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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

Administrative Register of Kentucky

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Emergency Regulations

JULIAN M. CARROLL, GOVERNOR
EXECUTIVE ORDER 76-501
 June 4, 1976

EMERGENCY REGULATION Teachers' Retirement System

WHEREAS, passage of House Bills 374 and 738 by the 1976 General Assembly requires substantial adjustments in benefits payable through the Kentucky Teachers' Retirement System to retired teachers, their beneficiaries, and their survivors; and

WHEREAS, certain regulations setting forth procedures for implementation of the new distribution policy have been promulgated by the Kentucky Teachers' Retirement System; and

WHEREAS, the need exists to have such administrative procedures be effective upon July 1, 1976, the date upon which the stated bills are to become effective, for regulation of the new statutory system;

NOW, THEREFORE, I, JULIAN M. CARROLL, Governor of the Commonwealth of Kentucky, by the authority vested in me by Section 13.085(2) of the Kentucky Revised Statutes, hereby acknowledge the finding of the Kentucky Teachers' Retirement System that an emergency exists and direct that the attached Regulation become effective immediately upon being filed in the Office of the Legislative Research Commission.

JULIAN M. CARROLL, Governor
 DREXELL R. DAVIS, Secretary of State

SECRETARY OF THE CABINET Kentucky Teachers' Retirement System

102 KAR 1:153E. Benefit adjustments.

RELATES TO: KRS 161.220 to 161.710

PURSUANT TO: KRS 13.082, 161.310

EFFECTIVE: June 4, 1976

EXPIRES: October 2, 1976

NECESSITY AND FUNCTION: Passage of House Bills 374 and 738 by the 1976 General Assembly requires substantial adjustments in benefits payable to retired teachers, their beneficiaries, and their survivors. This regulation is intended to set out the administrative procedures to be followed in making such adjustments.

Section 1. Funds provided for cost-of-living adjustments in monthly retirement allowances, to be effective July 1, 1976, shall be distributed as follows:

(1) Each member retired for service or disability, each recipient of a retirement option, and each recipient of a survivor's benefit as provided in KRS 161.525 shall receive an increase in monthly benefits of three percent (3%) for each year of retirement from July 1, 1971, to June 30, 1976. Fractional years shall be calculated on a pro rata basis.

(2) The retirement date for recipients of retirement options shall be the effective date of the deceased member's retirement.

(3) The retirement date for a recipient of survivor's

benefits payable as provided in KRS 161.525 shall be the first of the month next following the member's death.

(4) The basis for the above calculations shall be the amount of the benefit payable in June, 1976, or if the retiree has waived benefits as provided in KRS 161.603, the base shall be the benefit the retiree would have been eligible to receive except for the waiver, and shall be payable when the retiree is next eligible to receive benefit payments. If the benefit payment is less than \$200 per month the calculations shall assume a benefit of \$200 and if the benefit payment is greater than \$500 per month the calculations will assume a benefit of \$500 per month. In the event of multiple recipients based on a deceased member's account the maximum and minimum assumptions shall be applied to the total of all payments based on that member's account.

(5) The above described benefit increases shall not apply to monthly payments a retiree or beneficiary may receive from a voluntary or tax-deferred annuity program.

(6) Members retired for disability who are receiving the minimum benefit of fifty-five dollars (\$55) per month due to earned income in excess of the limitations set out in KRS 161.661 shall be entitled to the above benefit adjustments when restored to full benefit status.

Section 2. Funds provided for increases in benefit payments where such payments are based, in part, on service prior to July 1, 1941, shall be applied as follows:

(1) Effective July 1, 1976, each service retiree, each disability retiree whose benefits have been recalculated on the service retirement formula, each recipient of a retirement option and each recipient of a survivor's benefit as set out in KRS 161.525 shall receive an increase in benefit equal to two dollars (\$2) per month for each year of credited service prior to July 1, 1941, not to exceed fifteen (15) years of such service.

(2) Effective July 1, 1977, each retiree or recipient of a retirement benefit mentioned in subsection (1) above shall receive an additional increase in benefits of two dollars (\$2) per month for each year of credited service prior to July 1, 1941, not to exceed fifteen (15) years of such service.

(3) Disability retirees whose benefits are not presently based on the service retirement formula shall receive benefits described in subsections (1) and (2) above when such benefits are recalculated as provided in KRS 161.661(5).

Section 3. Effective July 1, 1976, each member retired for disability prior to July 1, 1964, and whose benefit has not been recalculated as provided in KRS 161.661(3), (4), and (5) shall be entitled to an increase in benefit equal to that which would have resulted from the recalculation referred to above, provided however that no such increase in benefit resulting from this action shall exceed twenty-five dollars (\$25) per month. Such increase in benefits shall be paid from funds provided in the executive budget for the 1976-78 biennium.

TED L. CROSTHWAIT, Executive Secretary

ADOPTED: May 17, 1976

RECEIVED BY LRC: June 4, 1976 at 1:05 p.m.

JULIAN M. CARROLL, GOVERNOR
Executive Order 76-491
May 28, 1976

EMERGENCY REGULATION
Department of Revenue

WHEREAS, the 1976 General Assembly reduced personal income tax effective January 1, 1976; and

WHEREAS, this tax amendment requires a reduction in the withholding of Kentucky income tax from wages and salaries; and

WHEREAS, the Department of Revenue is required by KRS 141.370 to provide withholding tables by regulation; and

WHEREAS, reduced tables are effective July 1, 1976, and efficient administration requires distribution before the effective date, and the normal regulation filing procedure required by Kentucky Revised Statutes, Chapter 13, prohibits orderly distribution and employer compliance:

NOW, THEREFORE, I, JULIAN M. CARROLL, Governor of the Commonwealth of Kentucky, by the authority vested in me by Section 13.085(2) of the Kentucky Revised Statutes, hereby acknowledge the finding of the Department of Revenue that an emergency exists and direct that the attached Regulation become effective immediately upon being filed in the Office of the Legislative Research Commission.

JULIAN M. CARROLL, Governor
DREXELL R. DAVIS, Secretary of State

SECRETARY OF THE CABINET
Department of Revenue
As Amended

103 KAR 18:110E. Withholding methods.

RELATES TO: KRS 141.370

PURSUANT TO: KRS 13.082

EFFECTIVE: May 28, 1976

EXPIRES: September 27, 1976

NECESSITY AND FUNCTION: KRS 141.370 requires the department to establish individual income tax

withholding tables by regulation. This regulation establishes such withholding tables and describes procedure for supplemental and mechanical withholding. *These tables are revised to reflect the standard deduction increase enacted by the 1976 General Assembly.*

Section 1. General. The Department of Revenue is required by KRS 141.370 to prescribe tables [, effective January 1, 1971,] for withholding Kentucky individual income tax from salaries and wages of employees. These tables withhold the tax levied by KRS 141.020 and reflect the standard deduction (\$650) [(\$500 or less)] prescribed by KRS 141.081, and the deductible federal income tax referred to in KRS 141.310. The tables referred to in Section 4 are hereby prescribed by the Department of Revenue.

Section 2. Supplemental Withholding. In addition to tax required to be withheld by the tables in Section 4, an employee may authorize his employer to withhold additional Kentucky income tax. An employee may authorize additional withholding by filing an amended Withholding Exemption Certificate (Revenue Form K-4) with his employer. The amended certificate may claim fewer personal exemptions than he is allowed, authorize the employer to withhold a specific amount of additional tax, or both.

Section 3. Mechanical Withholding. The department provides a computer formula for withholding Kentucky income tax, and any employer with suitable equipment may use the formula in lieu of the tables referred to in Section 4. No other formula or withholding method may be used unless specific written approval is granted by the department.

Section 4. Withholding Tables. Employers shall withhold Kentucky individual income tax from wages and salaries, paid on and after *July 1, 1976* [January 1, 1971], in accordance with the tables filed herein by reference and which are obtainable from the Income Tax Division, Department of Revenue, Frankfort, Kentucky, 40601.

MAURICE P. CARPENTER, Commissioner
ADOPTED: May 28, 1976
RECEIVED BY LRC: May 28, 1976 at 3:40 p.m.

Amended Regulations

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

SECRETARY OF THE CABINET Department of Personnel (Proposed Amendment)

101 KAR 1:050. Compensation plan.

RELATES TO: KRS 18.170, 18.190, 18.210, 18.240

PURSUANT TO: KRS 13.082, 18.170, 18.210

NECESSITY AND FUNCTION: KRS 18.210 requires the Commissioner of Personnel to prepare and submit to the board rules which provide for a pay plan for all employees in the classified service, taking into account such factors as the relative level of duties and responsibilities of various classes, rates paid for comparable positions elsewhere, and the state's financial resources. This rule is to assure uniformity and equity in administration of the pay plan in accordance with statutory requirements.

Section 1. Preparation, Approval, and Amendment of the Plan. After consultation with appointing authorities and the Commissioner of the Executive Department for Finance and Administration, the commissioner shall prepare and recommend to the board a compensation plan for all classes of position. The board shall present the plan, through the Commissioner of the Executive Department for Finance and Administration, to the Governor for his approval. The plan shall provide salary ranges for the various classes, with the salaries consistent with the functions outlined in the classification plan. Such salary ranges shall include minimum, intervening, maximum, and longevity rates of pay for each class. Each class of position in the classification plan shall be assigned to a salary range in the compensation plan.

Section 2. Entrance Salary. Initial appointments to state service shall be made at the minimum of the pay range for the class unless:

(1) The commissioner determines that it is not possible to recruit qualified employees at the established entrance salary in a specific area, in which case, he may, at the request of the appointing authority, authorize the recruitment for a class of position at a higher step of the range, provided that all other employees in the same class of position in the same agency in the same locality are adjusted in salary to the same step.

(2) [(a)] The commissioner authorizes the appointment of a qualified applicant at the second or third step of the range, provided that any such exception is based on the outstanding and unusual character of the employee's experience, education and ability over and above the minimum qualifications specified for the class, provided that all other employees possessing similar qualifications in the same class of position in the same agency in the same locality are adjusted in salary to the same step.

[(b)] An agency head signs the personnel action form appointing a college graduate applicant, who is not

appointed under 101 KAR 1:050, Section 2 (2)(a) and who has an undergraduate average of 3.25 on a four (4) point scale, or equivalent, or better, and has submitted an official college transcript to the Department of Personnel before the effective date of his appointment.]

Section 3. Re-Entrance to State Service. Appointing authorities, with the approval of the commissioner, may place re-employed, reinstated and probationarily appointed former employees at a salary determined by one (1) of the following methods:

(1) The same class:

(a) Request the same salary that was paid at the time of separation if such salary is within the current salary range;

(b) Request a salary relative to that which was paid employee at time of separation (original salary plus increases resulting from a change of salary range) if such salary is within the current salary range;

(c) Request a lower salary within the current salary range which falls in one (1) of the steps within the salary range;

(d) Request a salary in accordance with the standards used for making new appointments.

(2) A higher class:

(a) Request the same salary that was paid at the time of separation if such salary is within the higher salary range;

(b) Request a salary relative to that which was paid the employee at time of separation (original salary plus increases resulting from a change of salary range) if such salary is within the higher salary range;

(c) Request a salary in accordance with the standards used for making new appointments.

(3) A lower class:

(a) Request the same salary that was paid at the time of separation if such salary is within the lower salary range;

(b) Request a salary relative to that which was paid the employee at the time of separation (original salary plus increases resulting from the change of salary range) if such salary is within the lower salary range;

(c) Request a salary in accordance with the standards used for making new appointments.

Section 4. Salary Adjustments. (1) Change in Salary Range. Whenever a new or different salary range is made applicable to a class of position, persons employed in positions of that class at the effective date of the adjustment shall have their salary placed at least at the minimum salary step of the new range. An adjustment may be made to the salary step of the new range corresponding to that step which an employee held under the range formerly applicable to his class of position. In fixing salaries on an adjustment, an appointing authority shall afford equitable treatment to all employees affected by the adjustment. Salary adjustments resulting from

different salary ranges being made applicable to a class of position shall not affect an employee's normal anniversary increment date.

(2) An employee who is promoted may have his salary raised to the lowest step of the salary range for the class of his new position which will provide an increase over the salary received prior to promotion. If the promotion is to a classification which constitutes an unusual increase in the level of responsibility, the appointing authority, with the prior written approval of the commissioner, may grant a two (2) or three (3) step salary increase over the employee's previous salary, provided the proposed salary is within the salary range for the position.

(3) An employee who is demoted shall have his salary reduced to at least the maximum rate of the new class; however, if an employee whose performance is satisfactory is demoted through no fault of his own as a result of the reallocation of his position to a lower class and his salary is above the maximum, he may retain the salary he received before the reallocation, but he shall not receive salary advancements so long as he remains in a position with a maximum rate no higher than this salary.

(4) Transfer. An employee who is transferred to the same class of position shall be paid the same salary that he received prior to transfer.

(5) Reclassification. An employee who is advanced to a higher pay grade through a reclassification of his position shall have his salary raised to the lowest step of the salary range for the class which will provide an increase over the salary received prior to the advancement.

(6) Reallocation. An employee who is advanced to a higher pay grade through a reallocation of his position shall have his salary raised to the lowest step of the salary range for the class which will provide an increase over the salary received prior to the advancement.

(7) Detail to special duty. An employee who is approved for detail to special duty as provided by 101 KAR 1:110, Section 4, may have his salary raised to the lowest step of the salary range for the class of the new position which will provide an increase over the salary received prior to the detailed assignment. *Annual increments will not be permitted while an employee is on detail to special duty.*

(8) Salary reduction. Employees who are transferred back to their old class, after completion of a detail assignment or unsatisfactory probationary period following a promotion, shall have their salary reduced to the salary rate received prior to the detail assignment or promotion. *An employee who reverts back to his old class after a detail to special duty is entitled to all salary advancements he would have received had he not been on detail to special duty.*

Section 5. Salary Advancements. (1) *Annual increments* [All salary advancements] shall be based upon [quality and quantity of work giving due consideration to] length of service, and shall correspond with the steps of the approved salary range, and shall, in the classified service, be limited to employees having status.

(2) Employees shall be eligible and may be given consideration by the appointing authority for a one (1) step salary advancement at the beginning of any month following the successful completion of the probationary period. An employee may not be given salary advancement more than once for successful completion of a probationary

period in the same classification. Thereafter, an employee shall be [eligible and] given [consideration by the appointing authority for] a one (1) step salary advancement at the beginning of the [any] month following completion of twelve (12) months continuous [satisfactory] service since last receiving an *annual or probationary increment* [increase in salary]. The service may be [temporary,] provisional [,] or probationary. *A reinstated, re-employed, or probationarily appointed former employee who is required to serve a probationary period shall not be eligible for a probationary period salary advancement at the end of that probationary period, except when appointed to a higher classification.*

(3) Any permanent full-time employee who has served continuously for one (1) year immediately preceding the recommendation and who has not received an outstanding merit advancement *within twelve (12) [twenty-four (24)]* months, [and who has not received more than one (1) outstanding merit advancement in his present grade,] is eligible for a one (1) step outstanding merit advancement in his present grade in addition to any other salary advancements to which he might be entitled if:

(a) His acts or ideas have resulted in significant financial savings to the Commonwealth, or to a significant improvement in service to its citizens; or,

(b) His job performance is outstanding. The appointing agency must submit written justification to the commission and the personnel action form must be approved by the agency head and the commissioner to be effective. In a fiscal year, an agency with sufficient budgeted funds may grant as many outstanding merit salary advancements as *thirty (30) [ten (10)]* percent of the number of its employees at the close of the prior fiscal year.

(4) Subject to the approval of the commissioner, any permanent, full-time employee who, after his probationary period, satisfactorily completes 260 classroom hours of job-related instruction, is eligible for an educational achievement one (1) step salary advancement.

(5) New increment anniversary dates will be established when:

(a) An employee first enters on duty. Increment anniversary date will be the first of the month if the employee enters on duty the first work day of the month. For employees entering on duty after the first work day of the month, the anniversary date shall be the first day of the following month;

(b) An employee receives an increase in salary as a result of a promotion;

(c) An employee going on leave without pay, shall result in a postponement of employee's receiving an increment one (1) full month for each full or partial month he is on leave.

(6) Increment anniversary dates will not change when:

(a) An employee's position class receives a new or different salary range;

(b) An employee receives a salary adjustment as a result of his position being reallocated or reclassified;

(c) An employee is transferred from one department to another in the same salary grade and at the same rate of pay;

(d) An employee receives a demotion to a position of a lower class or his position receives a lower classification;

(e) An employee is approved for detail to special duty as provided by 101 KAR 1:110, Section 4[.]. *The increment anniversary date will remain the same for the last position in which the employee had status;*

(f) An employee receives an outstanding merit salary

ment under 101 KAR 1:050, Section 5(3), or an additional achievement salary advancement under 101 KAR 1:050, Section 5(4);

(g) An employee receives an adjusted increment based on the fact that the employee had not received the maximum number of salary advancements permitted.

(7) An employee who has not received the maximum number of salary advancements permitted by the time limits set forth may be given additional salary advancements at the beginning of any month provided his salary is not advanced to a step of the salary range higher than he would have reached had he received all salary advancements permitted;

(8) No employee shall have his salary advanced to a point above the maximum of the salary range applicable to the class of his position except as provided by 101 KAR 1:050, Section 5(3), (4), and 101 KAR 1:050, Section 6.

Section 6. Longevity Increases. (1) All salary advancements with the longevity plan shall be based upon [quality and quantity of work, giving due consideration to] length of service, and shall correspond with the steps of the approved salary range, and shall, in the classified service, be limited to employees having status.

(2) An employee shall be eligible and *advanced* [considered for advancement] to the first longevity step after completion of twelve (12) months [of satisfactory] service at the salary rate preceding the first longevity step and seven (7) years of total state service.

(3) An employee shall be eligible and *advanced* [considered for advancement] to the second longevity step after completion of twelve (12) months [of satisfactory] service at the salary rate preceding the second longevity step and nine (9) years of total state service.

(4) An employee shall be eligible and *advanced* [considered for advancement] to the third longevity step after completion of twelve (12) months [of satisfactory] service at the salary rate preceding the third longevity step and eleven (11) years of total state service.

(5) Requirements as to total service. [Service requirements for advancement to the longevity steps require satisfactory service.] The service does not have to be continuous. Absences of leave without pay, except approved educational leave, in excess of thirty (30) working days shall be deducted in computing total service. Re-employed persons who have been dismissed for cause from state service shall not receive credit for service prior to the dismissal. *In computing years of total service for the purpose of determining longevity eligibility only those months for which an employee earned annual leave shall be used.*

(6) The longevity steps may be used for promotions, demotions, and changes in pay grade, provided the employee possesses the total service required for advancement to the longevity step.

Section 7. Paid Overtime. Overtime for which pay is authorized shall have the approval of the Commissioner of Personnel and the Commissioner of the Executive Department for Finance and Administration.

Section 8. Maintenance and Maintenance Allowance. In each case where an employee or the employee and his family are provided with full or part maintenance, consisting of one (1) or more meals per day lodging or living quarters, and domestic or other personal services, such compensation in kind shall be treated as part payment

and its value shall be deducted from the appropriate salary rate in accordance with the schedule promulgated by the commissioner after consultation with appointing authorities and the Commissioner of the Executive Department for Finance and Administration.

Section 9. Supplemental Shift Premium. Upon request of the appointing authority, the commissioner may authorize the payment of a supplemental shift premium for those employees directed to work an evening or night shift. However, no employee shall receive a supplemental shift premium subsequent to a transfer to a position that is ineligible for a shift differential premium payment. The employee's loss of shift differential pay shall not be a basis for an appeal to the Personnel Board.

PHILIP TALIAFERRO, Chairman
ADDIE D. STOKLEY, Commissioner

ADOPTED: June 11, 1976

APPROVED: JACKSON W. WHITE, Secretary

RECEIVED BY LRC: June 15, 1976 at 3:15 p.m.

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

SECRETARY OF THE CABINET
Department of Personnel
(Proposed Amendment)

101 KAR 1:080. Certification and selection of eligibles.

RELATES TO: KRS 18.170, 18.190, 18.210, 18.240

PURSUANT TO: KRS 13.082, 18.170, 18.190, 18.210

NECESSITY AND FUNCTION: KRS 18.170 requires the Personnel Board to adopt comprehensive rules consistent with KRS Chapter 18. KRS 18.190 requires the Commissioner of Personnel to prepare and recommend to the Personnel Board rules which provide for the manner of completing appointments and promotions, including multiple and simultaneous certifications. KRS 18.210 requires the commissioner to prepare and submit to the board rules which provide for establishment of eligible lists for appointment, and for consideration for appointment of persons whose scores are included in the three (3) highest scores on the exam. This rule is necessary to comply with these statutory requirements.

Section 1. Request for Certification of Eligibles. To fill a vacancy by selection of an eligible from a register established on the basis of an open-competitive examination, the appointing authority shall submit a request for certification to the commissioner upon a prescribed form. This requisition may be for one (1) or more positions in the same class, in the same locality, and shall indicate the number and identity of positions to be filled and the title of the class to which they have been allocated and specify all other pertinent information which the appointing authority and the commissioner deem necessary. The appointing authority shall make such request as far in advance as possible of the date the employee is to begin work.

Section 2. Certification of Eligibles. Upon receipt of a requisition, the commissioner shall certify and submit in writing to the appointing authority the names of available persons eligible for the appointment. If one (1) position is involved he shall certify and submit from the register for that class the names of the persons whose scores are included in the highest *five (5)* [three (3)] scores earned on the examination, providing the commissioner shall fix a reasonable maximum number of eligibles certified. If more than one (1) vacancy is involved, either in one (1) or more agencies, the commissioner shall certify sufficient additional names for the agencies' consideration in filling the total number of vacancies by procedures to retain orderly consideration of eligibles; however, each appointment must be made from the eligibles with the *five (5)* [three (3)] highest scores. Scores shall be considered in whole numbers. If the register established as a result of the open-competitive examination for a specific class is exhausted, the commissioner shall certify and submit names in accordance with the above procedure in accordance with 101 KAR 1:070, Section 3. The life of a certificate during which action may be taken shall be thirty (30) days from the date of issue unless otherwise specified on the certification. Any appointment made from such certificate during that time shall not be subject to any change in the condition of the register taking place during that period.

Section 3. Availability. An eligible may at any time during the life of a register have himself listed as available or not available for appointment to a position of that class in any locality or localities in the state, subject to the area-certification policies, by filing notice to such effect with the commissioner.

Section 4. Selective Certification. (1) The appointing authority may specify in writing requirements of particular experience, education, or skill when he deems such requirements necessary for a position. If, after investigation of the duties and responsibilities of the position, the commissioner finds the particular experience, education, or skill essential for successful performance he may certify in order of rank on the register the names of those persons who possess those qualifications specified. If, in certifying the names of such eligibles, the commissioner finds there are fewer than three (3) such eligibles, he shall complete the certificate by adding, after the names of such eligibles, the names of other eligibles available, for the appointment in the order of their respective rank on the register.

(2) The appointing authority may specify in writing exceptional requirements of particular physical characteristics when he deems such requirements necessary for a position. If, after investigation of the duties and responsibilities of the position, the commissioner finds the exceptional requirement of the characteristic essential for successful performance, he may certify in order of rank on the register the names of those persons who possess the qualifications specified. If, in certifying the names of such eligibles, the commissioner finds there are fewer than three (3) such eligibles, he shall complete the certificate by adding, after the names of such eligibles, the names of other eligibles available for the appointment in the order of their respective rank on the register.

(3) In filling a position in a unit serving a limited area, the appointing authority may request in writing the

certification of eligibles who are residents of the county or area served by that unit. Upon receipt of such a request, the commissioner may certify the names of the highest available eligibles who are residents of that county or area first. If, in certifying the names of such eligibles for a vacancy in a unit serving a limited area, the commissioner finds there are fewer than three (3) such eligibles, he shall complete the certificate by adding, after the names of such eligibles, the names of other eligibles available for the appointment in the order of their respective rank on the register.

Section 5. Selection. (1) Written inquiry as to availability must be sent to each eligible certified for appointment unless it is impractical to do so, except that evidence of having sent a written notice to each eligible reported as having failed to reply to the inquiry or unavailable for appointment must be submitted with a report of action on a certification.

(2) In making appointments from the open-competitive register, the appointing authority shall select for each position a person whose score is included in the *five (5)* [three (3)] highest scores, exclusive of the names of those persons:

(a) Who decline appointment or request that they not be considered for appointment;

(b) Who fail to reply within a period of five (5) calendar days to the written request of the appointing authority for an interview, or within forty-eight (48) hours to a telegraphic request, or who do not arrange to report for such an interview within a reasonable time, or who fail to appear for an interview which they have arranged with the appointing authority;

(c) Who accept an appointment and fail to present themselves for duty at the time and place agreed to without giving reasons for the delay satisfactory to the appointing authority;

(d) To whom the appointing authority offers an objection in writing based on 101 KAR 1:060, Section 4, which objection is sustained by the commissioner.

(3) The final selection by the appointing authority shall be reported in writing to the commissioner. At the same time, the appointing authority shall indicate the disposition of the other names listed on the certificate and shall certify to the commissioner the non-availability of any eligibles passed over for that reason.

(4) If, in the exercise of his choice, the appointing authority passes over the name of an eligible on a register in connection with three (3) separate appointments which he has made from the register, written request may be made of the commissioner that the name of such eligible be omitted from any subsequent certifications from the same register to the same appointing authority. This request must contain sufficient evidence to indicate the eligible's unsuitable characteristics for an appointment in the class for which the register was established. If the commissioner approves such request either the name of such eligible shall not thereafter be certified to him from that register for other vacancies in that class, or his name will be removed from this register.

Section 6. Certification of Names from the Re-employment List. Any employee with status, who has been placed in a layoff category, shall have first priority for consideration in filling any vacancy in a covered position for which he is qualified in any department in any

geographic area. A status employee in the layoff category must indicate in writing to the Department of Personnel that he desires re-employment. No examination shall be required for re-employment in the same job classification from which he was laid off. If a laid-off employee with status desires re-employment in job classifications other than the classification in which he was laid off, he must meet the requirements and pass the required examinations for the job classifications in which he seeks re-employment. If more than one (1) laid-off employee with status seeks re-employment in any job classification, the Department of Personnel shall certify all qualified laid-off employees. No vacancy can be filled from the competitive register until after qualified laid-off employees with status, who are seeking to fill the vacancy, have been given full consideration. Written objections to the re-employment of a laid-off employee with status must be approved by the Department of Personnel before names from the competitive register can be certified to an appointing authority for consideration.

Section 7. Certification from the Promotion Register. Whenever a vacancy is to be filled from a register established as a result of a competitive examination, the commissioner shall certify the names of eligibles in accordance with 101 KAR 1:080, Section 2.

[Section 8. Certification for Temporary Appointment. Whenever the services to be rendered by an appointee are for a temporary period, not to exceed six (6) months, the commissioner shall certify the names of those eligibles who have indicated their availability for temporary services in accordance with 101 KAR 1:080, Section 2.]

PHILIP TALIAFERRO, Chairman
ADDIE D. STOKLEY, Commissioner

ADOPTED: June 11, 1976

APPROVED: JACKSON W. WHITE, Secretary

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

SECRETARY OF THE CABINET
Department of Personnel
(Proposed Amendment)

101 KAR 1:090. Types of appointments.

RELATES TO: KRS 18.110, 18.140, 18.210, 18.250
PURSUANT TO: KRS 13.082, 18.170, 18.190, 18.210
NECESSITY AND FUNCTION: KRS 18.170 requires the Personnel Board to adopt comprehensive rules consistent with KRS Chapter 18. KRS 18.190 requires the Commissioner of Personnel to prepare and recommend to the board rules which provide for the manner of the completing appointments and promotions. KRS 18.210 requires the commissioner to prepare and submit to the board rules which provide for various types of appointments, such as probationary, emergency, provisional, reinstatement, and for such other rules, not inconsistent with KRS Chapter 18, as may be proper and necessary.

This rule is necessary to comply with these statutory requirements.

Section 1. Filling of Vacancies. All vacancies in the classified service which are not filled by transfer, promotion, or demotion, shall be filled by probationary appointment, re-employment, reinstatement, temporary appointment, emergency appointment or provisional appointment.

Section 2. Probationary Appointment. The appointment to a permanent position in the classified service through certification in accordance with 101 KAR 1:080 from an open competitive register shall constitute probationary appointment.

Section 3. Provisional Appointment. When a vacancy is to be filled in a position of a class for which there are less than three (3) eligibles available for certification, the appointing authority, with the prior approval of the commissioner, may make a provisional appointment to fill the position. A provisional appointee must be certified by the commissioner as meeting at least the minimum qualifications established for the class of position. No such provisional appointment shall be continued longer than six (6) months nor shall successive provisional appointments of the same person be made to the same position.

Section 4. Emergency Appointment. The appointment of an employee without regard to the examination requirements of these rules to any position by reason of a governmental emergency shall constitute an emergency appointment. An emergency appointment may not exceed thirty (30) working days in duration and is non-renewable. Emergency appointments shall have the prior consent of the commissioner.

Section 5. Temporary Appointments. The appointment of a person to a temporary position shall constitute a temporary appointment. Such appointments shall be subject to the prior approval of the commissioner. [and shall be made from a register unless there are less than three (3) available for certification.] Each appointee [appointed in the absence of three (3) available eligibles] must be *approved* [certified] by the commissioner as meeting at least the minimum qualifications established for the class. Such appointment shall be for a specified period of time not to exceed six (6) months and shall not be renewable.

Section 6. Re-Employment. An employee with status who has been laid off by reasons of lack of funds or work, curtailment of program, abolishment of position or organization unit, or material change in duties or organization, and through no fault of his own, may request that his name be placed on a re-employment list for the class in accordance with 101 KAR 1:070, Section 7. The name of an employee with status, who has been dismissed for reasons found to be insufficient by the board after hearing the appeal, may be placed on the re-employment list at the discretion of the board. In either case, eligibility to remain on the re-employment list shall expire one (1) year from the effective date of the layoff or separation. The appointment of a person from such list shall constitute re-employment. A person so re-

employed shall be subject to the successful completion of a probationary period in accordance with 101 KAR 1:100.

Section 7. Reinstatement. (1) An employee with permanent status who has resigned or been laid off through no fault of his own may be reinstated to any class of position for which he is qualified with the same or lower entrance rate of pay within five (5) years from the effective date of his separation. Such reinstatement shall be made only with the prior approval of the commissioner and shall be subject to the successful completion of a probationary period in accordance with 101 KAR 1:100. The commissioner's approval of a reinstatement shall include a finding that the candidate meets the current qualifications for the class. If the reinstatement is to a different class series the applicant must pass the appropriate examination prior to reinstatement. Age and education requirements may be waived by the commissioner upon recommendation of the appointing authority for reinstatement.

(2) An employee with status who has been dismissed for reasons found by the board, after hearing the employee's appeal, to be political, religious, or ethnic reasons shall be reinstated to his former position or a position of like status and pay, without loss of pay for the period of his separation.

Section 8. Seasonal Appointment. The appointment of a person to a position which recurs on a seasonal basis may be made of any applicant meeting the established minimum qualifications. Such appointments shall be subject to the prior approval of the commissioner and shall be made only after the seasonal recurring needs have been established by the appointing authority.

Section 9. Unclassified Service. Appointing officers may fill positions in the unclassified service in the manner in which positions in the classified service are filled.

PHILLIP TALIAFERRO, Chairman
ADDIE D. STOKLEY, Commissioner

ADOPTED: June 11, 1976

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TO: Commissioner, Kentucky Department of Personnel,
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SECRETARY OF THE CABINET
Department of Personnel
(Proposed Amendment)

101 KAR 1:100. Probationary period.

RELATES TO: KRS 18.110, 18.210, 18.250

PURSUANT TO: KRS 13.082, 18.170, 18.190, 18.210

NECESSITY AND FUNCTION: KRS 18.170 requires the Personnel Board to adopt comprehensive rules consistent with KRS Chapter 18. KRS 18.190 requires the Commissioner of Personnel to prepare and recommend

to the board rules which provide for the manner of completing appointments and promotions. KRS 18.210 requires the commissioner to prepare and submit to the board rules which provide for a period of probation not to exceed one (1) year before appointment or promotion may be made complete, and during which the probationer may be dismissed or demoted. This rule is necessary to comply with these statutory requirements.

Section 1. Nature, Duration, and Purpose. The first six (6) months of service in a position to which an employee has been probationally appointed, promoted, re-employed, or reinstated under the provisions of these rules shall constitute a probationary period. An exception being that when the board finds, after an appeal, that the separation of an employee was taken by the appointing authority for political, religious, or ethnic reason and orders the employee reinstated, a new probationary period will not be required. The commissioner, with the approval of the board, may fix a longer length for the probationary period providing it applies to all positions of a class or classes, but in no case shall the probationary period exceed a twelve (12) month period. Provisional service in a class immediately prior to probationary appointment to the class shall be credited toward the probationary period. The probationary period shall be an essential part of the examination process and shall be utilized for the most effective adjustment of a new employee and for the elimination of any employee whose performance does not meet the required standard of performance.

Section 2. Conditions Preliminary to Attaining Merit [Permanent] Status. *An employee shall attain status in the classified service unless the appointing authority separates the employee during the probationary period.* [It shall be the responsibility of the personnel officer to obtain for the appointing authority a statement in writing from the proper official to the effect that the services of each employee appointed for a probationary period have or have not been performed satisfactorily during such a period and is or is not recommended to be retained in the service. The appointing authority shall within thirty (30) days prior to the expiration of an employee's probationary period, notify the commissioner in writing whether the probationary employee is recommended for permanent status. Upon successful completion of an employee's probationary period, the appointing authority shall notify the employee and the commissioner in writing that status has been conferred.]

Section 3. Separation During the Probationary Period.

(1) If at any time during the probationary period, the appointing authority determines that the services of the employee have been unsatisfactory, an employee may be separated from his position without the right of appeal or hearing. The appointing authority shall notify the employee in writing at least ten (10) working days prior to the effective date of separation of the reasons for separation and such notification shall be delivered to the employee personally on a date within the probationary period or shall be postmarked on a date within the probationary period. The reasons for the separation shall be submitted in writing to the commissioner after which they shall be filed for permanent record. After the probationer has been separated, his name may be replaced on the eligible list by the commissioner if he determines

such action to be in the best interest of the service, but he shall not again be certified from that list to the agency from which separated unless the agency requests such certification.

(2) When an employee has been promoted but fails to successfully complete the probationary period, he will revert to a position of his former class. If there is no vacancy in a position of the former class, the rules pertaining to layoffs shall apply.

(3) *A promoted employee may request and, if approved by the appointing authority, be reverted to a position of his former class during the probationary period.*

PHILLIP TALIAFERRO, Chairman
ADDIE D. STOKLEY, Commissioner

ADOPTED: June 11, 1976

APPROVED: JACKSON W. WHITE, Secretary

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SECRETARY OF THE CABINET
Department of Personnel
(Proposed Amendment)

101 KAR 1:110. Promotion, transfer, demotion and detail to special duty.

RELATES TO: KRS 18.110, 18.190, 18.210, 18.220, 18.270

PURSUANT TO: KRS 13.082, 18.170, 18.190, 18.210

NECESSITY AND FUNCTION: KRS 18.190 requires the Personnel Board to adopt comprehensive rules consistent with KRS Chapter 18. KRS 18.190 requires the Commissioner of Personnel to prepare and recommend to the board rules which provide for the manner of completing appointments and promotions. KRS 18.210 requires the commissioner to prepare and submit to the board rules which provide for promotions and transfers; and for discharge and reduction in rank. This rule is necessary to comply with these statutory requirements.

Section 1. Promotion. (1) Vacancies in the classified service shall be filled by promotion whenever practicable and in the best interest of the service. Promotions shall be based upon merit and shall be made in accordance with the procedures established in these rules.

(2) A promotion is the filling of a vacancy by the advancement of an employee with status from a position having a lower minimum salary. Promotions may be made on either a competitive or non-competitive basis at the discretion of the commissioner after consultation with the appointing authority. An employee who is promoted shall be required to serve a probationary period as provided in 101 KAR 1:100. Serving a probationary period upon promotion shall not affect the employee's status in the lower class of position. Appropriate consideration will be given to the qualifications, performance appraisals, conduct, and seniority of applicants for promotion.

(3) To fill a vacancy by competitive promotion, the

Commissioner of Personnel shall examine all qualified, applying, status employees. The commissioner shall prepare a register in the same manner as for open competitive appointments. 101 KAR 1:080 shall govern the selection and appointment.

(4) When an appointing authority nominates a status employee for a non-competitive promotion, the Commissioner of Personnel may test the nominee. If he finds the nominee qualified, the commissioner may authorize the promotion.

(5) Any employee promoted from a classified to an unclassified position retains his status in the classified service. On separation from the unclassified service, he reverts to the class in which he holds status. If there is no vacancy to which he can revert, 101 KAR 1:120, Section 2, applies.

Section 2. Transfer. (1) The movement of an employee from one [a] position [of one class] to another of the same grade having the same salary ranges and the same level of responsibility within the classified service [class] shall be deemed a transfer. A transfer may be an inter-agency or intra-agency action. *If the employee requests a transfer in writing, such transfer will be deemed to have been made on a voluntary basis and from which there shall be no appeal. The employee must meet the minimum requirements of the job class to which transferred.*

(2) No employee, certified to a vacancy in a local area on a strictly local area basis in accordance with the provisions of 101 KAR 1:080, Section 4(3), shall be transferred from that position until the probationary period has been completed.

(3) No probationary employee may be transferred between agencies nor between geographical locations to a position having the same salary range and level of responsibility, unless approved by the Commissioner of Personnel.

(4) No employee may transfer to a different department without prior approval both of the Commissioner of Personnel and of the personnel officer or head of his present department.

(5) An employee's promotion to a different department must be approved in writing by the personnel officer or head of his present department, or by the Commissioner of Personnel. If the promotion is approved by his present department, the department must file it with the Department of Personnel.

(6) Following notification of a transfer, an employee must report for work, or make himself known to be available for work, at either his old work station or the new one to which assigned.

Section 3. Demotion. (1) *"Demotion" means a change in the rank of an employee from a position in one (1) class to a position in another class having a lower minimum salary range and less discretion or responsibility.* [The movement of an employee with status to a position in a lower class is a demotion. For this purpose a lower class means a class having a maximum salary lower than the maximum salary for the position in which the individual is employed and a position having less discretion or responsibility.]

(2) An employee with status may be demoted only for

cause, after the employee has been presented with the reasons for such demotion in writing, and has been allowed at least five (5) working days to reply thereto in writing, or, upon request, to appear personally with counsel and reply to the appointing authority or his deputy. A copy of the statement of reasons and the reply shall be filed with the commissioner. An employee with status may appeal his demotion in accordance with 101 KAR 1:130.

(3) If, for personal or other reasons, an employee requests in writing that he be assigned to a position of a lower class, the appointing authority may make such a *voluntary* demotion. *Voluntary demotions may be intra-agency or inter-agency; involuntary demotions shall be intra-agency only. If the action is intra-agency, approval of the appointing authority and the commissioner is required; if inter-agency the prior approval of both appointing authorities and the commissioner is required. There shall be no appeal from demotions made on a voluntary basis.* [In such cases, the demotion will be deemed to have been made on a voluntary basis and from which there shall be no appeal.]

Section 4. Detail to Special Duty. When the services of a permanent employee are needed in a position within the department other than the position to which regularly assigned, the employee may be detailed to that position for a period not to exceed one (1) year with prior approval of the Commissioner of Personnel. For detail to special duty the Commissioner of Personnel may waive the minimum requirements when requested by the appointing authority in writing.

PHILLIP TALIAFERRO, Chairman
ADDIE D. STOKLEY, Commissioner

ADOPTED: June 11, 1976

APPROVED: JACKSON W. WHITE, Secretary

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

SECRETARY OF THE CABINET
Department of Personnel
(Proposed Amendment)

101 KAR 1:120. Separations and disciplinary actions.

RELATES TO: KRS 18.110, 18.170, 18.210, 18.240, 18.270

PURSUANT TO: KRS 13.082, 18.170, 18.190, 18.210
NECESSITY AND FUNCTION: KRS 18.170 requires the Personnel Board to adopt comprehensive rules consistent with KRS Chapter 18. KRS 18.190 requires the Commissioner of Personnel to prepare and recommend to the board rules which provide for layoffs and for separation of employees deemed unsatisfactory or excessive by agency or department heads. KRS 18.210 requires the commissioner to prepare and submit to the board rules which provide for layoffs, imposition of fines of not more than ten (10) days' pay, suspension without pay for not longer than thirty (30) days, and for discharge or reduction in rank. This rule is necessary to comply with these statutory requirements.

Section 1. General Provisions. Except as otherwise provided in these rules, the tenure of an employee with status shall be during good behavior and the satisfactory performance of his duties.

Section 2. Layoffs. (1) An appointing authority may layoff an employee in the classified service whenever he deems it necessary by reason of shortage of funds or work, abolishment of a position, or other material change in duties or organization. The employee shall be notified of the effective date and shall be given written notice of the reasons for the layoff.

(2) Seniority, performance appraisals, conduct, qualifications and type of appointment shall be considered in determining the order of layoffs in a manner prescribed or approved by the commissioner. No status employee is to be separated by layoff while there are provisional, temporary, emergency, or probationary employees serving in the agency in the same class in the same locality.

(3) The appointing authority and the department shall attempt to place the employee in another position for which the employee is qualified.

Section 3. Dismissals. (1) The appointing authority may remove any employee with status only for cause after furnishing the employee and the commissioner with a written statement of the specific reasons for dismissal. Such reasons shall be specific as to the statutory and/or rule violation, the time, place, and persons by name involved in the alleged violation, and a specific description of the alleged unlawful activity. Notifications of dismissal that do not properly specify the reasons shall be considered invalid and the employee shall remain on the payroll until such time as proper charges are effected.

(2) Notifications of dismissal shall inform the employee that he has ten (10) working days, not including the date the notice is received, to reply thereto in writing, or upon request, to appear personally with counsel and reply to the appointing authority or his deputy.

(3) An employee with status may appeal his dismissal as set forth in 101 KAR 1:130.

(4) A dismissed employee may be required to forfeit all accrued leave.

Section 4. Separation During Probationary Period. An employee may be separated without the right of appeal at any time during the probationary period as set forth in 101 KAR 1:100, Section 3.

Section 5. Resignations. An employee who desires to terminate his service with the state shall submit a written resignation to the appointing authority. Resignations shall be submitted at least fourteen (14) calendar days before the final working day. A copy of an employee's resignation shall be attached to the advice effecting the separation and be filed in the employee's service record in the department. Failure of an employee to give fourteen (14) calendar days notice with his resignation may result in forfeiture of accrued annual leave.

Section 6. Retirement. If an employee with status is retired, he is considered as separated without prejudice and does not have the right of appeal.

Section 7. Suspensions. An appointing authority, upon written notice stating the reasons therefor, a copy of which

shall be sent to the commissioner, may suspend an employee without pay or other compensation as punishment for disciplinary cause. *In the case of an employee with status, such reasons shall be specific as to the statutory and/or rule violation, the time, place, and persons by name involved in the alleged violation, and a specific description of the alleged unlawful activity.* Such a suspension shall not exceed thirty (30) working days during any twelve (12) month period. The twelve (12) month period begins with the first day of the suspension. An employee with status may appeal his suspension as set forth in 101 KAR 1:130.

Section 8. Disciplinary Fines. An appointing authority may impose as a disciplinary measure, a fine of not more than ten (10) days pay to be computed on the basis of the employee's current salary. The employee will be notified in writing by the appointing authority of the reasons for the action, a copy of which shall be sent to the commissioner. *In the case of an employee with status, such reasons shall be specific as to the statutory and/or rule violation, the time, place, and persons by name involved in the alleged violation, and a specific description of the alleged unlawful activity.* An employee with status may appeal the action in accordance with the provisions of 101 KAR 1:130.

PHILLIP TALIAFERRO, Chairman
ADDIE D. STOKLEY, Commissioner

ADOPTED: June 11, 1976

APPROVED: JACKSON W. WHITE, Secretary

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SECRETARY OF THE CABINET
Department of Personnel
(Proposed Amendment)

101 KAR 1:140. Service regulations.

RELATES TO: KRS 18.170, 18.190, 18.210

PURSUANT TO: KRS 13.082, 18.170, 18.190, 18.210

NECESSITY AND FUNCTION: KRS 18.170 requires the Personnel Board to adopt comprehensive rules consistent with KRS Chapter 18. KRS 18.190 and 18.210 require the Commissioner of Personnel to prepare and submit to the board rules which provide for annual leave, sick leave, special leaves of absence, and for other conditions of employment. This rule is necessary to comply with these statutory requirements.

Section 1. Attendance. Hours of Work: The number of hours full-time employees in state offices in Frankfort are required to work shall be uniform for all positions unless specified otherwise by the appointing authority or the statutes. The normal work day shall be from 8:00 a.m. to 4:30 p.m., local time, Monday through Friday. Employees, in other than Frankfort state office buildings shall be subject to such hours of work as set by the appointing authority.

Section 2. Annual Leave. (1) Each employee in the state service, except seasonal, temporary and emergency em-

ployees, shall be allowed annual leave with pay at the following rate:

Years of Service	Annual Leave Days
0 — 5 years:	1 leave day per month; 12 per year
5 — 10 years:	1¼ leave days per month; 15 per year
10—15 years:	1½ leave days per month; 18 per year
15 years and over:	1¾ leave days per month; 21 per year

An employee must have worked more than half of the work days in a month to qualify for annual leave. *In computing years of total service for the purpose of allowing annual leave, only those months for which an employee earned annual leave shall be Used.* [Employees serving a part-time basis or per-diem basis shall not be entitled to annual leave.]

(2) Annual leave may be accumulated; however, not more than thirty (30) working days of accumulated leave may be carried forward from one (1) calendar year to the next. However, leave in excess of thirty (30) work days may be carried forward for a period of six (6) months if the appointing authority justifies in writing the reasons which made it impossible to allow an employee to take accumulated annual leave in a timely manner. Annual leave shall not be granted in excess of that earned prior to the starting date of leave.

(3) Absence on account of sickness, injury, or disability in excess of that hereinafter authorized for such purposes may at the request of the employee and within the discretion of the appointing authority, be charged against annual leave.

(4) Accumulated annual leave shall be granted by the appointing authority in accordance with operating requirements and, insofar as practicable, with the request of employees.

(5) Employees are charged with annual leave for absence only on days upon which they would otherwise work and receive pay.

(6) Annual leave shall accrue only when an employee is working or on authorized leave with pay. Annual leave shall not accrue when an employee is on educational leave with pay.

Section 3. Sick Leave. (1) Each employee in the state service, except an emergency, *part-time, or per-diem* employee, shall be allowed sick leave with pay at the rate of one (1) working day for each month of service. An employee must have worked more than half of the work days in a month to qualify for sick leave with pay. [Employees serving on a part-time or per-diem basis shall not be entitled to sick leave.]

(2) Employees completing ten (10) years of total service with the state shall be credited with ten (10) additional days of sick leave upon the first day of the month following the completion of ten (10) years of service. *In computing years of total service for the purpose of crediting ten (10) additional days of sick leave, only those months for which an employee earned sick leave shall be used.* The total service must be verified in writing before the leave is credited to the employee's record.

(3) Unused sick leave may be accumulated with no maximum on accumulation.

(4) Sick leave shall accrue only when an employee is working or on authorized leave with pay. Sick leave shall not accrue when an employee is on educational leave with pay.

(5) An appointing authority shall grant accrued sick leave with pay when an employee:

(a) Receives medical, dental or optical examination or treatment;

(b) Is disabled by sickness or injury;

(c) Is disabled by pregnancy and/or confinement limited to a maximum of three (3) calendar months;

(d) Is required to care for a sick or injured member of his immediate family for a reasonable period of time;

(e) Would jeopardize the health of others at his duty post, because of exposure to a contagious disease;

(f) Has lost by death a parent, child, brother or sister, or the spouse of any of them, or any persons related by blood or affinity with a similarly close association. Leave under this paragraph is limited to three (3) days or a reasonable extension at the discretion of the appointing authority. At the termination of sick leave with pay, the appointing authority shall reinstate the employee to his former position.

(6) An appointing authority shall grant sick leave without pay for so long as an employee is disabled by sickness, or illness, or pregnancy and confinement, and the total continuous leave does not exceed two (2) years. At the termination of sick leave without pay, the appointing authority shall reinstate the employee to a position for which he is qualified, and which resembles his former position as closely as circumstances permit.

(7) Absence for a fraction or part of a day that is chargeable to sick leave shall be charged in hours or one-half (½) hours.

(8) An employee who is transferred or otherwise changed from the jurisdiction of one agency to another shall retain his accumulated sick leave in the receiving agency.

(9) Employees shall be credited for accumulated sick leave when separated by proper resignation, layoff, retirement, or when granted leave without pay in excess of thirty (30) working days. The employee's amount of accumulated sick leave shall be listed in the remarks section of the advice effecting the separation. Former employees who are reinstated or re-employed may have *up to five (5) days* of their accumulated and unused sick leave balances revived *upon appointment* [after sixty (60) days of work] and placed to their credit upon request of the appointing authority [,] and approval of the commissioner. *Any additional balance may be revived after sixty (60) days of work upon similar request.*

(10) In cases of absence due to illness or injury for which Workmen's Compensation benefits are received for lost time, sick leave may be utilized to the extent of the difference between such benefits and the employee's regular salary.

(11) Application for sick leave. An employee shall file a written application for sick leave with pay within a reasonable time. Except in cases of emergency illness, an employee shall request advance approval for sick leave for medical, dental, or optical examination, and for sick leave without pay. In all cases of illness, an employee is obligated to notify his immediate supervisor or other designated person. Failure to do so in a reasonable period of time may be cause for denial of sick leave for the period of absence.

(12) Supporting evidence:

(a) An appointing authority shall grant sick leave when the application is supported by acceptable evidence. A supervisor's or employee's certificate may be accepted, but a medical certificate may be required, signed by a licensed practitioner and certifying to the incapacity, examination,

or treatment.

(b) An appointing authority may place on sick leave a pregnant woman who, on request, fails to produce a satisfactory medical certificate.

Section 4. Court Leave. An employee shall be entitled to leave of absence from duties, without loss of time or pay for that amount of time necessary to comply with subpoenas by any court, federal, state, or political subdivision thereof, to serve as a juror or witness [.] *except in cases where the employee himself or a member of his family is a party plaintiff in court action.* This leave shall include necessary travel time. If relieved from duty as a juror or witness during his normal working hours, the employee shall return to work.

Section 5. Compensatory Leave. (1) Accumulated compensatory time shall be granted by the appointing authority in accordance with agency needs and requirements and, insofar as practicable, in accordance with the employee's request. To maintain a manageable level of accumulated compensatory time and for the specific purpose of reducing the employee's compensatory time balance, an appointing authority may direct an employee to take accumulated compensatory time off from work.

(2) An employee who is exempt from overtime provisions of wage and hour laws and who is authorized in advance by the appointing authority to work one (1) or more hours in excess of his prescribed hours of duty shall be granted compensatory leave on an hour-for-hour basis.

(3) An employee subject to wage and hour laws whose prescribed hours of duty are normally fewer than forty (40) per week and who is authorized in advance by the appointing authority to work one (1) or more hours in excess of his normal hours of duty may be awarded compensatory time for that portion of extra time worked up to forty (40) hours, provided his rate of pay meets requirements of minimum wage laws.

(4) An employee subject to overtime provisions of wage and hour laws shall be paid in accordance with such provisions for actual hours worked in excess of the applicable statutory maximum hours. Compensatory leave earned and used during the same workweek does not constitute "hours worked" for computing overtime pay.

Section 6. Military Leave. Any employee who is an active member of the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Public Health Service Reserve, or the Kentucky National Guard shall be relieved from his civil duties upon request therefor, to serve under orders on training duty without loss of his regular compensation for a period not to exceed ten (10) working days in any one (1) calendar year, and any such absence shall not be charged to leave. Absence in excess of this amount will be charged as annual leave or leave without pay. The appointing authority may require a copy of the orders requiring the attendance of an employee before granting military leave.

Section 7. Voting Leave. Appointing authorities shall allow all employees ample time to vote. Such absence shall not be charged against leave.

Section 8. Special Leave of Absence. (1) In addition to leaves as above provided, an appointing authority may grant leave without pay for a period or periods not to exceed

thirty (30) working days in any calendar year.

(2) An appointing authority, with approval of the commissioner, may grant leave of absence for a period not to exceed twenty-four (24) months for the following purposes, with or without pay: for assignment to and attendance at college, university, or business school for the purpose of training in subjects related to the work of the employee and which will benefit the state service; or for purposes other than above that are deemed to be in the best interests of the state.

(3) An appointing authority, with approval of the commissioner, may grant an employee entering active military duty a leave of absence without pay for a period of such duty.

Section 9. Absence Without Leave. An employee who is absent from duty without approval shall report the reason therefor to his supervisor immediately. Unauthorized and/or unreported absence shall be considered absence without leave and deduction of pay may be made for each period of such absence. Such absence may constitute grounds for disciplinary action and will serve to interrupt continuous service as defined in 101 KAR 1:050.

Section 10. Performance Appraisal. Quality and quantity of work shall be considered in determining salary advancements, in promotions, in determining the order of layoff, in re-employment, and as a means of identifying employees who should be promoted, demoted, or dismissed.

Section 11. Records and Reports. (1) Personnel action forms: The commissioner shall prescribe personnel action forms which appointing authorities shall use to report such personnel actions and status changes as he may require. The commissioner shall inform the appointing authorities which personnel actions and status changes must be reported to him.

(2) Leave records: Each appointing authority shall install and maintain a leave record showing for each employee:

(a) Annual leave earned, used and unused;

(b) Sick leave earned, used and unused; and

(c) Special leave or any other leave with or without pay. Such record shall be documentary evidence to support and justify authorized leave of absence with pay. Each appointing authority shall notify his employees of their annual and sick leave balances as of January 1; a summary of which shall be sent to the department by February 1.

(3) Official roster: The commissioner shall prepare and maintain a record of all employees showing for each employee his name, address, title of position, salary rate, changes in status, transfer, sick leave and annual leave.

Section 12. Confidentiality of Records. (1) Except as otherwise provided in the rules, all records of the department shall be considered public records and may be inspected, when in the public interest, upon application made to the commissioner during normal working hours.

(2) Unless the board shall determine otherwise, records of the department involving investigation correspondence and data related to the moral character and reputation of applicants for employment or employees in state service; and examination materials, questions, data and examination papers and records relating in any way to competitive examinations and tests conducted and held by the department shall be held confidential.

Section 13. Dual Employment. No employee holding a full-time position with the Commonwealth may hold

another state position [regularly requiring more than four (4) hours service per day] except upon recommendation of the appointing authority and the written approval of the Commissioner of Personnel. A copy of such written approval and a statement of the reasons therefor shall be transmitted to the Governor and the Director of the Legislative Research Commission. A complete list of all employees holding more than one (1) state position shall be furnished to the Legislative Research Commission quarterly by the commissioner.

Section 14. Minimum Hiring Age. The minimum age for hiring of state employees shall conform to federal and state labor laws, rules and regulations.

Section 15. Maximum Hiring Age. (1) The [normal] maximum hiring age for permanent employment subject to these rules is sixty-five (65).

(2) *Agencies may request that individuals over sixty-five (65) be tested and/or employed. The request must be justified in writing by the appointing authority, stating the reasons why it serves the public interest, and must have the prior approval of the Commissioner of Personnel. Applicants so approved shall be certified only to those agencies requesting such waivers. [Individuals over sixty-five (65) may be employed from year to year with prior approval of the Commissioner of Personnel when it serves the public interest. Such requests must be justified in writing by the appointing authority.]*

Section 16. Retirement. (1) The normal retirement age for employees subject to these rules shall be sixty-five (65).

(2) Employees over sixty-five (65) may be allowed to continue employment from year to year with prior approval of the Commissioner of Personnel when it serves the public interest. Such requests must be justified in writing by the appointing authority.

Section 17. Restoration From Military Leave. (1) State appointing authorities shall comply with the provisions of KRS 61.371, 61.373, 61.375, 61.377, 61.379.

(2) The Department of Personnel shall require proper compliance with these statutes as they pertain to state employees.

(3) The appointing authorities for employees in county, city, or political subdivisions thereof, are responsible for compliance with these statutes, in keeping with normal personnel practices and procedures of each.

(4) Appeals may be filed by an employee or previous employee pursuant to 101 KAR 1:130. The governmental agency from which the appeal is filed shall bear the expense of the hearing of the appeal.

(5) A former employee seeking restoration, who has been rejected or otherwise penalized, must file an appeal within thirty (30) days, after notification of such rejection or penalization by an appointing authority.

PHILLIP TALIAFERRO, Chairman
ADDIE D. STOKLEY, Commissioner

ADOPTED: June 11, 1976

APPROVED: JACKSON W. WHITE, Secretary

RECEIVED BY LRC: June 15, 1976 at 3:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

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

SECRETARY OF THE CABINET
Department of Revenue
(Proposed Amendment)

103 KAR 18:110. Withholding methods.

RELATES TO: KRS 141.370

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 141.370 requires the department to establish individual income tax withholding tables by regulation. This regulation establishes such withholding tables and describes procedure for supplemental and mechanical withholding. *These tables are revised to reflect the standard deduction increase enacted by the 1976 General Assembly.*

Section 1. General. The Department of Revenue is required by KRS 141.370 to prescribe tables [, effective January 1, 1971,] for withholding Kentucky individual income tax from salaries and wages of employees. These tables withhold the tax levied by KRS 141.020 and reflect the standard deduction (\$650) [(\$500 or less)] prescribed by KRS 141.081, and the deductible federal income tax referred to in KRS 141.310. The tables referred to in Section 4 are hereby prescribed by the Department of Revenue.

Section 2. Supplemental Withholding. In addition to tax required to be withheld by the tables in Section 4, an employee may authorize his employer to withhold additional Kentucky income tax. An employee may authorize additional withholding by filing an amended Withholding Exemption Certificate (Revenue Form K-4) with his employer. The amended certificate may claim fewer personal exemptions than he is allowed, authorize the employer to withhold a specific amount of additional tax, or both.

Section 3. Mechanical Withholding. The department provides a computer formula for withholding Kentucky income tax, and any employer with suitable equipment may use the formula in lieu of the tables referred to in Section 4. No other formula or withholding method may be used unless specific written approval is granted by the department.

Section 4. Withholding Tables. Employers shall withhold Kentucky individual income tax from wages and salaries, paid on and after *July 1, 1976* [January 1, 1971], in accordance with the tables filed herein by reference and which are obtainable from the Income Tax Division, Department of Revenue, Frankfort, Kentucky, 40601.

MAURICE P. CARPENTER, Commissioner

ADOPTED: May 28, 1976

RECEIVED BY LRC: May 28, 1976 at 3:40 p.m.

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

SECRETARY OF THE CABINET
Department of Revenue
(Proposed Amendment)

103 KAR 27:090. Memorial dealers.

RELATES TO: KRS 139.050, 139.110, 139.480

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To interpret the sales and use tax law as it applies to transactions involving memorial dealers. *To amend the regulation to comply with law revisions enacted by the 1976 General Assembly.*

Section 1. *Gross receipts derived from the sale of, and the storage, use or other consumption in this state of tombstones and other memorial grave markers are not subject to the sales or use tax. However, memorial [Memorial] dealers [are retailers of the tombstones, markers and other memorials sold by them and tax applies to such sales, but they] are consumers of the materials, such as cement, used in setting the memorial in the cemetery and tax applies to the sale of such materials to them. [Tax does not apply to the delivery charges or to charges for labor in the installation of memorials.]*

Section 2. Cemeteries which construct foundations on which memorial dealers place memorials are the consumers of materials they use in such construction, and tax applies to the sale of such materials to them.

MAURICE P. CARPENTER, Commissioner

ADOPTED: June 14, 1976

RECEIVED BY LRC: June 14, 1976 at 1:35 p.m.

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

SECRETARY OF THE CABINET
Department of Revenue
(Proposed Amendment)

103 KAR 30:090. Farm machinery.

RELATES TO: KRS 139.260, 139.470, 139.480

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To interpret the sales and use tax law as it relates to farm machinery *and sales to farmers. To amend the regulation to comply with law revision enacted by the 1976 General Assembly.*

Section 1. KRS 139.480 provides that "Any other provisions of this chapter to the contrary notwithstanding, the terms 'sale at retail,' 'retail sale,' 'use,' 'storage,' and 'consumption,' as used in this chapter do not include the sale, use, storage, or other consumption of: . . . (9) Farm machinery. As used in this section the term 'farm machinery' means machinery used exclusively and directly in the occupation of tilling the soil for the production of crops as a business, or in the occupation of raising and feeding livestock or poultry or of producing milk for sale. The term 'farm machinery' as used in this section includes machinery, attachments, and replacements therefor, *repair parts, and replacement parts* which are used or

manufactured for use on, or in the operation of farm machinery and which are necessary to the operation of such machinery, and are customarily so used; but this exemption shall not include automobiles, trucks, trailers, and truck-trailer combinations."

Section 2. The exclusion from tax referred to in the law applies to motor or animal drawn or operated farm machinery and implements, including attachments which are necessary to the operation of such machinery and implements. To qualify for exemption, the property must be used in the occupation of tilling the soil for the production of crops (including timber, flowers, fruits, shrubs, etc.) as a business or in the occupation of raising and feeding livestock or poultry or of producing milk, eggs, wool, etc. for sale. The exclusion is not limited to items commonly referred to as "farm machinery" but includes all machinery directly used in the activities listed above.

Section 3. Exempt Items: Examples of items which qualify for exemption in addition to the more commonly known items of "farm machinery" are: Irrigation systems, tobacco curing equipment, farm wagons, portable insecticide sprayers, chain saws, mechanical cleaning equipment, mechanical shop equipment, mechanical post hole diggers, silo unloaders (augers), grain and hay elevators, milking machines, automatic washers, mechanical bulk tanks, cooling units, brooders, incubators, automatic egg gathering systems, egg processing equipment, automatic feeding equipment, automatic waterers.

Section 4. Taxable Items: The following categories of items are excluded from the meaning of the term "farm machinery" and are subject to tax:

(1) Containers and storage facilities such as milk cans, wash tanks, watering tanks, egg baskets, nonmechanical silos, nonmechanical feeders, grain bins, and oil and gas storage tanks.

(2) Hand tools, and wholly hand-operated equipment such as wheel barrows, hoes, rakes, pitchforks, shovels, brooms, wrenches, pliers, and grease guns.

(3) Attachments (accessories) not essential to the operation of the machinery itself (except when sold as a part of an assembled unit) such as cigarette lighters, radios, canopies, air conditioning units, cabs, deluxe seats, tool or utility boxes, and lubricators.

(4) Miscellaneous farm equipment and supplies such as tobacco sticks, tobacco canvass, milk strainers, lawn and garden equipment, oils and greases, and coke.

(5) Items which are incorporated into real property such as stalls, stanchions, drainage tile, fencing materials, and building materials.

Section 5. Attachments; Repair and Replacement Parts:

(1) "Attachments" to farm machinery or farm implements are tax exempt both upon original purchase and when replaced. ["Repair and replacement parts" are subject to tax. However, these terms are not consistently applied among farm machinery dealers. One dealer may refer to a particular item as an "attachment;" another dealer may refer to the same item as a "part;" while still another dealer may refer to the item as an "accessory." It is essential, therefore, that a distinction be drawn between nontaxable attachments and taxable repair and replacement parts.]

[(2)] The term "attachments" refers to items purchased for use in connection with farm machinery or farm implements primarily to improve efficiency or to diversify

the function which the machinery or implements are capable of performing. Included in the "attachment" category are: hydraulic systems, weights, hitches, dual wheel assemblies, other items necessary to the operation of machinery or implements.

(2) [(3)] "Repair and replacement parts" purchased for use on farm machinery which are necessary to the operation of such machinery are exempt from tax. Included in the "repair and replacement" part category are: batteries, tires, fan belts, mufflers, spark plugs, miscellaneous motor repairs, plow points, cutting parts, v-belts, bolts, springs, etc.

Section 6. Tax does not apply to gross receipts derived from the sale of, and the storage, use or other consumption in this state of:

(1) Livestock of a kind the products of which ordinarily constitute food for human consumption provided the sales are made for breeding or dairy purposes and by or to a person regularly engaged in the business of farming.

(2) Poultry for use in breeding or egg production.

(3) Farm work stock for use in farming operations.

(4) Sales made to farmers who are regularly engaged in the occupation of tilling and cultivating the soil for the production of crops as a business or who are regularly engaged in the occupation of raising and feeding livestock or poultry or producing milk for sale, of:

(a) Seeds, the products of which ordinarily constitute food for human consumption or are to be sold in the regular course of business.

(b) Feed for livestock or poultry of a kind the products of which ordinarily constitute food for human consumption.

(c) Commercial fertilizer to be applied on land the products from which are to be used for food for human consumption or are to be sold in the regular course of business.

(d) Insecticides, fungicides, herbicides, rodenticides and other farm chemicals used in the production of crops or for livestock or poultry of a kind the products of which ordinarily constitute food for human consumption.

(e) Feed supplements which are premixed or are to be mixed with feed for livestock or poultry of a kind the products of which ordinarily constitute food for human consumption.

(5) Nonreturnable containers used in packaging or binding products which are sold by farmers. This includes but is not limited to baskets, sacks, crates, binder twine, baler twine, and baler wire. [The examples of taxable and nontaxable items contained in this regulation are for illustrative purposes only and are not intended to be all-inclusive.]

Section 7. Farm machinery and attachments may be purchased exempt from tax by furnishing the vendor with a properly executed Farm Machinery Exemption Certificate, Revenue Form 51A148. An Agricultural Certificate of Exemption, Revenue Form 51A106, must be obtained by the vendor as evidence of a tax exempt sale of: seed, fertilizer, feed supplements, livestock, poultry, farm work stock, repair and replacement parts for farm machinery, nonreturnable containers, insecticides, fungicides, herbicides, rodenticides, and other farm chemicals. Vendors failing to obtain the proper certificate will be held liable for the tax.

Section 8. The examples of taxable and nontaxable

items contained in this regulation are for illustrative purposes only and are not intended to be all inclusive.

MAURICE P. CARPENTER, Commissioner

ADOPTED: June 14, 1976

RECEIVED BY LRC: June 14, 1976 at 1:35 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

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

SECRETARY OF THE CABINET
Department of Revenue
(Proposed Amendment)

103 KAR 31:140. Interest, penalties and compensation.

RELATES TO: KRS 131.180, 131.182, 131.990, 139.570, 139.610, 139.640, 139.650, 139.710, 139.980, 139.990

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To summarize and interpret portions of the sales and use tax law and other chapters of the Kentucky Revised Statutes as they apply to the applications of penalties, interest, and compensation. *To amend the regulation to comply with law revisions enacted by the 1976 General Assembly.*

Section 1. Interest: KRS 139.650 provides that in every case, any tax not paid on or before the due date shall bear interest at the rate of *eight* [six] percent (8%) [(6%)] per annum from the due date until the date of payment.

Section 2. Penalties: (1) Civil Penalties:

(a) Failure to file (KRS 139.980): For failure to file a return or furnish information requested in writing by the department; ten percent (10%) of the tax assessed by the department.

(b) Late filing (KRS 139.980): For failure to make or file a return when due; five percent (5%) of tax found to be due for each thirty (30) days or fraction thereof, not to exceed twenty-five percent (25%), except in no case shall the penalty be less than ten dollars (\$10), even if no tax is due.

(c) Failure to pay (KRS 131.180): For failure to pay any tax within the time required by law; ten percent (10%) of the tax due, but in no case shall the penalty be less than ten dollars (\$10).

(d) Unhonored check (KRS 131.182): If any check tendered to the department is returned unhonored by the drawee bank; ten percent (10%) of the amount of the check, but in no case shall the penalty be less than ten dollars (\$10) nor more than \$100.

(e) Other penalties (KRS 139.980):

1. A deficiency due to negligence or disregard of rules and regulations, but without fraud; five percent (5%) of the total amount of deficiency,

2. For furnishing false or fraudulent statements; ten dollars (\$10) for each instance, and

3. For failure to pay an assessment made by the department within the time prescribed; one percent (1%) of unpaid tax per month until paid.

(2) Criminal Penalties: KRS 139.990 imposes a fine of not less than ten dollars (\$10) nor more than \$100 and/or

imprisonment in jail for a period not exceeding thirty (30) days for each of the following violations:

(a) Giving a resale certificate for purpose of evading tax under this chapter,

(b) Engaging in business as a seller in this state without a permit,

(c) Stating or advertising that tax is being absorbed, and

(d) Failure to display use tax separate on a sales check.

Section 3. Compensation: The compensation normally allowed taxpayers to reimburse themselves for the cost of collecting and remitting the tax is not allowable on tax not paid to the department on or before the due date.

MAURICE P. CARPENTER, Commissioner

ADOPTED: June 14, 1976

RECEIVED BY LRC: June 14, 1976 at 1:35 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

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

EXECUTIVE DEPARTMENT FOR FINANCE
AND ADMINISTRATION
Board of Chiropractic Examiners
(Proposed Amendment)

201 KAR 21:020. Professional standards and procedures.

RELATES TO: KRS 312.015, 312.017, 312.019, 312.021 [312.075]

PURSUANT TO: KRS 13.082, 312.019 [312.075]

NECESSITY AND FUNCTION: *This regulation, which defines professional standards and procedures, is being amended for clarification in light of amendments to KRS Chapter 312 by the 1976 General Assembly. KRS 312.019 provides that the board may adopt regulations governing the practice of chiropractic and the diagnosis and treatment of patients. KRS 312.015 defines a "chiropractor" as one qualified by experience and training and licensed by the board to diagnose his patients and to treat those patients diagnosed as having diseases or disorders relating to the subluxations of the articulations of the human spine and adjacent tissue. The purpose of this amendment is to define the limits of chiropractic diagnosis and the methods which may be employed. [Clarifies professional standards.]*

Section 1. (1) A chiropractic office shall include (i) a reception room, (ii) treatment room containing such equipment ordinarily necessary to provide chiropractic services, and (iii) toilet and washing facilities.

(2) All chiropractic offices shall be kept in a clean sanitary and orderly condition.

(3) Any number of chiropractors may jointly maintain a chiropractic office

Section 2. (1) Two (2) or more chiropractors, who are certified by this board to practice a sub-specialty of chiropractic, may operate a chiropractic clinic to render services requiring specialized skills, knowledge and educational training on the part of the chiropractic clinician and specialized physical facilities not ordinarily possessed by a chiropractor operating a chiropractic office.

(2) All chiropractic clinics shall include (i) reception

area, (ii) a treatment room containing equipment necessary to render chiropractic services, (iii) toilet and washing facilities, (iv) facilities and equipment necessary to rehabilitation, and (v) facilities and equipment necessary to render intensive care.

(3) All chiropractic clinics shall employ one or more paraprofessional assistants.

(4) All chiropractic clinics shall be certified by the board.

Section 3. (1) *Subject to the limitations of KRS 312.015 and 312.017, chiropractors may [examine, analyze and] diagnose the patient and his diseases or disorders by use of any physical, chemical or thermal method reasonably appropriate to the case. However, only methods of chiropractic diagnosis, in accordance with KRS 312.115(2), taught in chiropractic colleges having status with the accrediting commission of the Council of Chiropractic Education and approved by the accrediting committee of the United States Department of Health, Education and Welfare may be employed in reaching a chiropractic diagnosis. The chiropractor is further limited to such diagnostic methods which are designed to reasonably determine whether the patients' symptoms, diseases or disorders are related to subluxations of the articulations of the human spine or adjacent tissue and whether such diseases or disorders so diagnosed should be treated chiropractically and/or is likely to respond to chiropractic treatment and/or is responding to chiropractic treatment as defined in KRS 312.015(3).*

(2) *Subject to the limitations of subsections (1) and (3) of this section, chiropractors qualified by training and skill for diagnosis [and analysis] of patients by use of radiographs, blood analysis or other chiropractic methods of diagnosis [examination] may utilize the services of persons authorized by law to perform the procedures involved in such methods of diagnosis [examination]. Said diagnostic methods are authorized only for the purpose of determining the appropriateness of chiropractic treatment as defined in KRS 312.015 and may not be used as methods of treatment.*

(3) [Provided, however, that] The board may upon notice and hearing find any licensee unfit to use specific methods of diagnosis [examination]. The board in applying this provision shall chart for the licensee a course of continuing education which, in the opinion of the board, will, upon satisfactory completion, qualify the licensee to perform the method of diagnosis in question. Upon satisfactory completion of such continuing education, the licensee shall be certified as fully qualified by the board. [and] Provided further that the board by duly promulgated regulation, in accordance with KRS Chapter 13, may prohibit or restrict use of specific [specified] methods of diagnosis [examination] which the board determines are appropriately so regulated.

HAROLD BYERS, D.C., President

ADOPTED: June 12, 1976

APPROVED: RUSSELL McCLURE, Secretary

RECEIVED BY LRC: June 15, 1976 at 2:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: C. T. Woodward, D.C., Executive Secretary, State Board of Chiropractic Examiners, Post Office Box 182, Glasgow, Kentucky 42141.

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

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

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

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: This regulation pertains to the statewide deer gun season, the deer gun and archery season on specified wildlife management areas and refuges and the turkey archery season on Land Between the Lakes. This regulation is necessary for the continued protection of the species listed herein, and to insure a permanent and continued supply of the wildlife resource for the purpose of furnishing sport and recreation for present and future residents of the state. The function of this regulation is to provide for the prudent taking of deer and turkey within reasonable limits based upon an adequate supply. *This amendment is necessary to change the season dates; close additional counties to deer hunting; add a mandatory deer check station system and to better manage the deer herd by dividing the state into zones for gun deer hunting.*

Section 1. Statewide Deer Gun Season, Limits and Hunting Hours. (1) Season. Opens on the first Saturday in December (4th) and continues through December 8, 1976 [10, 1975].

(2) *Zones and legal deer which may be taken:*

(a) *Zone No. 1: McCracken, Livingston and Crittenden Counties. Either sex deer on December 4 only. Bucks only, with at least one (1) forked antler December 5 through December 8, 1976.*

(b) *Zone No. 2: Barren, Hart and Edmonson Counties. Either sex deer from December 4 through December 8, 1976.*

(c) *Zone No. 3: Gallatin and Owen Counties. Either sex deer on December 4 only. Bucks only with at least one (1) forked antler December 5 through December 8, 1976.*

(d) *Zone No. 4: Remainder of state (except those counties closed to deer hunting; those management areas which are closed to all hunting; and those management areas where the season dates vary from the statewide hunting dates). Bucks only with at least one (1) forked antler, white-tailed, fallow or European red deer, December 4 through December 8, 1976.*

(e) *All Zones: Limit is one (1) deer per season per hunter, either by gun or archery.*

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

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

Section 2. *Counties closed to both gun and archery deer hunting; areas open to small game hunting during the statewide gun deer hunting season; wildlife areas closed to all hunting: [Counties and Wildlife Areas Closed to Gun and Archery Deer Hunting.]*

(1) The following counties are closed to both gun and archery deer hunting: Jackson, Owsley, Clay, Powell, Harlan, Leslie, Wolfe, [and] Clark, 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 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.

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

Section 3. License Requirements for Gun and Archery Deer Hunting. Each hunter taking or attempting to take deer must have in his or her possession a valid deer hunting permit, unless exempted by KRS 150.170(3), (5) or (6) (the resident owner of farmlands, his wife or dependent children; resident tenants or their dependent children residing upon said farmlands; residents sixty-five (65) years or older; and resident servicemen on furlough of more than three (3) days in their county of legal residence). All persons except those exempted by KRS 150.170(3), (5) or (6), must have a valid Kentucky hunting license in addition to the deer hunting permit. All non-residents are required to possess an annual non-resident hunting license and a deer permit.

Section 4. Mandatory Deer Check Stations:

(1) All deer gun hunters killing a deer during the December 4 through 8 season, must have it checked at an open check station nearest to where the deer was killed, or by the nearest available conservation officer, no later than 9:00 a.m. the next day. This also applies to the last day's hunt. The hunter must fill out the stub attached to his deer permit, and this stub will be detached by the check station operator or conservation officer. A list of statewide check stations may be obtained from any county clerk's office.

(2) Hunters killing a deer on military posts, Land Between the Lakes or state-owned wildlife management areas listed in this regulation, must conform to check station requirements on those areas.

(3) Persons eligible to hunt without a hunting license or deer permit (see Section 3 of this regulation) must contact their nearest conservation officer for a free tag whenever they kill a deer.

Section 5. [4.] General Requirements for Gun and Archery Hunting. (1) Deer hunting is prohibited within the exterior boundaries of Mammoth Cave National Park.

(2) Each hunter who kills a deer must immediately attach to the deer the locking [metal] tag provided with

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

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

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

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

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

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

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

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

Section 6. [5.] Gun Season Requirements.

(1) Permitted weapons:

(a) Shotgun ten (10) gauge maximum and twenty (20) gauge minimum with shells carrying a single slug.

(b) Center fire rifles .240 caliber or larger.

(c) Muzzle-loading rifles of .38 caliber or larger fired from the shoulder.

(d) Semi-automatic rifles (trigger has to be pulled each time the rifle fires).

(e) Any type of muzzle-loading weapon may be used on Pioneer Weapons Wildlife Management Area in Bath and Menifee Counties. If muzzle-loading shotgun is used, the shot must be No. 2 buckshot or larger. Muzzle-loading shotguns and rifles using ball ammunition only on Land Between the Lakes Wildlife Management Area during the gun season only. Muzzle-loading rifles of not less than .40 caliber or more than .58 caliber on Fort Campbell Wildlife Management Area during the deer gun season only. Muzzle-loading rifles of .38 caliber or larger on Higginson-Henry Wildlife Management Area during the deer gun season only.

(2) Prohibited weapons and conditions:

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

(b) No one may hunt deer with a gun [(archers exempted)] unless wearing a visible vest, or coat, or coveralls, or cap or hat of hunter orange color. The entire vest, coat, coveralls, cap or hat must be of the hunter orange color. Any one of these items may be worn to comply with this regulation.

(c) Buckshot or any type of shot shells are prohibited except on the Pioneer Weapons Wildlife Management Area located in Bath and Menifee Counties.

(d) Fully automatic rifles (when holding down the trigger will fire all remaining shells in the rifle).

(e) Full jacketed (military type) ammunition.

(f) Tracer bullet ammunition.

(g) Any Army issue M-1 .30 caliber carbine or its equivalent commercially sold counterpart. Any .256 caliber rifle.

(h) Muzzle-loading shotgun, except on Pioneer Weapons Wildlife Management Area and a portion of the Land Between the Lakes Wildlife Management Area.

(i) Revolvers, pistols or any type of handgun may be carried during the deer gun season, but cannot be used in any way to take deer (except for muzzle-loading handguns on Pioneer Weapons Wildlife Management Area).

(j) Crossbows and longbows.

Section 7. [6.] Archery Season Requirements.

(1) Permitted weapons:

(a) Longbows and compound bows.

(b) Barbless arrows with broad head points at least seven-eighths (7/8) inch wide.

(c) Crossbows on Pioneer Weapons Wildlife Management Area only in Bath and Menifee Counties. Crossbows must be of not less than eighty (80) pounds pull with barbless arrows with broad head points at least seven-eighths (7/8) inch wide.

(2) Prohibited weapons and conditions:

(a) Any type of firearms.

(b) Crossbows, except as stated under permitted weapons.

(c) Chemically treated arrows, or attachments containing chemicals.

Section 8. [7.] Exceptions to Statewide Deer Hunting Regulations on the following Wildlife Management Areas and Refuges. [Except as stated, all other hunting regulations, bag and possession limits apply on the areas listed:]

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

(a) Deer archery (either sex): October 15 through October 31 on Tracts 1, 2, 3, 4, 5 and 6; December 13 [17] through December 31, 1976 [1975] on Tract 6 only.

(b) Deer gun (either sex): November 13 [4] and 14 [5], December 11 [13] and 12 [14], 1976 on Tracts 1, 2, 3, 4, 5 and 6.

(c) Checking in and out: All hunters must check in and out at the designated check station.

(d) Legal and prohibited guns: No rifles or [and] sidearms permitted. Only shotguns twenty (20) gauge to ten (10) gauge with slug ammunition may be used for taking deer.

(e) Legal and prohibited archery weapons: Refer to Section 7 [6] (1) and (2) of this regulation.

(f) Closed Areas: All tracts designated by a number followed by the letter "A" are closed to hunting.

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

(a) Deer Archery (either sex): October 9 [11] through November 10 [5]; December 18 [13] through December 31, 1976 [1975].

(b) Deer gun: Bucks with at least one (1) forked antler. Some areas either sex or antlerless *only*, or species as specified on permit. November 17, 20, 22, 29, 1976 [8, 11, 14, 17, 24, 1975].

(c) Turkey archery: Gobblers only with visible beards; one (1) per hunter; October 9 [11] through November 10

[5]; December 18 [13] through December 31, 1976 [1975].

(d) *Deer gun (for youths only): November 13, 1976. Youths who will be at least ten (10) years of age, but who will not have reached sixteen (16) years of age on the day of the hunt will be allowed. Youths must be accompanied by an adult and the youth must have a valid Kentucky hunting license, a state deer permit, a Land Between the Lakes Youth Hunt Permit, and a state Hunter Safety Certificate. The accompanying adult must have a valid Kentucky hunting license and deer permit. There will be a quota on the number of hunters. Applications must be submitted to Kentucky Deer Hunt, Land Between the Lakes, Golden Pond, Kentucky 42231 and received no later than 12 noon, September 1, 1976. Bag limit is one (1) deer of either sex.*

(e) [(d)] Area open to hunting: State line to Barkley Canal except developed public use areas, safety zones, and posted areas.

(f) [(e)] Deer gun hunt applications and drawing. A drawing by computer will select hunters for each of the hunts. Application forms must be submitted to Kentucky Deer Hunt, Land Between the Lakes, Golden Pond, Kentucky 42231, not later than 12 noon September 1, 1976 [1975].

(g) [(f)] Checking in and out; *gun hunters*. All hunters, including those camping in Land Between the Lakes, must check in, but will not be required to check out unless a deer or turkey is killed. Hunters may check in between noon and 5:00 p.m. the day before the hunt, or after 4:00 a.m. on hunt days. Check stations will be open from 4:00 a.m. to 6:30 p.m. (EST) on hunt days.

(h) *Checking in and out; archery hunters. Archery hunters are not required to check in or out, but all deer and turkey taken must be checked out.*

(i) [(g)] Tagging deer. All deer taken during the gun hunt must be tagged with a Land Between the Lakes deer hunt tag in addition to the state [metal] locking tag.

(j) [(h)] Turkey archery hunting restriction. Turkey hunting will not be allowed after a hunter has killed a deer.

(k) [(i)] Prohibited weapons. Firearms and crossbows are prohibited during the bow hunt.

(l) [(j)] For Land Between the Lakes general hunting rules refer to 301 KAR 2:050.

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

(a) Deer archery (either sex): October 1 through November 14, 1976 [16, 1975]; December 18 [17] through December 31, 1976 [1975].

(b) Deer gun: Bucks with at least one (1) forked antler. December 4 [6] through December 11, 1976 [13, 1975].

(c) Legal Archery Weapons: Longbows, compound bows and crossbows. Crossbows must not be less than eighty (80) pounds pull with barbless arrows with broadheads (7/8) inch wide.

(d) Legal guns: Only pioneer weapons are permitted. These include muzzle-loading rifles, muzzle-loading shotguns and muzzle-loading pistols.

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

(a) Deer archery (either sex): October 13 [16] through October 17 [20]; October 20 [21] through November 21, 1976 [26] on selected areas; December 1 [3] through December 12, 1976 [16, 1975], on selected areas; December 15 through December 31, 1976, on selected areas.

(b) Deer gun (either sex): October 20 [21] through November 21 [26]; December 1 [3] through December 12, 1976 [16, 1975] on selected areas; *December 15 through December 31, 1976, on selected areas.*

(c) Shooting hours: Daylight hours only for gun or archery deer hunting.

(d) Bag limit and permits: *The deer bag limit for Kentucky license holders will be one (1) deer of either sex per season per hunter taken by either gun or bow. Persons having taken a deer at Fort Campbell are not eligible to hunt deer elsewhere in Kentucky during the season.* [Two (2) deer of either sex may be taken by either gun or bow. If a deer is taken on Fort Campbell with a valid statewide permit, the permit card shall be so stamped and dated by Fort Campbell authorities and a statewide metal tag attached to the deer before removal from the post. Fort Campbell authorities will record the name, address and permit or tag numbers of all persons taking deer. A permit card so stamped and dated shall be valid evidence that the bearer is eligible to receive a free Fort Campbell tag. Authorities shall enter the date of issuance of this free tag on the card itself. No further tags may be issued to a person carrying two (2) dates on said card. Any hunter found in the field hunting outside the Fort Campbell Reservation with a Fort Campbell Kentucky deer tag, or with the card portion of the permit which bears the Fort Campbell stamp and date, either in his possession or attached to the deer, will be in violation of this regulation. Any person having taken a deer elsewhere in Kentucky legally, may obtain a second deer tag free at Fort Campbell upon the presentation of the permit card for stamping and dating. Persons having taken one (1) deer at Fort Campbell are not eligible to hunt deer anywhere else in the state during the season.] *Deer taken on post must be tagged with a statewide deer tag. Fort Campbell hunting permits are required and may be purchased for seven dollars (\$7) at building No. 6645 on post.*

(e) Legal guns: Muzzle-loading rifles of not less than .40 caliber or more than .58 caliber will be allowed during the deer gun season. Shotguns of twenty (20), sixteen (16) and twelve (12) gauge only using slugs are also allowed.

(f) Legal and prohibited archery weapons: Bows for deer hunting must have a minimum pull of thirty-five (35) pounds. Big game hunting arrows must be not less than twenty-four (24) inches in length, equipped with broad head barbless blades not less than seven-eighths (7/8) inch nor more than one and one-half (1½) inches wide for single two-edged blades, or not more than three (3) inches in circumference for three (3) or more blades. The minimum weight for all broad heads will be 100 grains. Chemically treated arrows or explosive heads are prohibited. Crossbows are prohibited.

(5) Fort Knox Wildlife Management Area located in Hardin, Bullitt and Meade Counties:

(a) Deer archery (either sex): October 1 through October 31, 1976 [1975].

(b) Deer gun (either sex): *November 20 and 21, November 27, and 28, 1976.* [Bucks only with at least one (1) forked antler. November 29, and 30, 1975. Either sex. December 6 and 7, 1975.]

(c) Legal and prohibited archery weapons. Refer to Section 7 [6] (1) and (2) of this regulation.

(d) Legal guns. Shotguns of sixteen (16), twenty (20) and twelve (12) gauge with slug ammunition only.

(e) Applications for deer archery and gun hunting permits: *Separate applications are required for each hunt.* [Permission must be obtained for each hunt.] Applications

for permits should be made by letter with enclosed fee of ten dollars (\$10) by certified check or money order payable to *Treasurer of United States* [the Fort Knox Conservation and Beautification Committee] and mailed to the *Fort Knox Conservation and Beautification Committee*, P. O. Box 1052, Fort Knox, Kentucky 40121. [Deadlines for accepting applications for bow hunting permits are Septeember 1 and for gun hunting, October 1, 1975. The fees of those applicants not selected will be returned.]

(f) *Applications for the deer archery hunt will be accepted no earlier than August 1, 1976, and for the gun hunt no earlier than August 27, 1976. Deadlines for accepting applications are: for bow hunting, August 20, 1976; for gun hunting, September 24, 1976. The fees of those applicants not selected will be returned. All area and hunting assignment dates are final and fees will not be returned to those individuals selected to hunt.*

(6) Higginson-Henry Wildlife Management Area located in Union County:

(a) Deer archery (either sex): October 1 through November 14 [15]. December 18 [17] through December 31, 1976 [1975].

(b) Deer gun (either sex): November 16 [18] and 17, 1976 [19, 1975].

(c) Legal and prohibited archery weapons. Refer to Section 7 [6] (1) and (2) of this regulation.

(d) Legal guns: Shotguns of ten (10) gauge maximum and twenty (20) gauge minimum with slug ammunition only and muzzle-loading rifles of .38 caliber or larger.

(e) Checking in and out: All hunters must check in and out daily at a designated check station.

(f) Applications for deer gun hunting permits: Deer gun hunters will be limited to 300 persons chosen by a drawing. Requests for deer gun hunting applications should be made to: Manager, Higginson-Henry Wildlife Management Area, Route No. 5, Morganfield, Kentucky 42437. Applications for a deer gun permit will be accepted only during the period August 15 through noon September 4, 1976 [5, 1975]. Requests for applications received before or after these dates will be discarded. The drawing of 300 names will take place shortly thereafter in the [a] Union County Court House [official's office]. Permits will be mailed by September 25 [22] to the persons drawn. Persons unsuccessful in the drawing will not be notified.

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

(a) Deer archery: Bucks only with at least one (1) forked antler [visible antlers only]; October 9 and 10, 23 and 24, 1976 [4 and 5, 18 and 19, 1975].

(b) Applications for deer archery permits: Requests for deer hunting permits should be mailed on a postcard to the Chairman, Wildlife Management Subcommittee, Building S-14, Lexington Blue Grass Army Depot, Lexington, Kentucky 40507. To be eligible for a hunting permit, the card must contain the following information: Name of hunter (one (1) person only), address, age and telephone number. All cards must be postmarked no earlier than August 15 or no later than September 15. More than one (1) card from an individual will disqualify the applicant. A ten dollar (\$10) fee will be charged by the Army Depot, payable only after the hunter is notified of his selection and specific hunting date.

(c) Legal archery weapons: Refer to Section 7 [6] (1) and (2) of this regulation.

(8) Ballard County Wildlife Management Area located in Ballard County. Regular statewide deer gun and archery seasons and regulations apply only to the wooded area

south of Terrell Landing Road and designated by signs reading "Wildlife Management Area for Public Hunting."

ARNOLD L. MITCHELL, Commissioner
DR. ROBERT C. WEBB, Chairman
Department of Fish and
Wildlife Resources Commission

ADOPTED: March 29, 1976

APPROVED: WILLIAM E. SHORT, Secretary

RECEIVED BY LRC: June 9, 1976 at 10:15 a.m.

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

DEVELOPMENT CABINET
Department of Agriculture
(Proposed Amendment)

302 KAR 15:010. Administration; state aid to local fairs.

RELATES TO: KRS 247.220

PURSUANT TO: KRS 13.082, 247.220

NECESSITY AND FUNCTION: Provides rules and regulations by which the state aid to local fairs program must be administered. It explains to the Department of Agriculture, Division of Shows and Fairs, and to the local fairs their responsibilities in the program. *This amendment is necessary to implement 1976 legislation.*

Section 1. General Administration. (1) The Director of the Division of Shows and Fairs in the Department of Agriculture shall only make premium allocations to the authorized agent of an incorporated local fair board that conducts a *qualified local* [an] agricultural fair in compliance with KRS 247.220.

(2) Local fair boards applying for state funds shall see that a reasonable effort is made by local fair officials to develop a program that will supplement agricultural, educational, and promotional activities that coincide with the objectives of agencies officially charged with these responsibilities.

(3) Local fair boards seeking state assistance shall plan and conduct a *qualified local* [an] agricultural fair with educational exhibits running for at least three (3) consecutive days (thirty-six (36) hours of exhibition).

(4) [(5)] Local boards shall establish premiums related to economic importance of the commodity in the area, relative value of the exhibit, and the difficulty in preparing for and showing the entry. *Local boards should establish classes based upon the Department of Agriculture's "Uniform Classes" booklet since no divisions other than these set up by this booklet will qualify for aid, but within each division, deviation will be accepted provided the additional classes are based on the participation in that area.* [(4)] The original allocation for approved fairs made by the Department of Agriculture shall result in a net increase in the amount of money paid out for premiums and awards for existing classes and/or the establishment of new departments, and classes. The increase in money expended for premiums and awards by fairs receiving the first allocation from the department shall equal or exceed the amount of the total state premium money, a local fair

board shall give evidence of improving or at least maintaining the local appropriation for premiums for agricultural exhibits.]

(5) *State funds shall be limited to crops, foods, domestic livestock, poultry, harness horse racing, and other horse events, provided they have a good potential for profitable expansion or the improvement of the agriculture economy of the area.*

[(6)] State funds shall be limited to crop, livestock and other agricultural exhibits that have a good potential for profitable expansion or the improvement of the agricultural economy of the area. No funds shall be allocated to exhibits for which exhibit entry and/or spectator admission fees are charged.]

(6) [(7)] Ribbon colors used at each local fair shall coincide with those adopted by the International Association of Fairs.

(7) [(8)] Fair boards seeking state funds shall provide adequate health facilities for exhibitors tending exhibits and for fair attendants.

(8) *Fair events held at a location other than the fairgrounds may qualify for aid if such an event is held during corresponding consecutive dates with the fair and publicized in the fair's catalog as being a fair event.*

Section 2. Records. (1) Requests for state assistance shall be made annually on appropriate forms and mailed to the Division of Shows and Fairs by March 1.

(2) *An appropriate information form concerning the fair's beef and dairy shows shall be mailed to the Division of Shows and Fairs by May 1. [A complete financial statement and an official catalogue for events previously requesting state funds shall be submitted to the Department of Agriculture prior to the allotment of funds by the Director of Shows and Fairs. A certification that all exhibitors participating in the event were the bona fide owners of all entries shall accompany each fair statement.]*

(3) *Fairs shall submit a rough copy of their catalog to the Division of Shows and Fairs from forty-five (45) to sixty (60) days before their fair. This shall include the same information required in the printed catalog, excluding advertisements. A printed copy of the fair's catalog must be submitted no later than thirty (30) days before the start of the fair. No first payment on agricultural premiums can be made before the printed catalog is received by the Division of Shows and Fairs. [The annual financial statement shall cover all agricultural exhibits. It shall be complete and prepared in detail showing receipts and disbursements as well as a list of exhibitors and cash premiums awarded by fair departments. The notarized statement, subject to certification by a Certified Public Accountant shall be presented to the department's Director of the Division of Shows and Fairs within forty-five (45) days following the event and no statement will be accepted for payment after December 1.]*

(4) *A complete financial statement for events previously requesting state funds shall be submitted to the Department of Agriculture prior to the final fair payment, this payment including the second agricultural premium payment, payment for horse events and for harness horse racing. This annual financial statement shall cover all crops, foods, domestic livestock, poultry, harness horse racing, other horse events, and other agricultural classes that may qualify for aid. It shall be complete and prepared in detail showing receipts and disbursements as well as a list of exhibitors and cash premiums awarded by fair departments. This certified, notarized statement shall be presented to the Department Fair and Show Director within forty-five (45) days*

following the event and no statement will be accepted for payment after December 1.

Section 3. Entries. (1) Fairs qualifying for state funds shall provide for adult and youth divisions. Youth exhibits shall include 4-H and FFA [Future Farmers of America] and may include other official groups recognized by the extension service or vocational agriculture. All crop, food, domestic livestock, poultry, horse [and livestock projects] or other projects related to agriculture approved by these official groups may be approved for state funds. Fair boards may restrict youth participation to a particular district, county or trade area.

(2) All exhibitors, adult and youth, shall have equal opportunity to enter open classes.

(3) Local fair boards receiving state money shall see that exhibits eligible in more than one (1) class and/or section *are* [is] exhibited only in the class and/or section for which it best qualifies. Under no circumstances may an exhibitor show the same kind of animal or the same entry in both FFA [Future Farmers of America] and 4-H classes or in classes for other organized junior organizations.

(4) No more than two (2) exhibits shall be made from a household in any one class with the exception of official 4-H or FFA projects and where purebred animals are registered to other members of the household.

[(5) No exhibitor may enter more than two (2) breeds of the same type of breeding animals at any fair. Market and feeder classes are excluded from this limitation.]

(5) [(6)] All crop, domestic livestock, and horse [livestock and crop] entries receiving state premium money shall conform to official show classifications adopted by the *state's Fair Council* [Kentucky State Fair] and comply with the State Board of Agriculture and the Department of Agriculture regulations. The age¹ classification of all domestic livestock shall be listed in the official fair catalog and all classes shall conform to the standards recommended by the various breed associations. Dairy cattle classes shall conform to the standards recommended by the Kentucky Purebred Dairy Cattle Association. *English horse classes must comply with regulations recommended by the American Horse Show Association. A western breed show must comply with the regulations set by that specific breed and open western horse classes should comply with the regulations set by the American Quarter Horse Show Association. Classes with less than three (3) entries each may be combined for show purposes.* [; however, combined classes and all other entries that fail to comply with classification requirements will not be eligible for state premium money.]

(6) [(7)] All domestic livestock, poultry, and horse entries shall meet the specifications of the health regulations of the State Board of Agriculture relating to the exhibition of beef and dairy cattle, poultry, sheep, [and] swine, horses and work stock.

[(8) When counties are able to assemble outstanding products or livestock from a number of farms that could provide an impressive display, county classes may be provided. Otherwise, all classes shall be open to all eligible exhibitors.]

Section 4. Catalogue. (1) All qualified fairs shall have an official fair catalogue. A rough copy of the catalogue including premium lists and classes, *excluding advertisements*, shall be submitted to be approved by the State Department of Agriculture at least forty-five (45) to sixty (60) days prior to the opening of the fair. The

finished catalogue shall be submitted to the Director of the Department of Agriculture's Division of Shows and Fairs no later than thirty (30) days before the fair is held.

(2) Classes advertised in the catalog shall be reviewed annually by the local fair board to make certain that competitive events are being held and that premiums offered are not out of balance with entries.

(3) The official fair catalogue shall contain the following information:

(a) The fair is "planned and conducted according to Department of Agriculture regulations for the use of state funds."

(b) A list of fair officials and their assigned responsibilities *with the following organizations being represented on the agriculture advisory board:*

1. Vocational Agriculture.

2. Extension Service.

3. Farm Bureau.

4. Local Livestock Association (if one exists).

5. Local Horsemen's Association (if one exists).

(c) A schedule of events planned as a part of the fair.

(d) Local fair rules and regulations *including a statement to the effect that "open classes are open to all exhibitors unless otherwise specified."*

(e) General information and regulations by fair departments showing [judges,] classes and premium lists.

(f) Health regulations by types of livestock to be exhibited.

(4) Catalogues shall be mailed and distributed by the local fair board no later than thirty (30) days prior to the opening of the fair.

Section 5. Judges. (1) To assist with the educational objectives of each event, judges shall be encouraged to present reasons for their evaluations and decisions.

(2) [(3)] No person shall be an exhibitor or act as an agent in any division or department for which he serves as a judge.

[(2) Wherever possible, judges shall be chosen from approved lists and they shall make their evaluations according to official score cards.]

Section 6. State Allocation. (1) The Department of Agriculture's agricultural premium money shall be allocated to all approved local fairs on the basis of [the] total [local premiums] money offered for approved classes in the catalogue and total money spent in approved classes taken from the fair's financial statement. [available as indicated by fair records including catalogues] In no instance shall the total agricultural premium payment [allocation] for one or more fairs held annually in a single county exceed \$3,000 [\$2,000]. In addition, state money for each class shall not exceed fifty percent (50%) of the total premiums awarded. Premiums established for a carcass class, a class for performance tested beef animals or a dairy production class based on dairy herd improvement records shall be excluded from the match-fund limitation and may be paid entirely with state funds; *provided this payment does not cause the fair to receive more than the \$3,000 limit.* Local fair officials shall start only one (1) of these classes at a time and the second and third choice shall not be made until each of these classes is [are] effectively developed. *When total local premium money available for state approved fair departments and classes at all approved fairs exceeds the state appropriation for premiums, the state's Fair Council will meet to decide what payments will be reduced on a percentage basis. The first agricultural premium payment to each fair will be made after the*

printed catalogue is received and will match the amount of money offered in approved classes by the local fair up to a maximum of \$1,500. The second fair payment will be made after the fair's financial statement is received provided all remaining requirements have been met and the necessary records submitted, and will be based on the amount of money paid out in approved classes up to a maximum of \$3,000 less the amount of the first agricultural premium payment. The combination of county fairs or community fairs of a number of counties shall not be approved to justify a larger state premium payment.

(2) An additional \$1,000 grant may be made to a qualified local agricultural fair to be used for horse events' premiums. This grant is on an equal matching fund basis and is based completely on the amount of money paid in premiums for horse events' classes. The payment of this grant will come after the financial statement of the fair is received by the Department of Agriculture and will be included with the fair's second agricultural payment. The qualified fair must submit with its financial statement, records of premiums paid, number of exhibitors, and number of entries for these horse events.

[(2) When total local premium money available for state approved fair departments and classes at all approved fairs exceeds the state appropriation for premiums, the allocation will be made on the percentage basis. One-half (½) of the allocation to each fair will be paid to the fair board after the catalogue has been approved by the Department of Agriculture and published. The remaining one-half (½) of the allocation will be paid soon after the fair's complete financial report is received by the Department of Agriculture's Division of Shows and Fairs, providing all remaining requirements have been met and the necessary records submitted to the department.]

(3) The Department of Agriculture shall make available to a qualified agriculture fair, an additional \$5,000 on an equal matching basis for harness horse racing, with a maximum of \$750 per race being matched by the department. To qualify, a fair must meet the regulations and specifications set up by the United States Trotters Association, Kentucky Harness Racing Association and the Department of Agriculture. Harness racing payments will be based entirely on amount of money spent in racing purses and will be made at the time of the second agricultural premium payment, providing the fair has included sufficient information on their financial statement in regard to the harness racing results.

[(3) The combination of county fairs or community fairs of a number of counties shall not be approved to justify a larger state premium allocation.]

(4) When the Department of Agriculture provides the total cost of premiums for a carcass class, a class for performance tested beef animals, or a dairy production class, all classes, rules and facilities for the respective contest must be approved by the department. Carcass evaluations for meat animals shall be conducted in accordance with standards recommended by the reciprocal meats conference and approved by the Meats Section of the University of Kentucky. Carcass contests financed by state funds shall be conducted in adequate facilities and they should permit spectators to view the carcasses and receive the full educational opportunity. Contest rules for local fairs shall specify that purebred animals and grades will show together. Carcass contests or production or performance classes that will make the greatest contribution to the agriculture of an area and that have the necessary facilities available for their effective operation shall be chosen by fair officials.

(5) The Director of the department's shows and fairs program shall provide from the appropriation for county fairs an attractive trophy that will be rotated and engraved and presented annually to the local fair that has made the most progress in twelve (12) months. In addition, appropriate engraved plaques shall be presented to the first, second, and third placed fairs making the most progress in the twelve (12) months period. The presentations shall be made by the Department of Agriculture's Fair Council based on records submitted to the department and substantiated by their evidence.

Section 7. Building Program. (1) In accordance with KRS 247.220, a qualified local agricultural fair can qualify for an additional \$1,000 grant of state funds to be used for the establishment of new buildings and facilities or for improvement to existing facilities. Applications for the building program are due in the Division of Shows and Fairs' office no later than May 1 of the year that the work is to be completed, and it must be preceded by a request for state aid application. Such grants shall be on an equal matching basis with the local fair board matching the amount of the state grant. In no event shall the payment for facilities result in a decrease in the approved agricultural classes or premiums being offered in the fair catalogue.

(2) The buildings and facilities must be used primarily in conjunction with the qualified local agricultural fair and must either be constructed on land owned by the local fair board or on land that the fair group holds a renewable lease.

(a) Some suggested items that may qualify are:

1. The purchase of land for a fairgrounds or the purchase of land adjoining the original grounds.
2. The construction of new buildings.
3. Repair of any existing facilities on the fairgrounds.
4. Grandstands or bleachers used to seat people during the fair.
5. Grading and improvement work done to an existing track or show ring.

6. Loading chutes, wash racks, or tie-outs for livestock.

(b) Other items not listed above may qualify for state assistance provided the local fair provides evidence to the Department of Agriculture that the item meets the minimum requirements and is justifiable.

(3) Applying for state assistance. Application for state assistance must be made in writing by the qualified local agricultural fair to the Division of Shows and Fairs, Department of Agriculture, by May 1 of the year that the work is to be completed. The application should include a description of the proposed buildings or improvements to be made, use to be made of these improvements, itemized list of approximate cost, and date to be completed. Application forms will be available from the Department of Agriculture, Division of Shows and Fairs, and will be distributed after fair program applications are received or upon request.

(4) Financial report of building program. Upon acceptance of qualified local fair's request for assistance by the Department of Agriculture, the local fair will be supplied a financial report form. The financial report should contain a description of the buildings or improvements and an itemized cost of the same. This notarized report shall be presented to the Division of Shows and Fairs within forty-five (45) days following the completion of the building or repair work. No report will be accepted for payment after December 1.

(5) Effect of overspending of fair program budget. In the event that the local agricultural fair program payments

exceed the amount of money budgeted for the total fair program, reductions will not be made in the building program payments, but in other premium payments.

(6) When building program payments will be made. All building program payments will be made after all financial statements have been received in the office of the Division of Shows and Fairs.

THOMAS O. HARRIS, Commissioner

ADOPTED: June 19, 1976

APPROVED: WILLIAM L. SHORT, Secretary

RECEIVED BY LRC: June 14, 1976 at 3:55 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Thomas O. Harris, Commissioner, Department of Agriculture, 7th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

DEPARTMENT OF TRANSPORTATION
Bureau of Vehicle Regulation
(Proposed Amendment)

601 KAR 1:010. Truck tractors; semi-trailers; maximum length.

RELATES TO: KRS 189.222

PURSUANT TO: KRS 13.082, 189.222

NECESSITY AND FUNCTION: KRS 189.222, as enacted by the 1974 General Assembly, requires the Department of Transportation to design regulations to implement the provisions as set forth therein to permit truck tractors, semi-trailers and trailers or motor trucks and trailers to be operated in combinations not exceeding sixty-five (65) feet over specific highways.

Section 1. Unless otherwise provided herein; truck tractors, semi-trailers and trailers or motor trucks and trailers may be operated in combinations not exceeding sixty-five (65) feet over the following highways:

- (1) The Toll Road System,
- (2) The Interstate Highway System, and
- (3) All other four (4) lane highways not a part of subsections (1) and (2) above.
- (4) The following sections of highways not listed in subsections (1), (2) or (3) above:
 - (a) KY 15 from Campton to Whitesburg,
 - (b) U. S. 23 from Ohio River Bridge at Portsmouth to Pikeville,
 - (c) U. S. 25E from Pineville to Virginia State Line,
 - (d) U. S. 27 from Lexington to [Nicholasville and from Stanford to] Burnside,
 - (e) U. S. 31E from Glasgow to Tennessee Line,
 - (f) KY 52 from Richmond to Irvine,
 - (g) KY 55 from Campbellsville to Columbia,
 - (h) U. S. 62 from Eddyville to Paducah,
 - (i) U. S. 68 from Bowling Green to Russellville,
 - (j) KY 90 from I-65 to Glasgow,
 - (k) KY 114 from Salyersville to Prestonsburg,
 - (l) U. S. 119 from Pineville to Harlan,
 - (m) U. S. 127 from I-75 near Glencoe to Owenton and from Jct. KY 151 to Danville,
 - (n) U. S. 150 from Bardstown to Springfield and from Danville to Stanford, [and]
 - (o) KY 151 from I-64 to Jct. with U. S. 127, and
 - (p) KY 245 from I-65 (Kentucky Turnpike) to Jct. with U. S. 62 at Bardstown.

(5) An operator will not be deemed to be in violation of this regulation if operating within ten (10) miles of the above roads, upon connector roads, provided the connector roads have a surface width of at least twenty (20) feet.

(6) Roads within fifteen (15) miles of the following border entry points: Ohio River Bridge, Cairo, Illinois; Ohio River Bridge, Paducah; Ohio River Bridge, Henderson; Ohio River Bridge, Owensboro; Ohio River Bridge, Milton; Ohio River Bridge, Maysville; Ohio River Bridge, South Portsmouth; Ohio River Bridge, Ashland.

Section 2. Truck tractors and semi-trailers engaged in the transportation of tobacco, unmanufactured tobacco products on motor vehicles not exceeding sixty (60) feet, excluding normal bumper overhang, may be operated upon any AAAA, AAA or AA highway.

O. B. ARNOLD, Commissioner

ADOPTED: May 25, 1976

APPROVED: JOHN C. ROBERTS, Secretary

RECEIVED BY LRC: June 4, 1976 at 2:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Commissioner, Bureau of Vehicle Regulation, State Office Building, Frankfort, Kentucky 40601.

DEPARTMENT OF TRANSPORTATION
Bureau of Vehicle Regulation
(Proposed Amendment)

601 KAR 1:095. Complaints.

RELATES TO: KRS Chapter 281

PURSUANT TO: KRS 13.082, 281.600

NECESSITY AND FUNCTION: Pursuant to KRS 281.600, this regulation provides for the procedure by which complaints received by the Department of Transportation shall be processed and the necessary requirements that must be met in order that complaints are handled uniformly.

Section 1. Who May File. Any interested party or the department may at any time initiate a complaint concerning any matter under the jurisdiction of the department.

Section 2. Form and Contents. Complaints shall be in petition form, and shall conform to the requirements of 601 KAR 1:030 [601 KAR 1:095]. Complaints must be fully, clearly and with reasonable certainty descriptive of the act or thing done or omitted to be done and shall refer to the law, order or rule which the complainant alleges have been or is being violated.

Section 3. Answers. If respondent so desires, it may answer the complaint. Answers must be prepared in accordance with the requirements of 601 KAR 1:030 [601 KAR 1:095], and respondent shall have a copy served upon complainant which shall contain a specific denial of such material allegations of the complainant as are controverted, and also a statement of any new or other matter constituting a defense. Answers shall be made within twenty (20) days, with the right for addition of time for just cause shown.

Section 4. Procedure. Upon receipt of the complaint and the answer thereto, or if no answer is filed within the prescribed time, the department shall fix a time and place for a public hearing and shall give notice of such hearing to the complainant, respondent and any other interested parties as the department deems advisable. However, any complaint filed wherein the facts are not in issue may, upon agreement of the parties, be submitted to the commissioner for a ruling without the necessity of holding a hearing. When the matter is so submitted, the commissioner may require the submission to be on briefs or upon oral argument or on both.

O. B. ARNOLD, Commissioner

ADOPTED: May 25, 1976

APPROVED: JOHN C. ROBERTS, Secretary

RECEIVED BY LRC: June 4, at 2:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Commissioner, Bureau of Vehicle Regulation, State Office Building, Frankfort, Kentucky 40601.

DEPARTMENT OF TRANSPORTATION
Bureau of Vehicle Regulation
(Proposed Amendment)

601 KAR 9:040. Reciprocity.

RELATES TO: KRS Chapters 138, 186, 281
PURSUANT TO: KRS 13.082, 281.600, 281.610

NECESSITY AND FUNCTION: KRS 281.600 requires the Department of Transportation to establish reasonable requirements with regard to continuous and adequate service of transportation. This regulation specifies the requirements for uniform regulation of all motor vehicles engaged in interstate commerce.

Section 1. In General. Before a motor carrier is entitled to reciprocity whereby the operation of its motor vehicles engaged exclusively in interstate commerce is exempted from payment of registration fees as required by KRS Chapter 186, or seat and mileage taxes as required by KRS Chapter 186, there shall be a reciprocity agreement between the Commonwealth of Kentucky and the state in which the motor carrier's equipment should be, or is properly licensed. In determining whether a motor vehicle is entitled to reciprocity, the law of Kentucky dealing with reciprocity, rules and regulations of the department, and the reciprocity agreements between the states involved shall be the determining factors.

Section 2. Identification Cards for Vehicles Operating Under Reciprocity Agreements. Before any motor vehicle as described in KRS 281.011(2) and any other motor vehicle operated by a motor carrier as described in KRS 138.655(5) shall be entitled to reciprocal privileges when operating in interstate commerce in Kentucky and entitled to use the highways of this state, the owners and operators shall apply to the Department of Transportation for a motor vehicle identification card. Such application shall be made on forms prescribed and furnished by the department and shall be accompanied by a fee of two dollars (\$2) for each motor vehicle identification card applied for. The motor vehicle identification card shall be completed by the motor carrier and returned to the department for validation. Such card shall be carried in the cab of the

motor vehicle at all times. Failure to display this card shall constitute a violation of the department's rules and regulations.

Section 3. Identification Cards for Vehicles Licensed in Kentucky. Before any motor vehicle as described in KRS 281.011(2) and any other motor vehicle operated by a motor carrier as described in KRS 138.655(5) can be operated in intrastate commerce or interstate commerce, such vehicle must have a vehicle identification card, which card must be carried in the cab of the vehicle at all times. The owner or operator of such vehicle shall apply to the Department of Transportation for the motor vehicle identification card. The application shall be on forms prescribed and furnished by the department. No fee shall be charged by the department for the issuance of this card. The identification card will be completed by the motor carrier and returned to the department for validation. Failure to display this card shall constitute a violation of the department's rules and regulations.

Section 4. Information to be set out on the Identification Cards. Identification cards shall be issued annually upon payment of the prescribed fee and upon compliance with all statutory requirements and appropriate rules and regulations. The card shall contain a designation of "private carrier" or "for hire carrier;" the name and address of the holder; the identification of the vehicle in accordance with the rules and regulations of the department; such other information as may be required; and in addition, shall have thereon the KYU license number issued to the owner or operator by the Department of Transportation under KRS 138.655 for the use of gasoline and special fuels on the public highways of this state.

Section 5. Identification of Leased Vehicles. (1) Notwithstanding the provisions of Sections 2 and 3, any motor vehicle qualified to operate intrastate or interstate in Kentucky and using either leased or owned vehicles [under Section 1 and leased to an authorized carrier for operation in interstate commerce] may elect to obtain a thirty (30) day *emergency* [reciprocal] permit issued by the department for a fee of two dollars (\$2) each, which must be displayed in the cab of the vehicle, as identification for such vehicle.

(2) The motor carrier to whom a thirty (30) day *emergency* [reciprocal] permit is issued is responsible for the proper use of such permit by the lessor. The motor carrier shall write in ink on each thirty (30) day *emergency* [reciprocal] permit issued to it the date of execution. The thirty (30) day *emergency* [reciprocal] permit shall be removed from the vehicle and destroyed at the expiration of the lease or thirty (30) days, whichever is shorter. Any vehicle operating with a thirty (30) day *emergency* [reciprocal] permit which has not been dated as required herein shall be deemed to be operating without identification and the motor carrier shall be subject to the penalties provided by law.

Section 6. Itinerant Truckers. Motor vehicles used by itinerant truckers, salesmen, solicitors and peddlers to transport merchandise to be sold and disposed of in Kentucky, while upon or from a public highway or street, shall not be entitled to reciprocal privileges while in Kentucky except where contrary provisions are made by the reciprocity agreements in effect between Kentucky and the state where the vehicle is licensed.

Section 7. Violations of Kentucky Law. Any motor vehicle operating into or through Kentucky in excess of the maximum weight or size limit allowed by the provisions of KRS Chapter 189, or in excess of the maximum weight or size limits allowed by overweight or oversize permits issued pursuant to the provisions of KRS Chapter 189, or when said vehicle fails to display the motor vehicle identification card required by Sections 2, 3 and 4, may, within the discretion of the department, be denied reciprocal privileges in Kentucky in addition to the other penalties provided by the Kentucky Revised Statutes.

Section 8. Non-Reciprocal Trip Permits. Any motor vehicle *operated* by a non-resident not otherwise entitled to reciprocity in the Commonwealth of Kentucky and which motor vehicle operates [in interstate commerce may be operated] *upon the highways of* [through] this state for *ten (10) days* [one (1) round trip], provided the operator, prior to the *operation* [entry] of the vehicle into this state, secures from the Department of Transportation a non-reciprocal trip permit. The application for this permit must briefly describe the vehicle [, designate the place of entry into Kentucky, destination of the vehicle] and name of the operator. The operator must have a Kentucky motor carrier fuel use permit. [and the KYU number must be shown on the application.] If the operator does not have a fuel use [tax] permit, a temporary fuel permit good for ten (10) days may be secured in accordance with 601 KAR 9:060. [The applicant shall furnish evidence for the time required for the single round trip into or through Kentucky, and] *The* [the] permit shall be issued [for such time, but] not [in any case] to exceed ten (10) days. The cost of this permit will be twenty-five dollars (\$25) paid in advance *of the operation in this state*.

O. B. ARNOLD, Commissioner

ADOPTED: June 8, 1976

APPROVED: JOHN C. ROBERTS, Secretary

RECEIVED BY LRC: June 8, 1976 at 2 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Commissioner, Bureau of Vehicle Regulation, State Office Building, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Labor
(Proposed Amendment)

803 KAR 1:075. Exclusions from minimum wage and overtime.

RELATES TO: KRS 337.275, 337.285

PURSUANT TO: KRS 13.082, 337.295

NECESSITY AND FUNCTION: KRS 337.010 excludes certain types of employees from being subject to the minimum wage and overtime provisions of the Act and KRS 337.285 excludes certain employees from its coverage. The function of this regulation is to define these exclusions. These definitions will guide the department in carrying out its responsibilities under the law and assist employers who may be concerned with the provisions of the law in understanding their obligation under the law.

Section 1. Definitions. (1) The term "retail store or service industry" shall mean an establishment seventy-five

percent (75%) of whose annual dollar volume of sales of goods or services (or of both) is not for resale and is recognized as retail sales or services in the particular industry.

(2) The term "hotel" means an establishment known to the public as a hotel, which is primarily engaged in providing lodging or lodging and meals for the general public. Included are hotels operated by membership organizations and open to the general public and apartment hotels which provide accommodations for transients. However, an establishment whose income is primarily from providing a permanent place of residence or from providing residential facilities complete with bedrooms and kitchen for prolonged periods would not be considered a hotel.

(3) The term "motel" means an establishment which provides services similar to that of a hotel described in subsection (2) of this section, but which caters mostly to the motoring public, providing it with motor car parking facilities either adjacent to the room or cabin rented or at some other easily accessible place. Included in the term "motel" are those establishments known to the public as motor hotels, motor lodges, motor courts, motor inns, tourist courts, and tourist lodges.

(4) The term "restaurant" means an establishment which is primarily engaged in selling and serving to purchasers at retail prepared food and beverages for consumption. This includes such establishments commonly known as lunch counters, refreshment stands, cafes, cafeterias, coffee shops, diners, dining rooms, lunch rooms, or tea rooms. The term "restaurant" does not include drinking establishments, such as bars or cocktail lounges, whose sales of alcoholic beverages exceed the receipts from sales of prepared foods and non-alcoholic beverages or establishments offering meal service on a boarding or term basis or providing such service only as an incident to the operation of a business of another kind and primarily to meet institutional needs for continuing meal service to persons whose continued presence is required for such operation, such as a boarding house, dining facilities of a boarding school, college or university which serves its students and faculty, lunchroom facilities for private and public day school students, and other institutional food service facilities providing long-term meal service to stable groups of individuals as an incident to institutional operations in a manner wholly dissimilar to the typical transactions between a restaurant and its customers.

(5) "Excise taxes" are taxes levied on the manufacture, sale, or consumption of a commodity, and taxes levied on license to pursue certain occupations and corporate privileges.

Section 2. Hotel or motel. The primary function of a hotel or motel, is to provide lodging facilities to the public. In addition, most hotels or motels provide food for their guests and many sell alcoholic beverages. These establishments also may engage in some minor revenue producing activities such as, the operation of valet services offering cleaning and laundering service for the garments of their guests, news stands, hobby shops, renting out of their public rooms for meetings, lectures, dances, trade exhibits and weddings. The exemption provided for hotels and motels in KRS 337.010(2)(c)(vi) and 337.285 will not be defeated simply because a hotel or a motel engages in all or some of these activities, if it is primarily engaged in providing lodging facilities, food and drink to the public.

Section 3. Exemptions from minimum wage and

overtime. (1) Employees of retail stores, service industries, hotels, motels and restaurant operations whose average annual gross volume of sales made for business done is less than \$95,000 for the five (5) preceding years exclusive of excise taxes at the retail level are exempt from both the minimum wage and overtime provisions of the act.

(2) To qualify for this exemption, the establishment must be recognized as retail in the particular industry. Typically a retail or service establishment is one which sells goods or services to the general public. It serves the everyday needs of the community in which it is located. The retail or service establishment performs a function in the business organization which is at the very end of the stream of distribution, disposing in small quantities of the products and skills of such organization and does not take part in the manufacturing process.

(3) (a) To compute the average annual gross volume of sales made for business done, it will be necessary for the business to add all the sales made for business done for the five (5) preceding years, exclusive of excise taxes at the retail level, and divide by five (5). If this average is less than \$95,000, the establishment would be exempt.

(b) If the establishment has been in business for less than five (5) years, the gross sales will be totaled for the years the establishment has been in business and divided by the number of years. If this average is less than \$95,000, the establishment would be exempt.

(c) If the establishment has been in business for less than one (1) year, the gross sales will be totaled for the number of months the establishment has been in business and divided by the number of months. This amount will then be multiplied by twelve (12). If this amount is less than \$95,000, the establishment would be exempt.

(d) Excise taxes at the retail level are not computed in totaling the gross volume of sales. Excise taxes which are leveled at the manufacturer's, wholesaler's or other distributive level will not be excluded in calculating the dollar volume of sales.

Section 4. Exemptions from overtime. (1) Employees of retail stores whose principal duties are connected with the selling, purchasing, and distributing of goods and employees of a restaurant, hotel, and motel operation, *and any driver employed by an employer engaged in the business of operating taxi cabs* are exempt from the overtime provisions of KRS 337.285.

(2) Employees of a retail store whose principal duties are not connected with the selling, purchasing, and distributing of the goods will not be considered as exempt employees, nor will employees of a service establishment which does not sell goods, but is in the business of selling a service.

JAMES R. YOCOM, Commissioner

ADOPTED: May 20, 1976

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: June 2, 1975 at 1:40 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: The Director, Kentucky Department of Labor, Division of Labor Standards, Capital Plaza Tower, Frankfort, Kentucky 40601.

**PUBLIC PROTECTION AND REGULATION CABINET
Alcoholic Beverage Control Board
(Proposed Amendment)**

804 KAR 12:020. Metric standards of fill.

RELATES TO: KRS 243.250, 243.300, 243.720, 244.260, 244.310, 244.340

PURSUANT TO: KRS 241.060(1) and (8), 244.230, 244.400, 244.430

NECESSITY AND FUNCTION: *In 1974, the United States Treasury Department enacted a mandatory adoption of metric size bottles for distilled spirits and wine. The A.B.C. Board adopted the same regulation effective July 2, 1975. Since that time, the U.S. Treasury Department has changed the bottle sizes on two of the approved bottles; and therefore, this department must conform its regulation to that of the Treasury Department. The two bottle sizes affected are the pint, being changed from 375 milliliters to 500 milliliters, and the one-half pint, being changed from 187 milliliters to 200 milliliters. [All of the above named statutes have references to containers of liquid measures dealing with alcoholic beverages. The container sizes and the liquid measures are referred to in their equivalent of pints, quarts, gallons, or ounces. Federal legislation and regulations requiring the use of the metric system throughout the United States will render obsolete the present description of containers and their contents as used in the Kentucky alcoholic beverage laws and regulations. It is, therefore, necessary that the language used in the Kentucky alcoholic beverage laws and regulations, KRS Chapters 241, 242, 243, and 244 be made to conform to metric system descriptions, or their nearest equivalent in metric measure, with the descriptions that now appear in the statutes and regulations. The United States Treasury Department, as hereinafter set out in more detail, has adopted new regulations pertaining to allowable metric system containers of wine to be imported into the United States, effective December 26, 1974. Since these metric system containers are now being imported into the United States, it is necessary that provision be made for their distribution into Kentucky.]*

[By Treasury Decision ATF-12, dated December 26, 1974, the Treasury Department amended Title 27, CFR, Part Four, to provide for the importation of wine containers labeled and designated by the metric system. Under Section 4.37 (net contents), seven (7) standard bottle sizes measured in liters, and their equivalent fluid ounce measure, were adopted as standard bottling units. These units are as follows:

3 liters = 101 fluid oz.
1.5 liters = 50.7 fluid oz.
1 liter = 33.8 fluid oz.
750 milliliters = 25.4 fluid oz.
375 milliliters = 12.7 fluid oz.
187 milliliters = 6.3 fluid oz.
100 milliliters = 3.4 fluid oz.]

[By the terms of the Treasury regulation these standard measures may be used optionally on and after January 1, 1975, but become mandatory on and after January 1, 1979.]

[The Alcoholic Beverage Control Board is not proposing that all seven (7) bottle sizes be adopted for use in Kentucky since some of the container sizes are larger and some smaller than those currently allowable in the State of Kentucky. This regulation is limited to the use of the

metric measurement closest to the measurements currently designated in the various statutes and regulations. For example, what is now customarily referred to as a quart of wine would become one (1) liter of wine containing 33.8 fluid ounces. Following the same line of consistency, in KRS 244.350 to 244.410 dealing with Fair Trade Contracts, the wine now reported as a quart would be reported on the trade contracts as a liter.]

Section 1. Metric Standards of Fill for the Distilled Spirits and Wine Industry. The regulations adopted by the United States Secretary of the Treasury, pursuant to the Federal Alcohol Administration Act governing standards of fill now in force, or as they may be hereafter amended, shall be followed in the bottling, storing, transporting, possession, and selling of distilled spirits and wine in the State of Kentucky as follows:

U.S. SIZES	METRIC EQUIVALENT
Distilled Spirits	
Quart	1 Liter
4/5 Quart	750 Milliliters
Pint	500 [375] Milliliters
1/2 Pint	200 [187] Milliliters
Wine	
Jeroboam	3 Liters
Magnum	1.5 Liters
Quart	1 Liter
4/5 Quart	750 Milliliters
Pint	375 Milliliters
1/2 Pint	187 Milliliters

Section 2 No wholesaler may sell any metric size container until all stock of the equivalent United States size of that particular product or brand has been depleted by the wholesaler.

JAMES G. AMATO, Chairman

ADOPTED: May 13, 1976

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: May 27, 1976 at 10:45 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

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

PUBLIC PROTECTION AND REGULATION CABINET
Department of Mines and Minerals
Division of Explosives and Blasting
(Proposed Amendment)

805 KAR 4:010. Licensing blasters.

RELATES TO: KRS 351.320, 351.330, 351.340, 351.990

PURSUANT TO: KRS 13.082, 351.340

NECESSITY AND FUNCTION: KRS 351.320 requires the Department of Mines and Minerals to license blasters. This regulation spells out the licensing requirements and duties of a blaster to effect this law.

Section 1. Licensing of Blasters. (1) No person shall *detonate* [cause detonation of] explosives in any blasting

operation in which more than five (5) pounds of explosives or the equivalent are used in a single charge or in which less than five (5) pounds of explosives is used by a regular user, excluding blasting for agriculture and underground coal, unless he is licensed by the department. The department shall issue a license to use explosives to any person who: [unless he has passed an examination, prescribed by the department, which shall test the examinee's skill and knowledge of the principles and practice of blasting operations and the storage, moving, handling, and detonation of explosives.]

(a) has worked in blasting operations for at least twenty-four (24) months under the immediate supervision of an experienced blaster; and

(b) has passed an examination, prescribed by the department which shall test the examinee's practice of blasting operations and the storage, moving, handling, and detonation of explosives.

(2) Application for license shall be in writing upon a form furnished by the department and shall be accompanied by a fee of ten dollars (\$10). If the applicant is successful in passing the examination, a license to detonate explosives shall be issued upon the payment of an additional fee of five dollars (\$5).

(3) The department shall have two (2) classifications of blasting licenses and two (2) tests; one (1) termed "Kentucky Blasters License," and one (1) termed "Limited Kentucky Blasters License."

[(3) The department shall issue a license without examination to any applicant who shall show to the department that he has, on June 16, 1972, had three (3) years experience in the handling and use of explosives.]

(4) Persons holding a limited Kentucky blasters license shall not conduct a blasting operation in which more than five (5) pounds of explosives are used in a single charge.

(5) [(4)] Each blaster shall be required to renew his license each year by application to the department, which application shall be accompanied by a fee of five dollars (\$5) [three dollars and fifty cents (\$3.50)]. The commissioner may suspend any license for due cause but no license may be revoked until the licensee has been granted a hearing.

(6) [(5)] The definition of a blaster for the purpose of a license is:

(a) A blaster is a person who makes any or all of the following decisions:

1. Decides hole size, spacing, or depth;
2. Decides total quantity of explosives;
3. Decides quantity of explosive in each hole;
4. Decides timing delays to be used.

(b) He must be present when the charge is detonated and either physically detonates the charge or gives the order to detonate the charge.

(7) [(6)] A licensed blaster shall not take instruction on the activities covered in subsection(6) [(5)] from a person not holding a blaster's license.

(8) Anyone failing a blasters examination may not retake the examination in less than sixty (60) days.

D. T. FROEDGE, Director

H. N. KIRKPATRICK, Commissioner

ADOPTED: May 14, 1976

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: June 14, 1976 at 2 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING:

The Director, Division of Explosives and Blasting, Department of Mines and Minerals, P. O. Box 680, Lexington, Kentucky 40601. Telephone 606-254-0367 or 606-254-0368.

**DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
(Proposed Amendment)**

902 KAR 1:020. Ampicillin.

RELATES TO: KRS 217.814 to 217.826,
217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Ampicillin pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Ampicillin Capsule Pharmaceutical Products. The following Ampicillin capsule pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

- (1) Ampicillin 250 mg. Capsule Form:
 - (a) Alpen: Lederle Laboratories;
 - (b) Amcill: Parke-Davis & Company;
 - (c) Amperil: Geneva Drugs, Ltd.;
 - (d) Ampicillin: Bocan Drug Company, International Laboratories, Inc., Richie Pharmacal Company;
 - (e) Ampicillin Trihydrate: Bell Pharmacal Corporation, *Murray Drug Corporation*, Paramount Surgical Supply Corporation, Purepac Pharmaceutical Company, Rondex Laboratories, Zenith Laboratories;
 - (f) Omnipen: Wyeth Laboratories;
 - (g) Pen A: Pfizer Laboratories;
 - (i) Pensyn: Upjohn Company;
 - (j) Polycillin: Bristol Laboratories;
 - (k) Principen: E. R. Squibb & Sons;
 - (l) QIDamp: Mallinckrodt Chemical Works;
 - (m) SK-Ampicillin: Smith, Kline & French Laboratories;
 - (n) Supen: Reid-Provident Laboratories;
 - (o) Totacillin: Beecham-Massengill Pharmaceuticals;
 - (p) Vampen: Vanguard Laboratories.
- (2) Ampicillin 500 mg. Capsule Form:
 - (a) Alpen: Lederle Laboratories;
 - (b) Amcill: Parke-Davis & Company;
 - (c) Amperil: Geneva Drugs, Ltd.;
 - (d) Ampicillin: Bocan Drug Company, International Laboratories, Inc., Richie Pharmacal Company;
 - (e) Ampicillin Trihydrate: Bell Pharmacal Corporation, *Murray Drug Corporation*, Paramount Surgical Supply Corporation, Purepac Pharmaceutical Company, Rondex Laboratories, Zenith Laboratories;
 - (f) Omnipen: Wyeth Laboratories;
 - (g) Pen A: Pfizer Laboratories;
 - (h) Penbritin: Ayerst Laboratories;
 - (i) Pensyn: Upjohn Company;
 - (j) Polycillin: Bristol Laboratories;
 - (k) Principen: E. R. Squibb & Sons;
 - (l) QIDamp: Mallinckrodt Chemical Works;
 - (m) SK-Ampicillin: Smith, Kline & French Laboratories;
 - (n) Supen: Reid-Provident Laboratories;
 - (o) Totacillin: Beecham-Massengill Pharmaceuticals;
 - (p) Vampen: Vanguard Laboratories.

Section 2. Ampicillin Oral Suspension Pharmaceutical Products. The following Ampicillin oral suspension pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

- (1) Ampicillin 125 mg/5 ml Oral Suspension Form:
 - (a) Alpen: Lederle Laboratories;
 - (b) Amcill: Parke-Davis & Company;
 - (c) Ampicillin: Bocan Drug Company, International Laboratories, Inc.;
 - (d) Ampicillin Trihydrate: Bell Pharmacal Corporation;
 - (e) Omnipen: Wyeth Laboratories;
 - (f) Pen A: Pfizer Laboratories;
 - (g) Penbritin: Ayerst Laboratories;
 - (h) Pensyn: Upjohn Company;
 - (i) Polycillin: Bristol Laboratories;
 - (j) Principen: E. R. Squibb & Sons;
 - (k) QIDamp: Mallinckrodt Chemical Works;
 - (l) SK-Ampicillin: Smith, Kline & French Laboratories;
 - (m) Supen: Reid-Provident Laboratories;
 - (n) Totacillin: Beecham-Massengill Pharmaceuticals;
 - (o) Vampen: Vanguard Laboratories.
- (2) Ampicillin 250 mg/5 ml Oral Suspension Form:
 - (a) Alpen: Lederle Laboratories;
 - (b) Amcill: Parke-Davis & Company;
 - (c) Ampicillin: Bocan Drug Company, International Laboratories, Inc.;
 - (d) Ampicillin Trihydrate: Bell Pharmacal Corporation;
 - (e) Omnipen: Wyeth Laboratories;
 - (f) Pen A: Pfizer Laboratories;
 - (g) Penbritin: Ayerst Laboratories;
 - (h) Pensyn: Upjohn Company;
 - (i) Polycillin: Bristol Laboratories;
 - (j) Principen: E. R. Squibb & Sons;
 - (k) QIDamp: Mallinckrodt Chemical Works;
 - (l) SK-Ampicillin: Smith, Kline & French Laboratories;
 - (m) Supen: Reid-Provident Laboratories;
 - (n) Totacillin: Beecham-Massengill Pharmaceuticals;
 - (o) Vampen: Vanguard Laboratories.

KENNETH P. CRAWFORD, Chairperson

ADOPTED: May 14, 1976

RECEIVED BY LRC: June 15, 1976 at 2:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Mrs. Dorothy Barnes, Kentucky Drug Formulary
Council, 275 East Main Street, Frankfort, Kentucky 40601.

**DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
(Proposed Amendment)**

902 KAR 1:085. Isosorbide Dinitrate.

RELATES TO: KRS 217.814 to 217.826,
217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Isosorbide Dinitrate pharmaceutical products by their generic and

brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Isosorbide Dinitrate Pharmaceutical Products. The following isosorbide dinitrate tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

(1) Isosorbide Dinitrate 5 mg. Oral Tablet Form:

(a) Isosorbide Dinitrate: Geneva Generics, Lederle Laboratories, *Murray Drug Corporation*;

(b) Isordil: Ives Laboratories, Inc.; and

(c) Sorbitrate: Stuart Pharmaceuticals.

(2) Isosorbide Dinitrate 10 mg. Oral Tablet Form:

(a) Isosorbide Dinitrate: Geneva Generics, Lederle Laboratories, *Murray Drug Corporation*;

(b) Isordil: Ives Laboratories, Inc.; and

(c) Sorbitrate: Stuart Pharmaceuticals.

KENNETH P. CRAWFORD, Chairperson

ADOPTED: May 14, 1976

RECEIVED BY LRC: June 15, 1976 at 2:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mrs. Dorothy Barnes, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
(Proposed Amendment)

902 KAR 1:100. Reserpine.

RELATES TO: KRS 217.814 to 217.826, 217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Reserpine pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Reserpine Tablet Pharmaceutical Products. The following Reserpine tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

(1) Reserpine 0.1 mg. Tablet Form:

(a) Reserpine: Geneva Drugs, Ltd., Geneva Generics, *Lederle Laboratories*, *Murray Drug Corp.*, *Paramount Surgical Supply Corp.*, *Purepac Pharmaceuticals*, *Rexall Drug Company*, *Richie Pharmacal*, *Rondex Laboratories*, *Zenith Laboratories*;

(b) Reserpoid: Upjohn Company;

(c) Serpasil: Ciba Pharmaceutical Company;

(d) V-serp: Vanguard Laboratories.

(2) Reserpine 0.25 mg. Tablet Form:

(a) Rau-sed: E. R. Squibb & Sons;

(b) Rausingle: Phillips-Roxane Laboratories;

(c) Resercen: The Central Pharmacal Company;

(d) Reserpine: Alliance Laboratories, Geneva Drugs, Ltd., Geneva Generics, Kasar Laboratories, *Lederle*

Laboratories, *Murray Drug Corp.*, *Paramount Surgical Supply Corp.*, *Purepac Pharmaceutical Co.*, *Rexall Drug Company*, *Richie Pharmacal Company*, *Rondex Laboratories, Inc.*, *Zenith Laboratories*;

(e) Reserpoid: Upjohn Company;

(f) Serpasil: Ciba Pharmaceutical Company;

(g) V-serp: Vanguard Laboratories.

(3) Reserpine 1.0 mg. Tablet Form:

(a) Reserpoid: Upjohn Company;

(b) Serpasil: Ciba Pharmaceutical Company.

Section 2. Reserpine Elixir Pharmaceutical Products. The following Reserpine elixir pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Reserpine 0.25 mg/5 ml Elixir Form:

(1) Reserpoid: Upjohn Company;

(2) Serpasil: Ciba Pharmaceutical Company.

KENNETH P. CRAWFORD, Chairperson

ADOPTED: May 14, 1976

RECEIVED BY LRC: June 15, 1976 at 2:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mrs. Dorothy Barnes, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
(Proposed Amendment)

902 KAR 1:130. Chlorpromazine Hydrochloride.

RELATES TO: KRS 217.814 to 217.826, 217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Chlorpromazine Hydrochloride pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Chlorpromazine Hydrochloride Tablet Pharmaceutical Products. The following Chlorpromazine Hydrochloride tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

(1) Chlorpromazine Hydrochloride 10 mg. Tablet Form:

(a) Chlor-PZ: USV Pharmaceutical Company;

(b) Chlorpromazine Hydrochloride: *Lederle Laboratories*, *Murray Drug Corporation*, *Paramount Surgical Supply Corporation*, *Purepac Pharmaceutical Company*, *Rondex Laboratories, Incorporated*, *Zenith Laboratories, Incorporated*;

(c) Marazine: Geneva Drugs, Ltd.

(d) Proma: Vanguard Laboratories;

(e) Promopar: Parke-Davis and Company; and

(f) Thorazine: Smith, Kline and French Laboratories.

(2) Chlorpromazine Hydrochloride 25 mg. Tablet Form:

(a) Chlor-PZ: USV Pharmaceutical Company;
 (b) Chlorpromazine Hydrochloride: Abbott Laboratories, *Lederle Laboratories*, Murray Drug Corporation, Paramount Surgical Supply Corporation, Purepac Pharmaceutical Company, Rachelle Laboratories, Rondex Laboratories, Incorporated, Zenith Laboratories, Incorporated;

(c) Marazine: Geneva Drugs, Ltd.;

(d) Proma: Vanguard Laboratories;

(e) Promopar: Parke-Davis and Company; and

(f) Thorazine: Smith, Kline and French Laboratories.

(3) Chlorpromazine Hydrochloride 50 mg. Tablet Form:

(a) Chlor-PZ: USV Pharmaceuticals Company;

(b) Chlorpromazine Hydrochloride: Abbott Laboratories, *Lederle Laboratories*, Murray Drug Corporation, Paramount Surgical Supply Corporation, Purepac Pharmaceutical Company, Rachelle Laboratories, Rondex Laboratories, Incorporated, Zenith Laboratories, Incorporated;

(c) Marazine: Geneva Drugs, Ltd.;

(d) Proma: Vanguard Laboratories;

(e) Promopar: Parke-Davis and Company; and

(f) Thorazine: Smith, Kline and French Laboratories.

(4) Chlorpromazine Hydrochloride 100 mg. Tablet Form:

(a) Chlor-PZ: USV Pharmaceutical Company;

(b) Chlorpromazine Hydrochloride: Abbott Laboratories, *Lederle Laboratories*, Paramount Surgical Supply Corporation, Purepac Pharmaceutical Company, Rachelle Laboratories, Rondex Laboratories, Incorporated, Zenith Laboratories, Incorporated;

(c) Marazine: Geneva Drugs, Ltd.;

(d) Proma: Vanguard Laboratories;

(e) Promopar: Parke-Davis and Company; and

(f) Thorazine: Smith, Kline and French Laboratories.

(5) Chlorpromazine Hydrochloride 200 mg. Tablet Form:

(a) Chlor-PZ: USV Pharmaceutical Company;

(b) Chlorpromazine Hydrochloride: Abbott Laboratories, *Lederle Laboratories*, Paramount Surgical Supply Corporation, Purepac Pharmaceutical Company, Rachelle Laboratories, Rondex Laboratories, Incorporated, Zenith Laboratories, Incorporated;

(c) Marazine: Geneva Drugs, Ltd.;

(d) Proma: Vanguard Laboratories;

(e) Promopar: Parke-Davis and Company; and

(f) Thorazine: Smith, Kline and French Laboratories.

KENNETH P. CRAWFORD, Chairperson

ADOPTED: May 14, 1976

RECEIVED BY LRC: June 15, 1976 at 2:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
 TO: Mrs. Dorothy Barnes, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
(Proposed Amendment)

902 KAR 1:160. Oxytetracycline Hydrochloride Capsule.

RELATES TO: KRS 217.814 to 217.826, 217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Oxytetracycline Hydrochloride pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Oxytetracycline Hydrochloride Capsule Pharmaceutical Products. The following Oxytetracycline Hydrochloride Capsule pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Oxytetracycline Hydrochloride 250 mg. Capsule Form: (**Therapeutic equivalence for Purepac Pharmaceuticals and Rondex Laboratories only if manufactured after June, 1975.*)

(1) Oxlopar: Parke-Davis;

(2) Oxy-Kesso-Tetra: McKesson Laboratories;

(3) Oxy-Tetrachel: Rachelle Laboratories;

(4) *Oxytetracycline Hydrochloride: *Lederle Laboratories, Purepac Pharmaceuticals, Rondex Laboratories, Richie Pharmacal; and*

(5) Terramycin: Pfizer Laboratories.

KENNETH P. CRAWFORD, Chairperson

ADOPTED: May 14, 1976

RECEIVED BY LRC: June 15, 1976 at 2 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
 TO: Mrs. Dorothy Barnes, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
(Proposed Amendment)

902 KAR 1:190. Meprobamate Tablet.

RELATES TO: KRS 217.814 to 217.826, 217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Meprobamate pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Meprobamate Tablet Pharmaceutical Products. The following Meprobamate tablet

pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: (*Therapeutic equivalence is determined for Midway Medical Company and Vanguard Laboratories only if manufactured by Barr Laboratories.)

- (1) Meprobamate 200 mg. Tablet Form:
 - (a) Equanil: Wyeth Laboratories;
 - (b) *Meprobamate: International Laboratories, Inc., Midway Medical Company, Philips-Roxane Laboratories;
 - (c) Miltown: Wallace Laboratories;
 - (d) SK-Bamate: Smith, Kline & French Laboratories.
- (2) Meprobamate 400 mg. Tablet Form:
 - (a) Equanil: Wyeth Laboratories;
 - (b) *Meprobamate: Bocan Drug Company, International Laboratories, Midway Medical Company, Philips-Roxane Laboratories, Rexall Drug Company, Vanguard Laboratories;
 - (c) Miltown: Wallace Laboratories;
 - (d) QID-bamate: Mallinckrodt Chemical Corp.;
 - (e) SK-Bamate: Smith, Kline & French Laboratories;
 - (f) Tranmep: Reid-Provident Laboratories, Inc.

KENNETH P. CRAWFORD, Chairperson

ADOPTED: May 14, 1976

RECEIVED BY LRC: June 15, 1976 at 2:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Mrs. Dorothy Barnes, Kentucky Drug Formulary
Council, 275 East Main Street, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
(Proposed Amendment)

902 KAR 1:290. Ferrous Sulfate Tablet.

RELATES TO: KRS 217.814 to 217.826,
217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Ferrous Sulfate pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Ferrous Sulfate Tablet Pharmaceutical Products. The following Ferrous Sulfate tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Ferrous Sulfate Tablets 5 gr.:

- (1) Enseals: Eli Lilly and Company;
- (2) Feosol: Smith, Kline and French, Labs.;
- (3) Ferrous Sulfate: Columbia Medical Company, Geneva Generics, Lederle Laboratories, Mylan Pharmaceuticals, Phillips-Roxane Labs., Purepac Pharmaceuticals, Richie Pharmacal, Rondex Laboratories;
- (4) Film Seals: Parke-Davis and Company
- (5) Neo-Vadrin: First Texas Pharmaceuticals.

KENNETH P. CRAWFORD, Chairperson

ADOPTED: May 14, 1976

RECEIVED BY LRC: June 15, 1976 at 2:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Mrs. Dorothy Barnes, Kentucky Drug Formulary
Council, 275 East Main Street, Frankfort, Kentucky 40601.

Proposed Regulations

SECRETARY OF THE CABINET Kentucky Teachers' Retirement System

102 KAR 1:153. Benefit adjustments.

RELATES TO: KRS 161.220 to 161.710

PURSUANT TO: KRS 13.082, 161.310

NECESSITY AND FUNCTION: Passage of House Bills 374 and 738 by the 1976 General Assembly requires substantial adjustments in benefits payable to retired teachers, their beneficiaries, and their survivors. This regulation is intended to set out the administrative procedures to be followed in making such adjustments.

Section 1. Funds provided for cost-of-living adjustments in monthly retirement allowances, to be effective July 1, 1976, shall be distributed as follows:

(1) Each member retired for service or disability, each recipient of a retirement option, and each recipient of a survivor's benefit as provided in KRS 161.525 shall receive an increase in monthly benefits of three percent (3%) for each year of retirement from July 1, 1971, to June 30, 1976. Fractional years shall be calculated on a pro rata basis.

(2) The retirement date for recipients of retirement options shall be the effective date of the deceased member's retirement.

(3) The retirement date for a recipient of survivor's benefits payable as provided in KRS 161.525 shall be the first of the month next following the member's death.

(4) The basis for the above calculations shall be the amount of the benefit payable in June, 1976, or if the retiree has waived benefits as provided in KRS 161.603, the base shall be the benefit the retiree would have been eligible to receive except for the waiver, and shall be payable when the retiree is next eligible to receive benefit payments. If the benefit payment is less than \$200 per month the calculations shall assume a benefit of \$200 and if the benefit payment is greater than \$500 per month the calculations will assume a benefit of \$500 per month. In the event of multiple recipients based on a deceased member's account the maximum and minimum assumptions shall be applied to the total of all payments based on that member's account.

(5) The above described benefit increases shall not apply to monthly payments a retiree or beneficiary may receive from a voluntary or tax-deferred annuity program.

(6) Members retired for disability who are receiving the minimum benefit of fifty-five dollars (\$55) per month due to earned income in excess of the limitations set out in KRS 161.661 shall be entitled to the above benefit adjustments when restored to full benefit status.

Section 2. Funds provided for increases in benefit payments where such payments are based, in part, on service prior to July 1, 1941, shall be applied as follows:

(1) Effective July 1, 1976, each service retiree, each disability retiree whose a retirement option and each recipient of a survivor's benefit as set out in KRS a retirement option and each recipient of a survivor's benefit as set out in KRS 161.525 shall receive an increase in benefit equal to two dollars (\$2) per month for each year

of credited service prior to July 1, 1941, not to exceed fifteen (15) years of such service.

(2) Effective July 1, 1977, each retiree or recipient of a retirement benefit mentioned in subsection (1) above shall receive an additional increase in benefits of two dollars (\$2) per month for each year of credited service prior to July 1, 1941, not to exceed fifteen (15) years of such service.

(3) Disability retirees whose benefits are not presently based on the service retirement formula shall receive benefits described in subsections (1) and (2) above when such benefits are recalculated as provided in KRS 161.661(5).

Section 3. Effective July 1, 1976, each member retired for disability prior to July 1, 1964, and whose benefit has not been recalculated as provided in KRS 161.661(3), (4), and (5) shall be entitled to an increase in benefit equal to that which would have resulted from the recalculation referred to above, provided however that no such increase in benefit resulting from this action shall exceed twenty-five dollars (\$25) per month. Such increase in benefits shall be paid from funds provided in the executive budget for the 1976-78 biennium.

TED L. CROSTHWAIT, Executive Secretary

ADOPTED: May 17, 1976

RECEIVED BY LRC: May 21, 1976 at 3:45 p.m.

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

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION Board of Chiropractic Examiners

201 KAR 21:051. Board hearings; charges and complaints.

RELATES TO: KRS 312.150, 312.155, 312.160

PURSUANT TO: KRS 13.082, 312.019

NECESSITY AND FUNCTION: KRS 312.150 to 312.160 provides for the suspension or revocation of licenses by the board following a hearing. The purpose of this regulation is to establish procedural guidelines for board hearings and the processing of formal or informal charges or complaints against licensees.

Section 1. (1) As used in this regulation:

(a) "Board" means the Kentucky State Board of Chiropractic Examiners as provided by KRS Chapter 312.

(b) "Order" means the whole or part of any final disposition of the adjudication of a complaint before the board.

(c) "Sanction" means the revocation or suspension of a license.

(2) Complaints and investigations:

(a) A formal complaint may be made by any person by filing with the board at board offices a complaint verified by affidavit. The complaint shall contain:

1. The name, place of residence and address of the person making the charge as well as the name and place of residence of the person or persons against whom charges are made.

2. A clear and concise description of the issues of fact and law involved and the statutes or regulations which were allegedly violated by the party against whom the complaint is brought.

(b) Upon receipt of a formal complaint against a licensee, the board shall determine whether the nature and quality of the charges are such that further investigation or the initiation of a hearing procedure on the charges against the licensee is warranted. In making its determination, the board shall consider whether the charges are such that if proven would warrant sanction by the board.

(3) The board may at any time proceed against a licensee on its own initiative either on the basis of information contained in its own records or on the basis of information obtained through its own investigation.

(4) Whether charges are initiated against a licensee by formal complaint or on the board's own motion, no formal charge shall be brought against a licensee except upon the affirmative vote of a majority of the board.

(a) Should the board find that allegations against a licensee are insufficient for the initiation of a formal disciplinary procedure, it shall issue an order dismissing the matter and cause all interested parties to be so notified.

(b) If the board determines that disciplinary proceedings are appropriate, the board shall set the matter for hearing at a future meeting of the board and shall notify the licensee of the charges against him and the time and place of the hearing. The notice shall set forth with reasonable particularity the facts constituting the alleged offense and shall state the statutes or regulations of the board which are applicable to the charge. The notice of the charges shall be served upon the respondent licensee not less than twenty (20) days prior to the hearing either personally or by mailing a copy thereof by certified mail, return receipt requested to the respondent licensee's address last known to the board.

Section 2. (1) The hearing conducted pursuant to this regulation shall be presided over by the president of the board who shall be advised on legal issues by counsel designated by the board.

(2) The respondent may appear in person and by counsel and may cross-examine witnesses against him and produce evidence and witnesses in his own behalf and examine such evidence and documents as may be produced against him. The respondent shall be entitled, on application to the board, to the issuance of subpoenas pursuant to KRS 312.165, to compel the attendance of witnesses and evidence on his behalf. Any person compelled to appear at the hearing is entitled to be represented by counsel.

(3) The board shall keep a record of said hearing containing all communications regarding the charges against the respondent licensee. The record shall be available to the respondent or his authorized representative. The hearing shall be either mechanically and/or stenographically recorded.

(4) Except as provided otherwise by these rules, the rules of evidence as applied in civil cases in the circuit courts of the Commonwealth of Kentucky need not be strictly followed. It is the board's intention to permit full development of all relevant issues. However, irrelevant, immaterial or unduly repetitious evidence may be excluded.

The board shall give effect to the rules of privilege which are recognized by the laws of the Commonwealth of Kentucky.

(5) When a hearing will be expedited and the interests of the parties will not be prejudiced substantially thereby, all or part of the evidence may be received in written form upon agreement of the parties. Documentary evidence may be introduced in the form of copies or excerpts if the original is not readily available, provided that, upon request, parties shall be given the opportunity to compare the copy with the original.

(6) Notice may be taken of judicially recognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the board's specific knowledge; provided, however, that the parties shall be afforded an opportunity to contest the facts so noticed.

(7) When necessary to ascertain facts which cannot be proved, evidence not admissible under the foregoing rules may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs.

(8) Objections to evidence offered in proof may be made and the presiding officer shall rule on whether evidence objected to should be received and considered by the board in reaching its decision. All objections and the ruling of the presiding officer as to each objection shall be noted in the record.

(9) The board shall consider all the evidence in the record in reaching its decision. Ancillary matters not in evidence shall not be considered by the board. The vote of the board shall be taken by the president and it shall take a majority of the board to sustain the charges against the respondent licensee. The board shall adopt findings of fact and conclusions of law. The board shall issue its order and shall either dismiss the action against the respondent licensee, or sustain the charges or some portion thereof. Should the board by majority vote sustain some or all the charges, the board shall then by majority vote establish the sanction under law which it deems warranted. The order of the board shall be mailed to the respondent and his authorized representative by certified mail, return receipt requested.

Section 3. The respondent whose license has been revoked or suspended may within thirty (30) days of receipt of the order appeal to the Franklin Circuit Court. In the absence of such appeal, the order of the board shall be final at the expiration of the thirty (30) day period.

Section 4. 201 KAR 21:050 is repealed.

HAROLD BYERS, D.C., President

ADOPTED: June 12, 1976

APPROVED:

RUSSELL MCCLURE, Secretary

RECEIVED BY LRC: June 15, 1976 at 3:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: C. T. Woodward, D.C., Executive Secretary, State Board of Chiropractic Examiners, Post Office Box 182, Glasgow, Kentucky 42141.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Mines and Minerals
Division of Explosives and Blasting

805 KAR 4:070. Definitions.

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

NECESSITY AND FUNCTION: KRS 351.335 requires the Department of Mines and Minerals to promulgate rules and regulations concerning the manufacture, transportation, sale, storage, or use of explosives and unassembled components of explosives, and the maintenance of such explosives which has a direct bearing on safety to life and property. This regulation effects the provisions of that law.

Section 1. Definitions Applicable to 805 KAR 4:070 to 805 KAR 4:150. (1) "American Table of Distances" (also known as Quantity Distance Tables) means "American Table of Distances for Storage of Explosives" as revised and approved by the Institute of the Makers of Explosives, June 5, 1964.

(2) "Approved storage facility" means a facility for the storage of explosive material conforming to the requirements of this part and covered by a license or permit issued under authority of the Internal Revenue Service (See 26 CFR Part 181).

(3) "Blast area" means the area in which explosives loading and blasting operations are being conducted.

(4) "Blaster" means the person or persons authorized to use explosives for blasting purposes and meeting the qualifications contained in 805 KAR 4:010.

(5) "Blasting agent" means any material or mixture consisting of a fuel and oxidizer used for blasting, but not classified an explosive and in which none of the ingredients is classified as an explosive provided the furnished (mixed) product cannot be detonated with a No. 8 test blasting cap when confined. A common blasting agent presently in use is a mixture of ammonium nitrate (NH₄/1 NO₃) and carbonaceous combustibles such as fuel oil or coal, and may either be procured, premixed and packaged from explosive companies or mixed in the field.

(6) "Blasting cap" means a metallic tube closed at one end, containing a charge of one or more detonating compounds, and designed for and capable of detonation from the sparks or flame from a safety fuse inserted and crimped into the open end.

(7) "Block holding" means the breaking of boulders by firing a charge of explosives that has been loaded in a drill hole.

(8) "Conveyance" means any unit for transporting explosives or blasting agents, including but not limited to trucks, trailers, rail cars, barges, and vessels.

(9) "Detonating cord" means a flexible cord containing a center core of high explosives which, when detonated, will have sufficient strength to detonate other cap-sensitive explosives with which it is in contact.

(10) "Detonator" means blasting caps, electric blasting caps, delay electric blasting caps, and non-electric delay blasting caps.

(11) "Electric blasting cap" means a blasting cap designed for and capable of detonation by means of an electric blasting current.

(12) "Electric blasting circuitry" means:

(a) Bus wire. An expendable wire, used in parallel or series, in parallel circuits, to which are connected the leg

wires of electric blasting caps.

(b) Connecting wire. An insulated expendable wire used between electric blasting caps and the leading wires or between the bus wire and the leading wires.

(c) Leading wire. An insulated wire used between the electric power source and the electric blasting cap circuit.

(d) Permanent blasting wire. A permanently mounted insulated wire used between the electric power source and the electric blasting cap circuit.

(13) "Electric delay blasting caps" means caps designed to detonate at a predetermined period of time after energy is applied to the ignition system.

(14) "Explosives" means:

(a) Any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion; that is, with substantially instantaneous release of gas and heat, unless such compound, mixture, or device is otherwise specifically classified by the U. S. Department of Transportation.

(b) All material which is classified as Class A, Class B, and Class C explosives by the U. S. Department of Transportation.

(c) Classification of explosives by the U. S. Department of Transportation is as follows:

1. Class A explosives. Possessing detonating hazard, such as dynamite, nitroglycerin, picric acid, lead azide, fulminate of mercury, black powder, blasting caps, and detonating primers.

2. Class B explosives. Possessing flammable hazard, such as propellant explosive, including some smokeless propellants.

3. Class C explosives. Includes certain types of manufactured articles which contain Class A or Class B explosives, or both, as components, but in restricted quantities.

(15) "Fuse lighters" means special devices for the purpose of igniting a safety fuse.

(16) "Magazine" means any building or structure, other than an explosives manufacturing building, used for the storage of explosives.

(17) "Misfire" means an explosive charge which failed to detonate.

(18) "Mud-capping" (sometimes known as bulldozing, adobe blasting, or dobying) means the blasting of boulders by placing a quantity of explosives against a rock, boulder, or other object without confining the explosives in a drill hole.

(19) "Non-electric delay blasting cap" means a blasting cap with an integral delay element in conjunction with and capable of being detonated by a detonation impulse or signal for miniaturized detonating cord.

(20) "Primary blasting" means the blasting operation by which the original rock formation is dislodged from its natural location.

(21) "Primer" means a cartridge or container of explosives into which a detonator or detonating cord is inserted or attached.

(22) "Safety fuse" means a flexible cord containing an internal burning medium by which fire is conveyed at a continuous and uniform rate for the purpose of firing blasting caps.

(23) "Secondary blasting" means the reduction of oversize material by the use of explosives to the dimension required for handling, including mudcapping and blockholing.

(24) "Stemming" means a suitable inert incombustible material or device used to confine or separate explosives in a drill hole, or to cover explosives in mudcapping.

(25) "Springing" means the creation of a pocket in the bottom of a drill hole by the use of a moderate quantity of explosives in order that larger quantities of explosives may be inserted therein.

(26) "Water gels, or slurry explosives" means a wide variety of materials used for blasting. They all contain substantial proportions of water and high proportions of ammonium nitrate, some of which is in solution in the water. Two (2) broad classes of water gels are:

(a) Those which are sensitized by a material classed as an explosive, such as TNT or smokeless powder; and

(b) Those which contain no ingredient classified as an explosive; these are sensitized with metals such as aluminum or with other fuels. Water gels may be premixed at an explosives plant or mixed at the site immediately before delivery into the borehole.

D. T. FROEDGE, Director
H. N. KIRKPATRICK, Commissioner

ADOPTED: June 11, 1976

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: June 14, 1976 at 2 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: The Director, Division of Explosives and Blasting,
Department of Mines and Minerals, P. O. Box 680,
Lexington, Kentucky 40501. Telephone 606-254-0367 or
606-254-0368.

PUBLIC PROTECTION AND REGULATION

Department of Mines and Minerals
Division of Explosives and Blasting

805 KAR 4:075. General blasting provisions.

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

NECESSITY AND FUNCTION: KRS 351.335 requires the Department of Mines and Minerals to promulgate rules and regulations concerning the manufacture, transportation, sale, storage, or use of explosives and unassembled components of explosives, and the maintenance of such explosives which has a direct bearing on safety to life and property. This regulation effects the provisions of that law.

Section 1. General Blasting Provisions. (1) The employer shall permit only authorized and qualified persons to handle and use explosives.

(2) Smoking, firearms, matches, open flame lamps, and other fires, flame, or heat producing devices and sparks shall be prohibited in or near explosive magazines or while explosives are being handled, transported, or used.

(3) No person shall be allowed to handle or use explosives while under the influence of intoxicating liquors, narcotics, or other dangerous drugs.

(4) All explosives shall be accounted for at all times. Explosives not being used shall be kept in a locked magazine, unavailable to persons not authorized to handle them. The employer shall maintain an inventory and use record of all explosives. Appropriate authorities shall be notified of any loss, theft, or unauthorized entry into a magazine.

(5) No explosives or blasting agents shall be abandoned.

(6) No fire shall be fought where the fire is in imminent danger of contact with explosives. All employees shall be

removed to a safe area and the fire area guarded against intruders.

(7) Original containers or Class II magazines, shall be used for taking detonators and other explosives from storage magazines to the blasting area.

(8) When blasting is done in congested areas or in proximity to a structure, railway, or highway, or any other installation that may be damaged, the blaster shall take special precautions in the loading, delaying, initiation, and confinement of each blast with mats or other methods so as to control the throw of fragments, and thus prevent bodily injury to employees.

(9) Employees authorized to prepare explosive charges or conduct blasting operations shall use every reasonable precaution including, but not limited to, visible and audible warning signals, flags, or barricades, to ensure employee safety.

(10) In so far as possible, blasting operations above ground shall be conducted between sunup and sundown.

(11) Due precautions shall be taken to prevent accidental discharge of electric blasting caps from current induced by radar, radio transmitters, lightning, adjacent power lines, dust storms, or other sources, of extraneous electricity. These precautions shall include:

(a) Detonators shall be short-circuited in holes which have been primed and shunted until wired into the blasting circuit.

(b) The suspension of all blasting operations and removal of persons from the blasting area during the approach and progress of an electric storm.

(c) The prominent display of adequate signs, warning against the use of mobile radio transmitters, on all roads within 1,000 feet of blasting operations. Whenever adherence to the 1,000-foot distance would create an operational handicap, this distance may be modified. Specimens of signs which would meet these requirements are as follows:

"Blasting Zone 1,000 Feet" "Turn off Two-Way Radio."

(d) Compliance with the recommendations of The Institute of Makers of Explosives with regard to blasting in the vicinity of radio transmitters as stipulated in Radio Frequency Energy — A Potential Hazard in the use of Electric Blasting Caps, IME Publication No. 20, March 1971.

(12) Empty boxes and paper and fiber packing materials, which have previously contained high explosives, shall not be used again for any purpose, but shall be destroyed by burning at an approved location.

(13) Explosives, blasting agents, and blasting supplies that are obviously deteriorated or damaged shall not be used.

(14) Delivery and issue of explosives shall only be made by and to authorized persons and into authorized magazines or approved temporary storage or handling areas.

(15) Blasting operations in the proximity of overhead powerlines, communication lines, utility services, or other services or structures shall not be carried on until the operators and/or owners have been notified and measures for safe control have been taken.

(16) The use of black powder shall be prohibited, except when a desired result cannot be obtained with another type of explosive such as in quarrying certain types of dimension stone.

(17) All loading and firing shall be directed and supervised by competent persons thoroughly experienced in this field.

(18) All electric blasts shall be fired with an electric blasting machine or properly designed electric power source.

D. T. FROEDGE, Director
H. N. KIRKPATRICK, Commissioner

ADOPTED: June 11, 1976

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PUBLIC PROTECTION AND REGULATION CABINET
Department of Mines and Minerals
Division of Explosives and Blasting

805 KAR 4:080. Blasters' qualifications.

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

NECESSITY AND FUNCTION: KRS 351.335 requires the Department of Mines and Minerals to promulgate rules and regulations concerning the manufacture, transportation, sale, storage, or use of explosives and unassembled components of explosives, and the maintenance of such explosives which has a direct bearing on safety to life and property. This regulation effects the provisions of that law.

Section 1. Blasters' Qualifications. (1) A blaster shall be able to understand and give written and oral orders.

(2) A blaster should be in good physical condition and not be addicted to narcotics, intoxicants, or similar types of drugs.

(3) A blaster shall be qualified by reason of training, knowledge or experience, in the field of transporting, storing, handling, and the use of explosives, and have a working knowledge of state and local laws and regulations which pertain to explosives.

(4) Blasters shall be required to furnish satisfactory evidence of competency in handling explosives and performing in a safe manner the type of blasting that will be required.

(5) The blaster shall be knowledgeable and competent in the use of each type of blasting method used.

D. T. FROEDGE, Director
H. N. KIRKPATRICK, Commissioner

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PUBLIC PROTECTION AND REGULATION CABINET
Department of Mines and Minerals
Division of Explosives and Blasting

805 KAR 4:085. Dealer registration; record requirements.

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

NECESSITY AND FUNCTION: KRS 351.335 requires the Department of Mines and Minerals to promulgate rules and regulations concerning the manufacture, transportation, sale, storage, or use of explosives and unassembled components of explosives, and the maintenance of such explosives which has a direct bearing on safety to life and property. This regulation effects the provisions of that law.

Section 1. Dealer Registration. Each person intending to engage in business as an importer or a manufacturer of, or a dealer in, explosive materials shall, before commencing such business, be required annually to register with the Department of Mines and Minerals. Each person shall annually fill out the registration form (E&B 36) provided by the department.

Section 2. Record Requirements. (1) Each person, corporation or entity engaged in the manufacture, purchase, or selling, of explosives, including importers, manufacturer, manufacturer limited, or dealer shall maintain in a permanent form, such records of importation, production, shipment, receipt, sale or other disposition.

(2) All records shall be retained for a period of not less than five (5) years from the date the transaction occurs or until discontinuance of business or operations. All records shall be subject to inspection and examination by the Department of Mines and Minerals.

(3) The records prescribed by Title 26, part 181.121-181.129 of the Code of Federal Regulations of the Division of Alcohol, Tobacco, and Firearms shall satisfy the requirements of this section.

Section 3. Magazine Identification. (1) All permanent, fixed, or stationary magazines shall be registered annually with the Department of Mines and Minerals. Registration forms (E&B 35) will be furnished by the department.

(2) All portable magazines shall have identification tags.

(3) The identification tags shall be approximately three (3) inches long by two (2) inches wide and shall be lettered or painted directly onto the magazine or attached such that normal use and weather will not render the tag illegible.

(4) The tags shall provide the following information:

- (a) Name of owner,
- (b) Address,
- (c) Person responsible for the magazine, and
- (d) Telephone number.

D. T. FROEDGE, Director
H. N. KIRKPATRICK, Commissioner

ADOPTED: June 11, 1976

APPROVED: JAMES E. GRAY, Secretary

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PUBLIC PROTECTION AND REGULATION CABINET
Department of Mines and Minerals
Division of Explosives and Blasting

805 KAR 4:090. Storage of explosives and blasting agents.

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

NECESSITY AND FUNCTION: KRS 351.335 requires the Department of Mines and Minerals to promulgate rules and regulations concerning the manufacture, transportation, sale, storage, or use of explosives and unassembled components of explosives, and the maintenance of such explosives which has a direct bearing on safety to life and property. This regulation effects the provisions of that law.

Section 1. Storage of Explosives and Blasting Agents.

(1) Explosives and related materials shall be stored in approved facilities required under the applicable provisions of the Internal Revenue Service regulations contained in 26 CFR 181, Commerce in Explosives.

(2) Blasting caps, electric blasting caps, detonating primers, and primed cartridges shall not be stored in the same magazine with other explosives or blasting agents.

(3) Smoking and open flames shall not be permitted within fifty (50) feet of explosives and detonator storage magazines.

(4) Permanent underground magazines containing detonators shall not be located closer than twenty-five (25) feet to any magazine containing other explosives or blasting agents.

D. T. FROEDGE, Director
H. N. KIRKPATRICK, Commissioner

ADOPTED: June 11, 1976

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PUBLIC PROTECTION AND REGULATION CABINET
Department of Mines and Minerals
Division of Explosives and Blasting

805 KAR 4:095. Loading of explosives or blasting agents.

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

NECESSITY AND FUNCTION: KRS 351.335 requires the Department of Mines and Minerals to promulgate rules and regulations concerning the manufacture, transportation, sale, storage, or use of explosives and unassembled components of explosives, and the maintenance of such explosives which has a direct bearing on safety to life and property. This regulation effects the provisions of that law.

Section 1. Loading of Explosives or Blasting Agents.

(1) Procedures that permit safe and efficient loading shall be established before loading is started.

(2) All drill holes shall be sufficiently large to admit freely the insertion of the cartridges of explosives.

(3) Tamping shall be done only with wood rods or plastic tamping poles without exposed metal parts, but non-sparking metal connectors may be used for jointed poles. Violent tamping shall be avoided. The primer shall never be tamped.

(4) No holes shall be loaded except those to be fired in the next round of blasting. After loading all remaining explosives and detonators shall be immediately returned to an authorized magazine.

(5) Drilling shall not be started until all remaining butts of old holes are examined for unexploded charges, and if any are found, they shall be refired before work proceeds.

(6) No person shall be allowed to deepen drill holes which have contained explosives or blasting agents.

(7) No explosives or blasting agents shall be left unattended at the blast site.

(8) Machines and all tools not used for loading explosives into boreholes shall be removed from the immediate location of holes before explosives are delivered. Equipment shall not be operated within fifty (50) feet of loaded holes.

(9) No activity of any nature other than that which is required for loading holes with explosives shall be permitted in a blast area.

(10) Powerlines and portable electric cables for equipment being used shall be kept a safe distance from explosives or blasting agents being loaded into drill holes. Cables in the proximity of the blast area shall be de-energized and locked out by the blaster.

(11) Holes shall be checked prior to loading to determine the depth and conditions. Holes shall not be drilled where there is a danger of intersecting a charged or misfired hole.

(12) When loading a long line of holes with more than one (1) loading crew, the crews shall be separated by practical distance consistent with efficient operation and supervision of crews.

(13) No explosives shall be loaded or used underground in the presence of combustible gases or combustible dusts.

(14) All blast holes in open work shall be stemmed to the collar or to a point which will confine the charge.

(15) Warning signs, indicating a blast area, shall be maintained at all approaches to the blast area. The warning sign lettering shall not be less than four (4) inches in height on a contrasting background.

(16) A borehole shall never be sprung when it is adjacent to or near a hole that is loaded. Flashlight batteries shall not be used for springing holes.

(17) Drill holes that have been sprung or chambered, and which are not water-filled, shall be allowed to cool before explosives are loaded.

(18) No loaded holes shall be left unattended or unprotected.

(19) The blaster shall keep an accurate, up-to-date record of explosives, blasting agents, and blasting supplies used in a blast and shall keep an accurate running inventory of all explosives and blasting agents stored on the operation.

D. T. FROEDGE, Director
H. N. KIRKPATRICK, Commissioner

ADOPTED: June 11, 1976

APPROVED: JAMES E. GRAY, Secretary

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606-254-0368.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Mines and Minerals
Division of Explosives and Blasting

805 KAR 4:100. Surface transportation of explosives.

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

NECESSITY AND FUNCTION: KRS 351.335 requires the Department of Mines and Minerals to promulgate rules and regulations concerning the manufacture, transportation, sale, storage or use of explosives and unassembled components of explosives, and the maintenance of such explosives which has a direct bearing on safety to life and property. This regulation effects the provisions of that law.

Section 1. Surface Transportation of Explosives.

(1) Transportation of explosives shall meet the provisions of Department of Transportation regulations contained in 14 CFR Part 103, Air Transportation; 46 CFR Parts 146-149, Water Carriers; 49 CFR Parts 171-179, Highways and Railways; 49 CFR Part 190, Pipelines; and 49 CFR Parts 390-397, Motor Carriers.

(2) Motor vehicles or conveyances transporting explosives shall only be driven by, and be in the charge of, a licensed driver who is physically fit. He shall be familiar with the local, state, and federal regulations governing the transportation of explosives.

(3) No person shall smoke, or carry matches or any other flame producing device, nor shall firearms or loaded cartridges be carried while in or near a motor vehicle or conveyance transporting explosives.

(4) Explosives, blasting agents, and blasting supplies shall not be transported with other materials or cargoes. Explosives and detonators shall be transported in separate vehicles unless separated by four (4) inches of hardwood or the equivalent, or a portable magazine.

(5) Vehicles used for transporting explosives shall be strong enough to carry the load without difficulty, and shall be in good mechanical condition.

(6) When explosives are transported by a vehicle with an open body, a Class II magazine or original manufacturer's container shall be securely mounted on the bed to contain the cargo.

(7) All vehicles used for the transportation of explosives shall have tight floors and any exposed spark-producing metal on the inside of the body shall be covered with wood, or other non-sparking material, to prevent contact with containers of explosives.

(8) Every motor vehicle or conveyance used for transporting explosives shall be marked or placarded on both sides, the front and the rear with the word "explosives" in red letters, not less than four (4) inches in height, on white background. In addition to such marking or placarding, the motor vehicle or conveyance may

display, in such a manner that it will be readily visible from all directions, a red flag eighteen (18) inches by thirty (30) inches, with the word "Explosives" painted, stamped, or sewn thereon, in white letters, at least six (6) inches in height.

(9) Each vehicle used for transportation of explosives shall be equipped with a fully charged fire extinguisher, in good condition. An Underwriters Laboratory-Approved extinguisher of not less than ten (10) ABC rating will meet the minimum requirement. The driver shall be trained in the use of the extinguisher on his vehicle.

(10) Motor vehicles or conveyances carrying explosives, blasting agents, or blasting supplies, shall not be taken inside a garage or shop for repairs or servicing.

(11) No motor vehicle transporting explosives shall be left unattended.

D. T. FROEDGE, Director

H. N. KIRKPATRICK, Commissioner

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APPROVED:

JAMES E. GRAY, Secretary

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606-254-0368.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Mines and Minerals
Division of Explosives and Blasting

805 KAR 4:105. Underground transportation of explosives.

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

NECESSITY AND FUNCTION: KRS 351.335 requires the Department of Mines and Minerals to promulgate rules and regulations concerning the manufacture, transportation, sale, storage, or use of explosives and unassembled components of explosives, and the maintenance of such explosives which has a direct bearing on safety to life and property. This regulation effects the provisions of that law.

Section 1. Underground Transportation of Explosives (non-coal). (1) All explosives or blasting agents in transit underground shall be taken to the place of use or storage without delay.

(2) The quantity of explosives or blasting agents taken to an underground loading area shall not exceed the amount estimated to be necessary for the blast.

(3) Explosives in transit shall not be left unattended.

(4) The hoist operator shall be notified before explosives or blasting agents are transported in a shaft conveyance.

(5) Trucks used for the transportation of explosives underground shall have the electrical system checked weekly to detect any failures which may constitute an electrical hazard. A written record of such inspections shall be kept on file.

(6) The installation of auxillary lights on truck beds,

which are powered by the truck's electrical system, shall be prohibited.

(7) Explosives and blasting agents shall be hoisted, lowered, or conveyed in a powder car. No other materials, supplies or equipment shall be transported in the same conveyance at the same time.

(8) No one, except the operator, his helper, and the powder man, shall be permitted to ride on a conveyance transporting explosives and blasting agents.

(9) No person shall ride in any shaft conveyance transporting explosives and blasting agents.

(10) No explosives or blasting agents shall be transported on any locomotive. At least two (2) car lengths shall separate the locomotive from the powder car.

(11) No explosives or blasting agents shall be transported on a man-haul trip.

(12) The car or conveyance containing explosives or blasting agents shall be pulled, not pushed, whenever possible.

(13) The powder car or conveyance especially built for the purpose of transporting explosives or blasting agents shall bear a reflectorized sign on each side with the word "Explosives" in letters, not less than four (4) inches in height, upon a background of sharply contrasting color.

(14) Compartments for transporting detonators and explosives in the same car or conveyance shall be physically separated by a distance of twenty-four (24) inches or by a solid partition at least four (4) inches thick.

(15) Explosives, blasting agents, or blasting supplies shall not be transported with other materials.

(16) Explosives or blasting agents, not in original containers, shall be placed in a suitable container when transported manually.

(17) Detonators, primers, and other explosives shall be carried in separate containers when transported manually.

D. T. FROEDGE, Director

H. N. KIRKPATRICK, Commissioner

ADOPTED: July 11, 1976

APPROVED:

JAMES E. GRAY, Secretary

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PUBLIC PROTECTION AND REGULATION CABINET
Department of Mines and Minerals
Division of Explosives and Blasting

805 KAR 4:110. Initiation of explosive charges; electric blasting.

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

NECESSITY AND FUNCTION: KRS 351.335 requires the Department of Mines and Minerals to promulgate rules and regulations concerning the manufacture, transportation, sale, storage, or use of explosives and unassembled components of explosives, and the maintenance of such explosives which has a direct bearing on safety to life and property. This regulation effects the provisions of that law.

Section 1. Initiation of Explosive Charges; Electric Blasting. (1) Electric blasting caps shall not be used where sources of extraneous electricity make the use of electric blasting caps dangerous. Blasting cap leg wires shall be kept short-circuited (shunted) until they are connected into the circuit for firing.

(2) Before adopting any system of electrical firing, the blaster shall conduct a thorough survey for extraneous currents and all dangerous currents shall be eliminated before any holes are loaded.

(3) In any single blast using electric blasting caps, all caps shall be of the same style or function, and of the same manufacture.

(4) Electric blasting shall be carried out by using blasting circuits or power circuits in accordance with the electric blasting cap manufacturer's recommendations, or an approved contractor or his designated representative.

(5) When firing a circuit of electric blasting caps, care must be exercised to insure that an adequate quantity of delivered current is available, in accordance with the manufacturer's recommendations.

(6) Connecting wires and lead wires shall be insulated single solid wires of sufficient current-carrying capacity.

(7) Bus wires shall be solid single wires of sufficient current-carrying capacity.

(8) When firing electrically, the insulation on all firing lines shall be adequate and in good condition.

(9) A power circuit used for firing electric blasting caps shall not be grounded.

(10) In underground operations when firing from a power circuit, a safety switch shall be placed in the permanent firing line at intervals. This switch shall be made so it can be locked only in the "off" position and shall be provided with a short-circuiting arrangement of the firing lines to the cap circuit.

(11) In underground operations there shall be a "lightning" gap of at least five (5) feet in the firing system ahead of the main firing switch; that is, between this switch and the source of power. This gap shall be bridged by a flexible jumper cord just before firing the blast.

(12) When firing from a power circuit, the firing switch shall be locked in the open or "off" position at all times, except when firing. It shall be so designed that the firing lines to the cap circuit are automatically short-circuited when the switch is in the "off" position. Keys to this switch shall be entrusted only to the blaster.

(13) Blasting machines shall be in good condition and the efficiency of the machine shall be tested periodically to make certain that it can deliver power at its rated capacity.

(14) When firing with blasting machines the connections shall be made as recommended by the manufacturer of the electric blasting caps used.

(15) The number of electric blasting caps connected to a blasting machine shall not be in excess of its rated capacity. Furthermore, in primary blasting, a series circuit shall contain no more caps than the limits recommended by the manufacturer of the electric blasting caps in use.

(16) The blaster shall be in charge of the blasting machines, and no other person shall connect the leading wires to the machine.

(17) Blasters, when testing circuits to charged holes, shall use only blasting galvanometers equipped with a silver chloride cell or blasters multimeter especially designed for this purpose.

(18) Whenever the possibility exists that a leading line or blasting wire might be thrown over a live powerline by the force of an explosion, care shall be taken to see that the

total length of wires are kept too short to hit the lines, or that the wires are securely anchored to the ground. If neither of these requirements can be satisfied, a non-electric system shall be used.

(19) Leading wires shall remain shorted and not be connected to the blasting machine or other source of current until the charge is to be fired.

(20) After firing an electric blast from a blasting machine, the leading wires shall be immediately disconnected from the machine and short-circuited.

D. T. FROEDGE, Director
H. N. KIRKPATRICK, Commissioner

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PUBLIC PROTECTION AND REGULATION CABINET

Department of Mines and Minerals
Division of Explosives and Blasting

805 KAR 4:115. Safety fuses.

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

NECESSITY AND FUNCTION: KRS 351.335 requires the Department of Mines and Minerals to promulgate rules and regulations concerning the manufacture, transportation, sale, storage, or use of explosives and unassembled components of explosives, and the maintenance of such explosives which has a direct bearing on safety to life and property. This regulation effects the provisions of that law.

Section 1. Use of Safety Fuses. (1) The use of a fuse that has been hammered or injured in any way shall be forbidden.

(2) The hanging of a fuse on nails or other projections which will cause a sharp bend to be formed in the fuse is prohibited.

(3) Before capping safety fuse, a short length shall be cut from the end of the supply reel so as to assure a fresh cut end in the blasting cap.

(4) Only a cap crimper of approved design shall be used for attaching blasting caps to safety fuse. Crimpers shall be kept in good repair and accessible to use.

(5) No unused cap or short capped fuse shall be placed in any hole to be blasted; such unused detonators shall be removed from the working place and destroyed.

(6) No fuse shall be capped or primer made up, in any magazine or near any possible source of ignition.

(7) No one shall be permitted to carry detonators or primers of any kind on his person.

(8) The minimum length of safety fuse to be used in blasting shall be as required by state law, but shall not be less than thirty (30) inches.

(9) At least two (2) men shall be present when multiple cap and fuse blasting is done by hand lighting method.

(10) Not more than twelve (12) fuses shall be lighted by

each blaster when hand lighting devices are used. However, when two (2) or more safety fuses in a group are lighted as one (1) by means of igniting cord or other similar fuse lighting devices, they may be considered as one (1) fuse.

(11) The so-called "drop fuse" method of dropping or pushing a primer or any explosive with a lighted fuse attached is forbidden.

(12) Cap and fuse shall not be used for firing mudcap charges unless charges are separated sufficiently to prevent one (1) charge from dislodging other shots in the blast.

(13) When blasting with safety fuses consideration shall be given to the length and burning rate of the fuse. Sufficient time, with a margin of safety, shall always be provided for the blaster to reach a place of safety.

D. T. FROEDGE, Director
H. N. KIRKPATRICK, Commissioner

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606-254-0368.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Mines and Minerals
Division of Explosives and Blasting

805 KAR 4:120. Detonating cards.

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

NECESSITY AND FUNCTION: KRS 351.335 requires the Department of Mines and Minerals to promulgate rules and regulations concerning the manufacture, transportation, sale, storage, or use of explosives and unassembled components of explosives, and the maintenance of such explosives which has a direct bearing on safety to life and property. This regulation effects the provisions of that law.

Section 1. Use of Detonating Cords. (1) Care shall be taken to select a detonating cord consistent with the type and physical condition of the borehole and stemming and the type of explosives used.

(2) Detonating cord shall be handled and used with the same respect and care given other explosives.

(3) The line of detonating cord extending out of a borehole or from a charge shall be cut from the supply spool before loading the remainder of the borehole or placing additional charges.

(4) Detonating cords shall be handled and used with care to avoid damaging or severing the cord during and after loading and hooking-up.

(5) Detonating-cord connections shall be competent and positive in accordance with approved and recommended methods. Knot type or other cord-to-cord connections shall be made only with detonating cords in which the explosive core is dry.

(6) All detonating-cord trunklines and branchlines shall be free of loops, sharp kinks, or angles that direct the cord back toward the oncoming line of detonation.

(7) All detonating-cord connections shall be inspected before firing the blast.

(8) When detonating-cord millisecond-delay connectors or short-interval-delay electric blasting caps are used with detonating cords, the practice shall conform strictly with the manufacturer's recommendations.

(9) When connecting a blasting cap or an electric blasting cap to a detonating cord, the cap shall be taped or otherwise attached securely along the side or the end of the detonating cord, with the end of the cap containing the explosive charge pointed in the direction in which the detonation is to proceed.

(10) Detonators for firing the trunkline shall not be brought to the loading area nor attached to the detonating cord until everything else is in readiness for the blast.

D. T. FROEDGE, Director

H. N. KIRKPATRICK, Commissioner

ADOPTED: June 11, 1976

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: June 14, 1976 at 2:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: The Director, Division of Explosives and Blasting, Department of Mines and Minerals, P.O. Box 680, Lexington, Kentucky 40501. Telephone 606-254-0367 or 606-254-0368.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Mines and Minerals
Division of Explosives and Blasting

805 KAR 4:125. Firing the blast.

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

NECESSITY AND FUNCTION: KRS 351.335 requires the Department of Mines and Minerals to promulgate rules and regulations concerning the manufacture, transportation, sale, storage, or use of explosives and unassembled components of explosives, and the maintenance of such explosives which has a direct bearing on safety to life and property. This regulation effects the provisions of that law.

Section 1. Firing the Blast. (1) A code of blasting signals equivalent to Table U-1, shall be posted on one or more conspicuous places at the operation, and all employees shall be required to familiarize themselves with the code and conform to it. Danger signs shall be placed at suitable locations.

TABLE U-1

WARNING SIGNAL - A one (1) minute series of long blasts five (5) minutes prior to the blast signal.

BLAST SIGNAL - A series of short blasts one (1) minute prior to the shot.

ALL CLEAR SIGNAL - A prolonged blast following the inspection of the blast area.

(2) Before a blast is fired, a loud warning signal shall be given by the blaster in charge, who has made certain that all surplus explosives are in a safe place and all employees, vehicles, and equipment are at a safe distance, or under sufficient cover.

(3) Flagmen shall be safely stationed on highways which pass through the danger zone so as to stop traffic during blasting operations.

(4) It shall be the duty of the blaster to fix the time of blasting.

(5) Before firing an underground blast, warning shall be given, and all possible entries into the blasting area and any entrances to any working place where a drift, raise or other opening is about to hole through shall be carefully guarded. The blaster shall make sure that all employees are out of the blast area before firing a blast.

D. T. FROEDGE, Director

H. N. KIRKPATRICK, Commissioner

ADOPTED: June 11, 1976

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: June 14, 1976 at 2:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: The Director, Division of Explosives and Blasting, Department of Mines and Minerals, P.O. Box 680, Lexington, Kentucky 40501. Telephone 606-254-0367 or 606-254-0368.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Mines and Minerals
Division of Explosives and Blasting

805 KAR 4:130. Underwater blasting.

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

NECESSITY AND FUNCTION: KRS 351.335 requires the Department of Mines and Minerals to promulgate rules and regulations concerning the manufacture, transportation, sale, storage, or use of explosives and unassembled components of explosives, and the maintenance of such explosives which has a direct bearing on safety to life and property. This regulation effects the provisions of that law.

Section 1. Underwater Blasting. (1) A blaster shall conduct all blasting operations, and no shot shall be fired without his approval.

(2) Loading tubes and casings of dissimilar metals shall not be used because of possible electric transient currents from galvanic action of the metals and water.

(3) Only water-resistant blasting caps and detonating cords shall be used for all marine blasting. Loading shall be done through a none-sparking metal loading tube when tube is necessary.

(4) No blast shall be fired while any vessel under way is closer than 1,500 feet to the blasting area. Those on board vessels or crafts moored or anchored within 1,500 feet shall be notified before the blast is fired.

(5) No blast shall be fired while any swimming or diving operations are in progress in the vicinity of the blasting area. If such operations are in progress, signals and arrangements shall be agreed upon to assure that no blast shall be fired while any person is in the water.

(6) Blasting flags shall be displayed.

(7) The storage and handling of explosives aboard vessels used in underwater blasting operations shall be according to the provisions outlined herein on handling and storing explosives.

(8) When more than one (1) charge is placed underwater, a float device shall be attached to an element of each charge in such a manner that it will be released by

the firing. Misfires shall be handled in accordance with the requirements of 805 KAR 4:140.

D. T. FROEDGE, Director
H. N. KIRKPATRICK, Commissioner

ADOPTED: June 11, 1976

APPROVED: JAMES E. GRAY, Secretary
RECEIVED BY LRC: June 14, 1976 at 2:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: The Director, Division of Explosives and Blasting,
Department of Mines and Minerals, P.O. Box 680,
Lexington, Kentucky 40501. Telephone 606-254-0367 or
606-254-0368.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Mines and Minerals
Division of Explosives and Blasting

805 KAR 4:135. Blasting under compressed air.

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

NECESSITY AND FUNCTION: KRS 351.335 requires the Department of Mines and Minerals to promulgate rules and regulations concerning the manufacture, transportation, sale, storage, or use of explosives and unassembled components of explosives, and the maintenance of such explosives which has a direct bearing on safety to life and property. This regulation effects the provisions of that law.

Section 1. Blasting in Excavation Work Under Compressed Air. (1) Detonators and explosives shall not be stored or kept in tunnels, shafts, or caissons. Detonators and explosives for each round shall be taken directly from the magazines to the blasting zone and immediately loaded. Detonators and explosives left over after loading a round shall be removed from the working area before connecting wires are connected.

(2) When detonators or explosives are brought into an air lock, no employee except the powderman, blaster, lock tender and the employees necessary for carrying, shall be permitted to enter the air lock. No other materials, supplies, or equipment shall be locked through with the explosives.

(3) Detonators and explosives shall be taken separately into pressure working chambers.

(4) The blaster or powderman shall be responsible for the receipt, unloading, storage, and on-site transportation of explosives and detonators.

(5) All metal pipes, rails, air locks, and steel tunnel lining shall be electrically bonded together and grounded at or near the portal or shaft, and such pipes and rails shall be crossbonded together at not less than 1,000-foot intervals throughout the length of the tunnel. In addition, each low air supply pipe shall be grounded at its delivery end.

(6) The explosives suitable for use in wet holes shall be water resistant and shall be in fume Class I.

(7) When tunnel excavation in rock face is approaching mixed face, and when tunnel excavation is in mixed face, blasting shall be performed with light charges and with light burden on each hole. Advanced drilling shall be performed as tunnel excavation in rock face approaches mixed face, to

determine the general nature and extent of rock cover and the remaining distance ahead to soft ground as excavation advances.

D. T. FROEDGE, Director
H. N. KIRKPATRICK, Commissioner

ADOPTED: June 11, 1976

APPROVED: JAMES E. GRAY, Secretary
RECEIVED BY LRC: June 14, 1976 at 2:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: The Director, Division of Explosives and Blasting,
Department of Mines and Minerals, P. O. Box 680,
Lexington, Kentucky 40501. Telephone 606-254-0367 or
606-254-0368.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Mines and Minerals
Division of Explosives and Blasting

805 KAR 4:140. Misfires.

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

NECESSITY AND FUNCTION: KRS 351.335 requires the Department of Mines and Minerals to promulgate rules and regulations concerning the manufacture, transportation, sale, storage, or use of explosives and unassembled components of explosives, and the maintenance of such explosives which has a direct bearing on safety to life and property. This regulation effects the provisions of that law.

Section 1. Misfires. (1) If a misfire is found, the blaster shall provide proper safeguards for excluding all employees from the danger zone.

(2) No other work shall be done except that necessary to remove the hazard of the misfire and only those employees necessary to do the work shall remain in the danger zone.

(3) No attempt shall be made to extract explosives from any charged or misfired hole; a new primer shall be put in and the hole reblasted. If refiring of the misfired hole presents a hazard, the explosives may be removed by washing out with water or, where the misfire is under water, blown out with air.

(4) If there are any misfires while using cap and fuse, all employees shall remain away from the charge for at least one (1) hour. Misfires shall be handled under the direction of the person in charge of the blasting. All wires shall be carefully traced and a search made for unexploded charges.

(5) No drilling, digging, or picking shall be permitted until all missed holes have been detonated or the authorized representative has approved that work can proceed.

D. T. FROEDGE, Director
H. N. KIRKPATRICK, Commissioner

ADOPTED: June 11, 1976

APPROVED: JAMES E. GRAY, Secretary
RECEIVED BY LRC: June 14, 1976 at 2:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: The Director, Division of Explosives and Blasting,
Department of Mines and Minerals, P.O. Box 680,
Lexington, Kentucky 40501. Telephone 606-254-0367 or
606-254-0368.

therapeutically equivalent, in each respective dosage:
Dexamethasone 0.5 mg/5 ml Elixir Form:

- (1) Decadron: Merck, Sharp & Dohme;
- (2) Dexamethasone: Murray Drug Corporation, National Pharmaceutical Mfg. Co., Richie Pharmacal Company;
- (3) Hexadrol: Organon, Inc.

KENNETH P. CRAWFORD, Chairperson

ADOPTED: May 15, 1976

RECEIVED BY LRC: June 15, 1976 at 2:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mrs. Dorothy Barnes, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES Kentucky Drug Formulary Council

902 KAR 1:320. Imipramine Hydrochloride Tablet.

RELATES TO: KRS 217.814 to 217.826, 217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulations lists Imipramine Hydrochloride pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Imipramine Hydrochloride Tablet Pharmaceutical Products. The following Imipramine Hydrochloride tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

- (1) Imipramine Hydrochloride 10 mg. Tablet Form:
 - (a) Imavate: A. H. Robins Company;
 - (b) Imipramine Hydrochloride: Columbia Medical Company, Geneva Generics, Lederle Laboratories, Midway Medical Company, Philips-Roxane Laboratories, Richie Pharmacal Company, Vanguard Laboratories;
 - (c) Presamine: USV Pharmaceuticals;
 - (d) Tofranil: Geigy Pharmaceuticals.
- (2) Imipramine Hydrochloride 25 mg. Tablet Form:
 - (a) Imavate: A. H. Robins Company;
 - (b) Imipramine Hydrochloride: Columbia Medical Company, Geneva Generics, Lederle Laboratories, Midway Medical Company, Philips-Roxane Laboratories, Richie Pharmacal Company, Vanguard Laboratories;
 - (c) Presamine: USV Pharmaceuticals;
 - (d) Tofranil: Geigy Pharmaceuticals.
- (3) Imipramine Hydrochloride 50 mg. Tablet Form:
 - (a) Imavate: A. H. Robins Company;
 - (b) Imipramine Hydrochloride: Columbia Medical Company, Geneva Generics, Lederle Laboratories, Midway

Medical Company, Philips-Roxane Laboratories, Richie Pharmacal Company, Vanguard Laboratories;

(c) Presamine: USV Pharmaceuticals;

(d) Tofranil: Geigy Pharmaceuticals.

KENNETH P. CRAWFORD, Chairperson

ADOPTED: May 14, 1976

RECEIVED BY LRC: June 15, 1976 at 2:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mrs. Dorothy Barnes, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES Kentucky Drug Formulary Council

902 KAR 1:322. Triprolidine and Pseudoephedrine Hydrochloride Syrups.

RELATES TO: KRS 217.814 to 217.826, 217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Triprolidine Hydrochloride and Pseudoephedrine Hydrochloride pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Triprolidine Hydrochloride and Pseudoephedrine Hydrochloride Syrup Pharmaceutical Products. The following Triprolidine Hydrochloride and Pseudoephedrine Hydrochloride syrup pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Triprolidine Hydrochloride 1.25 mg. and Pseudoephedrine Hydrochloride 30 mg. Syrup Form:

- (1) Actifed: Burroughs Wellcome;
- (2) Suda-Prol: Columbia Medical Company;
- (3) Triacin: Richie Pharmacal Company, National Pharmaceutical Mfg. Co.

KENNETH P. CRAWFORD, Chairperson

ADOPTED: May 14, 1976

RECEIVED BY LRC: June 15, 1976 at 2:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mrs. Dorothy Barnes, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40601.

**DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council**

802 KAR 1:324. Hyoscyamine and Atropine Sulfates, Hyoscine Hydrobromide, and Phenobarbital Tablets.

RELATES TO: KRS 217.814 to 217.826, 217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Hyoscyamine Sulfate, Atropine Sulfate, Hyoscine Hydrobromide and Phenobarbital pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Hyoscyamine Sulfate, Atropine Sulfate, Hyoscine Hydrobromide and Phenobarbital Tablet Pharmaceutical Products. The following Hyoscyamine Sulfate 0.1037 mg., Atropine Sulfate 0.0194 mg., Hyoscine Hydrobromide 0.0065 mg., and Phenobarbital 16.2 mg. tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Hyoscyamine Sulfate 0.1037 mg., Atropine Sulfate 0.0194

mg., Hyoscine Hydrobromide 0.0065 mg. and Phenobarbital 16.2 mg. Tablet Form:

- (1) Donnatal: A. H. Robins Company;
- (2) Relaxadon: Geneva Generics;
- (3) Spalix: Reid-Provident.

Section 2. Hyoscyamine Sulfate, Atropine Sulfate, Hyoscine Hydrobromide and Phenobarbital Elixir Pharmaceutical Products. The following Hyoscyamine Sulfate 0.1037 mg., Atropine Sulfate 0.0194 mg., Hyoscine Hydrobromide 0.0065 mg., and Phenobarbital 16.2 mg. elixir pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Hyoscyamine Sulfate 0.1037 mg., Atropine Sulfate 0.0194 mg., Hyoscine Hydrobromide 0.0065 mg., and Phenobarbital 16.2 mg. Elixir Form:

- (1) Barophen Elixir: National Pharmaceutical Mfg. Company;
- (2) Donna-Phenal Elixir: Columbia Medical Company;
- (3) Don-A-Spas Elixir: Richie Pharmacal Company;
- (4) Donnatal Elixir: A. H. Robins Company.

KENNETH P. CRAWFORD, Chairperson

ADOPTED: May 14, 1976

RECEIVED BY LRC: June 15, 1976 at 2:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mrs. Dorothy Barnes, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40601.

MINUTES

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE June 2, 1976

(Subject to Subcommittee approval at its next meeting on July 7, 1976.)

The Administrative Regulation Review Subcommittee held its regularly scheduled meeting on Wednesday, June 2, 1976, at 10 a.m. EDT in Room 327 of the Capitol.

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

Guests: Sidney Simandle and L. D. Gentry, Department of Education; and Mack J. Morgan, Jr., Kentucky Retail Federation Association.

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

Press: Livingston Taylor, Courier-Journal and Richard Walker, United Press International.

The minutes of the meeting of May 12, 1976, were approved.

Dr. Sidney Simandle, at the request of Representative Mason, appeared before the subcommittee to explain proposed regulation 704 KAR 20:265, Department of Education, Bureau of Instruction, Teacher Certification, Rank III salary classification equivalency. After a lengthy discussion, Senator Johnson moved that the regulation be rejected for the reason that it was the intent of the legislature to require upgrading with equivalency requirements. He further moved that if the Department of

Education would re-submit the regulation and include some testing qualifications the subcommittee would consider favorably the proposed regulation. Motion seconded by Chairman Brinkley. Motion carried with Representative Mason voting No.

Senator Johnson moved, seconded by Representative Mason and carried, that the following regulations from the Education and Arts Cabinet, Department of Library and Archives, be rejected for the reason that KRS Chapter 171 generally, and KRS 171.670 specifically, seem to identify the Department rather than the Commission as the body with general authority over records disposal and destruction:

725 KAR 1:010, Records officer; duties.

725 KAR 1:020, Reproduction of public records.

725 KAR 1:030, Disposal or destruction of public records; procedure.

Representative Mason moved that proposed regulation 902 KAR 20:059, Certificate of Need and Licensure Board, Primary care center services, be deferred until the next meeting with the request that representatives from the promulgating agency appear before the subcommittee to explain the criteria for requiring two full-time physicians. Motion seconded by Senator Johnson and carried.

On the motion of Senator Johnson, seconded by Representative Mason and carried, the following regulations were approved and ordered filed:

DEPARTMENT FOR HUMAN RESOURCES**Bureau for Health Services****Drug Formulary**

- 902 KAR 1:015. Tripeleennamine Hydrochloride.
- 902 KAR 1:025. Pentaerythritol Tetranitrate.
- 902 KAR 1:030. Erythromycin. (Amended)
- 902 KAR 1:035. Chlorpheniramine Maleate.
- 902 KAR 1:040. Penicillin-G. (Amended)
- 902 KAR 1:045. Doxycycline Capsule.
- 902 KAR 1:050. Penicillin-V. (Amended)
- 902 KAR 1:055. Meclizine Hydrochloride.
- 902 KAR 1:065. Prednisolone.
- 902 KAR 1:075. Prednisone Tablet.
- 902 KAR 1:080. Acetaminophen. (Amended)
- 902 KAR 1:081. Acetaminophen with Codeine.
- 902 KAR 1:085. Isosorbide Dinitrate.
- 902 KAR 1:090. Trisulfapyrimidine. (Amended)
- 902 KAR 1:100. Resperine. (Amended)
- 902 KAR 1:110. Diphenhydramine. (Amended)
- 902 KAR 1:115. Nitrofurantoin Tablet. (Amended)
- 902 KAR 1:120. Promethazine Hydrochloride. (Amended)
- 902 KAR 1:125. Trihexyphenidyl Hydrochloride.
- 902 KAR 1:130. Chlorpromazine Hydrochloride. (Amended)
- 902 KAR 1:140. Sulfisoxazole Tablet. (Amended)
- 902 KAR 1:150. Hydrochlorothiazide Tablet. (Amended)
- 902 KAR 1:160. Oxytetracycline Hydrochloride Capsule. (Amended)
- 902 KAR 1:170. Propoxyphene Hydrochloride Capsule. (Amended)
- 902 KAR 1:175. Propoxyphene Hydrochloride with APC.
- 902 KAR 1:180. Tetracycline Hydrochloride. (Amended)
- 902 KAR 1:220. Propantheline Bromide Tablet. (Amended)
- 902 KAR 1:270. Pseudoephedrine Hydrochloride. (Amended)
- 902 KAR 1:280. Chloral Hydrate Capsules. (Amended)
- 902 KAR 1:290. Ferrous Sulfate Tablet. (Amended)
- 902 KAR 1:300. Dioctyl Sodium Sulfosuccinate Capsule. (Amended)

Food and Cosmetics

- 902 KAR 45:010. Definitions. (Amended)
- 902 KAR 45:045. Sanitation; retail food markets. (Amended)

The meeting adjourned at 11:15 a.m. EDT to meet again on July 7, 1976, at 10 a.m. EDT in Room 327 of the Capitol.

SECRETARY OF THE CABINET**Kentucky Teachers' Retirement System****General Rules**

- 102 KAR 1:162. Early retirement actuarial discounts applicable to annuities.

Board of Trustees

- 102 KAR 2:025. Executive secretary's qualifications.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION**Division of Occupations and Professions****Board of Examiners and Registration of Architects**

- 201 KAR 19:091. Repeal of 201 KAR 19:090.

EDUCATION AND ARTS CABINET**Department of Education****Bureau of Instruction****Textbooks, Library and Instructional Materials**

- 704 KAR 2:020. Textbook program plan. (Amended)

Bureau of Vocational Education**Administration**

- 705 KAR 1:010. State plan. (Amended)

Management of State-Operated Schools

- 705 KAR 5:050. Policy for vocational-technical education regional advisory committees.

- 705 KAR 5:090. Veterans' preference procedure.

Adult Education

- 705 KAR 7:050. Adult program plan. (Amended)

Bureau of Education for Exceptional Children**Exceptional and Handicapped Programs**

- 707 KAR 1:003. State plan for administration of the education of the handicapped act.

Department of Library and Archives**Archives**

- 725 KAR 1:040. Collection and distribution of reports and publications.

PUBLIC PROTECTION AND REGULATION CABINET**Department of Labor****Occupational Safety and Health**

- 803 KAR 2:020. Adoption of 29 CFR Part 1910. (Amended)

- 803 KAR 2:030. Adoption of 29 CFR Part 1926. (Amended)

DEPARTMENT FOR HUMAN RESOURCES**Bureau for Health Services****Drug Formulary**

- 902 KAR 1:015. Tripeleennamine Hydrochloride.
- 902 KAR 1:025. Pentaerythritol Tetranitrate.
- 902 KAR 1:030. Erythromycin. (Amended)
- 902 KAR 1:035. Chlorpheniramine Maleate.
- 902 KAR 1:040. Penicillin-G. (Amended)
- 902 KAR 1:045. Doxycycline Capsule.
- 902 KAR 1:050. Penicillin-V. (Amended)
- 902 KAR 1:055. Meclizine Hydrochloride.
- 902 KAR 1:065. Prednisolone.
- 902 KAR 1:075. Prednisone Tablet.
- 902 KAR 1:080. Acetaminophen. (Amended)
- 902 KAR 1:081. Acetaminophen with Codeine.
- 902 KAR 1:085. Isosorbide Dinitrate.
- 902 KAR 1:090. Trisulfapyrimidine. (Amended)
- 902 KAR 1:100. Resperine. (Amended)
- 902 KAR 1:110. Diphenhydramine. (Amended)
- 902 KAR 1:115. Nitrofurantoin Tablet. (Amended)
- 902 KAR 1:120. Promethazine Hydrochloride. (Amended)
- 902 KAR 1:125. Trihexyphenidyl Hydrochloride
- 902 KAR 1:130. Chlorpromazine Hydrochloride.
- 902 KAR 1:140. Sulfisoxazole Tablet. (Amended)
- 902 KAR 1:150. Hydrochlorothiazide Tablet. (Amended)
- 902 KAR 1:160. Oxytetracycline Hydrochloride Capsule. (Amended)
- 902 KAR 1:170. Propoxyphene Hydrochloride Capsule. (Amended)
- 902 KAR 1:175. Propoxyphene Hydrochloride with APC.

902 KAR 1:180. Tetracycline Hydrochloride.
(Amended)

902 KAR 1:220. Propantheline Bromide Tablet.
(Amended)

902 KAR 1:270. Pseudoephedrine Hydrochloride.
(Amended)

902 KAR 1:280. Chloral Hydrate Capsules. (Amended)

902 KAR 1:290. Ferrous Sulfate Tablet. (Amended)

902 KAR 1:300. Dioctyl Sodium Sulfosuccinate
Capsule. (Amended)

Food and Cosmetics

902 KAR 45:010. Definitions. (Amended)

902 KAR 45:045. Sanitation; retail food markets.
(Amended)

The meeting adjourned at 11:15 a.m. EDT to meet again
on July 7, 1976, at 10 a.m. EDT in Room 327 of the
Capitol.

Administrative Register ^{of} *kentucky*

Cumulative Supplement

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Regulation Locator—Effective Dates

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Amended	126	10-8-75	725 KAR 1:010	535		812 KAR 1:090	428	3-10-76
Amended	178	11-12-75	Rejected	621	6-2-76	812 KAR 1:095	430	3-10-76
Amended	194	12-10-75	725 KAR 1:020	535		812 KAR 1:100	432	3-10-76
Amended	259	1-14-76	Rejected	621	6-2-76	812 KAR 1:105	432	3-10-76
Amended	306	3-10-76	725 KAR 1:030	536		902 KAR 1:010	461	4-14-76
603 KAR 5:096	314		Amended	621	6-2-76	902 KAR 1:015	537	6-2-76
Rejected	543	4-14-76	725 KAR 1:040	536	6-2-76	902 KAR 1:020	603	
603 KAR 5:110	307	3-10-76	725 KAR 2:010	137	10-8-75	902 KAR 1:025	537	6-2-76
701 KAR 1:010	393	3-10-76	803 KAR 1:063	126	8-13-75	902 KAR 1:030	512	6-2-76
701 KAR 1:020	572		803 KAR 1:075	600		902 KAR 1:035	537	6-2-76
702 KAR 1:010	17	7-2-75	803 KAR 2:020	20	9-10-75	902 KAR 1:040	512	6-2-76
702 KAR 1:040	393	3-10-76	Amended	207	12-10-75	902 KAR 1:045	538	6-2-76
702 KAR 1:050	393		Amended	287	2-4-76	902 KAR 1:050	513	6-2-76
Withdrawn		5-5-76	Amended	509	6-2-76	902 KAR 1:055	538	6-2-76
702 KAR 1:060	394	3-10-76	803 KAR 2:030	21		902 KAR 1:060	209	12-10-75
702 KAR 1:070	394	3-10-76	Amended	208	10-8-75	902 KAR 1:065	538	6-2-76
702 KAR 1:080	394	3-10-76	Amended	511	6-2-76	902 KAR 1:070	209	12-10-75
702 KAR 3:180	275	1-14-76	803 KAR 2:032	231	12-10-75	902 KAR 1:075	539	6-2-76
702 KAR 4:020	241	10-8-75	803 KAR 2:160			902 KAR 1:080	210	12-10-75
702 KAR 4:030	194	10-8-75	Repealed	298	2-4-76	Amended	514	6-2-76
702 KAR 4:040	195	10-8-75	803 KAR 2:161	298	2-4-76	902 KAR 1:081	539	6-2-76

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Amended	603		902 KAR 1:320	620		Rejected	299	12-10-75
902 KAR 1:090	515	6-2-76	902 KAR 1:322	620		902 KAR 105:070	248	
902 KAR 1:100	515	6-2-76	902 KAR 1:324	621		Rejected	299	12-10-75
Amended	604		902 KAR 2:010	464	4-14-76	904 KAR 1:002	97	9-10-75
902 KAR 1:110	516	6-2-76	902 KAR 2:020	464	4-14-76	904 KAR 1:003	98	9-10-75
902 KAR 1:115	540	6-2-76	902 KAR 3:005	210	12-10-75	904 KAR 1:004	99	9-10-75
902 KAR 1:120	516	6-2-76	902 KAR 3:010	211	12-10-75	904 KAR 1:005	100	9-10-75
902 KAR 1:125	540	6-2-76	902 KAR 3:015	212	12-10-75	904 KAR 1:006	100	9-10-75
902 KAR 1:130	462	4-14-76	902 KAR 3:050	213	12-10-75	904 KAR 1:009	101	9-10-75
Amended	517	6-2-76	902 KAR 3:200	235	12-10-75	904 KAR 1:010	486	4-14-76
Amended	604		902 KAR 6:010	522		904 KAR 1:012	101	9-10-75
902 KAR 1:140	210	12-10-75	902 KAR 6:030	522		904 KAR 1:013	102	9-10-75
Amended	517	6-2-76	902 KAR 8:010	159	8-13-75	904 KAR 1:014	102	9-10-75
902 KAR 1:141	618		902 KAR 9:010	541		904 KAR 1:015	103	9-10-75
902 KAR 1:150	462	4-14-76	902 KAR 20:020	36	9-10-75	904 KAR 1:016	103	9-10-75
Amended	518	6-2-76	902 KAR 20:025	44	9-10-75	904 KAR 1:017	103	9-10-75
902 KAR 1:160	518	6-2-76	902 KAR 20:045	87	9-10-75	904 KAR 1:018	104	9-10-75
Amended	605		902 KAR 20:047	95	9-10-75	904 KAR 1:019	104	9-10-75
902 KAR 1:170	519	6-2-76	902 KAR 20:050	465	4-14-76	904 KAR 1:022	104	9-10-75
902 KAR 1:175	540	6-2-76	902 KAR 20:057	159	8-13-75	904 KAR 1:023	105	9-10-75
902 KAR 1:180	463	4-14-76	902 KAR 20:059	488	4-14-76	904 KAR 1:024	105	9-10-75
Amended	520	6-2-76	Amended	525		904 KAR 1:026	106	9-10-75
902 KAR 1:190	605		902 KAR 20:115	475	4-14-76	904 KAR 1:027	107	9-10-75
902 KAR 1:200	231	12-10-75	902 KAR 45:010	529	6-2-76	904 KAR 1:028	108	9-10-75
902 KAR 1:210	232	12-10-75	902 KAR 45:045	530	6-2-76	904 KAR 1:029	108	9-10-75
902 KAR 1:220	232	12-10-75	902 KAR 50:002	491	4-14-76	904 KAR 1:030	108	9-10-75
Amended	464	4-14-76	902 KAR 50:005	491	4-14-76	904 KAR 1:031	109	9-10-75
Amended	520	6-2-76	902 KAR 100:005	477	4-14-76	904 KAR 1:034	109	9-10-75
902 KAR 1:230	232	12-10-75	902 KAR 100:015	477	4-14-76	904 KAR 1:035	109	9-10-75
902 KAR 1:240	233	12-10-75	902 KAR 100:060	479	4-14-76	904 KAR 1:038	110	9-10-75
902 KAR 1:250	233	12-10-75	902 KAR 100:070	479	4-14-76	904 KAR 1:039	110	9-10-75
902 KAR 1:260	233	12-10-75	902 KAR 100:075	216	12-10-75	904 KAR 1:040	111	9-10-75
902 KAR 1:270	233	12-10-75	902 KAR 100:095	480	4-14-76	904 KAR 1:044	111	
Amended	520	6-2-76	902 KAR 100:170	481	4-14-76	Amended	486	
902 KAR 1:280	234	12-10-75	902 KAR 105:010	217		Withdrawn	504	3-10-76
Amended	520	6-2-76	Rejected	299	12-10-75	904 KAR 1:045	112	9-10-75
902 KAR 1:290	234	12-10-75	902 KAR 105:020	246		904 KAR 1:048	112	9-10-75
Amended	521	6-2-76	Rejected	299	12-10-75	904 KAR 1:049	112	9-10-75
Amended	606		902 KAR 105:030	218		904 KAR 1:055	492	4-14-76
902 KAR 1:300	235	12-10-75	Rejected	299	12-10-75	904 KAR 1:060	112	9-10-75
Amended	521	6-2-76	902 KAR 105:040	218		904 KAR 2:012	237	12-10-75
902 KAR 1:312	619		Rejected	299	12-10-75	904 KAR 2:045	238	
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15.440	503 KAR 5:020	138.460	103 KAR 44:010		301 KAR 2:105
15A.040	500 KAR 5:005	138.470	103 KAR 44:010	150.360	301 KAR 1:058
	500 KAR 5:015	139.050	103 KAR 27:090		301 KAR 1:075
16.505-16.652	105 KAR 1:010		103 KAR 27:100		301 KAR 2:023
	105 KAR 1:030	139.110	103 KAR 27:090		301 KAR 2:024
Ch. 18	200 KAR 2:075	139.130	103 KAR 27:100		301 KAR 2:045
	200 KAR 12:010	139.260	103 KAR 30:090		301 KAR 2:047
18.110	101 KAR 1:090	139.470	103 KAR 30:090		301 KAR 2:100
	101 KAR 1:100		103 KAR 30:230		301 KAR 2:105
	101 KAR 1:110	139.480	103 KAR 27:090		301 KAR 2:110
	101 KAR 1:120		103 KAR 30:090		301 KAR 3:051
18.140	101 KAR 1:090	139.570	103 KAR 31:140	150.365	301 KAR 2:045
18.170	101 KAR 1:050	139.610	103 KAR 31:140		301 KAR 2:110
	101 KAR 1:080	139.640	103 KAR 31:140	150.370	301 KAR 2:045
	101 KAR 1:120	139.650	103 KAR 31:140		301 KAR 2:047
	101 KAR 1:140	139.710	103 KAR 31:140		301 KAR 2:105
18.190	101 KAR 1:050	139.980	103 KAR 31:140		301 KAR 2:110
	101 KAR 1:080	139.990	103 KAR 31:140	150.390	301 KAR 2:100
	101 KAR 1:110	141.370	103 KAR 18:110		301 KAR 2:110
	101 KAR 1:140	Ch. 147A	200 KAR 10:010		301 KAR 3:051
18.210	101 KAR 1:050	150.010	301 KAR 1:058	150.399	301 KAR 2:110
	101 KAR 1:080		301 KAR 1:075	150.400	301 KAR 2:045
	101 KAR 1:090		301 KAR 1:145		301 KAR 2:105
	101 KAR 1:100	150.025	301 KAR 1:015		301 KAR 2:110
	101 KAR 1:110		301 KAR 1:058	150.410	301 KAR 2:110
	101 KAR 1:120		301 KAR 1:075	150.440	301 KAR 1:058
	101 KAR 1:140		301 KAR 1:145		301 KAR 1:075
18.220	101 KAR 1:110		301 KAR 2:024	150.445	301 KAR 1:058
18.240	101 KAR 1:050		301 KAR 2:047		301 KAR 1:075
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	101 KAR 1:120		301 KAR 2:100	150.450	301 KAR 1:058
18.250	101 KAR 1:090		301 KAR 2:105		301 KAR 1:145
	101 KAR 1:100		301 KAR 2:110	150.470	301 KAR 1:075
18.270	101 KAR 1:110		301 KAR 3:070	150.600	301 KAR 2:055
	101 KAR 1:120	150.090	301 KAR 1:015		301 KAR 3:070
31.030	504 KAR 1:070	150.120	301 KAR 1:145	150.620	301 KAR 1:015
31.100	504 KAR 1:070	150.170	301 KAR 1:075	150.625	301 KAR 1:015
Ch. 42	200 KAR 2:050		301 KAR 1:145	152.105-152.190	902 KAR 100:005
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	200 KAR 4:010		301 KAR 2:047		902 KAR 100:060
	200 KAR 5:010		301 KAR 2:100		902 KAR 100:070
	200 KAR 5:015		301 KAR 2:105		902 KAR 100:075
42.035	200 KAR 3:045	150.175	301 KAR 1:058		902 KAR 100:095
42.037	200 KAR 3:045		301 KAR 1:075		902 KAR 100:170
42.075	706 KAR 1:010		301 KAR 1:145	154.410	200 KAR 25:010
43.035	200 KAR 3:050		301 KAR 2:024	156.010	705 KAR 3:120
Ch. 44	200 KAR 2:050		301 KAR 2:100	156.070	702 KAR 1:060
	200 KAR 2:090		301 KAR 3:051		705 KAR 2:030
	200 KAR 5:010	150.176	301 KAR 2:047		705 KAR 2:110
Ch. 45	200 KAR 2:050		301 KAR 2:100		705 KAR 4:010
	200 KAR 2:075		301 KAR 2:105		705 KAR 4:020
	200 KAR 2:090		301 KAR 3:051		705 KAR 4:060
	200 KAR 5:010	150.235	301 KAR 1:058		705 KAR 4:070
	200 KAR 5:015		301 KAR 1:075		705 KAR 4:090
	200 KAR 5:050		301 KAR 2:024		705 KAR 4:100
	200 KAR 6:010	150.300	301 KAR 2:023		705 KAR 4:110
	200 KAR 7:010		301 KAR 2:045		705 KAR 4:120
45.360	200 KAR 6:015		301 KAR 2:100		705 KAR 4:130
Ch. 56	200 KAR 5:015	150.305	301 KAR 2:023		705 KAR 4:140
	200 KAR 6:020		301 KAR 2:024		705 KAR 4:150
	200 KAR 7:010		301 KAR 2:045		705 KAR 4:160
56.325	200 KAR 3:050		301 KAR 2:100		705 KAR 4:170
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61.510-61.692	105 KAR 1:010	150.310	301 KAR 3:051		705 KAR 5:050
	105 KAR 1:030	150.320	301 KAR 2:023		705 KAR 5:090
Ch. 64	200 KAR 11:010	150.330	301 KAR 2:023		705 KAR 7:050
	200 KAR 11:020		301 KAR 2:024		705 KAR 8:010
	200 KAR 11:030		301 KAR 2:045	156.095	704 KAR 3:280
	200 KAR 11:040		301 KAR 2:047	156.100	701 KAR 1:020
	200 KAR 11:050		301 KAR 2:100		704 KAR 10:010
78.510-78.852	105 KAR 1:010		301 KAR 2:105		705 KAR 1:010
	105 KAR 1:030	150.340	301 KAR 2:023		705 KAR 7:050
131.180	103 KAR 31:140		301 KAR 2:024		707 KAR 1:003
131.182	103 KAR 31:140		301 KAR 2:045	156.132	702 KAR 1:050
131.990	103 KAR 31:140		301 KAR 2:047	156.160	701 KAR 1:010
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156.230	702 KAR 1:070		705 KAR 4:120		725 KAR 1:030
156.240	702 KAR 1:070		705 KAR 4:130	171.125-171.306	725 KAR 2:010
156.250	702 KAR 1:070		705 KAR 4:140	171.150	725 KAR 2:010
156.360(5)	707 KAR 1:005		705 KAR 4:160	171.204	725 KAR 2:010
156.370	702 KAR 5:020		705 KAR 4:170	171.450(1)(c)	725 KAR 1:020
156.390	702 KAR 20:265		705 KAR 5:040	171.500	725 KAR 1:040
156.400-156.476	704 KAR 2:020		705 KAR 5:050	171.600	725 KAR 1:020
157.100-157.190	704 KAR 2:020		705 KAR 5:090	171.650	601 KAR 12:040
157.200-157.305	707 KAR 1:003		705 KAR 8:010	171.670	725 KAR 1:020
157.390(2)(6)	707 KAR 1:005	163.110	706 KAR 1:010	183.090	602 KAR 20:010
157.420(3)	702 KAR 1:010	163.120	706 KAR 1:010		602 KAR 20:025
157A.060	705 KAR 2:110	163.130	706 KAR 1:010		602 KAR 20:030
157A.060(4)	702 KAR 3:180	163.140	706 KAR 1:010		602 KAR 20:100
157A.090	702 KAR 5:020	163.150	706 KAR 1:010		602 KAR 20:110
158.060	703 KAR 2:060	163.160	706 KAR 1:010	183.110	602 KAR 20:030
160.445	702 KAR 1:080	163.170	706 KAR 1:010	183.121(1)	602 KAR 20:025
160.599(4)	702 KAR 4:100	163.180	706 KAR 1:010	183.200-183.213	602 KAR 15:010
161.020	704 KAR 20:005	163.220	706 KAR 1:010	183.861	602 KAR 50:030
	704 KAR 20:130	163.230	706 KAR 1:010	183.861-183.990	602 KAR 50:010
	704 KAR 20:135	163.240	706 KAR 1:010		602 KAR 50:100
	704 KAR 20:198	164.740-164.764	11 KAR 1:015		602 KAR 50:115
	704 KAR 20:203		11 KAR 1:020	183.865	602 KAR 50:030
	704 KAR 20:205		11 KAR 1:025	183.867	602 KAR 50:030
	704 KAR 20:230		11 KAR 1:030	183.869	602 KAR 50:070
	704 KAR 20:235		11 KAR 1:035	183.870	602 KAR 50:070
	704 KAR 20:240		11 KAR 1:040		602 KAR 50:080
	704 KAR 20:245		11 KAR 1:045	183.871	602 KAR 50:080
	704 KAR 20:250		11 KAR 1:050	Ch. 186	601 KAR 9:040
	704 KAR 20:255		11 KAR 1:055	186.570(1)(c)	601 KAR 13:010
161.025	704 KAR 20:260		11 KAR 1:060	189.222	601 KAR 1:010
	704 KAR 20:005		11 KAR 1:065		603 KAR 5:066
	704 KAR 20:130		11 KAR 1:070		603 KAR 5:070
	704 KAR 20:135		11 KAR 1:075		603 KAR 5:095
	704 KAR 20:198		11 KAR 3:010		603 KAR 5:096
	704 KAR 20:203		11 KAR 4:020	189.270	603 KAR 5:110
	704 KAR 20:205		11 KAR 5:010	189.285	601 KAR 14:010
	704 KAR 20:230		11 KAR 5:015	189.659	601 KAR 10:070
	704 KAR 20:235		11 KAR 5:020	205.200(2)	904 KAR 2:045
	704 KAR 20:240		11 KAR 5:030	205.222	904 KAR 2:012
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	704 KAR 20:250		11 KAR 5:050	205.231	904 KAR 2:055
	704 KAR 20:255		11 KAR 5:060	205.245	904 KAR 2:045
	704 KAR 20:260		11 KAR 5:070	205.520	904 KAR 1:002
161.030	704 KAR 20:005		11 KAR 5:080		904 KAR 1:003
	704 KAR 20:130		11 KAR 5:085		904 KAR 1:004
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	704 KAR 20:198		11 KAR 5:100		904 KAR 1:006
	704 KAR 20:203		11 KAR 5:101		904 KAR 1:009
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	704 KAR 20:230	164.780	11 KAR 2:050		904 KAR 1:013
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161.220-161.710	102 KAR 1:153		11 KAR 5:060		904 KAR 1:023
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161.440	102 KAR 1:135		11 KAR 5:085		904 KAR 1:027
161.545	102 KAR 1:110		11 KAR 5:090		904 KAR 1:028
161.580	102 KAR 1:135		11 KAR 5:100		904 KAR 1:029
161.705	102 KAR 1:120		11 KAR 5:101		904 KAR 1:030
161.780	702 KAR 1:040	164.785	11 KAR 2:050		904 KAR 1:031
162.010	702 KAR 4:050		11 KAR 4:020		904 KAR 1:034
162.060	702 KAR 4:020		11 KAR 5:010		904 KAR 1:035
162.070	702 KAR 4:040		11 KAR 5:015		904 KAR 1:038
163.020	705 KAR 1:010		11 KAR 5:020		904 KAR 1:039
	705 KAR 5:050		11 KAR 5:030		904 KAR 1:040
163.030	705 KAR 1:010		11 KAR 5:040		904 KAR 1:044
	705 KAR 2:030		11 KAR 5:050		904 KAR 1:045
	705 KAR 2:110		11 KAR 5:060		904 KAR 1:048
	705 KAR 3:120		11 KAR 5:070		904 KAR 1:049
	705 KAR 4:010		11 KAR 5:080		904 KAR 1:055
	705 KAR 4:020		11 KAR 5:090		904 KAR 1:060
	705 KAR 4:060		11 KAR 5:100	205.550(4)	904 KAR 1:010
	705 KAR 4:070		11 KAR 5:101	205.560(4)	904 KAR 1:010
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210.450	902 KAR 6:010		902 KAR 1:190		902 KAR 3:050
	902 KAR 6:030		902 KAR 1:200		401 KAR 6:040
210.610-210.680	902 KAR 3:200		902 KAR 1:210		401 KAR 5:045
210.990(3)	902 KAR 3:200		902 KAR 1:220		401 KAR 5:035
211.180	902 KAR 2:010		902 KAR 1:230		401 KAR 5:035
	902 KAR 2:020		902 KAR 1:240		401 KAR 5:035
211.870	902 KAR 105:010		902 KAR 1:250		401 KAR 6:040
	902 KAR 105:020		902 KAR 1:260		806 KAR 50:081
	902 KAR 105:030	217.990(8) 217.990(9)(10)	902 KAR 1:270	230.410-230.447	806 KAR 50:200
	902 KAR 105:040		902 KAR 1:280		812 KAR 1:010
	902 KAR 105:050		902 KAR 1:290		812 KAR 1:015
	902 KAR 105:060		902 KAR 1:300		812 KAR 1:020
	902 KAR 105:070		902 KAR 1:312		812 KAR 1:025
211.890	902 KAR 105:010		902 KAR 1:314		812 KAR 1:030
	902 KAR 105:020		902 KAR 1:316		812 KAR 1:035
	902 KAR 105:030		902 KAR 1:318		812 KAR 1:040
	902 KAR 105:040		902 KAR 1:320		812 KAR 1:045
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