Material misstatement in application;

(c) Willful failure to comply with any provisions of the Act or any rule or regulation promulgated by the board under the Act;

(d) Willful failure to perform any written agreement with the buyer;

(e) Willfully defrauding any buyer;

(f) Failure to have or to maintain an established place of business;

(g) Failure to furnish or maintain the required *liability insurance; [bond;]*

(h) Making a fraudulent sale, transaction or repossession;

(i) Employment of fraudulent devices, methods, or practices in connection with the requirements under the statutes of this state with respect to the retaking of goods under retail installment contracts and the redemption and resale of such goods;

(j) Failure of a dealer to put the title to a mobile home [or recreational vehicle] in his name after said dealer has acquired ownership of the mobile home [or recreational vehicle] by trade or otherwise;

(k) Violation of any law relating to the sale or financing of mobile homes. [or recreational vehicles.]

(9) [(10)] If a licensee is a firm or corporation, it shall be sufficient cause for the denial, suspension or revocation of a license that any officer, director or trustee of the firm or corporation, or any member in case of a partnership, has been guilty of any act or omission which would be cause for refusing, suspending, or revoking a license to such party as an individual. Each licensee shall be responsible for any

or all of his salesmen while acting as his agent *while said agent is acting within the scope of his authority.*

(10) [(11)] Upon proceedings for the suspension of a license for any of the violations enumerated in the Act, the licensee may have the alternative, subject to the approval of the board, to pay in lieu of part or all of the days of any suspension the sum of fifty dollars (\$50) per day.

(11) [(12)] Procedure for Denial, Revocation, or Suspension:

(a) The office may deny the application for a license within thirty (30) days after receipt thereof by written notice to the applicant, stating the grounds for such denial.

(b) No license shall be suspended or revoked by the office except after a hearing thereon. The office shall give the licensee at least thirty (30) days notice of the time and place of hearing and of the charges to be heard.

(c) Any dealer who violates or fails to comply with the Act or any rules or regulations promulgated thereunder shall be notified in writing setting forth facts describing the alleged violation, and instructed to correct the violation within sixty (60) days. Should the dealer fail to make the necessary corrections within the specified time, the office may, after notice and hearing, suspend or revoke any license if it finds that:

1. The dealer has failed to pay the fees authorized by the Act; or that

2. The dealer either knowingly or without the exercise of due care to prevent the same, has violated any provision of the Act or any regulation or order lawfully made pursuant to and within the authority of the Act.

(12) [(13)] Any person aggrieved by any ruling of the office denying, suspending or revoking a license, within fifteen (15) days after such ruling of the office may appeal such ruling to the board herein provided for. Such appeal shall be in writing. The board shall state in writing, officially signed by all the members concurring therein, its findings and determination after such hearing and its order in the matter. If the board shall determine that the licensee has willfully or through gross negligence been guilty of a violation of any of the provisions of the Act, his license may be suspended or revoked.

(13) [(14)] Any person aggrieved by any ruling of the board may appeal to the Franklin Circuit Court and to the Court of Appeals in the manner provided for by KRS 281.780 and 281.785.

*Section 10. Temporary Licenses. (1) Any dealer other than one duly licensed in Kentucky wishing to show and offer mobile homes within the Commonwealth of Kentucky for the express purpose of retailing said units to the general public, shall be required to purchase from the Office of the State Fire Marshal a temporary license. Said license shall not exceed fifteen (15) days duration and the license fee shall be twelve dollars and fifty cents (\$12.50) for each authorized event.*

*(2) Applicant shall meet the following requirements before a temporary license is granted:*

*(a) Be a duly licensed dealer in a state other than Kentucky.*

*(b) Provide proof of liability insurance, the minimum of which shall be \$100,000 bodily injury or death for each person, \$300,000 bodily injury or death for each accident, and \$50,000 property damage.*

*(c) Provide satisfactory assurance to the office that all new units sold to Kentucky consumers bear the Kentucky Class "A" seal affixed on the unit by the manufacturer.*

*(d) Provide all other information as may be required by the office.*

(3) *Temporary licenses shall be prominently displayed at the location where the applicant is transacting business.*

(4) *Temporary licenses shall not be required for those dealers attending a mobile home show within the Commonwealth of Kentucky provided they do not sell or offer for sale to the general public new or used mobile homes.*

Section 11. [10.] Seals: (1) No manufacturer who has received a certificate of acceptability from the office shall sell or offer for sale to Kentucky dealers in this state mobile homes [or recreational vehicles] unless they bear a Class "A" seal of approval issued by and purchased from the office. This provision shall not apply to vehicles sold or offered for sale for shipment out of state.

(2) No dealer who has received a license from the office shall sell a mobile home [or recreational vehicle] unless it has a seal. Any dealer who has acquired a used mobile home [or recreational vehicle] without a seal or a mobile home [or recreational vehicle] manufactured prior to July 15, 1975 [June 21, 1974,] shall apply to the office for a Class "B" seal by submitting an affidavit certifying either that all electrical, heating, and plumbing equipment has been checked, and if necessary, repaired, and is now in safe working condition, or that the unit meets the applicable [NFPA] Code.

(a) Acquisition of Seals:

1. Any manufacturer, except one altering a new mobile home [or recreational vehicle] bearing a seal, may qualify for acquisition of a Class "A" seal by obtaining a certificate of acceptability pursuant to KRS 227.580 and Section 7 of this regulation.

2. Any dealer, except one altering a mobile home [or recreational vehicle] bearing a seal, may qualify for acquisition of [for] a Class "B" seal by giving an affidavit certifying either that all electrical, heating, and plumbing equipment has been checked, if necessary, repaired, and is now in safe working condition or that the unit meets the applicable [NFPA] Code.

(b) Application for Seals:

1. Any person who has met the applicable requirements of Section 7 or Section 9 of this regulation shall apply for seals in the form prescribed by the office. The application shall be accompanied by the seal fee of twenty dollars (\$20) for each Class "A" seal or twenty dollars (\$20) for each Class "B" seal.

2. If the applicant has qualified to apply for seals pursuant to the in-plant quality control approval method, the seal application shall include the certificate of acceptability number. [and the serial number of each mobile home or recreational vehicle for which a seal is requested. Multiple mobile homes and recreational vehicles shall be designated where applicable. Advance inclusions of the mobile home's or recreational vehicle's serial number may be omitted from the application provided the applicant submits a report of the seal number and serial number of the specified mobile home or recreational vehicle to which the seal has been assigned. Such report shall be on the seal application form and shall be submitted no later than thirty (30) days after placement on vehicle.]

(c) Alteration or Conversion of a Unit Bearing a Seal:

1. Any alteration of the construction, plumbing, heat-producing equipment, electrical equipment or installations or fire safety in a mobile home which bears a seal, shall void such approval and the seal shall be returned

to the office.

2. The following shall not constitute an alteration or conversion:

- a. Repairs with approved component parts.
- b. Conversion of listed fuel-burning appliances in accordance with the terms of their listing.
- c. Adjustment and maintenance of equipment.
- d. Replacement of equipment in kind.
- e. Any change that does not affect those areas covered by NFPA 501 (B). [or NFPA 501 (C).]

3. Any dealer proposing an alteration to a mobile home bearing a seal shall make application to the office. Such application shall include:

- a. Make and model of mobile home.
- b. Serial number.
- c. State seal number.
- d. A complete description of the work to be performed together with plans and specifications when required.
- e. Location of the mobile home where work is to be performed.

f. Name and address of the owner of the mobile home.

4. Upon completion of the alteration, the applicant shall request the office to make an inspection.

5. The applicant may purchase a replacement seal, based on inspection of the alteration for a fee of two dollars (\$2).

(d) Denial and Repossession of Seals: Should inspection reveal that a manufacturer is not constructing mobile homes [or recreational vehicles] according to NFPA 501 (B) [or NFPA 501 (C)] and such manufacturer, after having been served with a notice setting forth in what respect the provisions of these rules and the code have been violated, continues to manufacture mobile homes [or recreational vehicles] in violation of these rules and the code, applications for new seals shall be denied and the seals previously issued and unused shall be confiscated and credit given. Upon satisfactory proof of compliance, such manufacturer may resubmit an application for seal.

(e) Seal Removal: In the event that any mobile home [or recreational vehicle] bearing the seal is found to be in violation of these rules, the office shall attach to the vehicle a notice of non-compliance and furnish the manufacturer or dealer a copy of same. The office, dealer or manufacturer shall not remove the non-compliance tag until corrections have been made, and the owner or his agent has requested an inspection in writing to the office or given an affidavit certifying compliance.

(f) Placement of Seals:

1. Each seal shall be assigned and affixed to a specific mobile home. Assigned seals are not transferable and are void when not affixed as assigned, and all such seals shall be returned to or may be confiscated by the office. The seal shall remain the property of the office and may be seized by the office in the event of violation of the Act or regulations.

2. The seal shall be securely affixed by the door on the handle side at approximately handle height.

3. No other seal, stamp, cover, or other marking may be placed within two (2) inches of the seal.

(g) Lost or Damaged Seals:

1. When a seal becomes lost or damaged, the office shall be notified immediately in writing by the owner. The owner shall specify the manufacturer, the mobile home serial number, and when possible, the seal number.

2. All damaged seals shall be promptly returned. Damaged and lost seals shall be replaced by the office with

a replacement seal on payment of the replacement seal fee  
of two dollars (\$2).

806 KAR 50:200

APPENDIX A

UNIT CERTIFICATION FORMAT

Name of Manufacturer		
Mailing Address	County	
City	State	Zip Code

I hereby certify that the mobile homes [/recreational vehicles] as described hereon have been constructed in compliance with NFPA 501 B. [( ) or NFPA 501 C ( ).]

NO.	M.H.	R.V.	Serial#	KY Seal#	Date Mfg.	Model	Size	Dealer
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								

This form must be used in reporting units to the Office of the State Fire Marshal. The form should be completed in duplicate with the original to be sent to the Office of the State Fire Marshal, and the copy retained by the manufacturer. This form should be mailed to the Office of the State Fire Marshal when the last entry has been filled or not later than the first week of each month.

\_\_\_\_\_  
Date

BY \_\_\_\_\_  
PERSON AUTHORIZED TO  
CERTIFY THESE UNITS

## ADMINISTRATIVE REGISTER

806 KAR 50:200

APPENDIX B

## UNIT CERTIFICATION FORMAT

Name of Dealer		
Mailing Address	County	
City	State	Zip Code

I hereby certify that the mobile homes [/recreational vehicles] as described hereon have been inspected and are in compliance with the Life/Safety Standards appropriate for the class of seal which I have affixed on the unit as required by KRS 227.550 thru KRS 227.660 and regulations thereunder.

NO.	M.H.	R.V.	Serial#	KY Seal#	Date Mfg.	Model	Size	Purchaser
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								

This form must be used in reporting units to the Office of the State Fire Marshal. The form should be completed in duplicate with the original to be sent to the Office of the State Fire Marshal, and the copy retained by the dealer. This form should be mailed to the Office of the State Fire Marshal when the last entry has been filled or not later than the first week of each month.

_____	BY _____
Date	PERSON AUTHORIZED TO CERTIFY THESE UNITS

WARREN SOUTHWORTH, State Fire Marshal  
 HAROLD B. McGUFFEY, Commissioner  
 ADOPTED: May 7, 1976  
 APPROVED: JAMES E. GRAY, Secretary  
 RECEIVED BY LRC: May 10, 1976 at 1:05 p.m.

PUBLIC HEARING: A public hearing will be held on this proposed amendment before the Mobile Home Certification and Licensure Board at 10 a.m. EDT, Wednesday, June 30, 1976, in Capital Plaza Tower Auditorium, Frankfort, Kentucky.

## Proposed Regulations

### SECRETARY OF CABINET Kentucky Retirement Systems

#### 105 KAR 1:030. Certain payment option for hazardous positions.

RELATES TO: KRS 16.505 to 16.652, 61.510 to 61.692, 78.510 to 78.852

PURSUANT TO: KRS 13.082, 16.640, 61.635, 61.645, 78.780

NECESSITY AND FUNCTION: KRS 61.635 provides that the Board may establish optional forms of annuities as it deems desirable, provided such are based on actuarial equivalent values with due regard to selection against the fund. This regulation establishes a ten (10) years certain payment option for retiring State Police, Kentucky Employees Retirement System (KERS) and County Employees Retirement System (CERS) Hazardous position members.

Section 1. A retiring State Police, CERS or KERS hazardous position member may elect to receive, in lieu of any other benefits due, a monthly retirement allowance payable for ten (10) years certain, actuarially equivalent to the retirement allowance payable under KRS 16.576 or 78.545(31), whichever is applicable. If the member should become deceased prior to the expiration of ten (10) years, his beneficiary shall receive the remaining payments monthly for the duration of the ten (10) years. Should a beneficiary receiving a retirement allowance for the duration of ten (10) years certain under this section die before receiving all payments under the plan, the provisions of KRS 61.630(4) shall be applicable.

Section 2. This regulation shall become effective July 1, 1976.

GEORGE R. ARVIN, General Manager

ADOPTED: April 7, 1976

APPROVED: JACKSON W. WHITE, Secretary

RECEIVED BY LRC: May 13, 1976 at 1:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: General Manager, Kentucky Retirement Systems, 226  
West Second Street, Frankfort, Kentucky 40601.

### EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

#### 200 KAR 6:010. Personal property inventories.

RELATES TO: KRS Chapter 45

PURSUANT TO: KRS 45.360

NECESSITY AND FUNCTION: KRS 45.360 requires inventories to be taken. This regulation provides for taking of inventories of personal property and requires such inventories to be submitted to the Executive Department for Finance and Administration by agency inventory officers.

Section 1. General. (1) The objective of inventory control is to produce the maximum utilization of materials

and equipment. It provides a system for determination of accountability and use.

(2) Because of the importance of sound inventory controls, the Division of Properties, Executive Department for Finance and Administration, was established and given the responsibility to formulate a system of inventory controls for use by the various state agencies.

(3) Agencies who are now reporting their annual inventories on data processing equipment will continue to do so. Agencies who are reporting manually are to submit their reports on Form PR-1, "Inventory of Supplies and Equipment" provided by the Division of Properties. No other forms are to be used.

(4) Agencies are directed to initiate the preparation of adequate inventory records as provided herein.

#### Section 2. Property to be Inventoried.

(1) Non-expendable. All items having a value of \$300 or more and that are not consumed or expendable shall be reported annually to the Executive Department for Finance and Administration. Property that is similar (chairs, desks and file cabinets) will be grouped by building and listed with total value assigned. All machines (typewriters, calculators and adding machines) will be itemized, showing make, model number, serial number and cost.

(2) Expendable. Expendable property includes such items as office supplies, food, cleaning supplies and other items having a useful life of one (1) year or less. A perpetual record will be kept on expendables. This record will be kept in such a manner to indicate annual usage of each item.

Section 3. Responsibility for Equipment. The department head will be responsible for the custody and safekeeping of all equipment assigned to his department. An individual shall be assigned the responsibility for maintaining inventory records and shall hereafter be referred to as the inventory officer.

Section 4. Assigning Value of Equipment. The cost price is used when the purchase price is known. If cost is unknown, the value will be appraised, based on current replacement cost. Round cost to the nearest dollar.

Section 5. Property Identification Tags. Property identification tags will be affixed by inventory personnel of each agency. Tags should be placed on the left side of the equipment as you face the equipment in the normal operating condition.

Section 6. Inventory Report. Each agency will submit an annual inventory listing as of June 30, by building, to the Division of Properties, Executive Department for Finance and Administration, by September 30.

Section 7. Trade-in of Equipment. The property number of property being traded must be listed on the purchasing document. The inventory officer will delete the item from the agency's inventory records and assign and record a new inventory number for the replacement of equipment.

Section 8. Supplies with Large Monetary Value. Agencies maintaining inventories of expendable property of

an average weekly value of \$100 or more shall file a written statement of the value of the inventory of expendable property maintained with the agency inventory officer for insurance purposes; the inventory officer shall include a copy of the statement of value in the annual inventory report to the Executive Department for Finance and Administration.

**Section 9. Stolen Property.** When non-expendable inventories property has been determined to have been feloniously taken, and after investigation by appropriate police agencies, the agency inventory officer shall delete the stolen item or items from the agency's inventory records and advise the Executive Department for Finance and Administration. A copy of the report of the investigation shall be furnished to the Executive Department for Finance and Administration. In the event the stolen property is recovered and returned to the agency's custody and control after deletion from its inventory records, the inventory officer shall restore the property to the agency's inventory records and advise the Executive Department for Finance and Administration.

**Section 10. Vehicle Inventory.** (1) Each agency shall report all licensed vehicles separately from all other personal property as of June 30, each year to arrive at the Division of Properties prior to September 30th.

(2) A copy of the purchase order for all new vehicles, with the license number indicated thereon, shall be provided to the Division of Properties for updating the inventory records. Each agency likewise shall do the same.

(3) Transfer of vehicles between agencies is permitted. The inter-account bill for these transactions must be routed to the Division of Properties for approval and updating inventory records prior to receipt by the Division of Accounts.

RUSSELL McCLURE, Secretary

ADOPTED: April 19, 1976

RECEIVED BY LRC: April 20, 1976 at 11:00 a.m.

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

#### EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

##### 200 KAR 6:015. Real property inventories.

RELATES TO: KRS 45.360

PURSUANT TO: KRS 13.082, 45.360

NECESSITY AND FUNCTION: KRS 45.360 requires inventories to be taken. This regulation provides for taking of inventories of real property and buildings and the filing of inventories with the Division of Properties, Executive Department for Finance and Administration.

**Section 1.** The Division of Properties of the Executive Department for Finance and Administration is responsible for maintenance of inventory records for all state-owned land.

**Section 2.** The inventory shall be supplied to the Division of Properties by each agency. The report will be as of June 30th and due to arrive in the Division of Properties

no later than September 30th. All inventory records must be kept current.

**Section 3.** Forms for reporting the inventory of both land and buildings shall be supplied by the Division of Properties.

(1) Land: Each tract of land will require a separate inventory report Form PR-40.

(2) Buildings:

(a) Each individual building should be reported on separate inventory report Form PR-40.

(b) If acquisition costs are not known, the current appraisal price should be used for the cost. This will include all permanent installations and additions.

**Section 4.** Periodic inspections shall be made by the Division of Properties to determine accuracy of reports. When changes in the inventory become necessary because of sales, purchases, demolitions, and modifications to the building, the agency must adjust their inventory records accordingly and provide a copy of the change to the Division of Properties.

RUSSELL McCLURE, Secretary

ADOPTED: April 19, 1976

RECEIVED BY LRC: April 29, 1976 at 11:45 a.m.

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

#### EDUCATION AND ARTS CABINET Department of Education Office of Superintendent of Public Instruction

**701 KAR 1:020.** State plan for the administration of ESEA, Title IV.

RELATES TO: KRS 156.100

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: A State Plan is necessary in order to be eligible to receive Federal Funds under Title IV, P.L. 93-380.

**Section 1.** Pursuant to the authority vested in the Kentucky State Board of Education, the Kentucky State Plan for the Administration of ESEA, Title IV shall be prepared and approved by the State Board of Education, in accordance with the appropriate federal guidelines, and submitted to the U.S. Commissioner of Education for his approval. This document is incorporated by reference and hereinafter shall be referred to as the "State Plan." Copies of the state plan may be obtained from the Division of Title IV, State Department of Education.

JAMES B. GRAHAM,  
Superintendent of Public Instruction

ADOPTED: May 5, 1976

RECEIVED BY LRC: May 10, 1976 at 2:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Dr. James B. Graham, Secretary, State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

## Minutes

## ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

May 12, 1976

(Subject to Subcommittee approval at its next meeting on June 2, 1976.)

The Administrative Regulation Review Subcommittee held its regularly scheduled meeting on Wednesday, May 12, 1976, at 10 a.m. EDT in room 327 of the Capitol.

Mr. William H. Raines, Counsel for the subcommittee, called the meeting to order and opened the floor to nominations for Chairman. Representative David G. Mason, who succeeded Senator Michael R. Moloney as a member of the subcommittee, nominated Representative William T. Brinkley. Motion was seconded by Senator Donald L. Johnson. Senator Johnson moved that nominations be closed and that Representative Brinkley be unanimously elected Chairman. The motion was seconded by Representative Mason and carried. Mr. Raines turned the meeting over to Chairman Brinkley.

Present were: Members: Chairman William T. Brinkley, Representative David G. Mason and Senator Donald L. Johnson.

LRC Staff: William H. Raines, E. Hugh Morris, Mabel D. Robertson, Paula Lay and Garnett Evins.

The minutes of the meeting of April 14, 1976 were approved.

Chairman Brinkley asked that the minutes reflect that he commends reporter Livingston Taylor of The Courier Journal. "I was elected Chairman of the Administrative Regulation Review Subcommittee by the members of the Legislative Research Commission on May 7, 1976, in what everybody believed was a proper way and in good faith. However, reporter Taylor, in the highest tradition of his profession, noted that state law had been breached and he helped to prevent an embarrassing moment for me and for other subcommittee members. I extend my thanks to reporter Taylor for having noted that," he said.

Motion was made by Senator Johnson and seconded by Representative Mason that proposed regulation 704 KAR 20:265, Department of Education, Bureau of Instruction, Teacher Certification, Rank III Salary Classification Equivalency, be deferred until the next meeting for the purpose of additional study. Representative Mason asked that someone from the Department of Education appear before the subcommittee to explain the regulation.

The subcommittee members were of the opinion that proposed Department of Transportation, Bureau of Highways, Traffic, regulations 603 KAR 5:066, Weight

limits for trucks, and 603 KAR 5:096, Highway classifications, exceed statutory authority in that the federal formula is applied to all highways within the state, whereas it is the legislative intent that the federal formula be applicable only to the extent necessary to avoid the loss of federal funds. Action on subject regulations was deferred until the subcommittee's next scheduled meeting, June 2, 1976. The regulations will be held in abeyance until that date.

The following regulations were approved and ordered filed:

**SECRETARY OF THE CABINET**  
**Commission on Human Rights**

**Human Rights**

104 KAR 1:050. Guidelines on discrimination. (Amended)

**EXECUTIVE DEPARTMENT FOR FINANCE**  
**AND ADMINISTRATION**

**Division of Occupations and Professions**

**Real Estate Commission**

201 KAR 11:037. List of licensees; fee.

**DEPARTMENT FOR NATURAL RESOURCES**  
**AND ENVIRONMENTAL PROTECTION**

**Bureau of Environmental Quality**

**Division of Water Quality**

401 KAR 5:045. Biochemically degradable wastes; treatment. (Amended)

**DEPARTMENT OF TRANSPORTATION**

**Bureau of Vehicle Regulation**

**Division of Motor Carriers**

601 KAR 1:005. Safety regulations. (Amended)

**DEPARTMENT OF EDUCATION**

**Bureau of Instruction**

**Teacher Certification**

704 KAR 20:260. Junior R.O.T.C. personnel.

**Bureau of Vocational Education**

**Instructional Programs**

705 KAR 4:070. Agribusiness education.

Motion was made by Senator Johnson and seconded by Representative Mason, that the subcommittee change its regular monthly meeting date from the second Wednesday of each month to the first Wednesday, the meeting time of 10 a.m. to remain the same.

The meeting adjourned at 11:30 a.m. to meet again on June 2, 1976, at 10 a.m. EDT in room 327 of the Capitol.



# *Administrative Register* <sup>of</sup> *kentucky*

## Cumulative Supplement

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## Regulation Locator—Effective Dates

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## L3

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803 KAR 2:030E Expired	120	10-22-75	Withdrawn		3-31-76	201 KAR 12:120	74	9-10-75
808 KAR 1:060E Expired	120	1-20-76	101 KAR 1:140	169	11-12-75	201 KAR 12:130	75	9-10-75
904 KAR 2:011E Expired	3	10-6-75	Amended	440	4-14-76	201 KAR 12:140	75	9-10-75
904 KAR 2:012E Expired	251	1-1-76	102 KAR 1:110	303	3-10-76	201 KAR 12:150	76	9-10-75
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18.170	101 KAR 1:050		301 KAR 1:075		902 KAR 100:095
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