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

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

Administrative Register of Kentucky

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Public Hearings

CABINET FOR DEVELOPMENT Department of Agriculture

The Department of Agriculture has scheduled a public hearing at 9 a.m. EDT September 10, 1976 in the State Veterinarian's office, 635 Comanche Trail, Frankfort, Kentucky, on the following regulation:

302 KAR 20:070. Stockyards. [3 Ky.R. 153]

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

The Department for Natural Resources and Environmental Protection has scheduled a public hearing at 10 a.m. EDT October 13, 1976 in the Human Resources Building Auditorium, 275 East Main Street, Frankfort, Kentucky, on the following proposed regulation, published in this issue:

400 KAR 1:010. Wild Rivers boundaries. [3 Ky.R. 267]

PUBLIC PROTECTION AND REGULATION CABINET Department of Insurance

The Department of Insurance has scheduled three public hearings on the following regulations:

806 KAR 40:010. Patient's compensation fund. [3 Ky.R. 188] A hearing on this proposed regulation will be held at 10 a.m. EDT August 31, 1976 on the second floor of the Capital Plaza Tower, Frankfort, Kentucky.

806 KAR 12:060. Health insurance replacement. [3 Ky.R. 277] A hearing on this proposed regulation will be held at 10 a.m. EDT September 7, 1976 at Capital Plaza Tower, Frankfort, Kentucky.

806 KAR 3:025. Salvage or subrogation recoveries. [3 Ky.R. 187] A hearing on this proposed regulation will be held at 9:30 a.m. September 10, 1976 on the second floor of the Capital Plaza Tower, Frankfort, Kentucky.

State Fire Marshal

The State Fire Marshal has scheduled a public hearing for 2 p.m. EDT October 8, 1976 at the Capital Plaza Tower, Frankfort, Kentucky, on the following regulation, published in this issue:

806 KAR 50:010. Standards of Safety. [3 Ky.R. 251]

DEPARTMENT FOR HUMAN RESOURCES Bureau for Health Services Medical Laboratories

The Bureau for Health Services has scheduled public hearings for 1:30 p.m. September 17, 1976 in Room G-1 of the Capital Plaza Tower, Frankfort, Kentucky on the following seven regulations, all published in the August Register:

902 KAR 11:010. Application for licensure; fee. [3 Ky.R. 197]

902 KAR 11:020. Reports and standards of health and safety. [3 Ky.R. 197]

902 KAR 11:030. Personnel standards of health and safety. [3 Ky.R. 198]

902 KAR 11:035. Proficiency test procedures. [3 Ky.R. 201]

902 KAR 11:040. Specialty test procedures. [3 Ky.R. 202]

902 KAR 11:045. Test and specimen records. [3 Ky.R. 203]

902 KAR 11:050. Equipment, methods and samples. [3 Ky.R. 204]

Amended Regulations Now In Effect

(The following regulations, as proposed to be amended, were published originally in Volume 2 of the Administrative Register. The issuing agencies, following public hearings on the three proposals, further amended each regulation. As finally amended, the regulations were approved for filing by the Administrative Regulation Review Subcommittee at its August 4, 1976 meeting and became effective on that date.)

PUBLIC PROTECTION AND REGULATION CABINET

Department of Insurance
Office of the State Fire Marshal
As Amended

806 KAR 50:200. Mobile homes.

RELATES TO: KRS 227.570

PURSUANT TO: KRS 13.082, 227.590

EFFECTIVE: August 4, 1976

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

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

(2) At least thirty (30) days before the adoption or promulgation of any change in or addition to the rules and regulations, the office shall mail to all manufacturers possessing valid certificates of acceptability and dealers possessing valid licenses a notice including a copy of the proposed changes and additions and the time and place that the board will consider any objections to the proposed changes and additions. After giving the notice required by this section, the board shall afford interested persons an opportunity to participate in the rule making through submission of written data, views or arguments with or without opportunity to present the same orally in any manner.

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

Section 2. Enforcement: Subject to the provisions of applicable law, the Office of the State Fire Marshal shall administer and enforce all the provisions of the Mobile Home and Recreational Vehicle Act. Any officer, agent, or employee of the State Fire Marshal's Office is authorized to enter any premises in order to inspect any mobile home [or recreational vehicle] for which the office has issued a seal of approval, or to inspect such mobile home's [or recreational vehicle's] equipment and/or its installations to

insure compliance with the Act, the code *and/or the HUD Act* and these regulations. Upon complaint and request, a privately owned mobile home [or recreational vehicle] bearing a seal may be entered to determine compliance with these regulations. When it becomes necessary to determine compliance he may require that a portion or portions of such mobile homes [or recreational vehicles] be removed or exposed in order that a compliance inspection can be made.

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

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

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

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

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

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

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

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

(e) Approved by the board.

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

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

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

(7) [(6)] Class "A" Seal: A device or insignia issued by the office to indicate compliance with the standards, established by the office or rules and regulations established by the board for new mobile homes [and recreational vehicles] manufactured after the effective date of the Act.

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

homes [or new recreational vehicles] manufactured prior to the effective date of the Act.

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

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

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

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

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

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

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

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

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

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

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

Section 4. Scope and Purpose of the Act and Regulations: (1) Except to the extent otherwise stated in the Act and these regulations and in other laws of the Commonwealth which are not inconsistent with or

superseded by the Act and these regulations, these regulations govern the design, manufacture, storage[,] and sale[, and methods for transportation] of mobile homes [and recreational vehicles] which are manufactured, sold, leased, or transported for use within or outside of the Commonwealth. These regulations apply to mobile homes [or recreational vehicles] manufactured in manufacturing facilities located within or outside the Commonwealth. Mobile homes [or recreational vehicles] brought into this state for exhibition use only and which will not be sold in this state may be excluded from the coverage of this Act and regulations if inspections reveal no condition hazardous to health or safety.

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

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

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

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

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

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

(6) *All new mobile homes purchased outside the Commonwealth of Kentucky not bearing a Class "A" seal of approval or a HUD label and all used mobile homes purchased outside the Commonwealth of Kentucky, regardless of the type seal or label affixed, shall be inspected by a certified Kentucky dealer and a Class "B" seal of approval affixed prior to registration of the home. This inspection shall consist of the following:*

(a) Inspection of the plumbing and waste systems.

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

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

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

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

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

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

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

(2) Requirements for Issuance:

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

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

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

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

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

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

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

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

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

1. Scope and Purpose.

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

3. Material storage and stock rotation procedure.

4. Types and frequency of product inspection.

5. Sample of inspection control form used.

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

7. Test equipment.

8. Control of drawings and material specifications.

9. Test procedures.

[10. Record-keeping procedures.]

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

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

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

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

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

(a) The corporate name is changed;

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

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

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

(e) A new manufacturing facility is established; or,
 (f) There are changes in the principal officers of the firm.

(9) Any information relating to building systems [,] or in-plant quality control systems, [and transportation systems] which the manufacturer considers proprietary shall be so designated by him at the time of its submission, and shall be so held by the office, and by the inspection, evaluation, and local enforcement agencies unless the board determines in each case that disclosure is necessary to carry out the purposes of the Act.

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

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

- (a) Evidence of insolvency;
- (b) Material misstatement in application for certificate of acceptability;
- (c) Willful failure to comply with any provisions of the Act or any rule or regulation promulgated by the board under the Act;
- (d) Willfully defrauding any buyer;
- (e) Willful failure to perform any written agreement with any buyer or dealer;
- (f) Failure to furnish or maintain the required *liability insurance*; [bond];

- (g) A fraudulent sale, transaction, or repossession;
- (h) Violation of any law relating to the sale or financing of mobile homes. [or recreational vehicles.]

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

(13) Procedure for Denial, Revocation or Suspension:

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

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

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

1. The manufacturer has failed to pay the fees authorized by the Act; or that
2. The manufacturer, either knowingly or with the exercise of due care to prevent the same, has violated any

provision of this Act or any regulation or order lawfully made pursuant to and within the authority of the Act.

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

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

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

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

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

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

(2) Application must contain the following information:

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

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

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

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

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

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

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

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

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

(7) [(8)] Periodic Reports:

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

(b) Suggested format: see appendix B.

(c) Notification of a change in the application information must be made within thirty (30) days of any of the following occurrences:

1. Dealership name is changed;
2. Established place of business is changed;
3. There is a change in twenty-five percent (25%) or more of the ownership interest of the dealership within a twelve (12) month period; or
4. There are changes in the principal officers of the firm.

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

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

(b) Material misstatement in application;

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

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

(e) Willfully defrauding any buyer;

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

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

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

(i) Employment of fraudulent devices, methods, or

practices in connection with the requirements under the statutes of this state with respect to the retaking of goods under retail installment contracts and the redemption and resale of such goods;

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

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

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

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

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

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

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

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

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

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

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

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

Section 10. Temporary Licenses. (1) Any dealer other than one duly licensed in Kentucky wishing to show and offer mobile homes within the Commonwealth of Kentucky for the express purpose of retailing said units to

the general public, shall be required to purchase from the Office of the State Fire Marshal a temporary license. Said license shall not exceed fifteen (15) days duration and the license fee shall be twelve dollars and fifty cents (\$12.50) for each authorized event.

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

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

(b) Must furnish to the office proof of general liability insurance to include lot and completed operations insurance in the minimum amount of \$100,000 bodily injury or death for each person, \$300,000 bodily injury or death for each accident, and \$50,000 property damage.

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

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

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

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

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

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

(a) Acquisition of Seals:

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

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

(b) Application for Seals:

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

2. If the applicant has qualified to apply for seals

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

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

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

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

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

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

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

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

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

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

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

(f) Placement of Seals:

1. Each seal shall be assigned and affixed to a specific mobile home. Assigned seals are not transferable and are

void when not affixed as assigned, and all such seals shall be returned to or may be confiscated by the office. The seal shall remain the property of the office and may be seized by the office in the event of violation of the Act or regulations.

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

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

(g) Lost or Damaged Seals:

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

2. All damaged seals shall be promptly returned. Damaged and lost seals shall be replaced by the office with a replacement seal on payment of the replacement seal fee of two dollars (\$2).

806 KAR 50:200

APPENDIX A

UNIT CERTIFICATION FORMAT

Name of Manufacturer		
Mailing Address	County	
City	State	Zip Code

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

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

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

Date _____ BY _____
PERSON AUTHORIZED TO
CERTIFY THESE UNITS

806 KAR 50:200

APPENDIX B

UNIT CERTIFICATION FORMAT

Name of Dealer		
Mailing Address	County	
City	State	Zip Code

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

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

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

Date _____ BY _____
PERSON AUTHORIZED TO
CERTIFY THESE UNITS

WARREN SOUTHWORTH, State Fire Marshal
HAROLD B. McGUFFEY, Commissioner

ADOPTED: May 7, 1976

APPROVED:

JAMES E. GRAY, Secretary

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

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance
As Amended

904 KAR 2:045. Conditions under which adverse action is taken.

RELATES TO: KRS 205.200(2), 205.245
 PURSUANT TO: KRS 13.082, 194.050
 EFFECTIVE: August 4, 1976

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer public assistance programs under Title IV-A and XIX of the Social Security Act, namely Aid to Families with Dependent Children, hereinafter referred to as AFDC, and Medical Assistance, hereinafter referred to as MA. In addition, the department has responsibility to provide supplementation to certain aged, blind and disabled individuals as required by Title XVI, as amended and by KRS 205.245. 45 C.F.R. section 205.10 (a)(4) and C.F.R. section 206.10 (a)(4) require that applicants or recipients be provided adequate notice of adverse action in written form citing applicable state regulations. This regulation sets forth the conditions under which an application is denied or assistance is decreased, suspended or discontinued.

Section 1. Reasons for Adverse Action: An application is denied or assistance discontinued, suspended or decreased when:

- (1) Income or resources exceed the standard for the specific assistance program, or when income of a recipient increases;
- (2) Technical eligibility does not exist or ceases to exist:
 - (a) Deprivation of the needy child does not exist;
 - (b) The needy child is not living in the home of a relative within the specified degree of relationship;
 - (c) The needy child becomes twenty-one (21), or if eighteen (18) to twenty-one (21), is not attending school;
 - (d) The needy child is receiving supplemental security income;
 - (e) The needy individual is neither aged, blind or disabled;
 - (f) The individual is residing in a public, non-medical institution, or if under age sixty-five (65), a tuberculosis hospital or, if between age twenty-one (21) and sixty-five (65) a psychiatric hospital.
- (3) The applicant or recipient has failed to comply with a technical requirement:
 - (a) The applicant or recipient has failed to furnish a Social Security number, or to permit application to be made for such number, [member] for one or more persons for whom application has been made or assistance granted, resulting in ineligibility of the non-enumerated member(s);
 - (b) The *specified* [caretaker] relative as defined in 904 KAR 2:005 *with whom the child lives* has failed to assign all rights of support to the bureau, resulting in ineligibility of such relative;
 - (c) The *specified* [caretaker] relative has *deliberately* failed to cooperate in respect to establishing paternity, locating an absent parent and/or obtaining support, resulting in ineligibility of such relative;
 - (d) The non-exempt applicant or recipient has failed to register for and/or participate in the Work Incentive Program, resulting in ineligibility of the non-exempt individual;
 - (e) The applicant or recipient has failed to provide sufficient information or clarify conflicting information for

a determination of eligibility *despite receipt of written notice detailing the additional information needed for a determination.*

- (4) Other reasons:
 - (a) Request of client, or voluntary *written* withdrawal of application;
 - (b) Bureau staff unable to locate applicant or recipient;
 - (c) Applicant or recipient no longer domiciled in Kentucky;
 - (d) Change in program policy has adversely affected the recipient.

Section 2. Denial of Applications: Whenever an application is denied, the applicant is given written notification of the denial including the reason for the denial and the right to a fair hearing.

Section 3. Decreases, Suspensions and Discontinuances: Whenever a change in circumstances indicates that a money payment should be reduced, suspended or discontinued, or that medical entitlement should be discontinued or curtailed to any or all members, the recipient is given ten (10) days advance notice of the proposed action in writing, explaining the reason for the proposed action, and extending the opportunity to confer with the worker or to request a fair hearing. Hearing requests received during the advance notice period result in delay of the decrease, suspension or discontinuance pending the hearing officer's decision.

Section 4. Exceptions to the Advance Notice Requirement: An advance notice of proposed action is not required, but written notice is given, whenever the decrease, discontinuance or suspension results from:

- (1) Information reported by the recipient and the recipient has signed a waiver of the notice requirement *indicating understanding of the consequences*;
- (2) The bureau has received a clear, written statement, signed by the recipient, that he no longer wishes assistance;
- (3) AFDC-FC is being discontinued;
- (4) *The bureau has received factual information that the aged, blind or disabled recipient has died*;
- (5) Whereabouts of the recipient are unknown and mail addressed to him has been returned *indicating no known forwarding address, however a returned check will be made available to him if his whereabouts become known during the usual ten day period.*
- (6) *It has been established that assistance has been accepted in another state*;
- (7) The AFDC child has been removed from the home *by judicial order* and placed in foster care;
- (8) The aged, blind or disabled supplementation recipient has entered a chronic care facility resulting in vendor payment status;
- (9) The recipient has entered a penal institution or if under sixty-five (65) a tuberculosis hospital, or if between twenty-one (21) and sixty-five (65), a mental hospital;
- (10) A special allowance, or time limited assistance is terminated and the recipient has been informed in writing at the time the allowance or assistance was granted of the automatic termination at the end of a specified period or under specific conditions.

GAIL S. HUECKER, Commissioner
 C. LESLIE DAWSON, Secretary

ADOPTED: April 5, 1976

RECEIVED BY LRC: July 28, 1976 at 9 a.m.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance
As Amended

904 KAR 2:055. Hearings and appeals.

RELATES TO: KRS 205.231

PURSUANT TO: KRS 13.082, 194.050

EFFECTIVE: August 4, 1976

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility under 45 C.F.R. section 205.10 and KRS 205.231 to provide for a system of hearings to be available to any applicant for or recipient of an assistance program who is dissatisfied with any action or inaction on the part of the bureau. This regulation sets forth the method by which the hearing requirement is fulfilled.

Section 1. Informing the Applicant or Recipient of his Rights: Each applicant or recipient shall be informed orally and in writing at the time of application and in writing at the time of any action affecting his claim of his right to a hearing, the method by which he may obtain a hearing and that he may be represented by an authorized representative, such as legal counsel, relative, friend or other spokesman, or he may represent himself.

Section 2. Request for a Hearing: Any applicant or recipient or an authorized representative acting on his behalf, may request a hearing by filing with either the local office or central office of the Bureau for Social Insurance a written or oral (later reduced to writing) statement clearly indicating a desire for a hearing.

Section 3. Time Limitation for Request: To be considered timely, a written or oral request must be received by the Bureau within forty (40) days of the date of the advance notice of adverse action as it affects recipients or within thirty (30) days of the notice of denial of an application except that an additional thirty (30) days may be granted if it is determined by the hearing officer that the delay was for good cause in accordance with the following criteria:

- (1) The applicant/recipient was away from home during the entire filing period; or
- (2) The applicant/recipient is unable to read or to comprehend the notice of adverse action and right to request a hearing; or
- (3) The applicant/recipient moved resulting in delay in receiving or failure to receive notice of adverse action; or
- (4) Serious illness of the applicant/recipient; or
- (5) The delay was no fault of the applicant/recipient.

Section 4. Continuation of Assistance: If the request results from dissatisfaction regarding a proposed discontinuance, suspension or decrease and is received within ten (10) days of the date on the advance notice of adverse action, assistance shall be continued through the month in which the hearing officer's decision is rendered. If the request is received within twenty (20) days of the date on the advance notice of adverse action and it is established that the reason for delay meets the good cause criteria as contained in Section 3, assistance shall be reinstated and continued through the month in which the hearing officer's decision is rendered.

Section 5. All Hearing Requests Shall Be Acknowledged by the Hearing Branch: The acknowledgment letter shall contain information regarding the hearing process, including the right to case record review prior to the hearing, the right to representation, and a statement to the effect that the local office can provide information regarding the availability of free representation by legal aid or welfare rights organizations within the community. Subsequent notification shall include the time and place the hearing will be held. Hearings shall be scheduled on a timely basis to assure that no more than ninety (90) days shall elapse from date of request to date of decision except that hearings in which the issue relates to the Emergency Assistance Program shall be given priority handling with a decision rendered within thirty (30) days of the request.

Section 6. Withdrawal or Abandonment of Request: The applicant or recipient may withdraw his request for a hearing at any time prior to release of the hearing officer's decision, *provided, however, he is granted the opportunity to discuss withdrawal with his legal counsel or representative, if any, prior to finalizing the action.* A hearing request shall be considered abandoned if the applicant or recipient fails without prior notification, to report for the hearing, [and is unable] *except that no hearing request shall be considered as abandoned without extending to the applicant or recipient, and, if applicable, his legal counsel or representative, the opportunity to establish that such failure was for good cause [as determined by the criteria as contained in Section 3].*

Section 7. Applicant's or Recipient's Rights Prior to a Hearing: All applicants/recipients are informed of their right to legal counsel or other representation, of the right to case record review relating to the issue and of the right to submit additional information in support of the claim. When the hearing involves medical issues, a medical assessment by other than the person or persons involved in the original decision shall be obtained at bureau expense if the hearing officer considers it necessary. *If a medical assessment at bureau expense is requested by the applicant/recipient and denied by the hearing officer, the reason for denial shall be set forth in writing.*

Section 8. Corrective Action: If after a review of the case record, but prior to scheduling a hearing, the hearing officer *determines [believes]* that action taken or proposed to be taken, is incorrect, [he shall confer with the Director of Field Services. Upon concurrence of the Director,] he shall authorize corrective action in the form of assistance to which the applicant or recipient would have been entitled but for the incorrect decision or, for proposed action, authorize continuing assistance. The applicant/recipient shall be then given the opportunity to withdraw the hearing request, but notwithstanding the corrective action, the hearing shall be scheduled if the applicant/recipient wishes to pursue the request.

Section 9. Conduct of a Hearing: (1) The hearing shall be conducted by a [an impartial] hearing officer *whose impartiality is assured in that he shall not have been involved in the initial determination on the issue, or, to the extent possible, in previous hearings in behalf of the applicant/recipient.* In addition a hearing officer may *disqualify himself due to personal knowledge of circumstances of the applicant/recipient.* The applicant/recipient may challenge the hearing officer by

presentation of factual evidence that the impartiality criteria is not met. The hearing shall be conducted where the applicant/recipient may attend without undue inconvenience.

(2) The applicant/recipient, his representative and any other party to the hearing may present such evidence as shall be pertinent to the issue on which the adverse action was, *or is proposed to be*, taken, *advance any arguments without undue interference*

(3) The hearing officer shall, if necessary to secure full information on the issue, examine each party who appears and his witnesses. The hearing officer may take any additional evidence which he deems necessary; but if additional evidence is taken, all interested parties shall be afforded the opportunity of examining or rebutting such additional evidence.

(4) The parties to the hearing, with the consent of the hearing officer, may stipulate the facts involved, in writing. The hearing may be decided on the basis of such stipulation or the hearing officer may schedule a hearing and take such additional evidence as is deemed necessary.

(5) All hearings shall be conducted informally and in such a manner as to determine the substantial rights of the parties. The parties and their witnesses shall testify under oath or affirmation. All facts relevant to the issue appealed shall be considered and passed upon.

(6) Subpoenas may be issued by the hearing officer to compel attendance of any witness or the production of records except that subpoenas requested by the applicant/recipient shall be issued only on a sworn statement of need thereof by the applicant/recipient.

(7) The hearing officer may in his discretion, direct or grant a continuance of a hearing in order to secure necessary evidence.

Section 10. The Decision: After the hearing is concluded, the hearing officer shall set forth in writing his finding of facts and issues, specifying the reasons for the decision and indentifying the supporting evidence and regulations. A copy of the decision shall be mailed to the applicant/recipient and his representative. The decision, with respect to the issues considered, shall be final unless further appeal to the appeal board is initiated under KRS 205.231(4) within twenty (20) days from the date of mailing of the decision.

Section 11 Appeal from Decision of Hearing Officer: Any applicant/recipient or his authorized representative wishing to appeal the decision of a hearing officer may do so by filing an appeal to an appeal board appointed in accordance with KRS 205.231(3). To be timely, such request must be received in a county office or the central office of the Bureau for Social Insurance within twenty (20) days of the date on which the hearing officer's decision was mailed, except that a request received within thirty (30) days of the hearing officer's decision will be considered timely if the criteria in Section 3 is met. The request shall be filed in writing or orally, later reduced to writing, and shall be considered filed on the day it is received.

Section 12. Applicant's or Recipient's Rights Prior to Appeal Board Consideration: All appeals shall be acknowledged in writing to the application/recipient and his authorized representative. The acknowledgment shall offer the opportunity to file briefs or submit new and additional

proof and the tentative date on which the board will consider the appeal.

Section 13. Appeal Board Review: All appeals to the appeal board shall be considered upon the records of the bureau and the evidence or exhibits introduced before the hearing officer unless the applicant/recipient specifically requests permission to file additional proof. When an appeal is being considered on the record, the parties may, if they desire, present written arguments and at the board's discretion be allowed to present oral arguments. In addition, the appeal board may direct the taking of additional evidence before it, if needed, in order to resolve the appeal. Such evidence shall be taken by the board after seven (7) days notice to the parties *giving the parties the opportunity to object to introduction of additional evidence or to rebut or refute any additional evidence.*

Section 14. The Appeal Board Decision: The decision of the appeal board, duly signed by members of the board, shall set forth in writing the facts on which the decision is based and shall be irrevocable in respect to the issues in the individual case unless set aside through the judicial review process as provided in KRS 205.234.

Section 15. Payments of Assistance: Payments of assistance to carry out decisions of hearing officers or the appeal board shall be made *promptly and shall include [to] the month of application or [to] the month in which incorrect action of the bureau adversely affected the applicant/recipient providing it is established that the applicant/recipient was eligible during the entire period in which assistance was withheld.*

Section 16. Limitation of Fees: (1) Although the department and its officers and employees, either in their official or personal capacity, are not liable for payment of any attorneys fees, the department does, in accordance with KRS 205.237, set the maximum fee that an attorney may charge the applicant or recipient for representation in all categories of public assistance as follows:

(a) Seventy-five Dollars (\$75) for preparation and appearance at hearing before a hearing officer

(b) Seventy-five Dollars (\$75) for preparation and presentation (briefs included) of appeals to the appeal board.

(c) One hundred seventy-five Dollars (\$175) for preparation and presentation, including pleadings, and appearance in court, of appeals to the Circuit Court.

(d) Three hundred Dollars (\$300) for preparatory work and briefs and all other matters incident to appeals to the Court of Appeals.

(2) The fee agreed to by the representative and his client within the above maximums shall be deemed to have the approval of the bureau.

(3) Enforcement of payment of such fee shall be a matter entirely between such counsel or agent and the applicant/recipient. Such fee shall not be deducted either in whole or in part, from the benefit checks otherwise due and payable to the applicant/recipient.

GAIL S. HUECKER, Commissioner
C. LESLIE DAWSON, Secretary

ADOPTED: April 5, 1976

RECEIVED BY LRC: July 28, 1976 at 9 a.m.

Emergency Regulations

JULIAN M. CARROLL, GOVERNOR

Executive Order 76-686

July 20, 1976

EMERGENCY REGULATION
Department of Military Affairs
Education Encouragement Fund Bill

WHEREAS, the Commonwealth of Kentucky has a substantial investment in the Kentucky National Guard; and

WHEREAS, retaining members in the Kentucky National Guard and improving their educational level would greatly benefit both the individual members and the Commonwealth as a whole; and

WHEREAS, the Department of Military Affairs has determined and finds that an emergency exists and that there is an immediate necessity to establish rules to administer the Kentucky National Guard Educational Fund; and

WHEREAS, the Adjutant General of Kentucky, in conjunction with the Secretary of the Cabinet, pursuant to Kentucky Revised Statutes 38.500, has promulgated the Regulation hereinabove referenced:

NOW, THEREFORE, I, JULIAN M. CARROLL, Governor of the Commonwealth of Kentucky, by the authority vested in me by Section 13.085(2) of the Kentucky Revised Statutes, hereby acknowledge the finding of the Department of Military Affairs 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 Military Affairs

106 KAR 1:010E. Educational encouragement fund.

RELATES TO: KRS 38.500

PURSUANT TO: KRS 13.082

EFFECTIVE: July 23, 1976

EXPIRES: November 20, 1976

NECESSITY AND FUNCTION: KRS 38.500 established the Kentucky National Guard Educational Encouragement Fund and authorized the Adjutant General to make rules and regulations for the administration of the fund. This regulation provides policy, procedure and qualification requirements.

Section 1. Purpose. The purpose of the educational encouragement fund is to:

(1) Encourage voluntary membership and retention in the Kentucky National Guard;

(2) Improve the educational level of the guard's members; and

(3) Benefit the state as a whole, by virtue of subsections (1) and (2) of this section.

Section 2. Responsibilities. (1) The Adjutant General of Kentucky shall be responsible for the overall policies,

guidance, administration, implementation and proper utilization of the educational encouragement fund; and appointment of the Educational Encouragement Fund Board.

(2) The Educational Encouragement Fund Board, hereinafter referred to as the board, shall be charged with administering the fund.

(3) The public information officer, Frankfort Headquarters, shall be responsible for initiating and maintaining an active publicity program, designed to promote the recruiting and retention incentive offered by the educational encouragement program.

(4) National Guard Unit Commanders shall be responsible for keeping members of their command informed of the program, submission and verification of applications, monitoring the continued qualifications of unit members, and advising the Adjutant General of any change in status that would require forfeiture of fund payment. Change in status of a member receiving benefits shall include the following:

(a) Drops out of school, with or without just cause.

(b) Is expelled or suspended from school.

(c) Receives an unsatisfactory drill attendance or performance report which results in not being in good standing.

(5) Members of the National Guard who are recipients of funds offered by this program shall be responsible for notifying his/her Unit Commander and/or the Adjutant General of any change in status which would affect his/her entitlement thereto.

Section 3. Definitions. (1) "Matriculation" means enrollment or admission costs which may include tuition.

(2) "Tuition" means the charge or fee that an institution normally charges for instruction.

(3) "State-supported university, college, community college or vocational school" means those universities, colleges or schools enumerated in Appendix A, herein filed by reference. Copies of Appendix A can be obtained from the Department of Military Affairs, Frankfort, Kentucky 40601.

(4) "Good standing" means any active member of the Kentucky National Guard endorsed by his commander as successfully attending and participating in the required training program. A member may be considered "not in good standing" in cases where criminal or military charges affect the member's ability to perform his/her duties with the Kentucky National Guard.

Section 4. Benefits. (1) Subject to the availability of funds, the benefits provided under this regulation shall consist of a monetary grant for full-time or part-time enrollment not to exceed fifty (50) percent of tuition or matriculation fees to qualifying members.

(2) Benefits shall be payable to qualifying members attending state-supported institutions listed in Appendix A.

(3) The Educational Encouragement Fund Board may authorize benefits payable for the following periods of study:

(a) Academic year;

(b) Semester;

(c) Quarter;

(d) Summer terms; or

(e) Others, as approved by the board.

Section 5. Eligibility. (1) Active members of the Kentucky National Guard have benefit eligibility who:

(a) Have their commander's verification of membership and good standing at the beginning of and throughout the entire period for which benefits are payable.

(b) Have satisfactorily completed basic/REP training.

(c) Have verification of payment of all tuition or matriculation fees for the period of study he/she is requesting benefits for under the fund.

(d) Agrees, through contract with the Department of Military Affairs, to reimburse the State of Kentucky by and through the department any money paid for him/her from the fund in the event he/she is expelled or suspended or quits the program without just cause.

(e) Has a minimum of one (1) year remaining as a member of the Guard from the end of the academic period for which educational fund assistance is provided.

(2) The educational assistance benefit shall be applicable to eligible personnel in the following categories:

(a) Students seeking trade or vocational training or education.

(b) Students seeking to achieve a two (2) year associate degree.

(c) Students seeking to achieve a four (4) year baccalaureate or graduate degree.

Section 6. Application for Benefits. (1) Eligible personnel in the active Kentucky National Guard who are interested in submitting applications for benefits of the Educational Encouragement Fund shall comply with the following:

(a) Complete the application, herein filed by reference as Appendix B, and submit to his/her Unit Commander for signature. Applications may be obtained from the Department of Military Affairs, Frankfort, Kentucky 40601.

(b) Apply, be accepted, and enrolled for credit as a student in any state-supported university, college, community college, or vocational education school as a full-time or part-time student.

(c) Pay, or make arrangements for payment of, all educational costs at the time of registration.

(d) Provide the board an itemized receipt from the institution for all fees paid at the time of registration.

(2) Unit Commanders at all levels shall forward applications with indorsements to the Adjutant General's office.

Section 7. Appeals. Any appeal from the actions or decisions of the board in connection with the administration of the educational assistance program shall be submitted in writing, within ten (10) days after receipt of the board's decision, to the Adjutant General, Department of Military Affairs. The decision of the Adjutant General shall be final.

RICHARD L. FRYMIRE, Adjutant General
ADOPTED: June 19, 1976

APPROVED: JACKSON W. WHITE, Secretary

RECEIVED BY LRC: July 23, 1976 at 1:30 p.m.

JULIAN M. CARROLL, GOVERNOR

Executive Order 76-698

July 22, 1976

EMERGENCY REGULATION

**Department for Natural Resources
and Environmental Protection**

WHEREAS, the Wild Rivers Act adopted by the 1974 General Assembly and amended by the 1976 General Assembly requires the Secretary for the Department for Natural Resources and Environmental Protection to designate the boundaries of each of the wild river areas; and

WHEREAS, The Supreme Court has ruled that the Department cannot enforce and restrict certain activities within the wild river areas until the boundaries have been designated; and

WHEREAS, the Secretary for the Department for Natural Resources and Environmental Protection has found that an emergency exists with respect to such a regulation and that such regulation should be effective immediately upon filing with the Legislative Research Commission so as to order the Department to immediately begin administering those portions of the Act that regulate certain land uses;

NOW, THEREFORE, I, JULIAN M. CARROLL, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by KRS 13.085(2), do hereby acknowledge the finding of emergency by the Secretary of the Department for Natural Resources and Environmental Protection with respect to the filing of the aforementioned regulation of the Department for Natural Resources and Environmental Protection, and direct that said regulation shall be effective upon filing with the Legislative Research Commission as provided in Chapter 13 of the Kentucky Revised Statutes.

JULIAN M. CARROLL, Governor

DREXELL R. DAVIS, Secretary of State

**DEPARTMENT FOR NATURAL RESOURCES
AND ENVIRONMENTAL PROTECTION**

400 KAR 1:010E. Wild Rivers boundaries.

RELATES TO: KRS 146.240, 146.250

PURSUANT TO: KRS 13.082, 146.250

EFFECTIVE: July 22, 1976

EXPIRES: November 20, 1976

NECESSITY AND FUNCTION: KRS 146.250 directs the Secretary to determine generally the boundaries of the Wild Rivers designated in KRS 146.240. The boundaries must include at least the visual horizon of the stream but not extend more than 2,000 feet from the center of the stream. The statute further requires that the Secretary designate access points at the upper and lower boundaries of each stream. This regulation incorporates by reference maps adopted and filed with the regulation delineating the general boundaries of each stream area and specifies the access points to each area. The maps are incorporated by reference as they are too large and cumbersome for reproduction. Copies of the maps are available by request from the office of the Secretary of the Department for Natural Resources and Environmental Protection, Capital Plaza Tower, Frankfort, Kentucky 40601.

Section 1. The boundaries of the stream area of the

Cumberland River are as delineated on the map captioned "Designated Wild River Area, Cumberland River," which map is hereby adopted and incorporated herein by reference. The upper access point is the area where Ky. 204 approaches the Cumberland River below Summer Shoals and the lower access point is at Cumberland Falls State Park.

Section 2. The boundaries of the stream area of the Red River are as delineated on the map captioned "Designated Wild River Area, Red River," which map is hereby adopted and incorporated herein by reference. The upper access point is the area where Ky. 746 crosses the Red River and the lower access point is the area where Ky. 715 crosses the river.

Section 3. The boundaries of the stream area of the Rockcastle River are as delineated on the map captioned "Designated Wild River Area, Rockcastle River," which map is hereby adopted and incorporated herein by reference. The upper access point is the area where Ky. 80 crosses the Rockcastle River and the lower access point is the area where Ky. 192 crosses the river.

Section 4. The boundaries of the stream area of the Green River are as delineated on the map captioned "Designated Wild River Area, Green River," which map is hereby adopted and incorporated herein by reference. The upper access point is the area where Big Woods Road meets the Green River and the lower access point is the area of Lock No. 6 on the Green River.

Section 5. The boundaries of the stream area of the South Fork of the Cumberland are as delineated on the map captioned "Designated Wild River Area, Big South Fork, Cumberland River," which map is hereby adopted and incorporated herein by reference. The upper access point is the area where Difficulty Creek joins the South Fork and the lower access point is the area where the Blue Heron Road ends.

Section 6. The boundaries of the stream area of the Martin Fork of the Cumberland are as delineated on the map captioned "Designated Wild River Area, Martin Fork, Cumberland River," which map is hereby adopted and incorporated herein by reference. The upper access point is the area where the Martin Fork flows from the Cumberland Gap National Historical Park and the lower access point is the area where Ky. 987 crosses the mouth of Laurel Branch Creek.

Section 7. The boundaries of the stream area of Rock Creek are as delineated on the map captioned "Designated Wild River Area, Rock Creek," which map is hereby adopted and incorporated herein by reference. The upper access point is the area where the Rock Creek Bell Farm Road crosses Big Branch. The lower access point is at the White Oak Junction Bridge.

Section 8. The boundaries of the Little South Fork of the Cumberland River are as delineated on the map captioned "Designated Wild River Area, Little South Fork, Cumberland River," which map is hereby adopted and incorporated herein by reference. The upper access point is the area where the East Coopersville Road fords the South Fork and the lower access point is the area where the

Lower Morrow Hollow Road crosses the Little South Fork.

ROBERT D. BELL, Secretary

ADOPTED: July 21, 1976

RECEIVED BY LRC: July 22, 1976 at 2:00 p.m.

JULIAN M. CARROLL, GOVERNOR
Executive Order 76-809
August 9, 1976

EMERGENCY REGULATION
Department of Labor
Occupational Safety and Health Standards

WHEREAS, it is necessary that the Department of Labor's occupational safety and health standards meet the comparable federal standards; and

WHEREAS, the Federal Government has promulgated new occupational safety and health standards; and

WHEREAS, the Department of Labor has determined and finds that an emergency exists and that there is an immediate necessity to adopt the new federal standards; and

WHEREAS, the Commissioner of the Department of Labor, in conjunction with the Secretary of the Cabinet for Public Protection and Regulation, pursuant to Kentucky Revised Statutes 338.051 and 13.082, has promulgated the Regulation hereinabove referenced:

NOW, THEREFORE, I, JULIAN M. CARROLL, Governor of the Commonwealth of Kentucky, by the authority vested in me by Section 13.085(2) of the Kentucky Revised Statutes, hereby acknowledge the finding of the Department of Labor 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

PUBLIC PROTECTION AND REGULATION CABINET
Department of Labor
Occupational Safety and Health
(Proposed Amendment)

803 KAR 2:020E. Adoption of 29 CFR Part 1910.

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS 13.082

EFFECTIVE: August 12, 1976

EXPIRES: December 10, 1976

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules, regulations, and standards. Express authority to adopt by reference established federal standards and national consensus standards is also given to the board. The following regulations contain those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of general industry.

Section 1. The Occupational Safety and Health Standards Board hereby adopts 29 CFR Part 1910, the Occupa-

tional Safety and Health Standards, published in the Federal Register June 27, 1974 edition, Volume 39, Number 125, Government Printing Office, Washington, D. C. 20402. These standards are hereby adopted by reference with the following additions, exceptions, and deletions:

(1) 29 CFR Part 1910.1 shall read as follows:

The provisions of this regulation adopt and extend the applicability of established federal standards contained in 29 CFR Part 1910 to all employers, employees, and places of employment throughout the Commonwealth except those excluded in KRS 338.021.

(2) 29 CFR Part 1910.2 shall read as follows: As used in this part, unless the context clearly requires otherwise:

(a) "Act" means KRS Chapter 338.

(b) "Assistant Secretary of Labor" means the Commissioner of Labor, Commonwealth of Kentucky.

(c) "Employer" means any entity for whom a person is employed except those employers excluded in KRS 338.021.

(d) "Employee" means any person employed except those employees excluded in KRS 338.021.

(e) "Standard" means a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment. "Standard" has the same meaning as and includes the words "regulation" and "rule."

(f) "National Consensus Standard" means any occupational safety and health standard or modification thereof which has been adopted and promulgated by a nationally recognized standards-producing organization.

(g) "Established Federal Standard" means any operative occupational safety and health standard established by any agency of the United States Government.

(h) An employer, required under these standards, to report information to the U.S. Department of Labor, or any subsidiary thereof, shall, instead report such information to the Kentucky Department of Labor, 151 Elkhorn Court, [Capital Plaza Tower,] Frankfort, Kentucky 40601.

(3) 29 CFR Part 1910.13 through 1910.16 relating to ship repairing, shipbuilding, shipbreaking, and longshoring, and 1910.267a relating to pesticides, as well as paragraph (a)(6) in Section 1910.267 which refers to Section 1910.267a, are excluded and deleted in their entirety.

(4) 29 CFR Part 1910.141(c)(2)(i) shall read as follows:

(i) Each water closet shall occupy a separate compartment with walls or partitions between fixtures sufficiently high to assure privacy.

(5) The changes which have been adopted by the U. S. Department of Labor relating to 29 CFR Part 1910.211 and 1910.217, mechanical power presses, and published in the Federal Register, Volume 39, Number 233, December 3, 1974, copy of which is attached hereto, are hereby adopted by reference.

(6) The changes and additions which have been adopted by the U. S. Department of Labor relating to Telecommunications which are contained in 29 CFR Part 1910.67, 1910.70, 1910.183, 1910.189, 1910.190, 1910.268, 1910.274, and 1910.275, published in the Federal Register, Volume 40, Number 59, March 26, 1975, a copy of which is attached hereto, are hereby adopted by reference.

(7) 29 CFR Part 1910.93q, the Occupational Safety and Health Standard covering vinyl chloride which was published in the Federal Register, Volume 39, Number 194, October 4, 1974, a copy of which is attached hereto, is hereby adopted by reference.

(8) 29 CFR Part 1910.309(c) (National Electrical Code) shall read as follows:

"(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, the requirement in section 210-7 of the National Electrical Code that all 15-and 20-ampere receptacle outlets on single-phase circuits for construction circuit protection for personnel shall not be applicable."

(9) 29 CFR Part 1910.106(d)(2)(iii) of the Federal Register, Volume 39, Number 125, June 27, 1974, shall be amended by adding Table H-12 [11-12] of the Federal Register, Volume 40, Number 18, p. 3982, January 27, 1975, a copy of which is attached hereto, is adopted by reference.

(10) 29 CFR Part 1910.151 relating to medical services and first aid shall be changed to read as follows:

(a) The employer shall ensure the ready availability of medical personnel for advice and consultation on matters of occupational health.

(b) Employers with eight (8) or more employees within the establishment shall have persons adequately trained to render first-aid, and first-aid supplies approved by a consulting physician, along with a signed list of these supplies, shall be readily available. Outside salesmen, truck drivers, seasonal labor, and others who while performing their duties are away from the premises more than fifty (50) percent of the time are not to be included in determining the number of employees.

(c) All other employers shall, in the absence of an infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees, have a person or persons adequately trained to render first-aid. First-aid supplies approved by the consulting physician shall be readily available.

(d) Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.

(11) Recodification of 29 CFR Part 1910.93 through 1910.93q as 1910.1000 through 1910.1017 respectively, as published in the Federal Register, Volume 40, Number 103, May 28, 1975, a copy of which is attached hereto, is hereby adopted by reference.

(12) 29 CFR Part 1910.141(d)(2)(i) of the Federal Register, Volume 40, Number 82, April 28, 1975, amended by deleting the last half of Table J-2, a copy of which is attached hereto, is hereby adopted by reference.

(13) The new Standard, adopted by the United States Department of Labor relating to Industrial Slings contained in 29 CFR Part 1910.184, published in the Federal Register, Volume 40, Number 125, June 27, 1975, a copy of which is attached hereto, is hereby adopted by reference.

(14) 29 CFR Part 1910.94 which was amended by revoking paragraphs (b)(2)(i) and (b)(2)(ii) and by revising paragraph (b)(2), as published in the Federal Register, Volume 40, Number 111, June 9, 1975, a copy of which is attached hereto, is hereby adopted by reference.

(15) 29 CFR 1910.217(b)(7)(xii) relating to machines using part revolution clutches shall be amended by adding the following:

This provision will not prevent the employer from utilizing a reversing means of the drive motor with the clutch-brake control in the "inch" position.

(16) 29 CFR 1910.94(d)(4)(i) Table G-14, Page 23594, published in the Federal Register, Volume 39, Number 125, Thursday, June 27, 1974, as adopted by 803 KAR 2:020 contains a typographical error and is hereby revoked. The

corrected version, published in the Federal Register, Volume 37, Number 202, Wednesday, October 18, 1972, Table G-14, Page 22155, a copy of which is attached hereto, is hereby adopted by reference.

[(17) 29 CFR 1910.137 relating to Electrical Protective Devices shall be amended by adding the following:

(a) Rubber protective equipment for electrical workers shall conform to the requirements established in the American National Standards Institute standards as specified in the following list:

ITEM	STANDARD
Rubber insulating gloves.	J6.6-1967
Rubber matting for use around electric apparatus.	J6.7-1935 (R1962)
Rubber insulating blankets.	J6.4-1970
Rubber insulating hoods.	J6.2-1950 (R1962)
Rubber insulating line hose.	J6.2-1950 (R1962)
Rubber insulating sleeves.	J6.5-1962

(1) Rubber insulating equipment, designed for the voltage levels to be encountered, shall be provided and the employer shall ensure that they are used by employees as required.

(2) When rubber gloves are used on jobs where they may be torn, they shall be protected with heavy outer canvas or leather gloves.

(3) The employer is responsible for testing of new rubber insulating equipment having shelf life as well as used equipment, including gloves, sleeves, and blankets. All testing shall be in conformance to ANSI J 6. as stated above including electrical, mechanical, and visual. The following maximum retest intervals shall apply:

ITEM	IN USE	NEW
Natural rubber gloves, sleeves and blankets.	6 mo.	9 mo.
Synthetic rubber gloves, sleeves and blankets.	6 mo.	9 mo.

Upon completion of test, those articles found defective will be destroyed. Rubber gloves, blankets and sleeves shall be marked on the reverse side, the day the next test is due.

(4) Rubber gloves, blankets, and sleeves shall not be folded nor allowed to be laid upon the ground without protection. In addition, they shall be placed in canvas bag, canister or original containers when not in use. Rubber insulating equipment shall be kept away from heat or direct sun rays when not in use.]

[(17) [(18)] 29 CFR 1910.1001(i)(1) which was revised by the U.S. Department of Labor, for retention of records of Asbestos Exposure Monitoring from three (3) years to twenty (20) years, as published in the Federal Register, Vol. 41, No. 55 Friday, March 19, 1976, a copy of which is attached hereto, is hereby adopted by reference.

[(18) [(19)] 29 CFR 1910.184(f)(6) which was amended by the U.S. Department of Labor, to delete the paragraph which prohibits the use of knots or wire rope clips to form eyes in wire rope slings, as published in the Federal Register, Vol. 41, No. 62, Tuesday, March 30, 1976, a copy of which is attached hereto, is hereby adopted by reference.

Section 2. The Occupational Safety and Health Standards Board hereby adopts the following regulation applicable to general industry.

(1) A safety tire rack, cage, or equivalent protection

shall be provided and used when inflating, mounting, or dismounting tires installed on split rims or rims equipped with locking rings or similar devices.

(2) Changing and Charging storage batteries (for automotive-type battery charging installations and in-vehicle charging of batteries):

(a) Battery charging installations shall be located in areas designated for that purpose.

(b) In-vehicle charging shall be done in areas designated for that purpose.

(c) Facilities shall be provided for flushing electrolyte from the eyes and skin with water. An adequate water supply shall be within twenty-five (25) feet of any part of the area designated above.

(d) No battery shall be charged or discharged within a closed or unvented container. The batteries shall be charged:

1. In the open, or
2. In a mechanically ventilated space, or
3. In a space providing at least twenty (20) cubic feet per ampere of charging capacity.

(e) A face shield shall be provided and available at each charging unit. The use of the face shield shall be required for connection and disconnection of vehicle or charger leads to the battery terminals and for the addition or pouring of electrolyte.

(f) Tools and other metallic objects not in actual use shall be kept away from the top terminal section of the battery.

(g) The following instructions shall be posted at each charging installation and on each battery charger: "WEAR FACE SHIELD" (Batteries may explode) "TURN OFF CHARGER TO CONNECT OR DISCONNECT BATTERY." "WASH ACID SPILLS IMMEDIATELY." "FIRST AID FOR ACID IN EYES OR ON SKIN: QUICKLY FLUSH WITH WATER FOR 10 MINUTES."

[(19) 29 CFR 1910.401 through 1910.441 Subpart T, the Occupational Safety and Health Emergency Standard covering Diving Operations which was published in the Federal Register, Vol. 41, No. 116, Tuesday, June 15, 1976, a copy of which is attached hereto, is hereby adopted by reference.

JAMES R. YOCOM, Commissioner

ADOPTED: August 6, 1976

APPROVED:

JAMES E. GRAY, Secretary

RECEIVED BY LRC: August 12, 1976 at 11 a.m.

JULIAN M. CARROLL, GOVERNOR
 Executive Order 76-687
 July 20, 1976

EMERGENCY REGULATION
 Department of Labor
 Workmen's Compensation Board

WHEREAS, the number of claims filed with the Workmen's Compensation Board has greatly increased; and

WHEREAS, the appointment of additional Hearing Officers would speed the processing of claims and thereby aid injured employees; and

WHEREAS, the Department of Labor has determined and finds that an emergency exists and that there is an immediate necessity to establish a regulation authorizing additional Hearing Officers; and

WHEREAS, the Commissioner of the Department of Labor, in conjunction with the Secretary of the Cabinet for Public Protection and Regulation, pursuant to Kentucky Revised Statutes 13.082 and Kentucky Revised Statutes 342.230, has promulgated the Regulation hereinabove referenced:

NOW, THEREFORE, I, JULIAN M. CARROLL, Governor of the Commonwealth of Kentucky, by the authority vested in me by Section 13.085(2) of the Kentucky Revised Statutes, hereby acknowledge the finding of the Department of Labor 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

PUBLIC PROTECTION AND REGULATION CABINET
 Department of Labor
 Workmen's Compensation Board

803 KAR 25:060E. Hearing officers.

RELATES TO: KRS Chapter 342
 PURSUANT TO: KRS 13.082, 342.230
 EFFECTIVE: July 27, 1976
 EXPIRES: November 24, 1976

NECESSITY AND FUNCTION: KRS 342.230 permits the Workmen's Compensation Board to decide the number of hearing officers needed to carry out the provisions of KRS Chapter 342. The function of this regulation is the establishing of the number of hearing officers to be used by the Workmen's Compensation Board.

Section 1. Definitions. (1) For purposes of this regulation, "hearing officer" means an attorney meeting the qualifications set forth in KRS 342.230(3) and appointed by the governor.

(2) "Board" means the Workmen's Compensation Board.

Section 2. The Workmen's Compensation Board hereby authorizes the employment of up to twenty (20) hearing officers to be used to carry out the functions of the board as provided in KRS 342.230(3).

SHELBY T. DENTON, Chairman
 ADOPTED: July 12, 1976
 APPROVED: JAMES E. GRAY, Secretary
 RECEIVED BY LRC: July 27, 1976 at 8:20 a.m.

JULIAN M. CARROLL, GOVERNOR
 Executive Order 76-738
 July 28, 1976

EMERGENCY REGULATION
 Department of Insurance

WHEREAS, the replacement of health insurance is a transaction particularly susceptible to misunderstanding; and

WHEREAS, an informed decision regarding replacement of health insurance requires that information be made available relating to the effect of such replacement; and

WHEREAS, the Department of Insurance has determined and finds that an emergency exists and that there is an immediate necessity to establish rules relating to the information to be furnished upon replacement of health insurance; and

WHEREAS, the Commissioner of the Department of Insurance, in conjunction with the Secretary of the Cabinet for Public Protection and Regulation, pursuant to Kentucky Revised Statutes 304.2-110 and 13.082, has promulgated the Regulation hereinabove referenced:

NOW, THEREFORE, I, JULIAN M. CARROLL, Governor of the Commonwealth of Kentucky, by the authority vested in me by Section 13.085(2) of the Kentucky Revised Statutes, hereby acknowledge the finding of the Department of Insurance 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

PUBLIC PROTECTION AND REGULATION CABINET
 Department of Insurance

806 KAR 12:060E. Health insurance replacement.

RELATES TO: KRS 304.12-030, 304.14-120
 PURSUANT TO: KRS 13.082, 304.2-110
 EFFECTIVE: August 6, 1976
 EXPIRES: December 4, 1976

NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable rules and regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. This regulation safeguards the interests of persons covered under health insurance including indemnity insurance who consider replacing their insurance by making available to them information regarding replacement and thereby reducing the opportunity for misrepresentation and other unfair practices and methods of competition in the insurance business.

Section 1. This regulation shall apply to the solicitation of health insurance covering residents of this state and issued by insurance corporations, fraternal benefit societies or nonprofit service plans in accordance with KRS 304.14-120.

Section 2. This regulation shall not apply to the solicitation of the following accident and sickness insurance:

- (1) Group or blanket;
- (2) Accident only;
- (3) Single premium nonrenewable;

- (4) Nonprofit dental care;
- (5) Nonprofit prepaid optometric service;
- (6) Under which dental expenses only, prescription expenses only, vision care expenses only or blood service expenses only are covered;
- (7) Conversion to another individual or family policy in the same insurer with continuous coverage;
- (8) Confession to an individual or family policy to replace group, blanket coverage in the same insurer;
- (9) Change to a medicare supplement policy which covers pre-existing conditions, without any limitation, to replace a basic hospital expense, basic medical expense, basic surgical expense, or major medical expense policy.

Section 3. Definitions. (1) Replacement is any transaction wherein new health insurance is to be purchased, and it is known to the agent or company at the time of application that as part of the transaction, existing health insurance has been or is to be lapsed or the benefits thereof substantially reduced.

(2) Continuous coverage means that the benefits are not less than the benefits under the previous policy, and the policy also covers loss resulting from injury sustained or sickness contracted while coverage was in force under the previous policy to the extent such loss is not covered under any extended benefit or similar provision of the previous policy.

(3) Group type coverage is as defined in KRS 304.18-020.

(4) Direct response insurance is insurance issued to an applicant who has himself completed the application and forwarded it directly to the insurer in response to a solicitation coming into his possession by any means of mass communication.

Section 4. An application form for insurance subject to this regulation shall contain a question to elicit information as to whether the insurance to be issued is to replace any insurance presently in force. A supplementary application or other form to be signed by the applicant containing such a question may be used.

Section 5. (1) An agent soliciting the sale of insurance shall, upon determining that the sale would involve replacement furnish to the applicant, at the time of taking the application, the notice described in Section 6 to be signed by the applicant.

(2) An insurer soliciting direct response insurance shall, upon determining that the sale would involve replacement, furnish to the applicant, before the policy is issued, the notice described in Section 6 to be signed by the applicant.

(3) A copy of such notice shall be left with or retained by the applicant and a signed copy shall be retained by the insurer.

Section 6. The form for notice required by Section 5 is filed by reference as Appendix A. Copies may be obtained from the Department of Insurance, Capital Plaza Tower, Frankfort, Kentucky 40601.

Section 7. A violation of this regulation shall be considered to be a misrepresentation for the purpose of inducing a person to purchase insurance. A person guilty of such violation shall be subject to KRS 304.9-440(1).

HAROLD B. MCGUFFEY, Commissioner

ADOPTED: July 26, 1976

APPROVED:

JAMES E. GRAY, Secretary

RECEIVED BY LRC: August 6, 1976 at 11:30 a.m.

JULIAN M. CARROLL, GOVERNOR

Executive Order 76-737

July 27, 1976

EMERGENCY REGULATION

Department of Insurance

WHEREAS, the Commonwealth of Kentucky seeks to safeguard life and property from the hazards of fire; and

WHEREAS, the Department of Insurance has determined and finds that an emergency exists and that there is an immediate necessity to require plans of certain buildings to be signed by a registered architect; and

WHEREAS, the Commissioner of the Department of Insurance, in conjunction with the Secretary of the Cabinet for Public Protection and Regulation, pursuant to Kentucky Revised Statutes 13.082 and 227.300, has promulgated the Regulation hereinabove referenced:

NOW, THEREFORE, I, JULIAN M. CARROLL, Governor of the Commonwealth of Kentucky, by the authority vested in me by Section 13.085(2) of the Kentucky Revised Statutes, hereby acknowledge the finding of the Department of Insurance 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

PUBLIC PROTECTION AND REGULATION CABINET

Department of Insurance

(Proposed Amendment)

806 KAR 50:010E. Standards of safety.

RELATES TO: KRS 227.220

PURSUANT TO: KRS 13.082, 227.300

EFFECTIVE: August 6, 1976

EXPIRES: December 4, 1976

NECESSITY AND FUNCTION: KRS 227.300 requires the State Fire Marshal's Office to establish by regulation principles and practices for construction in order to safeguard life and property from the hazards of fire and panic. These proposed regulations set out the basic procedures, and definitions used in the State Fire Marshal's Office.

Section 1. Citations: These regulations constitute and may be cited as the "Standards of Safety."

Section 2. Purpose and Application: (1) The purpose of the Standards of Safety is to provide, in accordance with KRS 227.300, reasonable rules and regulations, based upon recognized good fire prevention and fire protection engineering principles and practices, for the safeguarding, to a reasonable degree, of human life and property from the hazards of fire and panic:

(a) By establishing minimum requirements governing the design and construction of buildings, particularly those involving the public interest or welfare, and including any building or structure, permanent or temporary, which is used or occupied or is to be used or occupied by persons who are employed, lodged, housed, cared for, assembled, served, entertained, or instructed therein, including, but not limited to, hotels, motels, apartments,

schools or other educational institutions, colleges, hospitals of all kinds, penal institutions, asylums, nursing homes, convalescent homes, or homes for the aged, mercantile establishments, office buildings, apartment houses, theaters, churches, restaurants, auditoriums, grandstands and stadiums, gymnasiums, armories, night clubs, lodge halls, dance halls, factories, work shops, meeting rooms, bowling alleys, manufacturing and processing establishments, and all other buildings and structures of same or similar character or of same or similar use;

(b) By establishing minimum standards for safeguarding the more common fire hazards;

(c) By establishing minimum requirements for public and private care and cleanliness, as they relate to fire; and,

(d) By establishing minimum regulations governing the operation and maintenance of certain occupancies which have a direct bearing on general safety of life and property (including provisions for issuance of permits, inspection of property, etc.).

(2) Except as otherwise specifically provided, the general provisions of the Standards of Safety apply to all buildings, occupancies, installations or conditions, including those occupancies for which special requirements are given.

(3) While safety to life warrants as close compliance as possible with the Standards of Safety, nothing herein shall apply to farm property, unless there are activities of an industrial nature sufficient to require the consideration of the State Fire Marshal from a life hazard standpoint.

(4) Unless otherwise provided, the Standards of Safety are intended primarily to apply to new or remodeled buildings, installations, equipment, or conditions; however, they shall also apply to existing buildings, installations, equipment, conditions and occupancies where safety to life or protection of the public interest requires their enforcement.

(5) The standards herein contained are to be considered a minimum. Where an ordinance has been adopted by a municipality, the Standards of Safety do not modify any provision of said ordinance, unless the Standards of Safety impose greater restrictions, in which case the provisions of the Standards of Safety shall control.

(6) Where the purpose of any provision of the Standards of Safety, as it pertains to safety to life and property from fire, can be fulfilled by other means, the State Fire Marshal may modify the provision to permit certain specific alternatives.

(7) It is not the intent of the Standards of Safety to dictate use of specific materials, provided the necessary degree to safety is otherwise attained. Other materials than those herein specified may be used if approved and having the equivalent strength, fire resistance, and other qualities needed for the purpose for which they are intended.

(8) Many of the Standards of Safety are specific. Others, for the sake of brevity and simplification, are of general nature. All features of construction and occupancy, and operations of any nature, shall be such as to provide reasonable safety to life and property from fire and shall conform to recognized safe practice requirements. Unless specifically covered by a provision of these standards, the following nationally recognized codes, standards, and regulations shall be deemed safe practice

requirements. These codes, standards and regulations have been approved by the commissioner, and copies have been placed on file in the Office of the State Fire Marshal and with the Legislative Research Commission.

(a) Standards of the National Fire Protection Association known as the National Fire Codes, Volume 1-10, (1973-1974 Edition) and NFPA Pamphlet 58, "Storage and Handling of Liquefied Petroleum Gases," 1974 edition. 1. Copies of the 10 volumes, or of any pamphlet contained therein or of pamphlet 58, 1974 edition are available for a fee from: National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210. 2. The National Fire Codes contain the following codes, standards, recommended practices, and manuals:

"Volume 1. Flammable Liquids, Boiler-Furnaces, Ovens

Pamphlet	Title and Edition
30	Flammable & Combustible Liquids Code, '73
31	Oil Burning Equipment, '72
32	Dry Cleaning Plants, '72
321	Classification of Flammable Liquids, '73
327	Cleaning Small Tanks, '70
328	Manholes and Sewers, Flammable and Combustible Liquids and Gases in, '70
329	Underground Leakage of Flammable and Combustible Liquids, '72
33	Spray Application, '73
34	Dip Tanks, '71
35	Manufacture of Organic Coatings, '71
36	Solvent Extraction, '73
385	Tank Vehicles for Flammable & Combustible Liquids, '71
386	Portable Shipping Tanks, '70
393	Gasoline Blow Torches, '69
395	Flammable and Combustible Liquids on Farms and Isolated Construction Projects, '72
85	Oil- and Gas-Fired Watertube Furnaces - One Burner, '73
85B	Furnace Explosions in Natural Gas-Fired Multiple Burner Boiler-Furnaces, '73
85D	Fuel Oil-Fired Multiple Burner Boiler-Furnaces, '73
85E	Pulverized Coal-Fired Multiple Burner Boiler-Furnaces, '73
86A	Ovens and Furnaces, '73
86B	Industrial Furnaces, '73
86C	Industrial Furnaces, Special Processing Atmospheres, '73
704M	Fire Hazards of Materials, Identification Systems for, '69

Volume 2. Gases

37	Sta. Combustion Engines & Gas Turbines, '70
50	Bulk Oxygen Systems, '73
50A	Gaseous Hydrogen Systems, '73
50B	Liquefied Hydrogen Systems, '73
51	Welding & Cutting, Oxygen-Fuel Gas Systems for, '73
51A	Acetylene Cylinder Charging Plants, '73
51B	Cutting & Welding Processes, '71
54	Gas Appliances and Gas Piping, Installation of, '69
54A	Industrial Gas Piping and Equipment, '69
56A	Inhalation Anesthetics, '73
56B	Respiratory Therapy, '73
56D	Hyperbaric Facilities, '70
56E	Hyprobaric Facilities, '72
56F	Nonflammable Medical Gas Systems, '73
56HM	Home Respiratory Therapy, '73

- 57 Fumigation, '73
- 58 Liquefied Petroleum Gases, Storage and Handling, '72
- 59 Liquefied Petroleum Gases at Utility Gas Plants, '68
- 59A Liquefied Natural Gas, Storage and Handling, '72

Volume 3. Combustible Solids, Dusts and Explosives

- 40 Cellulose Nitrate Motion Picture Film, '67
- 41L Model Rocketry Code, '68
- 42 Pyroxylin Plastics in Factories, '67
- 43 Pyroxylin Plastic Storage, Sale, '67
- 43A Liquid and Solid Oxidizing Materials, '73
- 44A Fireworks, Manufacturing, Transportation and Storage, '73
- 48 Magnesium Storage, Handling, '67
- 481 Titanium Storage, Handling, '72
- 482M Zirconium, Plants Producing, '61
- 49 Hazardous Chemicals Data, '73
- 490 Ammonium Nitrate Storage, '70
- 492 Separation Distances of Ammonium Nitrate and Blasting Agents, '68
- 494L Fireworks Law, Model State, '72
- 495 Explosive Materials, '73
- 498 Explosives, Motor Vehicle Terminals, '70
- 60 Pulverized Fuel Systems, '73
- 61A Manufacturing and Handling Starch, '73
- 61B Grain Elevators, Bulk Handling Facilities, '73
- 61C Feed Mills, Dust Hazards, '73
- 61D Agricultural Commodities for Human Consumption, '73
- 62 Sugar & Cocoa, Dust Hazards, '67
- 63 Industrial Plants, Dust Explosions, '71
- 65 Aluminum Processing and Finishing, '73
- 651 Aluminum Powder, Manufacture of, '72
- 652 Magnesium Powder, Plants Handling, '68
- 653 Coal Preparation Plants, Dust Hazards, '71
- 654 Plastics Industry, Dust Hazards, '70
- 655 Sulfur Fires, Explosions, Prevention, '71
- 656 Spice Grinding Plants, Dust Hazards, '71
- 657 Confectionery Manufacturing, Dust Hazards, '67
- 66 Pneumatic Conveying Systems, '73
- 664 Woodworking Plants, Dust Hazards, '71
- 701 Flame-Resistant Textiles and Films, Fire Tests for, '69
- 702 Flammability of Wearing Apparel, '68

Volume 4. Building Construction & Facilities

- 78 Lightning Protection Code, '68
- 80 Fire Doors and Windows, '73
- 80A Protection from Exposure Fires, '70
- 82 Incinerators, Rubbish Handling, '72
- 89M Clearances, Heat Producing Appliances, '71
- 90A Air Conditioning & Ventilating Systems, '73
- 90B Warm Air Heating & Air Conditioning, '73
- 91 Blower & Exhaust Systems, '73
- 92M Waterproofing and Draining of Floors, '72
- 96 Commercial Cooking Equipment, Ventilation, '73
- 97M Glossary of Heating Terms, '72
- 101 Life Safety Code, '73
- 102 Tents, Grandstands & Air-Supported Structures Used for Places of Assembly, '72
- 203M Roof Coverings, '70
- 204 Smoke & Heating Venting Guide, '68
- 206M Building Areas & Heights, '70
- 211 Chimneys, Fireplaces & Vents, '72
- 214 Water Cooling Towers, '71
- 220 Building Types, Standard, '61
- 241 Building Construction and Demolition Operations, '73
- 251 Fire Tests, Building Construction & Materials, '72
- 252 Fire Tests, Door Assemblies, '72
- 255 Building Materials, Tests of Surface Burning Characteristics, '72
- 256 Fire Tests, Roof Coverings, '70
- 257 Fire Tests of Window Assemblies, '70
- 703 Fire Retardant Treatments, Building Materials, '61

Volume 5. Electrical

- 70 Electrical Code, '71
- 70A Electrical Code for One- and Two-Family Dwellings, '72
- 70L Model State Electrical Law, '73
- 75 Electronic Computer/Data Processing Equipment, '72
- 76A Essential Electrical Systems, '73
- 76CM High-Frequency Electrical Equipment, '70
- 79 Electrical Metalworking Machine Tools, '73
- 493 Intrinsically Safe Control Equipment, '69
- 496 Purged Enclosures for Electrical Equipment, '72

Volume 6. Sprinklers, Fire Pumps & Water Tanks

- 13 Sprinkler Systems, Installations, '73
- 13A Sprinkler Systems, Maintenance, '71
- 13E Fire Department Operations in Properties Protected by Sprinkler, Standpipe Systems, '73
- 16 Foam-Water Sprinkler & Spray System, '68
- 20 Centrifugal Fire Pumps, '72
- 21 Steam Fire Pumps, Maintenance, '63
- 22 Water Tanks, '71
- 24 Outside Protection, '73

Volume 7. Alarm & Special Extinguishing Systems

- 11 Foam Extinguishing Systems, '73
- 11A High Expansion Foam Systems, '70
- 11B Synthetic Foam and Combined Agent Systems, '73
- 12 Carbon Dioxide Systems, '73
- 12A Halon 1301 Systems, '73
- 12B Halon 1211 Systems, '73
- 14 Standpipe & Hose Systems, '73
- 15 Water Spray Fixed Systems, '73
- 17 Dry Chemical Systems, '73
- 18 Wetting Agents, '72
- 26 Supervision of Valves, '58
- 291 Fire Hydrants, Uniform Markings, '35
- 292M Water Charges, Private Protection, '61
- 69 Explosion Prevention Systems, '73
- 71 Central Station Signaling Systems, '72
- 72A Local Protective Signaling Systems, '72
- 72B Auxiliary Signaling Systems, '72
- 72C Remote Station Signaling Systems, '72
- 72D Proprietary Signaling Systems, '73
- 73 Public Fire Service Communications, '73
- 74 Household Fire Warning Equipment, '72

Volume 8. Portable & Manual Fire Control Equipment

- 2M Model Drafts for Enabling Legislation, '67
- 3M Hospital Emergency Preparedness, '70
- 4 Organization for Fire Services, '71
- 4A Fire Department Organization, '69
- 6 Industrial Fire Loss Prevention, '67
- 7 Fire Emergencies, Management, '67
- 8 Effects of Fire on Operations, Management Responsibility for, '67
- 9 Training Reports and Records, '70
- 10 Portable Fire Extinguishers, Installation, '73
- 10A Portable Fire Extinguishers, Maintenance & Use, '73
- 10L Model Enabling Act, Portable Fire Extinguishers, '69
- 182M Vaporizing Liquid Agents, Hazards, '65
- 19 Automotive Fire Apparatus, '73
- 19B Respiratory Protective Equipment for Firefighters, '71
- 191 Portable Pumping Units, '59
- 193 Fire Department Ladders, '72
- 194 Fire Hose Couplings, Screw Threads, '68
- 196 Fire Hose, '72
- 197 Initial Fire Attack, Training Standard on, '66
- 198 Fire Hose, Care of, '72
- 25 Water Systems for Rural Fire Protection, '69
- 27 Private Fire Brigades, '67
- 295 Wildfire Control by Volunteer Fire Departments, '73
- 601 Guard Service in Fire Loss Prevention, '68
- 601A Guard Operations in Fire Loss Prevention, '68
- 604 Salvaging Operations, '64
- 901 Uniform Coding for Fire Protection, '73
- 901AM Fire Reporting Field Incident Manual, '73

Volume 9. Occupancy Standards & Process Hazards

46	Lumber, Outdoor Storage, '73
46A	Wood Chips, Outdoor Storage, '73
46B	Outdoor Storage of Logs, '71
47	Lumber Yards, Retail, Wholesale, '73
56C	Laboratories in Health-Related Institutions, '73
68	Explosion Venting, Guide, '54
77	Static Electricity, '72
81	Fur Storage, Cleaning, '69
87	Piers and Wharves, '71
88A	Parking Structures, '73
88B	Repair Garages, '73
224	Homes, Camps in Forest Areas, '72
231	General Storage, Indoor, '72
231A	General Storage, Outdoor, '70
231B	Cellular Rubber and Plastics, '68
231C	Rack Storage of Materials, '73
232	Record Protection, '70
232AM	Archives and Record Centers, '72
501A	Mobile Home Parks, '73
501B	Mobile Homes, '73
501C	Recreational Vehicles, '72
501D	Electrical Standard for Recreational Vehicles Parks, '71
513	Motor Freight Terminals, '73
602	Community Dumps, '64
801	Facilities Handling Radioactive Materials, '70
802	Nuclear Reactors, '60
910	Protection of Library Collections, '70
911	Protection of Museum Collections, '69

Volume 10. Transportation

302	Motor Craft, '72
303	Marinas & Boatyards, '69
306	Control of Gas Hazards on Vessels, '72
307	Marine Terminals, Operations, '67
311	Ship Fire Signal, '49
312	Vessels During Construction, Protection of, '70
402	Aircraft Rescue, Fire Fighting, Standard Operating Procedures, '73
403	Aircraft Rescue, Fire Fighting Services at Airports, '73
406M	Fire Dept. Handling Crash Fires, '68
407	Aircraft Fuel Servicing, '73
408	Aircraft Fire Extinguishers, '73
409	Aircraft Hangars, '73
410A	Aircraft Electrical Maintenance, '68
410B	Aircraft Oxygen Maintenance, '71
410C	Aircraft Fuel System Maintenance, '72
410D	Aircraft Cleaning, Painting & Paint Removal, '71
410E	Aircraft Welding Operations in Hangars, '70
410F	Aircraft Cabin Cleaning Operations, '70
412	Aircraft Foam Fire Fighting Vehicles, Test Procedures, '73
414	Aircraft Rescue, Fire Fighting Vehicles, '70
415	Aircraft Terminal Buildings, '73
416	Airport Terminal Buildings, '73
417	Aircraft Loading Walkways, '73
418	Roof-top Heliport Construction & Protection, '73
419	Airport Water Supply Systems, '69
421	Aircraft Interior Fire Protection, '73
422M	Aircraft Fire Investigators Manual, '72
505	Powered Industrial Trucks, '73
512	Truck Fire Protection, '70"

3. Incorporated by reference on November 1, 1974.

(b) National Building Code recommended by the American Insurance Association, 1967 Edition, hereafter referred to as "The National Building Code," except Article XVIII and Appendix 1 and Section 27. 1. Copies of the National Building Code are available for a fee from: American Insurance Association, 85 John Street, New York, New York 10038. 2. The National Building Code contains the minimum standards for the construction, alteration, equipment, use and occupancy, location and maintenance, moving and demolition of buildings and structures. 3. Date incorporated by reference November 1, 1974.

(c) A new Article XVIII of the National Building Code shall read as follows:

(NOTE: These Standards and Codes also adopt other nationally recognized Standards and Codes, i.e. Article XVIII of the National Building Code.)

"ARTICLE XVIII

LIST OF STANDARDS AND PUBLICATIONS.

Section 1800. Compliance.

Compliance with the standards or publications listed under the section numbers of this code in this article shall be evidence of compliance with the section of the code referring to this article.

Section 1801. Organization names and indicating abbreviations.

The abbreviations preceding these standards and publications shall have the following meaning and are the organizations issuing the standards and publications listed.

ANSI - American National Standards Institute (formerly United States of American Standards Institute.)
1430 Broadway
New York, New York 10018

ASTM - American Society for Testing and Materials
1916 Race Street
Philadelphia, Pa. 19103

NFPA - National Fire Protection Association International
470 Atlantic Avenue
Boston, Mass. 02210

Section 313.1 NFPA No. 30, Flammable and Combustible Liquids Code, '73. NFPA No. 35, Standard for the Manufacture of Organic Coatings, '71. NFPA No. 36, Standard for Solvent Extraction Plants, '73. NFPA No. 40, Standard for Storage & Handling of Cellulose Nitrate Motion Picture Film, '67. NFPA No. 48, Standard for the Storage, Handling & Processing of Magnesium, '67. NFPA No. 481, Standard for the Production, Processing, Handling and Storage of Titanium, '72. NFPA No. 61B, Standard for the Prevention of Dust Explosions in Terminal Grain Elevators, '73. NFPA No. 61C, Standard for the Prevention of Dust Explosion in Flour & Feed Mills, '73. NFPA No. 65, Code for the Processing & Finishing of Aluminum, '73. NFPA No. 664, Code for the Prevention of Dust Explosions in Woodworking & Wood Flour Manufacturing Plants, '71.

Section 318.5 NFPA No. 40, Standard for the Storage and Handling of Cellulose Nitrate Motion Picture Film, '67. NFPA No. 102, Standard for Places of Outdoor Assembly, Grandstands and Tents, '72.

Section 321 NFPA No. 40, Standard for Storage & Handling of Cellulose Nitrate Motion Picture Film, '67.

Section 505.1 NFPA No. 90A, Standard for the Installation of Air Conditioning & Ventilating Systems Other Than Residence Type, '73. NFPA No. 54, Gas Appliances and Gas Piping, Installation, '69. NFPA No. 54A, Industrial Gas Piping and Equipment, '69. NFPA No. 90B, Warm Air Heating and Air Conditioning, '73. NFPA No. 91, Blower and Exhaust Systems, '73. NFPA No. 96, Commercial Cooking Equipment, Ventilation, '73. NFPA No. 204, Smoke and Heat Venting Guide, '68. NFPA No. 211, Chimneys, Fireplaces and Vents, '72.

Section 811.4a NFPA No. 14, Standards for the Installation of Standpipe and Hose Systems, '73.

Section 812.3a NFPA No. 13, Standards for the Installation of Sprinkler Systems, '73.

Section 905.1a ANSI A56.1, Building Code Requirements for Excavations and Foundations, '52.

Section 908.1a ASTM D25, Specifications for Round Timber Piles, '73. ANSI A56.1, Building Code Requirements for Excavations and Foundations, '52. ASTM A252, Specifications for Welded and Seamless Steel Pipe Piles, '73. ASTM A283, Specifications for Low and Intermediate Tensile Strength Carbon Steel Plates for Structural Quality, '70 A.E. ASTM A366, Specifications for Cold-Rolled Carbon Steel Sheets, Commercial Quality, '72. ASTM A569, Steel Carbon (0.15 maximum percent) Hot Rolled Sheet and Strip, Commercial Quality, '72. ASTM A36, Structural Steel Specifications, '70A. ASTM A306, Carbon Steel Bores Subject to Mechanical Property Requirements, '64. ASTM A242, Specification for High-Strength Low Alloy Structural Steel, '70AE. ASTM A441, Specification for High-Strength, Low Alloy Structural Manganese Vanadium Steel, '70AE.

Section 909.1c ASTM C5, Specifications for Quicklime for Structural Purposes, '59. ASTM C6, Specifications for Normal Finishing Hydrated Lime, '49. ASTM C10, Specifications for Natural Cement, '73. ASTM C22, Specifications for Gypsum, '72. ASTM C33, Specifications for Concrete Aggregates, '74A. ASTM C34, Specifications for Structural Clay Load-Bearing Wall Tile, '62. ASTM C52, Specifications for Gypsum Partition Tile or Block, '54. ASTM C55, Specifications for Concrete Building Brick, '71. ASTM C56, Specifications for Structural Clay Non-Load-Bearing Tile, '71. ASTM C57, Specifications for Structural Clay Floor Tile, '57. ASTM C61, Specifications for Keene's Cement, '64. ASTM C62, Specifications for Building Brick (Solid Masonry Units Made from Clay or Shale), '69E. ASTM C73, Specifications for Sand-Lime Building Brick, '67. ASTM C90, Specifications for Hollow Load-Bearing Concrete Masonry Units, '70A. ASTM C91, Specifications for Masonry Cement, '71. ASTM C105, Specifications for Ground Fire Clay as a Mortar for Laying-Up Fireclay Brick, '47. ASTM C126, Specifications for Ceramic Glazed Structural Clay Facing Brick, and Solid Masonry Units, '71. ASTM C129, Specifications for Hollow Non-Load-Bearing Concrete Masonry Units, '73. ASTM C141, Specifications for Hydraulic Hydrated Lime for Structural Purposes, '67. ASTM C144, Specifications for Aggregate for Masonry Mortar, '70. ASTM C145, Specifications for Solid Load-Bearing Concrete Masonry Units, '71A. ASTM C150, Specifications for Portland Cement, '74. ASTM C595, Blended Hydraulic Cements, '74. ASTM C206, Specifications for Special Finishing Hydrated Lime, '49. ASTM C207, Specifications for Hydrated Lime for Masonry Purposes, '74. ASTM C212, Specifications for Structural Clay facing Tile, '60. ASTM C216, Specifications for Facing Brick (Solid Masonry Units Made from Clay or Shale), '71A. ASTM C260, Specifications for Air-Entraining Admixtures for Concrete, '73. ASTM C270, Specifications for Mortar for Unit Masonry, '73. ASTM C279, Specifications for Chemical-Resistant Masonry Units, '54. ASTM C287, Specifications for Sulfur Mortar, '71. ASTM C315, Specifications for Clay Flue

Linings, '56. ASTM C330, Specifications for Lightweight Aggregate for Concrete Masonry Units, '69A.

Section 911.1 ASTM C476, Specifications for Mortar and Grout for Reinforced Masonry, '71. ANSI A41.2, Building Code Requirements for Reinforced Masonry, '60, (R70).

Section 913.1 ANSI 89.1, Building Code Requirements for Reinforced Concrete, '72. ASTM C33, Specifications for Concrete Aggregates, '74A. ASTM C330, Specifications for Lightweight Aggregates for Structural Concrete, '69A. ASTM C332, Specifications for Lightweight Aggregates for Insulating Concrete, '66.

Sections 913.1 and 914.1a ASTM A36, Structural Steel Specifications, '70A. ASTM A283, Specifications for Low and Intermediate Tensile Strength Carbon Steel Plates for Structural Quality, '70AE. ASTM A306, Carbon Steel Bores Subject to Mechanical Property Requirements, '64. ASTM A82, Specifications for Cold-Drawn Steel Wire for Concrete Reinforcement, '72. ASTM A185, Specifications for Welded Steel Wire Fabric for Concrete Reinforcement, '73. ASTM A377, Specifications for Cast Iron Pressure Pipe, '66. ASTM A615, Deformed Plain Billet Steel Boars for Concrete Reinforcement, '74. ASTM A616, Rail Steel, Deformed and Plain Bars for Concrete Reinforcement, '72. ASTM A617, Axle Steel, Deformed and Plain Bars for Concrete Reinforcement, '72.

Section 914.1a ANSI A59.1, Building Code Requirements for Reinforced Gypsum Concrete, '68 (R72).

Section 915.1 ANSI A122.1, Vermiculite Concrete Roofs and Slabs-on-Grade, '65.

Section 916.1 ANSI A89.1, Building Code Requirements for Reinforced Concrete, '72.

Section 917.1 ASTM A36, Specifications for Structural Steel, '70A. ASTM A283, Specifications for Low and Intermediate Tensile Strength Carbon Steel Plates for Structural Quality, '70AE. ASTM A306, Carbon Steel Bores Subject to Mechanical Property Requirements, '64. ASTM A242, Specifications for High Strength Low Alloy Structural Steel, '70AE. ASTM 440, Specifications for High Strength Structural Steel, '70AE. ASTM 441, Specifications for High Strength Low Alloy Structural Manganese Vanadium Steel, '70AE.

Section 917.7d NFPA No. 51, Gas Systems for Welding and Cutting, '73. ANSI Z49.1 Safety in Welding and Cutting, '73.

Section 918.1 ASTM A570, Hot Rolled Carbon Steel Sheet and Strip, Structural Qualities, '72. ASTM A611, Steel Cold Rolled Sheets, Carbon Structural Specifications, '72. ASTM A606, Steel Sheet and Strip; Hot Rolled and Cold Rolled, High Strength and Low Alloy with Improved Corrosion Resistance, '71E. ASTM A607, Steel Sheet and Strip; Hot Rolled and Cold Rolled, High Strength and Low Alloy Columbian and/or Vanadium, '70. ASTM A446, Specification for Steel Sheets of Structural Quality, Coils and Cut Lengths, '72.

Section 920.1 ASTM B221, Specifications for Aluminum-Alloy Extruded Bars, Rods Shapes and Tubes, '74. ASTM B308, Specifications for Aluminum-Alloy Standard Structural Shapes, Rolled or Extruded, '73.

Section 925 ANSI A42.1, Specifications for Gypsum Plastering, '64. ANSI A42.2, Specifications for Portland Cement Stucco, '71. ANSI A42.3, Specifications for Portland Cement Plastering, '71. ANSI A42.4, Specifications for Interior Lathing and Furring, '67. ANSI A97.1, Specifications for the Application and Finishing of Wallboard, '65.

Section 1204.1 ANSI A10.4, Safety Requirements for Workmen's Hoists, '73.

Section 1211.2a NFPA No. 31, Standard for the Installation of Oil Burning Equipment, '72. NFPA No. 58, Standard for the Storage and Handling of Liquefied Petroleum Gases, '72.

Section 1300 ANSI A17.1, Safety Code for Elevators, Dumbwaiters and Escalators and Moving Walks, '71.

Section 1305 ANSI A113.1, Safety Code for Mechanized Parking Garage Equipment, '71.

Section 1400.1 NFPA No. 54, Standards for the Installation of Gas Piping and Gas Appliances in Buildings, '69.

Section 1500 NFPA No. 70, National Electrical Code, '71.

Section 1602.6a ANSI A60.1, Building Code Requirements for Signs and Outdoor Display Structures, '49."

(d) A new Appendix I Section 27 of the National Building Code shall read as follows:

"SECTION 27. LIST OF STANDARDS AND PUBLICATIONS"

Compliance with the standards or publications listed under the section numbers in this section shall be evidence of compliance with the section of the code referring to this section.

The abbreviations preceding these standards and publications shall have the following meaning and are the organizations issuing the standards and publications listed.

NFPA-National Fire Protection Association, International, 470 Atlantic Avenue, Boston, Mass. 02210.

Section 26. NFPA No. 30, Flammable and Combustible Liquids Code, '73. NFPA No. 32, Standard for Dry Cleaning Plants, '72. NFPA No. 33, Standard for Spray Finishing Using Flammable and Combustible Materials, '73. NFPA No. 34, Standard for Dip Tanks Containing Flammable or Combustible Liquids, '71. NFPA No. 35, Standard for the Manufacture of Organic Coatings, '71. NFPA No. 36, Standard for Solvent Extraction Plants, '73. NFPA No. 40, Standard for Storage & Handling of Cellulose Nitrate Motion Picture Film, '67. NFPA No. 42, Standard for Storage, Handling & Use of Pyroxylin Plastics in Factories, '67. NFPA No. 43, Standard for Storage, Handling & Use of Pyroxylin Plastics in Ware-

houses, Wholesale and Retail Stores, '67. NFPA No. 48, Standard for Storage, Handling & Processing of Magnesium, '67. NFPA No. 481, Standard for the Production, Processing, Handling & Storage of Titanium, '72. NFPA No. 56A, Inhalation Anesthetics, '73. NFPA No. 56B, Respiratory Therapy, '73. NFPA No. 58, Standard for Storage & Handling of Liquefied Petroleum Gases, '72. NFPA No. 61A, Standard for Prevention of Dust Explosions in Starch Factories, '73. NFPA No. 61B, Code for the Prevention of Dust Explosions in Terminal Grain Elevators, '73. NFPA No. 61C, Code for the Prevention of Dust Explosions in Flour and Feed Mills, '73. NFPA No. 62, Standard for the Prevention of Dust Explosions in Sugar and Cocoa, '67. NFPA No. 651, Code for the Prevention of Dust Explosions in the Manufacture of Aluminum Powder, '72. NFPA No. 562, Code for Explosion & Fire Protection in Plants Producing or Handling Magnesium Powder or Dust, '68. NFPA No. 653, Standard for the Prevention of Dust Explosions in Coal Preparation Plants, '71. NFPA No. 654, Standard for the Prevention of Dust Explosions in the Plastics Industry, '70. NFPA No. 655, Standard for the Prevention of Sulfur Fires and Explosions, '71. NFPA No. 656, Code for the Prevention of Dust Ignitions in Spice Grinding Plants, '71. NFPA No. 657, Code for the Prevention of Dust Explosions in Confectionery Manufacturing Plants, '67. NFPA No. 664, Code for the Prevention of Dust Explosions in Woodworking and Wood Flour Manufacturing Plants, '71. NFPA No. 88A, Parking Structures, '73. NFPA No. 88B, Repair Garages, '73. NFPA No. 409, Standard on Aircraft Hangars, '73."

Section 3. Definitions: (1) Unless otherwise expressly stated, the following terms, as used in these standards, shall have the meanings indicated in this article.

(2) Words used in the present tense include the future; the singular number includes the plural and the plural the singular.

(3) Where terms are not defined in this article, they shall have their ordinarily accepted meaning or such as the context may imply.

(a) "Addition" as applied to a building or structure, means any construction which increases the area or the height of any portion of the building or structure.

(b) "Alley" means any public space or thoroughfare less than twenty-one (21) feet in width which has been dedicated or devoted to public use.

(c) "Alteration" as applied to a building or structure, means any change or modification in construction, exit facilities, or permanent fixture or equipment which does not include an addition to the building or structure.

(d) "ASTM" means American Society for Testing and Materials.

(e) "Approved" as applied to a material, device, or mode of construction, means materials, devices or equipment listed by Underwriter's Laboratories, Inc., the testing laboratory of the American Gas Association, or other recognized testing authority or approved by the State Fire Marshal.

(f) "Area" as applied to a building or structure, means the maximum horizontal projected area of the building or structure at or above grade.

(g) "Areaway" means an unroofed subsurface space adjacent to a building.

(h) "Attic" means the space between the ceiling beams of the top habitable story and the roof rafters.

(i) "Automatic" as applied to a fire door or other opening protective, means normally held in an open position and automatically closed by a releasing device that is actuated by abnormal high temperature, a predetermined rate of rise in temperature or electrically connected to an approved fire alarm system.

(j) "Basement" means that portion of a building the average height of which is more than half below grade. However, the space shall not be considered a basement if its ceiling is seven and one-half (7 1/2) feet or more above the grade level at any point next to the building. If this space is used for human habitation it shall be considered a story.

(k) "Building" means the total area enclosed between exterior walls, or exterior walls and fire walls. For the purpose of this code each portion of a building separated from other portions by a fire wall shall be considered as a separate building.

(l) "Combustible material" as applied to installation of heating equipment means any material made or surfaced with wood, compressed paper, plant fibers, or other material that will ignite and burn whether flameproof or not, or whether plastered or not plastered.

(m) "Concrete" means a mixture of portland cement, aggregates and water.

(n) "Concrete, reinforced" means concrete in which reinforcement other than provided for shrinkage or temperature changes is embedded in such a manner that the two (2) materials act together as a resisting force.

(o) "Court" means any open, uncovered, unoccupied space on the same lot with a building: 1. Inner court means any court other than an outer court or yard. 2. Outer court means a court other than a yard having at least one side thereof opening to a street, ally, or yard or other permanent open space. 3. Yard means a court on the same lot with a building extending along the entire length of a lot line.

(p) "Dwelling" means a building occupied exclusively for residence purposes and having: 1. One (1) dwelling unit; or 2. Two (2) dwelling units; or 3. One or two dwelling units with a total of not more than fifteen (15) boarders or roomers in these units served with means or sleeping accommodations or both.

(q) "Dwelling unit" means one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, with cooking, living, sanitary, and sleeping facilities.

(r) "Elevator" means a hoisting and lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction, and which serves two (2) or more floors of a building or structure: 1. Freight elevator means an elevator ordinarily used for carrying freight and on which only the operator and the persons necessary for unloading and loading the freight are permitted to ride. 2. Passenger elevator means an elevator used primarily to carry persons other than the operator.

(s) "Existing" means in existence before the time that this code becomes effective.

(t) "Fire Chief" means the authorized head of a fire

department that is recognized by the State Fire Marshal's Office.

(u) "Fire Department", for the purposes of these standards, means a fire department recognized by the State Fire Marshal's Office.

(v) "Fire door" means a door and its assembly, so constructed and assembled in place as to give protection against the passage of fire (See approved).

(w) "Fire resistance rating" means the time in hours that the material or construction will withstand the standard fire exposure, as determined by a fire test made in conformity with the "Standard Method of Fire Tests in Building Construction and Materials," ASTM E119-55 (See Appendix B for fire resistance ratings for specific types of construction).

(x) "Fire resistive construction" means construction conforming to the requirements of Section 702 of the National Building Code.

(y) "Fire retardant treated lumber" means lumber that has been treated by an approved pressure impregnation process and has a flame spread rating not higher than equivalent of twenty-five (25) with no evidence of significant progressive combustion when tested for thirty (30) minutes duration under the Standard Test Method for Fire Hazard Classification of Building Materials of Underwriter's Laboratories, Inc., U.L. 723, NFPA 255, ASTM E84. All fire retardant treated lumber shall be easily identifiable.

(z) "Fire walls"—(See walls). (aa) "Grade" with reference to a building or structure, means the elevation of the ground adjoining the building. (bb) "Heavy timber construction" means construction conforming to the requirement of Section 706 of the National Building Code. (cc) "Height:" 1. As applied to buildings, means the vertical distance from grade to the highest finished roof surface, or to a point at the average height of a roof having a pitch of more than one (1) foot in four and one-half (4 1/2) feet; "height" of a building in stories does not include basements. (See "basement".) 2. As applied to a story, means the vertical distance from top to top of two (2) successive tiers of floor beams or finished floor surfaces. 3. As applied to a wall, means the vertical distance to the top measured from the foundation wall, or from a girder, or other immediate support of such wall. (dd) "Horizontal separation" means a permanent open space between the building wall under consideration and the lot line or the center line of a facing street, alley or public way. Where two or more buildings are on a lot, the horizontal separation of the wall under consideration shall be measured from an imaginary line drawn at a distance from the facing wall equal to the horizontal separation applicable for that wall.

(ee) "Interior finish" means the material of walls, partitions or fixed or movable type ceilings and other exposed interior surfaces of building. Interior finish includes materials affixed to the building structure as distinguished from decorations and furnishings, which are not so affixed:

1. Class A Interior Finish-Flame Spread Rating 0-25
2. Class B Interior Finish-Flame Spread Rating 26-75
3. Class C Interior Finish-Flame Spread Rating 76-200
4. Class D Interior Finish-Flame Spread Rating 201-500

5. Class E Interior Finish-Flame Spread Rating over 500. (ff) "Legislative body" means a city council, fiscal court, board of directors, commissioners, committee, or any group however, named, which governs a recognized

fire department. (gg) "Masonry" means a built-up construction or combination of building units of such materials as clay, shale, concrete, glass, gypsum or stone set in mortar; or plain concrete: 1. "Hollow masonry unit" means a masonry unit whose net cross-sectional area in any plane parallel to the bearing surface is less than seventy-five per cent (75%) of its cross-sectional area measured in the same plane. 2. "Masonry of hollow units" means masonry consisting wholly or in part of hollow masonry units laid continuously in mortar. 3. "Solid masonry" means consisting of solid masonry units laid continuously in mortar, or consisting of plain concrete. 4. "Solid masonry unit" means a masonry unit whose net cross-sectional area in every plane parallel to the bearing surface is seventy-five per cent (75%) or more of its gross cross-sectional area measured in the same plane. 5. "Reinforced masonry" means unit masonry in which reinforcement is embedded in such manner that the two materials act together in resisting forces. (hh) "Multifamily house" means a building or portion thereof containing three (3) or more dwelling units; including tenement houses, apartment houses, flats, etc. (ii) "Noncombustible" as applied to a building construction material, means a material which, in the form in which it is used, falls into one (1) of the following groups: 1. Materials no part of which will ignite or burn and which will not liberate flammable gases or melt when heated to a temperature of 1380 degrees Fahrenheit and to the maximum temperature to which it will be subjected under its normal use under the applicable conditions as follows: a. Where the combustibility of material is a factor in the application or requirements for clearance of the material from a heating appliance, flue, or other device which is a source of high temperature and such clearance is the only consideration requiring that the material be non-combustible. b. When the material other than backing is used to support only interior finish. c. When the material is used for window sashes, doors, trims, or frames required to be non-combustible but not required as opening protectives to prevent the spread of fire through an opening. 2. Materials having a structural base of a non-combustible material as defined in paragraph (ii) with surfacing not over one-eighth (1/8) inch thick which has a flamespread rating not higher than fifty (50). 3. Materials other than as described in subparagraphs 1. or 2. above having a surface flamespread rating not higher than twenty-five (25) without evidence of continued progressive combustion when tested (as per ASTM E84) for a duration of thirty (30) minutes. It does not apply to surface finishes or coatings which are applied to the surface of combustible materials. Flamespread rating as used herein refers to a rating obtained according to the standard test method for fire hazard classification of the building materials of Underwriter's Laboratories, Inc., U.L. 723, NFPA 255, ASTM E84. (jj) "Noncombustible" as applied to the installations of heating equipment, means any material which will not ignite and burn. (kk) "Occupancy": (1) "Assembly occupancy" means the occupancy or use of a building or structure or any portion thereof by a gathering of persons for civic, political, travel, religious, social, or recreational purposes; including among others:

Armories
Assembly Halls
Auditoriums
Bowling Alleys
Broadcasting Studios

Lecture Rooms
Lodge Rooms
Motion Picture Theaters
Museums
Night Clubs

Chapels
Churches
Clubrooms
Community Buildings
Courthouses
Dance Halls
Exhibition Rooms
Gymnasiums

Opera Houses
Passenger Stations
Pool Rooms
Recreation Areas
Restaurants
Skating Rinks
Television Studios
Theaters

2. "Business occupancy" means the occupancy or use of a building or structure or any portion thereof for the transaction of business, the rendering or receiving of professional services, or the displaying, selling or buying of goods, wares, or merchandise, or the housing of vehicles of transportation, except where occupancy is of high hazard; including among others:

Banks
Barber Shops
Beauty Parlors
Department Stores
Garages
Markets

Service Stations
Offices
Stores
Radio Stations
Telephone Exchanges
Television Stations

3. "Educational occupancy" means the occupancy or use of a building or structure or any portion thereof by persons assembled for the purpose of learning or of receiving education instruction; including among others:

Academies
Care Centers
Colleges
Kindergartens
Libraries

Pre-school Child
Relocable Classroom Unit
Schools
Seminaries
Universities

4. "High hazard occupancy" means the occupancy or use of a building or structure or any portion thereof that involves highly combustible, high flammable or explosive materials or which as inherent characteristics that constitute a special fire hazard; including among others:

Aluminum Power Factories
Charging or filling stations
Distilleries
Dry Cleaning Plants
Dry Dyeing Plants
Explosive-Manufacture, Sale
or Storage
Flour and Feed Mills
Gasoline Bulk Plants

Grain Elevators
Lacquer Factories
Liquefied Petroleum Gas
Mattress Factories
Paint Factories
Pyroxylin-Factories, or
Warehouses
Rubber Factories
Sales Rooms

5. "Industrial occupancy" means the occupancy or use of a building structure or any portion thereof for assembling, fabricating, finishing, manufacturing, packaging or processing operations, except for occupancies of high hazard; including among others:

Assembly Plants
Creameries
Electrical Substations
Factories
Ice Plants
Laboratories
Laundries
Manufacturing Plants

Mills
Power Plants
Processing Plants
Pumping Stations
Repair Garages
Smokehouses
Workshops

6. "Institutional occupancy" means the occupancy or use of a building or structure or any portion thereof by persons harbored or detained to receive medical, charitable or other care or treatment, or by persons involuntarily detained; including among others:

Asylums
Homes for the Aged
Hospitals
Houses of Correction
Infirmarys
Jails

Nursing Homes
Orphanages
Penal Institutions
Reformatories
Sanitariums
Nurseries

7. "Residential occupancy" means the occupancy or use of a building or structure or any portion thereof by persons for who sleeping accommodations are provided but who are not harbored or detained to receive medical, charitable or other care or treatment, or are not involuntarily detained, including among others:

Apartments	Hotels
Boarding Houses	Lodging Houses
Club Houses	Motels
Convents	Multifamily Houses
Dormitories	Studios
Dwellings	Tenements

8. "Storage occupancy" means the occupancy or use of a building or structure or any portion thereof for the storage of goods, wares, merchandise, agricultural, or manufactured products or the sheltering of livestock and other animals except where the occupancy is classified as high hazard. (ll) "Ordinary construction" means construction conforming to the requirements of Section 707 of the National Building Code. (mm) "Pent house" means an enclosed structure other than a roof structure, located on the roof, extending not more than twelve (12) feet above a roof and used primarily for living or recreational accommodations. (See story.) (nn) "Place of assembly" shall apply to all buildings or sections of buildings used for the gathering of more than 100 persons in one (1) room or space for religious, recreational, education, political, social, or amusement purposes, or for the consumption of food or drink. (oo) "Pre-fabricated" means fabricated prior to erection or installation on a building or structure foundation. (pp) "Protected non-combustible construction" means construction conforming to the requirements of Section 704 of the National Building Code. (qq) "Public place" means a thoroughfare or open space over twenty-one (21) feet wide which is dedicated to a governmental body maintaining accessibility to the fire department and other public services. (rr) "Publicway" means a thoroughfare over twenty-one (21) feet wide on a privately owned, privately maintained property but designated for public use and which by agreement is kept accessible at all times to the fire department and other public services. (ss) "Repair" means the replacement of existing work with equivalent materials for the purpose of its maintenance; but not including any addition, change or modification in construction, exit facilities, or permanent fixtures of equipment. (tt) "Required" means required by some provision of these standards. (uu) "Self closing" as applied to a fire door or other protective, means normally closed and equipped with an approved device which will insure closing after having been opened for use. (vv) "Shaft" means a vertical opening or passage through two (2) or more floors of a building or through floors and roof. (ww) "Shall" indicates mandatory provisions of these standards. (xx) "Should" indicates advisory provisions of these standards which, while not mandatory, are highly desirable and strongly recommended. (yy) "Solid wooden door or the flush type" means a door of solid wooden construction (no indented panels or hollow spaces) not less than one and three-fourths (1 3/4) inch in thickness at any point. (zz) "Sprinklered" means equipped with an approved automatic sprinkler system. (aaa) "Story" means that part of a building comprised between a floor and the floor or roof next above. A mezzanine shall be considered a story if it exceeds thirty-three and one-third per cent (33 1/3%) of the area of the

floor immediately below. A penthouse shall be considered a story if it exceeds 1,000 square feet or thirty-three and one-third per cent (33 1/3%) of the roof area. The basement of a building used for educational occupancy shall be considered a story if it is used for purposes other than storage, mechanical, or electrical equipment. (bbb) "Street" means any public thoroughfare or space twenty-one (21) feet or more in width, which has been dedicated or devoted to the public for public use. (ccc) "This office" means the State Fire Marshal's Office. (ddd) "Unprotected noncombustible construction" means conforming to the requirements of Section 705 of the National Building Code. (eee) "Walls:" 1. "Bearing wall" means a wall which supports any vertical load in addition to its own weight. 2. "Cavity wall" means a wall built of masonry or of plain concrete, or a combination of these materials, so arranged as to provide an air space within the wall, and in which the inner and outer parts of the wall are tied together with metal ties. 3. "Curtain wall" means a nonbearing wall between columns or piers and which is not supported by girders or beams. 4. "Faced wall" means a wall in which the masonry facing the backing is so bonded as to exert common action under load. 5. "Fire wall" means a wall constructed in accordance with Section 800, for the purpose of subdividing a building or separating buildings to restrict the spread of fire and which starts at the foundation and extends continuously through all stories through and above the roof, except where the roof is fire-resistive and wall is carried up tightly against the underside of the roof slab. 6. "Foundation wall" means a wall below the first floor extending below the adjacent ground level and serving as a support for a wall, pier, column, or other structural part of a building. 7. "Hollow wall" of masonry means a wall built of masonry units so arranged as to provide an air space within the wall, and in which the inner and outer parts of the wall are bonded together with masonry units. 8. "Nonbearing wall" means a wall which supports no load other than its own weight. 9. "Panel wall" means a nonbearing wall built between columns or piers and wholly supported at each story. 10. "Party wall" means a wall used or adapted for joint services between two (2) buildings. 11. "Veneered wall" means a wall having a facing which is not attached and bonded to the backing as to form an integral part of the wall for purposes of load bearing and stability. (fff) "Wood frame construction" shall mean construction conforming to Section 708 of the National Building Code. Buildings having exterior masonry veneer, metal, or stucco, on wooden frame, constituting wholly or in part the structural support of the building are considered "frame buildings".

Section 4. Administration, Enforcement, and Permits:

(1) Jurisdiction. Any person, persons, firm or corporation failing, refusing, or neglecting to comply with the Standards of Safety shall be punished as provided by KRS 227.990.

(2) Permits.

(a) General: Permits required by this subsection will be issued when the requirements of the Standards of Safety have been complied with, and they may be suspended or revoked if the requirements are violated. Ap-

plication for such permits shall be made in writing. When submission of plans and specifications is required by the Standards of Safety, it is strongly recommended that preliminary plans and specifications be submitted for review in order to eliminate unnecessary delays to the registered architect and/or professional engineer through minimizing any changes to the final working drawings. Any deviation from the final plans and/or specifications shall have prior approval from the office of the State Fire Marshal in writing.

(b) Application: Application for "state permits" required by paragraph (c), following, shall be made to the State Fire Marshal, Division of Fire Prevention, Department of Insurance, Frankfort, Kentucky. Where submission of plans and specifications is required by the Standards of Safety, the application for a "state permit" together with at least one (1) complete set of plans and specifications shall be submitted.

(c) State permits: A permit or license shall be obtained from the State Fire Marshal, for the following: 1. The transportation, selling, storing for resale, or delivering of liquefied petroleum gases, or for engaging in the business of installing or servicing liquefied petroleum gas equipment; or for persons who actually perform such installations or servicing operations. Licenses issued under this subparagraph shall be in accordance with the provisions of KRS 234.120. Under this subparagraph, licenses or permits are not required for storage or transportation in quantities of ten (10) gallons or less by the ultimate consumer, handling in quantities of less than one (1) gallon where the gas is an integral part of a device for its utilization, or for use as a motor fuel while in the fuel tank of the motor vehicle. 2. The construction, or substantial remodeling, of any plant or building of a class listed in subsection (3) "Design Responsibility—Plans and Specifications", paragraph (b), following. 3. The construction or substantial remodeling of any plant or building containing an occupancy for which a license is required under KRS 234.120 relating to the storage and handling of liquefied petroleum gases. 4. Conditions where permits are required by Section 6 Flammable Liquids, Section 7 Dry Cleaning, Section 8 Airports, and NFPA Pamphlet 495 Explosives.

(d) Local permits: Where the "state permits" are required as, above, local permits shall also be obtained from an authorized city official, where provisions have been made by the municipality for the issuance of permits, and where the municipality has adopted the Standards of Safety, or has regulations at least as stringent as the Standards of Safety.

(e) Certificate of occupancy: The provisions on certificates of occupancy in the National Building Code will be enforced in their entirety.

(3) Design responsibility, plans and specifications:

(a) Responsibility for the design, plans, and specifications, (architectural, structural, mechanical, and electrical) covering the construction or substantial remodeling of any building of the classes listed below, shall be intrusted [either] to a professional architect registered in Kentucky, acting within the scope of his professional registration in accordance with KRS Chapter 323 [or a professional engineer registered in Kentucky, acting within the scope of his professional registration in accordance with

KRS Chapter 322 or both, when, at the discretion of the State Fire Marshal, the circumstances so require]. Such architects' [and engineers'] seals shall be attached to the data covering each area of construction for which he assumes design responsibility.

(b) Plans and specifications in specific detail and in conformity with good architectural and engineering practices shall be submitted to the State Fire Marshal, Division of Fire Prevention, Department of Insurance, Frankfort, Kentucky, and approval received (see "state permits" preceding) before construction or substantial remodeling is started for the following: 1. Asylums, hospitals, nursing or convalescent homes for the aged; however named, and regardless of capacity. 2. A school or other educational facility, regardless of capacity. 3. A residential occupancy, defined, for the purpose of this section only, as: a. Hotels. Includes buildings or groups of buildings under the same management in which there are more than fifteen (15) sleeping accommodations for hire, primarily used by transients who are lodged with or without meals, whether designated as a hotel, inn, club, motel, or by any other name. So-called apartment hotels shall be classified as hotels because they are potentially subject to transient occupancy like that of hotels. b. Apartment buildings. Includes buildings containing three (3) or more living units with independent cooking and bathroom facilities, whether designated as apartment house, tenement, garden apartments, or by any other name. c. Dormitories. Includes buildings where group sleeping accommodations are provided for persons not members of the same family group in one (1) room or in a series of closely associated rooms under joint occupancy and single management, as in college dormitories, orphanages, fraternity houses, military barracks, ski lodges; with or without meals. 4. A place of assembly, regardless of capacity. 5. Mercantile building having a capacity in excess of 100 persons. 6. Industrial buildings having a capacity in excess of 100 persons. 7. Office buildings having a capacity in excess of 100 persons. 8. Any building having more than 20,000 square feet of floor area.

(c) The architects and professional engineers shall notify this office before the end of construction or remodeling of any building listed above, in order that a final inspection may be made prior to occupancy. When supervision of the construction is not conducted by the architect or professional engineer, it shall be noted on the State Fire Marshal's Project Information Sheet.

(4) Inspection:

(a) This office has state-wide jurisdiction to inspect all places insofar as it is necessary for the enforcement of all laws, ordinances and lawful orders requiring any place to be safe from fire loss. The chief of the fire department or an officer or member of his department, designated by him for that purpose, has authority to inspect all places in his city except the interiors of private dwellings in order to determine whether hazardous conditions exist in which case he shall order proper remedies. The power of inspection mentioned in this paragraph applies to the interior of private dwellings only when a fire has occurred or when there is reason to believe dangerous conditions exist in the dwelling. (KRS 227.270, 227.370.)

(b) If any owner fails to comply with an order issued pursuant to KRS 227.380 or with an order as modified

on appeal to the commissioner, the officer may cause the property to be repaired or removed if repair is not feasible, and all fire hazard conditions remedied at the expense of the owner. (KRS 227.390.) The fire chief shall have primary responsibility for the safety of places under his jurisdiction. Regulations of this office establish minimum standards, which shall not prevent any city from enacting more stringent regulations; but this office will cooperate with local officials in enforcing all fire safety laws and ordinances of the state or its political subdivision. (KRS 227.220, 227.230, 227.320.) Inspection of property in the territory served by the fire department shall be made as often as practicable or as often as the legislative body may direct. A written report of continued violations should be sent to the State Fire Marshal who will cooperate with local authorities to secure compliance with the Standards of Safety and other laws, ordinances and regulations of the state and its political subdivisions relating to matters within the scope of this office (KRS 227.220 et seq.)

(c) It shall be the duty of the chief of police in each city or town having a police department to render all possible assistance in the enforcement of the provisions of the Standards of Safety, and to direct and require police officers to enter places of public assembly for such purpose.

Section 5. Constitutionality: If any part of the "Standards of Safety" is adjudged to be invalid such judgment shall not invalidate the remainder of the "Standards of Safety," but shall be confined in its effect solely to the part directly involved in the proceeding in which rendered.

Section 6. Storage, Handling and Transportation of Flammable Liquids: (1) Permit requirements.

(a) State permits. 1. A permit subject to the provisions of Section 4(2), shall be obtained from the State Fire Marshal for the construction, substantial remodeling, or operation of any refinery, bulk storage plant, distributing station, or service station; and for the transporting of flammable liquids in tank vehicles other than in drums, cans, or other containers, of less than sixty (60) gallons individual capacity. 2. Every owner of a tank vehicle used for the transportation of flammable liquids in Kentucky shall make application annually to the State Fire Marshal for a permit to operate such vehicle. Such application shall be accompanied by a statement of the condition of the vehicle at the time application is made. The State Fire Marshal will issue annually numbered permits upon receipt of proper application and certification of conditions. 3. The annual permit number shall be displayed at the top of the rear of each tank. Such numbers shall be of a sharply contrasting color and a minimum of three (3) inches in height. 4. No person shall place any flammable liquid in a tank vehicle for transportation in Kentucky until such vehicle has received, and displayed a permit number as required in subparagraphs 2. and 3. above from the State Fire Marshal.

(b) Local permits: A permit, subject to the provisions of Section 4(2)(d), shall be obtained from an authorized city official for: 1. The storage or handling of Class I liquids in excess of one (1) gallon in any building of "residential occupancy," in excess of ten (10) gallons inside any other building, and in excess of fifty (50) gal-

lons outside of any building. 2. The storage or handling of Class II liquids in excess of ten (10) gallons in any building of "residential occupancy", in excess of sixty (60) gallons in any other building, and in excess of 120 gallons outside any building. 3. The storage or handling of Class III liquids in excess of 275 gallons inside any building, and in excess of 1,100 gallons outside of any building. 4. The construction, substantial remodeling, or operation of a refinery, bulk storage plant, distributing station or service station. 5. Quantities of paints, oils, varnishes, and similar flammable liquids in excess of those given above, for use on the premises, stored for not more than thirty (30) days.

Section 7. Dry Cleaning and Dyeing: (1) Definitions.

(a) For the purposes of the Standards of Safety, "dry cleaning" shall be considered the process of removing dirt, grease, paints, and stains from wearing apparel, textiles, fabrics, rugs, etc., through the use of nonaqueous liquid solvents by one or more of the following methods: 1. Immersion and agitation in open vessels. 2. Immersion and agitation in approved closed machines. 3. Spotting or local application of solvents to spots of dirt, grease, paints and stains not removed by immersion and agitation processes. 4. Brushing or scouring with solvents.

(b) "Dry dyeing" shall be considered the process of drying clothes, textiles, fabrics, rugs, etc., in solutions of dye colors and non-gaseous liquid solvents.

(c) In the following regulations, wherever reference is made to "dry cleaning," that term shall be construed as applying to both dry cleaning and dry dyeing operations.

(2) Permits and plans.

(a) A permit from the State Fire Marshal, subject to the provisions of Section 4(2), shall be obtained for the construction or operation of a dry cleaning or dry dyeing plant; or for using any room or structure for dry cleaning or dry dyeing operations; or for the storage of flammable or volatile substances for use in such business.

(b) Plans shall be drawn to an indicated scale and shall show the relative location of the dry cleaning building, boiler room, finishing building or department, storage tanks for solvents, and the location and arrangement of all equipment, such as pumps washers, drying tumblers, extractors, filter traps, stills, condensers, and piping. Such plans and specifications, based on NFPA Pamphlet No. 32, shall be submitted with the application for a permit. Where a dry cleaning operation is intended to meet Class III requirements as specified in NFPA Pamphlet No. 32, specifications shall include sufficient information to identify listed equipment and solvents (listees' names and model designation on equipment, and name and trade designation for solvents).

Section 8. Airports: (1) Permit: A permit subject to the provisions of Section 4(2) shall be secured from the State Fire Marshal before beginning the construction or operation of any airport, or hangar, or similar building intended for the storage or service of airships or airplanes.

(2) General: In addition to the applicable provisions of the Standards of Safety the following requirements

shall be met:

(a) Gas or other open flame lights shall not be used for runway lighting.

(b) Aboveground storage tanks for flammable liquids shall not be permitted.

HAROLD B. McGUFFEY, Commissioner

ADOPTED: July 26, 1976

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: August 6, 1976 at 11:30 a.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 being added printed in italics.)

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION Bureau of Environmental Protection Division of Plumbing (Proposed Amendment)

401 KAR 1:015. License application; examination.

RELATES TO: KRS Chapter 318

PURSUANT TO: KRS 13.082, 211.090, 318.010

NECESSITY AND FUNCTION: *KRS 318.040 requires the Department to conduct examinations for master and journeyman plumber applicants. KRS 318.050 was amended by the 1976 General Assembly to eliminate the fixed fees for such examinations as was shown in the previous act. The Department now has the authority to set such fees by regulation. The present fees for applicants for examinations are not adequate to defray the cost of examinations. The proposed fees would be more realistic which would offset this expense.* [KRS 318.030, as amended, directs that no person shall engage in or work at the trade of plumbing unless he is the holder of a valid and effective master or journeyman plumber's license duly issued by the department. KRS 318.040 establishes the qualifications for respective license applicants and provides for an examination procedure relating to both master and journeyman applicants. KRS 318.050 establishes an application fee schedule for those seeking licensure under KRS Chapter 318. KRS 318.050 deals with license expiration, renewal, and revival fees, and directs the department to establish by regulation a reasonable annual license renewal fee for both master and journeyman plumber's licenses. This regulation is designed to set forth license application and examination procedures and to establish a reasonable annual license renewal fee in accord with the aforementioned statutory provisions.]

Section 1. Applications for Master and Journeyman Plumber's Licenses. Applications for master or journeyman plumber's licenses shall be submitted to the Department for Natural Resources and Environmental Protection on forms furnished by the department. Each application shall be

properly notarized and accompanied by a fee of *one-hundred dollars (\$100)* [twenty-five dollars (\$25)] if for a master plumber's license or *twenty-five dollars (\$25)* [ten dollars (\$10)] if for a journeyman plumber's license. A signed photograph of the applicant not less than two (2) inches square nor larger than four (4) inches square taken within two (2) years shall accompany each application. Application fees shall be submitted at least two (2) weeks prior to the date of examination and remitted by post office or express money order, bank draft or certified check payable to the Kentucky State Treasurer.

Section 2. Examinations for Master or Journeyman Plumber's Licenses. (1) Examination of applicants. Regular examination of applicants for master or journeyman plumber's licenses shall be conducted during the months of February, May, August and November of each year. Special examinations may be conducted at such times as the Department for Natural Resources and Environmental Protection may direct.

(2) Time and place of examination. Notice of the time and place of examination shall be given by the United States mail at least one (1) week prior to the date of examination to all persons having applications on file.

(3) Materials required for journeyman plumber's examinations. Applicants for journeyman plumber's licenses shall furnish the materials required for the practical examination.

Section 3. Renewals of Master and Journeyman Plumber's Licenses. (1) Renewal fees. The annual license renewal fee shall be fifty dollars (\$50) for master plumbers and twenty-five dollars (\$25) for journeyman plumbers.

(2) Remittance of renewal fees. Renewal fees shall be remitted by post office or express money order, bank draft, or certified check payable to the Kentucky State Treasurer.

ROBERT D. BELL, Secretary

ADOPTED: July 21, 1976

RECEIVED BY LRC: July 28, 1976 at 2:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Art Curtis, Plumbing Code Committee, 5th Floor,
Capital Plaza Tower, Frankfort, Kentucky 40601.

**DEPARTMENT OF TRANSPORTATION
Bureau of Vehicle Regulation
(Proposed Amendment)**

601 KAR 9:035. Inspection before registration.

RELATES TO: KRS 186.235

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: This regulation provides that the county clerk shall compare the information contained in the record of inspection with the information contained in the application for registration prior to registering a vehicle under KRS 186.020.

[Section 1. Any motor vehicle not previously registered in this state shall not be registered by the county clerk unless such vehicle shall have been inspected by the sheriff or his deputy of the county in which the motor vehicle is required by law to be registered if that county contains a city of the first or second class, or by a city or county peace officer of the county in which the vehicle is required by law to be registered in other counties of the state. Such inspection officer shall make a record of inspection on forms prescribed by the department. The applicant shall pay the inspection officer a fee of three dollars (\$3) for making the inspection.]

[Section 2. New motor vehicles sold by a dealer licensed in this state and motor vehicles required to be registered under KRS 186.050(3) to (13) in this state by reason of lack of reciprocity pursuant to reciprocity agreements with other jurisdictions, may be registered by the county clerk without having been inspected.]

[Section 3. If inspection is required under this section, it may be made in another county or state as long as the proper officer referred to in Section 1 makes the inspection.]

[Section 4. Motor vehicles owned by servicemen or servicewomen who are residents of Kentucky stationed outside of Kentucky, may be inspected by the post provost or similar officer of the camp, post or station. The post provost or similar officer shall submit an affidavit stating the name of the owner, identification or serial number, make, body style, current license or title number, and state in which the vehicle is currently registered or titled.]

Section 1. [5.] Any motor vehicle not previously registered in this state shall not be registered by the county clerk unless the [The] applicant for registration submits, [shall submit] to the county clerk the inspection officer's record of inspection on forms prescribed by the department, as a part of the application for registration.

Section 2. [6.] The county clerk shall compare the information contained in the inspection officer's record of inspection with the information contained in the application for registration, including the out-of-state documents, and if the information corresponds, the county clerk shall register the vehicle in accordance with KRS 186.020. If the out-of-state documents differ in description of the vehicle from that shown by the inspection record, the clerk shall not register such vehicle until such time as the out-of-state documents have been corrected by that state or approved by the Department of Transportation.

The clerk shall file the inspection officer's record of inspection with the application for registration.

O. B. ARNOLD, Commissioner

ADOPTED: August 9, 1976

APPROVED: JOHN C. ROBERTS, Secretary

RECEIVED BY LRC: August 9, 1976 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Commissioner, Bureau of Vehicle Regulation, State
Office Building, Frankfort, Kentucky 40601.

**EDUCATION AND ARTS CABINET
Department of Education
Bureau of Pupil Personnel Services
(Proposed Amendment)**

703 KAR 2:020. Calendar.

RELATES TO: KRS 2.190, 158.060, 158.070 [2.110]

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: This regulation is necessary for efficient management, control, and operation of schools and to assure uniformity in the days all schools are in session.

Section 1. On or before August 1 of each year, local boards of education shall, upon recommendation of the superintendent, adopt a school calendar fixing the opening and closing dates of each school month, designating the dates of school days within each school month and describing the school days on which schools will be dismissed in accordance with State Board of Education regulations. This section shall apply to all local boards of education operating experimental or year-round school programs.

Section 2. Each local board of education shall, on or before August 15 of each year, file a copy of the adopted school calendar with the Department of Education for approval as to the compliance with these regulations. No district shall be paid any installment of its Foundation Program allotment until the school calendar for that district has been so approved.

Section 3. A local board of education may amend its school calendar upon recommendation of the superintendent within the limitations of pertinent State Board of Education regulations.

Section 4. All amendments to school calendars shall be submitted on the appropriate form to the Department of Education for approval as to compliance with these regulations prior to the date of change in the existing school calendar except:

(1) In cases of emergency beyond the control of a local board of education, post approval of an amendment may be requested; and

(2) All amendments for a change in the school calendar due to national, state, or local disaster or mourning as authorized by KRS 158.070 (3) [(2)] (a) and (b) shall be submitted to the State Department of Education no later than ten (10) days after the first regular meeting of the local board of education following the occurrence of the event necessitating the requested change in the school calendar.

Section 5. The school calendar shall provide for the same number of days of classroom instruction in all schools operated by a local board of education.

Section 6. *The four (4) days on which schools may be dismissed for holidays as provided for in KRS 158.070 shall be selected from those listed in KRS 18.350 and 158.060 subject to the provisions of such sections, except in presidential election years the day of the regular election must be used as one of the allowable holidays.* [Days schools are dismissed for holidays shall be selected from those specifically named or otherwise established by KRS 2.190 and 2.110.]

Section 7. *Local boards of education may use one (1) day of the minimum school term for the opening of schools and one (1) day for the closing of schools without the presence of pupils.* [Local boards of education may dismiss school for one (1) day of the minimum school term for professional work. This professional work may include, but is not limited to, sessions devoted to visitation, organization, or completion of records.]

Section 8. *Local boards of education shall use four (4) days of the minimum school term for in-serve professional development and planning activities for the professional staff without the presence of pupils. Proper approval for these four (4) days shall be secured from the State Department of Education.* [Local boards of education may dismiss school for two (2) days of the minimum school term for in-service work conferences if prior approval has been secured from the State Department of Education.]

Section 9. If the schools are closed under the provisions of KRS 158.070 (3) [(2)] (b) the days lost shall be made up unless the school calendar includes more than 175 days of actual classroom instruction or the State Board of Education determines that the loss of days taught below the minimum of 175 days were due to major catastrophes which cause destruction of the school plant.

Section 10. The number of days schools are dismissed shall not exceed fifteen (15) days in the 185 day school term. If local boards of education do not dismiss schools as provided by KRS 158.070 (3) [(2)], the number of days of actual classroom instruction shall be increased accordingly.

Section 11. *The two (2) consecutive days schools are required to be closed for the purpose of permitting professional school employees to attend state-wide professional meetings and the one (1) day for regional or district professional meetings shall not be counted as a part of the minimum school term. The Superintendent of Public Instruction will approve dates which have been selected by the local boards of education for regional or district meetings.*

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: June 16, 1976

RECEIVED BY LRC: July 23, 1976 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mr. James Melton, Secretary, State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Pupil Personnel Services
(Proposed Amendment)

703 KAR 2:050. Attendance; resident, non-resident.

RELATES TO: KRS 157.350, 158.030, 158.240, 159.035

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: Regulations are necessary to assure uniformity in recording attendance of all pupils in the schools of Kentucky.

Section 1. The word "pupil" as the basis for average daily attendance as provided for in Kentucky Revised Statutes and for all other uses in the public school system shall mean all persons who are in attendance at school between the ages of six (6) and twenty-one (21) years. Any pupil who meets requirements of KRS 158.030 for entering school shall be considered six (6) years of age for attendance purposes.

Section 2. The daily attendance of pupils shall be determined by recording their attendance immediately following the opening of school in the morning and immediately following the opening of school in the morning and immediately following the lunch period in the afternoon. Pupils not present at these sessions shall not be counted in attendance in determining average daily attendance unless:

(1) The pupils are absent as participants in school activities which have been authorized by the local board of education and which are a definite part of the instructional program of the school, or

(2) The pupils are absent as participants in activities which are provided in KRS 158.240 and 159.035 [159.033]. Pupils shall not be counted in attendance when they are absent as spectators at school activities.

Section 3. Pupils shall not be counted in attendance unless they are physically present in the school. They shall be counted absent although such absence is due to factors beyond their control such as inclement weather or failure of the transportation system to operate.

Section 4. (1) Pupils enrolled in both a public common school and a non-public school under a dual enrollment plan shall be counted in attendance for ADA purposes for the time they are in attendance at the public school under straight shared-time.

(2) "Straight Shared-Time" is defined as an arrangement whereby a child regularly or concurrently attends a public common school part-time and a non-public school part-time pursuing part of his education under the direction and control of the public common school and the remaining under the direction of the non-public school.

Section 5. Pupils enrolled in a public common school and attend the public common school one-half (1/2) day and attend the remainder of the school day in a state vocational technical school or an area vocational education center shall be counted in full-time attendance at the public common school.

Section 6. No pupil shall be allowed to make up absence for the purpose of counting such make-up activities in computing average daily attendance.

the information about pupils desired by other staff members. He discharges these responsibilities by:

(a) Selecting and recommending the measuring devices that are the most valid and reliable indicators of the pupil characteristics to be considered.

(b) Planning, organizing and directing the administration of the tests or other devices chosen by the school staff member or members.

(c) Planning, organizing and directing the scoring of the measures administered.

(d) Converting the raw scores into such terms as are desired by the staff.

(e) Making such statistical calculations as are needed by the staff.

(f) Preparing charts, graphs and other interpretative materials for the use of the staff.

(g) Keeping and filing for later reference the important data obtained.

(h) Selecting, training and supervising clerical workers employed to score tests, collect data, and carry out statistical tasks in his office.

(i) Conducting minor research studies of groups of school pupils for administrative, supervisory or guidance counselors.

(j) Assisting guidance counselors in obtaining and organizing pertinent data needed regarding individual students.

(k) Making diagnostic studies of the individual child.

(3) The purpose of the services rendered by the school psychometrist to other individuals and groups is to conserve the time of the school's teachers, guidance counselor(s) and administrative and supervisory personnel in supplying recorded data regarding students to agencies or individuals not directly involved in the school's educational programs.

(4) The work of the school psychometrist supplements the work of the guidance counselor. Therefore, the position of guidance counselor shall be established in the school or school district before that of the school psychometrist.

Section 4. Provision of office space, financial support and clerical assistance shall be provided.

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: June 16, 1976

RECEIVED BY LRC: August 9, 1976 at 3:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mr. James Melton, Secretary, State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET

Department of Education

Bureau of Instruction

(Proposed Amendment)

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

RELATES TO: KRS 161.020, 161.025, 161.030

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

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

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

Section 2. The Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel is amended by the selective revision of certain standards, the deletion of certain standards, and by the addition of other new standards and the amended document is hereby incorporated by reference and identified as the Kentucky State Plan for the Approval of Preparation Programs for the Preparation of Professional School Personnel for 1976-77 [1975-76].

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: June 16, 1976

RECEIVED BY LRC: July 23, 1976 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mr. James Melton, Secretary, State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(Proposed Amendment)

704 KAR 20:030. Proficiency evaluation.

RELATES TO: KRS 161.025, 161.030

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: The traditional and formal means of recognizing competency and proficiency for teacher preparation is in terms of standard college credits and the teacher certification requirements are generally stated in terms of college credits. This regulation provides a means for recognizing competency and proficiency that might have been attained in some manner other than college preparation.

Section 1. (1) A state accredited teacher education institution may evaluate and accept competency for teacher certification purposes for any of the specific curriculum requirements when the teacher candidate can demonstrate proficiency by reason of previous education, unusual experience, or proficiency examination at a level comparable to the usual requirements in that curriculum area.

(2) [For persons whose teacher preparation was done outside the State of Kentucky, a] A Certification Review Committee appointed by the Superintendent of Public Instruction shall be empowered to evaluate and accept competency for teacher certification purposes for any of the specific curriculum requirements *or experience requirements* when the teacher candidate can demonstrate proficiency by reason of previous education, unusual experience, or proficiency examination at a level comparable to the usual requirements [in that curriculum area].

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: June 16, 1976

RECEIVED BY LRC: July 23, 1976 at 11 a.m.

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

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(Proposed Amendment)

704 KAR 20:170. Non-tax supported schools.

RELATES TO: KRS 161.030

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: KRS 161.030 directs that appropriate certification be issued for teachers employed in non-tax supported schools. This regulation creates an appropriate certificate in keeping with the intent of the statute.

Section 1. The certificate for teaching in non-tax

supported schools valid for any position of administrator, supervisor, or teacher in the specific non-tax supported school in which the teacher is to be employed shall be issued on the basis of the completion of a bachelor's degree program in an accredited college upon application and recommendation by the chief administrative officer of the school.

Section 2. The certificate for teaching in non-tax supported schools shall not be endorsed for any service in the public schools nor shall possession of that document satisfy any requirement for any type of certification for the public schools.

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: June 16, 1976

RECEIVED BY LRC: July 23, 1976 at 11 a.m.

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

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education
(Proposed Amendment)

705 KAR 1:010. State plan.

RELATES TO: KRS 156.100, 163.020, 163.030

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: A State Plan for the Administration of Vocational Education is necessary in order to be eligible to receive federal funds under P.L. 90-576.

Section 1. Pursuant to the authority vested in the Kentucky State Board of Education, the Kentucky State Plan for the Administration of Vocational Education shall be prepared and approved by the State Board of Education, in accordance with the appropriate federal guidelines, and submitted annually to the U.S. Commissioner of Education by June 30 for his approval. This document is incorporated by reference and hereinafter shall be referred to as the State Plan for the year July 1, 1976 to June 30, 1977 (*Revised June 16, 1976*). Copies of the State Plan may be obtained from the Bureau of Vocational Education, State Department of Education.

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: June 16, 1976

RECEIVED BY LRC: July 23, 1976 at 11 a.m.

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

**EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education
(Proposed Amendment)**

705 KAR 7:050. Adult program plan.

RELATES TO: KRS 156.070, 156.100

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: An annual program plan for adult education is required in order to be eligible to receive federal funds under the Adult Education Act.

Section 1. Pursuant to the authority vested in the Kentucky State Board of Education, the Kentucky Annual Program Plan for Adult Education shall be prepared and approved by the State Board of Education in accordance with the appropriate federal regulations and guidelines and submitted annually to the U.S. Commissioner of Education by June 30 for his approval. This document is incorporated by reference and hereinafter shall be referred to as the Annual Program Plan for the year July 1, 1976[5] to June 30, 1977[6]. Copies of the Annual Program Plan may be obtained from the Bureau of Vocational Education, State Department of Education.

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: June 16, 1976

RECEIVED BY LRC: July 23, 1976 at 11 a.m.

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

**EDUCATION AND ARTS CABINET
Department of Education
Bureau of Rehabilitation Services
(Proposed Amendment)**

706 KAR 1:010. State plan for vocational rehabilitation.

RELATES TO: KRS 163.110, 163.120, 163.130, 163.140, 163.150, 163.170, 163.180

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: Section 101, Title I, P.L. 93-112 as amended, requires the submission of an annual State Plan for Vocational Rehabilitation Services, to the Secretary, Department of Health, Education, and Welfare. The plan must be approved in order for a state to be eligible for grants from the allotments of funds under Title I, P.L. 93-112, as amended.

Section 1. Pursuant to the authority vested in the Kentucky State Board of Education by KRS 163.120 the Kentucky State Plan for Vocational Rehabilitation Services incorporated in P.L. 93-112, as amended, for the period July 1,[1975] through *September 30, 1976* [June 30, 1976] is presented herewith for filing with Legislative

Research Commission, and incorporated by reference.

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: June 16, 1976

RECEIVED BY LRC: August 9, 1976 at 3:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mr. James Melton, Secretary, State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

**EDUCATION AND ARTS CABINET
Department of Education
Bureau of Education for Exceptional Children
(Proposed Amendment)**

707 KAR 1:003. State plan for administration of the education of the handicapped act.

RELATES TO: KRS 156.100, 157.200 to 157.305

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: *The* [A] State Plan for the Administration of Title VI-B, EHA, Education of the Handicapped Act *must be amended* [is required] in order to be eligible to receive Federal funds under P. L. 93-380 *as amended by P.L. 94.142.*

Section 1. Pursuant to the authority vested in the Kentucky State Board of Education, *the Fiscal Year 1977 amendment to the Kentucky State Plan for the Administration of the Education of the Handicapped Act* shall be prepared and approved by the State Board of Education in accordance with the approved federal guidelines and submitted to the United States Commissioner of Education for his approval. *This amendment* [document] *supersedes parts I and III of the 1976 amendment and* is incorporated by reference and hereinafter should be referred to as the *1976 amendment to the "State Plan for the Administration of the Education of the Handicapped Act."* Copies of the State Plan may be obtained from the Bureau of Education for Exceptional Children, State Department of Education, Frankfort, Kentucky 40601.

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: June 16, 1976

RECEIVED BY LRC: July 23, 1976 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mr. James Melton, Secretary, State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Labor
(Proposed Amendment)

803 KAR 1:100. Child labor.

RELATES TO: KRS 339.210 to 339.450

PURSUANT TO: KRS 13.082, 339.230

NECESSITY AND FUNCTION: KRS 339.230(3) authorizes the Commissioner of Labor to promulgate regulations to properly protect the life, health, safety or welfare of minors. He may consider sex, age, premises of employment, substances to be worked with, machinery to be operated, number of hours, hours of the day, nature of the employment and other pertinent factors. The commissioner may in no event make regulations less restrictive than those promulgated by the United States Secretary of Labor under provisions of the Fair Labor Standards Act and its amendments. The function of this regulation is to set standards for the employment of minors. This regulation and KRS Chapter 339 will guide the Department of Labor in carrying out its responsibilities under the law and assist employers who may be concerned with the provisions of the law in understanding their obligations under the law.

Section 1. Employment of minors between fourteen (14) and sixteen (16) years of age. (1) Minors between fourteen (14) and sixteen (16) years of age may not be employed in any of the following:

(a) Manufacturing, mining, or processing occupations, including occupations requiring the performance of any duties in work rooms or work places where goods are manufactured, mined, or otherwise processed;

(b) Occupations which involve the operation or tending of hoisting apparatus or of any power-driven machinery other than office machines;

(c) The operation of motor vehicles or service as helpers on such vehicles;

(d) Public messenger service;

(e) Occupations in connection with:

1. Transportation of persons or property by rail, highway, air, water, pipeline, or other means;

2. Warehousing and storage;

3. Communications and public utilities;

4. Construction (including demolition and repair); except such office work, or sales work, in connection with subparagraphs 1., 2., 3. and 4. of this paragraph, as does not involve the performance of any duties on trains, motor vehicles, aircraft, vessels, or other media of transportation or at the actual site of construction operations.

(f) Any occupation which the United States Secretary of Labor may find and declare to be hazardous for the employment of minors and set forth in CFR Title 29, Part 570, Subpart E, Section 570.50 through 570.68;

(g) Any occupation prohibited under KRS 339.230(2)(d).

(2) Except as provided in subsection (3) of this section, employment in any of the occupations to which this section is applicable shall be confined to the following periods:

(a) Outside school hours;

(b) Not more than forty (40) hours in any one (1) week when school is not in session;

(c) Not more than eighteen (18) hours in any one (1) week when school is in session;

(d) Not more than eight (8) hours in any one (1) day

when school is not in session;

(e) Not more than three (3) hours in any one (1) day when school is in session;

(f) Between 7 a.m. and 7 p.m. in any one (1) day, except during the summer (June 1 through Labor Day) when the evening hour will be 9 p.m.

(3) In the case of enrollees in work training programs conducted under *the provisions of the Comprehensive Employment and Training Act of 1973*, [Part B of Title I of the Economic Opportunity Act of 1964,] there is an exception to the requirement of subsection (2)(a) of this section if the employer has on file an unrevoked written statement of the Regional [Manpower] Administrator *for Employment and Training* or his representative setting out the periods which the minor will work and certifying that his employment confined to such periods will not interfere with his health and well-being, countersigned by the principal of the school which the minor is attending with his certificate that such employment will not interfere with the minor's schooling.

(4) Minors between fourteen (14) and sixteen (16) years of age may be employed by retail, food service, and gasoline service establishments in the following occupations:

(a) Office and clerical work, including the operation of office machines;

(b) Cashiering, selling, modeling, art work, work in advertising departments, window trimming, and comparative shopping;

(c) Price marking and tagging by hand or by machine, assembling orders, packing and shelving;

(d) Bagging and carrying out customers' orders;

(e) Errand and delivery work by foot, bicycle, and public transportation;

(f) Clean up work, including the use of vacuum cleaners and floor waxers, and maintenance of grounds, but not including the use of power-driven mowers, or cutters;

(g) Kitchen work and other work involved in preparing and serving food and beverages, including the operation of machines and devices used in the performance of such work, such as but not limited to: dishwashers, toasters, dumb-waiters, popcorn poppers, milk shake blenders, and coffee grinders;

(h) Work in connection with cars and trucks if confined to the following: Dispensing gasoline and oil, courtesy service; car cleaning, washing and polishing; and other occupations permitted by this section, but not including work involving the use of pits, racks, or lifting apparatus, or involving the inflation of any tire mounted on a rim equipped with a removable retaining ring.

(i) Cleaning vegetables and fruits, and wrapping, sealing, labeling, weighing, pricing and stocking goods when performed in areas physically separate from freezers and meat coolers.

(5) Subsection (4) of this section shall not be construed to permit the employment of minors between fourteen (14) and sixteen (16) years of age in any of the following in retail, food service, and gasoline service establishments:

(a) All occupations listed in subsection (1) of this section;

(b) Work performed in or about boiler or engine rooms;

(c) Work in connection with maintenance or repair of the establishment, machines or equipment;

(d) Outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds, or their substitutes;

(e) Cooking (except at soda fountains, lunch counters,

snack bars, or cafeteria serving counters) and baking;

(f) Occupations which involve operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers, and cutters, and bakery-type mixers;

(g) Work in freezers and meat coolers and all work in the preparation of meats for sale except as described in subsection (4)(i) of this section;

(h) Loading and unloading goods to and from trucks, railroad cars, or conveyors;

(i) All occupations in warehouses except office and clerical work.

Section 2. Employment of minors between sixteen (16) and eighteen (18) years of age. (1) Minors between sixteen (16) and eighteen (18) years of age may be employed at any occupation, except as hereinafter restricted:

(a) Occupations particularly hazardous as declared by the United States Secretary of Labor and set forth in CFR Title 29, Part 570, Subpart E, Section 570.50 through 570.68 which is incorporated herein and made a part hereof by reference.

(b) Any occupation prohibited under KRS 339.230(2)(b).

(2) Except as provided in subsection (3) of this section, employment in any occupation, not prohibited by subsection (1) of this section, shall be confined to the following periods:

(a) Not more than forty-eight (48) hours in any one (1) week when school is not in session;

(b) Not more than thirty-two (32) hours in any one (1) week when school is in session;

(c) Not more than eight (8) hours in any one (1) day when school is not in session;

(d) Not more than four (4) hours in any one (1) day when school is in session, except Friday;

(e) Between 6 a.m. and 10 p.m. Sunday through Thursday, and 6 a.m. and midnight on Friday and Saturday when attending school;

(f) Between 6 a.m. and midnight during vacation; except if in a federally sponsored program where such program requires, may be employed between midnight and 6 a.m.

(3) (a) If a minor has graduated from high school or an approved vocational school equivalent to a high school, or is no longer attending a school and has not attended school for the previous sixty (60) days, he may work a maximum of ten (10) hours per day not to exceed sixty (60) hours per week.

(b) Enrollees in a work training program established by a local board of education or the federal government and approved by the federal government shall be exempt from subsection (2) of this section, except under no circumstances shall the minor be employed more than eight (8) hours per day or more than forty-eight (48) hours per week.

JAMES R. YOCOM, Commissioner

ADOPTED: July 20, 1976

APPROVED:

JAMES E. GRAY, Secretary

RECEIVED BY LRC: July 23, 1976 at 12:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

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

PUBLIC PROTECTION AND REGULATION CABINET
Department of Labor
Occupational Safety and Health
(Proposed Amendment)

803 KAR 2:020. Adoption of 29 CFR Part 1910.

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules, regulations, and standards. Express authority to adopt by reference established federal standards and national consensus standards is also given to the board. The following regulations contain those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of general industry.

Section 1. The Occupational Safety and Health Standards Board hereby adopts 29 CFR Part 1910, the Occupational Safety and Health Standards, published in the Federal Register June 27, 1974 edition, Volume 39, Number 125, Government Printing Office, Washington, D. C. 20402. These standards are hereby adopted by reference with the following additions, exceptions, and deletions:

(1) 29 CFR Part 1910.1 shall read as follows:

The provisions of this regulation adopt and extend the applicability of established federal standards contained in 29 CFR Part 1910 to all employers, employees, and places of employment throughout the Commonwealth except those excluded in KRS 338.021.

(2) 29 CFR Part 1910.2 shall read as follows: As used in this part, unless the context clearly requires otherwise:

(a) "Act" means KRS Chapter 338.

(b) "Assistant Secretary of Labor" means the Commissioner of Labor, Commonwealth of Kentucky.

(c) "Employer" means any entity for whom a person is employed except those employers excluded in KRS 338.021.

(d) "Employee" means any person employed except those employees excluded in KRS 338.021.

(e) "Standard" means a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment. "Standard" has the same meaning as and includes the words "regulation" and "rule."

(f) "National Consensus Standard" means any occupational safety and health standard or modification thereof which has been adopted and promulgated by a nationally recognized standards-producing organization.

(g) "Established Federal Standard" means any operative occupational safety and health standard established by any agency of the United States Government.

(h) An employer, required under these standards, to report information to the U.S. Department of Labor, or any subsidiary thereof, shall, instead report such information to the Kentucky Department of Labor, 151 Elkhorn Court, [Capital Plaza Tower,] Frankfort, Kentucky 40601.

(3) 29 CFR Part 1910.13 through 1910.16 relating to ship repairing, shipbuilding, shipbreaking, and longshoring, and 1910.267a relating to pesticides, as well as paragraph (a)(6) in Section 1910.267 which refers to Section 1910.267a, are excluded and deleted in their entirety.

(4) 29 CFR Part 1910.141(c)(2)(i) shall read as follows:

(i) Each water closet shall occupy a separate compartment with walls or partitions between fixtures sufficiently high to assure privacy.

(5) The changes which have been adopted by the U. S. Department of Labor relating to 29 CFR Part 1910.211 and 1910.217, mechanical power presses, and published in the Federal Register, Volume 39, Number 233, December 3, 1974, copy of which is attached hereto, are hereby adopted by reference.

(6) The changes and additions which have been adopted by the U. S. Department of Labor relating to Telecommunications which are contained in 29 CFR Part 1910.67, 1910.70, 1910.183, 1910.189, 1910.190, 1910.268, 1910.274, and 1910.275, published in the Federal Register, Volume 40, Number 59, March 26, 1975, a copy of which is attached hereto, are hereby adopted by reference.

(7) 29 CFR Part 1910.93q, the Occupational Safety and Health Standard covering vinyl chloride which was published in the Federal Register, Volume 39, Number 194, October 4, 1974, a copy of which is attached hereto, is hereby adopted by reference.

(8) 29 CFR Part 1910.309(c) (National Electrical Code) shall read as follows:

"(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, the requirement in section 210-7 of the National Electrical Code that all 15-and 20-ampere receptacle outlets on single-phase circuits for construction circuit protection for personnel shall not be applicable."

(9) 29 CFR Part 1910.106(d)(2)(iii) of the Federal Register, Volume 39, Number 125, June 27, 1974, shall be amended by adding Table H-12 [11-12] of the Federal Register, Volume 40, Number 18, p. 3982, January 27, 1975, a copy of which is attached hereto, is adopted by reference.

(10) 29 CFR Part 1910.151 relating to medical services and first aid shall be changed to read as follows:

(a) The employer shall ensure the ready availability of medical personnel for advice and consultation on matters of occupational health.

(b) Employers with eight (8) or more employees within the establishment shall have persons adequately trained to render first-aid, and first-aid supplies approved by a consulting physician, along with a signed list of these supplies, shall be readily available. Outside salesmen, truck drivers, seasonal labor, and others who while performing their duties are away from the premises more than fifty (50) percent of the time are not to be included in determining the number of employees.

(c) All other employers shall, in the absence of an infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees, have a person or persons adequately trained to render first-aid. First-aid supplies approved by the consulting physician shall be readily available.

(d) Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.

(11) Recodification of 29 CFR Part 1910.93 through 1910.93q as 1910.1000 through 1910.1017 respectively, as published in the Federal Register, Volume 40, Number 103, May 28, 1975, a copy of which is attached hereto, is hereby adopted by reference.

(12) 29 CFR Part 1910.141(d)(2)(i) of the Federal Register, Volume 40, Number 82, April 28, 1975, amended

by deleting the last half of Table J-2, a copy of which is attached hereto, is hereby adopted by reference.

(13) The new Standard, adopted by the United States Department of Labor relating to Industrial Slings contained in 29 CFR Part 1910.184, published in the Federal Register, Volume 40, Number 125, June 27, 1975, a copy of which is attached hereto, is hereby adopted by reference.

(14) 29 CFR Part 1910.94 which was amended by revoking paragraphs (b)(2)(i) and (b)(2)(ii) and by revising paragraph (b)(2), as published in the Federal Register, Volume 40, Number 111, June 9, 1975, a copy of which is attached hereto, is hereby adopted by reference.

(15) 29 CFR 1910.217(b)(7)(xii) relating to machines using part revolution clutches shall be amended by adding the following:

This provision will not prevent the employer from utilizing a reversing means of the drive motor with the clutch-brake control in the "inch" position.

(16) 29 CFR 1910.94(d)(4)(i) Table G-14, Page 23594, published in the Federal Register, Volume 39, Number 125, Thursday, June 27, 1974, as adopted by 803 KAR 2:020 contains a typographical error and is hereby revoked. The corrected version, published in the Federal Register, Volume 37, Number 202, Wednesday, October 18, 1972, Table G-14, Page 22155, a copy of which is attached hereto, is hereby adopted by reference.

[(17) 29 CFR 1910.137 relating to Electrical Protective Devices shall be amended by adding the following:

(a) Rubber protective equipment for electrical workers shall conform to the requirements established in the American National Standards Institute standards as specified in the following list:

ITEM	STANDARD
Rubber insulating gloves.	J6.6-1967
Rubber matting for use around electric apparatus.	J6.7-1935 (R1962)
Rubber insulating blankets.	J6.4-1970
Rubber insulating hoods.	J6.2-1950 (R1962)
Rubber insulating line hose.	J6.2-1950 (R1962)
Rubber insulating sleeves.	J6.5-1962

(1) Rubber insulating equipment, designed for the voltage levels to be encountered, shall be provided and the employer shall ensure that they are used by employees as required.

(2) When rubber gloves are used on jobs where they may be torn, they shall be protected with heavy outer canvas or leather gloves.

(3) The employer is responsible for testing of new rubber insulating equipment having shelf life as well as used equipment, including gloves, sleeves, and blankets. All testing shall be in conformance to ANSI J 6. as stated above including electrical, mechanical, and visual. The following maximum retest intervals shall apply:

ITEM	IN USE	NEW
Natural rubber gloves, sleeves and blankets.	6 mo.	9 mo.
Synthetic rubber gloves, sleeves and blankets.	6 mo.	9 mo.

Upon completion of test, those articles found defective will be destroyed. Rubber gloves, blankets and sleeves shall be marked on the reverse side, the day the next test is due.

(4) Rubber gloves, blankets, and sleeves shall not be folded nor allowed to be laid upon the ground without

protection. In addition, they shall be placed in canvas bag, canister or original containers when not in use. Rubber insulating equipment shall be kept away from heat or direct sun rays when not in use.]

(17) [(18)] 29 CFR 1910.1001(i)(1) which was revised by the U.S. Department of Labor, for retention of records of Asbestos Exposure Monitoring from three (3) years to twenty (20) years, as published in the Federal Register, Vol. 41, No. 55 Friday, March 19, 1976, a copy of which is attached hereto, is hereby adopted by reference.

(18) [(19)] 29 CFR 1910.184(f)(6) which was amended by the U.S. Department of Labor, to delete the paragraph which prohibits the use of knots or wire rope clips to form eyes in wire rope slings, as published in the Federal Register, Vol. 41, No. 62, Tuesday, March 30, 1976, a copy of which is attached hereto, is hereby adopted by reference.

Section 2. The Occupational Safety and Health Standards Board hereby adopts the following regulation applicable to general industry.

(1) A safety tire rack, cage, or equivalent protection shall be provided and used when inflating, mounting, or dismounting tires installed on split rims or rims equipped with locking rings or similar devices.

(2) Changing and Charging storage batteries (for automotive-type battery charging installations and in-vehicle charging of batteries):

(a) Battery charging installations shall be located in areas designated for that purpose.

(b) In-vehicle charging shall be done in areas designated for that purpose.

(c) Facilities shall be provided for flushing electrolyte from the eyes and skin with water. An adequate water supply shall be within twenty-five (25) feet of any part of the area designated above.

(d) No battery shall be charged or discharged within a closed or unvented container. The batteries shall be charged:

1. In the open, or
2. In a mechanically ventilated space, or
3. In a space providing at least twenty (20) cubic feet per ampere of charging capacity.

(e) A face shield shall be provided and available at each charging unit. The use of the face shield shall be required for connection and disconnection of vehicle or charger leads to the battery terminals and for the addition or pouring of electrolyte.

(f) Tools and other metallic objects not in actual use shall be kept away from the top terminal section of the battery.

(g) The following instructions shall be posted at each charging installation and on each battery charger: "WEAR FACE SHIELD" (Batteries may explode) "TURN OFF CHARGER TO CONNECT OR DISCONNECT BATTERY." "WASH ACID SPILLS IMMEDIATELY." "FIRST AID FOR ACID IN EYES OR ON SKIN QUICKLY FLUSH WITH WATER FOR 10 MINUTES."

(19) 29 CFR 1910.401 through 1910.441 Subpart T, the Occupational Safety and Health Emergency Standard covering Diving Operations which was published in the Federal Register, Vol. 41, No. 116, Tuesday, June 15,

1976, a copy of which is attached hereto, is hereby adopted by reference.

JAMES R. YOCOM, Commissioner

ADOPTED: August 6, 1976

APPROVED:

JAMES E. GRAY, Secretary

RECEIVED BY LRC: August 12, 1976 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Director, Department of Labor, Occupational Safety and Health Program, 151 Elkhorn Court, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Labor

Occupational Safety and Health

(Proposed Amendment)

803 KAR 2:030. Adoption of 29 CFR Part 1926.

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS 13.082

EFFECTIVE: October 8, 1975

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules, regulations, and standards. Express authority to adopt by reference established federal standards and national consensus standards is also given to the board. The following regulations contain those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of construction.

Section 1. The Occupational Safety and Health Standards Board hereby adopts 29 CFR Part 1926, the Occupational Safety and Health Standards, published in the Federal Register June 24, 1974 edition, Volume 39, Number 122, Government Printing Office, Washington, D. C. 20402. These standards are hereby adopted by reference with the following additions, exceptions, and deletions:

(1) 29 CFR Part 1926.1 shall read as follows:

The provisions of this regulation adopt and extend the applicability of established federal standards contained in 29 CFR Part 1926 to all employers, employees, and places of employment throughout the Commonwealth except those excluded in KRS 338.021.

(2) 29 CFR 1926.100 shall read as follows:

(a) Hard hats conforming to specifications of the American National Standards Institute, safety requirements for industrial head protection z89.1 (1971) shall be worn by all employees at all times while engaged in the type of work covered by the scope of this safety standard.

(b) Helmets for the head protection of employees exposed to high voltage electrical shock and burns shall meet the specifications contained in American National Institute z89.2 (1971).

(3) 29 CFR 1926.552(b)(8) of the paragraph on "Material Hoists" shall read as follows: All material hoists shall conform to the requirements of ANSI A10.5-1969, Safety Requirements for Material Hoists, with the exception that material hoists manufactured prior to January 1, 1970 may be used with a drum pitch diameter at least eighteen (18) times the nominal rope diameter provided the hoisting wire rope is at least equal in flexibility to 6 x 37 classification wire rope.

(4) 29 CFR 1926.451(a)(4) shall read as follows:

Guardrails and toeboards shall be installed on all open sides and ends of platforms more than ten (10) feet above the ground or floor, except needle beam scaffolds and floats (see paragraphs (p) and (w) of this section). Toeboards shall not be required on the loading side of platforms which are loaded by means of a high lift tractor or fork truck provided that employees are prohibited from entering the area beneath the scaffolding where they could be exposed to objects which might fall from the scaffolding. Scaffolds four (4) to ten (10) feet in height, having a minimum horizontal dimension in either direction of less than forty-five (45) inches, shall have standard guardrails installed on all open sides and ends of the platform.

(5) The changes which have been adopted by the U. S. Department of Labor relating to 29 CFR 1926.750(b)(2), flooring for skeleton structures, and published in the Federal Register, Volume 39, Number 128, July 2, 1974, are hereby adopted by reference.

(6) 29 CFR 1926.400(h) shall read as follows:

(h) Notwithstanding any other provision of this part, the requirement in section 210-7 of the National Electrical Code that, "all 15 and 20 ampere receptacle outlets on single-phase circuits for construction sites have approved ground-fault circuit protection for personnel," shall not be applicable.

[(7) 29 CFR 1926.951(a)(1) relating to Rubber Protective Equipment shall be amended by adding the following:

(v) Other Requirements.

(a) Rubber insulating equipment, designed for the voltage levels to be encountered, shall be provided and the employer shall ensure that they are used by employees as required.

(b) When rubber gloves are used on jobs where they may be torn, they shall be protected with heavy outer canvas or leather gloves.

(c) The employer is responsible for testing of new rubber insulating equipment, including gloves, sleeves, and blankets. All testing shall be in conformance to ANSI J6, as stated above including electrical, mechanical, and visual. The following maximum retest intervals shall apply:

ITEM	IN USE	NEW
Natural rubber gloves, sleeves and blankets.	6 mo.	9 mo.
Synthetic rubber gloves, sleeves and blankets.	6 mo.	12 mo.

Upon completion of test, those articles found defective will be destroyed. Rubber gloves, blankets and sleeves shall be marked on the reverse side, the day the next test is due.

(d) Rubber gloves, blankets, and sleeves shall not be folded nor allowed to be laid upon the ground without protection. In addition, they shall be placed in canvas bags, canister or original containers when not in use. Rubber insulating equipment shall be kept away from heat or direct sun rays when not in use.]

JAMES R. YOCOM, Commissioner

ADOPTED: August 13, 1976

APPROVED: JAMES E. GRAY, Secretary

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

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Director, Department of Labor, Occupational Safety and Health Program, 151 Elkhorn Court, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Labor
Occupational Safety and Health Program
(Proposed Amendment)

803 KAR 2:060. Employers' responsibilities.

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: Pursuant to the authority granted the Kentucky Occupational Safety and Health Standards Board by KRS 338.051, this regulation identifies the responsibility placed upon the employer to post notices furnished by the Occupational Safety and Health Program, Department of Labor, and also to furnish certain information to [the] employers for *their* [his] safety and protection.

Section 1. Purpose and Scope. (1) KRS Chapter 338 requires in part, that every employer shall furnish to his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees. Covered employers shall comply with the occupational safety and health standards promulgated pursuant to KRS Chapter 338. Employees shall comply with standards, rules, regulations and orders issued under KRS Chapter 338 which are applicable to their own actions and conduct.

(2) The Department of Labor is authorized to conduct inspections and issue citations and proposed penalties for alleged violations.

Section 2. Posting of Notice, Availability of Act, Regulations, and Applicable Standards. (1) Each employer shall post and keep posted a notice or notices to be furnished by the Occupational Safety and Health Program, Department of Labor, informing employees of the protections and obligations provided for in KRS Chapter 338, and that for assistance and information, including copies of KRS Chapter 338 and of specific safety and health standards, employees should contact the employer or the Department of Labor. Such notice or notices shall be posted by the employer in each establishment in a conspicuous place or places where notices to employees are customarily posted. Each employer shall take steps to ensure that such notices are not altered, defaced or covered by other material that obscures the poster.

[(2) Each employer shall provide that his employees have access to information on their exposure to toxic materials or harmful physical agents. Each employer shall provide that employees received prompt information when they have been or are being exposed to such materials or agents in concentrations or at levels in excess of the applicable standards, and information to such employee of corrective action being taken.]

(2) [(3)] "Establishment" means a single physical location where business is conducted or where services or industrial operations are performed. (For example: A factory, mill, store, hotel, restaurant, movie theatre, farm, ranch, bank, sales office, warehouse, or central administrative office.) Where distinctly separate activities are performed at a single physical location (such as contract construction activities from the same physical location as a lumber yard), each activity shall be treated as a separate physical establishment, and a separate notice or notices shall be posted in each such establishment, to the extent

that such notices have been furnished by the Department of Labor. Where employers are engaged in activities which are physically dispersed, such as agriculture, construction, transportation, communications, and electric, gas and sanitary services, the notice or notices required by this section shall be posted at the location to which employees report each day. Where employees do not usually work at, or report to, a single establishment, such as traveling salesmen, technicians, engineers, etc., such notice or notices shall be posted at the location from which the employees operate to carry out their activities. In all cases, such notice or notices shall be posted in accordance with the requirements of subsection (1) of this section.

(3) [(4)] Copies of KRS Chapter 338, all regulations filed pursuant thereto, and all applicable standards will be available at the Department of Labor. If an employer has obtained copies of these materials, he shall make them available upon request to any employee or his authorized representative for review in the establishment where the employee is employed on the same day the request is made or at the earliest time mutually convenient to the employee or his authorized representative and the employer.

(4) [(5)] Any employer failing to comply with the provisions of this section shall be subject to citation and penalty in accordance with the provisions of KRS 338.991.

JAMES R. YOCOM, Commissioner
Chairman, Occupational Safety
and Health Standards Board

ADOPTED: July 14, 1976

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: July 20, 1976 at 2 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Executive Director, Kentucky Department of Labor,
Occupational Safety and Health Program, Capital Plaza
Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION
Department of Labor
Occupational Safety and Health
(Proposed Amendment)

803 KAR 2:120. Citations.

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: Pursuant to the authority granted the Kentucky Occupational Safety and Health Standards Board by KRS 338.051, the following rules and regulations are adopted, formulating the procedure to be followed by the commissioner when a citation has been issued. The function of this regulation is to spell out with clarity the procedure which must be followed by the compliance officers both as to form and content of the citation. Also, the regulation makes clear the procedure to be followed by the Commissioner of the Department of Labor in reviewing the inspection conducted by the compliance officers.

Section 1. Citations. The Commissioner of the Department of Labor shall review the inspection report of the compliance safety and health officer. If, on the basis of the report the commissioner believes that the employer has violated a requirement of KRS Chapter 338, or any standard, rule or order promulgated pursuant to KRS

Chapter 338, he shall issue to the employer [either] a citation *indicating the violations*. [or a notice of de minimis violation which have no direct or immediate relationship to safety or health.] An appropriate citation [or notice of de minimis violations] shall be issued even though after being informed of an alleged violation by the compliance safety and health officer, the employer immediately abates, or initiates steps to abate, such alleged violation. Any citation [or notice of de minimis violations] shall be issued with reasonable promptness after termination of the inspection. [No citation may be issued under this section after the expiration of six (6) months following the occurrence of any alleged violation.]

Section 2. Content of Citation. Any citation shall describe with particularity the nature of the alleged violation, including a reference to the provision(s) of KRS Chapter 338, standard, rule, regulation, or order alleged to have been violated. Any citation shall also fix a reasonable time or times for the abatement of the alleged violation.

Section 3. Citation Issued for Requested Inspection. If a citation [or notice of de minimis violations] is issued for a violation alleged in a request for inspection under 803 KAR 2:090 Section 1(1) or a notification of violation under 803 KAR 2:090 Section 1(3), a copy of the citation [or notice of de minimis violations] shall also be sent to the employee or representative of employees who made such request or notification.

Section 4. Informal Review of Inspection. After an inspection, if the commissioner determines that a citation is not warranted with respect to a danger or violation alleged to exist in a request for inspection under 803 KAR 2:090, Section 1(1), or a notification of violation under 803 KAR 2:090, Section 1(3), the informal review procedures prescribed in 803 KAR 2:090, Section 2, shall be applicable. After considering all views presented, the commissioner shall either affirm his determination, order a reinspection, or issue a citation if he believes that the inspection disclosed a violation. The commissioner shall furnish the complaining party and the employer with written notification of his determination and the reasons therefor. The determination of the commissioner shall be final and not subject to review.

Section 5. Citation. Every citation shall state that the issuance of a citation does not constitute a finding that a violation of KRS Chapter 338, or any standard, rule, order or regulation filed pursuant thereto, has occurred unless there is a failure to contest as provided for in KRS Chapter 338 or, if contested, unless the citation is affirmed by the review commission.

JAMES R. YOCOM, Commissioner
Chairman, Occupational Safety
and Health Standards Board

ADOPTED: July 14, 1976

APPROVED:

JAMES E. GRAY, Secretary

RECEIVED BY LRC: July 20, 1976 at 2 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: The Executive Director, Kentucky Department of
Labor, Occupational Safety and Health Program, Capital
Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
 Department of Insurance
 (Proposed Amendment)

806 KAR 50:010. Standards of safety.

RELATES TO: KRS 227.220

PURSUANT TO: KRS 13.082, 227.300

NECESSITY AND FUNCTION: KRS 227.300 requires the State Fire Marshal's Office to establish by regulation principles and practices for construction in order to safeguard life and property from the hazards of fire and panic. These proposed regulations set out the basic procedures, and definitions used in the State Fire Marshal's Office.

Section 1. Citations: These regulations constitute and may be cited as the "Standards of Safety."

Section 2. Purpose and Application: (1) The purpose of the Standards of Safety is to provide, in accordance with KRS 227.300, reasonable rules and regulations, based upon recognized good fire prevention and fire protection engineering principles and practices, for the safeguarding, to a reasonable degree, of human life and property from the hazards of fire and panic:

(a) By establishing minimum requirements governing the design and construction of buildings, particularly those involving the public interest or welfare, and including any building or structure, permanent or temporary which is used or occupied or is to be used or occupied by persons who are employed, lodged, housed, cared for, assembled, served, entertained, or instructed therein, including, but not limited to, hotels, motels, apartments, schools or other educational institutions, colleges, hospitals of all kinds, penal institutions, asylums, nursing homes, convalescent homes, or homes for the aged, mercantile establishments, office buildings, apartment houses, theaters, churches, restaurants, auditoriums, grandstands and stadiums, gymnasiums, armories, night clubs, lodge halls, dance halls, factories, work shops, meeting rooms, bowling alleys, manufacturing and processing establishments, and all other buildings and structures of same or similar character or of same or similar use;

(b) By establishing minimum standards for safeguarding the more common fire hazards;

(c) By establishing minimum requirements for public and private care and cleanliness, as they relate to fire; and,

(d) By establishing minimum regulations governing the operation and maintenance of certain occupancies which have a direct bearing on general safety of life and property (including provisions for issuance of permits, inspection of property, etc.).

(2) Except as otherwise specifically provided, the general provisions of the Standards of Safety apply to all buildings, occupancies, installations or conditions, including those occupancies for which special requirements are given.

(3) While safety to life warrants as close compliance as possible with the Standards of Safety, nothing herein shall apply to farm property, unless there are activities of an industrial nature sufficient to require the consider-

ation of the State Fire Marshal from a life hazard standpoint.

(4) Unless otherwise provided, the Standards of Safety are intended primarily to apply to new or remodeled buildings, installations, equipment, or conditions; however, they shall also apply to existing buildings, installations, equipment, conditions and occupancies where safety to life or protection of the public interest requires their enforcement.

(5) The standards herein contained are to be considered a minimum. Where an ordinance has been adopted by a municipality, the Standards of Safety do not modify any provision of said ordinance, unless the Standards of Safety impose greater restrictions, in which case the provisions of the Standards of Safety shall control.

(6) Where the purpose of any provision of the Standards of Safety, as it pertains to safety to life and property from fire, can be fulfilled by other means, the State Fire Marshal may modify the provision to permit certain specific alternatives.

(7) It is not the intent of the Standards of Safety to dictate use of specific materials, provided the necessary degree to safety is otherwise attained. Other materials than those herein specified may be used if approved and having the equivalent strength, fire resistance, and other qualities needed for the purpose for which they are intended.

(8) Many of the Standards of Safety are specific. Others, for the sake of brevity and simplification, are of general nature. All features of construction and occupancy, and operations of any nature, shall be such as to provide reasonable safety to life and property from fire and shall conform to recognized safe practice requirements. Unless specifically covered by a provision of these standards, the following nationally recognized codes, standards, and regulations shall be deemed safe practice requirements. These codes, standards and regulations have been approved by the commissioner, and copies have been placed on file in the Office of the State Fire Marshal and with the Legislative Research Commission.

(a) Standards of the National Fire Protection Association known as the National Fire Codes, Volume 1-10, (1973-1974 Edition) and NFPA Pamphlet 58, "Storage and Handling of Liquefied Petroleum Gases," 1974 edition. 1. Copies of the 10 volumes, or of any pamphlet contained therein or of pamphlet 58, 1974 edition are available for a fee from: National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210. 2. The National Fire Codes contain the following codes, standards, recommended practices, and manuals:

"Volume 1. Flammable Liquids, Boiler-Furnaces, Ovens

Pamphlet	Title and Edition
30	Flammable & Combustible Liquids Code, '73
31	Oil Burning Equipment, '72
32	Dry Cleaning Plants, '72
321	Classification of Flammable Liquids, '73
327	Cleaning Small Tanks, '70
328	Manholes and Sewers, Flammable and Combustible Liquids and Gases in, '70
329	Underground Leakage of Flammable and Combustible Liquids, '72
33	Spray Application, '73
34	Dip Tanks, '71
35	Manufacture of Organic Coatings, '71
36	Solvent Extraction, '73
385	Tank Vehicles for Flammable & Combustible Liquids, '71

- 386 Portable Shipping Tanks, '70
- 393 Gasoline Blow Torches, '69
- 395 Flammable and Combustible Liquids on Farms and Isolated Construction Projects, '72
- 85 Oil- and Gas-Fired Watertube Furnaces - One Burner, '73
- 85B Furnace Explosions in Natural Gas-Fired Multiple Burner Boiler-Furnaces, '73
- 85D Fuel Oil-Fired Multiple Burner Boiler-Furnaces, '73
- 85E Pulverized Coal-Fired Multiple Burner Boiler-Furnaces, '73
- 86A Ovens and Furnaces, '73
- 86B Industrial Furnaces, '73
- 86C Industrial Furnaces, Special Processing Atmospheres, '73
- 704M Fire Hazards of Materials, Identification Systems for, '69

Volume 2. Gases

- 37 Sta. Combustion Engines & Gas Turbines, '70
- 50 Bulk Oxygen Systems, '73
- 50A Gaseous Hydrogen Systems, '73
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- 51 Welding & Cutting, Oxygen-Fuel Gas Systems for, '73
- 51A Acetylene Cylinder Charging Plants, '73
- 51B Cutting & Welding Processes, '71
- 54 Gas Appliances and Gas Piping, Installation of, '69
- 54A Industrial Gas Piping and Equipment, '69
- 56A Inhalation Anesthetics, '73
- 56B Respiratory Therapy, '73
- 56D Hyperbaric Facilities, '70
- 56E Hyperbaric Facilities, '72
- 56F Nonflammable Medical Gas Systems, '73
- 56HM Home Respiratory Therapy, '73
- 57 Fumigation, '73
- 58 Liquefied Petroleum Gases, Storage and Handling, '72
- 59 Liquefied Petroleum Gases at Utility Gas Plants, '68
- 59A Liquefied Natural Gas, Storage and Handling, '72

Volume 3. Combustible Solids, Dusts and Explosives

- 40 Cellulose Nitrate Motion Picture Film, '67
- 41L Model Rocketry Code, '68
- 42 Pyroxylin Plastics in Factories, '67
- 43 Pyroxylin Plastic Storage, Sale, '67
- 43A Liquid and Solid Oxidizing Materials, '73
- 44A Fireworks, Manufacturing, Transportation and Storage, '73
- 48 Magnesium Storage, Handling, '67
- 481 Titanium Storage, Handling, '72
- 482M Zirconium, Plants Producing, '61
- 49 Hazardous Chemicals Data, '73
- 490 Ammonium Nitrate Storage, '70
- 492 Separation Distances of Ammonium Nitrate and Blasting Agents, '68
- 494L Fireworks Law, Model State, '72
- 495 Explosive Materials, '73
- 498 Explosives, Motor Vehicle Terminals, '70
- 60 Pulverized Fuel Systems, '73
- 61A Manufacturing and Handling Starch, '73
- 61B Grain Elevators, Bulk Handling Facilities, '73
- 61C Feed Mills, Dust Hazards, '73
- 61D Agricultural Commodities for Human Consumption, '73
- 62 Sugar & Cocoa, Dust Hazards, '67
- 63 Industrial Plants, Dust Explosions, '71
- 65 Aluminum Processing and Finishing, '73
- 651 Aluminum Powder, Manufacture of, '72
- 652 Magnesium Powder, Plants Handling, '68
- 653 Coal Preparation Plants, Dust Hazards, '71
- 654 Plastics Industry, Dust Hazards, '70
- 655 Sulfur Fires, Explosions, Prevention, '71
- 656 Spice Grinding Plants, Dust Hazards, '71
- 657 Confectionery Manufacturing, Dust Hazards, '67
- 66 Pneumatic Conveying Systems, '73
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- 701 Flame-Resistant Textiles and Films, Fire Tests for, '69
- 702 Flammability of Wearing Apparel, '68

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- 80 Fire Doors and Windows, '73
- 80A Protection from Exposure Fires, '70
- 82 Incinerators, Rubbish Handling, '72
- 89M Clearances, Heat Producing Appliances, '71
- 90A Air Conditioning & Ventilating Systems, '73
- 90B Warm Air Heating & Air Conditioning, '73
- 91 Blower & Exhaust Systems, '73
- 92M Waterproofing and Draining of Floors, '72
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- 97M Glossary of Heating Terms, '72
- 101 Life Safety Code, '73
- 102 Tents, Grandstands & Air-Supported Structures Used for Places of Assembly, '72
- 203M Roof Coverings, '70
- 204 Smoke & Heating Venting Guide, '68
- 206M Building Areas & Heights, '70
- 211 Chimneys, Fireplaces & Vents, '72
- 214 Water Cooling Towers, '71
- 220 Building Types, Standard, '61
- 241 Building Construction and Demolition Operations, '73
- 251 Fire Tests, Building Construction & Materials, '72
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- 255 Building Materials, Tests of Surface Burning Characteristics, '72
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- 703 Fire Retardant Treatments, Building Materials, '61

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- 70A Electrical Code for One- and Two-Family Dwellings, '72
- 70L Model State Electrical Law, '73
- 75 Electronic Computer/Data Processing Equipment, '72
- 76A Essential Electrical Systems, '73
- 76CM High-Frequency Electrical Equipment, '70
- 79 Electrical Metalworking Machine Tools, '73
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- 16 Foam-Water Sprinkler & Spray System, '68
- 20 Centrifugal Fire Pumps, '72
- 21 Steam Fire Pumps, Maintenance, '63
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3M	Hospital Emergency Preparedness, '70
4	Organization for Fire Services, '71
4A	Fire Department Organization, '69
6	Industrial Fire Loss Prevention, '67
7	Fire Emergencies, Management, '67
8	Effects of Fire on Operations, Management Responsibility for, '67
9	Training Reports and Records, '70
10	Portable Fire Extinguishers, Installation, '73
10A	Portable Fire Extinguishers, Maintenance & Use, '73
10L	Model Enabling Act, Portable Fire Extinguishers, '69
182M	Vaporizing Liquid Agents, Hazards, '65
19	Automotive Fire Apparatus, '73
19B	Respiratory Protective Equipment for Firefighters, '71
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196	Fire Hose, '72
197	Initial Fire Attack, Training Standard on, '66
198	Fire Hose, Care of, '72
25	Water Systems for Rural Fire Protection, '69
27	Private Fire Brigades, '67
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601	Guard Service in Fire Loss Prevention, '68
601A	Guard Operations in Fire Loss Prevention, '68
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901	Uniform Coding for Fire Protection, '73
901AM	Fire Reporting Field Incident Manual, '73

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403	Aircraft Rescue, Fire Fighting Services at Airports, '73
406M	Fire Dept. Handling Crash Fires, '68
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410A	Aircraft Electrical Maintenance, '68
410B	Aircraft Oxygen Maintenance, '71
410C	Aircraft Fuel System Maintenance, '72
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417	Aircraft Loading Walkways, '73
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419	Airport Water Supply Systems, '69
421	Aircraft Interior Fire Protection, '73
422M	Aircraft Fire Investigators Manual, '72
505	Powered Industrial Trucks, '73
512	Truck Fire Protection, '70"

3. Incorporated by reference on November 1, 1974.

(b) National Building Code recommended by the American Insurance Association, 1967 Edition, hereafter referred to as "The National Building Code," except Article XVIII and Appendix 1 and Section 27. 1. Copies of the National Building Code are available for a fee from: American Insurance Association, 85 John Street, New York, New York 10038. 2. The National Building Code contains the minimum standards for the construction, alteration, equipment, use and occupancy, location and maintenance, moving and demolition of buildings and structures. 3. Date Incorporated by reference November 1, 1974.

(c) A new Article XVIII of the National Building Code shall read as follows:

(NOTE: These Standards and Codes also adopt other nationally recognized Standards and Codes, i.e. Article XVIII of the National Building Code.)

**"ARTICLE XVIII
LIST OF STANDARDS AND PUBLICATIONS.**

Section 1800. Compliance.

Compliance with the standards or publications listed under the section numbers of this code in this article shall be evidence of compliance with the section of the code referring to this article.

Section 1801. Organization names and indicating abbreviations.

The abbreviations preceding these standards and publications shall have the following meaning and are the organizations issuing the standards and publications listed.

ANSI - American National Standards Institute (formerly United States of American Standards Institute.)
1430 Broadway
New York, New York 10018

ASTM - American Society for Testing and Materials
1916 Race Street
Philadelphia, Pa. 19103

NFPA - National Fire Protection Association International
470 Atlantic Avenue
Boston, Mass. 02210

Section 313.1 NFPA No. 30, Flammable and Combustible Liquids Code, '73. NFPA No. 35, Standard for the Manufacture of Organic Coatings, '71. NFPA No. 36, Standard for Solvent Extraction Plants, '73. NFPA No. 40, Standard for Storage & Handling of Cellulose Nitrate Motion Picture Film, '67. NFPA No. 48, Standard for the Storage, Handling & Processing of Magnesium, '67. NFPA No. 481, Standard for the Production, Proc-

essing, Handling and Storage of Titanium, '72. NFPA No. 61B, Standard for the Prevention of Dust Explosions in Terminal Grain Elevators, '73. NFPA No. 61C, Standard for the Prevention of Dust Explosion in Flour & Feed Mills, '73. NFPA No. 65, Code for the Processing & Finishing of Aluminum, '73. NFPA No. 664, Code for the Prevention of Dust Explosions in Woodworking & Wood Flour Manufacturing Plants, '71.

Section 318.5 NFPA No. 40, Standard for the Storage and Handling of Cellulose Nitrate Motion Picture Film, '67. NFPA No. 102, Standard for Places of Outdoor Assembly, Grandstands and Tents, '72.

Section 321 NFPA No. 40, Standard for Storage & Handling of Cellulose Nitrate Motion Picture Film, '67.

Section 505.1 NFPA No. 90A, Standard for the Installation of Air Conditioning & Ventilating Systems Other Than Residence Type, '73. NFPA No. 54, Gas Appliances and Gas Piping, Installation, '69. NFPA No. 54A, Industrial Gas Piping and Equipment, '69. NFPA No. 90B, Warm Air Heating and Air Conditioning, '73. NFPA No. 91, Blower and Exhaust Systems, '73. NFPA No. 96, Commercial Cooking Equipment, Ventilation, '73. NFPA No. 204, Smoke and Heat Venting Guide, '68. NFPA No. 211, Chimneys, Fireplaces and Vents, '72.

Section 811.4a NFPA No. 14, Standards for the Installation of Standpipe and Hose Systems, '73.

Section 812.3a NFPA No. 13, Standards for the Installation of Sprinkler Systems, '73.

Section 905.1a ANSI A56.1, Building Code Requirements for Excavations and Foundations, '52.

Section 908.1a ASTM D25, Specifications for Round Timber Piles, '73. ANSI A56.1, Building Code Requirements for Excavations and Foundations, '52. ASTM A252, Specifications for Welded and Seamless Steel Pipe Piles, '73. ASTM A283, Specifications for Low and Intermediate Tensile Strength Carbon Steel Plates for Structural Quality, '70 A.E. ASTM A366, Specifications for Cold-Rolled Carbon Steel Sheets, Commercial Quality, '72. ASTM A569, Steel Carbon (0.15 maximum percent) Hot Rolled Sheet and Strip, Commercial Quality, '72. ASTM A36, Structural Steel Specifications, '70A. ASTM A306, Carbon Steel Bores Subject to Mechanical Property Requirements, '64. ASTM A242, Specification for High-Strength Low Alloy Structural Steel, '70AE. ASTM A441, Specification for High-Strength, Low Alloy Structural Manganese Vanadium Steel, '70AE.

Section 909.1c ASTM C5, Specifications for Quicklime for Structural Purposes, '59. ASTM C6, Specifications for Normal Finishing Hydrated Lime, '49. ASTM C10, Specifications for Natural Cement, '73. ASTM C22, Specifications for Gypsum, '72. ASTM C33, Specifications for Concrete Aggregates, '74A. ASTM C34, Specifications for Structural Clay Load-Bearing Wall Tile, '62. ASTM C52, Specifications for Gypsum Partition Tile or Block, '54. ASTM C55, Specifications for Concrete Building Brick, '71. ASTM C56, Specifications for Structural Clay Non-Load-Bearing Tile, '71. ASTM C57, Specifications

for Structural Clay Floor Tile, '57. ASTM C61, Specifications for Keene's Cement, '64. ASTM C62, Specifications for Building Brick (Solid Masonry Units Made from Clay or Shale), '69E. ASTM C73, Specifications for Sand-Lime Building Brick, '67. ASTM C90, Specifications for Hollow Load-Bearing Concrete Masonry Units, '70A. ASTM C91, Specifications for Masonry Cement, '71. ASTM C105, Specifications for Ground Fire Clay as a Mortar for Laying-Up Fireclay Brick, '47. ASTM C126, Specifications for Ceramic Glazed Structural Clay Facing Brick, and Solid Masonry Units, '71. ASTM C129, Specifications for Hollow Non-Load-Bearing Concrete Masonry Units, '73. ASTM C141, Specifications for Hydraulic Hydrated Lime for Structural Purposes, '67. ASTM C144, Specifications for Aggregate for Masonry Mortar, '70. ASTM C145, Specifications for Solid Load-Bearing Concrete Masonry Units, '71A. ASTM C150, Specifications for Portland Cement, '74. ASTM C595, Blended Hydraulic Cements, '74. ASTM C206, Specifications for Special Finishing Hydrated Lime, '49. ASTM C207, Specifications for Hydrated Lime for Masonry Purposes, '74. ASTM C212, Specifications for Structural Clay facing Tile, '60. ASTM C216, Specifications for Facing Brick (Solid Masonry Units Made from Clay or Shale), '71A. ASTM C260, Specifications for Air-Entraining Admixtures for Concrete, '73. ASTM C270, Specifications for Mortar for Unit Masonry, '73. ASTM C279, Specifications for Chemical-Resistant Masonry Units, '54. ASTM C287, Specifications for Sulfur Mortar, '71. ASTM C315, Specifications for Clay Flue Linings, '56. ASTM C330, Specifications for Lightweight Aggregate for Concrete Masonry Units, '69A.

Section 911.1 ASTM C476, Specifications for Mortar and Grout for Reinforced Masonry, '71. ANSI A41.2, Building Code Requirements for Reinforced Masonry, '60, (R70).

Section 913.1 ANSI 89.1, Building Code Requirements for Reinforced Concrete, '72. ASTM C33, Specifications for Concrete Aggregates, '74A. ASTM C330, Specifications for Lightweight Aggregates for Structural Concrete, '69A. ASTM C332, Specifications for Lightweight Aggregates for Insulating Concrete, '66.

Sections 913.1 and 914.1a ASTM A36, Structural Steel Specifications, '70A. ASTM A283, Specifications for Low and Intermediate Tensile Strength Carbon Steel Plates for Structural Quality, '70AE. ASTM A306, Carbon Steel Bores Subject to Mechanical Property Requirements, '64. ASTM A82, Specifications for Cold-Drawn Steel Wire for Concrete Reinforcement, '72. ASTM A185, Specifications for Welded Steel Wire Fabric for Concrete Reinforcement, '73. ASTM A377, Specifications for Cast Iron Pressure Pipe, '66. ASTM A615, Deformed Plain Billet Steel Boars for Concrete Reinforcement, '74. ASTM A616, Rail Steel, Deformed and Plain Bars for Concrete Reinforcement, '72. ASTM A617, Axle Steel, Deformed and Plain Bars for Concrete Reinforcement, '72.

Section 914.1a ANSI A59.1, Building Code Requirements for Reinforced Gypsum Concrete, '68 (R72).

Section 915.1 ANSI A122.1, Vermiculite Concrete Roofs and Slabs-on-Grade, '65.

Section 916.1 ANSI A89.1, Building Code Requirements for Reinforced Concrete, '72.

Section 917.1 ASTM A36, Specifications for Structural Steel, '70A. ASTM A283, Specifications for Low and Intermediate Tensile Strength Carbon Steel Plates for Structural Quality, '70AE. ASTM A306, Carbon Steel Bores Subject to Mechanical Property Requirements, '64. ASTM A242, Specifications for High Strength Low Alloy Structural Steel, '70AE. ASTM 440, Specifications for High Strength Structural Steel, '70AE. ASTM 441, Specifications for High Strength Low Alloy Structural Manganese Vanadium Steel, '70AE.

Section 917.7d NFPA No. 51, Gas Systems for Welding and Cutting, '73. ANSI Z49.1 Safety in Welding and Cutting, '73.

Section 918.1 ASTM A570, Hot Rolled Carbon Steel Sheet and Strip, Structural Qualities, '72. ASTM A611, Steel Cold Rolled Sheets, Carbon Structural Specifications, '72. ASTM A606, Steel Sheet and Strip; Hot Rolled and Cold Rolled, High Strength and Low Alloy with Improved Corrosion Resistance, '71E. ASTM A607, Steel Sheet and Strip; Hot Rolled and Cold Rolled, High Strength and Low Alloy Columbian and/or Vanadium, '70. ASTM A446, Specification for Steel Sheets of Structural Quality, Coils and Cut Lengths, '72.

Section 920.1 ASTM B221, Specifications for Aluminum-Alloy Extruded Bars, Rods Shapes and Tubes, '74. ASTM B308, Specifications for Aluminum-Alloy Standard Structural Shapes, Rolled or Extruded, '73.

Section 925 ANSI A42.1, Specifications for Gypsum Plastering, '64. ANSI A42.2, Specifications for Portland Cement Stucco, '71. ANSI A42.3, Specifications for Portland Cement Plastering, '71. ANSI A42.4, Specifications for Interior Lathing and Furring, '67. ANSI A97.1, Specifications for the Application and Finishing of Wallboard, '65.

Section 1204.1 ANSI A10.4, Safety Requirements for Workmen's Hoists, '73.

Section 1211.2a NFPA No. 31, Standard for the Installation of Oil Burning Equipment, '72. NFPA No. 58, Standard for the Storage and Handling of Liquefied Petroleum Gases, '72.

Section 1300 ANSI A17.1, Safety Code for Elevators, Dumbwaiters and Escalators and Moving Walks, '71.

Section 1305 ANSI A113.1, Safety Code for Mechanized Parking Garage Equipment, 'R71.

Section 1400.1 NFPA No. 54, Standards for the Installation of Gas Piping and Gas Appliances in Buildings, '69.

Section 1500 NFPA No. 70, National Electrical Code, '71.

Section 1602.6a ANSI A60.1, Building Code Requirements for Signs and Outdoor Display Structures, '49."

(d) A new Appendix I Section 27 of the National Building Code shall read as follows:

"SECTION 27. LIST OF STANDARDS AND PUBLICATIONS"

Compliance with the standards or publications listed under the section numbers in this section shall be evidence of compliance with the section of the code referring to this section.

The abbreviations preceding these standards and publications shall have the following meaning and are the organizations issuing the standards and publications listed.

NFPA-National Fire Protection Association, International, 470 Atlantic Avenue, Boston, Mass. 02210.

Section 26. NFPA No. 30, Flammable and Combustible Liquids Code, '73. NFPA No. 32, Standard for Dry Cleaning Plants, '72. NFPA No. 33, Standard for Spray Finishing Using Flammable and Combustible Materials, '73. NFPA No. 34, Standard for Dip Tanks Containing Flammable or Combustible Liquids, '71. NFPA No. 35, Standard for the Manufacture of Organic Coatings, '71. NFPA No. 36, Standard for Solvent Extraction Plants, '73. NFPA No. 40, Standard for Storage & Handling of Cellulose Nitrate Motion Picture Film, '67. NFPA No. 42, Standard for Storage, Handling & Use of Pyroxylin Plastics in Factories, '67. NFPA No. 43, Standard for Storage, Handling & Use of Pyroxylin Plastics in Warehouses, Wholesale and Retail Stores, '67. NFPA No. 48, Standard for Storage, Handling & Processing of Magnesium, '67. NFPA No. 481, Standard for the Production, Processing, Handling & Storage of Titanium, '72. NFPA No. 56A, Inhalation Anesthetics, '73. NFPA No. 56B, Respiratory Therapy, '73. NFPA No. 58, Standard for Storage & Handling of Liquefied Petroleum Gases, '72. NFPA No. 61A, Standard for Prevention of Dust Explosions in Starch Factories, '73. NFPA No. 61B, Code for the Prevention of Dust Explosions in Terminal Grain Elevators, '73. NFPA No. 61C, Code for the Prevention of Dust Explosions in Flour and Feed Mills, '73. NFPA No. 62, Standard for the Prevention of Dust Explosions in Sugar and Cocoa, '67. NFPA No. 651, Code for the Prevention of Dust Explosions in the Manufacture of Aluminum Powder, '72. NFPA No. 562, Code for Explosion & Fire Protection in Plants Producing or Handling Magnesium Powder or Dust, '68. NFPA No. 653, Standard for the Prevention of Dust Explosions in Coal Preparation Plants, '71. NFPA No. 654, Standard for the Prevention of Dust Explosions in the Plastics Industry, '70. NFPA No. 655, Standard for the Prevention of Sulfur Fires and Explosions, '71. NFPA No. 656, Code for the Prevention of Dust Ignitions in Spice Grinding Plants, '71. NFPA No. 657, Code for the Prevention of Dust Explosions in Confectionery Manufacturing Plants, '67. NFPA No. 664, Code for the Prevention of Dust Explosions in Woodworking and Wood Flour Manufacturing Plants, '71. NFPA No. 88A, Parking Structures, '73. NFPA No. 88B, Repair Garages, '73. NFPA No. 409, Standard on Aircraft Hangars, '73."

Section 3. Definitions: (1) Unless otherwise ex-

pressly stated, the following terms, as used in these standards, shall have the meanings indicated in this article.

(2) Words used in the present tense include the future; the singular number includes the plural and the plural the singular.

(3) Where terms are not defined in this article, they shall have their ordinarily accepted meaning or such as the context may imply.

(a) "Addition" as applied to a building or structure, means any construction which increases the area or the height of any portion of the building or structure.

(b) "Alley" means any public space or thoroughfare less than twenty-one (21) feet in width which has been dedicated or devoted to public use.

(c) "Alteration" as applied to a building or structure, means any change or modification in construction, exit facilities, or permanent fixture or equipment which does not include an addition to the building or structure.

(d) "ASTM" means American Society for Testing and Materials.

(e) "Approved" as applied to a material, device, or mode of construction, means materials, devices or equipment listed by Underwriter's Laboratories, Inc., the testing laboratory of the American Gas Association, or other recognized testing authority or approved by the State Fire Marshal.

(f) "Area" as applied to a building or structure, means the maximum horizontal projected area of the building or structure at or above grade.

(g) "Areaway" means an unroofed subsurface space adjacent to a building.

(h) "Attic" means the space between the ceiling beams of the top habitable story and the roof rafters.

(i) "Automatic" as applied to a fire door or other opening protective, means normally held in an open position and automatically closed by a releasing device that is actuated by abnormal high temperature, a predetermined rate of rise in temperature or electrically connected to an approved fire alarm system.

(j) "Basement" means that portion of a building the average height of which is more than half below grade. However, the space shall not be considered a basement if its ceiling is seven and one-half (7 1/2) feet or more above the grade level at any point next to the building. If this space is used for human habitation it shall be considered a story.

(k) "Building" means the total area enclosed between exterior walls, or exterior walls and fire walls. For the purpose of this code each portion of a building separated from other portions by a fire wall shall be considered as a separate building.

(l) "Combustible material" as applied to installation of heating equipment means any material made or surfaced with wood, compressed paper, plant fibers, or other material that will ignite and burn whether flameproof or not, or whether plastered or not plastered.

(m) "Concrete" means a mixture of portland cement, aggregates and water.

(n) "Concrete, reinforced" means concrete in which reinforcement other than provided for shrinkage or temperature changes is embedded in such a manner that the two (2) materials act together as a resisting force.

(o) "Court" means any open, uncovered, unoccupied space on the same lot with a building: 1. Inner court means any court other than an outer court or yard. 2. Outer court means a court other than a yard having at least one side thereof opening to a street, ally, or yard or other permanent open space. 3. Yard means a court on the same lot with a building extending along the entire length of a lot line.

(p) "Dwelling" means a building occupied exclusively for residence purposes and having: 1. One (1) dwelling unit; or 2. Two (2) dwelling units; or 3. One or two dwelling units with a total of not more than fifteen (15) boarders or roomers in these units served with means or sleeping accommodations or both.

(q) "Dwelling unit" means one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, with cooking, living, sanitary, and sleeping facilities.

(r) "Elevator" means a hoisting and lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction, and which serves two (2) or more floors of a building or structure: 1. Freight elevator means an elevator ordinarily used for carrying freight and on which only the operator and the persons necessary for unloading and loading the freight are permitted to ride. 2. Passenger elevator means an elevator used primarily to carry persons other than the operator.

(s) "Existing" means in existence before the time that this code becomes effective.

(t) "Fire Chief" means the authorized head of a fire department that is recognized by the State Fire Marshal's Office.

(u) "Fire Department", for the purposes of these standards, means a fire department recognized by the State Fire Marshal's Office.

(v) "Fire door" means a door and its assembly, so constructed and assembled in place as to give protection against the passage of fire (See approved).

(w) "Fire resistance rating" means the time in hours that the material or construction will withstand the standard fire exposure, as determined by a fire test made in conformity with the "Standard Method of Fire Tests in Building Construction and Materials," ASTM E119-55 (See Appendix B for fire resistance ratings for specific types of construction).

(x) "Fire resistive construction" means construction conforming to the requirements of Section 702 of the National Building Code.

(y) "Fire retardant treated lumber" means lumber that has been treated by an approved pressure impregnation process and has a flame spread rating not higher than equivalent of twenty-five (25) with no evidence of significant progressive combustion when tested for thirty (30) minutes duration under the Standard Test Method for Fire Hazard Classification of Building Materials of Underwriter's Laboratories, Inc., U.L. 723, NFPA 255, ASTM E84. All fire retardant treated lumber shall be easily identifiable.

(z) "Fire walls"—(See walls). (aa) "Grade" with reference to a building or structure, means the elevation of the ground adjoining the building. (bb) "Heavy timber construction" means construction conforming to the requirement of Section 706 of the National Building Code.

(cc) "Height:" 1. As applied to buildings, means the vertical distance from grade to the highest finished roof surface, or to a point at the average height of a roof having a pitch of more than one (1) foot in four and one-half (4 1/2) feet; "height" of a building in stories does not include basements. (See "basement".) 2. As applied to a story, means the vertical distance from top to top of two (2) successive tiers of floor beams or finished floor surfaces. 3. As applied to a wall, means the vertical distance to the top measured from the foundation wall, or from a girder, or other immediate support of such wall. (dd) "Horizontal separation" means a permanent open space between the building wall under consideration and the lot line or the center line of a facing street, alley or public way. Where two or more buildings are on a lot, the horizontal separation of the wall under consideration shall be measured from an imaginary line drawn at a distance from the facing wall equal to the horizontal separation applicable for that wall.

(ee) "Interior finish" means the material of walls, partitions or fixed or movable type ceilings and other exposed interior surfaces of building. Interior finish includes materials affixed to the building structure as distinguished from decorations and furnishings, which are not so affixed:

1. Class A Interior Finish-Flame Spread Rating 0-25
2. Class B Interior Finish-Flame Spread Rating 26-75
3. Class C Interior Finish-Flame Spread Rating 76-200
4. Class D Interior Finish-Flame Spread Rating 201-500

5. Class E Interior Finish-Flame Spread Rating over 500. (ff) "Legislative body" means a city council, fiscal court, board of directors, commissioners, committee, or any group however, named, which governs a recognized fire department. (gg) "Masonry" means a built-up construction or combination of building units of such materials as clay, shale, concrete, glass, gypsum or stone set in mortar; or plain concrete: 1. "Hollow masonry unit" means a masonry unit whose net cross-sectional area in any plane parallel to the bearing surface is less than seventy-five per cent (75%) of its cross-sectional area measured in the same plane. 2. "Masonry of hollow units" means masonry consisting wholly or in part of hollow masonry units laid continuously in mortar. 3. "Solid masonry" means consisting of solid masonry units laid continuously in mortar, or consisting of plain concrete. 4. "Solid masonry unit" means a masonry unit whose net cross-sectional area in every plane parallel to the bearing surface is seventy-five per cent (75%) or more of its gross cross-sectional area measured in the same plane. 5. "Reinforced masonry" means unit masonry in which reinforcement is embedded in such manner that the two materials act together in resisting forces. (hh) "Multifamily house" means a building or portion thereof containing three (3) or more dwelling units; including tenement houses, apartment houses, flats, etc. (ii) "Noncombustible" as applied to a building construction material, means a material which, in the form in which it is used, falls into one (1) of the following groups: 1. Materials no part of which will ignite or burn and which will not liberate flammable gases or melt when heated to a temperature of 1380 degrees Fahrenheit and to the maximum temperature to which it will be subjected under its normal use under the applicable conditions as follows: a. Where the combustibility of material is a factor in the application or requirements for clearance of the material from a heating appliance, flue, or other device which is a source of high temperature and such

clearance is the only consideration requiring that the material be non-combustible. b. When the material other than backing is used to support only interior finish. c. When the material is used for window sashes, doors, trims, or frames required to be non-combustible but not required as opening protectives to prevent the spread of fire through an opening. 2. Materials having a structural base of a non-combustible material as defined in paragraph (ii) with surfacing not over one-eighth (1/8) inch thick which has a flamespread rating not higher than fifty (50). 3. Materials other than as described in subparagraphs 1. or 2. above having a surface flamespread rating not higher than twenty-five (25) without evidence of continued progressive combustion when tested (as per ASTM E84) for a duration of thirty (30) minutes. It does not apply to surface finishes or coatings which are applied to the surface of combustible materials. Flamespread rating as used herein refers to a rating obtained according to the standard test method for fire hazard classification of the building materials of Underwriter's Laboratories, Inc., U.L. 723, NFPA 255, ASTM E84. (jj) "Noncombustible" as applied to the installations of heating equipment, means any material which will not ignite and burn. (kk) "Occupancy": (1) "Assembly occupancy" means the occupancy or use of a building or structure or any portion thereof by a gathering of persons for civic, political, travel, religious, social, or recreational purposes; including among others:

Armories	Lecture Rooms
Assembly Halls	Lodge Rooms
Auditoriums	Motion Picture Theaters
Bowling Alleys	Museums
Broadcasting Studios	Night Clubs
Chapels	Opera Houses
Churches	Passenger Stations
Clubrooms	Pool Rooms
Community Buildings	Recreation Areas
Courthouses	Restaurants
Dance Halls	Skating Rinks
Exhibition Rooms	Television Studios
Gymnasiums	Theaters

2. "Business occupancy" means the occupancy or use of a building or structure or any portion thereof for the transaction of business, the rendering or receiving of professional services, or the displaying, selling or buying of goods, wares, or merchandise, or the housing of vehicles of transportation, except where occupancy is of high hazard; including among others:

Banks	Service Stations
Barber Shops	Offices
Beauty Parlors	Stores
Department Stores	Radio Stations
Garages	Telephone Exchanges
Markets	Television Stations

3. "Educational occupancy" means the occupancy or use of a building or structure or any portion thereof by persons assembled for the purpose of learning or of receiving education instruction; including among others:

Academies	Pre-school Child
Care Centers	Relocable Classroom Unit
Colleges	Schools
Kindergartens	Seminaries
Libraries	Universities

4. "High hazard occupancy" means the occupancy or use of a building or structure or any portion thereof that involves highly combustible, high flammable or explosive materials or which as inherent characteristics that con-

stitute a special fire hazard; including among others:

Aluminum Power Factories	Grain Elevators
Charging or filling stations	Lacquer Factories
Distilleries	Liquefied Petroleum Gas
Dry Cleaning Plants	Mattress Factories
Dry Dyeing Plants	Paint Factories
Explosive-Manufacture, Sale or Storage	Pyroxylin-Factories, or Warehouses
Flour and Feed Mills	Rubber Factories
Gasoline Bulk Plants	Sales Rooms

5. "Industrial occupancy" means the occupancy or use of a building structure or any portion thereof for assembling, fabricating, finishing, manufacturing, packaging or processing operations, except for occupancies of high hazard; including among others:

Assembly Plants	Mills
Creameries	Power Plants
Electrical Substations	Processing Plants
Factories	Pumping Stations
Ice Plants	Repair Garages
Laboratories	Smokehouses
Laundries	Workshops
Manufacturing Plants	

6. "Institutional occupancy" means the occupancy or use of a building or structure or any portion thereof by persons harbored or detained to receive medical, charitable or other care or treatment, or by persons involuntarily detained; including among others:

Asylums	Nursing Homes
Homes for the Aged	Orphanages
Hospitals	Penal Institutions
Houses of Correction	Reformatories
Infirmaries	Sanitariums
Jails	Nurseries

7. "Residential occupancy" means the occupancy or use of a building or structure or any portion thereof by persons for who sleeping accommodations are provided but who are not harbored or detained to receive medical, charitable or other care or treatment, or are not involuntarily detained, including among others:

Apartments	Hotels
Boarding Houses	Lodging Houses
Club Houses	Motels
Convents	Multifamily Houses
Dormitories	Studios
Dwellings	Tenements

8. "Storage occupancy" means the occupancy or use of a building or structure or any portion thereof for the storage of goods, wares, merchandise, agricultural, or manufactured products or the sheltering of livestock and other animals except where the occupancy is classified as high hazard. (ll) "Ordinary construction" means construction conforming to the requirements of Section 707 of the National Building Code. (mm) "Pent house" means an enclosed structure other than a roof structure, located on the roof, extending not more than twelve (12) feet above a roof and used primarily for living or recreational accommodations. (See story.) (nn) "Place of assembly" shall apply to all buildings or sections of buildings used for the gathering of more than 100 persons in one (1) room or space for religious, recreational, education, political, social, or amusement purposes, or for the consumption of food or drink. (oo) "Pre-fabricated" means fabricated prior to erection or installation on a building or structure foundation. (pp) "Protected non-combustible construction" means construction conforming to the requirements of Section 704 of the National

Building Code. (qq) "Public place" means a thoroughfare or open space over twenty-one (21) feet wide which is dedicated to a governmental body maintaining accessibility to the fire department and other public services. (rr) "Publicway" means a thoroughfare over twenty-one (21) feet wide on a privately owned, privately maintained property but designated for public use and which by agreement is kept accessible at all times to the fire department and other public services. (ss) "Repair" means the replacement of existing work with equivalent materials for the purpose of its maintenance; but not including any addition, change or modification in construction, exit facilities, or permanent fixtures of equipment. (tt) "Required" means required by some provision of these standards. (uu) "Self closing" as applied to a fire door or other protective, means normally closed and equipped with an approved device which will insure closing after having been opened for use. (vv) "Shaft" means a vertical opening or passage through two (2) or more floors of a building or through floors and roof. (ww) "Shall" indicates mandatory provisions of these standards. (xx) "Should" indicates advisory provisions of these standards which, while not mandatory, are highly desirable and strongly recommended. (yy) "Solid wooden door or the flush type" means a door of solid wooden construction (no indented panels or hollow spaces) not less than one and three-fourths (1 3/4) inch in thickness at any point. (zz) "Sprinklered" means equipped with an approved automatic sprinkler system. (aaa) "Story" means that part of a building comprised between a floor and the floor or roof next above. A mezzanine shall be considered a story if it exceeds thirty-three and one-third per cent (33 1/3%) of the area of the floor immediately below. A penthouse shall be considered a story if it exceeds 1,000 square feet or thirty-three and one-third per cent (33 1/3%) of the roof area. The basement of a building used for educational occupancy shall be considered a story if it is used for purposes other than storage, mechanical, or electrical equipment. (bbb) "Street" means any public thoroughfare or space twenty-one (21) feet or more in width, which has been dedicated or devoted to the public for public use. (ccc) "This office" means the State Fire Marshal's Office. (ddd) "Unprotected noncombustible construction" means conforming to the requirements of Section 705 of the National Building Code. (eee) "Walls:" 1. "Bearing wall" means a wall which supports any vertical load in addition to its own weight. 2. "Cavity wall" means a wall built of masonry or of plain concrete, or a combination of these materials, so arranged as to provide an air space within the wall, and in which the inner and outer parts of the wall are tied together with metal ties. 3. "Curtain wall" means a nonbearing wall between columns or piers and which is not supported by girders or beams. 4. "Faced wall" means a wall in which the masonry facing the backing is so bonded as to exert common action under load. 5. "Fire wall" means a wall constructed in accordance with Section 800, for the purpose of subdividing a building or separating buildings to restrict the spread of fire and which starts at the foundation and extends continuously through all stories through and above the roof, except where the roof is fire-resistive and wall is carried up tightly against the underside of the roof slab. 6. "Foundation wall" means

a wall below the first floor extending below the adjacent ground level and serving as a support for a wall, pier, column, or other structural part of a building. 7. "Hollow wall" of masonry means a wall built of masonry units so arranged as to provide an air space within the wall, and in which the inner and outer parts of the wall are bonded together with masonry units. 8. "Nonbearing wall" means a wall which supports no load other than its own weight. 9. "Panel wall" means a nonbearing wall built between columns or piers and wholly supported at each story. 10. "Party wall" means a wall used or adapted for joint services between two (2) buildings. 11. "Veneered wall" means a wall having a facing which is not attached and bonded to the backing as to form an integral part of the wall for purposes of load bearing and stability. (fff) "Wood frame construction" shall mean construction conforming to Section 708 of the National Building Code. Buildings having exterior masonry veneer, metal, or stucco, on wooden frame, constituting wholly or in part the structural support of the building are considered "frame buildings".

Section 4. Administration, Enforcement, and Permits:

(1) Jurisdiction. Any person, persons, firm or corporation failing, refusing, or neglecting to comply with the Standards of Safety shall be punished as provided by KRS 227.990.

(2) Permits.

(a) General: Permits required by this subsection will be issued when the requirements of the Standards of Safety have been complied with, and they may be suspended or revoked if the requirements are violated. Application for such permits shall be made in writing. When submission of plans and specifications is required by the Standards of Safety, it is strongly recommended that preliminary plans and specifications be submitted for review in order to eliminate unnecessary delays to the registered architect and/or professional engineer through minimizing any changes to the final working drawings. Any deviation from the final plans and/or specifications shall have prior approval from the office of the State Fire Marshal in writing.

(b) Application: Application for "state permits" required by paragraph (c), following, shall be made to the State Fire Marshal, Division of Fire Prevention, Department of Insurance, Frankfort, Kentucky. Where submission of plans and specifications is required by the Standards of Safety, the application for a "state permit" together with at least one (1) complete set of plans and specifications shall be submitted.

(c) State permits: A permit or license shall be obtained from the State Fire Marshal, for the following: 1. The transportation, selling, storing for resale, or delivering of liquefied petroleum gases, or for engaging in the business of installing or servicing liquefied petroleum gas equipment; or for persons who actually perform such installations or servicing operations. Licenses issued under this subparagraph shall be in accordance with the provisions of KRS 234.120. Under this subparagraph, licenses or permits are not required for storage or transportation in quantities of ten (10) gallons or less by the ultimate consumer, handling in quantities of less than one (1) gallon where the gas is an integral part of a

device for its utilization, or for use as a motor fuel while in the fuel tank of the motor vehicle. 2. The construction, or substantial remodeling, of any plant or building of a class listed in subsection (3) "Design Responsibility—Plans and Specifications", paragraph (b), following. 3. The construction or substantial remodeling of any plant or building containing an occupancy for which a license is required under KRS 234.120 relating to the storage and handling of liquefied petroleum gases. 4. Conditions where permits are required by Section 6 Flammable Liquids, Section 7 Dry Cleaning, Section 8 Airports, and NFPA Pamphlet 495 Explosives.

(d) Local permits: Where the "state permits" are required as, above, local permits shall also be obtained from an authorized city official, where provisions have been made by the municipality for the issuance of permits, and where the municipality has adopted the Standards of Safety, or has regulations at least as stringent as the Standards of Safety.

(e) Certificate of occupancy: The provisions on certificates of occupancy in the National Building Code will be enforced in their entirety.

(3) Design responsibility, plans and specifications:

(a) Responsibility for the design, plans, and specifications, (architectural, structural, mechanical, and electrical) covering the construction or substantial remodeling of any building of the classes listed below, shall be intrusted [either] to a professional architect registered in Kentucky, acting within the scope of his professional registration in accordance with KRS Chapter 323 [or a professional engineer registered in Kentucky, acting within the scope of his professional registration in accordance with KRS Chapter 322 or both, when, at the discretion of the State Fire Marshal, the circumstances so require]. Such architects' [and engineers'] seals shall be attached to the data covering each area of construction for which he assumes design responsibility.

(b) Plans and specifications in specific detail and in conformity with good architectural and engineering practices shall be submitted to the State Fire Marshal, Division of Fire Prevention, Department of Insurance, Frankfort, Kentucky, and approval received (see "state permits" preceding) before construction or substantial remodeling is started for the following: 1. Asylums, hospitals, nursing or convalescent homes for the aged; however named, and regardless of capacity. 2. A school or other educational facility, regardless of capacity. 3. A residential occupancy, defined, for the purpose of this section only, as: a. Hotels. Includes buildings or groups of buildings under the same management in which there are more than fifteen (15) sleeping accommodations for hire, primarily used by transients who are lodged with or without meals, whether designated as a hotel, inn, club, motel, or by any other name. So-called apartment hotels shall be classified as hotels because they are potentially subject to transient occupancy like that of hotels. b. Apartment buildings. Includes buildings containing three (3) or more living units with independent cooking and bathroom facilities, whether designated as apartment house, tenement, garden apartments, or by any other name. c. Dormitories. Includes buildings where group sleeping accommodations are provided for persons not members of the same family group in one (1) room or in a series of closely associated rooms

under joint occupancy and single management, as in college dormitories, orphanages, fraternity houses, military barracks, ski lodges; with or without meals. 4. A place of assembly, regardless of capacity. 5. Mercantile building having a capacity in excess of 100 persons. 6. Industrial buildings having a capacity in excess of 100 persons. 7. Office buildings having a capacity in excess of 100 persons. 8. Any building having more than 20,000 square feet of floor area.

(c) The architects and professional engineers shall notify this office before the end of construction or remodeling of any building listed above, in order that a final inspection may be made prior to occupancy. When supervision of the construction is not conducted by the architect or professional engineer, it shall be noted on the State Fire Marshal's Project Information Sheet.

(4) Inspection:

(a) This office has state-wide jurisdiction to inspect all places insofar as it is necessary for the enforcement of all laws, ordinances and lawful orders requiring any place to be safe from fire loss. The chief of the fire department or an officer or member of his department, designated by him for that purpose, has authority to inspect all places in his city except the interiors of private dwellings in order to determine whether hazardous conditions exist in which case he shall order proper remedies. The power of inspection mentioned in this paragraph applies to the interior of private dwellings only when a fire has occurred or when there is reason to believe dangerous conditions exist in the dwelling. (KRS 227.270, 227.370.)

(b) If any owner fails to comply with an order issued pursuant to KRS 227.380 or with an order as modified on appeal to the commissioner, the officer may cause the property to be repaired or removed if repair is not feasible, and all fire hazard conditions remedied at the expense of the owner. (KRS 227.390.) The fire chief shall have primary responsibility for the safety of places under his jurisdiction. Regulations of this office establish minimum standards, which shall not prevent any city from enacting more stringent regulations; but this office will cooperate with local officials in enforcing all fire safety laws and ordinances of the state or its political subdivision. (KRS 227.220, 227.230, 227.320.) Inspection of property in the territory served by the fire department shall be made as often as practicable or as often as the legislative body may direct. A written report of continued violations should be sent to the State Fire Marshal who will cooperate with local authorities to secure compliance with the Standards of Safety and other laws, ordinances and regulations of the state and its political subdivisions relating to matters within the scope of this office (KRS 227.220 et seq.)

(c) It shall be the duty of the chief of police in each city or town having a police department to render all possible assistance in the enforcement of the provisions of the Standards of Safety, and to direct and require police officers to enter places of public assembly for such purpose.

Section 5. Constitutionality: If any part of the "Standards of Safety" is adjudged to be invalid such judgment shall not invalidate the remainder of the "Standards of Safety," but shall be confined in its effect solely to the part directly involved in the proceeding in which rendered.

Section 6. Storage, Handling and Transportation of Flammable Liquids: (1) Permit requirements.

(a) State permits. 1. A permit subject to the provisions of Section 4(2), shall be obtained from the State Fire Marshal for the construction, substantial remodeling, or operation of any refinery, bulk storage plant, distributing station, or service station; and for the transporting of flammable liquids in tank vehicles other than in drums, cans, or other containers, of less than sixty (60) gallons individual capacity. 2. Every owner of a tank vehicle used for the transportation of flammable liquids in Kentucky shall make application annually to the State Fire Marshal for a permit to operate such vehicle. Such application shall be accompanied by a statement of the condition of the vehicle at the time application is made. The State Fire Marshal will issue annually numbered permits upon receipt of proper application and certification of conditions. 3. The annual permit number shall be displayed at the top of the rear of each tank. Such numbers shall be of a sharply contrasting color and a minimum of three (3) inches in height. 4. No person shall place any flammable liquid in a tank vehicle for transportation in Kentucky until such vehicle has received, and displayed a permit number as required in subparagraphs 2. and 3. above from the State Fire Marshal.

(b) Local permits: A permit, subject to the provisions of Section 4(2)(d), shall be obtained from an authorized city official for: 1. The storage or handling of Class I liquids in excess of one (1) gallon in any building of "residential occupancy," in excess of ten (10) gallons inside any other building, and in excess of fifty (50) gallons outside of any building. 2. The storage or handling of Class II liquids in excess of ten (10) gallons in any building of "residential occupancy", in excess of sixty (60) gallons in any other building, and in excess of 120 gallons outside any building. 3. The storage or handling of Class III liquids in excess of 275 gallons inside any building, and in excess of 1,100 gallons outside of any building. 4. The construction, substantial remodeling, or operation of a refinery, bulk storage plant, distributing station or service station. 5. Quantities of paints, oils, varnishes, and similar flammable liquids in excess of those given above, for use on the premises, stored for not more than thirty (30) days.

Section 7. Dry Cleaning and Dyeing: (1) Definitions.

(a) For the purposes of the Standards of Safety, "dry cleaning" shall be considered the process of removing dirt, grease, paints, and stains from wearing apparel, textiles, fabrics, rugs, etc., through the use of nonaqueous liquid solvents by one or more of the following methods: 1. Immersion and agitation in open vessels. 2. Immersion and agitation in approved closed machines. 3. Spotting or local application of solvents to spots of dirt, grease, paints and stains not removed by immersion and agitation processes. 4. Brushing or scouring with solvents.

(b) "Dry dyeing" shall be considered the process of drying clothes, textiles, fabrics, rugs, etc., in solutions of dye colors and non-gaseous liquid solvents.

(c) In the following regulations, wherever reference is

made to "dry cleaning," that term shall be construed as applying to both dry cleaning and dry dyeing operations:

(2) Permits and plans.

(a) A permit from the State Fire Marshal, subject to the provisions of Section 4(2), shall be obtained for the construction or operation of a dry cleaning or dry dyeing plant; or for using any room or structure for dry cleaning or dry dyeing operations; or for the storage of flammable or volatile substances for use in such business.

(b) Plans shall be drawn to an indicated scale and shall show the relative location of the dry cleaning building, boiler room, finishing building or department, storage tanks for solvents, and the location and arrangement of all equipment, such as pumps washers, drying tumblers, extractors, filter traps, stills, condensers, and piping. Such plans and specifications, based on NFPA Pamphlet No. 32, shall be submitted with the application for a permit. Where a dry cleaning operation is intended to meet Class III requirements as specified in NFPA Pamphlet No. 32, specifications shall include sufficient information to identify listed equipment and solvents (listees' names and model designation on equipment, and name and trade designation for solvents).

Section 8. Airports: (1) Permit: A permit subject to the provisions of Section 4(2) shall be secured from the State Fire Marshal before beginning the construction or operation of any airport, or hangar, or similar building intended for the storage or service of airships or airplanes.

(2) General: In addition to the applicable provisions of the Standards of Safety the following requirements shall be met:

(a) Gas or other open flame lights shall not be used for runway lighting.

(b) Aboveground storage tanks for flammable liquids shall not be permitted.

HAROLD B. MCGUFFEY, Commissioner

ADOPTED: July 26, 1976

APPROVED:

JAMES E. GRAY, Secretary

RECEIVED BY LRC: August 6, 1976 at 11:30 a.m.

PUBLIC HEARING: A public hearing will be held on this regulation on Friday, October 8, 1976 at 2 p.m. EDT, in the Office of the Commissioner of Insurance, Capital Plaza Tower, Frankfort, Kentucky 40601.

Proposed Regulations

SECRETARY OF THE CABINET Department of Military Affairs

106 KAR 1:010. Educational encouragement fund.

RELATES TO: KRS 38.500

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 38.500 established the Kentucky National Guard Educational Encouragement Fund and authorized the Adjutant General to make rules and regulations for the administration of the fund. This regulation provides policy, procedure and qualification requirements.

Section 1. Purpose. The purpose of the educational encouragement fund is to:

(1) Encourage voluntary membership and retention in the Kentucky National Guard;

(2) Improve the educational level of the guard's members; and

(3) Benefit the state as a whole, by virtue of subsections (1) and (2) of this section.

Section 2. Responsibilities. (1) The Adjutant General of Kentucky shall be responsible for the overall policies, guidance, administration, implementation and proper utilization of the educational encouragement fund; and appointment of the Educational Encouragement Fund Board.

(2) The Educational Encouragement Fund Board, hereinafter referred to as the board, shall be charged with administering the fund.

(3) The public information officer, Frankfort Headquarters, shall be responsible for initiating and maintaining an active publicity program, designed to

promote the recruiting and retention incentive offered by the educational encouragement program.

(4) National Guard Unit Commanders shall be responsible for keeping members of their command informed of the program, submission and verification of applications, monitoring the continued qualifications of unit members, and advising the Adjutant General of any change in status that would require forfeiture of fund payment. Change in status of a member receiving benefits shall include the following:

(a) Drops out of school, with or without just cause.

(b) Is expelled or suspended from school.

(c) Receives an unsatisfactory drill attendance or performance report which results in not being in good standing.

(5) Members of the National Guard who are recipients of funds offered by this program shall be responsible for notifying his/her Unit Commander and/or the Adjutant General of any change in status which would affect his/her entitlement thereto.

Section 3. Definitions. (1) "Matriculation" means enrollment or admission costs which may include tuition.

(2) "Tuition" means the charge or fee that an institution normally charges for instruction.

(3) "State-supported university, college, community college or vocational school" means those universities, colleges or schools enumerated in Appendix A, herein filed by reference. Copies of Appendix A can be obtained from the Department of Military Affairs, Frankfort, Kentucky 40601.

(4) "Good standing" means any active member of the Kentucky National Guard endorsed by his commander as successfully attending and participating in the required training program. A member may be considered "not in good standing" in cases where criminal or military charges

affect the member's ability to perform his/her duties with the Kentucky National Guard.

Section 4. Benefits. (1) Subject to the availability of funds, the benefits provided under this regulation shall consist of a monetary grant for full-time or part-time enrollment not to exceed fifty (50) percent of tuition or matriculation fees to qualifying members.

(2) Benefits shall be payable to qualifying members attending state-supported institutions listed in Appendix A.

(3) The Educational Encouragement Fund Board may authorize benefits payable for the following periods of study:

- (a) Academic year;
- (b) Semester;
- (c) Quarter;
- (d) Summer terms; or
- (e) Others, as approved by the board.

Section 5. Eligibility. (1) Active members of the Kentucky National Guard have benefit eligibility who:

(a) Have their commander's verification of membership and good standing at the beginning of and throughout the entire period for which benefits are payable.

(b) Have satisfactorily completed basic/REP training.

(c) Have verification of payment of all tuition or matriculation fees for the period of study he/she is requesting benefits for under the fund.

(d) Agrees, through contract with the Department of Military Affairs, to reimburse the State of Kentucky by and through the department any money paid for him/her from the fund in the event he/she is expelled or suspended or quits the program without just cause.

(e) Has a minimum of one (1) year remaining as a member of the Guard from the end of the academic period for which educational fund assistance is provided.

(2) The educational assistance benefit shall be applicable to eligible personnel in the following categories:

(a) Students seeking trade or vocational training or education.

(b) Students seeking to achieve a two (2) year associate degree.

(c) Students seeking to achieve a four (4) year baccalaureate or graduate degree.

Section 6. Application for Benefits. (1) Eligible personnel in the active Kentucky National Guard who are interested in submitting applications for benefits of the Educational Encouragement Fund shall comply with the following:

(a) Complete the application, herein filed by reference as Appendix B, and submit to his/her Unit Commander for signature. Applications may be obtained from the Department of Military Affairs, Frankfort, Kentucky 40601.

(b) Apply, be accepted, and enrolled for credit as a student in any state-supported university, college, community college, or vocational education school as a full-time or part-time student.

(c) Pay, or make arrangements for payment of, all educational costs at the time of registration.

(d) Provide the board an itemized receipt from the institution for all fees paid at the time of registration.

(2) Unit Commanders at all levels shall forward applications with indorsements to the Adjutant General's office.

Section 7 Appeals. Any appeal from the actions or

decisions of the board in connection with the administration of the educational assistance program shall be submitted in writing, within ten (10) days after receipt of the board's decision, to the Adjutant General, Department of Military Affairs. The decision of the Adjutant General shall be final.

RICHARD L. FRYMIRE, Adjutant General

ADOPTED: June 19, 1976

APPROVED: JACKSON W. WHITE, Secretary

RECEIVED BY LRC: July 23, 1976 at 1:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Richard L. Frymire, The Adjutant General,
Department of Military Affairs, Frankfort, Kentucky
40601.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

Board of Examiners of Social Work

201 KAR 23:010. Application for licensure.

RELATES TO: KRS 335.010 to 335.150

PURSUANT TO: KRS 13.082, 335.070

NECESSITY AND FUNCTION: The Board of Examiners of Social Work is charged with the responsibility of regulating the licensing and the application procedures for individuals holding themselves out to the public as Social Workers.

Section 1. Application for license shall be made on forms furnished by the board. All information requested on such forms shall be supplied by the applicant. If there is not sufficient space on the form to present all of the material necessary, an applicant may attach additional sheets of the same size as the application form.

Section 2. Investigation of Application. The board shall examine all applications and may investigate any information contained on the application. Inquiries may be directed toward references as the board deems necessary. If replies are not received within a reasonable time, or when received fail to address the issues raised by the board, the board shall notify the applicant to that effect and request additional references. All information obtained shall be filed with the candidate's application and remain the property of the board. Information is available to the applicant or his representative upon written request to the board.

Section 3. Any person who knowingly makes or causes to be made false or misleading statements or writings during the board's investigation of his request for licensure or certification shall be denied licensure or certification and the existence of such false or misleading statements on the applicant's application or supporting documents shall be prima facie evidence of the violation of this regulation.

Section 4. The application shall be accompanied by the appropriate fees as provided by law.

Section 5. Whenever it appears that a person has violated Section 3 herein, the board shall, after proper notice having been given, conduct a show-cause hearing for the purpose of suspension or revocation of any license or

certificate of said person and shall suspend or revoke such license or certificate for a period not to exceed three (3) years.

ARVIL C. REEB, Jr., Chairman

ADOPTED: July 29, 1976

APPROVED: RUSSELL McCLURE, Secretary

RECEIVED BY LRC: August 2, 1976 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Chairman, Board of Examiners of Social Work of
Kentucky, P. O. Box 456, Frankfort, Kentucky 40601.

**EXECUTIVE DEPARTMENT FOR FINANCE
AND ADMINISTRATION
Board of Examiners of Social Work**

201 KAR 23:020. Examination; fee.

RELATES TO: KRS 335.010 to 335.160, 335.990

PURSUANT TO: KRS 13.082, 335.070

NECESSITY AND FUNCTION: KRS 335.080(1)(d), 335.090(1)(e), and 335.100(1)(d) require applicants to successfully complete an examination for licensure, the procedures for which are set forth by regulatory authority.

Section 1. Having satisfied all other requirements for licensure and having been approved to sit for an examination developed by the board, an applicant for license as a certified social worker shall forward to the board an examination fee in the amount of thirty dollars (\$30).

Section 2. Having made application to the board and satisfied all other requirements for licensure and having been approved to sit for an examination developed by the board, an applicant for license as social worker shall forward to the board upon request an examination fee in the amount of thirty dollars (\$30).

Section 3. Having made application to the board and satisfied all other requirements for licensure and having been approved to sit for an examination developed by the board, an applicant for specialty certification in the areas of clinical social work, community social work, social work research or social work administration and management, shall forward to the board upon request an examination fee in the amount of thirty dollars (\$30).

Section 4. The board shall administer all examinations at least twice a year.

Section 5. An applicant may not sit for the examination more than one (1) time during any given year.

ARVIL C. REEB, JR.,

ADOPTED: July 29, 1976

APPROVED: RUSSELL McCLURE

RECEIVED BY LRC: August 2, 1976 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Chairman, Board of Examiners of Social Work of
Kentucky, P. O. Box 456, Frankfort, Kentucky 40601.

**EXECUTIVE DEPARTMENT FOR FINANCE
AND ADMINISTRATION
Board of Examiners of Social Work**

201 KAR 23:030. License renewal; fee.

RELATES TO: KRS 335.010 to 335.150

PURSUANT TO: KRS 13.082, 335.070, 335.130

NECESSITY AND FUNCTION: This regulation clarifies the conditions for renewal of licenses granted under the provisions of KRS Chapter 335.

Section 1. The license of any licensee who fails to submit the required renewal application and fee prior to the expiration of such license shall expire as of July 1 of the renewal year.

Section 2. Renewal fees shall be thirty dollars (\$30) for licensure.

Section 3. The licensee shall have complied with such continuing education requirements as may be required by the board in other sections of KRS Chapter 335.

Section 4. Any license that is under suspension at the time of renewal shall be renewed but the period of suspension shall continue to run and not be affected by the renewal.

ARVIL C. REEB, JR., Chairman

ADOPTED: July 29, 1976

APPROVED: RUSSELL McCLURE, Secretary

RECEIVED BY LRC: August 2, 1976 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Chairman, Board of Examiners of Social Work of
Kentucky, P. O. Box 456, Frankfort, Kentucky 40601.

**EXECUTIVE DEPARTMENT FOR FINANCE
AND ADMINISTRATION
Board of Examiners of Social Work**

**201 KAR 23:040. Suspension, revocation, refusal to
renew license.**

RELATES TO: KRS 335.010 to 335.160

PURSUANT TO: KRS 13.082, 335.070

NECESSITY AND FUNCTION: In order to protect the public from inappropriate social work practices, this regulation is promulgated to provide safeguards in the public interest by setting forth criteria for disciplinary action.

Section 1. The board may reprimand, suspend, revoke, or refuse to renew the license or certification of any licensee who is found by the Board to have wilfully or repeatedly:

(1) Committed or caused to be committed any fraud, deceit or misrepresentation in an effort to obtain a license or certificate; or

(2) Violated any of the provisions of KRS Chapter 335 or any of the rules and regulations promulgated thereunder; or

(3) Has committed any gross negligence, professional

incompetence or unprofessional conduct in the context of his practice of social work, as a licensee; or

- (4) Has been legally declared mentally incompetent; or
- (5) Has aided or abetted another person in falsely procuring or attempting to procure a license or certificate under KRS Chapter 335.

Section 2. The board may issue or reissue a license or certificate to any person whose license or certificate has been revoked, suspended or denied, provided that a majority of the entire board votes in favor of reissuance or issuance of said license.

ARVIL C. REEB, JR., Chairman

ADOPTED: July 29, 1976

APPROVED: RUSSELL McCLURE, Secretary

RECEIVED BY LRC: August 2, 1976 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Chairman, Board of Examiners of Social Work of
Kentucky, P. O. Box 456, Frankfort, Kentucky 40601.

**EXECUTIVE DEPARTMENT FOR FINANCE
AND ADMINISTRATION
Board of Examiners of Social Work**

201 KAR 23:050. Termination of license, reinstatement.

RELATES TO: KRS 335.010 to 335.160, 335.990

PURSUANT TO: KRS 13.082, 335.070

NECESSITY AND FUNCTION: This regulation clarifies the provisions of terminating the licenses of individuals who have failed to renew their licenses and sets forth the standard for reinstating an individual whose license has been terminated.

Section 1. A licensee may, within sixty (60) days following the dated expiration of his license, submit the required fees as set forth in KRS 335.130 and renewal application and have his license renewed.

Section 2. A licensee may continue to practice for sixty (60) days after the expiration of his license. If, at the end of that time, he has not applied for the renewal of his license, his right to practice shall terminate and he must submit a new application, in accordance with then-current requirements.

ARVIL C. REEB, Jr., Chairman

ADOPTED: July 29, 1976

APPROVED: RUSSELL McCLURE, Secretary

RECEIVED BY LRC: August 2, 1976 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Chairman, Board of Examiners of Social Work of
Kentucky, P.O. Box 456, Frankfort, Kentucky 40601.

**EXECUTIVE DEPARTMENT FOR FINANCE
AND ADMINISTRATION
Board of Examiners of Social Work**

201 KAR 23:060. Licensed and certified social workers.

RELATES TO: KRS 335.010 to 335.160

PURSUANT TO: KRS 13.082, 335.070

NECESSITY AND FUNCTION: This regulation refines the use of descriptions prohibited from usage by unlicensed individuals.

Section 1. Any person who possesses a valid, unsuspended or unrevoked certificate as a licensed social worker, and who has received a license pursuant to KRS Chapter 335 has the right to:

- (1) Practice the profession of social work within the constraints of KRS Chapter 335 and rules and regulations promulgated thereunder; and

- (2) Use the title "Licensed Social Worker" or the abbreviation "LSW." No other person shall assume these titles or use these abbreviations on any work or letter, sign, figure, or device to indicate that the person using the same is a licensed social worker.

Section 2. Any person who possesses a valid, unsuspended or unrevoked license as a "Certified Social Worker" has the right to:

- (1) Practice his profession within the constraints of KRS Chapter 335; and

- (2) To use the title "Certified Social Worker" or its abbreviation "CSW." No other person shall assume such title or use such abbreviation on any work or letter, sign, or figure, or device to indicate that the person using the same is a licensed certified social worker.

Section 3. Any person who possesses a valid, unsuspended or unrevoked certificate as a certified social worker for independent practice has the right to:

- (1) Engage in the private practice of social work under the constraints of KRS Chapter 335 and rules and regulations promulgated thereunder; and

- (2) To hold himself out to the public as providing service authorized in 201 KAR 23:070; and

- (3) To use the title of:

- (a) Clinical social worker,
- (b) Community social worker,
- (c) Social work researcher, or
- (d) Social work administrator and manager.

ARVIL C. REEB, Jr., Chairman

ADOPTED: July 29, 1976

APPROVED: RUSSELL McCLURE, Secretary

RECEIVED BY LRC: August 2, 1976 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Chairman, Board of Examiners of Social Work of
Kentucky, P.O. Box 456, Frankfort, Kentucky 40601.

**EXECUTIVE DEPARTMENT FOR FINANCE
AND ADMINISTRATION
Board of Examiners of Social Work**

201 KAR 23:070. Specialty certification.

RELATES TO: KRS 335.100, 335.080, 335.090

PURSUANT TO: KRS 13.082, 335.070

NECESSITY AND FUNCTION: This regulation further clarifies descriptions of specialty certification and the functions evolving therefrom, in addition to clarifying terms used in KRS Chapter 335.

Section 1. For the purpose of the board, the private

independent practice of social work is defined as the professional delivery of social work services by certified social workers offered independently of:

- (1) The auspices and supervision of federal, state, and local government agencies; or
- (2) The auspices and supervision of any nonprofit social service agency.

Section 2. Certification for Independent Practice. Certification is the process whereby the board recognizes a licensed certified social worker to have special training and/or competence to engage in autonomous and independent practice in specified areas of specialty.

Section 3. The areas of certification for private, independent practice are those of clinical social work, community social work, social work research, and social work administration and management.

Section 4. Clinical social work is defined as practice which focuses on the evaluation and treatment of emotional disorders and mental illness as related to the total health of the individual, and on helping with problems of living and activities designed to stimulate growth and development. Such practice is based on knowledge of psychodynamics, human relations, crisis intervention, psychopathology, and group dynamics. Practitioners have numerous skills including those necessary for individual, marital, family, and group psychotherapy, as well as other treatment modalities. To be certified for independent practice in clinical social work the licensee must have:

- (1) Had the required number of hours of experience in clinical social work under supervision and consultation. Such supervision must have been provided by an individual certified in the clinical specialty by the board and must total at least 200 hours;
- (2) Must have spent at least sixty (60) percent of the required experience in a direct client-professional relationship;
- (3) Must have had direct responsibility for specific individual and/or groups of clients;
- (4) Pass an examination developed by the board.

Section 5. Community social work is defined as practice which deals with intervention at the community level oriented at involving community institutions and solving community welfare problems. Such practice is based on knowledge of community organization and development, social planning, policy analysis and social action. Practitioners have numerous skills including those necessary for social planning, program development, evaluation, advocacy, ombudsmanship, facilitation, program budgeting, legislative activity, social organization and social mediation, among others. In order to be certified for the independent practice of community social work, the licensee must have:

- (1) Completed the required number of hours of supervised experience in community social work. Such supervision must have been provided by an individual certified by the board in community social work and must total at least 200 hours;
- (2) Must have had direct responsibility for specific projects which would require the utilization and refinement of the knowledge and skills outlined above;
- (3) Pass an examination developed by the board.

Section 6. Social work research is defined as practice which focuses primarily on the scientific investigation of social and behavioral phenomena. Such practice is based on knowledge of statistics, research design, research methodology and basic computer methodology among other things. Practitioners have numerous skills, including those necessary for hypothesis formulation, sampling, data collection, data analysis, and interpretation of results, among others. Licensees applying for certification in this specialty will be expected to have:

- (1) Completed the required number of hours of supervised experience in the practice of this specialty. Such supervision shall have been provided by an individual certified in this specialty area by the board and must total at least 200 hours.

- (2) Pass an examination developed by the board.

Section 7. Social work administration and management is defined as practice which focuses primarily on directing the development and/or management of social service delivery systems. Such practice is based on knowledge of policy development, program management, personnel management, fiscal management, public relations and organization development among other things. Practitioners have numerous skills including those necessary for organizing, directing, supervising, staffing, evaluating and consulting among others. Licensees applying for certification for the independent practice in this specialty shall be expected to have:

- (1) Completed the required number of hours of supervised experience in this specialty area. A minimum of 200 hours of supervision must have been acquired under a person certified in administration and management by the board;
- (2) Affirmed that sixty (60) percent of such experience has been spent in management of a recognized unit or units which has a continuing function;
- (3) Organizational responsibility for at least four (4) or more professional staff with the ability to hire or dismiss, or at least make recommendations on any change of status in such staff;
- (4) Demonstrated the exercise of discretion and independent judgment which involves the comparison and evaluation of possible courses of conduct and subsequent action or making a decision after the various possibilities have been considered;
- (5) Have demonstrated significant responsibility for program planning and budgeting for the organizational unit which he has managed;
- (6) Pass an examination offered by the board.

Section 8. Definitions: (1)(a) "Educational institution approved by the board" means graduate schools of social work accredited by the Council on Social Work Education except, that the board will evaluate credentials of foreign graduates on a case by case basis; and

(b) "A social work or social welfare program" not accredited by the Council on Social Work Education must demonstrate to the satisfaction of the board that they meet the Council on Social Work Education standards for accreditation of undergraduate programs.

(2) "Appropriate supervision" is defined as a minimum of eight (8) hours per month individual supervision or consultation. Such supervision shall be acquired under a licensee certified for independent practice of social work in

the specialty in which the licensee wishes to seek a certificate of qualification.

ARVIL C. REEB, JR., Chairman

ADOPTED: July 29, 1976

APPROVED: RUSSELL McCLURE, Secretary

RECEIVED BY LRC: August 2, 1976 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Chairman, Board of Examiners of Social Work of
Kentucky, P. O. Box 456, Frankfort, Kentucky 40601.

**EXECUTIVE DEPARTMENT FOR FINANCE
AND ADMINISTRATION
Board of Examiners of Social Work**

201 KAR 23:080. Code of ethical practice.

RELATES TO: KRS 335.010 to 335.150

PURSUANT TO: KRS 13.082, 335.070

NECESSITY AND FUNCTION: KRS 335.070(1)
permits the Board of Examiners of Social Work to adopt a
code of ethical practice for social workers and certified
social workers.

Section 1. The following code of ethics consists of
general guidelines which embody certain standards of
practice for the social worker in his professional
relationship. The licensee is expected to conduct his
practice within the parameters of this code of ethics. The
duties and responsibilities of the professional social worker
as set forth herein are for purposes of illumination and not
limitation. The licensed social worker agrees to:

- (1) Accept as his primary responsibility the welfare of
his clients;
- (2) Carry out his professional responsibilities without
discrimination on the basis of age, sex, race, color, religion,
national origin or socio-economic status;
- (3) Practice the principles of confidentiality;
- (4) Carry out his professional practice in a responsible
manner and to hold himself responsible for the quality of
the service he provides;
- (5) Act with integrity with regard to his relationship
with colleagues in social work and other professions;
- (6) Work toward the establishment of conditions within
agencies that allow social workers to conduct themselves in
accordance with this code of ethics;
- (7) Contribute his knowledge, skills and abilities to
further programs of human service and welfare.

Section 2. Unprofessional conduct in the practice of
social work shall include but shall not be limited to, the
following acts or omissions by a licensee:

- (1) Violation of any of the provisions of KRS Chapter
335 or the regulations adopted thereunder.
- (2) Giving or causing to be given in any manner or by
any means a valuable consideration of gratuity of any kind
to another person, persons or agency, in return for the
referral of clients;
- (3) Participating in any manner or by any means in the
splitting of fees or any charge with any person or persons or
participating in such fee-splitting;
- (4) Practicing as a licensee while intoxicated or under
the influence of alcohol or other mind-altering or

mood-altering drugs not prescribed by a licensed physician;

(5) Engaging in any immoral conduct in the practice of
social work;

(6) Violating the code of ethics adopted by the board;

(7) Engaging in advertising that does not conform to
such professional standards as are indicated in the
paragraphs below:

(a) Cards or announcements concerning social work
practice shall be limited to a statement of the name, highest
relevant degree, certification, licensure, address, telephone
number, office hours, and field of specialization, but shall
not claim or imply superior professional competence.

(b) Individual listings in telephone directories shall
conform to the same standards as outlined in paragraph (a)
of this subsection.

(c) Soliciting or advertising for personal patronage by
any media shall be prohibited except as hereinbefore
provided.

ARVIL C. REEB, JR., Chairman

ADOPTED: July 29, 1976

APPROVED: RUSSELL McCLURE, Secretary

RECEIVED BY LRC: August 2, 1976 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Chairman, Board of Examiners of Social Work of
Kentucky, P. O. Box 456, Frankfort, Kentucky 40601.

**EXECUTIVE DEPARTMENT FOR FINANCE
AND ADMINISTRATION
Board of Examiners of Social Work**

201 KAR 23:090. Register of licensees.

RELATES TO: KRS 335.010 to 335.150

PURSUANT TO: KRS 13.082, 335.070

NECESSITY AND FUNCTION: KRS 335.070(6)
requires the Board of Examiners of Social Work to maintain
a register of all certified social workers, social workers and
licensees certified for private practice as a matter of public
record.

Section 1. Register. (1) The board shall maintain a
register of all licensees. This register will be divided into six
(6) parts and will list those persons licensed as certified
social workers, those persons licensed as social workers, and
those certified social workers having certificates for private,
independent practice of each specialty. The private practice
register will denote the areas of specialty certification for
which each licensee is certified.

(2) The register of all licensees shall be updated
semi-annually in August and March.

(3) The register shall be a public document and a copy
will be available upon a request for a proper purpose, and
payment of a reasonable charge to be determined by the
cost of printing and mailing said register; the propriety of
the purpose and the fee to be charged shall be determined
by the board.

ARVIL C. REEB, JR., Chairman

ADOPTED: July 29, 1976

APPROVED: RUSSELL McCLURE, Secretary

RECEIVED BY LRC: August 2, 1976 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Chairman, Board of Examiners of Social Work of
Kentucky, P. O. Box 456, Frankfort, Kentucky 40601.

**DEVELOPMENT CABINET
Industrial Development Finance Authority**

305 KAR 1:010. Loans or grants for subdivision projects serving two or more counties.

RELATES TO: KRS 65.510 to 65.650, 152.810 to 152.930

PURSUANT TO: KRS 13.082, 154.020, 154.110, 154.150

NECESSITY AND FUNCTION: Funds to assure the availability of large tracts of land with significant potential for industrial development by making loans or grants, to qualified agencies, for up to fifty (50) percent of the estimated cost of the subdivision project when it serves two or more counties.

Section 1. (1) "Industrial park subdivision" means an industrial park containing acreage in excess of 200 acres, except in those geographical areas of Kentucky where the topography or other site availability conditions prohibits developable acreage of that size, in which instance the acreage shall be the maximum available under the particular circumstances.

(2) "Multi-county" means an industrial subdivision which by its nature when fully developed shall have a significant economic impact on the employment of the citizens in two (2) or more counties.

(3) "Industrial site technical planning committee" or "site committee" means the industrial site technical planning committee of the office of the Secretary of the Cabinet for Development.

(4) "Costs" (or expenses) shall be limited to land acquisition, engineering fees, appraisal fees, "on-site" grading, drainage, and utility construction, option expenses, sewers, water standpipes, rail extensions, interest, off-site water and sewer extension and other normal development costs. In no event shall any costs be approved for payment unless the prior approval for the expenditures is given by the authority or the executive committee. Feasibility evaluations with prior approval of the authority shall be matched with local funds on a fifty-fifty (50-50) basis. No salaries or promotional fees shall be included.

(5) "Local funds" shall be defined as any funds other than federal or state funds and shall include revenue sharing funds, community block grants, severance tax funds, local taxing funds, contributions, bond revenues, non-profit industrial foundation funds or other local cash contributions.

Section 2. No application for a low interest loan or grant shall be submitted without a "site feasibility evaluation," including an appraisal by an ARA, SRA, SRPA or MAI appraiser; an engineering development plan for grading, drainage, development and extension of utilities; environmental impact statement; a project "pro-forma" statement, financial statement of the applicant, and other necessary development information, cost estimates, sales projections, repayments and other economic projections as will allow the authority and the "site committee" to review the project request.

Section 3. Local funds shall constitute a minimum of ten (10) percent of the total project cost.

Section 4. In all instances, first priority will be given to low interest loans in such amounts, on such terms and at

such rates of interest as will provide the necessary equity capital as to make the development of the site project economically feasible. In no instance shall grant funds be available where such a project is feasible without grant funds or through conventional financing methods. The term of the loan and the time for interest payments shall be as determined by the authority. Interest payments may be deferred until such time as sites are sold, but such term shall not exceed ten (10) years.

Section 5. Should a grant be necessary from the multi-county site development fund to make the site development project feasible, then the maximum grant amount shall be limited to the difference between the total cost of the project and that cost which is reasonably anticipated will be recoverable through normal purchase, development and sale of the site or portions of it, but in no event shall the total amount of loans and grants of multi-county site development funds exceed fifty (50) percent of the total project cost.

Section 6. The owner shall give to the authority such mortgages, contracts, security agreements, liens, assignments, or other agreements or legal instruments as required in order to insure the security and repayment of the maximum feasible amounts of loans or grants upon the sale or other disposition of such developed sites. Also included, shall be such instruments as will secure the the authority in the event of abandonment of the project, subject to first and prior liens, or in the event of the completion of the development project and sale of said site will assure the maximum feasible amount of all loan or grant funds being repaid to the authority.

Section 7. Upon completion of the development of the project, the authority shall give its prior approval to the sales price of such land if said price shall be less than the sales price originally projected.

Section 8. Upon the sale of the property, the authority shall receive its pro-rata share of any excess funds after payment of the expenses of development.

WILLIAM H. NEAL, Vice Chairman

ADOPTED: August 3, 1976

RECEIVED BY LRC: August 3, 1976 at 3:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: M. K. Harmon, Jr., Assistant Director, Industrial Development Finance Authority, Capital Plaza Tower, Frankfort, Kentucky 40601.

**DEPARTMENT FOR NATURAL RESOURCES
AND ENVIRONMENTAL PROTECTION**

400 KAR 1:010. Wild Rivers boundaries.

RELATES TO: KRS 146.240, 146.250

PURSUANT TO: KRS 13.082, 146.250

NECESSITY AND FUNCTION: KRS 146.250 directs the Secretary to determine generally the boundaries of the Wild Rivers designated in KRS 146.240. The boundaries must include at least the visual horizon of the stream but not extend more than 2,000 feet from the center of the stream. The statute further requires that the Secretary designate access points at the upper and lower boundaries

of each stream. This regulation incorporates by reference maps adopted and filed with the regulation delineating the general boundaries of each stream area and specifies the access points to each area. The maps are incorporated by reference as they are too large and cumbersome for reproduction. Copies of the maps are available by request from the office of the Secretary of the Department for Natural Resources and Environmental Protection, Capital Plaza Tower, Frankfort, Kentucky 40601.

Section 1. The boundaries of the stream area of the Cumberland River are as delineated on the map captioned "Designated Wild River Area, Cumberland River," which map is hereby adopted and incorporated herein by reference. The upper access point is the area where Ky. 204 approaches the Cumberland River below Summer Shoals and the lower access point is at Cumberland Falls State Park.

Section 2. The boundaries of the stream area of the Red River are as delineated on the map captioned "Designated Wild River Area, Red River," which map is hereby adopted and incorporated herein by reference. The upper access point is the area where Ky. 746 crosses the Red River and the lower access point is the area where Ky. 715 crosses the river.

Section 3. The boundaries of the stream area of the Rockcastle River are as delineated on the map captioned "Designated Wild River Area, Rockcastle River," which map is hereby adopted and incorporated herein by reference. The upper access point is the area where Ky. 80 crosses the Rockcastle River and the lower access point is the area where Ky. 192 crosses the river.

Section 4. The boundaries of the stream area of the Green River are as delineated on the map captioned "Designated Wild River Area, Green River," which map is hereby adopted and incorporated herein by reference. The upper access point is the area where Big Woods Road meets the Green River and the lower access point is the area of Lock No. 6 on the Green River.

Section 5. The boundaries of the stream area of the South Fork of the Cumberland are as delineated on the map captioned "Designated Wild River Area, Big South Fork, Cumberland River," which map is hereby adopted and incorporated herein by reference. The upper access point is the area where Difficulty Creek joins the South Fork and the lower access point is the area where the Blue Heron Road ends.

Section 6. The boundaries of the stream area of the Martin Fork of the Cumberland are as delineated on the map captioned "Designated Wild River Area, Martin Fork, Cumberland River," which map is hereby adopted and incorporated herein by reference. The upper access point is the area where the Martin Fork flows from the Cumberland Gap National Historical Park and the lower access point is the area where Ky. 987 crosses the mouth of Laurel Branch Creek.

Section 7. The boundaries of the stream area of Rock Creek are as delineated on the map captioned "Designated Wild River Area, Rock Creek," which map is hereby adopted and incorporated herein by reference. The upper access point is the area where the Rock Creek Bell Farm Road crosses Big Branch. The lower access point is at the White Oak Junction Bridge.

Section 8. The boundaries of the Little South Fork of the Cumberland River are as delineated on the map captioned "Designated Wild River Area, Little South Fork, Cumberland River," which map is hereby adopted and incorporated herein by reference. The upper access point is the area where the East Coopersville Road fords the South Fork and the lower access point is the area where the Lower Morrow Hollow Road crosses the Little South Fork.

ROBERT D. BELL, Secretary

ADOPTED: July 21, 1976

RECEIVED BY LRC: July 22, 1976 at 2:00 p.m.

PUBLIC HEARING: Pursuant to KRS 13.085 and 224.045(6), a public hearing on this proposed regulation is scheduled for October 13, 1976, at 10 a.m. in the Auditorium of the Human Resources Building, 275 East Main Street, Frankfort, Kentucky 40601. For additional information or submission of comments, please contact Gene Brandenburg, Director, Division of Water Resources, Department for Natural Resources and Environmental Protection, Capital Plaza Tower, Frankfort, Kentucky 40601.

DEPARTMENT OF TRANSPORTATION Bureau of Vehicle Regulation

601 KAR 9:047. Salvaged vehicle registration.

RELATES TO: KRS 186.115

PURSUANT TO: KRS 13.082, 174.080

NECESSITY AND FUNCTION: This regulation sets forth procedures to be followed when the owner of a motor vehicle which has been assembled from parts from wrecked or salvaged motor vehicles presents such a vehicle for registration.

Section 1. If a motor vehicle which has been assembled from parts from wrecked or salvaged motor vehicles has no vehicle identification number, prior to application for registration application shall be made to the department for the assignment of a vehicle identification number. Upon proper application the department will issue a vehicle identification number to be placed upon the frame of the vehicle. After the vehicle identification number is placed upon the frame of the vehicle, the vehicle must then be inspected by a sheriff or his deputy in accordance with the provisions of KRS 186.235.

Section 2. All applications for registration of a motor vehicle which has been assembled from parts from wrecked or salvaged motor vehicles shall be accompanied by a copy of an inspection made by a sheriff or his deputy under the provisions of KRS 186.235.

Section 3. All applications for registration of a motor vehicle assembled from parts from wrecked or salvaged motor vehicles shall be accompanied, if available, by an invoice or invoices showing the purchase of parts. Such invoices shall contain the following information: buyer, seller, date of transaction, and a description of the goods or parts purchased.

Section 4. In the event an invoice or invoices, as described in Section 3, are not available, the owner of the motor vehicle shall submit an affidavit with his application for registration of such motor vehicle. The affidavit shall

contain the following information: name and address of the affiant, where the affiant obtained the parts, serial number, identification number or motor number of the vehicle, make of the vehicle, model number of the vehicle, body style of the vehicle, year model of the vehicle, that he is the owner of the vehicle, and that the vehicle is clear of all liens.

Section 5. In its discretion, the department may require both an affidavit and appropriate invoices.

O. B. ARNOLD, Commissioner

ADOPTED: July 22, 1976

APPROVED:

STEPHEN REEDER, for

The Secretary of Transportation

RECEIVED BY LRC: July 26, 1976 at 2:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

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

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Administration and Finance

702 KAR 1:090. Replacement of instructional fees; funds, distribution and use.

RELATES TO: KRS 156.160(10)

PURSUANT TO: KRS 18.083, 156.070, 156.130

NECESSITY AND FUNCTION: To provide guidelines for the distribution and use of funds appropriated for replacement of instructional fees.

Section 1. The state allotment per pupil in average daily attendance shall be obtained by dividing the amount appropriated for replacement of instructional fees by the state total average daily attendance of the prior year as certified by the Bureau of Pupil Personnel Services.

Section 2. Each district's allotment for replacement in instructional fees shall be the state allotment per pupil multiplied by the district's average daily attendance for the prior year.

Section 3. Within two (2) days after certification of the average daily attendance of the prior year by the Bureau of Pupil Personnel Services, the Division of Finance shall notify each local school district of its allotment. The Executive Department for Finance and Administration, on certification of the Superintendent of Public Instruction, shall draw warrants for the entire appropriation on the State Treasurer. Checks shall be issued by the State Treasurer and transmitted to the Department of Education for Distribution to each school district when the district has fully complied with the school laws and Kentucky Administrative Regulations of the State Board of Education.

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: June 16, 1976

RECEIVED BY LRC: July 23, 1976 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mr. James Melton, Secretary, State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Administration and Finance

702 KAR 3:185. Vocational and exceptional children units; deduction of average attendance, calculation of ASIS.

RELATES TO: KRS 157.360(3), (7)

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: To establish regulation for the deduction of average daily attendance on new classroom units allotted for vocational and exceptional children units after July 1, 1974, and the calculation of A.S.I.S. allotment on vocational and exceptional children units allotted after the 1975-76 school year.

Section 1. An average daily attendance of 8.1 shall be deducted under KRS 157.360(3) on each new exceptional children unit granted a local school district after July 1, 1974.

Section 2. An average daily attendance of 10.8 shall be deducted under KRS 157.360(3) on each new vocational unit granted a local school district after July 1, 1974. However, no deduction shall be made for units granted for pupils attending state vocational technical schools or state-operated vocational education centers.

Section 3. The total average daily attendance under Sections 1 and 2 shall be deducted before calculating basic units under KRS 157.360(2). This average daily attendance shall be deducted from the school with the largest average daily attendance within the district.

Section 4. The number of exceptional children units allotted after the 1975-76 school year times 8.1 plus the number of vocational units allotted after the 1975-76 school year times 10.8 shall be divided by 216 to determine the number of administrative and special instructional service personnel to which a local school district is entitled under KRS 157.360(7) as a result of additional exceptional children and vocational units granted after the 1975-76 school year.

JAMES B. GRAHAM

Superintendent of Public Instruction

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TO: Mr. James Melton, Secretary, State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction

704 KAR 3:055. Criteria for the unit of instructional coordinator.

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: KRS 157.360 requires

the Superintendent of Public Instruction to allot units to the unit of instructional coordinator. The purpose of these criteria is to furnish superintendents and boards of education with the basic requirements for approval of special units.

Section 1. (1) Personnel serving in an approved unit for the position of instructional coordinator shall hold the same type of certification required for a supervisor of instruction or for a school principal at the appropriate level.

(2) The instructional coordinator shall devote at least fifty percent (50%) of his time to the position.

(3) The program of services to be performed by the instructional coordinator shall be defined in terms of supervision of instruction and staff development rather than as administrative duties and shall include the following types of activities:

(a) Provide staff development services to participating teachers in the area of instructional methodology, instructional strategies, classroom management, and communication skills.

(b) Assist professional school employees in the implementation of the Kentucky Plan for Improving the Professional Performance of School Personnel.

(c) Conduct classroom visitations and follow-up conferences with teachers and other professional school personnel.

(d) Serve as liaison in instructional matters between teachers and administrators within the school and with central office personnel.

(e) Serve as instructional and staff development consultant within the school to teachers, department chairmen, committees, and administrators.

(f) Work under the immediate direction of the school principal.

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: June 16, 1976

RECEIVED BY LRC: August 9, 1976 at 3:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mr. James Melton, Secretary, State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction

704 KAR 3:175. Criteria for unit of school psychologist.

RELATES TO: KRS 157.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

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

Section 1. The unit for the position of school psychologist shall be defined as the services provided by a certified school psychologist and described as follows. The

school psychologist is a person with a unique combination of skills in psychology and education. The school psychologist is trained in the usual area of psychological study including human development, learning theory, human exceptionalities, group social processes, psychodiagnostics, intervention strategies, and research. In addition, this professional is particularly cognizant of educational theory, school curriculum, school administration, mental health education, and procedures in special education. Furthermore, the school psychologist is trained in applying the principles of this broad background in school settings. Specifically, this practitioner of behavioral science possesses consultative skills which enables combining of the principles of psychology and education. The school psychologist works cooperatively with other members of the pupil personnel team, teachers, children, and other school staff. He is also capable of utilizing parents and community resources as a means of enhancing the effectiveness of the school program.

Section 2. (1) A person qualified to serve in an approved unit for school psychologist shall hold either the provisional or standard certificate for school psychologist.

(2) A school psychologist holding a valid teaching certificate who was approved for serving in a unit for school psychologist in 1959-60 shall have continuing approval for serving in the position of school psychologist.

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: June 16, 1976

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TO: Mr. James Melton, Secretary, State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction

704 KAR 6:010. Approval of regular day schools; attendance.

RELATES TO: KRS 156.160(8), 159.030(1)(b)

PURSUANT TO: KRS 13.082, 156.160(8)

NECESSITY AND FUNCTION: KRS 156.160(8) and 159.030(1)(b) authorize the State Board of Education to approve private or parochial regular day schools for the purpose of compulsory attendance in a public school.

Section 1. No person, firm, corporation, association, or organization shall establish a non-public elementary or secondary school at which attendance by a pupil will exempt the pupil from compulsory attendance in a public school unless an application has been filed with the State Department of Education thirty (30) days prior to the opening date of the school. Such application shall include the following:

(1) Copies of the certificates from the local health department and district fire marshal's office showing that the proposed school facilities are in compliance with all conditions requested by such officials.

(2) A copy of the approval of the building by the

Division of Buildings and Grounds, Department of Education.

(3) A statement indicating that the school will comply with the minimum school term of 175 days of classroom instruction; that the program of studies offered will be acceptable to the Department of Education; that professional staff assigned to the school will meet Kentucky teacher certification requirements; that a minimum of twelve (12) pupils will be enrolled (if elementary) and that the school shall operate a minimum school day of six (6) hours of classroom instruction.

Section 2. Authorization by the Department of Education to open a non-public elementary or secondary school does not constitute approval or accreditation by the State Board of Education.

JAMES B. GRAHAM

Superintendent of Public Instruction

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TO: Mr. James Melton, Secretary, State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction

704 KAR 10:022. Elementary, middle and secondary schools standards.

RELATES TO: KRS 156.160

PURSUANT TO: KRS 13.082, 156.070, 156.130

NECESSITY AND FUNCTION: To establish general standards to be used in the evaluation of elementary, middle and secondary schools.

Section 1. Pursuant to the authority vested in the Kentucky State Board of Education by KRS 156.070 and 156.160, the Kentucky standards for grading, classifying and accrediting elementary, middle and secondary schools are presented herewith for filing with the Legislative Research Commission, and incorporated by reference.

Section 2. 704 KAR 10:020 (Evaluation of elementary, middle and secondary schools) is hereby repealed.

JAMES B. GRAHAM

Superintendent of Public Instruction

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TO: Mr. James Melton, Secretary, State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction

704 KAR 15:015. Approval of teacher preparation programs for school psychologist.

RELATES TO: KRS 161.020, 161.025, 161.030

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

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

Section 1. (1) The standard certificate for school psychologist shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel and who in addition thereto has completed the required examinations conducted jointly by the State Board of Examiners of Psychologists and the State Board of Education.

(2) The standard certificate for school psychologist shall be issued initially for a duration period of three (3) years and may be renewed for subsequent three (3) year periods upon completion within each period of at least one (1) year of full-time experience as a school psychologist to include attendance and participation in staff development activities jointly sponsored by the State Board of Examiners of Psychologists and the Department of Education. If any portion of the renewal experience is not completed, the standard certificate for school psychologist may be renewed upon completion of six (6) semester hours of additional graduate credit appropriate for the position of school psychologist.

(3) The standard certificate for school psychologist shall be extended for continuous service and for autonomous functioning as a school psychologist upon completion of three (3) years of satisfactory service as a school psychologist and upon completion of the standards and requirements for autonomous functioning which have been established jointly by the State Board of Examiners of Psychologists and the State Board of Education.

(4) The standard certificate for school psychologist shall be valid for serving in the position of school psychologist in the common schools, but only under the supervision of a doctoral level school psychologist approved for supervision by the State Board of Examiners of Psychologists until such time as the certificate may be extended for continuous service and for autonomous functioning.

Section 2. (1) The provisional certificate for school psychologist shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed, except for the one (1) year internship, the approved program of preparation for the standard certificate for school psychologist at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel and who in addition thereto has completed the required examinations conducted jointly by the State Board of Examiners of Psychologists and the State Board of Education.

(2) The provisional certificate for school psychologist shall be issued initially for a duration period of one (1) year.

(3) The provisional certificate for school psychologist shall be valid for serving in a school situation in the position of school psychologist under the supervision of a doctoral level school psychologist approved for supervision jointly by the State Board of Examiners of Psychologists and the State Board of Education. During this first year of service the employer of the individual holding the provisional certificate for school psychologist shall permit the individual to engage in the internship component of preparation as described in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel for the standard certificate for school psychologist.

Section 3. (1) A license for the practice of school psychologist shall be issued to an applicant who has received the standard certificate for school psychologist extended for continuous service and who in addition thereto has satisfied the legal requirements as described in KRS 319.050 and who has completed a written examination for licensure in psychology conducted jointly by the State Board of Examiners of Psychologists and the State Board of Education.

(2) A licensed school psychologist shall be qualified to supervise master's level holders of the standard certificate when so designated by the State Board of Examiners of Psychologists and the Department of Education.

JAMES B. GRAHAM

Superintendent of Public Instruction

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TO: Mr. James Melton, Secretary, State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction

704 KAR 20:222. Industrial education teachers.

RELATES TO: KRS 161.020, 161.025, 161.030

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional

school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education. This regulation establishes the qualifications for teachers of industrial education-preparation level.

Section 1. The certificate for vocational education is established for issuance and renewal only for vocational teachers employed by the public schools or by the Department of Education. The certificate may be issued for any health, technical, or trades and industrial occupational area for which programs may be offered under the Kentucky State Plan for Vocational Education. It is intended that these regulations implement the philosophy of industrial education as adopted by the State Board of Education in December, 1975, by means of the report "Industrial Education—A Merger of Industrial Arts and Trade and Industrial Education."

Section 2. (1) A certificate for teaching vocational education—industrial education, valid for teaching only the subjects stated on the face of the certificate, shall be issued for a duration period of one (1) year upon completion of the following requirements:

(a) High school graduation or its equivalence determined by evidence of an acceptable score on the general education development test administered by an approved testing center.

(b) Four (4) years of successful and appropriate occupational experience in the area to be taught. Adequacy of work experience shall be determined by the Department of Education. One (1) year of occupational experience shall be equated with 2,000 clock hours. A maximum of one (1) year of the required work experience may be satisfied by completion of an accredited preparatory vocational program for the occupation to be taught.

(c) The completion of three (3) semester hours credit in a foundations course in vocational, industrial, or career education and the completion of three (3) semester hours credit in course construction or curriculum development in vocational industrial education.

(2) The certificate shall be renewed for subsequent one (1) year periods upon completion of a minimum of six (6) semester hours credit for each renewal selected from the sixty-four (64) semester hour planned program for the preparation of vocational teachers in industrial education—preparation level. The certificate shall not be subject to renewal more than ten (10) times. Credit granted for occupational proficiency shall not be applied toward the certificate renewal requirements. As a consequence of extenuating circumstances, such as severe illness or death in the family, which prevent the teacher from meeting the certificate renewal requirements, the Department of Education may authorize a renewal one (1) time without the completion of the additional credits when the circumstances are adequately documented and the situation merits approval.

Section 3. A temporary certificate for vocational education—industrial education may be issued to a person who is initially employed during a school year and who meets the qualifications stated in Section 2(1)(a) and (b) above. The certificate shall be issued for a duration period to expire on the next June 30 after issuance and shall not be renewed for full-time instructors.

Section 4. (1) A certificate for teaching vocational education-industrial education, valid for teaching only the subjects stated on the face of the certificate, shall be issued for a duration period of five (5) years upon completion of the following requirements:

(a) The completion of a planned program consisting of a minimum of sixty-four (64) semester hours credit distributed as follows:

1. A general education component consisting of twenty (20) semester hours credit selected from the general education component of teacher preparation.

2. A specialization component consisting of twenty-four (24) semester hours credit selected from the specialization component of the curriculum standards for the provisional high school certificate with an area of concentration in industrial education-preparation level.

3. A professional education component consisting of twenty (20) semester hours credit in professional education to include at least twelve (12) semester hours selected from the professional education component of the curriculum standards for the provisional high school certificate with an area of concentration in industrial education-preparation level.

(b) The completion of four (4) years of occupational experience in the area to be taught or the completion of a minimum of 4,000 hours of supervised work experience.

(2) The certificate shall be renewed for subsequent five (5) year periods upon completion of any combination of two (2) years teaching or work experience in the occupational specialty plus the completion of an additional six (6) semester hours credit from an approved industrial education program. An additional three (3) semester hours credit may be substituted for any year of renewal experience which may be lacking.

Section 5. A certificate for a vocational education specialist, valid for teaching the specific subject stated on the face of the certificate, shall be issued for a duration period of one (1) year upon the basis of a determination made by the Department of Education that the individual has unique knowledge or experience or special preparation that qualifies the person to be outstanding in the vocational subject to be taught.

Section 6. A certificate for vocational education, valid for a part-time or short-term assignment, and for teaching the specific subject stated on the face of the certificate, shall be issued for a duration period of one (1) year on the basis of high school graduation or its equivalence and four (4) years of responsible work experience in the occupation to be taught.

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: June 16, 1976

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SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mr. James Melton, Secretary, State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education

705 KAR 4:131. Industrial education programs.

RELATES TO: KRS 156.070, 163.030

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To establish program standards for secondary school industrial education programs.

Section 1. A comprehensive program of industrial education shall consist of three (3) educational development levels. Permission must be obtained from the Assistant Superintendent for Vocational Education if less than a comprehensive program is to be offered.

Section 2. The following program requirements shall apply to Level I of an industrial education program:

(1) Level I shall consist of subjects that pertain to general industrial orientation and exploration. The subjects may be offered during the seventh, eighth, or ninth grade.

(2) Level I consists of four (4) approved subjects. At least two (2) out of the four (4) subjects shall be offered at Level I. The articulation of Level II and III shall be considered when selecting Level I subjects. Any exception to the offerings will be made for the purpose of experimentation or research with the approval of the Assistant Superintendent for Vocational Education.

(3) A practical arts program may substitute for Level I if at least two (2) Level I subjects are offered.

(4) A Level I subject shall be offered for a minimum of nine (9) weeks to a maximum of eighteen (18) weeks for one (1) period each day.

(5) Class size shall be determined by the number of individual work stations provided. No more than twenty-seven (27) students shall be the responsibility of one (1) teacher at any given time.

Section 3. The following program requirements shall apply to Level II of an industrial education program:

(1) Level II shall consist of subjects that pertain to an in-depth exploration of several industrial material, process, and occupational areas. The subjects may be offered during the ninth, tenth, eleventh, or twelfth grade.

(2) Level II consists of eight (8) approved subjects. At least two (2) out of the eight (8) subjects shall be offered at Level II. The articulation of Level II with Level I and III shall be considered when selecting Level II subjects. Any exception to the offerings will be made for the purpose of experimentation or research with the approval of the Assistant Superintendent for Vocational Education.

(3) A Level II subject shall be offered for a minimum of eighteen (18) weeks to a maximum of thirty-six (36) weeks for one (1) period per day. A sub-topic in each subject shall be offered for a minimum of six (6) weeks to a maximum of twelve (12) weeks for one (1) period per day. A sub-topic can be scheduled as a phase elective offering in a phase elective program.

(4) Class size shall be determined by the number of individual work stations provided. No more than twenty-four (24) students shall be the responsibility of one (1) teacher at any given time.

Section 4. The following program requirements shall apply to Level III of an industrial education program.

(1) Level III shall consist of preparing students for entry level employment in specific occupations. A subject may be offered during the eleventh and twelfth grades.

(2) Level III subjects in an industrial education program shall be organized to operate for three (3) consecutive hours, including passing time on a daily basis during the school year. Any exception to this schedule will be made for the purpose of experimentation or research with the approval of the Assistant Superintendent for Vocational Education.

(3) Students enrolled in Level III subjects shall be at least fifteen (15) years of age during the school year in which they enroll, and they shall be enrolled on the basis of their potential for achieving the specific occupational goal they have chosen.

(4) Courses of instruction shall be made up of specific occupational content and be of sufficient length to prepare students with entry level skills in the occupation.

(5) Class size shall be determined by the number of individual work stations provided. No more than twenty (20) students shall be the responsibility of one (1) teacher at any given time.

(6) In addition to other regulations governing cooperative programs, Level III students participating in these programs shall spend time on the job equal to that spent in school on an alternate or rotating basis.

Section 5. The facility for any level of an industrial education program shall be of adequate size and design to accommodate the activities, equipment, and number of work stations unique to each level. Equipment in Level III of an industrial education program shall be equivalent to that used in industry. Facilities and equipment shall be approved by the Assistant Superintendent for Vocational Education. Minimum standards for facilities and equipment shall be prepared and distributed by the Bureau of Vocational Education.

Section 6. (1) Level II of an industrial education program may provide for students to participate in an industrial education club as an integral part of instruction.

(2) The Vocational Industrial Clubs of America (VICA) shall be the official youth organization for Level III students. The organization shall function as an integral part of the instructional program.

Section 7. The minimum qualifications for employment of an industrial education teacher shall be as follows:

(1) Level I and Level II teachers shall hold a valid provisional or standard high school certificate with an endorsement for teaching industrial arts or industrial education at the orientation and exploration levels.

(2) Level III teachers shall hold a valid teaching certificate designated for the curriculum to be taught.

Section 8. Industrial education teachers shall be employed beyond the regular school term as follows:

(1) Level I and Level II teachers shall be employed at least one (1) week beyond the regular school term to complete the activities of the program and participate in approved in-service education.

(2) Level III teachers shall be employed at least one (1) month beyond the regular school term to complete the activities of the program and participate in approved in-service education.

Section 9. 705 KAR 4:130 is hereby repealed.

JAMES B. GRAHAM

Superintendent of Public Instruction

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TO: Mr. James Melton, Secretary, State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET

Department of Education

Bureau of Vocational Education

705 KAR 4:151. Practical arts education programs.

RELATES TO: KRS 156.070, 163.030

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To establish revised program standards for vocational practical arts education programs.

Section 1. The following minimum requirements shall apply for schools offering a vocational practical arts education program:

(1) Practical arts education is a career exploration program offered over three (3) consecutive years. Students enrolled in a practical arts education program shall explore a minimum of six (6) occupational clusters from a minimum offering of nine (9) clusters. The clusters shall be chosen from the fifteen (15) occupational clusters identified by the United States Office of Education.

(2) Exploration I. During the first year students are enrolled in the program, they shall be enrolled a minimum of one (1) period per day for a semester or a maximum of one (1) period per day for a year. During this enrollment, the student shall explore at least three (3) clusters from a minimum of six (6) cluster offerings. A cruise through a cluster shall be from six (6) to nine (9) weeks. In addition, students shall have a module of orientation prior to, or within, Exploration I which shall include an overview of the world of work, the economic system, and the career exploration concept.

(3) Exploration II. During the second year students are enrolled in the program, they shall be enrolled a minimum of one (1) period per day for a semester or a maximum of one (1) period per day for a year. During this enrollment, the student shall explore at least three (3) clusters not previously explored from a minimum of six (6) cluster offerings, three (3) of which were not previously offered in Exploration I. A cruise through a cluster shall be from six (6) to nine (9) weeks.

(4) Exploration III. During the third year students are enrolled in the program, they shall be enrolled a minimum of one (1) period per day for a semester or a maximum of two (2) periods per day for a year. During this enrollment, the student shall explore at least one (1) cluster from a minimum of six (6) cluster offerings. By approval of the Assistant Superintendent for Vocational Education, one (1) of the six (6) clusters may be a semester course designed as an in-depth orientation to the world of work and the economic system. A cruise through a cluster at this level shall be from one (1) semester to one (1) year in length.

Enrollment at this level shall be permitted to be in a cluster previously explored in the first or second year of the program. Ninth grade courses in Agribusiness I and Home Economics I shall be permitted to meet the requirements for the practical arts program if they reflect a comprehensive orientation and exploration experience.

(5) The school has the prerogative to determine the clusters to be taught and the grade level in which they will be offered. Other class arrangements for a specified time period may be approved before implementation by the Assistant Superintendent for Vocational Education.

(6) Size of Class. Class enrollment in practical arts shall not be less than ten (10) nor more than twenty-seven (27).

(7) Guidance. An integral part of each practical arts education program shall be a planned guidance program. The guidance counselor and teachers shall have planned time with students to help the students assimilate the knowledges and experiences in such a way that they become aware of their own interests and abilities and also provide them direction for future study and occupational decisions.

Section 2. All students shall have access to a resource center containing materials on all occupational clusters. The resource center shall be located in a central area that is accessible to all students a majority of the time. Up-to-date teaching materials and supplies are required to provide a quality program. Since vocational education funds provide resources for local school districts through the minimum foundation program that exceed the basic resources provided for general education, it is required that the local school district will support the cost of operating all aspects of the practical arts program. This will include teaching materials, supplies, and maintenance of equipment.

Section 3. Approved full-time practical arts teachers shall receive the maximum of one (1) month extended employment. Approved part-time practical arts teachers shall receive extended employment based on the fraction of a foundation unit they are receiving.

Section 4. The minimum classroom size for a practical arts class shall be 625 square feet. The classroom shall be equipped with chalkboard, bookcases, standard tables and chairs for students, teacher's desk and chair, and file cabinets. A class exploring an occupational cluster shall have access to, and experiences in, the laboratories associated with that cluster. Laboratories and/or work stations shall be permitted to be used as classrooms for practical arts programs.

Section 5. The exploration of an occupational cluster shall be guided (taught) by someone who has sufficient knowledge and experience pertaining to that cluster regardless of his curriculum specialty. Approval of teachers will be based on the following criteria: teachers of practical arts education shall have an appropriate Kentucky provisional or standard certificate for the grade level being taught. Teachers participating in a practical arts education program shall have preservice or inservice experiences in directing students in an exploratory program prior to being approved for teaching in the exploratory program. After approval to teach in the program, a teacher may be approved to direct the exploration of a specific occupational cluster which relates to the teacher's major, minor, or area of concentration, or to a specific occupational cluster in which the teacher has 2,000 hours

of work experience for which pay has or has not been received.

Section 6. The local board of education shall provide approved mileage reimbursement for transportation expenses for practical arts teachers to attend conferences, workshops, and other meetings called or approved by the Bureau of Vocational Education; for practical arts teachers to visit work stations where students may observe or gain experiences in order to make an analysis of the job as a learning station for students; or other approved travel necessary by the teacher to carry out the practical arts education program. Reimbursement may also be made for school bus transportation and/or other transportation expenses associated with planned field trips for practical arts classes. Individual student transportation costs for individual observations, work experiences, and interviewing will remain the responsibility of the student.

Section 7. 705 KAR 4:150 is hereby repealed.

JAMES B. GRAHAM
Superintendent of Public Instruction

ADOPTED: June 16, 1976

RECEIVED BY LRC: July 23, 1976 at 11 a.m.

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

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education

705 KAR 10:021. Repeals 705 KAR 10:010 to 705 KAR 10:120.

RELATES TO: KRS 163.310 to 163.390

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: The 1976 General Assembly by HB 763 repealed KRS 163.310 to 163.390 which were the basis for these regulations.

Section 1. Regulations 705 KAR 10:010, 705 KAR 10:020, 705 KAR 10:030, 705 KAR 10:040, 705 KAR 10:050, 705 KAR 10:060, 705 KAR 10:070, 705 KAR 10:080, 705 KAR 10:090, 705 KAR 10:100, and 705 KAR 10:120 are repealed.

JAMES B. GRAHAM
Superintendent of Public Instruction

ADOPTED: June 16, 1976

RECEIVED BY LRC: July 23, 1976 at 11 a.m.

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

PUBLIC PROTECTION AND REGULATION CABINET
Department of Labor
Occupational Safety and Health

803 KAR 2:062. Employers' responsibility where employees are exposed to toxic substances.

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 338.051 authorizes the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules, regulations, and standards. The purpose and function of the following regulation is to provide that all employers monitor areas and maintain accurate records of such monitoring where their employees are exposed to potentially toxic substances and to make available to those employees the records of such monitoring.

Section 1. General Requirements. (1) Employers shall monitor areas where employees are exposed to potentially toxic substances or harmful physical agents which are required to be monitored or measured pursuant to those standards as adopted by the Kentucky Occupational Safety and Health Standards Board.

(2) Employers shall provide employees or their representatives an opportunity to observe such monitoring or measuring.

(3) Each employer shall promptly notify any employee or employees who have been or are being exposed to toxic materials or harmful physical agents in concentrations or at levels which exceed those prescribed by those applicable occupational safety and health standards adopted by the Kentucky Occupational Safety and Health Standards Board. Where pursuant to those applicable occupational safety and health standards adopted and promulgated by the Kentucky Occupational Safety and Health Standards Board it is required that exposure to certain toxic substances or agents be limited or prohibited, each employer shall notify his employees who are subject to such exposure, inform them of the corrective action required, if any, and notify them when such action has been taken.

(4) Each employer shall make and maintain records of all monitoring activity required by this regulation and make appropriate provisions whereby each employee, former employee or a representative of either may have access to such records which will indicate the levels to which the particular employee or former employee has been exposed. Said person shall also be permitted to copy those records pertaining to his exposure levels or the exposure levels of the employee or former employee he is representing.

JAMES R. YOCOM, Commissioner

ADOPTED: July 14, 1976

APPROVED:

JAMES E. GRAY, Secretary

RECEIVED BY LRC: July 20, 1976 at 2 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Director, Kentucky Department of Labor, Occupational Safety and Health Program, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Labor
Workmen's Compensation Board

803 KAR 25:060. Hearing Officers.

RELATES TO: KRS Chapter 342

PURSUANT TO: KRS 13.082, 342.230

NECESSITY AND FUNCTION: KRS 342.230 permits the Workmen's Compensation Board to decide the number of hearing officers needed to carry out the provisions of KRS Chapter 342. The function of this regulation is the establishing of the number of hearing officers to be used by the Workmen's Compensation Board.

Section 1. Definitions. (1) For purposes of this regulation, "hearing officer" means an attorney meeting the qualifications set forth in KRS 342.230(3) and appointed by the governor.

(2) "Board" means the Workmen's Compensation Board.

Section 2. The Workmen's Compensation Board hereby authorizes the employment of up to twenty (20) hearing officers to be used to carry out the functions of the board as provided in KRS 342.230(3).

SHELBY T. DENTON, Chairman

ADOPTED: July 12, 1976

APPROVED:

JAMES E. GRAY, Secretary

RECEIVED BY LRC: July 27, 1976 at 8:20 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: William L. Huffman, Director, Workmen's Compensation Division, Department of Labor, 1st Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control

804 KAR 2:007. Inside signs.

RELATES TO: KRS 244.130, 244.510

PURSUANT TO: KRS 13.082, 241.060

NECESSITY AND FUNCTION: By the specific provision of KRS 241.060(1) this Board has the authority to regulate the advertising of alcoholic beverages. The present Kentucky statutes and A.B.C. regulations do not contain any specific regulation or guideline of inside signs located on licensed premises. The purpose of this regulation is to allow the use of inside signs upon licensed malt beverage retail establishments. The Alcohol, Tobacco and Fire Arms Department of the U.S. Treasury has the responsibility of federal regulation of the alcoholic beverage industry. The ATF Division permits malt beverage licensees to display inside signs under their regulation appearing at 27 CFR Section 6.23. The A.B.C. Board deems it advisable to permit the use of such signs by retailers and further that any such Kentucky regulation should be similar to that of the federal regulation. The function of this regulation is to permit a brewer or wholesaler of malt beverages to provide a malt beverage retailer with signs or displays of a monetary value not to exceed fifty dollars (\$50) on one premise at one time. The net result of the regulation would provide a guide to a brewer or distributor of malt beverages as to the type of advertising assistance they may render their retailers.

Section 1. Except as provided in Section 2, it is unlawful for any brewer or distributor of malt beverages to induce any retailer to purchase any products from such brewer or wholesaler to the exclusion in whole or in part of such products sold or offered for sale by other brewers or distributors, by furnishing, giving, renting, lending, or selling any equipment, fixtures, signs, supplies, money, service, or other thing of value, directly or indirectly or through an affiliate, if such inducement is made or such practice is used as a means to prevent, deter, hinder, or restrict other brewers or distributors from selling or offering for sale any such malt beverage products to a retailer.

Section 2. Signs, posters, placards, designs, devices, decorations or graphic displays, bearing advertising matter and for use in the windows or elsewhere in the interior of a retail malt beverage establishment, may be given, rented, loaned, or sold to a malt beverage retailer by a brewer or distributor of malt beverages, if the total value of all such materials furnished by any brewer or distributor for any one brand in use at any one time in any one retail establishment does not exceed the sum of fifty dollars (\$50), including all expenses incurred directly or indirectly by a brewer or distributor in connection with the purchase, manufacturer, transportation, assembly, and installation of such materials and accessories. No brewer or distributor shall directly or indirectly pay or credit any retailer for displaying such materials or for any expense incidental to their operation.

JAMES G. AMATO, Chairman

ADOPTED: July 14, 1976

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: July 26, 1976 at 2:15 p.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 Insurance

806 KAR 12:060. Health insurance replacement.

RELATES TO: KRS 304.12-030, 304.14-120

PURSUANT TO: KRS 13.082, 304.2-110

NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable rules and regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. This regulation safeguards the interests of persons covered under health insurance including indemnity insurance who consider replacing their insurance by making available to them information regarding replacement and thereby reducing the opportunity for misrepresentation and other unfair practices and methods of competition in the insurance business.

Section 1. This regulation shall apply to the solicitation of health insurance covering residents of this state and issued by insurance corporations, fraternal benefit societies or nonprofit service plans in accordance with KRS 304.14-120.

Section 2. This regulation shall not apply to the solicitation of the following accident and sickness insurance:

- (1) Group or blanket;
- (2) Accident only;
- (3) Single premium nonrenewable;
- (4) Nonprofit dental care;
- (5) Nonprofit prepaid optometric service;
- (6) Under which dental expenses only, prescription expenses only, vision care expenses only or blood service expenses only are covered;
- (7) Conversion to another individual or family policy in the same insurer with continuous coverage;
- (8) Conversion to an individual or family policy to replace group, blanket coverage in the same insurer;
- (9) Change to a medicare supplement policy which covers pre-existing conditions, without any limitation, to replace a basic hospital expense, basic medical expense, basic surgical expense, or major medical expense policy.

Section 3. Definitions. (1) Replacement is any transaction wherein new health insurance is to be purchased, and it is known to the agent or company at the time of application that as part of the transaction, existing health insurance has been or is to be lapsed or the benefits thereof substantially reduced.

(2) Continuous coverage means that the benefits are not less than the benefits under the previous policy, and the policy also covers loss resulting from injury sustained or sickness contracted while coverage was in force under the previous policy to the extent such loss is not covered under any extended benefit or similar provision of the previous policy.

(3) Group type coverage is as defined in KRS 304.18-020.

(4) Direct response insurance is insurance issued to an applicant who has himself completed the application and forwarded it directly to the insurer in response to a solicitation coming into his possession by any means of mass communication.

Section 4. An application form for insurance subject to this regulation shall contain a question to elicit information as to whether the insurance to be issued is to replace any insurance presently in force. A supplementary application or other form to be signed by the applicant containing such a question may be used.

Section 5. (1) An agent soliciting the sale of insurance shall, upon determining that the sale would involve replacement furnish to the applicant, at the time of taking the application, the notice described in Section 6 to be signed by the applicant.

(2) An insurer soliciting direct response insurance shall, upon determining that the sale would involve replacement, furnish to the applicant, before the policy is issued, the notice described in Section 6 to be signed by the applicant.

(3) A copy of such notice shall be left with or retained by the applicant and a signed copy shall be retained by the insurer.

Section 6. The form for notice required by Section 5 is filed by reference as Appendix A. Copies may be obtained from the Department of Insurance, Capital Plaza Tower, Frankfort, Kentucky 40601.

Section 7. A violation of this regulation shall be

considered to be a misrepresentation for the purpose of inducing a person to purchase insurance. A person guilty of such violation shall be subject to KRS 304.9-440(1).

Section 8. 806 KAR 12:050 is hereby repealed.

HAROLD B. McGUFFEY, Commissioner

ADOPTED: July 26, 1976

APPROVED:

JAMES E. GRAY, Secretary

RECEIVED BY LRC: August 6, 1976 at 11:30 a.m.

PUBLIC HEARING: A public hearing on this proposed regulation will be held pursuant to KRS 304.2-110 on September 7, 1976, at 10 a.m. EDT at the Department of Insurance, Second Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

Reprinted Regulations

(As a convenience to subscribers the following regulations, which became effective on August 4, 1976, are being reprinted here. All were published originally in Volume 2 of the Administrative Register but are not included in the bound volumes of the KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE.)

SECRETARY OF THE CABINET Department of Personnel As Amended

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

EFFECTIVE: August 4, 1976

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 in-

vestigation 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

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

SECRETARY OF THE CABINET
Department of Personnel
As Amended

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
EFFECTIVE: August 4, 1976

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

APPROVED: JACKSON W. WHITE, Secretary

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

SECRETARY OF THE CABINET
Department of Personnel
As Amended

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
EFFECTIVE: August 4, 1976

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

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

SECRETARY OF THE CABINET
Department of Personnel
As Amended

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
EFFECTIVE: August 4, 1976

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

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

SECRETARY OF THE CABINET
Department of Personnel
As Amended

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

EFFECTIVE: August 4, 1976

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

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

SECRETARY OF THE CABINET
Department of Personnel
As Amended

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

EFFECTIVE: August 4, 1976

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 employees, 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:	1½ 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.

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

EFFECTIVE: August 4, 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 a retirement option and each recipient of a survivor's benefit as set out in KRS a retirement option and each recipient of a survivors 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.

SECRETARY OF THE CABINET

Department of Revenue

As Amended

103 KAR 18:110. Withholding methods.

RELATES TO: KRS 141.370

PURSUANT TO: KRS 13.082

EFFECTIVE: August 4, 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.

SECRETARY OF THE CABINET

Department of Revenue

As Amended

103 KAR 27:090. Memorial dealers.

RELATES TO: KRS 139.050, 139.110, ~~139.480~~

PURSUANT TO: KRS 13.082

EFFECTIVE: August 4, 1976

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.

SECRETARY OF THE CABINET
Department of Revenue
As Amended

103 KAR 30:090. Farm machinery.

RELATES TO: KRS 139.260, 139.470, 139.480

PURSUANT TO: KRS 13.082

EFFECTIVE: August 4, 1976

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.

SECRETARY OF THE CABINET
Department of Revenue
As Amended

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

EFFECTIVE: August 4, 1976

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.

CABINET FOR DEVELOPMENT
Department of Fish and Wildlife Resources
As Amended

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

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

PURSUANT TO: KRS 13.082

EFFECTIVE: August 4, 1976

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 barbed 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 barbed 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 September 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.

DEPARTMENT OF TRANSPORTATION
Bureau of Vehicle Regulation
As Amended

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

RELATES TO: KRS 189.222

PURSUANT TO: KRS 13.082, 189.222

EFFECTIVE: August 4, 1976

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.

DEPARTMENT OF TRANSPORTATION
Bureau of Vehicle Regulation
As Amended

601 KAR 1:095. Complaints.

RELATES TO: KRS Chapter 281

PURSUANT TO: KRS 13.082, 281.600

EFFECTIVE: August 4, 1976

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.

DEPARTMENT OF TRANSPORTATION
Bureau of Vehicle Regulation
As Amended

601 KAR 9:040. Reciprocity.

RELATES TO: KRS Chapters 138, 186, 281

PURSUANT TO: KRS 13.082, 281.600, 281.610

EFFECTIVE: August 4, 1976

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.

EDUCATION AND ARTS CABINET

Department of Education

Bureau of Education for Exceptional Children

As Amended

707 KAR 1:050. Programs for exceptional children.

RELATES TO: KRS 157.200 to 157.305

PURSUANT TO: KRS 13.082, 156.070, 156.160

EFFECTIVE: August 4, 1976

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

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

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

- (a) Approved teachers;
- (b) Approved housing;
- (c) Planned program; and
- (d) Required number of children in membership.

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

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

(4) Housing:

(a) The resource room and special class programs for exceptional children shall be housed in an elementary or secondary school, dependent upon the age range of the

pupils, unless exceptions are provided in Sections 2 to 10 below pertaining to specific areas of exceptionality. Classrooms shall meet the standards for regular classrooms as specified in State Board of Education regulations.

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

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

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

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

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

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

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

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

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

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

(9) Admission and Release Committees: Local school district personnel shall establish one (1) district-wide Administrative Admissions and Release Committee and a School-Based Admissions and Release Committee in each school with appropriate membership and functions as listed below:

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

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

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

1. Receive information on identified children not currently enrolled in the local school district who are thought to need special educational services and/or programs.

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

3. Designate qualified persons to conduct appropriate evaluations on identified children.

4. Discuss results of the evaluation and make recommendations as to appropriate services and/or programs for the identified child. These recommendations shall include a written summary, in educationally relevant and common terms, of the referred pupil's special needs offering explicit strategies for meeting such needs and stating criteria by which the effectiveness of such intervention strategies may be determined.

5. Determine if the local school district can provide appropriate services, if local programs must be changed to accommodate the identified child, if additional services or programs will be developed, or if the child must receive services outside the local school district.

6. Review extreme cases where the School-Based Admissions and Release Committee is not able to reach a decision on appropriate educational placement for a referred pupil and make recommendations as to appropriate educational placement.

7. At least annually, review the placement of each exceptional child living in the local school district but receiving services outside the local school district in relation to his educational progress in that setting.

8. Serve as the review committee in cases in which parents disagree with the recommendations of the SBARC as to appropriate services to be provided for their child.

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

1. Building principal, chairperson.
2. Referring teacher(s).
3. Teacher(s) of exceptional children.
4. Parent(s) of the referred pupil or their designee (at parent's discretion).

5. Consulting members providing input into the referred pupil's educational program (i.e. guidance counselor, psychometrist, psychologist, school nurse, school social worker, etc.).

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

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

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

3. Conduct or obtain appropriate evaluations on referred pupils.

4. Discuss results of formal and informal evaluations.

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

such intervention strategies may be determined.

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) If the parent(s) refuse to give permission for the evaluation, the local school district shall either accept their

decision or shall request an impartial hearing. The written request for a hearing should:

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

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

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

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

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

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

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

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

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

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

8. Describe the procedure for appeal;

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

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

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

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

2. The local school district shall provide factual information concerning the appropriateness of the proposed evaluation or educational placement of the child;

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

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

5. The parent(s) and the local school district shall be

given the right to have legal counsel or other professional persons attend the hearing;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(l) In order to provide every child eligible for a public education with the protection of procedural due process, even under circumstances where a child's parent(s) or guardian(s) are not known, are unavailable, or the child is a ward of the state, each child shall be assigned a parent surrogate.

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

1. Have no other vested interest that would conflict with their primary allegiance to the child they would represent;

2. Be committed to personally and thoroughly acquainting themselves with the child and the child's educational needs;

3. Be of the same racial, cultural, and linguistic background of the children they represent;

4. Be familiar with the educational system within the state;

5. Be readily accessible to the children they represent.

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

1. Any person may file a request for the assignment of a surrogate to a child with the child's local school district with a copy of the request to the State Department of Education.

2. The local school district shall send a notice of the request for a surrogate to the adult in charge of the child's place of residence and to the parent(s) or guardian(s) at their last known address in an effort to determine the need for a surrogate parent.

3. If the local school district determines need for a surrogate as provided in Section 1(11), the State Department of Education shall be notified of the need. The State Department of Education shall assign a surrogate within five (5) days of the notification.

4. The assigned surrogate shall represent the child through the time of the first periodic review of the child's educational placement.

5. Surrogates shall not be assigned to children who have reached the age of majority.

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

1. When a placement in a less restrictive environment is seen as more appropriate, the Admissions and Release Committee shall review the child's placement. If the committee determines the child's needs can be met in a less restrictive setting, the child's placement and educational program shall be changed and support services provided as necessary. The parent(s) and local school district shall be afforded all due process rights as described in Section 1(11).

2. When a review is requested for the purpose of securing a more restricted educational placement for the child, the review shall take place after the current educational program has been implemented for the minimum time of one (1) month. The Admissions and Release Committee shall conduct the review. The parent(s) and local school district shall be afforded all due process rights as described in Section 1(11).

Section 2. Programs for Crippled and Other Health Impaired. (1) Eligibility criteria: A pupil shall be eligible for enrollment in a program for crippled and other health impaired if a licensed physician determined that he is physically unable to attend regular class. A medical statement by a licensed physician shall be on file in the central office. The Admissions and Release Committee shall review this statement as well as any additional reports, information and assessments deemed necessary for placement of each individual child in an appropriate educational program.

(2) Program membership:

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

(b) Program membership shall be ten (10) to twenty (20) pupils per teacher for the resource room plan and the itinerant teacher plan. The Bureau of Education for Exceptional Children, Department of Education, shall have the authority to increase the maximum membership to

twenty-five (25) upon submission of a written request and justification by a local school district.

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

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

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

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

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

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

(2) Program membership:

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

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

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

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

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

(5) Home instruction of high school students: High school pupils on home instruction programs shall meet minimum State Board of Education requirements, follow the prescribed local course of study, and acquire the required number of units prior to graduation from high school. Credits shall be issued through the high school which the pupil would attend if he were not homebound. These credits shall be transferable to the same extent as credits earned in a regular high school program.

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

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

pupils enrolled in the two (2) programs.

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

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

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

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

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

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

(d) A developmental history.

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

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

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

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

Section 5. Programs for Trainable Mentally Handicapped Pupils. (1) Eligibility criteria: Pupils who meet the definition pursuant to KRS 157.200(5) and who obtain intelligence quotient scores below fifty (50) on individual intelligence tests shall be eligible for enrollment in programs for the trainable mentally handicapped.

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

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

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

(c) A measure of social competence.

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

(e) A developmental history.

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

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

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

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

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

(5) Housing:

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

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

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

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

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

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

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

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

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

(3) Program Membership:

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

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

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

(b) Alternative III: Special class program membership:

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) A developmental and social history.

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

(3) Program membership:

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

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

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

(b) Alternative III: Special class program membership:

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

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

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

(2) Organizational patterns: Programs shall be organized and operated according to a plan which shall provide for

individual or group instruction on a daily or less than daily basis.

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

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

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

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

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

Section 9. Programs for Children with Visual Handicaps.

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

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

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

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

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

(3) Program membership: Program membership shall be from five (5) to ten (10) pupils per teacher.

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

(5) Housing: Classes for multiple handicapped children shall be housed in an elementary or secondary school, dependent upon the age range of the pupils unless specific

approval of other facilities has been obtained from the Bureau of Education for Exceptional Children and the Division of Buildings and Grounds, Department of Education.

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

JAMES B. GRAHAM,

Superintendent of Public Instruction

ADOPTED: May 5, 1976

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

PUBLIC PROTECTION AND REGULATION CABINET Department of Labor As Amended

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

RELATES TO: KRS 337.275, 337.285

PURSUANT TO: KRS 13.082, 337.295

EFFECTIVE: August 4, 1976

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.

PUBLIC PROTECTION AND REGULATION CABINET
Alcoholic Beverage Control Board
As Amended

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

EFFECTIVE: August 4, 1976

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.

DEPARTMENT FOR HUMAN RESOURCES

Kentucky Drug Formulary Council

As Amended

902 KAR 1:020. Ampicillin.

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

PURSUANT TO: KRS 13.082

EFFECTIVE: August 4, 1976

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.

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
As Amended

902 KAR 1:085. Isosorbide Dinitrate.

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

PURSUANT TO: KRS 13.082

EFFECTIVE: August 4, 1976

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.

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
As Amended

902 KAR 1:100. Reserpine.

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

PURSUANT TO: KRS 13.082

EFFECTIVE: August 4, 1976

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.

DEPARTMENT FOR HUMAN RESOURCES Kentucky Drug Formulary Council As Amended

902 KAR 1:130. Chlorpromazine Hydrochloride.

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

PURSUANT TO: KRS 13.082

EFFECTIVE: August 4, 1976

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.

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council

902 KAR 1:141. Sulfisoxazole and Phenazopyridine Hydrochloride Tablet.

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

PURSUANT TO: KRS 13.082

EFFECTIVE: August 4, 1976

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 Sulfisoxazole and Phenazopyridine Hydrochloride pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Sulfisoxazole and Phenazopyridine Hydrochloride Tablet Pharmaceutical Products. The following Sulfisoxazole and Phenazopyridine Hydrochloride tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Sulfisoxazole 500 mg. and Phenazopyridine Hydrochloride 50 mg. Tablet Form:

- (1) Azo Gantrisin: Roche Laboratories;
- (2) Azo Sulfisoxazole: Midway Medical Company;
- (3) Azo-V-Sul: Vanguard Laboratories;
- (4) Dulfisoxazole and Phenazopyridine: Philips-Roxane Laboratories, Richie Pharmacal Company.

KENNETH P. CRAWFORD, Chairperson

ADOPTED: May 15, 1976

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

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
As Amended

902 KAR 1:160. Oxytetracycline Hydrochloride Capsule.

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

PURSUANT TO: KRS 13.082

EFFECTIVE: August 4, 1976

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: Rachele 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.

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
As Amended

902 KAR 1:190. Meprobamate Tablet.

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

PURSUANT TO: KRS 13.082

EFFECTIVE: August 4, 1976

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.

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
As Amended

902 KAR 1:290. Ferrous Sulfate Tablet.

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

PURSUANT TO: KRS 13.082

EFFECTIVE: August 4, 1976

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.

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council

902 KAR 1:312. Oxyphenbutazone Tablet.

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

PURSUANT TO: KRS 13.082

EFFECTIVE: August 4, 1976

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 Oxyphenbutazone pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

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

Oxyphenbutazone 100 mg. Tablet Form:

- (1) Oxalid: USV Pharmaceuticals;
- (2) Tandearil: Geigy Pharmaceuticals.

KENNETH P. CRAWFORD, Chairperson

ADOPTED: May 14, 1976

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

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council

902 KAR 1:314. Phenylbutazone Tablet.

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

PURSUANT TO: KRS 13.082

EFFECTIVE: August 4, 1976

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 Phenylbutazone pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Phenylbutazone Tablet Pharmaceutical Products. The following Phenylbutazone tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Phenylbutazone 100 mg. Tablet Form:

- (1) Azolid: USV Pharmaceuticals;
- (2) Butazolidin: Geigy Pharmaceuticals.

KENNETH P. CRAWFORD, Chairperson

ADOPTED: May 15, 1976

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

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council

902 KAR 1:316. Amitriptyline Hydrochloride Tablet.

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

PURSUANT TO: KRS 13.082

EFFECTIVE: August 4, 1976

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 Amitriptyline Hydrochloride pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Amitriptyline Hydrochloride Tablet Pharmaceutical Products. The following Amitriptyline Hydrochloride tablet pharmaceutical products are

determined to be therapeutically equivalent, in each respective dosage:

- (1) Amitriptyline Hydrochloride 10 mg. Tablet Form:
 - (a) Elavil: Merck, Sharp & Dohme;
 - (b) Endep: Roche Laboratories.
- (2) Amitriptyline Hydrochloride 25 mg. Tablet Form:
 - (a) Elavil: Merck, Sharp & Dohme;
 - (b) Endep: Roche Laboratories.
- (3) Amitriptyline Hydrochloride 50 mg. Tablet Form:
 - (a) Elavil: Merck, Sharp & Dohme;
 - (b) Endep: Roche Laboratories.
- (4) Amitriptyline Hydrochloride 75 mg. Tablet Form:
 - (a) Elavil: Merck, Sharp & Dohme;
 - (b) Endep: Roche Laboratories.

KENNETH P. CRAWFORD, Chairperson

ADOPTED: May 15, 1976

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

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council

902 KAR 1:318. Dexamethasone Elixir.

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

PURSUANT TO: KRS 13.082

EFFECTIVE: August 4, 1976

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 Dexamethasone pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Dexamethasone Elixir Pharmaceutical Products. The following Dexamethasone elixir pharmaceutical products are determined to be 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.

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

EFFECTIVE: August 4, 1976

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.

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

EFFECTIVE: August 4, 1976

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.

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

EFFECTIVE: August 4, 1976

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.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of August 4, 1976 Meeting

(Subject to Subcommittee approval at its next meeting on September 1, 1976)

The Administrative Regulation Review Subcommittee held its regularly scheduled meeting on Wednesday, August 4, 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: Dr. John P. Stewart, William E. Doll, Jr. and Judy Hagler, Kentucky Medical Association; Eugene F. Perkins, Arthur S. Curtis, Jr. and Joshua E. Santana, Department for Natural Resources and Environmental Protection; Bill Myers, Kentucky Association of Plumbing, Heating and Cooling Contractors, Inc.; Madeline Lang, Ked R. Fitzpatrick and W. O. Hubbard, Department for Human Resources; Dr. Stella A. Edwards and Tom Robeson, Department of Education; Commissioner Addie Stokley, Arthur Hatterick, Jr., Harold L. Newton, Tom Graham and Gil Mischel, Department of Personnel.

LRC Staff: William H. Raines, F. Hugh Morris, Mabel D. Robertson, Garnett Evins, Deborah Herd and Ollie Fint.

Press: Tom Scheffey, Kentucky Post.

The minutes of the meeting of July 7, 1976 were approved.

Chairman Brinkley informed Mr. Perkins, Department of Natural Resources and Environmental Protection, that due to the late date of receipt of the respective statements of affirmative consideration it was impossible for the members to adequately review all of the proposed regulations pertaining to the Division of Plumbing in time for consideration at this meeting. Therefore, the subcommittee deferred consideration until the September 1 meeting.

Chairman Brinkley informed Dr. Stewart and Mr. Doll, opponents of the two proposed regulations relating to the Board of Chiropractic Examiners, that due to the fact that a public hearing had not been requested and in fairness to the proponents of the regulations he would defer the regulations until the September 1 meeting in order that both parties may have an opportunity to be heard.

The following regulation was returned to the issuing agency: 302 KAR 15:010, Department of Agriculture; Administration fairs and shows, was returned for the reason that the committee was of the opinion that it did not conform to legislative intent. It was the committee's opinion that under the regulation a disproportionate amount of funds were allocated to harness horse racing.

Proposed regulation 101 KAR 1:050, Department of Personnel, Personnel Rules, Compensation plan, was withdrawn from consideration because a public hearing had been requested.

It was the consensus of the committee that a letter be sent to each agency submitting a regulation urging it to have a representative present to answer questions that may arise when the regulation is considered.

The following regulations were approved and ordered filed:

SECRETARY OF THE CABINET

Department of Personnel

Personnel Rules

- 101 KAR 1:080. Certification and selection. (Amended)
- 101 KAR 1:090. Types of appointments. (Amended)
- 101 KAR 1:100. Probationary period. (Amended)
- 101 KAR 1:110. Promotion, transfer, demotion and detail to special duty. (Amended)
- 101 KAR 1:120. Separations and disciplinary actions. (Amended)
- 101 KAR 1:140. Service regulations. (Amended)

Kentucky Teachers' Retirement System

General Rules

- 102 KAR 1:153. Benefits adjustment.

Department of Revenue

Income Tax; Withholding

- 103 KAR 18:110. Withholding methods. (Amended)

Sales and Use Tax; Miscellaneous Retailer Occupations

- 103 KAR 27:090. Memorial dealers. (Amended)

Sales and Use Tax; General Exemptions

- 103 KAR 30:090. Farm machinery. (Amended)

Sales and Use Tax; Administration and Accounting

- 103 KAR 31:140. Interest, penalties and compensation. (Amended)

CABINET FOR DEVELOPMENT

Department of Fish and Wildlife Resources

Game

- 301 KAR 2:105. Deer gun and archery season; restrictions. (Amended)

DEPARTMENT OF TRANSPORTATION

Bureau of Vehicle Regulation

Division of Motor Carriers

- 601 KAR 1:010. Truck tractors; semi-trailers; maximum length. (Amended)
- 601 KAR 1:095. Complaints. (Amended)

Motor Vehicle Tax

- 601 KAR 9:040. Reciprocity. (Amended)

DEPARTMENT OF EDUCATION

Bureau of Education for Exceptional Children

Exceptional and Handicapped Programs

- 707 KAR 1:050. Programs for exceptional children. (Amended)

PUBLIC PROTECTION AND REGULATION CABINET

Department of Labor

Labor Standards; Wages and Hours

- 803 KAR 1:075. Exclusions from minimum wage and overtime. (Amended)

Department of Alcoholic Beverage Control

Container size

- 804 KAR 12:020. Metric standards of fill. (Amended)

Department of Insurance

Fire Marshal

- 806 KAR 50:200. Mobile Homes. (Amended after hearing.)

DEPARTMENT FOR HUMAN RESOURCES

Bureau for Health Services

Drug Formulary

- 902 KAR 1:020. Ampicillin. (Amended)
- 902 KAR 1:085. Isosorbide Dinitrate. (Amended)
- 902 KAR 1:100. Reserpine. (Amended)
- 902 KAR 1:130. Chlorpromazine Hydrochloride. (Amended)
- 902 KAR 1:141. Sulfisoxazole and Phenazopyridine Hydrochloride Tablet.
- 902 KAR 1:160. Oxytetracycline Hydrochlorine Capsule. (Amended)
- 902 KAR 1:190. Meprobamate Tablet. (Amended)
- 902 KAR 1:290. Ferrous Sulfate Tablet. (Amended)
- 902 KAR 1:312. Oxyphenbutazone Tablet
- 902 KAR 1:314. Phenylbutazone Tablet.
- 902 KAR 1:316. Amitriptyline Hydrochloride Tablet.
- 902 KAR 1:318. Dexamethasone Elixir.
- 902 KAR 1:320. Imipramine Hydrochloride Tablet.
- 902 KAR 1:322. Triprolidine and Pseudoephedrine Hydrochloride Syrups.
- 902 KAR 1:324. Hyoscyamine and Atropine Sulfates, Hyoscine Hydrobromide, and Phenobarbital Tablets and Elixirs.

Bureau for Social Insurance

Public Assistance

- 904 KAR 2:045. Conditions under which adverse action is taken. (Amended after hearing.)
- 904 KAR 2:055. Hearings and appeals. (Amended after hearing.)

The meeting was adjourned at 1 p.m. to meet again on Wednesday, September 1, 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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