

LEGISLATIVE RESEARCH COMMISSION
FRANKFORT, KENTUCKY

VOLUME 3, NUMBER 3

FRIDAY, OCTOBER 1, 1976



IN THIS ISSUE

SECTION ONE—WHITE PAGES

Public hearings Scheduled	311
Emergency Regulations Now in Effect:	
Department of Fish and Wildlife Resources	311
Amended Regulations Now in Effect:	
Department for Natural Resources and Environmental Protection:	
Division of Plumbing	313
Department of Mines and Minerals	317
Proposed Amendments:	
Department of Revenue	324
Department of Finance and Administration:	
Board of Barbering	324
Department of Agriculture:	
Livestock Sanitation	325
Department of Transportation:	
Bureau of Highways	327
Department of Education:	
Bureau of Vocational Education	327
Bureau of Rehabilitation Services	328
Department of Mines and Minerals	328
Department for Human Resources:	
Bureau for Administration and Operations	329
Proposed Regulations Received Through September 15:	
Department for Finance and Administration	334
Board of Veterinary Examiners	337
Department for Natural Resources and Environmental Protection:	
Bureau of Environmental Quality	337
Education and Arts Cabinet:	
Kentucky Historical Society	338
Public Protection and Regulation Cabinet:	
Registry of Election Finance	338
Alcoholic Beverage Control	341
Department of Insurance:	
Office of Fire Marshal	341
Department for Human Resources:	
Bureau for Health Services	348
Bureau for Social Insurance	349
Reprinted Regulations From Volume 2 Effective September 1:	
Department of Agriculture	354
Department for Natural Resources and Environmental Protection:	
Bureau of Environmental Quality	357
Department of Mines and Minerals	364
Minutes of Administrative Regulation Review Subcommittee	364

SECTION TWO—GREEN PAGES

Locator Table—Effective Dates	C2
KRS Cross-Reference Table	C4
Index	C6

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.

The *Administrative Register of Kentucky* is the monthly advance sheets service for the 1977 Edition of KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE.

HOW TO CITE: Cite all material in the *Administrative Register of Kentucky* by Volume number and Page number. Example: Volume 2, Kentucky Register, page 318 (short form: 2 Ky.R. 318).

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

© 1976 Legislative Research Commission, All Rights Reserved

The Administrative Register of Kentucky is published monthly by the Legislative Research Commission, Room 300, State Capitol, Frankfort, Kentucky 40601. Subscription rate, postpaid in the United States: \$24 per volume of 12 issues, beginning in August and ending with the July issue of the subsequent year.

Second class postage paid at Frankfort, Kentucky.

KENTUCKY LEGISLATIVE RESEARCH COMMISSION

SENATOR JOE PRATHER Senate President Pro Tem		REPRESENTATIVE WILLIAM G. KENTON House Speaker	
Co-Chairmen			
Senate Members		House Members	
PAT M. McCUISTON Assistant President Pro Tem	WALTER A. BAKER Minority Caucus Chairman	LLOYD CLAPP Speaker Pro Tem	WILLIAM "BILL" DONNERMEYER Majority Caucus Chairman
TOM GARRETT Majority Floor Leader	KELSEY E. FRIEND Majority Whip	BOBBY H. RICHARDSON Majority Floor Leader	HERMAN W. RATTLIFF Minority Caucus Chairman
EUGENE P. STUART Minority Floor Leader	JOE GRAVES Minority Whip	WILLIAM HAROLD DeMARCUS Minority Floor Leader	DWIGHT WELLS Majority Whip
A. D. (DANNY) YOCOM Majority Caucus Chairman			RAYMOND OVERSTREET Minority Whip
PHILIP W. CONN, Director			
E. HUGH MORRIS, Assistant Director for Publications			

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Members	Staff
REPRESENTATIVE WILLIAM T. BRINKLEY Chairman	Mabel D. Robertson, Regulations Compiler
SENATOR DONALD L. JOHNSON	Ollie J. Fint, Assistant Regulations Compiler
REPRESENTATIVE DAVID GRAY MASON	William H. Raines, Counsel for the Subcommittee

Public Hearings

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:

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

PUBLIC PROTECTION AND REGULATION CABINET Division of Mines and Minerals

The Division of Mines and Minerals has scheduled a public hearing at 10 a.m. EDT October 20, 1976 at the University of Kentucky College of Law Courtroom, Lexington, Kentucky, on the following proposed regulation, published in this issue:

805 KAR 5:010. Fees for licenses to operate. [3 Ky.R. 328]

State Fire Marshal

The State Fire Marshal has scheduled public hearings on the following regulations:

806 KAR 50:010. Standards of Safety. [3 Ky.R. 187] A hearing on this proposed regulation will be held at 2 p.m. EDT October 8, 1976 at the Capital Plaza Tower, Frankfort, Kentucky 40601.

806 KAR 50:205. Recreational vehicles. [3 Ky.R. 341] A hearing on this proposed regulation, published in this issue, will be held at 10 a.m. EDT October 26, 1976 in Room G-2 of the Capital Plaza Tower, Frankfort, Kentucky 40601.

Emergency Regulations

JULIAN M. CARROLL, GOVERNOR
Executive Order 76-825
August 17, 1976

EMERGENCY REGULATION Department of Fish and Wildlife Resources

WHEREAS, the federal government has jurisdiction over migratory birds; and

WHEREAS, the Commonwealth cannot set its hunting seasons until notified of the decision of the federal government; and

WHEREAS, the Department of Fish and Wildlife Resources has determined and finds that an emergency exists and there is an immediate necessity to provide for regulation of the hunting season on migratory birds; and

WHEREAS, the Commissioner of the Department of Fish and Wildlife Resources, in conjunction with the Secretary of the Development Cabinet, pursuant to KRS 13.082 and KRS 150.300, has promulgated the Regulation herein above 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 Fish and Wildlife Resources 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

CABINET FOR DEVELOPMENT Department of Fish and Wildlife Resources

301 KAR 2:023E. Migratory bird seasons; limits.

RELATES TO: KRS 150.300, 150.305, 150.320, 150.330, 150.340, 150.360

PURSUANT TO: KRS 13.082

EFFECTIVE: August 23, 1976

EXPIRES: December 20, 1976

NECESSITY AND FUNCTION: In accordance with KRS 150.015, this regulation is necessary for the continued protection and conservation of the migratory birds 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 migratory wildlife within reasonable limits based upon an adequate supply.

Section 1. Seasons: (1) Doves: September 1 through October 31, 1976; December 11 through December 19, 1976

(2) Woodcock: October 9 through December 3, 1976; December 11 through December 19, 1976.

(3) Wilson snipe: October 9 through December 3, 1976; December 11 through December 19, 1976.

(4) Teal; statewide: September 4 through September 12, 1976.

Section 2. Limits:

	Bag Limits	Possession Limits
Doves	12	24
Woodcock	5	10
Wilson snipe	8	16
Teal	4	8

Section 3. (1) After two (2) or more days of shooting, possession limits apply to transporting, but do not permit a double bag limit in the field.

(2) The above species (except doves) dressed in the fields, or being prepared for transportation, must have one (1) fully feathered wing or head attached to the bird for identification purposes. For further information on the above species see Federal Register.

Section 4. Shooting hours: (1) Doves: from 12 o'clock noon to one-half (½) hour before sunset prevailing time.

(2) Wilson snipe and woodcock: from one-half (½) hour before sunrise to sunset prevailing time.

(3) Teal: sunrise until sunset prevailing time.

Section 5. Wildlife management areas open to dove hunting (with certain exceptions):

(1) Ballard County Wildlife Management Area, located in Ballard County; September 1 through October 15, 1976. No firearms shall be permitted on the Ballard County Wildlife Management Area except during shooting hours.

(2) West Kentucky Wildlife Management Area, located in McCracken County; September 1 through October 15, 1976.

(3) Central Kentucky Wildlife Management Area, located in Madison County; September 1 through October 15, 1976.

(4) Curtis Gates Lloyd Wildlife Management Area, located in Grant County; September 1 through October 15, 1976. Closed areas are designated by refuge signs.

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

(a) Doves: September 1 through October 4, 1976; December 11 through December 19, 1976.

(b) Woodcock and snipe: December 1 through December 3 and December 11 through December 19, 1976.

(c) Doves may be taken anywhere, except in developed public use areas, safety zones, and posted areas. Refer to general rules and regulations governing hunting on Land Between the Lakes.

Section 6. Closing of certain wildlife management areas to all hunting. The following wildlife management areas are closed to all hunting:

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

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

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

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

(5) Redbird Wildlife Management Area, including all private inholdings, in Leslie and Clay Counties.

Section 7. This regulation will not be valid after December 19, 1976.

DR. ROBERT C. WEBB, Chairman

Department of Fish and Wildlife Resources Commission

ARNOLD L. MITCHELL, Commissioner

ADOPTED: March 29, 1976

APPROVED: WILLIAM L. SHORT, Secretary

RECEIVED BY LRC: August 23, 1976 at 10:20 a.m.

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 eleven proposals, further amended each regulation. As finally amended, the regulations were approved for filing by the Administrative Regulation Review Subcommittee at its September 1, 1976 meeting and became effective on that date.)

**DEPARTMENT FOR NATURAL RESOURCES
AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality
Division of Plumbing
As Amended**

401 KAR 1:030. Quality and weight of materials.

RELATES TO: KRS Chapter 318

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

EFFECTIVE: September 1, 1976

NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to quality and weights of materials that will be used in the installation of plumbing systems.

Section 1. Materials, Quality of. All materials used in any drainage or plumbing system or part thereof, shall be free of defects.

Section 2. Label, Cast or Stamped. Each length of pipe, fitting, trap, fixture and device used in a plumbing or drainage system shall be stamped or indelibly marked with the weight or quality thereof, and, with the maker's mark or name.

Section 3. Vitrified Clay Pipe, Cement Asbestos Pipe, Concrete Pipe, Bituminous Fiber Pipe, Truss Pipe, Extra Heavy SDR [34 and] 35 Sewer Piping and Corrugated Polyethylene Subsoil Drainage Tubing. (1) Vitricified clay pipe [, cement asbestos pipe, concrete pipe and bituminous fiber pipe shall be at least four (4) feet in length, and] shall conform to A.S.T.M. Standard Specifications C-200.

(2) *Cement asbestos pipe shall conform to A.S.T.M. Standard Specifications C-428.*

(3) *Concrete pipe shall conform to A.S.T.M. Standard Specifications C-14.*

(4) *Bituminous fiber pipe shall conform to A.S.T.M. Standard Specifications D-1861.*

(5) *Truss pipe shall conform to A.S.T.M. Standard Specifications D-2680-74. (Solid wall shall conform to A.S.T.M. Standard Specifications D-2751-74 [D-1527-74].)*

(6) *Extra Heavy SDR 34 and 35 sewer piping shall conform to A.S.T.M. Standard Specifications D-3033-74 and D-3034-74.*

(7) [(2)] Corrugated polyethylene subsoil drainage tubing shall conform to A.S.T.M. Standard Specifications F-405-74 [CS 228-61] and shall have two (2) rows of three-fourths ($\frac{3}{4}$) inch holes within an arch of 120 degrees of circumference of the piping and shall be on four (4) inch

centers. Such tubing shall be visibly marked with the name of the manufacturer and the commercial standard number at ten (10) feet intervals. [No such tubing or fittings shall be used unless the manufacturer of such material first submits to the department a sample of the tubing and fittings together with an analysis of the material from a private testing laboratory approved by the department. A subsequent report shall be submitted to the department on an annual basis thereafter on or about July 1 of each year.]

Section 4. Cast-Iron Pipe. (Hub and Spigot and NO-HUB). (1) Extra Heavy. Extra heavy cast-iron pipe and fittings shall conform to CS 188-59 and A74-69.

(2) Service-weight. Service-weight cast-iron pipe and fittings shall conform to A74-69, or 301-72.

(3) Coating. Cast-iron pipe and fittings for underground use shall be coated with asphaltum or coal tar pitch.

Section 5. Wrought-Iron Pipe. All wrought-iron pipe shall conform to the latest A. S. T. M. "standard specifications for welded wrought-iron pipe."

Section 6. Mild-Steel Pipe. All steel pipe shall conform to the latest A. S. T. M. "standard specifications for welded and seamless steel pipe."

Section 7. Brass Pipe; Copper Pipe; and Brass Tubing. Brass pipe, copper pipe and brass tubing shall conform respectively to the latest standard specifications of A. S. T. M. for "brass pipe, copper pipe, and brass tubing, standard sizes."

Section 8. Borosilicate Pipe. (1) Borosilicate pipe shall conform to the latest A. S. T. M. standards.

(2) Plastic Pipe. All plastic piping used in a drainage, waste and vent system shall be Schedule 40 or 80, Type 1, Grade 1, polyvinyl chloride compounds as defined and described in tentative specifications for rigid polyvinyl chloride (PVC) (ASTM Designation: D1784-60T,) or Schedule 40 or 80 acrylonitrile-butadiene-styrene compound as defined and described in standard specification for acrylonitrile-butadiene-styrene (ABS) (ASTM Designation: D1788-67). Pipe and fittings shall be produced and labeled in accordance with the provisions of Commercial Standard ASTM-D-2665-69, as amended, for PVC and ASTM-D-2661-69 for ABS, and both shall bear the NSF seal for approval. [No pipe or fittings shall be used unless the manufacturer of such material submits to the department a sample of the pipe and fittings that will be used along with an analysis of the material from an approved private testing laboratory approved by the

department, and that such a report be submitted to the department on an annual basis as of July 1, of each year.] All pipe and fittings shall bear the ASTM designation together with the NSF seal, the manufacturer's identification and the size. The use of plastic pipe and fittings (PVC or ABS) as outlined herein shall be restricted for use in residential construction in buildings not to exceed two (2) stories in height of livable area provided that no house drain shall serve more than an eight (8) apartment building unit.

(3) **Stainless Steel Tubing.** Stainless steel tubing for hot and cold water piping must be Grade H conforming to CS A268-68. Stainless steel tubing for the soil, waste and vent system must be either Grade G or H conforming to CS A268-68.

(4) **Polyethylene Pipe.** Polyethylene pipe used in acid waste systems shall conform to D-1204-62T.

(5) **Polypropylene Pipe.** Polypropylene pipe used in acid waste systems shall conform to A, S. T. M. D-2146-65T.

Section 9. Lead Pipe, Diameter, Weights. (1) Lead soil, waste and vent pipes shall be in accordance with the standards of the Lead Industries Association and Federal Specifications WW-P-325, which are identical in substance, and shall not be lighter than the following weights:

Size Inside Diameter In.	Commercial Designation "D" or "XL"	Wall Thickness Inches	Weight Per Foot Pounds	Ounces
1 1/2	D	XL	0.138	3
2	D	XL	0.142	4
3	D	XL	0.125	6
4	D	XL	0.125	8

(2) All lead bends and lead traps shall be of the weight known as Extra Heavy (X. H.) and shall have at least one-eighth (1/8) inch wall thickness. Weights for lead water service or supply pipes shall be according to the maximum working pressure in pounds per square inch as given in federal specification WW-P-325.

Section 10. Sheet Lead. Sheet lead for shower pans shall weigh not less than four (4) lbs. per sq. ft. and shall weigh not less than three (3) lbs. per sq. ft. for vent pipe flashings.

Section 11. Sheet Copper or Brass. Sheet copper or brass shall not be lighter than No. 18 B. & S. gauge, except that for local and interior ventilating pipe it shall not be lighter than No. 26 B. & S. gauge.

Section 12. Threaded Fittings. (1) Plain screwed fittings shall be either cast-iron, malleable iron, or brass of standard weight and dimensions.

(2) Drainage fittings shall be either cast-iron, malleable iron, or brass, with smooth interior waterway, with threads tapped out of solid metal.

(3) All cast-iron fittings used in a water supply distribution shall be galvanized.

(4) All malleable iron fittings shall be galvanized.

Section 13. Caulking Ferrules. Caulking ferrules shall be of red brass and shall be in accordance with the following table:

Pipe Sizes Inches	Inside Diameter Inches	Length Inches	Minimum Weight Each
2	2 1/4	2 1/2	1 lb. 0 oz.
3	3 1/4	4 1/2	1 lb. 12 oz.
4	4 1/4	4 1/2	2 lb. 8 oz.

Section 14. Soldering Nipples. Soldering nipples shall be recessed red cast brass, iron pipe size. When cast, they shall be full bore and of a minimum weight.

Section 15. Floor Flanges for Water Closets and Service Sinks or Similar Fixtures. Floor flanges shall either be hard lead, brass, cast iron, galvanized malleable iron, ABS or PVC. Hard lead and brass flanges shall be not less than one-eighth (1/8) inch thick. Cast iron and galvanized malleable iron shall not be less than one-fourth (1/4) inch thick and shall have two (2) inch caulking depth.

Section 16. New Materials. Any material other than that specified in this code is prohibited unless such material is specifically approved by the State Plumbing Code Committee and the Department for Natural Resources and Environmental Protection as being equal to or better than the material specified herein. It shall be the responsibility of any person or company seeking the approval of a material not included in this code to prove to the satisfaction of such agencies that the material is equal to or better than the material for which it is intended to replace.

ROBERT D. BELL, Secretary

ADOPTED: March 15, 1976

RECEIVED BY LRC: March 15, 1976 at 3:50 p.m.

DEPARTMENT FOR NATURAL RESOURCES
AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality
Division of Plumbing
As Amended

401 KAR 1:100. House Sewers and storm water piping; methods of installation.

RELATES TO: KRS Chapter 318

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

EFFECTIVE: September 1, 1976

NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to outlining the materials that may be used in the construction of house sewers,

storm water piping as well as the methods of installation.

Section 1. Independent System. The drainage and plumbing system of each new building and of new work installed in an existing building shall be separate from, and independent of, that of any other building except as provided below, and every building shall have an independent connection with either a public or private sewer or sewer system.

Section 2. Exception. Where a building stands in the rear of another building or on an interior lot, and a sewer connection cannot be made available to the rear building through an adjoining alley, court, yard or driveway, the sewer from the front building may be extended to the rear building and it will be considered as one (1) sewer. This exception does not apply to corner lots where a sewer connection is available from the street or alley nor to a new or existing building which abuts a street or alley.

Section 3. Connection with Private Sewage Disposal System. When a sewer is not available, the house drain from a building shall connect with an approved private sewage disposal system.

Section 4. Excavations. All excavations made for the installations of a house sewer shall be open trench work. All such trenches shall be kept open until the piping has been inspected and/or tested and approved.

Section 5. Depth of Sewer at the Property Line. (1) Where possible the sewer at the property line shall be at a sufficient depth to properly serve any plumbing connection that may be installed in the basement of any building unless restricted by another's authority.

(2) House sewers shall be laid on a grade of not less than one-eighth ($1/8$) inch nor more than one-fourth ($1/4$) inch per foot. All sewers must have at least an eighteen (18) inch cover. Sewer piping under a superimposed load condition shall have at least a three (3) feet cover unless constructed of cast iron piping. Sewers shall be back-filled by hand and tamped six (6) inches above the piping, or in lieu thereof may be filled with six (6) inches grillage above the piping. All joints in cast iron, bituminous fiber, vitrified clay pipe and cement asbestos pipe shall be made in a manner to conform to other sections of this code.

Section 6. New House Sewer Connections. House sewers installed where a private sewerage system has been discarded may connect to the house drain, provided in the opinion of the department the existing plumbing system meets this code or a previous one.

Section 7. Materials for House Sewers. House sewers or combined sewers, beginning two (2) feet outside the foundation wall of a building shall be made of either extra heavy cast iron pipe, service weight cast iron, vitrified clay, concrete, bituminous fiber, cement asbestos, PVC or ABS plastic pipe schedules 40 and 80, *truss pipe and extra heavy SDR [34 and] 35 [PVC] pipe.*

Section 8. Material for Storm Sewers Inside Build-

ings. Material for storm sewers inside of buildings to a point two (2) feet outside a building in sizes eight (8) inches and smaller shall be cast iron pipe. Storm sewers in sizes of ten (10) inches and larger may be either cast iron, vitrified clay or concrete conforming to appropriate commercial standards with approved joints.

Section 9. Change of Direction. Change in direction of a sewer shall be made with long curves, one-eighth ($1/8$) bends or Y's.

Section 10. Size of House Sewers and Horizontal Branches. The minimum size of a house sewer shall not be less than four (4) inches nor less than that of the house drain. House sewers receiving branches shall be sized in the same manner as house drains. (See 401 KAR 1:060.)

Section 11. Size of Storm Systems. The required sizes of storm sewers shall be determined on the basis of the total drained areas in horizontal projection in accordance with the following table. No storm sewer shall be laid parallel to or within two (2) feet of any bearing wall. The storm sewer shall be laid at a sufficient depth to protect it from freezing.

Diameter of pipe inches	Maximum drained roof area square feet*		Diameter of pipe inches	Maximum drained roof area square feet*	
	Slope, 1/8 in. fall to 1 ft.	Slope, 1/4 in. fall to 1 ft.		Slope, 1/8 in. fall to 1 ft.	Slope, 1/4 in. fall to 1 ft.
3	865	1,230	8	11,115	15,745
4	1,860	2,610	10	19,530	27,575
5	3,325	4,715	12	31,200	44,115
6	5,315	7,515	13	42,600	60,000

The calculations in this table are based on a rate of rainfall of four (4) inches per hour.

Section 12. Combined Storm and Sanitary Sewer System. Whenever a combined sewer system is used, the required size of the house drain or house sewer shall be determined by multiplying the total number of fixture units carried by the drain or sewer by the conversion factor corresponding to the drained area and the total fixture units, adding the product to the drained area and applying the sum to the preceding table for storm-water sewers. No combined house drain or house sewer shall be less than five (5) inches in diameter, and no combined house drain or house sewer shall be smaller in size than that required for the same number of fixture units or for the same roof area in separate systems.

(Continued on Next Page)

CONVERSION FACTORS FOR COMBINED STORM AND SANITARY SYSTEM

Number of fixture units on sanitary system

Drained roof area in square feet	Up to	7 to	19 to	37 to	61 to	97 to	145 to	217 to
	6	18	36	60	96	144	216	324
Up to 120	180	105	60	45	30	22	18	15
121 to 240	160	98	57	43	29	21	17.6	14.7
241 to 480	120	75	50	39	27	20	16.9	14.3
481 to 720	75	62	42	35	24	18	15.4	13.2
721 to 1080	54	42	33	29	20	15	13.6	12.1
1081 to 1620	30	18	16	15	12	11.5	11.1	10.4
1621 to 2430	15	12	11	10.5	9.1	8.8	8.6	8.3
2431 to 3645	7.5	7.2	7.0	6.9	6.6	6.5	6.4	6.3
3646 to 5460	2.0	2.4	3.0	3.3	4.1	4.2	4.3	4.4
5461 to 8190	0	2.0	2.1	2.2	2.3	2.4	2.5	2.6
8191 to 12,285	0	0	2.0	2.1	2.1	2.2	2.3	2.3
12286 to 18,420	0	0	0	2.0	2.1	2.1	2.2	2.2
18421 to 27,630	0	0	0	0	2.0	2.1	2.2	2.2
27631 to 40,945	0	0	0	0	0	2.0	2.1	2.2
40946 to 61,520	0	0	0	0	0	0	2.0	2.1
Over 61,520	0	0	0	0	0	0	0	2.0

Number of fixture units on sanitary system

Drained roof area in square feet	325 to	487 to	733 to	1099 to	1645 to	2467 to	3703 to	Over to
	486	732	1098	1644	2466	3702	5556	
Up to 120	12	10.2	9.2	8.4	8.2	8.0	7.9	7.8
121 to 240	11.8	9.9	9.1	8.3	8.1	8.0	7.9	7.8
241 to 480	11.5	9.7	8.8	8.2	8.0	7.9	7.8	7.7
481 to 720	10.8	9.2	8.6	8.1	7.9	7.9	7.8	7.7
721 to 1080	10.1	8.7	8.3	8.0	7.8	7.8	7.7	7.6
1081 to 1620	9.8	8.4	8.1	7.9	7.7	7.7	7.6	7.5
1621 to 2430	8.0	7.9	7.8	7.7	7.6	7.5	7.4	7.4
2431 to 3645	6.2	6.3	6.4	6.4	6.8	7.0	7.1	7.2
3646 to 5460	4.5	4.7	5.0	5.1	6.1	6.4	6.9	6.9
5461 to 8190	2.8	3.2	3.7	4.6	5.0	5.6	6.2	6.4
8191 to 12,285	2.4	2.5	2.6	2.7	3.5	4.5	5.2	5.6
12286 to 18,420	2.3	2.3	2.4	2.4	2.6	3.2	4.2	4.7
18421 to 27,630	2.2	2.3	2.3	2.3	2.4	2.5	2.8	3.1
27631 to 40,945	2.2	2.2	2.2	2.2	2.2	2.2	2.3	2.4
40946 to 61,520	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1
Over 61,520	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0

Section 13. House Sewer in Undisturbed or Made Ground. House sewers laid in undisturbed ground must be laid on at least four (4) inches of pea gravel, sand or other approved grillage. House sewers laid in made or filled ground shall be embedded to the lower quadrant with at least a four (4) inch concrete pad below the invert, or other support that may be approved by the department. Supports in filled or made ground shall be on ten (10) feet centers to a solid footing, either undisturbed earth or rock. *House sewers constructed of flexible thermoplastic sewer piping must be installed with at least six (6) inches of gravel [sand] on the bottom, top and sides of the piping.*

Section 14. Storm Sewers in Undisturbed or Made Ground. Storm sewers laid in undisturbed ground will not require grillage. Storm sewers laid in made or filled grounds shall be embedded to the lower quadrant with at least a four (4) inch concrete pad below the invert or other support that may be approved by the department. Supports in filled or made ground shall be on ten (10)

feet centers to a solid footing, either undisturbed earth or rock.

Section 15. Drainage Below Sewer Level. In buildings, in which the whole or part of the house drain and plumbing system thereof lies below the level or the main sewer, sewage and waste shall be lifted by an approved artificial means and discharged into the house sewer.

Section 16. Drainage Below Sewer Level (Residential). In homes where the house sewer level is above the basement floor, waste water shall be lifted by means of an approved sump pump. The sump pit shall be provided with a two (2) inch vent which may also act as a waste and vent for a laundry tray. The pump shall discharge into a two (2) inch cast iron pipe extended inside the building at least twelve (12) inches above the outside grade. The sump well shall be provided with a tight-fitting concrete cover. On the outside of the building this connection shall be provided with a four (4) inch by two (2) inch soil tee extended to the grade, with a vent cap and a four (4) inch trap properly connected to the house sewer.

Section 17. Sumps and Receiving Tanks. All subsoil drains shall discharge into an air tight sump or receiving tank so located as to receive the sewage by gravity. The sewage shall be lifted and discharged into the house sewer by a pump, ejector or any equally efficient method. Such sumps shall automatically discharge.

Section 18. Ejectors, Vented. All ejectors shall be vented with a three (3) inch vent. Fixtures or appliances connected thereto shall be vented in accordance with other sections of this code.

Section 19. Ejector Power: Motors, Compressors, Etc. All motors, air compressors and air tanks shall be located where they are open for inspection and repair at all times. The air tanks shall be proportioned so as to furnish sufficient air at suitable pressure to the ejector to completely empty the sump or storage tank with the compressor not operating. The end pressure in the tank shall be not less than two (2) pounds for each foot of height through which sewage is raised.

Section 20. Ejectors for Sub-Soil Drainage. When sub-soil catch basins are installed below the sewer level, automatic ejectors, of an approved type, may be used. Such ejectors or any device raising sub-soil water shall discharge into a properly trapped fixture or into a storm-water drain.

Section 21. Drainage of Yards, Areas and Roofs. All roofs, paved areas, courts, and courtyards shall be drained into a storm water system or a combined sewerage system, but not into sewers intended for sewage only. When drains are connected to a combined sewerage system, they shall be trapped. If roof leaders, con-

ductors, or gutter openings are located more than ten (10) feet from a window, scuttle, or air shaft, a trap shall not be required. Traps shall be set below the frost line or on the inside of the building. Where there is no storm or combined sewer available, it may discharge into a drainage area unless otherwise prohibited by the proper authorities. When such drains are not connected to a combined sewer a trap is not required.

Section 22. Size of Rain Water Leader. No inside leader shall be less size than the following:

AREA OF ROOF (In Square Feet)	Leader, Diameter (Inches)
Up to 90	1 1/2
91 to 270	2
271 to 810	3
811 to 1,800	3 1/2
1,801 to 3,600	4
3,601 to 5,500	5
5,501 to 9,600	6

Section 23. Inside Conductors or Roof Leaders. When conductors and roof leaders are placed within the walls of any building, or in an interior court or ventilating pipe shaft they shall be constructed of cast iron pipe, galvanized wrought iron, galvanized steel, or copper pipe.

Section 24. Outside Conductors. When outside sheet metal conductors or downspouts are connected to a house drain, they shall be connected by means of a cast-iron pipe extending vertically at least one (1) foot above the grade line. Along public driveways, without sidewalks, they shall be placed in niches in the walls, protected by wheel guards, or enter the building through the wall at a forty-five (45) degree slope at least twelve (12) inches above the grade.

Section 25. Defective Conductor Pipes. When an existing sheet metal conductor pipe within the walls of any building becomes defective, such a conductor shall be replaced by one which conforms to this code.

Section 26. Vent Connections with Conductors Prohibited. A conductor pipe shall not be used as a soil, waste or vent pipe, nor shall any soil, waste, or vent pipe be used as a conductor.

Section 27. Overflow Pipes. Overflow pipes from cisterns, supply tanks, expansion tanks, or drip pans shall connect only indirectly with any house sewer, house drain, soil or waste pipe.

Section 28. Subsoil Drains, Below Sewer Level. Subsoil drains shall discharge into a sump or receiving tank. It shall be automatically lifted and discharged into the storm drainage system or upon the ground outside the building that it serves.

ROBERT D. BELL, Secretary

ADOPTED: March 15, 1976

RECEIVED BY LRC: March 15, 1976 at 4:15 p.m.

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

805 KAR 4:010. Licensing blasters.

RELATES TO: KRS 351.320, 351.330, 351.340, 351.990

PURSUANT TO: KRS 13.082, 351.340

EFFECTIVE: September 1, 1976

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

Section 1. Licensing of Blasters. (1) No person shall *detonate* [cause detonation of] explosives in any blasting operation in which more than five (5) pounds of explosives or the equivalent are used in a single charge *or in which less than five (5) pounds of explosives is used by a regular user, excluding blasting for agriculture and underground coal, unless he is licensed by the department. The department shall issue a license to use explosives to any person who:* [unless he has passed an examination, prescribed by the department, which shall test the examinee's skill and knowledge of the principles and practice of blasting operations and the storage, moving, handling, and detonation of explosives.]

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

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

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

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

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

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

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

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

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

1. Decides hole size, spacing, or depth;
2. Decides total quantity of explosives;

3. Decides quantity of explosive in each hole;

4. Decides timing delays to be used.

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

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

(8) *Anyone failing a blasters examination may not retake the examination in less than thirty (30) [sixty (60)] days.*

D. T. FROEDGE, Director

H. N. KIRKPATRICK, Commissioner

ADOPTED: May 14, 1976

APPROVED:

JAMES E. GRAY, Secretary

RECEIVED BY LRC: June 18, 1976 at 1:45 p.m.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Mines and Minerals

Division of Explosives and Blasting

As Amended

805 KAR 4:070. Definitions.

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

EFFECTIVE: September 1, 1976

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

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

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

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

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

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

(6) "Blasting cap" means a metallic tube closed at one end, containing a charge of one or more detonating compounds, and designed for and capable of detonation

from the sparks or flame from a safety fuse inserted and crimped into the open end.

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

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

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

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

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

(12) "Electric blasting circuitry" means:

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

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

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

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

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

(14) "Explosives" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. T. FROEDGE, Director

H. N. KIRKPATRICK, Commissioner

ADOPTED: June 11, 1976

APPROVED:

JAMES E. GRAY, Secretary

RECEIVED BY LRC: June 18, 1976 at 1:45 p.m.

PUBLIC PROTECTION AND REGULATION

Department of Mines and Minerals

Division of Explosives and Blasting

As Amended

805 KAR 4:075. General blasting provisions.

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

EFFECTIVE: September 1, 1976

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

Section 1. General Blasting Provisions. (1) The

employer shall permit only authorized and qualified persons to handle and use explosives.

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

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

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

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

(6) No fire shall be fought where the fire is in imminent danger of contact with explosives. All employees shall be removed to a safe area and the fire area guarded against intruders.

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

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

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

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

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

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

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

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

"Blasting Zone 1,000 Feet" (*about 48" x 48"*); "Turn off Two-Way Radio" (*about 42" x 36"*).

Paragraph (c) shall not apply to surface mining operations.

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

(12) Empty boxes and paper and fiber packing materials, which have previously contained high explosives,

shall not be used again for any purpose, but shall be destroyed by burning at an approved location.

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

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

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

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

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

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

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

ADOPTED: June 11, 1976

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: June 18, 1976 at 1:45 p.m.

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

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

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

EFFECTIVE: September 1, 1976

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

Section 1. Loading of Explosives or Blasting Agents.

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

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

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

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

(5) Drilling shall not be started until all remaining butts

of old holes are examined for unexploded charges, and if any are found, they shall be refired before work proceeds.

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

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

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

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

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

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

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

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

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

[(13) [(15)] Warning signs, indicating a blast area, shall be maintained at all approaches to the blast area. The warning sign lettering shall not be less than four (4) inches in height on a contrasting background. *This subsection does not apply to surface mining.*

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

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

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

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

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

ADOPTED: June 11, 1976

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: June 18, 1976 at 1:45 p.m.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Mines and Minerals
Division of Explosives and Blasting
As Amended

805 KAR 4:100. Surface transportation of explosives.

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

EFFECTIVE: September 1, 1976

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

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

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

(3) No person shall smoke, or carry matches or any other flame producing device, nor shall firearms or loaded cartridges be carried while in or near a motor vehicle or conveyance transporting explosives *blasting agents and blasting supplies*.

(4) Explosives, blasting agents, and blasting supplies shall not be transported with other materials or cargoes. Explosives and detonators shall be transported in separate vehicles unless separated by four (4) inches of hardwood or the equivalent, or a portable magazine.

(5) Vehicles used for transporting explosives shall be strong enough to carry the load without difficulty, and shall be in good mechanical condition.

(6) When explosives are transported by a vehicle with an open body, a Class II magazine or original manufacturer's container shall be securely mounted on the bed to contain the cargo.

(7) All vehicles used for the transportation of explosives shall have tight floors and any exposed spark-producing metal on the inside of the body shall be covered with wood, or other non-sparking material, to prevent contact with containers of explosives.

(8) Every motor vehicle or conveyance used for transporting explosives shall be marked or placarded on both sides, the front and the rear with the word "explosives" in red letters, not less than four (4) inches in height, on white background. In addition to such marking or placarding, the motor vehicle or conveyance may display, in such a manner that it will be readily visible from all directions, a red flag eighteen (18) inches by thirty (30) inches, with the word "Explosives" painted, stamped, or sewn thereon, in white letters, at least six (6) inches in height.

(9) Each vehicle used for transportation of explosives shall be equipped with a fully charged fire extinguisher, in good condition. An Underwriters Laboratory-Approved extinguisher of not less than ten (10) ABC rating will meet the minimum requirement. The driver shall be trained in the use of the extinguisher on his vehicle.

(10) Motor vehicles or conveyances carrying explosives, blasting agents, or blasting supplies, shall not be taken inside a garage or shop for repairs or servicing.

(11) No motor vehicle transporting explosives shall be left unattended.

D. T. FROEDGE, Director

H. N. KIRKPATRICK, Commissioner

ADOPTED: June 11, 1976

APPROVED:

JAMES E. GRAY, Secretary

RECEIVED BY LRC: June 18, 1976 at 1:45 p.m.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Mines and Minerals
Division of Explosives and Blasting
As Amended

805 KAR 4:110. Initiation of explosive charges; electric blasting.

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

EFFECTIVE: September 1, 1976

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

Section 1. Initiation of Explosive Charges; Electric Blasting. (1) Electric blasting caps shall not be used where sources of extraneous electricity make the use of electric blasting caps dangerous. Blasting cap leg wires shall be kept short-circuited (shunted) until they are connected into the circuit for firing.

(2) Before adopting any system of electrical firing, the blaster shall conduct a thorough survey for extraneous currents and all dangerous currents shall be eliminated before any holes are loaded.

(3) In any single blast using electric blasting caps, all caps shall be of the same style or function, and of the same manufacture.

(4) Electric blasting shall be carried out by using blasting circuits or power circuits in accordance with the electric blasting cap manufacturer's recommendations, or an approved contractor or his designated representative.

(5) When firing a circuit of electric blasting caps, care must be exercised to insure that an adequate quantity of delivered current is available, in accordance with the manufacturer's recommendations.

(6) Connecting wires and lead wires shall be insulated single solid wires of sufficient current-carrying capacity.

(7) Bus wires shall be solid single wires of sufficient current-carrying capacity.

(8) When firing electrically, the insulation on all firing lines shall be adequate and in good condition.

(9) A power circuit used for firing electric blasting caps shall not be grounded.

(10) In underground operations when firing from a power circuit, a safety switch shall be placed in the permanent firing line at intervals. This switch shall be made so it can be locked only in the "off" position and shall be provided with a short-circuiting arrangement of the firing lines to the cap circuit.

(11) In underground operations there shall be a "lightning" gap of at least five (5) feet in the firing system ahead of the main firing switch; that is, between this switch and the source of power. This gap shall be bridged by a flexible jumper cord just before firing the blast.

(12) When firing from a power circuit, the firing switch shall be locked in the open or "off" position at all times, except when firing. It shall be so designed that the firing lines to the cap circuit are automatically short-circuited when the switch is in the "off" position. Keys to this switch shall be entrusted only to the blaster.

(13) Blasting machines shall be in good condition and the efficiency of the machine shall be tested periodically to make certain that it can deliver power at its rated capacity.

(14) When firing with blasting machines the connections shall be made as recommended by the manufacturer of the electric blasting caps used.

(15) The number of electric blasting caps connected to a blasting machine shall not be in excess of its rated capacity. Furthermore, in primary blasting, a series circuit shall contain no more caps than the limits recommended by the manufacturer of the electric blasting caps in use.

(16) The blaster shall be in charge of the blasting machines [, and no other person shall connect the leading wires to the machine].

(17) Blasters, when testing circuits to charged holes, shall use only blasting galvanometers equipped with a silver chloride cell or blasters multimeter especially designed for this purpose.

(18) Whenever the possibility exists that a leading line or blasting wire might be thrown over a live powerline by the force of an explosion, care shall be taken to see that the total length of wires are kept too short to hit the lines, or that the wires are securely anchored to the ground. If neither of these requirements can be satisfied, a non-electric system shall be used.

(19) Leading wires shall remain shorted and not be connected to the blasting machine or other source of current until the charge is to be fired.

(20) After firing an electric blast from a blasting machine, the leading wires shall be immediately disconnected from the machine and short-circuited.

D. T. FROEDGE, Director

H. N. KIRKPATRICK, Commissioner

ADOPTED: June 11, 1976

APPROVED:

JAMES E. GRAY, Secretary

RECEIVED BY LRC: June 18, 1976 at 1:45 p.m.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Mines and Minerals

Division of Explosives and Blasting

As Amended

805 KAR 4:115. Safety fuses.

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

EFFECTIVE: September 1, 1976

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

Section 1. Use of Safety Fuses. (1) The use of a fuse that has been hammered or injured in any way shall be forbidden.

(2) The hanging of a fuse on nails or other projections which will cause a sharp bend to be formed in the fuse is prohibited.

(3) Before capping safety fuse, a short length shall be cut from the end of the supply reel so as to assure a fresh cut end in *each* [the] blasting cap.

(4) Only a cap crimper of approved design shall be used for attaching blasting caps to safety fuse. Crimpers shall be kept in good repair and accessible to use.

(5) No unused cap or short capped fuse shall be placed in any hole to be blasted; such unused detonators shall be removed from the working place and destroyed.

(6) No fuse shall be capped or primer made up, in any magazine or near any possible source of ignition.

(7) No one shall be permitted to carry detonators or primers of any kind on his person.

(8) The minimum length of safety fuse to be used in blasting shall be as required by state law, but shall not be less than thirty (30) inches.

(9) At least two (2) men shall be present when multiple cap and fuse blasting is done by hand lighting method.

(10) Not more than twelve (12) fuses shall be lighted by each blaster when hand lighting devices are used. However, when two (2) or more safety fuses in a group are lighted as one (1) by means of igniting cord or other similar fuse lighting devices, they may be considered as one (1) fuse.

(11) The so-called "drop fuse" method of dropping or pushing a primer or any explosive with a lighted fuse attached is forbidden.

(12) Cap and fuse shall not be used for firing mudcap charges unless charges are separated sufficiently to prevent one (1) charge from dislodging other shots in the blast.

(13) When blasting with safety fuses consideration shall be given to the length and burning rate of the fuse. Sufficient time, with a margin of safety, shall always be provided for the blaster to reach a place of safety.

D. T. FROEDGE, Director

H. N. KIRKPATRICK, Commissioner

ADOPTED: June 11, 1976

APPROVED:

JAMES E. GRAY, Secretary

RECEIVED BY LRC: June 18, 1976 at 1:45 p.m.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Mines and Minerals
Division of Explosives and Blasting
As Amended

805 KAR 4:135. Blasting under compressed air.

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

EFFECTIVE: September 1, 1976

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

Section 1. Blasting in Excavation Work Under Compressed Air. (1) Detonators and explosives shall not be stored or kept in tunnels, shafts, or cussions. Detonators and explosives for each round shall be taken directly from the magazine to the blasting zone and immediately loaded. Detonators and explosives left over after loading a round shall be removed from the working chambers [area] before connecting wires are connected.

(2) When detonators or explosives are brought into an air lock, no employee except the powderman, blaster, lock tender and the employees necessary for carrying, shall be permitted to enter the air lock. No other materials, supplies, or equipment shall be locked through with the explosives.

(3) Detonators and explosives shall be taken separately into pressure working chambers.

(4) The blaster or powderman shall be responsible for the receipt, unloading, storage, and on-site transportation of explosives and detonators.

(5) All metal pipes, rails, air locks, and steel tunnel lining shall be electrically bonded together and grounded at or near the portal or shaft, and such pipes and rails shall be crossbonded together at not less than 1,000-foot intervals throughout the length of the tunnel. In addition, each low air supply pipe shall be grounded at its delivery end.

(6) The explosives suitable for use in wet holes shall be water resistant and shall be in fume Class I.

(7) When tunnel excavation in rock face is approaching mixed face, and when tunnel excavation is in mixed face, blasting shall be performed with light charges and with light burden on each hole. Advanced drilling shall be performed as tunnel excavation in rock face approaches mixed face, to determine the general nature and extent of rock cover and the remaining distance ahead to soft ground as excavation advances.

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

ADOPTED: June 11, 1976

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: June 18, 1976 at 1:45 p.m.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Mines and Minerals
Division of Explosives and Blasting
As Amended

805 KAR 4:145. Inspection after blasting.

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

EFFECTIVE: September 1, 1976

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

Section 1. Inspection After Blasting. (1), Immediately after the blast has been fired, the firing line shall be disconnected from the blasting machine, or where power switches are used, they shall be locked open or in the "off" position.

(2) Sufficient time shall be allowed, not less than fifteen (15) minutes in tunnels, for the smoke and fumes to leave the blasted area before returning to the shot. An inspection of the area and the surrounding rubble shall be made by the blaster to determine if all charges have been exploded before employees are allowed to return to the operation [and in tunnels, after the muck pile has been wetted down].

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

ADOPTED: June 11, 1976

APPROVED:

JAMES E. GRAY, Secretary

RECEIVED BY LRC: June 18, 1976 at 1:45 p.m.

Amended Regulations

(In order to show the effect of amendments, the original regulation is reprinted with matter being deleted enclosed within brackets, and new matter being added printed in italics.)

DEPARTMENT OF REVENUE (Proposed Amendment)

103 KAR 30:170. Containers, wrapping and packing materials.

RELATES TO: KRS 139.100, 139.150, 139.470

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To define and clarify the sales and use tax law as it applies to containers, wrapping and packing materials, labels and related products. *To amend the regulation to comply with law revisions enacted by the 1976 General Assembly.*

Section 1. The term "containers" which appears in KRS 139.470 means articles used for shipment or delivery of tangible personal property. Examples of such articles are wrapping materials, bags, cans, twine, gummed tape, boxes, bottles, drums, carboys, cartons, bailing wire and sacks.

Section 2. Returnable Containers: (1) "Returnable containers" means containers of a kind customarily returned by the buyer of the contents for reuse. Examples of returnable containers are milk bottles, steel drums, beer and soft drink bottles, wine barrels, chemical carboys and gas cylinders.

(2) Sales of returnable containers, *when sold without the contents* to manufacturers, compounders, bottlers, etc., *who place the contents in the container and sell the contents together with the container*, [for use in packaging their product which are intended for reuse] are *not* subject to the sales or use tax [and the tax applies at the time of the sale to such persons]. The container is not subject to the tax when it is sold at retail in connection with a retail sale of its contents. The fact that the retailer may require a deposit against the return of the container[s] or allows a credit upon its return does not alter the rule. Returnable containers are not subject to the tax when they are resold by the final buyer for refilling.

Section 3. Nonreturnable Containers: (1) All containers other than those defined in Section 2 are nonreturnable containers. Examples are wrapping and packing materials, paper bags, twine, medicine and distilled spirits bottles.

(2) Sales of nonreturnable containers to manufacturers, compounders, bottlers, etc., for use in packaging their product for resale which are not intended to be returned for reuse are not subject to the sales or use tax. Bottle caps and crowns shall be treated at all times as nonreturnable containers for use in packaging a product for resale.

(3) Sales of wrapping paper, clothes hangers, twine, tape and similar articles to persons who use them to package merchandise for sale at retail are usually sales made for resale and are therefore, not subject to the tax. Sales of such articles to persons who use them in the conduct of an activity other than sale of tangible personal property at retail, for example, laundries and dry cleaning establishments, are subject to the sales or use tax.

(4) Sales of nonreturnable paper napkins, straws, and like articles to restaurants, lunch counters, etc., who use them in connection with the sale and serving of food are sales made for resale and are, therefore, not subject to the tax.

Section 4. Labels and Name Plates: (1) Sales of labels and name plates are not subject to the sales or use tax if:

(a) They are affixed to a nonreturnable container of property sold; or

(b) They are affixed to returnable containers if a new label is affixed to the container each time it is refilled.

(2) Labels, name plates and price tags which are permanently affixed to the product for sale become a component part of that product and, thus, not subject to tax when sold to the manufacturer to be affixed by him.

(3) Price tags, shipping tags and advertising materials used in connection with the sale of property or enclosed with the property sold are subject to the tax.

MAURICE P. CARPENTER, Commissioner

ADOPTED: September 7, 1976

RECEIVED BY LRC: September 7, 1976 at 2:45 p.m.

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

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION Division of Occupations and Professions Board of Barbering (Proposed Amendment)

201 KAR 14:115. Examinations; school and board.

RELATES TO: KRS 317.410, 317.440

PURSUANT TO: KRS 317.440

NECESSITY AND FUNCTION: School and board examination.

Section 1. No student from a barber school will be permitted to take the board's examination whose application for examination has not reached the board's headquarters at least *seven (7)* [ten (10)] days prior to the date of the examination.

Section 2. The board's examination will be given only to students who have been notified to appear for the examination and who are wearing a clean, washable uniform and who have with them a pen for their written examination and instruments to be used in the giving of their demonstrations.

Section 3. The board's examination is both written and oral in all subjects set forth in the regulations relating to barbers, including electricity as applicable to a barber shop.

A practical demonstration on a living model is required as part of the examination.

Section 4. An average grade of seventy-five (75) percent in theory and practice will be required as a passing grade on the board's examination. No certificate will be issued to either a barber or apprentice barber with a grade below sixty (60) percent in any one (1) subject.

Section 5. All applicants for instructor's license must make a general average of eighty-five (85) percent on the board's examination. Instructor's license will not be issued to any applicant receiving a grade below seventy-five (75) percent in any one (1) subject.

Section 6. A student who works in a barber shop prior to passing the apprentice examination given by the board will be considered ineligible to take the examination.

Section 7. A bulletin board must be provided by a school and the examination schedule must be conspicuously displayed thereon.

Section 8. Written and oral tests must be given at intervals by a school to determine the status of the student and such examination must include matters relating to theory.

MELVIN HIGGINS, Chairman

ADOPTED: June 14, 1976

APPROVED: RUSSELL McCLURE, Secretary

RECEIVED BY LRC: September 3, 1976 at 2:15 p.m.

SUMMIT COMMENT OR REQUEST FOR HEARING

TO: Administrator, Kentucky Board of Barbering, 4265 Roosevelt Avenue, Louisville, Kentucky 40213.

DEVELOPMENT CABINET
Department of Agriculture
(Proposed Amendment)

302 KAR 20:060. Sales and exhibitions.

RELATES TO: KRS Chapter 257

PURSUANT TO: KRS Chapter 257, 13.082

NECESSITY AND FUNCTION: To specify general sanitary and health requirements in relation to the sale and exhibition of livestock in Kentucky.

Section 1. Cattle. (1) General requirements:

(a) All animals, except as noted, shall be accompanied by an approved health certificate. Health certificates shall be void thirty (30) days after issuance and must be reapproved by the state office.

(b) If animals are from tuberculosis accredited or brucellosis certified herds, health certificates shall show accreditation and certification number with date of last herd test for tuberculosis and brucellosis.

(c) *Blood tests for brucellosis must be conducted in a state-federal laboratory and be negative according to recommended procedures of the "Uniform Methods and Rules" published by APHIS, VS, USDA.*

(2) Brucellosis:

(a) *All breeding cattle moving from one premise to another premise on the change of ownership must be*

negative to the brucellosis test within thirty (30) days prior to movement.

(b) [(a)] Animals six (6) months of age or over that originate from a modified certified area shall be negative to an official blood test for brucellosis within 120 days of date of exhibition, unless exempt by one of the following:

1. Originate directly from a certified herd.

2. Originate directly from a certified free area.

3. Official vaccinates under twenty (20) months of age for the dairy breeds and twenty-four (24) months of age for the beef breeds.

[4. Blood test must be conducted in a state-federal laboratory using the standard tube test or must be negative to the card test. No titer will be allowed.]

4. [5.] Steers: No brucellosis test required.

(c) [(b)] Animals that do not originate from a modified certified area shall be negative to two (2) consecutive brucellosis tests not less than thirty (30) nor more than sixty (60) days intervening and the second within thirty (30) days of date of exhibition.

(3) Tuberculosis:

(a) Effective November 1, 1968, native Kentucky cattle will not be required to pass a negative tuberculosis test to enter shows and fairs in Kentucky. This change does not apply to out-of-state cattle coming into Kentucky for shows.

(b) Animals six (6) months of age or older that originate from a modified accredited area shall be negative to an official test within ninety (90) days of date of exhibition, unless exempt by one of the following:

1. Originate directly from an accredited herd.

2. Originate directly from a herd in which all animals six (6) months of age or older are negative to an official tuberculin test within last twelve (12) months of date of show.

[3. Originate directly from a tuberculosis eradicated free county.]

(c) Animals that do not originate from a modified accredited area shall be negative to two (2) consecutive tuberculin tests not less than sixty (60) days intervening nor more than 120 days of date of exhibition.

Section 2. Performance Bull Testing Program. (1) All animals shall be accompanied by approved health certificates.

(2) Brucellosis: Animals entered in this program shall, if six (6) months of age or older, be negative to an official brucellosis test within thirty (30) days of date of entry or originate directly and immediately from a certified herd. [one of the following:]

[(a). Certified herd.]

[(b) Brucellosis-free area.]

[(c) Qualified negative herd in a modified certified area in which all animals over six (6) months of age, except official vaccinates under twenty-four (24) months of age were negative to an official tube test for brucellosis within twelve (12) months of date of entry with any subsequent tests also negative.]

(3) Tuberculosis: All animals six (6) months of age or older shall be negative to an official tuberculin test within thirty (30) days of entry or originate directly and immediately from one of the following:

(a) Tuberculosis accredited herd.

[(b) Tuberculosis accredited free county.]

(b) [(c)] Negative herd in modified accredited area in which all animals six (6) months of age or older were negative to an official tuberculin test within twelve (12)

months of date of entry with any subsequent test also negative.

Section 3. Horses. (1) All horses entering Kentucky, except unweaned foals, and other equidae, for any purpose other than for immediate slaughter shall be accompanied by an official health certificate of state of origin issued by a state, federal or licensed accredited veterinarian and such certificate shall include:

(a) Veterinarian's statement that examination was made within the past thirty (30) days and revealed the animal to be free from symptoms of any infectious disease or exposure thereto, and

(b) have attached thereto a copy of certificate of report from a laboratory approved by the USDA showing the animal(s) to be negative to AGID test for equine infectious anemia within the past six (6) months.

(2) All horses past six (6) months of age and other equidae offered for public sale [and racing] shall be negative to AGID test within past six (6) months. Only horses offered for sale for slaughter only shall be exempt from this requirement.

(3) All horses and other equidae offered for entry into fairgrounds, livestock show grounds, public boarding stables and for trail rides or racing shall be negative to test for AGID within twelve (12) months and shall be accompanied by certificate of report from a laboratory approved by the USDA.

(4) All reactors to AGID test for equine infectious anemia shall be officially, permanently identified using numbers and letter 61A with a brand on left neck region.

(5) All reactors not slaughtered or euthanized shall be isolated and quarantined. This isolation shall include stabling in a stall that is screened to preclude entry and exit of mosquitoes, stable flies and horse flies during those seasons of the year when such insects are prevalent. These animals will also be kept at least 200 yards from all other horses.

(6) The movement of any quarantined reactor shall be done only on permission of representative of the Department of Agriculture.

(7) All horses in a herd in which a reactor is found shall be quarantined pending a negative test of all horses.

Section 4. Swine. (1) All swine for exhibition must be accompanied by an approved health certificate. Certificates shall be void after thirty (30) days unless reapproved by the state office.

(2) Brucellosis:

(a) *Kentucky swine: All swine except barrows six (6) months of age or older shall have negative ninety (90) day test in accordance with the Uniform Methods and Rules published by APHIS, VS, USDA, [Negative ninety (90) day tube or plate and card test. All swine except barrows six (6) months of age or older shall be negative to an official test for brucellosis within ninety (90) days of date of show,] or originate directly and immediately from a validated herd. Validation number and date of last herd test must be shown on health certificate.*

(b) *Out-of-state: All swine except barrows six (6) months of age or older shall have negative thirty (30) day test in accordance with the Uniform Methods and Rules published by APHIS, VS, USDA, [Negative thirty (30) day tube or plate and card test. All swine except barrows six (6) months of age or older shall be negative to an official test for brucellosis within thirty (30) days] or originate directly and immediately from a validated herd. Validation number*

and date of last herd test must be shown on the approved health certificate.

(3) Identification: All swine must have permanent means of identification.

Section 5. Sheep. (1) Scrapie: No sheep or lambs shall be consigned that originated from or are known to be exposed to flocks under surveillance for scrapie.

(2) Scabies: All sheep or lambs for breeding or feeding purposes consigned from a farm, ranch, or like premises shall be accompanied by an approved health certificate indicating such sheep and lambs originated directly and immediately from an official scabies eradicated free area or have been dipped at point of origin within fifteen (15) days of date of entry.

(3) Sore mouth: Any sheep or lambs showing lesions of contagious exythma shall not be consigned.

(4) All sheep and lambs consigned shall be identified individually by ear tatoo or ear tag. Such identification shall be entered on an approved health certificate.

Section 6. Goats. (1) Scabies: All goats must originate from a scab free area or be dipped at point of origin within fifteen (15) days prior to date of sale or exhibition.

(2) Scrapie: No goats from a herd under surveillance for scrapie or those that are known to have been exposed to or that are progeny shall be considered.

(3) Brucellosis: Animals six (6) months of age or older shall have negative *thirty (30) day test in accordance with the Uniform Methods and Rules published by APHIS, VS, USDA, as applies to the bovine test.* [tube or card test in last thirty (30) days or originate directly and immediately from a certified herd.]

(4) Tuberculosis: Animals six (6) months of age or older shall have negative tuberculin test in last thirty (30) days or originate directly and immediately from accredited herd.

Section 7. Poultry. (1) Poultry five (5) months of age or older for breeding purposes must have standard intradermic tuberculin test within thirty (30) days of consignment.

(2) Pullorum: Negative agglutination test within thirty (30) days of date of consignment.

(3) Out-of-state: Approved health certificate stating compliance with above requirements and in addition thereto all poultry shall be inspected prior to exhibition for evidence of any infectious, contagious or communicable disease of poultry. Any evidence of any communicable, infectious or contagious disease shall be justification for the elimination of said poultry from exhibition and/or sale at no expense to the Commonwealth of Kentucky.

Section 8. Dogs and Cats. (1) All dogs over four (4) months of age to be consigned for any purpose shall be admitted only when accompanied by health certificate signed by a licensed, accredited veterinarian stating that they are free from all infectious diseases, did not originate within an area under quarantine for rabies or from an area where rabies is known to exist and has not been exposed to rabies. All dogs over four (4) months of age shall be vaccinated against rabies not less than fourteen (14) days nor more than twelve (12) months prior to date of consignment if killed virus vaccine is used or not less than fourteen (14) days nor more than two (2) years prior to date of consignment if modified live virus vaccine is used; provided, show or performing dogs to be within the state temporarily for a period of ten (10) days shall not be

required to furnish an approved health certificate.

(2) All cats shall be in compliance to above requirements for dogs provided the animals are vaccinated for rabies if four (4) months of age or older not less than fourteen (14) days nor more than twelve (12) months prior to date of consignment with a vaccine approved by the state veterinarian and the Bureau for Health Services, Kentucky Department for Human Resources.

TOM S. MADDOX, D.V.M., State Veterinarian

ADOPTED: May 4, 1976

APPROVED: WILLIAM L. SHORT, Secretary
RECEIVED BY LRC: August 17, 1976 at 1:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Dr. Tom S. Maddox, State Veterinarian, Division of Livestock Sanitation, 635 Comanche Trail, Frankfort, Kentucky 40601.

DEPARTMENT OF TRANSPORTATION

Bureau of Highways
(Proposed Amendment)

603 KAR 5:096. Highway classifications.

RELATES TO: KRS 189.222

PURSUANT TO: KRS 13.082, 174.050, 189.222

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

Section 1. The weight and dimension limits set forth in 603 KAR 5:066 and 603 KAR 5:070 for truckway classifications shall apply on all highways in the State Primary Road System as indicated herewithin, unless bridge postings prohibit such weights on any particular segment.

Section 2. The maximum weight limits for the three (3) classifications of highways are as follows: "AAA" System, 80,000 pounds gross weight; "AA" System, 62,000 pounds gross weight; "A" System, 44,000 pounds gross weight. There shall be no tolerances allowed on gross weight, axle weight, or combinations of axle weights on the Interstate and National Defense Highway System only.

Section 3. The classifications for each highway* in the State Primary Road System are as follows:

KY 20

AAA—From entrance to Cooke Aggregates Company gravel plant, 1.6 mi. s.w. of Petersburg in Boone Co. to Jct. KY 212, near the north side of I-275 Interchange; and from Jct. KY 18 near Bellevue to entrance to Eaton Sand and Gravel Company quarry, 0.4 mi. N. of KY 18.

AA—From Jct. with KY 8 near Constance to Jct. KY 212; and from entrance to Eaton Sand and Gravel Company quarry, 0.4 mi. N. of KY 18 to entrance to Cooke Aggregates, 1.6 mi. S.W. of Petersburg [Jct. KY 18 near Bellevue to a county road, 1.0 mi. S.W. of Petersburg].

[A—From Petersburg in Boone Co. to Jct. Aurora Ferry Road (CR 1327), 1.0 mi. S.W. of Petersburg.]

KY 555

AAA[A]—From KY55 [US 150], south of [in] Springfield to Jct. Blue Grass Parkway (Washington Co.).

KY 1322

AAA—From Jct. KY 786 at Massac in McCracken Co. to Jct. US 45 at Lone Oak.

A—From Jct. KY 726 in western McCracken Co. to Jct. KY 786 at Massac [Jct. US 45 at Lone Oak].

*COMPILER'S NOTE: Only those particular highways affected by the proposed amendment are shown here. 603 KAR 5:096 is printed in full in 3 Ky.R. 4-109.

JOHN C. ROBERTS, Secretary

ADOPTED: September 14, 1976

RECEIVED BY LRC: September 15, 1976 at 9:45 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Ed W. Hancock, Deputy Secretary for Legal Affairs, Department of Transportation, 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 July 9, 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: July 9, 1976

RECEIVED BY LRC: August 19, 1976 at 2:35 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 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 to June 30, 1977 (*Revised July 9, 1976*). 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: July 9, 1976

RECEIVED BY LRC: August 19, 1976 at 2:35 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 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, 1976 through September 30, 1976 is presented herewith for filing with Legislative Research Commission, and incorporated by reference. *Amendments to Section*

1.3, Section 3.3(c)(2), and Section 20 filed herein by reference.

JAMES B. GRAHAM,
 Superintendent of Public Instruction

ADOPTED: July 9, 1976

RECEIVED BY LRC: August 19, 1976 at 2:35 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
 TO: Mr. James Melton, Secretary, State Board of Education, 15th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION
Department of Mines and Minerals
(Proposed Amendment)

805 KAR 5:010. Fees for licenses to operate.

RELATES TO: KRS 351.175

PURSUANT TO: KRS 13.082, 351.175

NECESSITY AND FUNCTION: KRS 351.175 requires the Department of Mines and Minerals to establish reasonable license fees. This regulation establishes the fees to be charged with respect to the application for and issuance of a license to operate a mine.

Section 1. For purposes of this regulation "working section" means all areas of a coal or clay mine from the loading point or transfer point of the section to and including the working faces. This is the definition given "working section" in KRS 352.010(1)(gg).

Section 2. [Section 1.] Every application or request to the Department of Mines and Minerals for the issuance of a license to operate a mine shall be accompanied by a United States Postal Money Order or Cashier's Check drawn in favor of the State Treasurer. The amount of this license fee for an underground mine shall be determined by the number of working sections in such a mine and by reference to subsections (1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) of this section. [The amount of this license fee shall be determined by the tonnage produced from such mine and by reference to subsections (1), (2) and (3) of this section.]

(1) The license fee for mines with one (1) working section shall be \$100 per year. [(1) The license fee for mines producing at or in excess of 500,000 tons per year shall be \$1,000.]

(2) The license fee for mines with two (2) working sections shall be \$200 per year. [(2) The license fee for mines producing at or in excess of 100,000 tons per year but less than 500,000 tons per year shall be \$500.]

(3) The license fee for mines with three (3) working sections shall be \$300 per year. [(3) The license fee for mines producing less than 100,000 tons per year shall be \$100.]

(4) The license fee for mines with four (4) working sections shall be \$400 per year.

(5) The license fee for mines with five (5) working sections shall be \$500 per year.

(6) The license fee for mines with six (6) working sections shall be \$600 per year.

(7) The license fee for mines with seven (7) working sections shall be \$700 per year.

(8) The license fee for mines with eight (8) working sections shall be \$800 per year.

(9) The license fee for mines with nine (9) working sections shall be \$900 per year.

(10) The license fee for mines with ten (10) or more working sections shall be \$1,000 per year.

Section 3. The license fee for a surface mine shall be determined by the tonnage produced from such mine and by reference to subsections (1), (2) and (3) of this section.

(1) The license fee for mines producing at or in excess of 500,000 tons per year shall be \$1,000 per year.

(2) The license fee for mines producing at or in excess of 100,000 tons per year but less than 500,000 tons per year shall be \$500 per year.

(3) The license fee for mines producing less than 100,000 tons per year shall be \$100 per year.

Section 4. [Section 2.] No application for a license to operate a mine shall be processed and no license to operate a mine shall be issued by the Department of Mines and Minerals without first having received a United States Postal Money Order or Cashier's Check in the amount provided for in this regulation [in Section 1.].

H. N. KIRKPATRICK, Commissioner

ADOPTED: September 14, 1976

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: September 14, 1976 at 1:30 p.m.

PUBLIC HEARING: A public hearing will be held on this regulation at 10 a.m. EDT October 20, 1976 in the University of Kentucky College of Law Courtroom. Lexington, Kentucky.

DEPARTMENT FOR HUMAN RESOURCES

Bureau for Health Services

Certificate of Need and Licensure Board (Proposed Amendment)

902 KAR 20:085. Special services for mentally retarded and developmentally disabled.

RELATES TO: KRS 216.405 to 216.485, 216.990(2), 222.210

PURSUANT TO: KRS 13.082, 216.425

NECESSITY AND FUNCTION: This regulation, which relates to the operations and services of special services for the mentally retarded/developmentally disabled, is being promulgated pursuant to the mandate of KRS 216.425(3) that the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board regulate health facilities and health services.

Section 1. Scope: This regulation relates to special services for the mentally retarded and developmentally disabled rendered in an intermediate care facility licensed by the Health Facilities and Health Services Certificate of Need and Licensure Board. Compliance with 902 KAR 20:050, Section 4, except subsections (11) and (14)(a), as well as Sections 5, 6, 7, and 9 must be met.

Section 2. Definitions: (1) Special intermediate care facilities for MR/DD are establishments which provide

services for the mentally retarded and developmentally disabled and are defined as any public or private residential facility which provides on a regular basis health related care and services to individuals who because of their mental or physical condition require care and services (above the level of room and board) which can be made available to them only through institutional facilities at the level of intermediate care. The facility must meet the licensure requirements of an intermediate care facility pursuant to KRS 216.485.

(2) Special intermediate care of the mentally retarded and the developmentally disabled is defined as a distinct category of care which is provided by mental retardation specialists and other health professionals in the treatment of MR/DD of all ages whose needs for emotional, physical, educational, and and habilitative services are above the personal care level, but who do not require skilled nursing or acute care.

(a) Within the MR/DD category of care the classifications shall be as follows: 1. Class I Intermediate Care: Type M Medical/Nursing. Patients in this group are severely physically handicapped. This group requires the greatest concentration of professional staffing due to the complex problems in the group. 2. Class II Intermediate Care: Type M Medical/Constructive. Patients in this group may be autistic and/or have acting out behavior problems. The patients would not necessarily require organized group training programs but would require individualized therapy. 3. Class III Intermediate Care: Type S Social/Habilitative. Patients in this group are functioning at the lower level of mental retardation and/or overall adaptive behavior with few socially inappropriate behavioral problems or physical disabilities. Training efforts are directed to the development of self help skills and basic social behaviors. 4. Class IV Intermediate Care: Type S Social/Prevocational. Patients in this group are generally functioning in the middle and upper levels of mental retardation and/or overall adaptive behavior. Training efforts and program objectives are aimed at preparing the patients for vocational training and/or sheltered employment.

(b) Active treatment for purposes of these regulations means: daily participation, in accordance with an individual plan of care and service, in activities, experiences, or therapies which are part of a professionally developed and supervised program of health, social and/or habilitative services offered by or procured by contract or other written agreement by the institution for its patients.

(c) Board refers to the Health Facilities and Health Services Certificate of Need and Licensure Board.

(d) Developmental disability means a disability which is attributable to: 1. Mental retardation, cerebral palsy, or epilepsy; or 2. Is attributable to other neurological conditions found to be closely related to mental retardation or to require treatment similar to that required for mentally retarded persons; 3. Originated before the individual attained age eighteen (18) and has continued or can be expected to continue indefinitely; and 4. Constitutes a substantial handicap to the individual.

(e) Distinct part. An entire, physically identifiable unit consisting of all of the beds within that unit and for facilities meeting the standards applicable to the levels

of service to be provided. Staff and service for a distinct part are established as set forth in the respective regulations concerning the levels of service approved for the distinct part.

(f) Intermediate care facilities. Type M (Medical): A home or establishment, or a distinct part of a home or establishment, however named, which is advertised, offered, maintained or operated for the purpose of providing patient accommodations for occupants needing institutional care, providing nursing and medical supervision and service less than the degree of care provided in a skilled nursing facility and more than the degree of care provided in an Intermediate Care Facility, Type S. This type of facility has a registered nurse or a licensed practical nurse employed each day on the day shift with a registered nurse supervising nursing care.

(g) Intermediate care facilities. Type S (Social): A home or establishment or a distinct part of a home or establishment, however named, which is advertised, offered, maintained or operated for the purpose of providing accommodations for occupants needing institutional care and supervision of a degree less than that found in an intermediate care facility, type M and greater degree than found in a personal care home. This type of facility is not required to have a registered nurse or licensed practical nurse employed but shall have employed a person(s) capable of providing socialization and/or habilitation programs.

(h) Licensed Practical Nurse (LPN): A person with a valid current Kentucky license to practice as a practical nurse.

(i) Medical care shall mean services provided by a physician (see definition of physician) including: physical examination and diagnosis; orders for treatment, medications, diets, and associated services; emergency care; periodic supervision and review; and determination of appropriateness of care and placement.

(j) MR refers to significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior, and manifested during the developmental period. The upper limit of retardation in measured intelligence is set at two (2) standard deviations below the mean.

(k) Normalization principle is the principle of letting the mentally retarded and developmentally disabled obtain an existence as close to the normal as possible, making available to them "patterns and conditions of everyday life which are as close as possible to the norms and patterns of the mainstream of society." (Nirge, B. The Normalization Principle and Its Human Management Implications. R. B. Kugel and W. Wolfensberger (Eds.), Changing patterns in residential services for the mentally retarded. Washington, D. C. President's Committee on Mental Retardation, 1969). Specifically, "the use of means that are as culturally normative as possible to elicit and maintain behavior that is as culturally normative as possible."

(l) Nursing care: A complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the patient's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

(m) Patient/resident of an intermediate care facility for the mentally retarded or developmentally disabled is

an individual who has been disabled prior to the date of publication of these regulations, or after that date in accordance with the requirement of this regulation, and is receiving room, board, and a planned program of active treatment and training, care and supervision on a continuous twenty four (24) hour a day basis.

(n) "Posey vests": A trade name for a safety device used to restrain a patient in a chair in a sitting position.

(o) Qualified mental retardation or developmental disability personnel means: 1. A physician licensed under state law to practice medicine or osteopathy and with specialized training or one (1) year of experience in treating the mentally retarded; and/or developmentally disabled. 2. A psychologist with a doctoral or master's degree from an accredited program and with specialized training or one (1) year of experience in treating the mentally retarded; and/or developmentally disabled. 3. An educator with at least a bachelor's degree and with specialized training or one (1) year of experience in working with the mentally retarded; and/or developmentally disabled. 4. A social worker with at least a bachelor's degree from an accredited program and with specialized training or one (1) year of experience in working with the mentally retarded; and/or developmentally disabled. 5. A physical or occupational therapist who is a graduate of a program of physical or occupational therapy approved by the Council on Medical Education of the American Medical Association, and/or where applicable is licensed in the state, and who has specialized training or one (1) year of experience in treating the mentally retarded; and/or developmentally disabled. 6. A speech pathologist or audiologist who has been granted a certificate of clinical competence in the American Speech and Hearing Association or who has completed the equivalent educational and experimental requirements for such a certificate and has specialized training or one (1) year of experience in training the mentally retarded; and/or developmentally disabled. 7. A registered nurse who has specialized training or one (1) year of experience in treating the mentally retarded; and/or developmentally disabled. 8. A health services supervisor can be a registered nurse or a practical (or vocational) nurse who is currently licensed in the state, who has had training that includes either graduation from a state approved school of practical nursing or education and other training that is considered by the state authority responsible for the licensing of practical nurses to provide a background that is equivalent from a state approved school of practical nursing, or who has successfully completed public health service examination for waived licensed practical nurses and who is employed full time (exclusive of all other duties) on the day shift. 9. Recreation specialist is a person who is trained and educated in utilizing recreation to modify, ameliorate, or reinforce physical, emotional, or social behaviors.

(p) Registered nurse: A person with a valid current registration to practice in Kentucky as a registered professional nurse.

(q) Restorative nursing care: A health care process designed to assist patients to attain and maintain the highest degree of function for which they are capable (physical, mental, and social).

(r) Restraint: The application of a device to limit movements.

(s) Safety Device: Any equipment or protective device used on a bed, chair, or patient which prevents him

from falling or otherwise injuring himself. Examples are: bedside rails, geriatric chairs, a six (6) inch wide band, vest or sheet applied to prevent falling out of a bed or chair, and hand socks applied to prevent one's injuring one's self. A safety device used in this manner is considered restraint of the patient.

(t) Seclusion: The retention of a patient in a locked room.

Section 3. Essential Characteristics: The MR/DD services may be included as a separate distinct part of another licensed facility as long as that facility has the following essential characteristics: The essential characteristics of Special Services for the MR/DD are the same as those for any Intermediate Care Facility, and have been stated in 902 KAR 20:050. Section 1, with the following additions:

(1) Special programs designed with the goal of attainment of maximum intellectual, physical and social growth capacity through the normalization principle.

(2) There is an interdisciplinary team for evaluating the residents' needs, planning an individualized program to meet identified needs, and periodically reviewing and revising the program, which shall consist of persons drawn from such of the professions, disciplines, or service areas as are relevant in each particular case.

Section 4. Minimum Standards of Operation (Additional for MR/DD): (1) Personnel and Staffing:

(a) The size and content of the MR/DD program shall determine the number and qualifications of staff required.

(b) Staff to patient ratios: The ranges of staff to patient ratios which follow relate to the Classes I through IV of categories of care for the mentally retarded and developmentally disabled as defined in Section 2, of this regulation, unless the program needs justify otherwise as determined by the board. The number of staff shall include all employees who provide direct patient care on the basis of twenty four (24) hour, seven (7) day coverage, including holidays, sick leave, annual leave and also includes part time employees.

Class I Medical/Nursing: 1 to 2 [1:1.5 to 1:1]

Class II Medical/Constructive: 1 to 2 [1:1.5 to 1:1]

Class III Social/Rehabilitative: 1 to 2.5 [1:2.5 to 1:1.25]

Class IV Social Prevocational: 1 to 5 [1:6 to 1:4]

(c) The program staff shall possess the qualities and skill required to work with the mentally retarded and developmentally disabled. Professional training is desirable, but not essential in all instances. 1. Responsibilities shall be assigned within each service in accordance with staff qualifications; 2. Appropriate professional directions and consultation shall be provided and shall be readily available within each service.

(d) There shall be a qualified mental retardation professional who is responsible for supervising the integration of the various aspects of the facility's programs for each patient, recording each patient's progress and initiating periodic review of each individual plan of care and service for necessary modifications or adjustments.

(e) A staff development program appropriate to the nature and size of the facility shall be designed to maintain and improve the skills of the personnel providing

services. These shall include, but not be limited to the following methods: 1. An inservice educational program shall be conducted for the development and improvement of skills of the facility's personnel, including training relating to the problems and needs of the mentally retarded and developmentally disabled. Records shall be kept which indicate the content of, and participation in, staff development program. The inservice training may be accomplished through contract of affiliation with a qualified training agency. 2. Regular staff meetings; 3. Participation in interdisciplinary meetings; 4. Providing for staff participation at professional conferences, workshops, and seminars; 5. Consultation with specialists; 6. Interfacility awareness and contact.

(2) Medical supervision of patients: The facility shall maintain policies and procedures to assure that each patient shall be under the medical supervision of a physician.

(a) The patient (or his guardian) shall be permitted his choice of physician.

(b) The physician shall visit the patients as often as necessary and in no case less often than every sixty (60) days, unless justified and documented by the attending physician.

(c) A complete medical evaluation to include social, physical, emotional, and cognitive factors shall be made of the person desiring or requiring institutionalization prior to, but not to exceed three (3) months before admission. This shall be the responsibility of the family or guardian of the person requiring care. If no family member assumes responsibility, and the Commonwealth as guardian is far removed from the individual's community, an attempt shall be made by the Commonwealth to appoint a committee of persons in that community to assume legal guardianship of the patient while that patient is receiving care.

(d) Medical reevaluation at least annually shall be made by the patient's physician, a physician provided by a community service, or a registered visiting nurse, according to the resources of the community and the apparent needs of the patient receiving intermediate care. Formal arrangements shall be made to provide for medical emergencies on a twenty-four (24) hour, seven (7) days a week basis. This shall be the responsibility of the facility providing care.

(3) Patient care and safety:

(a) There shall be a signed order by a physician or his designee, which must be a licensed health professional, for any physical restraints. This order shall state the number of minutes or hours for restraint prescribed.

(b) Orders for restraints shall be for no longer than one shift. On shift change, order must be reinstated.

(c) Restraints shall be checked at least every half hour and released at least ten (10) minutes every two (2) hours. These checks and restraints releases shall be recorded in the patient's record as they are completed. Physical restraints are defined as: any mechanical device which is designed or used specifically to impede the normal movement of a patient or to confine a patient in a restricted area.

(d) Chemical restraints shall not be used as punishment, for the convenience of the staff, as a substitute for programs, or in quantities that interfere with the patient's habilitation.

(e) Behavior modification programs, involving the use of punishment, noxious or aversive stimulation or time out procedure, shall: 1. Be governed by written policies and shall be reviewed periodically by a professional committee of the facility staff; 2. Be conducted only with the approval of the affected patient's parents or surrogates; 3. Be described in each individual patient's medical record.

Section 5. Services; General: The professional interdisciplinary team shall see that the health needs of patients are met and that plans for each patient shall include treatments, medications, diet and other program services. All activities for MR/DD shall reflect adherence to the Normalization Principle (see definitions) for the MR/DD. The treatment and training program shall assure the following:

(1) All professional personnel necessary to provide professional programs and services in accordance with the needs of its patients;

(2) Health services staff to assure that each patient receives treatments, medications, diet, and other health services as prescribed and planned, all hours of each day and all days of each week and in the presence of minor illness and for temporary periods, bedside care under the direction of the patient's physician is provided by or supervised by a registered nurse or licensed practical nurse; and that responsible staff member is on duty at all times who is immediately accessible, to whom residents can report injuries, symptoms of illness, and emergencies;

(3) Has written procedures for personnel to follow in an emergency including care of the resident, notification of the attending physician and other persons responsible for the resident, arrangements for transportation, for hospitalization or other appropriate services;

(4) Maintains a written account of all personal possessions and funds received by or deposited with the facility on a current basis for each resident with written receipts for all expenditures and disbursements made in behalf of the resident.

(5) A plan of care and services which is developed for each resident by an appropriate interdisciplinary professional team. The over-all objective of the plan is to assist the individual to attain or maintain the optimal physical, intellectual, social, and/or vocational functioning of which he is presently or potentially capable;

(6) An assigned staff member (full-time, if appropriate and necessary) who is a qualified mental retardation and/or developmental disability professional (see definitions) responsible for supervising the implementation of each resident's individual plan of care and service, integrating the various aspects of the institution's programs, recording each resident's progress and initiating periodic review of each individual plan of care and service for necessary modifications or adjustments;

(7) Written policies developed and implemented to prohibit mistreatment, neglect, or abuse of residents, protect them from exploitation, and provide for the registration of resident's complaints without threat of discharge or other reprisal;

(8) Organized, professionally designed and supervised training services provided for residents, regardless of

age, level of functioning, or accompanying handicaps. These services shall include individualized planned programs for the development of the resident's intellectual, sensorimotor, and affective skills. Available education resources shall be utilized for residents upon the recommendation of the interdisciplinary team.

(a) Training programs shall be operated under the supervision of a qualified MR/DD professional.

(b) Individualized training plans shall be part of the resident's record and shall be reviewed and updated as necessary.

(c) A full range of training materials shall be available in the facility for the use of residents in meeting their planned training objectives.

(9) Community awareness and involvement both within the facility and within the service community to the appropriate level of patient participation possible;

(10) Provision by the source providing the service, either the facility or the service contractee, for adequate materials, supplies, and equipment and appropriate conditions for evaluation, education and training; and

(11) Review and evaluation of individual patient treatment and training programs as needed, or minimally every six (6) months, by the interdisciplinary professional team. There shall be written reports of this review.

Section 6. Social Services: (1) The social worker on the staff of the intermediate care facility, providing services for the mentally retarded and developmentally disabled shall be a qualified social worker (see definition section), and shall be a qualified mental retardation professional.

(2) Social services shall be available either on staff or by formal arrangement with community resources for all patients and their families, including evaluation and counseling with referral to, and use of, other planning for community placement, discharge and follow up services rendered by or under the supervision of a social worker.

Section 7. Dental Services: (1) Comprehensive dental services shall be provided and if not available within the facility, arrangements with specialists in the dental field will be made for such service.

(a) Appropriate dental services shall be provided through personal contact with all residents by dentists, dental hygienists, and dental assistants under supervision of the dentist, health educators, and oral hygiene aids according to their availability and to the scope of the MR/DD program.

(b) A dental professional shall participate, as appropriate on the interdisciplinary team serving the facility.

(c) There shall be sufficient supporting personnel, equipment, and facilities available to the dental professional if dental services delivered within the facility.

(2) Dental records shall be a part of each patient's record.

(3) A dentist shall be responsible for insuring that direct care staff are instructed in the proper use of oral hygiene methods for patients.

Section 8. Nursing Service: Due to the wide range of nursing needs in the various levels of mental retardation it is recognized that the nursing program must, of neces-

sity, be adjustable to meet a gradation of patient needs at any given point in time.

(1) The intermediate care facility rendering services to the MR/DD shall provide nursing service which is sufficient to meet the nursing needs of all patients as required during any twenty four (24) hour period.

(2) The director of nursing shall be a registered nurse or a licensed practical nurse dependent upon the scope and complexity of the nursing program with orientation and/or special knowledge of the MR/DD.

(3) If the director of nursing is not a registered nurse, there shall be a written policy stating the method whereby this service is provided through formal contract at regular intervals of not less than four (4) hours weekly for the care of minor illnesses, injuries or emergencies and consultation on the health aspects of the individual plan of care and service.

Section 9. Occupational Therapy: (1) Occupational therapy shall be provided to patients as required by the patient's needs.

(2) The occupational therapist shall act upon the program designed by the professional interdisciplinary team of which the therapist is a member.

Section 10. Physical Therapy: (1) Physical therapy shall be provided to patients as required by the patient's needs.

(2) The physical therapist shall act upon the program designed by the professional interdisciplinary team of which the therapist is a member.

Section 11. Psychological Services: Psychological services as needed shall be provided by a qualified mental retardation/developmental disability professional and shall include participation in the evaluation and periodic review, individual treatment, and consultation and training services to program staff as a member of the interdisciplinary team.

Section 12. Speech Pathology and Audiology Services: The facility shall provide speech pathology and audiology services as needed to maximize the communication skills of residents needing such services. These services shall be provided by, or under the supervision of, a certified speech pathologist or audiologist who is a qualified mental retardation or developmental disability professional who is a member of the interdisciplinary team.

Section 13. Activities and Recreation Therapist. (1) Qualified therapeutic recreation specialists shall plan the total activity program with the consultation of the interdisciplinary MR/DD team.

(2) When a recreation specialist is not available, a person shall be employed who has some experience in this program area who shall be under the supervision of an occupational therapist, or shall receive consultation from a qualified therapeutic recreator who shall visit the facility on a regular monthly basis.

Section 14. Separability. If any clause, sentence, paragraph, section or part of these regulations shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof, directly involved in the controversy in which the judgment was rendered.

MASON C. RUDD, Chairman

ADOPTED: August 13, 1976

RECEIVED BY LRC: August 18, 1976 at 11:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Mason C. Rudd, Chairman, Kentucky Health Facilities and Health Services, Certificate of Need and Licensure Board, 275 East Main Street, Frankfort, Kentucky 40601.

Proposed Regulations

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

200 KAR 2:065. Per diem expense allowance.

RELATES TO: KRS Chapters 42, 44, 45

PURSUANT TO: KRS 13.082, 45.180(7)

NECESSITY AND FUNCTION: This regulation, promulgated pursuant to the authority of KRS 45.180(7), establishes the maximum fixed amounts per day payable out of the State Treasury or of any fund appropriated out of the State Treasury as reimbursement for expenses incurred by state officers and employees in the discharge of the official duties of their offices and employment.

Section 1. Except as otherwise provided by specific law relating to the reimbursement of the official expenses of any state officer or of any administrative or other corporate body or instrumentality of the state government, each state officer and employee authorized to receive reimbursement out of the state treasury, or out of any fund appropriated out of the state treasury, for travel and other expenses incurred incident to the performance of his official duties shall be reimbursed for such expenses as provided herein.

Section 2. Transportation expenses shall be reimbursed as provided in and at the rates established by 200 KAR 2:050, Transportation.

Section 3. Subsistence expenses for meals, lodging, associated taxes, gratuities and related expenses inclusive, shall be reimbursed as provided in subsections (1), (2), and (3) of this section.

(1) **In-State Travel:** If any state officer or employee shall be required in the discharge of his official duties as an officer or employee of the Commonwealth of Kentucky or of an agency thereof, to travel from the place of his official work station as defined in Section 1, 200 KAR 2:030, to some other place within the Commonwealth or to any metropolitan area or community bordering on the Commonwealth (e.g., Greater Cincinnati area; Huntington - Ashland - Ironton; Henderson - Evansville, etc.), and the time of departure and return is during the hours hereinafter stated, he shall be paid as reimbursement for subsistence expenses deemed to have been incurred during such official travel, the sum of the amounts stated below:

(a) Not less than 7 hours:

1. Between the hours of 9 a.m. to 4 p.m. \$3.00
2. Between the hours of 4 p.m. to 11 p.m. 8.00

(b) Not less than 12 hours 11.00

(c) Not less than 16 hours 14.00

(d) Not less than 16 hours but no more than 24 hours when lodging is necessary upon the submission of a preprinted receipt from a hotel, motel, or other place of public accommodation covering an overnight stay at such a place of accommodation during the period of absence and which must be located at least 35 miles from his work station, place of domicile or usual residence 22.00

(e) Not less than 24 hours with a preprinted receipt from a hotel, motel, or other place of public accommodation covering an overnight stay at such a place of accommodation during the period of absence and which must be located at least 35 miles from his work station,

place of domicile or usual residence 33.00

(f) Not less than 24 hours but without the submission of a preprinted receipt from a hotel, motel, or other place of public accommodation covering an overnight stay. 18.00

(g) The provisions of paragraph (a) of this subsection notwithstanding, and in lieu of the amounts stated herein, any state officer who attends, or any employee of an agency designated or directed by the head of such agency to attend as an official representative of the agency, any meeting or function held or sponsored by any organization not under the control of such state officer or of the agency by which such employee is employed, shall be reimbursed for the actual cost incurred for any meal charge fixed by the sponsoring organization.

(2) **Out-of-State Travel:** If any state officer or employee shall be required in the discharge of his official duties as an officer or employee of the Commonwealth of Kentucky or of an agency thereof to travel from the place of his official work station to any place outside of the geographic limits of this state or a metropolitan area or community bordering on this state, and the time of departure and return is during the hours hereinafter stated, he shall be paid as reimbursement for his subsistence expenses deemed to have been incurred during such out-of-state travel, the sum of the amounts stated below:

(a) Not less than 8 hours \$6.00

(b) Not less than 12 hours 17.00

(c) Not less than 16 hours 20.00

(d) Not less than 16 hours but no more than 24 hours when lodging is necessary upon submission of a preprinted receipt from a hotel, motel, or other place of public accommodation covering an overnight stay at such a place of accommodation during the period of absence from his work station, place of domicile or usual residence. . . 35.00

(e) Not less than 24 hours when lodging is necessary upon submission of a preprinted receipt from a hotel, motel, or other place of public accommodation covering an overnight stay at such a place of accommodation during the period of absence from his work station, place of domicile or usual residence. 45.00

(f) Not less than 24 hours but without the submission of a preprinted receipt from a hotel, motel or other place of public accommodation covering an overnight stay. . . 27.00

(3) **Out-of-State Travel High Rate Localities:** If any state officer or employee shall be required in the discharge of his official duties as an officer or employee of the Commonwealth of Kentucky or of an agency thereof to travel from the place of his official work station to a high rate locality outside of the geographic limits of this state or a metropolitan area or community bordering on this state, he shall be paid as reimbursement for subsistence expenses deemed to have been incurred during such official out-of-state travel the sum of the amounts stated. The Secretary of the Executive Department for Finance and Administration shall issue in the "Policy and Procedure Management Manual" a list of localities to be reimbursed at these rates:

(a) Not less than 8 hours \$6.00

(b) Not less than 12 hours 20.00

(c) Not less than 16 hours 25.00

(d) Not less than 16 hours but no more than 24 hours when lodging is necessary upon submission of a preprinted receipt from a hotel, motel, or other place of public

accommodation covering an overnight stay at such a place of accommodation during the period of absence from his work station, place of domicile or usual residence. . . 48.00

(e) Not less than 24 hours when lodging is necessary upon submission of a preprinted receipt from a hotel, motel, or other place of public accommodation covering an overnight stay at such a place of accommodation during the period of absence from his work station, place of domicile or usual residence. 60.00

(f) Not less than 24 hours but without the submission of a preprinted receipt from a hotel, motel, or other place of public accommodation covering an overnight stay. 33.00

Section 4. The provisions of Section 3 hereof notwithstanding, officers, employees and others in the service of the Commonwealth who are properly authorized under the provisions of 200 KAR 2:040, to travel outside North America (United States, including Alaska, Hawaii, Canada, and Mexico) shall, subject to the prior approval of the Secretary of the Executive Department for Finance and Administration, be reimbursed for their actual and necessary expenses incurred in the course of such authorized travel. All expense items of more than two dollars (\$2) shall be supported by a receipt.

Section 5. All claims for reimbursement of subsistence expenses in the amounts specified in this regulation shall be filed on Form AP-6.

RUSSELL R. MCCLURE, Secretary

ADOPTED: August 31, 1976

RECEIVED BY LRC: September 2, 1976 at 11:45 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: The Secretary, Executive Department for Finance and Administration, 301 Capitol Annex Building, Frankfort, Kentucky 40601.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

200 KAR 5:075. Small businesses; classifications and definitions.

RELATES TO: KRS Chapter 45

PURSUANT TO: KRS 45.480

NECESSITY AND FUNCTION: KRS 45.480 provides for the Executive Department for Finance and Administration to promulgate regulations defining standards regarding the classifications and definitions of small businesses. This regulation defines small business concerns and specifies when contracts shall be designated "small business set asides."

Section 1. When the Director of Purchases of the Executive Department for Finance and Administration, for purchasing commodities and services (other than contractual services related to real property and capital construction projects) determines that there is a reasonable expectation that bids can be obtained from at least three (3) small business concerns capable of performing state contracts for goods (including fungible goods), equipment, or services for which purchase or performance has been requested by or for an agency of the Commonwealth, he shall designate the contract as a "small business set aside"

(as defined by KRS 45.470) in the invitation to bidders.

(1) Invitations for bids or proposals, which are designated as "small business set asides," shall be solicited from small business concerns only as defined in this section and bids or proposals received from firms which are not small business concerns shall be considered nonresponsive and rejected.

(2) A small business concern, for the purposes of purchasing services as set forth herein, is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on state contracts and can further qualify under the following criteria:

(a) Manufacturing firms: cannot employ more than 100 persons and gross receipts from the past three (3) years cannot exceed fifteen (15) million dollars.

(b) Non-manufacturing firms, distributors and wholesalers: cannot employ more than twenty-five (25) persons and gross receipts from the past three (3) years cannot exceed four (4) million dollars.

(c) Service firms: cannot employ more than 100 persons and gross receipts from the past three (3) years cannot exceed six (6) million dollars.

Section 2. When the Director of Engineering of the Executive Department for Finance and Administration determines that there is a reasonable expectation that bids can be obtained from at least three (3) small business concerns for contractual services related to real property and capital construction projects, the performance of which has been requested by or for an agency of the Commonwealth, he shall designate the contract as a "small business set aside" (as defined in KRS 45.470) in the invitation to bidders provided the criteria set forth below are met:

(1) Invitations for bids or proposals, which are designated as small business set asides, shall be solicited from small business concerns only as defined in this section and bids or proposals received from firms which are not small business concerns shall be considered nonresponsive and rejected.

(2) Highly technical, electronic and single source projects are exempt from the small business set aside designation regardless of costs. Single or limited trade projects estimated to cost \$10,000 or less, and multi-trade projects estimated to cost \$25,000 or less, are eligible to be designated small business set asides provided the criteria set forth below are met.

(3) A small business concern, for the purposes of purchasing contractual services related to real property and capital construction projects, is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on state contracts and can further qualify under the following criteria:

(a) Single or limited trade projects: the bidding firm cannot employ more than fifteen (15) full-time employees and gross receipts for the past year do not exceed \$100,000.

(b) Multi-trade projects: the bidding firm cannot employ more than thirty (30) full-time employees and gross receipts for the past year do not exceed \$300,000.

Section 3. (1) Contracts shall be awarded to the lowest and best responsible bidder meeting specifications. If the Director of Purchases, or the Director of Engineering for contractual services related to real property and capital

construction projects, determine that less than three (3) small business concerns are capable of meeting the terms of the invitations or specifications or that the lowest and best bid submitted in response to an invitation for bids or proposals designated as small business set aside results in an unreasonable price, they shall reject all bids and withdraw the designation of small business set aside, giving bidders the reason(s) for rejection, and seek additional bids without designating the new invitation as a small business set aside.

(2) The bidder submitting a bid in response to an invitation designated as a small business set aside shall certify as a part of his offer, that his firm is a small business concern as is set forth above.

RUSSELL MCCLURE, Secretary

ADOPTED: August 31, 1976

RECEIVED BY LRC: September 1, 1976 at 1:15 p.m.

SUBMIT COMMENTS OR REQUEST FOR HEARING

TO: The Secretary, Executive Department for Finance and Administration, 301 Capitol Annex Building, Frankfort, Kentucky 40601.

**EXECUTIVE DEPARTMENT FOR FINANCE
AND ADMINISTRATION
Board of Veterinary Examiners**

201 KAR 16:040. Animal technicians.

RELATES TO: KRS 321.440, 321.450

PURSUANT TO: KRS 321.240

NECESSITY AND FUNCTION: KRS 321.440 and 321.450 provide for the qualification, registration and use of animal technicians. This regulation sets out the procedures for qualifying for the examination, registration of animal technicians and states that disciplinary action may be taken against both the animal technician and licensed veterinarian under certain conditions.

Section 1. Any licensed veterinarian desiring to have an animal technician registered by the board shall make application to the board on forms prepared by the board. Each application shall be accompanied by documents setting forth data requested on the form and a check in the amount of forty dollars (\$40), payable to the Kentucky State Treasurer. The forty dollars (\$40) payment shall constitute the application and examination fee, and no portion of this sum shall be refundable. All applications must be received by the board at least thirty (30) days prior to the examination date.

Section 2. Those persons eligible to take the examination under KRS 321.440(1)(b) shall have two (2) years from June 19, 1976, in which to have applications submitted on their behalf by licensed veterinarians.

Section 3. (1) The two (2) year animal technician program being offered at Morehead State University, Morehead, Kentucky, is approved by the board, but this approval shall be terminated effective September 1, 1977, unless that program of study is approved by the American Veterinary Medical Association by that date, or approval is otherwise extended by the board.

(2) Any college or university securing approval of its program of study for animal technicians by the American

Veterinary Medical Association shall be approved by the board, and graduates thereof shall be eligible to have an application submitted on their behalf to the board.

Section 4. The board will annually specify the dates and places of the examination. The examination shall consist of written, oral and/or practical portions prepared by or for the board. Those subjects on which the applicant for registration may be examined shall consist of the following: laboratory procedures, x-ray procedures, collection of laboratory samples, fitting large animals, stable and kennel management, surgical preparation and assistance, anesthesia, supply and equipment maintenance, sterilization of equipment, case histories, dehorning and castration, and pharmacology.

Section 5. (1) An applicant for registration as an animal technician shall only be eligible to take the examination, if, as of the date of the examination, he is employed by the licensed veterinarian who submitted the application for him.

(2) Each person who passes the examination shall be registered as an animal technician and assigned a number. This certificate of registration shall further recite that the registration shall be valid only so long as the animal technician is employed in the services of the licensed veterinarian who signed the application.

Section 6. Each registered animal technician shall pay or have paid for him an annual renewal fee of fifteen dollars (\$15), which amount shall be payable by check, to the Kentucky State Treasurer, and shall be mailed to the office of the board on or before June 30 of each year. The board will mail an annual renewal notice to each licensed veterinarian having a registered animal technician in his employ by April 30 of each year and this notice shall require the licensed veterinarian to report whether the registered animal technician is still in his employ, and shall further remind the veterinarian that the annual renewal fee is payable by June 30.

Section 7. (1) The registered animal technician and the licensed veterinarian for whom the animal technician is working shall be subject to appropriate disciplinary action by the board if the animal technician is permitted to and does perform veterinary services in excess of or outside of those services authorized by KRS 321.450(3).

(2) Further, the animal technician and licensed veterinarian may be subject to disciplinary action by the board if the animal technician is terminated, for any reason, as an employee of the licensed veterinarian, and the board is not promptly notified of this fact.

THOMAS O. HARRIS, Chairman

ADOPTED: July 15, 1976

APPROVED: RUSSELL R. MCCLURE, Commissioner

RECEIVED BY LRC: September 8, 1976 at 2:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: William E. Johnson, Attorney, Board of Veterinary Examiners, 326 West Main Street, Frankfort, Kentucky, 40601.

**EXECUTIVE DEPARTMENT FOR FINANCE
AND ADMINISTRATION
Board of Veterinary Examiners**

201 KAR 16:050. Continuing education.

RELATES TO: KRS 321.330(1)

PURSUANT TO: KRS 321.240

NECESSITY AND FUNCTION: This regulation sets forth those requirements concerning annual courses of study of subjects relating to veterinary medicine, veterinary surgery, and veterinary dentistry.

Section 1. (1) Each veterinarian licensed by this board shall be required to annually complete eight (8) hours of study of courses in the subjects of veterinary medicine, veterinary surgery, and veterinary dentistry. Those courses approved shall:

(a) Be all scientific programs of all organizations of the American Veterinary Medical Association, its constituent organizations and recognized specialty groups and accredited veterinary medical institutions whose meetings impart educational material directly relating to veterinary medicine; and

(b) All programs approved by the board, not associated with the American Veterinary Medical Association and its sub-organizations.

(2) Those programs shall impart knowledge relating to the practice of veterinary medicine, veterinary surgery, and veterinary dentistry to the end that the utilization and application of new techniques, scientific and clinical advances, and the achievement of research will assure expansive and comprehensive care to the public.

Section 2. Each veterinarian shall be responsible for securing necessary documentation to support proof of his attendance at a course and shall annually, on the form furnished by the board, list those courses attended by him. The board may require this form to be signed by the veterinarian before a notary public. The annual renewal fee is increased to fifteen dollars (\$15).

THOMAS O. HARRIS, Chairman

ADOPTED: July 15, 1976

APPROVED: RUSSELL R. MCCLURE, Commissioner

RECEIVED BY LRC: September 8, 1976 at 2:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: William E. Johnson, Attorney, Board of Veterinary Examiners, 326 West Main Street, Frankfort, Kentucky 40601.

**DEPARTMENT FOR NATURAL RESOURCES
AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Protection
Division of Plumbing**

401 KAR 1:011. Parts or materials list.

RELATES TO: KRS Chapter 318

PURSUANT TO: KRS 13.080(3)(b), 13.082

NECESSITY AND FUNCTION: The Department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation will allow the Department to permit

the use of new parts and materials without amending specific regulations for each new item. This regulation will eliminate the repetitious amending of the Plumbing Code now required to include new materials item by item.

Section 1. Definitions as used in this regulation: (1) "APML" shall mean the "Approved Parts or Materials List."

(2) "Parts or materials" shall mean all types of fittings and piping used in the soil, waste and vent systems, house sewers, potable water supply, plumbing fixtures, appurtenances, and mechanical sewage systems in private residences.

(3) "Committee" shall mean the State Plumbing Code Committee.

(4) "Code" shall mean the State Plumbing Code.

(5) "Department" shall mean the Department for Natural Resources and Environmental Protection.

(6) "Person" shall mean any individual, public or private corporation, political subdivision, government agency, municipality, copartnership, association, firm, trust, estate, or other entity whatsoever.

Section 2. Approved Parts and Materials List (APML). The use of any part or material in any drainage or plumbing system or section thereof, other than those currently authorized by the code, is prohibited unless the use of such part or material has been considered by the committee and approved by the department for inclusion in the APML. The APML may also specify methods of installation and/or restrictions applicable to a particular part or material.

Section 3. Amending the APML. (1) A person desiring to have the APML amended shall petition, in writing, for an opportunity to be heard by the committee no later than fourteen (14) days prior to the next scheduled meeting of the committee. Such request shall include a description of the part or material for which approval is sought, available technical data, and a listing of other authorities which have the use of the part or material, and any other pertinent information requested by the committee.

(2) The committee will consider all parts or materials for which approval is sought and will forward thirty (30) days thereafter its recommended disposition to the department. Provided however, that a hearing will be held before the committee if requested, within thirty (30) days following the determination of the committee, by a person having an interest in the subject matter. Upon adoption of a recommendation by the department, the APML will be amended as necessary, and filed by reference in accordance with 1 KAR 1:010.

Section 4. Custody of the APML. It shall be the responsibility of the Director, Division of Plumbing, to maintain an up-to-date APML and to make it available for inspection during regular office hours. Copies of the APML may be obtained by mailing a self-addressed stamped envelope to the Division of Plumbing, Department for Natural Resources and Environmental Protection, Frankfort, Kentucky 40601. The cost of reproduction shall not exceed ten (10) cents per page.

ROBERT D. BELL, Secretary

ADOPTED: September 14, 1976

RECEIVED BY LRC: September 15, 1976 at 2:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Arthur S. Curtis, Jr., Plumbing Code Committee, 5th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Kentucky Historical Society

730 KAR 1:005. Family cemetery information.

RELATES TO: KRS 171.313

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 171.313 authorizes the Kentucky Historical Society to promulgate regulations governing the collection, maintenance, preservation, categorization and publication of information concerning Kentucky family cemeteries.

Section 1. Definitions. Unless the context requires otherwise, the following terms shall have the meaning indicated.

(1) "Society" shall mean the Kentucky Historical Society.

(2) "Agent" or "employee" shall mean any person who is duly employed by the Society and engaged in carrying out the collection, preservation, maintenance, categorization and publication of information concerning Kentucky family cemeteries.

(3) "Family cemeteries" shall mean those cemeteries owned by families and area groups maintained without complete records.

Section 2. Agent or employee identification cards. (1) All agents or employees shall be supplied identification cards with the Society's name and address printed conspicuously thereon. The card shall also have the agent or employee's photograph and signature and the signature of the Director of the Society.

(2) No agent or employee's identification card shall be issued or renewed without the approval of the Society's Director.

Section 3. Agents or employees may enter upon the premises or property where a cemetery or burying ground is located for the purpose of obtaining the data and information required by KRS 171.313. The following procedure is to be followed when gathering this information.

(1) As a matter of cooperation, courtesy and personal safety, the agent or employee shall first seek the permission of the land owner, lessee, tenant or person in charge of the premises upon which the cemetery or burying ground is located.

(2) The agent or employee shall display his identification card to the land owner, lessee, tenant or person in charge of the premises before entering upon the land.

WILLIAM BUSTER, Director

ADOPTED: September 9, 1976

APPROVED: Wendell P. Butler, Secretary

RECEIVED BY LRC: September 13, 1976 at 1:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
 TO: Director, Kentucky Historical Society, Old Capitol Building, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Registry of Election Finance

801 KAR 2:010. Processing complaints; hearings.

RELATES TO: KRS Chapter 121

PURSUANT TO: KRS 13.082, 121.120

NECESSITY AND FUNCTION: KRS Chapter 121.120(3) provides for the Registry to adopt rules and regulations to effectuate the purposes and provisions of the Act. The rules of practice and procedure before the Registry are designed to inform the citizens of the Commonwealth of the steps to be followed in the processing of complaints by investigation or public hearing.

Section 1. Definitions. When used in this regulation: (1) "Act" means the Corrupt Practices Act, KRS Chapter 121.

(2) "Registry" means the Kentucky Registry of Election Finance.

(3) "Election" means any primary, regular or special election to fill vacancies.

(4) "Complainant" means any registered voter who files a complaint with the Registry, as required by KRS 121.140.

(5) "Executive Director" shall be the person appointed by the Registry and referred to in KRS 121.120(1).

(6) "Chairman" shall mean the duly appointed Chairman of the Kentucky Registry of Election Finance.

(7) "Hearing officer" shall mean the person designated by the chairman, with concurrence of the Registry, to conduct a hearing.

(8) "Investigator" shall mean a member of the staff of the Registry designated by the executive director to investigate the allegations of any complaint, or to investigate any matter arising out of KRS Chapter 121.

Section 2. Complaint. (1) Who may file:

(a) Any registered voter claiming the commission of a corrupt practice under this Act may make, sign, and file with the Registry a written, sworn complaint. Assistance in drafting and filing such complaint shall be made available to any complainant at the Registry's office.

(b) The chairman may, in a like manner, make, sign, and file such a complaint.

(2) Complaint form. The complaint shall be in writing. The complaint must be signed and sworn before a Notary Public or other person duly authorized by law to administer oaths and take acknowledgments. Notarial service shall be furnished without charge by the Registry.

(3) Contents:

(a) A complaint shall contain the following:

1. The full name and address of the complainant.

2. The name and address of the person, persons, or organization against whom the complaint is made.

3. A short and plain statement of the facts showing that a violation of the Act has occurred.

(b) A complaint should contain the following:

1. The date or dates and time of the alleged corrupt practice; and if the alleged corrupt practice is of a continuing nature, the dates between which said corrupt practices are alleged to have occurred.

2. A statement as to any other action, civil or criminal, instituted by the complainant in any other forum based upon the same facts as is alleged in the complaint, together with a statement as to the status or disposition of such other action.

(4) Time of filing. A complaint alleging corrupt practice

may be filed within two years (2) years after the alleged corrupt practice occurs. If the alleged practice is of a continuing nature, the date of the occurrence of said practice shall be deemed to be any date subsequent to the commencement of the practice up to and including the date on which the practice shall have ceased, or the date on which the complaint shall have been filed if the practice is still continuing.

(5) Place of filing. A complaint shall be filed with the Registry at its office.

(6) Manner of filing. The complaint may be filed by a personal delivery, mailing of same to the Registry's office. A complaint may be delivered to the executive director or to a member of the Registry staff.

(7) Amendment of complaint. The Registry, the hearing officer or the complainant shall have the power reasonably and fairly to amend a complaint.

(a) The power to amend a complaint may be exercised by the Registry staff with the consent of the complainant.

(b) The complainant's power to amend the complaint may be exercised prior to the issuance of a notice of hearing as a matter of right, and after notice of hearing at the discretion of the executive director, the Registry concurring.

(c) If the complaint is amended, postponement of the hearing date may be granted to the respondent upon a request to the Registry. In no event shall such hearing date be more than ten (10) days later than the original hearing date.

(8) Withdrawal of complaint. Upon the written request of the complainant, stating the reasons for such request, a complaint, or any part thereof, may be withdrawn only on written consent as hereinafter set forth:

(a) If the request for withdrawal is made before the case has been noted for hearing, the written consent of the executive director shall be obtained.

(b) If the request for withdrawal is made after the date has been noted for hearing, the written consent of the chairman shall be obtained.

(c) In either case, such withdrawal shall be without prejudice to the rights of the complainant or to the Registry.

(9) Dismissal of complaint. If the executive director shall determine from the face of the complaint or after an investigation that the complaint does not state reasonable grounds to believe a violation of KRS Chapter 121 has occurred, he/she shall recommend to the Registry that same be dismissed and notify the parties by mail of such determination and of the complainant's right to appeal to the Registry for reconsideration of such dismissal.

Section 3. Investigation; Production of Evidence; Confidentiality. (1) Investigation. After the filing of a complaint, the executive director shall direct the investigation as the chief investigator. The investigator shall make a prompt and thorough investigation of the allegations of the complaint.

(2) Production of evidence:

(a) An investigator may at any reasonable time, request access to premises, records, and documents relevant to the complaint.

(b) If such request is denied, the Registry may issue a subpoena duces tecum requiring the production of such documents.

(c) If a person, persons or organization fails to permit access, examination, photographing, or copying, the

Registry may apply to a circuit court for an order requiring the permitting of same.

(3) Confidentiality. All matters relating to the investigation of a complaint shall be kept confidential pending a determination by the Registry that there appear to be reasonable grounds to believe that a violation has occurred, at which time the matter shall be scheduled for a hearing.

Section 4. Hearing Ordered; Notice. (1) When hearings ordered:

(a) After a finding of reasonable grounds to believe that a violation of KRS Chapter 121 has occurred, the results of the investigation shall be reported to the executive director, who shall report same to the chairman with recommendation on the scheduling of a hearing.

(b) The chairman may thereupon appoint a presiding hearing officer and shall set a time for the holding of a hearing.

(2) Notice of hearing:

(a) The notice of hearing shall state the time and place of said hearing.

(b) The notice of hearing and sworn complaint, as the same may have been amended, shall be served by registered or certified mail on the respondent at least ten (10) days prior to the date of the hearing, and the complainant shall be furnished a copy of such notice.

(c) If a party is represented by an attorney, a copy of the notice of hearing and complaint, as the same may have been amended, shall be furnished to said attorney.

(3) Place of hearing. The place of any hearing shall be at the office of the Registry, or such other place as may be designated by it. The Registry shall give consideration to any requests for a change of hearing location made by a complainant or a respondent.

Section 5. Hearings. (1) Appearances. The complainant shall, if requested, appear at the hearing, with or without counsel, and submit testimony. The respondent may appear at the hearing with or without counsel and may examine and cross-examine witnesses and may present evidence. The complainant and the legal counsel for the Registry, and in the discretion of the hearing officer, any other person may intervene, examine and cross-examine witnesses and present evidence.

(2) Who shall conduct. Hearings may be conducted before a hearing officer appointed by the chairman or before the Registry as a whole as the chairman may elect.

(3) Power and Duties of the Chairman/Hearing Officer. The chairman/hearing officer shall have full authority to control the procedure of a hearing, to admit or exclude testimony or other evidence, and to rule upon all motions and objections. The chairman/hearing officer shall make full inquiry into all the facts in issue and shall obtain a full and complete record of all facts necessary for a fair determination of the issues. The chairman/hearing officer may call and examine witnesses, direct the production of papers or documents, and introduce the same into the record of the proceedings. If the proceeding is before the Registry as a whole, all matters requiring a decision shall be made by a vote of the members of the Registry with the chairman casting the deciding vote in case of a tie.

(4) Procedure:

(a) The case in support of the complaint shall be presented before the Registry/hearing officer by the legal counsel for the Registry. The complainant or his counsel may also present any case in support of the complaint.

(b) Evidence may be admitted if it is of the type commonly relied upon by reasonably prudent men in the conduct of their affairs. However, irrelevant, immaterial, scandalous, or unduly repetitious evidence shall be excluded, and the rules of privilege shall be given effect.

(c) All testimony shall be given under oath or affirmation, and the record of the proceedings shall be made and kept.

(d) Two (2) or more proceedings under this Act may be joined by the Registry in its discretion.

(5) Stipulations. The parties may file a stipulation as to the facts in which event the same shall be numbered and used at the hearing. Such stipulation shall not preclude the offering of additional evidence by any party.

(6) Continuation and adjournments. The chairman/hearing officer may continue a hearing from day to day or adjourn it to a later date or to a different place by announcement thereof at the hearing, or by appropriate notice to all parties.

(7) Motions and objections. Motions made during a hearing and objections with respect to the conduct of a hearing, including objections to the introduction of evidence, shall be stated in writing or orally and shall be included in the record of the hearings.

(8) Oral arguments and briefs. The chairman/hearing officer shall permit the parties, their attorneys, or the members of the Registry staff presenting the case in support of the complaint, to argue orally and to file briefs within such time limits as the chairman/hearing officer may determine.

(9) Improper conduct. The chairman/hearing officer may exclude from the hearing room or from further participation in the proceeding any person who engages in improper conduct.

(10) Public hearings. All Registry hearings shall be open to the public unless the chairman or the hearing officer, acting under the appropriate provisions of the Kentucky Revised Statutes, in his discretion, should direct otherwise.

(11) Written transcript of the record. The written transcript of the record shall consist of the notice of the hearing, the sworn complaint, as the same may have been amended, the transcript of the testimony taken at the hearings, the exhibits and depositions offered in evidence, written applications, briefs, orders, motions, and oral arguments if directed by the hearing officer, stipulations, the findings of fact, conclusion of law, and the final findings or actions taken by the Registry.

Section 6. Discovery. (1) Subpoenas:

(a) Issuance of subpoena. Whenever it is deemed necessary to compel the attendance of witnesses or the production for examination of any books, payrolls, personnel records, correspondence, documents, papers, or any other evidence relating to any matter under investigation or in question before the Registry, the executive director may issue a subpoena or subpoena duces tecum and thereby compel such attendance of witnesses or production for examination of books, papers and records.

(b) Issuance of subpoena at instance of party. The executive director, or in his/her absence, the chairman may issue such subpoena or subpoena duces tecum, as may be required, at the instance of any party to a hearing or other proceedings. The issuance of such subpoena or subpoena duces tecum at the instance of a party shall depend upon a showing of the necessity thereof.

(c) Fees. Where a subpoena or subpoena duces tecum is applied for and issued at the instance of any party to a

hearing or other proceeding, the cost of service, witness and mileage fees, if any, shall be borne by the party at whose instance it has been requested and issued unless otherwise ordered by the Registry. Where a subpoena or subpoena duces tecum is issued at the instance of the executive director, the cost of such service, witness, and mileage fees, if any shall be borne by the Registry.

(2) Depositions and interrogatories:

(a) Depositions of witnesses, including any party, may be taken as prescribed by the Kentucky Rules of Civil Procedure.

(b) Interrogatories. The Registry may, at any time after complaint is filed, require any party or witness to answer interrogatories. The procedure for interrogatories shall conform to the Kentucky Rules of Civil Procedure.

(3) Refusal to make discovery. If a person fails to permit access, fails to comply with a subpoena, refuses to have his deposition taken, refuses to comply with a subpoena duces tecum, refuses to answer interrogatories, or otherwise refuses to make discovery, the Registry may request an order of a circuit court requiring said discovery.

Section 7 Orders. (1) Contents of finding. A finding of the Registry issued after hearing shall set forth the findings of fact and conclusions of law of the hearing officer, the Registry's final decision, and in the discretion of the Registry, an opinion containing the reasons for said decision.

(2) Issuance of orders:

(a) If upon all the evidence it appears that a respondent has engaged in any corrupt practice, the Registry shall state its findings of fact and conclusions of law, and based thereon cause same to be delivered to the Attorney General or to the appropriate Commonwealth Attorney for further action.

(b) If upon all the evidence, the Registry shall find that a respondent has not engaged in a corrupt practice, it shall state the findings of fact and conclusions of law and shall dismiss the complaint.

(3) Filing. All findings issued by the Registry after a hearing shall be filed in the Registry's office.

Section 8. Re-opening of Proceedings. Who may open. After a hearing and the issuance of a final order, the Registry may, upon its own motion or upon application of any party or intervening party, for good cause shown, or whenever justice so requires, reopen any closed proceeding upon notice to all the parties and intervenors, and may take such action as it shall deem necessary.

Section 9. Certification. The chairman, or the executive director, is authorized and empowered to certify all documents or records which are a part of the files and records of the Registry.

Section 10. Construction of Rules and Pleadings. (1) These rules and regulations shall be liberally construed to effectuate the purposes and provisions of KRS Chapter 121 and the policies of the Kentucky Registry of Election Finance.

(2) All pleadings shall be liberally construed with a view to effect justice, and the Registry and hearing officer will, at every stage of any proceeding, disregard errors or defects in the pleadings or proceedings which do not affect the substantial rights of the parties.

Section 11. General Investigations. The Registry, in its

discretion, may conduct such general investigations into the problems of corrupt practices as it deems necessary or desirable to effectuate the purposes of KRS Chapter 121 and particularly KRS 121.120(3)(n).

L. STANLEY CHAUVIN, Jr., Chairman

ADOPTED: June 16, 1976

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: September 3, 1976 at 12:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: John W. Craig, Executive Director, Kentucky Registry of Election Finance, 1520 Louisville Road, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control

804 KAR 1:090. Athletic team sponsorship.

RELATES TO: KRS 244.130

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: The sponsorship of athletic teams, especially bowling leagues and little league baseball and football teams, by licensees of this department, has been a gray area that now requires definition by this department. This proposed regulation would enable ABC licensees to sponsor these teams under the guidelines set out in the regulation. The sponsorship of these teams by licensees of this department constitutes a considerable source of income for these amateur athletic teams, especially in the area of providing uniforms. Under modern retail practices it has been determined by this Board that sponsorship of these athletic teams should be permissible, and the proposed regulation establishes the guidelines under which such sponsorship may be provided.

Section 1. Except as hereafter stated, any licensee may sponsor athletic teams by paying the team's entrance or league fee, supplying uniforms for the team, and placing the licensee's logo or brand name on the uniforms. However, if the sponsored team contains members under the age of eighteen (18) years, the licensee cannot advertise, upon the uniforms, any logo, or brand name, or any other name designating an alcoholic beverage. No licensee under this section shall sponsor in any manner any team sponsored by another licensee.

JAMES G. AMATO, Chairman

ADOPTED: September 13, 1976

APPROVED: JAMES E. GRAY, Secretary

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

SUBMIT COMMENT OR REQUEST FOR HEARING:

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

eff - 11-3-76
PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control

804 KAR 4:210. Supplemental bar license.

RELATES TO: KRS 244.330

PURSUANT TO: KRS 13.082, 241.060

NECESSITY AND FUNCTION: Due to modern business practices and the large interior areas of some licensees, it may be necessary to provide more than one bar within a licensed premises to effectively serve the patrons at such premises. After a review of the laws of other states in this particular area of ABC regulation, particularly New York, it has been determined that a supplemental bar should be allowed existing licensees, if such licensees can show this Board the need for such supplemental bar and upon payment of an additional fee.

Section 1. A supplemental bar license may be issued to the holder of a retail drink license upon a showing to the Distilled Spirits Administrator of good cause and need for the supplemental license, and upon payment of a fee equivalent to the amount of the annual license fee paid by the licensee. This supplemental license may only be issued for use on the premises for which the applicants of existing retail drink license was issued.

JAMES G. AMATO, Chairman

ADOPTED: September 13, 1976

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: September 14, 1976 at 3 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
Office of the State Fire Marshal

806 KAR 50:205. Recreational vehicles.

RELATES TO: KRS 227.570

PURSUANT TO: KRS 13.082, 227.590

NECESSITY AND FUNCTION: KRS 227.590 requires the Recreational Vehicle Certification and Licensure Board to establish rules and regulations governing the standards for manufacture, sale, and alteration of recreational vehicles. These regulations are intended to assure safety for owners and occupiers of 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 (C), the codes shall govern in all cases.

(2) At least thirty (30) days before the adoption or promulgation of any change in or addition to the rules and regulations, the office shall mail to all manufacturers possessing valid certificates of acceptability and dealers

possessing valid licenses a notice including a copy of the proposed changes and additions and the time and place that the board will consider any objections to the proposed changes and additions. After giving the notice required by this section, the board shall afford interested persons an opportunity to participate in the rule making through submission of written data, views or arguments with or without opportunity to present the same orally in any manner.

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

Section 2. Enforcement: Subject to the provisions of applicable law, the Office of the State Fire Marshal shall administer and enforce all the provisions of the Mobile Home and Recreational Vehicle Act. Any officer, agent, or employee of the State Fire Marshal's Office is authorized to enter any premises in order to inspect any recreational vehicle for which the office has issued a seal of approval, or to inspect such recreational vehicle's equipment and/or its installations to insure compliance with the Act, the code, and these regulations. Upon complaint and request, a privately owned 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 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 (C) by the National Fire Protection Association shall apply:

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

(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.

(3) Alteration or conversion: The replacement, addition, modification, or removal of any equipment or installations which may affect the plumbing, heat-producing, electrical, and fire and life safety systems or the functioning thereof of recreational vehicles 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.

(4) Board: Recreational Vehicle Certification and Licensure Board.

(5) Certificate of acceptability: The certificate provided to the manufacturer signifying the manufacturer's ability to manufacture, import, or sell recreational vehicles within the state.

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

(7) Class "B" seal: A device or insignia issued by the

office to indicate compliance with the standards established by the office, rules and regulations established by the board for used recreational vehicles without a class "A" seal, or for new recreational vehicles manufactured prior to the effective date of the Act.

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

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

(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.

(11) Manufacturer: Any person who manufactures recreational vehicles and sells to dealers.

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

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

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

(15) 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. The basic entities are: travel trailer, camping trailer, truck camper, and motor home.

(16) 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 of recreational vehicles which are manufactured, sold, leased, or transported for use within or outside of the Commonwealth. These regulations apply to recreational vehicles manufactured in manufacturing facilities located within or outside the Commonwealth. 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 legislature has enacted the Mobile Home and Recreational Vehicle Act to protect the health and safety of the owner, occupiers, and all other persons from mal-manufactured recreational vehicles. The office has been given the 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, electrical, and fire and life safety systems in recreational vehicles as it determines are reasonably necessary to protect the health and safety of the occupants and the public.

(2) On all recreational vehicles manufactured after July 15, 1975, said standards shall be NFPA 501 (C), 1974 edition, herein adopted by reference.

(3) On all used recreational vehicles without a seal or any recreational vehicle manufactured prior to July 15, 1975, said standards shall be that the dealer shall certify that the electric, heating, plumbing, and fire and life safety 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.

(4) All recreational vehicles 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.

(5) All new recreational vehicles purchased outside the Commonwealth of Kentucky not bearing a class "A" seal of approval and all used recreational vehicles purchased outside the Commonwealth of Kentucky, regardless of the type seal affixed, shall be delivered to a certified Kentucky dealer for inspection according to the following criteria:

(a) Inspection of the plumbing and waste systems;

(b) Inspection of the heating unit to determine adequacy of the system;

(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;

(d) Inspection of fire/life safety (fire extinguishers and second means of egress).

(6) Any licensed Kentucky recreational vehicle dealer that maintains the capability to perform minor maintenance of plumbing, heating, and electrical systems of recreational vehicles shall be permitted to inspect and certify those recreational vehicles 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.

(7) Any unit found to be in non-compliance with the requirements of Section 5(5) 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.

(8) The fee for the inspection of recreational vehicles 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 of 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 (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 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. 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 (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) An affidavit certifying compliance with the applicable standards must be attached to the application;

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

(d) The manufacturer must furnish and maintain with the office proof of 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 electrical, heating, 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 NFPA 501 (C).

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

1. Scope and purpose.

2. Receiving and 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.

(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 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 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 recreational vehicles established by a state or a recognized body or agency of the federal government are at least equal to NFPA 501 (C). If the office finds that such standards are actually enforced then it may issue a certificate of acceptability for such 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;
- (g) A fraudulent sale, transaction, or repossession;
- (h) Violation of any law relating to the sale or financing of 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 said 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 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;
- 2. The manufacturer, either knowingly or without 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; or that
- 3. The manufacturer has shipped or imported into this state a 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 has 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: (1) A clearly designated serial number, model number, and date manufactured shall be stamped into the 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.

Section 9. Dealer License: (1) No dealer of 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) Previous year's units sold, new and used;

(e) Affidavit certifying compliance with the Act and regulations;

(f) Names of officers if dealership in corporate form;

(g) Names of partners if dealership in partnership form;

(h) Any other information the office deems commensurate with safeguarding of the public interest in the locality of the proposed business.

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

(4) The license fee shall be fifty dollars (\$50). The fee shall be paid by check or money order and shall be made payable to Kentucky State Treasurer.

(5) 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) 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 Appendix B.

(b) 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 (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) A license may be denied, suspended or revoked on the following grounds:

(a) A showing of insolvency in a court of competent jurisdiction;

(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;

(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 recreational vehicle in his name after said dealer has acquired ownership of the recreational vehicle by trade or otherwise;

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

(9) 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 of 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 the said agent is acting within the scope of his authority.

(10) 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) 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) 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) 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 recreational vehicles 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 recreational vehicle show within the Commonwealth of Kentucky provided they do not sell or offer for sale to the general public recreational vehicles.

Section 11. (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 recreational vehicles unless they bear a class "A" seal of approval issued by and purchased from the office. The 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 recreational vehicle unless it has a seal. Any dealer who has acquired a used recreational vehicle without a seal or a recreational vehicle manufactured prior to July 15, 1975, shall apply to the office for a class "B" seal by submitting an affidavit certifying either that all electrical, heating, plumbing, and fire and life safety equipment has been checked, and if necessary, repaired, and is now in safe working condition, or that the unit meets the applicable code.

(a) Acquisition of seals:

1. Any manufacturer, except one altering a new 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 recreational vehicle bearing a seal, may qualify for acquisition for a class "B" seal by giving an affidavit certifying either that all electrical, heating, plumbing, and fire and life safety equipment has been checked, if necessary, repaired, and is now in safe working condition, or that the unit meets the applicable 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.

(c) Alteration or conversion of a unit bearing a seal:

1. Any alteration of the plumbing, heat-producing equipment, electrical equipment or installations, or fire and

life safety in a recreational vehicle 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 (C).

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

- a. Make and model of recreational vehicle;
- 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 recreational vehicle where work is to be performed.

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 recreational vehicles according to 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 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 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 recreational vehicle. 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 recreational vehicle 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 50:205

APPENDIX B
UNIT CERTIFICATION FORMAT

Name of Dealer

Mailing Address _____
County

City _____
State _____
Zip Code

I hereby certify that the 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.	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

806 KAR 50:205

APPENDIX A
UNIT CERTIFICATION FORMAT

Name of Manufacturer

Mailing Address _____
County

City _____
State _____
Zip Code

I hereby certify that the recreational vehicles as described hereon have been constructed in compliance with NFPA 501 (C), 1974 edition.

NO.	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

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

ADOPTED: September 2, 1976

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: September 7, 1976 at 4 p.m.

PUBLIC HEARING: A public hearing has been scheduled to allow all interested parties an opportunity to comment on the proposed regulation as follows: Room G-2, Capital Plaza Tower, Frankfort, Kentucky, Tuesday, October 26, 1976 at 10 a.m.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services

902 KAR 100:077. Group licensing.

RELATES TO: KRS 152.690, 152.990

PURSUANT TO: KRS 13.082, 152.690, 194.050, 211.090

NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.690 and 152.990 to regulate the possession or use of any source of ionizing or electronic product radiation and to regulate the handling and disposal of radioactive waste. The purpose of this regulation is to provide for special requirements that will be applicable to all persons possessing a group license for the human use of radioactive material.

Section 1. Applicability. This regulation is applicable to all persons possessing a group license for the human use of radioactive material.

Section 2. Requirements for Specific Licenses for Certain Groups of Medical Uses of Radioactive Material. Subject to the provisions of 902 KAR 100:055, an application for a specific license for any medical use or uses of radioactive material specified in one or more of Groups I to III, inclusive, of 902 KAR 100:075, may be approved for all of the uses within the group or groups which include the use or uses specified in the application if:

- (1) The applicant satisfies the requirements of 902 KAR 100:055 and this regulation;
- (2) The applicant, or the physician designated in the application as the individual user, has adequate clinical experience in the types of uses included in the group or groups;
- (3) The applicant or the physicians and all other personnel who will be involved in the preparation and use of the radioactive material have adequate training and experience in the handling of radioactive material appropriate to their participation in the uses included in the group or groups;
- (4) The applicant's radiation detection and measuring instrumentation is adequate for conducting the procedures involved in the uses included in the group or groups; and
- (5) The applicant's radiation safety operating procedures are adequate for handling and disposal of the radioactive material involved in the uses included in the group or groups.

Section 3. Group Licensing Requirements. Any licensee authorized to use radioactive material pursuant to one or more groups in 902 KAR 100:075 is subject to the following conditions:

- (1) For Groups I and II, no licensee shall receive, possess, or use radioactive material except as a radiopharmaceutical manufactured in the form to be administered to the patient, labeled, packaged, and distributed in accordance with:
 - (a) A specific license issued by the department to manufacture and distribute a radiopharmaceutical commercially; or
 - (b) A specific license issued by the U.S. Nuclear Regulatory Commission pursuant to Section 32.72 of 10 CFR Part 32 or an application filed with the U.S. Atomic Energy Commission pursuant to Section 32.72 of 10 CFR Part 32 to manufacture and distribute a

radiopharmaceutical that the applicant distributed commercially on or before August 16, 1974 and on which application the U.S. Nuclear Regulatory Commission has not acted; or

(c) A specific license issued by an agreement state pursuant to equivalent regulations to manufacture and distribute a radiopharmaceutical commercially.

(2) For Group III, no licensee shall receive, possess, or use generators or reagent kits containing radioactive material or shall use reagent kits that do not contain radioactive material to prepare radiopharmaceuticals containing radioactive material, except:

(a) Reagent kits not containing radioactive material that are approved by the department, the U.S. Nuclear Regulatory Commission or an agreement state for use by persons licensed pursuant to 902 KAR 100:055 and 902 KAR 100:075 and this regulation; or

(b) Generators or reagent kits containing radioactive material that are manufactured, labeled, packaged, and distributed in accordance with a specific license issued by the department; or

(c) Generators or reagent kits that a manufacturer distributed previously and for which an application for license or approval was filed with the department and on which application the department has not acted; or

(d) Generators or reagent kits that a manufacturer distributed on or before August 16, 1974 for which an application for license or approval was filed with the U.S. Atomic Energy Commission pursuant to Section 32.73 of 10 CFR Part 32 on or before October 15, 1974 and on which application the U.S. Nuclear Regulatory Commission has not acted; or

(e) Generators or reagent kits that a manufacturer distributed previously, and for which an application for license or approval was filed with an agreement state pursuant to equivalent regulations and on which application the agreement state has not acted.

(3) For Group III, any licensee who uses generators or reagent kits shall elute the generator or process radioactive material with the reagent kit in accordance with instructions which are approved by the department, the U.S. Nuclear Regulatory Commission or an agreement state and are furnished by the manufacturer on the label attached to or in the leaflet or brochure which accompanies the generator or reagent kit.

Section 4. In Vitro Uses. Any licensee who is licensed pursuant to this regulation for one or more of the medical use groups in 902 KAR 100:075 also is authorized to use radioactive material under the general license in 902 KAR 100:050 for the specified in vitro uses without filing Form KR-251 as required by 902 KAR 100:050; provided, that the licensee is subject to the other provisions of 902 KAR 100:050.

Section 5. Calibration and Reference Standards. Any licensee who is licensed pursuant to this regulation for one or more of the medical use groups in 902 KAR 100:075 also is authorized, subject to the provisions of this regulation, to receive, possess, and use for calibration and reference standards:

(1) Any radioactive material listed in Group I, Group II, or Group III of 902 KAR 100:075 with a half-life not longer than 100 days, in amounts not to exceed fifteen (15) millicuries total;

(2) Any radioactive material listed in Group I, Group II, or Group III of 902 KAR 100:075 with half-life greater

than 100 days, in amounts not to exceed 200 microcuries total;

(3) Technetium 99m in amounts not to exceed thirty (30) millicuries; and

(4) Any radioactive material, in amounts not to exceed three (3) millicuries per source, contained in calibration or reference sources that have been manufactured, labeled, packaged, and distributed in accordance with:

(a) A specific license issued by the department to manufacture and distribute a source commercially; or

(b) A specific license issued by the Nuclear Regulatory Commission pursuant to Section 32.74 of 10 CFR Part 32 or an application filed with the U.S. Atomic Energy Commission pursuant to Section 32.74 of 10 CFR Part 32 on or before October 15, 1974 for a license to manufacture and distribute a source that the applicant distributed commercially on or before August 16, 1974 on which application the U.S. Nuclear Regulatory Commission has not acted; or

(c) A specific license issued by an agreement state pursuant to equivalent regulations to manufacture and distribute a source commercially.

Section 6. Leak Testing. Any licensee who possesses sealed sources as calibration or reference sources pursuant to this regulation shall cause each sealed source to be leak tested in accordance with 902 KAR 100:060 and 902 KAR 100:095.

Section 7. Radiation Safety Requirements. Any licensee who possesses and uses calibration and reference sources pursuant to this regulation shall:

(1) Follow the radiation safety and handling instructions approved by the department, the U.S. Nuclear Regulatory Commission, or an agreement state and furnished by the manufacturer on the label attached to the source, or permanent container thereof, or in the leaflet or brochure that accompanies the source, and maintain such instruction in a legible and conveniently available form; and

(2) Conduct a quarterly physical inventory to account for all sources received and possessed. Records of the inventories shall be maintained for inspection by the department and shall include the quantities and kinds of radioactive material, location of sources, and the date of the inventory.

WILLIAM P. McELWAIN, Commissioner

ADOPTED: July 16, 1976

APPROVED: C. LESLIE DAWSON, Secretary

RECEIVED BY LRC: September 3, 1976 at 10:15 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance

904 KAR 1:025. Payments for intermediate care facility services.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the department, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the department for intermediate care facility services.

Section 1. Intermediate Care Facilities: In accordance with 1902(a)(13)(E) of the Social Security Act, and 45 CFR 250.30, the department shall make payment to participating providers, except those licensed to provide intermediate care facility services for the mentally retarded and developmentally disabled, on the following basis:

(1) Payment shall be made on a reasonable cost related basis.

(2) Payment amounts shall be arrived at by application of the reimbursement principles developed by the department and supplemented by the use of the Title XVIII-A reimbursement principles.

(3) For the period July 1, 1975 through June 30, 1976, payment amounts arrived at shall not exceed, on a statewide average basis, those amounts which would have been paid using the Title XVIII-A principles and methods of cost reimbursement unmodified, as determined at the time the department's system is implemented.

Section 2. Implementation of the Payment System: The department's reimbursement system is supported by the Title XVIII-A Principles of Reimbursement, with the system utilizing such principles as informal guidelines in unaddressed policy areas. The department's reimbursement system includes the following specific policies, components, or principles:

(1) Prospective payment rates for routine services, reasonably related to costs, shall be set by the department on a facility by facility basis, and shall not be subject to retroactive adjustment. Prospective rates shall be set annually, and may be revised on an interim basis in accordance with procedures set by the department.

(2) The prospective rate shall not exceed, on a facility by facility basis, an administratively established maximum payment. Such maximum payment rate may be reviewed annually by the department and may be adjusted as deemed appropriate with consideration given to the factors of facility cost, program objectives and budgetary resources.

(3) The reasonable direct cost of ancillary services provided by the facility as a part of total care shall be compensated on a reimbursement cost basis as an addition to the prospective rate. Ancillary services reimbursement shall be subject to a year-end audit, retroactive adjustment and final settlement. Ancillary costs may be subject to maximum allowable cost limits under federal regulations.

(4) Interest expense used in setting the prospective rate is an allowable cost if permitted under Title XVIII-A Principles and if it meets these additional criteria:

(a) It represents interest on long-term debt existing at the time the vendor enters the program or represents interest on any new long-term debt, the proceeds of which are used to purchase fixed assets relating to the provision of intermediate facility care. The form of indebtedness may include mortgages, bonds, notes and debentures when the principal is to be repaid over a period in excess of one (1) year; or

(b) It is other interest for working capital and operating needs that directly relate to providing intermediate care facility services. The form of such indebtedness may include, but is not limited to, notes, advances and various types of receivable financing, the principal of which will generally be repaid within one (1) year; however, short-term interest expense on a principal amount in excess of program payments made under the prospective rate equivalent to two (2) months experience based on ninety (90) percent occupancy or actual program receivables will be disallowed in determining cost.

(c) For both paragraphs (a) and (b), above, interest on a principal amount used to purchase goodwill or other intangible assets will not be considered an allowable cost.

(5) Compensation to owner/administrators will be considered an allowable cost provided that it is reasonable, and that the services actually performed are a necessary function. Compensation includes the total benefit received by the owner for the services he renders to the institution, excluding fringe benefits routinely provided to all employees and the owner/administrator. "Necessary function" means that had the owner not rendered services pertinent to the operation of the institution, the institution would have had to employ another person to perform the service. Reasonableness of compensation will be based on total licensed beds (all levels).

(6) The allowable cost for services or goods purchased by the facility from related organizations shall be the cost to the related organization, except when it can be demonstrated that the related organization is in fact equivalent to any other second party supplier, i.e., a relationship for purposes of this payment system is not considered to exist. A relationship will be considered to exist when an individual or individuals possess twenty (20) percent or more of ownership or equity in the facility and the supplying business; however, an exception to the relationship will be determined to exist when fifty-one (51) percent or more of the supplier's business activity of the type carried on with the facility is transacted with persons and organizations other than the facility and its related organizations.

(7) To determine the gain or loss on the sale of a facility for purposes of determining a purchaser's cost basis in relation to depreciation and interest costs, the following methods will be used:

(a) Determine the actual gain on the sale of the facility.

(b) Add to the seller's depreciated basis one (1) percent of the gain for each month of ownership since the date of acquisition of the facility by the seller to arrive at the purchaser's cost basis.

(c) Gain is defined as any amount in excess of the seller's depreciated basis as computed under program policies at the time of the sale, excluding the value of goodwill included in the purchase price.

(8) Each facility shall maintain and make available such records (in a form acceptable to the department) as the department may require to justify and document all costs to and services performed by the facility. The department shall have access to all fiscal and service records and data

maintained by the provider, including unlimited on-site access for accounting, auditing, medical review, utilization control and program planning purposes.

(9) The following shall apply with regard to the annual cost/planning report required of the facility:

(a) The year-end cost/planning report shall contain information relating to prior year cost, projected current year cost, new cost items not reflected in prior year data, and planned expansions in level of service, and shall be used for rate setting and program planning purposes.

(b) New items or expansions representing a departure from current service levels for which the facility requests prior approval by the program are to be so indicated with a description and rationale in the planning supplement to the cost report.

(c) Departmental approval or rejection of projections and/or expansions will be made on a prospective basis in the context that if such expansions and related costs are approved they will be considered when actually incurred as an allowable cost. Rejection of items or costs will represent notice that such costs will not be considered as part of the cost basis for intermediate facility care. Unless otherwise specified, approval will relate to the substance and intent rather than the cost projection.

(d) When a request for prior approval of projections and/or expansions is made, absence of a response by the department shall not be construed as approval of the item or expansion.

(10) The department shall audit each year-end cost/planning report in the following manner: an initial desk review shall be performed of the report and the department will determine the necessity for and scope of a field audit in relation to routine service cost. A field audit may be conducted for purposes of verifying prior year cost to be used in setting the new prospective rate; field audits may be conducted annually or at less frequent intervals. A field audit of ancillary cost will be conducted as needed.

(11) Year-end adjustments of the prospective rate and a retroactive cost settlement will be made when:

(a) Incorrect payments have been made due to computational errors discovered in the cost basis or establishment of the prospective rate.

(b) Incorrect payments have been made due to misrepresentation on the part of the facility (whether intentional or unintentional).

(c) Federal financial participation is jeopardized, on a statewide basis, due to a compliance issue pursuant to federal regulations.

(12) Program entry into the prospective rate system will be accomplished in the following manner: each facility shall be afforded the opportunity of securing reimbursement at prospective rates effective July 1, 1975. Each facility not choosing to receive reimbursement at the prospective rate as of July 1, 1975 shall receive reimbursement at the prospective rate effective July 1, 1976, and shall receive reimbursement for the period July 1, 1975 through June 30, 1976 at the lesser of the facility's usual and customary charge to the general public or a program maximum payment of fifteen dollars (\$15) per day per patient.

(13) Reimbursement paid may not exceed the facility's customary charges to the general public for such services, except in the case of public facilities rendering inpatient services at a nominal charge (which may be reimbursed at the prospective rate established by the department).

(14) The department may develop and/or utilize methodology to assure an adequate level of care. Facilities determined by the department to be providing less than

adequate care may have penalties imposed against them in the form of reduced payment rates.

Section 3. Prospective Rate Computation: The prospective rate for each facility will be set in accordance with the following:

- (1) Determine allowable prior year cost.
- (2) The allowable prior year cost will then be increased by a percentage based on the percent of change in the Consumer Price Index. Such percentage increase shall be known as an inflation factor.
- (3) The basic per diem cost (defined as the allowable cost per patient per day for routine services) will then be determined by comparison of costs with the facility's occupancy rate (i.e., the occupancy factor) as determined in accordance with procedures set by the department.
- (4) To the basic per diem cost shall be added a specified dollar amount for investment risk and an incentive for cost containment in lieu of a return on equity capital, except that no return for investment risk shall be made to non-profit and/or public facilities.

Cost Incentive and Investment Return Schedule

Basic Per Diem Cost	Investment Factor Per Diem Amount	Incentive Factor Per Diem Amount
\$14.99 and below†	—	—
\$15.00—15.99	\$1.05	\$0.66
\$16.00—16.99	.99	.58
\$17.00—17.99	.92	.48
\$18.00—18.99	.83	.37
\$19.00—19.99	.73	.24
\$20.00—20.99	.61	.10
\$21.00—21.99	.43	—

† For a basic per diem of \$14.99 and below, the Investment Factor shall be 7.5 percent, but the return may not exceed \$1.05, and the Incentive Factor shall be 5.0 percent, but the return may not exceed \$.66. For example, a return based on a basic per diem cost of \$14.50 would be computed as follows: $\$14.50 \times 7.5\% = \1.09 which would be adjusted downward to \$1.05; $\$14.50 \times 5.0\% = \0.73 which would be adjusted downward to \$.66.

(5) The prospective rate is then compared with the maximum payment which is twenty-two dollars (\$22) per patient per day for routine services. If in excess of twenty-two dollars (\$22), the prospective rate shall be reduced to the maximum payment of twenty-two dollars (\$22).

Section 4. Rate Review and Appeal: Participating facilities may appeal departmental decisions as to application of the general policies and procedures in accordance with the following:

(1) First recourse shall be for the facility to request in writing to the Director, Division for Medical Assistance, a re-evaluation of the point at issue. This request must be received within twenty (20) days following notification of the prospective rate by the program. The director shall review the matter and notify the facility of any action to be taken by the department (including the retention of the original application of policy) within fifteen (15) days of receipt of the request for review.

(2) Second recourse shall be for the facility to request in writing to the Chairman, Technical Advisory Committee on Nursing Home Services, a review and evaluation of the point at issue by the Nursing Home Services Technical

Advisory Committee. This request must be received within fifteen (15) days following notification of the initial review decision made by the program. The committee shall convene, at the department's expense, no later than the month following month of request to hear the issue. The facility and the Director, Division for Medical Assistance, shall have opportunity to present their views on the matter at issue. The committee shall make a recommendation for disposition to the Director, Division for Medical Assistance, not later than ten (10) days following the consideration of the issue. The Director, Division for Medical Assistance, shall inform the facility within five (5) days of receipt of the recommendation as to the acceptance or rejection of the recommendation.

(3) Third recourse shall be for the facility to request in writing to the Commissioner, Bureau for Social Insurance, a review by a standing review panel to be established by the commissioner. This request must be received within fifteen (15) days following notification of the Technical Advisory Committee's recommendation and the program's subsequent decision. Such panel shall consist of three (3) members: one (1) member from the Division for Medical Assistance, one (1) member from the Kentucky Association of Health Care Facilities, and one (1) member from the Center for Program Development, Bureau for Social Insurance. The panel shall meet to consider the issue within fifteen (15) days after receipt of the written request, and shall issue a binding decision on the issue within five (5) days of the hearing of the issue. The attendance of the representative of the Kentucky Association of Health Care Facilities at review panel meetings shall be at the department's expense.

Section 5. Definitions: For purposes of this regulation, the following definitions shall prevail unless the specific context dictates otherwise.

(1) "Allowable cost" means that portion of the facility's cost which may be allowed by the department in establishing the reimbursement rate. Generally, cost is considered allowable if the item of supply or service is necessary for the provision of intermediate care facility services and the cost incurred by the facility is within cost limits established by the department; i.e., the allowable cost is "reasonable."

(2) "Amounts which would have been paid under Title XVIII-A" means the statewide average amounts theoretically payable under Title XVIII-A principles at the time the department's cost related payment system is implemented. Included within this definition is the recognition by the department that actual vendor expenditures for allowable costs vary according to the reimbursement system utilized, and that an after the fact determination of amounts payable under Title XVIII-A principles would not be valid.

(3) "Ancillary services" means those direct services for which a separate charge is customarily made. Ancillary services are limited to the following:

- (a) Legend drugs.
- (b) Drugs (legend or non-legend) provided through a "unit dosage" system.
- (c) Physical, occupational and speech therapy.
- (d) Laboratory procedures.
- (e) X-ray.
- (f) Oxygen and other related oxygen supplies.

(4) "Inflation factor" means the comparison of allowable prior year routine service costs with an inflation rate to arrive at projected current year cost increases, which

when added to allowable prior year costs yields projected current year allowable costs.

(5) "Incentive factor" means the comparison of the basic per diem cost with the incentive return schedule to arrive at the actual dollar amount of cost containment incentive return to be added to the basic per diem cost.

(6) "Investment factor" means the comparison of the basic per diem cost with the investment return schedule to arrive at the actual dollar amount of investment return to be added to the basic per diem cost.

(7) "Maximum allowable cost" means the maximum amount which may be allowed to a facility as reasonable cost for provision of an item of supply or service while complying with limitations expressed in related federal or state regulations.

(8) "Maximum payment" means the maximum amount the department will reimburse, on a facility by facility basis, for routine services.

(9) "Occupancy factor" means the comparison of the occupancy rate with projected current year costs to arrive at basic per diem cost for routine services.

(10) "Prospective rate" means a payment rate of return for routine services based on prior year costs and other factors, and includes the understanding that except as specified such prospective rate shall not be retroactively adjusted, either in favor of the facility or the department.

(11) "Reasonable cost related basis" means the payment to the facility shall be based on the reasonable cost experienced by the facility, and that such reimbursement may include amounts to encourage investment and the availability of services, and to reward cost containment and efficiency.

(12) "Routine services" means the regular room, dietary, medical social services, nursing services, minor medical and surgical supplies, and the use of equipment and facilities. Routine services include but are not limited to the following:

(a) All general nursing services, including administration of oxygen and related medications, handfeeding, incontinency care and tray services.

(b) Items which are furnished routinely and relatively uniformly to all patients, such as patient gowns, paper tissues, water pitchers, basins, bed pans, deodorants, and mouthwashes.

(c) Items stocked at nursing stations or on the floor in gross supply and distributed or utilized individually in small quantities, such as alcohol, applicators, cotton balls, band-aids, non-legend antacids, aspirin (and other non-legend drugs ordinarily kept on hand), suppositories and tongue depressors.

(d) Items which are utilized by individual patients but which are reusable and expected to be available in an institution providing an intermediate care facility level of care, such as ice bags, bed rails, canes, crutches, walkers, wheelchairs, traction equipment, and other durable medical equipment.

(e) Laundry services other than for personal clothing.

(f) Other items or services generally available or needed within a facility unless specifically identified as ancillary services.

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

ADOPTED: July 29, 1976

RECEIVED BY LRC: August 26, 1976 at 3:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary for Human Resources, Capitol Annex,
Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance

904 KAR 1:061. Payments for medical transportation.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the department, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the Department for medical transportation services.

Section 1. Ambulance Services: (1) The department shall reimburse participating ambulance services at the lesser of their usual and customary charges or the maximum rate established by the department.

(2) The maximum rate shall be arrived at by combining a base rate of twenty dollars (\$20), which includes the first ten (10) miles of transportation, with a mileage allowance of fifty (50) cents per mile for mileage above the first ten (10) miles.

(a) "Maximum rate" means the maximum the department will pay computed on the basis of a base rate plus mileage.

(b) "Base rate" means the maximum the department will pay for transportation within the first ten (10) miles.

Section 2. Commercial Transportation Vendors: (1) "Commercial transportation vendors" means those commercial carriers licensed in accordance with the laws of Kentucky, other states, or of the United States to transport members of the general public.

(2) The department shall reimburse commercial transportation vendors at the normal passenger rate charged to the general public.

Section 3. Private Automobile Vendors: (1) "Private automobile vendor" means a person owning or having access to a private vehicle not used for commercial transportation purposes and who uses that vehicle for the occasional medical transportation of eligible recipients. Included within this definition are ambulance type vendors who are non-certified or who have not chosen or been approved to participate in the title XIX program, if willing to accept private automobile vendor rates.

(2) (a) The department shall reimburse private automobile vendors at the basic rate of twelve (12) cents per mile plus a flat fee of two dollars (\$2) per eligible passenger if waiting time is required. For round trips of less than five (5) miles the rate shall be computed on the basis of a maximum allowable fee of three dollars (\$3) for the first passenger plus two dollars (\$2) each for waiting time for additional eligible passengers.

(b) For round trips of five (5) to twenty-five (25) miles the rate shall be computed on the basis of a maximum allowable fee of five dollars (\$5) for the first passenger plus two dollars (\$2) each for waiting time for additional eligible passengers. The maximum allowable fee rates shall not be utilized in situations where mileage is paid. Toll charges are reimbursable when incurred.

(3) "Maximum allowable fee" means that even though

the rate when computed on the basis of twelve (12) cents per mile plus two dollars (\$2) for waiting time would not equal the three dollars (\$3) or five dollars (\$5) allowable amounts, that amount may be paid to encourage private automobile vendors to provide necessary medical transportation. Additionally, nothing in the above subsection (2) should be construed to require the department to pay the amounts specified therein in the event the private automobile vendor expresses a preference for reimbursement in a lesser amount; in that event, the lesser amount will be paid.

(4) "Waiting time" means that period of time following provision of transportation to a medical vendor during which the private automobile vendor is waiting for the recipient to receive medical treatment, in order to provide the return trip required by the recipient. In the instance of an eligible recipient being admitted to a medical institution for in-patient care, waiting time is considered to have occurred when the private automobile vendor waits a sufficient period of time to ensure the recipient's admittance to the facility. Waiting time is a reimbursable component of the private automobile vendor transportation fee only when waiting time occurs. When waiting time occurs due to admittance of the recipient into the medical institution, the private automobile vendor may be reimbursed for the return trip to the point of recipient pick-up as though the client were in the vehicle; that is, the total reimbursable amount is computed on the basis of the maximum allowable fee or mileage rate plus waiting time as shown in subsection (2), above.

Section 4. Non-Commercial Group Carriers:

(1) "Non-commercial group carriers" means those vendors who provide bus or bus-type medical transportation to an identifiable segment of the eligible recipient group. Such segment may be identifiable by geographical boundary, type of medical service required, common medical destination (i.e., clinic, mental health center, primary care center, etc.), or other similar grouping method. Included within this definition are:

(a) Mental health centers providing bus or bus-type service for mental health center patients; and

(b) Community action agencies (or successor agencies) providing bus or bus-type service for a poverty or near-poverty area target population; and

(c) Other similar providers as identified by the department.

(2) Reimbursement shall be based on a rate negotiated between the department and the non-commercial group carrier; however, such negotiated rate shall not exceed twelve (12) cents per recipient per mile transported.

Section 5. Specialty Individual Carriers: (1) "Specialty individual carrier" means a vendor who provides, through specially equipped vehicles, medical transportation for non-ambulatory recipients (those who are required to travel by wheelchair) or for ambulatory but disoriented recipients (those who are sufficiently disoriented as to time, place, persons or objects so as to be unable to travel to or from medical services unaccompanied or unsupervised), and who provides services not normally available from other transportation vendors. The equipment ordinarily required would be a van or similar type vehicle with a lift for wheelchairs; and the service would be the accompaniment of the recipient from point of origin to point of destination where the recipient is placed in the charge of the receiving individual, including physical assistance and/or guidance to

the recipient when necessary. To be considered a specialty individual carrier for purposes of reimbursement from the department, the carrier must be recognized by the department as a specialty individual carrier with approval given by the department for reimbursement at specialty individual carrier rates. The department may require the submission of documentation designed to show that the vendor is capable of providing specialty individual carrier service in an adequate and safe manner.

(2) Specialty individual carriers shall be reimbursed at the lesser of the following rates:

(a) The actual charge for the service; or

(b) The usual and customary charge for that service by the carrier, as shown in the schedule of usual and customary charges submitted by the carrier to the department; or

(c) The program maximum established for the service.

(3) Program maximums are:

(a) Non-ambulatory, wheelchair patients: for transportation within a distance of ten (10) miles or less, the upper limit is ten dollars (\$10) for the first patient plus five dollars (\$5) for each additional non-ambulatory patient transported on the same trip, for each time a patient is transported to or transported from the medical service site. To this base rate may be added thirty-five (35) cents per mile per patient for miles the patient(s) is transported above ten (10) (one way), and toll charges actually incurred.

(b) Ambulatory, disoriented patients: for transportation within a distance of ten (10) miles or less, the upper limit is four dollars (\$4) per patient for each time a patient(s) is transported to or transported from the medical service site. To this base rate may be added thirty-five (35) cents per mile per patient for miles the patient is transported above ten (10) (one way), and toll charges actually incurred.

(c) For both paragraphs (a) and (b), above, mileage must be computed by the most direct accessible route from point of pickup to point of delivery, and reimbursement for mileage is allowed only for those miles the recipient is actually transported in excess of ten (10). Empty vehicle miles are not included when computing allowable reimbursement for mileage.

(4) Reimbursement is made at specialty individual carrier rates for the following types of recipients only:

(a) Non-ambulatory recipients who need to be transported by wheelchair, but not including recipients who need to be transported as a stretcher patient; and

(b) Ambulatory but disoriented recipients, defined as persons confused, especially with respect to time, place, the identity of persons and/or objects. The extent of disorientation must be such as to preclude the recipient from safely utilizing, unaccompanied, alternate methods of transportation.

Section 6. Limitations: Any reimbursement for medical transportation is contingent upon the recipient receiving the appropriate pre- or post-authorization for medical transportation as required by the department.

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

ADOPTED: June 10, 1976

RECEIVED BY LRC: August 26, 1976 at 3:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary for Human Resources, Capitol Annex,
Frankfort, Kentucky 40601.

Reprinted Regulations

(As a convenience to subscribers, the following regulations, which became effective on September 1, 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 1976 KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE.)

DEVELOPMENT CABINET Department of Agriculture As Amended

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

RELATES TO: KRS 247.220

PURSUANT TO: KRS 13.082, 247.220

EFFECTIVE: September 1, 1976

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

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

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

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

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

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

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

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

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

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

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

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

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

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

notarized statement shall be presented to the Department Fair and Show Director within forty-five (45) days following the event and no statement will be accepted for payment after December 1.

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

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

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

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

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

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

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

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

Section 4. Catalogue. (1) All qualified fairs shall have an official fair catalogue. A rough copy of the catalogue including premium lists and classes, *excluding*

advertisements, shall be submitted to be approved by the State Department of Agriculture at least forty-five (45) to sixty (60) days prior to the opening of the fair. The finished catalogue shall be submitted to the Director of the Department of Agriculture's Division of Shows and Fairs no later than thirty (30) days before the fair is held.

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

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

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

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

1. *Vocational Agriculture.*
2. *Extension Service.*
3. *Farm Bureau.*
4. *Local Livestock Association (if one exists).*
5. *Local Horsemen's Association (if one exists).*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

show together. Carcass contests or production or performance classes that will make the greatest contribution to the agriculture of an area and that have the necessary facilities available for their effective operation shall be chosen by fair officials.

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

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

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

(a) Some suggested items that may qualify are:

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

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

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

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

(4) Financial report of building program. Upon acceptance of qualified local fair's request for assistance by the Department of Agriculture, the local fair will be supplied a financial report form. The financial report should contain a description of the buildings or improvements and an itemized cost of the same. This

notarized report shall be presented to the Division of Shows and Fairs within forty-five (45) days following the completion of the building or repair work. No report will be accepted for payment after December 1.

(5) Effect of overspending of fair program budget. In the event that the local agricultural fair program payments exceed the amount of money budgeted for the total fair program, reductions will not be made in the building program payments, but in other premium payments.

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

THOMAS O. HARRIS, Commissioner

ADOPTED: June 19, 1976

APPROVED: WILLIAM L. SHORT, Secretary

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

**DEPARTMENT FOR NATURAL RESOURCES
AND ENVIRONMENTAL PROTECTION**

Bureau of Environmental Quality

Division of Plumbing

As Amended

401 KAR 1:010. Definitions.

RELATES TO: KRS Chapter 318

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

EFFECTIVE: September 1, 1976

NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to the definitions needed to interpret other sections of the subsequent regulations or comprising the State Plumbing Code.

Section 1. Definition of Terms:

(1) Air break (drainage system). A piping arrangement in which a drain from a fixture, appliance, or device discharges indirectly into another fixture, receptacle, or interceptor at a point below the flood level rim.

(2) Air gap (drainage system). The unobstructed vertical distance through the free atmosphere between the outlet of waste pipe and the flood level rim of the receptacle into which it is discharging.

(3) Air gap (water distribution system). The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle.

(4) Anchors. (See supports.)

(5) Approved. Accepted or acceptable under an applicable specification stated or cited in this code.

(6) Area drain. A receptacle designed to collect surface or storm water from an open area.

(7) Aspirator. A fitting or device supplied with water or other fluid under positive pressure which passes through an integral orifice or "constriction" causing a vacuum. Aspirators are often referred to as "suction" apparatus, and are similar in operation to an ejector.

(8) Autopsy table. A fixture or table used for post-mortem examination of a body.

(9) Backflow. The flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any source or sources other than its intended source. Back-siphonage is one type of backflow.

(10) Backflow connection. Any arrangement whereby backflow can occur.

(11) Backflow preventer. A device or means to prevent backflow.

(12) Backflow preventer, reduced pressure zone type. An assembly of differential valves and check valves including an automatically opened spillage port to the atmosphere.

(13) Back-siphonage. The flowing back of used, contaminated, or polluted water from a plumbing fixture or vessel or other sources into a potable water supply pipe due to a negative pressure in such pipe.

(14) (a) Basement. The basement is the lowest level of a dwelling unit which is wholly or partly below the ground level in which the entrance and exit is made by use of a stairway or other mechanical means and which may or may not have an entrance and exit at the basement floor level.

(b) Basement floor drains. A basement floor drain is a drain placed in the basement floor of a residence which may or may not receive sanitary waste water.

(15) Battery of fixtures. Any group of two (2) or more similar adjacent fixtures which discharge into a common horizontal waste or soil branch.

(16) Bedpan hopper. (See clinical sink.)

(17) Bedpan steamer or boiler. A fixture used for scalding bedpans or urinals by direct application of steam or boiling water.

(18) Bedpan unit. A small workroom in the nursing area designed and equipped for emptying, cleaning, and sometimes for steaming bedpans, and for no other purposes.

(19) Bedpan washer and sterilizer. A fixture designed to wash bedpans and to flush the contents into the sanitary drainage system. It may also provide for disinfecting utensils by scalding with steam or hot water.

(20) Bedpan washer hose. A device supplied with hot and cold water and located adjacent to a water closet or clinical sink to be used for cleaning bedpans.

(21) Boiler blow-off. An outlet on a boiler to permit emptying or discharge of sediment.

(22) Boiler blow-off tank. A vessel designed to receive the discharge from a boiler blow-off outlet and to cool the discharge to a temperature which permits its safe discharge to the drainage system.

(23) Branch. The branch of any system of piping is that part of the system which extends horizontally, at a slight grade, with or without lateral or vertical extensions or vertical arms, from the main to receive fixture outlets not directly connected to the main.

(24) Branch, fixture. (See fixture branch.)

(25) Branch interval. A distance along a soil or waste stack corresponding in general to a story height, but in no case less than eight (8) feet, within which the horizontal branches from one floor or story of a building are connected to the stack.

(26) Branch vent. A vent connecting one or more in-

dividual vents with a vent stack or stack vent.

(27) Building. A structure having walls and a roof designed and used for the housing, shelter, enclosure, or support of persons, animals or property.

(28) Building classification. The arrangement of buildings in classes according to occupancy.

(29) Building drain. That part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning two (2) feet outside the building wall.

(30) Building drain,—combined. A building drain which conveys both sewage and storm water or other drainage.

(31) Building drain,—sanitary. A building drain which conveys sewage only.

(32) Building drain,—storm. A building drain which conveys storm water or other drainage but not sewage.

(33) Building gravity drainage system. A drainage system which drains by gravity into the building sewer.

(34) Building sewer. That part of the drainage system which extends from the end of the building drain and conveys its discharge to a public sewer, private sewer, individual sewage-disposal system, or other point of disposal.

(35) Building sewer,—combined. A building sewer which conveys both sewage and storm water or other drainage.

(36) Building sewer,—sanitary. A building sewer which conveys sewage only.

(37) Building sewer,—storm. A building sewer which conveys storm water or other drainage but no sewage.

(38) Building subdrain. That portion of a drainage system which does not drain by gravity into the building sewer.

(39) Cesspool. A lined and covered excavation in the ground which receives a discharge of domestic sewage or other organic wastes from a drainage system, so designed as to retain the organic matter and solids, but permitting the liquids to seep through the bottom and sides.

(40) Circuit vent. A branch vent that serves two (2) or more traps and extends from the down-stream side of the highest fixture connection of a horizontal branch to the vent stack.

(41) Clinical sink (bedpan hopper). A fixture for the rinsing of bedpans and soiled linens. Such fixture shall have a trap size of not less than three (3) inches.

(42) Code. Means the State Plumbing Code.

(43) Combination fixture. A fixture combining one (1) sink and laundry tray or a two (2) or three (3) compartment sink or laundry tray in one (1) unit.

(44) Combined building drain. (See building drain,—combined.)

(45) Combined building sewer. (See building sewer,—combined.)

(46) Combination waste and vent system. A specially designed system of waste piping embodying the horizontal wet venting of one (1) or more sinks or floor drains by means of a common waste and vent pipe adequately sized to provide free movement of air above the free water surface in the drain.

(47) Common vent. A vent connecting at the junction of two (2) fixture drains and serving as a vent for both fixture drains.

(48) Conductor. A pipe inside the building which conveys storm water from the roof to a storm or combined building drain.

(49) Continuous vent. A vertical vent that is a continuation of the drain to which it connects.

(50) Continuous waste. A drain from two (2) or more fixtures connected to a single trap.

(51) Cross connection. Any physical connection or arrangement between two (2) otherwise separate piping systems, one (1) of which contains potable water and the other either water of unknown or questionable safety or steam, gas, or chemical whereby there may be a flow from one (1) system to the other, the direction of flow depending on the pressure differential between the two (2) systems. (See backflow and back-siphonage.)

(52) Dead end. A branch leading from a soil, waste or vent pipe, building drain, or building sewer, and terminating at a developed length of two (2) feet or more by means of a plug, cap, or other closed fitting.

(53) Developed length. The length of a pipe line measured along the center line of the pipe and fittings.

(54) Diameter. The nominal diameter as designated commercially.

(55) Domestic sewage. The water-borne wastes derived from ordinary living processes.

(56) Double offset. Two (2) changes of direction installed in succession or series in a continuous pipe.

(57) Downspout. (See leader.)

(58) Drain. Any pipe which carries waste water or water-borne wastes in a building drainage system.

(59) Drainage pipe. (See drainage system.)

(60) Drainage system. Includes all the piping, within public or private premises, which conveys sewage, rain water, or other liquid wastes to a point of disposal. It does not include the mains of a public sewer system or private or public sewage-treatment or disposal plant. Neither does this apply to plumbing appliances.

(61) Drainage system, (building gravity). A drainage system which drains by gravity into the building sewer.

(62) Drainage system, (sub-building). (See building subdrain.)

(63) Dry well. (See leaching well.)

(64) Dual vent. (See common vent.)

(65) Durham system. A term used to describe soil or waste systems where all piping is of threaded pipe, tube, or other such rigid construction, using recessed drainage fittings to correspond to the types of piping.

(66) Dwelling unit. One (1) or more rooms with provision for living, sanitary and sleeping facilities arranged for the use of one (1) family or individual.

(67) Effective opening. The minimum cross-sectional area at the point of water supply discharge, measured or expressed in terms of (i) diameter of a circle, or (ii) if the opening is not circular, the diameter of a circle of equivalent cross-sectional area.

(68) Ejector. (See aspirator.)

(69) Existing work. A plumbing system or any part thereof installed prior to the effective date of this code.

(70) Fire line. A system of pipes and equipment used exclusively to supply water for extinguishing fires.

(71) Fixture. (See plumbing fixture.)

(72) Fixture branch. A fixture branch is the piping distance between a soil, waste and vent stack and the fixture trap.

(73) Fixture drain. The drain from the trap of a fixture to the junction of that drain with any other drain pipe.

(74) Fixture supply. The water supply pipe connecting a fixture to a branch water supply pipe or directly to a main water supply pipe.

(75) Fixture unit, drainage (d.f.u.). A measure of the probable discharge into the drainage system by various types of plumbing fixtures. The drainage fixture-unit valve for a particular fixture depends on its volume rate of drainage discharge, on the time duration of a single drainage operation, and on the average time between successive operations. (Note: In general, on small systems, one (1) drainage fixture-unit approximates one (1) cubic foot per minute.)

(76) Fixture unit, supply (s.f.u.). A measure of the probable hydraulic demand on the water supply by various types of plumbing fixtures. The supply fixture-unit value for a particular fixture depends on its volume rate of supply, on the time duration of a single supply operation, and on the average time between successive operations.

(77) Flood level. (See flood level rim.)

(78) Flood level rim. The edge of the receptacle from which water overflows.

(79) Flooded. The condition which results when the liquid in a container or receptacle rises to the flood-level rim.

(80) Floor drain. A floor drain is a drain placed in the floor of a building for the purpose of receiving sanitary waste water.

(81) Floor pantry. A workroom in the nursing area designed and equipped to prepare supplemental diets or beverages, and to assemble food trays at meal times if used in conjunction with decentralized food service.

(82) Flow pressure. The pressure in the water supply pipe near the faucet or water outlet while the faucet or water outlet is wide-open and flowing.

(83) Flush valve. A device located at the bottom of a tank for flushing water closets and similar fixtures.

(84) Flushing type floor drain. A drain which is equipped with an integral water supply enabling flushing of the drain receptor and trap.

(85) Flushometer valve. A device which discharges a predetermined quantity of water to fixtures for flushing purposes and is closed by direct water pressure.

(86) Frostproof closet. A hopper with no water in the bowl and with the trap and water supply control valve located below frost line.

(87) Grade. The fall (slope) of a line of pipe in reference to a horizontal plane. In drainage it is usually expressed as the fall in a fraction of an inch per foot length of pipe.

(88) Grease interceptor. (See interceptor.)

(89) Grease trap. (See interceptor.)

(90) Hangers. (See supports.)

(91) Horizontal branch drain. A drain branch pipe extending laterally from a soil or waste stack or building drain, with or without vertical sections or branches, which receives the discharge from one (1) or more fixture drains and conducts it to the soil or waste stack or to the building drain.

(92) Horizontal pipe. Any pipe or fitting which makes an angle of less than forty-five (45) degrees with the horizontal.

(93) Hot water. Water at a temperature of not less than 120 degrees F.

(94) House drain. (See building drain.)

(95) House sewer. (See building sewer.)

(96) Individual sewage disposal system. A system for disposal of domestic sewage by means of a septic tank, cesspool or mechanical treatment, designed for use apart from a public sewer to serve a single establishment or building.

(97) Indirect waste pipe. A waste pipe which does not connect directly with the drainage system, but which discharges into the drainage system through an air break or air gap into a trap, fixture, receptor or interceptor.

(98) Individual vent. A pipe installed to vent a fixture drain. It connects with the vent system above the fixture served or terminates outside the building into the open air.

(99) Individual water supply. A supply other than an approved public water supply which serves one (1) or more families.

(100) Industrial floor drain. An industrial floor drain is a drain placed in the floor of a building other than in a toilet room or shower room to receive waste water.

(101) Industrial wastes. Liquid wastes resulting from the processes employed in industrial and commercial establishments.

(102) Insanitary. Contrary to sanitary principles; injurious to health.

(103) Interceptor. A device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter from normal wastes while permitting normal sewage or liquid wastes to discharge into the drainage system by gravity.

(104) Installed. Altered, changed or a new installation.

(105) Kitchen sink unit. A kitchen sink unit is defined as a sink, double or single compartment, food waste disposer, and dishwasher placed in a unit so arranged that the dishwasher abuts the sink.

(106) Leaching well or pit. A pit or receptacle having porous walls which permit the contents to seep into the ground.

(107) Leader. An exterior drainage pipe for conveying storm water from roof or gutter drains.

(108) Liquid waste. The discharge from any fixture, appliance, area or appurtenance, which does not contain fecal matter.

(109) Load factor. The percentage of the total connected fixture unit flow which is likely to occur at any point in the drainage system.

(110) Local vent stack. A vertical pipe to which connections are made from the fixture side of traps and through which vapor and/or foul air may be removed

from the fixture or device used on bedpan washers.

(111) Local ventilating pipe. A local ventilating pipe is a pipe through which foul air is removed from a room or fixture.

(112) Loop vent. A circuit vent which loops back to connect with a stack vent instead of a vent stack.

(113) Main. The main of any plumbing system is that part of such system of horizontal, vertical or continuous piping which receives the waste, soil, main or individual vents from fixture outlets, or traps, directly or through branch pipes.

(114) Main sewer. (See public sewer.)

(115) Main vent. The principal artery of the venting system to which vent branches may be connected. (Manufacturer's Floor Drain. See industrial floor drain.)

(116) Multiple dwelling. Building containing more than two (2) dwelling units.

(117) Non-potable water. Water not safe for drinking, personal or culinary use.

(118) Nuisance. Public nuisance as known in common law or in equity jurisprudence; whatever is dangerous to human life or detrimental to health; whatever building, structure, or premise is not sufficiently ventilated, sewered, drained, cleaned or lighted, in reference to its intended or actual use; and whatever renders the air or human food or drink or water supply unwholesome.

(119) Nurses' station. An area in the nursing unit separated from the corridor by counter or desk, designed to permit nurses to record and file each patient's history and progress, observation and control of corridor, preparation of medicines and maintain contact with patients, the hospital and the outside by local and public means of communication.

(120) Offset. A combination of elbows or bends which bring one (1) section of the pipe out of line but into a line parallel with the other section.

(121) Oil interceptor. (See interceptor.)

(122) Person. A natural person, his heirs, executors, administrators or assigns; and includes a firm, partnership or corporation, its or their successors or assigns. Singular includes plural; male includes female.

(123) Pitch. (See grade.)

(124) Plumbing. Plumbing means the art of installing in buildings the pipes for distributing the water supply, the fixtures for using water and drainage pipes for removing waste water and sewage, together with fittings, appurtenances, and appliances of various kinds, all within or adjacent to the building. It shall include:

(a) The water service pipe which forms the connection between the property line and the building other than piping serving fire fighting equipment;

(b) Private water supply systems;

(c) House sewers which convey the waste water and sewage from the building to the property line or other points of disposal but not including sewers located between manholes and sewers extending five (5) feet from a main or manhole on private property; and

(d) Storm sewers and rain water piping located within a building to a point two (2) feet outside of the building and private sewage disposal systems other than those which have a treated effluent.

(125) Plumbing appliance. Any one of a special class of plumbing fixture which is intended to perform a special function. Its operation and/or control may be dependent upon one (1) or more energized components, such as motors, controls, heating elements, or pressure or temperature-sensing elements. Such fixtures may operate automatically through one or more of the following actions; a time cycle, a temperature range, a pressure range, a measured volume or weight; or the fixture may be manually adjusted or controlled by the user or operator.

(126) Plumbing appurtenance. A manufactured device, or a prefabricated assembly of component parts, and which is an adjunct to the basic piping system and plumbing fixtures. An appurtenance demands no additional water supply, nor does it add any discharge load to a fixture or the drainage system. It is presumed that it performs some useful function in the operation, maintenance, servicing, economy, or safety of the plumbing system.

(127) Plumbing fixtures. A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom, or it discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises, or which requires both a water supply connection and a discharge to the drainage system of the premises. Plumbing appliances as a special class of fixture are further defined.

(128) Plumbing inspector. A duly authorized employee or agent of the Department for Natural Resources and Environmental Protection who is charged with the responsibility of inspecting plumbing installations and with the enforcement of the state plumbing laws and code.

(129) Plumbing system. The plumbing system of a building includes: appliances and water heaters; the water supply distributing pipes; the fixtures and fixture traps; the soil, waste and vent pipes; the house drain and house sewer; the storm water drainage within a building with their devices, appurtenances and connections all within or adjacent to the building.

(130) Pool. (See swimming pool.)

(131) Potable water. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming in its bacteriological and chemical quality to the requirements of the Public Health Service Drinking Water Standards or the regulations of the Department for Natural Resources and Environmental Protection.

(132) Private or private use. In the classification of plumbing fixtures, private applies to fixtures in residences and apartments and to fixtures in private bathrooms of hotels as well as similar installations in other buildings where the fixtures are intended for the use of a family or an individual.

(133) Private sewer. A sewer, serving two (2) or more buildings, privately owned, and not directly controlled by public authority.

(134) Public or public use. In the classification of plumbing fixtures, public applies to fixtures in general toilet rooms of schools, gymnasiums, hotels, railroad stations, public buildings, bars, public comfort stations, and other installations (whether pay or free) where a number of fixtures are installed so that their use is similarly unrestricted.

- (135) Public sewer. A common sewer directly controlled by public authority.
- (136) Public water main. A water supply pipe for public use controlled by public authority.
- (137) Receptor. A fixture or device which receives the discharge from indirect waste pipes.
- (138) Relief vent. An auxiliary vent which permits additional circulation of air in or between drainage and vent systems.
- (139) Return offset. A double offset installed so as to return the pipe to its original alignment.
- (140) Revent pipe. (See individual vent.)
- (141) Rim. An unobstructed open edge of a fixture.
- (142) Riser. A water supply pipe which extends vertically one (1) full story or more to convey water to branches or to a group of fixtures.
- (143) Roof drain. A drain installed to receive water collecting on the surface of a roof and to discharge it into a leader or a conductor.
- (144) Roughing-in. The installation of all parts of the plumbing system which can be completed prior to the installation of fixtures. This includes drainage, water supply, and vent piping, and the necessary fixture supports.
- (145) Safe waste. (See indirect waste.)
- (146) Sand interceptor. (See interceptor.)
- (147) Sand trap. (See interceptor.)
- (148) Sanitary sewer. A sewer which carries sewage and excludes storm, surface, and ground water.
- (149) Scrub sink. A device usually located in the operating suite to enable operating personnel to scrub their hands prior to operating procedures. The hot and cold water supply is activated by a knee-action mixing valve or by wrist or pedal control.
- (150) Seepage well or pit. A covered pit with open-jointed lining into which septic tank effluent is received that will seep or leach into the surrounding porous soil.
- (151) Separator. (See interceptor.)
- (152) Septic tank. A water-tight receptacle which receives the discharge of a building sanitary drainage system or part thereof, and is designed and constructed so as to digest organic matter through a period of detention and allow the liquids to discharge into the soil outside of the tank through a system of open joint or perforated piping, or a seepage pit.
- (153) Sewage. Any liquid waste containing animal or vegetable matter in suspension or solution, and may include liquids containing chemicals in solution.
- (154) Sewage ejectors. A device for lifting sewage by entraining it in a high velocity jet of steam air or water.
- (155) Side vent. A vent connecting to the drain pipe through a fitting at an angle not greater than forty-five (45) degrees to the vertical.
- (156) Size of pipe and tubing. (See diameter.)
- (157) Slope. (See grade.)
- (158) Soil pipe. A soil pipe is any pipe which conveys the discharge of water closets or similar fixtures, with or without the discharges from other fixtures, to the house drain.
- (159) Soil vent. (See stack vent.)
- (160) Special wastes. Wastes which require special treatment before entry into the normal plumbing system.
- (161) Special waste pipe. Pipes which convey special wastes.
- (162) Stack. A general term for any vertical line of soil, waste or vent piping.
- (163) Stack group. A group of fixtures located adjacent to the stack so that by means of proper fittings, vents may be reduced to a minimum.
- (164) Stack vent. The extension of a soil or waste stack above the highest horizontal drain connected to the stack.
- (165) Stack venting. A method of venting a fixture or fixtures through the soil or waste stack.
- (166) Sterilizer, boiling type. A boiling type "sterilizer" is a fixture (nonpressure type), used for boiling instruments, utensils, and/or other equipment (used for disinfection). Some devices are portable, others are connected to the plumbing system.
- (167) Sterilizer, instrument. A device for the sterilization of various instruments.
- (168) Sterilizer, pressure instrument washer-sterilizer. A pressure instrument washer-sterilizer is a fixture (pressure vessel) designed to both wash and sterilize instruments during the operating cycle of the fixture.
- (169) Sterilizer, pressure (autoclave). A fixture (pressure vessel) designed to use steam under pressure for sterilizing. Also called an autoclave.
- (170) Sterilizer, utensil. A device for the sterilization of utensils as used in hospital services.
- (171) Sterilizer vent. A separate pipe or stack, indirectly connected to the building drainage system at the lower terminal, which receives the vapors from nonpressure sterilizers, or the exhaust vapors from the pressure sterilizers, and conducts the vapors directly to the outer air. Sometimes called vapor, steam, atmospheric, or exhaust vent.
- (172) Sterilizer water. A water sterilizer is a device for sterilizing water and storing sterile water.
- (173) Still. A device used in distilling liquids.
- (174) Storm drain. (See building storm drain.)
- (175) Storm sewer. A sewer used for conveying rain water, surface water, condensate, cooling water, or similar liquid wastes.
- (176) Subsoil drain. A drain which collects subsurface water and conveys it to a place of disposal.
- (177) Sump. A tank or pit, which receives sewage or liquid waste, located below the normal grade of the gravity system and which must be emptied by mechanical means.
- (178) Sump pump. A mechanical device other than an ejector or bucket for removing sewage or liquid waste from a sump.
- (179) Supports. Devices for supporting and securing pipe, fixtures, and equipment.
- (180) Swimming pool. Any structure, basin, chamber, or tank containing any artificial body of water for swimming, diving, wading or recreational bathing.
- (181) Trap. A fitting or device which provides a liquid seal to prevent the emission of sewer gases without materially affecting the flow of sewage or waste water through it.
- (182) Trap seal. The vertical distance between the crown weir and the top of the dip of the trap.

(183) Utility room. A workroom in the patient nursing area, designed and equipped to facilitate preparation, cleaning and incidental sterilizing of the various supplies, instruments, utensils, etc., involved in nursing treatment and care, exclusive of medications handled in nurses' stations and bedpan cleaning and sterilizing.

(184) Vacuum. Any pressure less than exerted by the atmosphere.

(185) Vacuum breaker. (See backflow preventer.)

(186) Vacuum breaker, non-pressure type (atmospheric). A vacuum breaker which is not designed to be subjected to static line pressure.

(187) Vacuum breaker, pressure type. A vacuum breaker designed to operate under conditions of static line pressure.

(188) Vent pipe. A vent pipe is any pipe provided to ventilate a house drainage system and to prevent tray siphonage and back pressure.

(189) Vent system. A pipe or pipes installed to provide a flow of air to or from a drainage system or to provide a circulation of air within such system to protect trap seals from siphonage and back pressure.

(190) Vertical pipe. Any pipe or fitting which makes an angle of forty-five (45) degrees or less with the vertical.

(191) Wall hung water closet. A wall mounted water closet installed in such a way that no part of the water closet touches the floor.

(192) Waste pipe and special waste. A waste pipe is any pipe which receives the discharge of any fixture (except water closets or similar fixtures) and discharges to the house drain, soil or waste stacks. When such pipe does not connect directly with a house drain, waste or soil stack, it is termed a special waste.

(193) Water distributing pipe. A pipe within the building or on the premises which conveys water from the water-service pipe or meter to the point of usage.

(194) Water lifts. (See sewage ejector.)

(195) Water outlet. A discharge opening through which water is supplied to a fixture, into the atmosphere (except into an open tank which is part of the water supply), to a boiler or heating system, to any devices or equipment requiring water to operate but which are not part of the plumbing system.

(196) Water riser pipe. (See riser.)

(197) Water service pipe. The pipe from the water main or other source of potable water supply to the water distributing system of the building served.

(198) Water supply stub. A vertical pipe less than one (1) story in height supplying one or more fixtures.

(199) Water supply system. The water service pipe, the water-distributing pipes, and the necessary connecting pipes, fittings, control valves, and all appurtenances in or adjacent to the building or premises.

(200) Well, bored. A well constructed by boring a hole in the ground with an auger and installing a casing.

(201) Well, drilled. A well constructed by making a hole in the ground with a drilling machine of any type and installing casing and screen.

(202) Well, driven. A well constructed by driving a pipe in the ground. The drive pipe is usually fitted with a well point and screen.

(203) Well, dug. A well constructed by excavating a large diameter shaft and installing a casing.

(204) Wet vent. A vent which receives the discharge of wastes other than from water closets.

(205) Yoke vent. A pipe connecting upward from a soil or waste stack to a vent stack for the purpose of preventing pressure changes in the stack.

JOHN S. HOFFMAN, Secretary

ADOPTED: February 13, 1976

RECEIVED BY LRC: February 13, 1976 at 3:45 p.m.

DEPARTMENT FOR NATURAL RESOURCES
AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality
Division of Plumbing
As Amended

401 KAR 1:110. Inspection and tests.

RELATES TO: KRS Chapter 318

PURSUANT TO: KRS 13.082, 318.130, 211.090 and Executive Order 74.449

NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to tests and inspections that are necessary in order to cause compliance with other regulations of this code.

Section 1. Inspections and Tests. The water distribution system, the soil, waste and vent system, the fixtures and fixture traps, appurtenances and all connections thereto in a [the] plumbing system shall be inspected and tested by the department to insure compliance with all the sections of this code. In buildings condemned by *other authorities* [the department] because of unsanitary conditions of the plumbing system, the alterations [to the system] shall be considered as a new plumbing system.

Section 2. Material and Labor for Tests. All equipment, material and labor necessary for inspections and tests shall be furnished by the *persons procuring* [holder of] the plumbing construction permits.

Section 3. Systems of tests. [The soil, waste and vent system of the plumbing system including the house sewer shall be tested with water, smoke, or other tests approved by the department before it is concealed or covered within the floors, walls, or other areas adjacent to the building. After the plumbing fixtures have been set and their traps filled with water, the entire system other than the house sewer shall be subjected to a final air pressure test. The department may require the removal of any cleanouts to ascertain whether or not the pressure has reached all parts of the system.]

(1) *Test of the Potable Water Supply System. The potable water supply system shall be tested and found without leaks under the normal working pressure under which the system will function.*

(2) *Tests for the Soil and/or Waste and Vent System.*

The soil and/or waste and vent system of the plumbing system shall be tested with water or other tests approved by the department, before it is concealed or covered within the floors or walls of a building. After the plumbing fixtures have been set and their traps filled with water and before the building is occupied, the entire system, other than the house sewer, shall be subjected to a final air pressure test. It shall be the responsibility of the person who secured the plumbing construction permit to notify the department representative and request a final inspection and air test upon completion of the installation. In the event only a portion of the plumbing fixtures are set, an air test shall be requested and given prior to the time a building is occupied. After the plumbing system is finally completed another inspection and test must be requested and given. The department may require the removal of any cleanouts to ascertain whether or not the pressure has reached all parts of the system.

(3) Tests of the House Sewer. The house sewer shall be tested with either a water or a smoke test.

Section 4. Methods of Testing. (1) [(6)] The potable water supply system as well as the water service [Test of Water Distribution System. The entire water distribution system] shall be tested under a pressure of not less than the maximum working pressure under which it is to be used and be free from leaks.

(2) [(1)] The entire soil and/or waste and vent system shall be subjected to a water test or it may be tested in sections. [A water test shall be applied to the entire soil, waste and vent system or in sections.] When it is [If] applied to the entire system, all openings [in the piping] shall be closed, except the highest opening [.] and the system shall be filled with water to the point of overflow. If the system is tested in sections, each opening shall be tightly plugged, except the highest opening and it shall be tested with not less than a ten (10) foot head of water or with five (5) pounds of air pressure. In testing successive sections, at least the upper ten (10) feet of the preceding section shall be retested [so that no joint or pipe in the building shall have been subjected to less than a ten (10) foot head of water or five (5) pounds of air pressure].

(3) [(2)] In lieu of a water test an air pressure test may be used [made] when the outside temperature is twenty (20) degrees Fahrenheit or less, by attaching an aircompressor or test apparatus to any suitable opening. All other inlets and outlets to the system shall be closed, forcing air into the system until there is a uniform pressure sufficient to balance a column of mercury ten (10) inches in height [on the entire system]. The [This] pressure shall be maintained for fifteen (15) minutes.

(4) [(3)] [Final Air Test] The final air test shall test the entire soil and or waste and vent system including the fixture and appurtenances [shall be tested] by connecting an air machine to any suitable opening or outlet and applying air pressure equivalent to a one (1) inch water column. It shall be maintained for at least a fifteen (15) minute [minutes] period. If there are [is] no leaks [leakage] or forcing of trap seals as may be indicated by the functioning [function] of a drum, float, or water column, the system shall be deemed air-tight.

(5) [(4)] A garage drainage system shall be tested in the same manner as the soil, waste and vent system.

(6) [(5)] House Sewer Test] the house sewer shall be tested by either a [with] water or a smoke [or other] test [approved by the department]. [After the sewer has been

installed it shall be subjected to a ten (10) foot head of water, a smoke test or other tests approved by the department.] After the sewer trench has been filled with at least two (2) feet of earth cover [above the sewer], it shall [again] be retested. A four (4) inch test tee or Y connection shall be provided at the property line for testing.

Section 5. Order of Tests. Tests may be made separately or as follows: (1) The house sewer and its branches from the property line to the house drain.

(2) The house drain including its branches.

(3) The soil, waste, and vent system as well as [and the] inside rain water conductor s .

(4) The [F] final inspection and air test which shall include [including] the complete plumbing system as required by Section 4(2), exclusive of the house sewer.

Section 6. Tests of Alterations, Extensions or Repairs . Any alterations, extensions, or repairs that requires [require] more than ten (10) feet of soil, waste and or vent piping, shall be inspected and tested as required by Section 3(2).

Section 7. Covering of Work. No part of a plumbing system shall be covered until it has been inspected, tested, and approved as herein provided.

Section 8. Uncovering of Work. [If the house drain or] any part of a [the] plumbing system is covered or concealed before being inspected, tested and approved, it shall be uncovered, or unconcealed and tested as required herein.

Section 9. Defective Work. If an inspection or a test indicates [shows a] defected [defect] work [the defective work] or material it shall be replaced and the inspection [inspections] and the test [tests] repeated.

Section 10. Testing Defective Plumbing. An air test shall be used in testing the condition of a [the] plumbing system [of all buildings] where there is reason to believe [that] it has become defective.

Section 11. Inspections and Test Not required for Exhibition Purposes. Tests and inspections shall not be required where a plumbing system or a part thereof is to be used for exhibition purposes and is not directly connected to a sewerage system [nor after the repairing or replacing of an old fixture, faucets or valves or repairing leaks].

Section 12. Inspections and Tests for the Replacement of Old Plumbing Fixtures. Inspections and tests shall not be required when old plumbing fixtures are replaced with new ones where faucets or valves are replaced or where leaks are repaired.

Section 13. [12.] Certificate of Approval. Upon the satisfactory completion and final test of the plumbing system, a certificate of approval may be issued by the department.

JOHN S. HOFFMAN, Secretary

ADOPTED: February 13, 1976

RECEIVED BY LRC: February 13, 1976 at 3:45 p.m.

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

The following regulations, printed originally in 2 Ky.R. 611-618 and again in 3 Ky.R. 133-140 as Emergency regulations, became effective September 1, 1976 without further amendment:

805 KAR 4:080
 805 KAR 4:085
 805 KAR 4:090
 805 KAR 4:105
 805 KAR 4:120
 805 KAR 4:125
 805 KAR 4:130
 805 KAR 4:140
 805 KAR 4:150

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE**Minutes of September 1, 1976 Meeting**

(Subject to Subcommittee approval at its next meeting on October 6, 1976)

The Administrative Regulation Review Subcommittee held its regularly scheduled meeting on Wednesday, September 1, 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. Harold Byers, Dr. Robert J. Burkart, Dr. Glen Edwards, Dr. C. T. Woodward and Dale Burchett, Kentucky State Board of Chiropractic Examiners; Dr. Philip J. Sorota, Dr. Karen R. Sorota, Dr. James C. Distler, Dr. William A. King and Charles A. Hobson, National Federation of Straight Chiropractors; Dr. John Stewart, William E. Doll, Jr., Judy Hagler and Joseph A. Witherington, Jr., Kentucky Medical Association; Mack J. Morgan, Jr., John D. Hinkle and Ron Sheets, Kentucky Retail Federation; Bill Myers, Kentucky Association of Plumbing-Heating-Cooling Contractors, Inc; Ralph G. Mitchell, Delta Plastics Corp.; Lynn T. Mitchell, Department for Human Resources; Marleen B. Ingle, Kentucky Higher Education Assistance Authority; Robert H. Harrison, William A. Goatley and Frederick Dempsey, Department of Labor; James Baker and Thom Rogers, Department of Justice; William S. Davis and Earl Campbell, Executive Department for Finance and Administration; D. T. Froedge and Rhonda Wright, Department of Mines and Minerals; Commissioner Thomas O. Harris and Barney Hornback, Department of Agriculture; Eugene Perkins, Arthur S. Curtis, Jr., and Joshua E. Santana, Department for Natural Resources and Environmental Protection.

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

On motion of Senator Johnson seconded by Chairman Brinkley the minutes of the August 4 meeting were corrected to reflect that Representative Mason made the motion 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 minutes were approved as corrected.

Mr. Art Curtis, representing the Department of Natural Resources and Environmental Protection, Division of

Plumbing, appeared before the subcommittee and spoke on the plumbing regulations which were deferred at the August 4 meeting. Senator Johnson moved that regulations 401 KAR 1:010 through 401 KAR 1:110 be filed. Motion seconded by Representative Mason and carried.

Commissioner Thomas O. Harris, Department of Agriculture, came before the subcommittee and spoke in behalf of regulation 302 KAR 15:010, which was rejected at the August 4 meeting. Senator Johnson moved that the regulation be filed. Motion seconded by Representative Mason and carried.

The following regulations were rejected and returned to the issuing agency:

Regulation 201 KAR 21:020, which was deferred at the August 4 meeting was before the subcommittee for consideration. Dr. Stewart yielded to Mr. Doll who spoke against the regulation. Mr. Hobson deferred to proponents of the regulation. Mr. Burchett spoke in behalf of the regulation, contending it was within statutory authority and conformed to legislative intent.

Chairman Brinkley asked what constituted a sub-specialty of chiropractic as mentioned in Section 2(1) of the regulation? Dr. Byers responded. Mr. Hobson spoke against the regulation and against 201 KAR 21:051. Dr. Sorota defined Kentucky "straight chiropractic" and expressed that group's objection to the regulation. Dr. Byers summarized the position of the Board of Chiropractic Examiners in favor of the regulation. Senator Johnson suggested the regulation could be amended to list the specific diagnostic procedures a chiropractor should be allowed to perform.

Senator Johnson moved that 201 KAR 21:020 and 201 KAR 21:051 be rejected on the grounds that they do not conform to legislative intent in that they are vague and exceed the intention of the legislature by permitting the use of diagnostic procedures being taught in chiropractic schools not all of which are approved for use in Kentucky.

Chairman Brinkley vacated the chair and appointed Representative Mason to serve as temporary chairman. Representative Brinkley seconded the motion. Senator Johnson and Representative Brinkley voted "yes" and Representative Mason voted "no." Representative Mason explained his vote, saying that it was his opinion that the 1976 legislature provided the authority for the adoption of

the regulation. Senator Johnson made a statement explaining the reason for his vote, and Chairman Brinkley made a statement on the desirability of clarity in the drafting of regulations.

600 KAR 1:010, Department of Transportation, Administration, Access to Department of Transportation's public records, was rejected on the motion of Senator Johnson, seconded by Representative Mason, for the reason that it does not conform to legislative intent in that KRS 61.876 sets forth an affirmative duty on each agency which promulgates regulations under the act to include in the agency's regulations: The main office and its hours; the name and title of its record's custodian; copying fees; and procedures to request records. If the ambiguous language of Section 1(2) of the regulation is construed to mean that all inter-office memoranda, memoranda to the files and inter-departmental memoranda are exempt at all times from the Open Records statute, then this section grants a power to exempt records which appears to exceed statutory authority.

803 KAR 4:020, Public Protection and Regulation Cabinet, Department of Labor, Elevator/Escalator Inspection fees, was rejected on the motion of Representative Mason, seconded by Senator Johnson, for the reason that it aborts legislative intent by establishing unreasonably high inspection fees. The 1976 legislation substantially reduced the number of inspections by requiring an annual inspection of passenger elevators and escalators only. With a substantial reduction in the number of inspections required to be made, a five-fold increase in the inspection fees does not appear to conform to legislative intent.

The following regulations were deferred until the October 6 meeting.

200 KAR 10:040, Executive Department for Finance and Administration, Office for Local Government, Area development fund; expenditures, was deferred until the October 6 meeting on motion of Senator Johnson, seconded by Representative Mason, to enable any interested party to appear before the subcommittee.

303 KAR 1:002, Development Cabinet, Kentucky State Fair Board, Fairgrounds and Exhibition Center, Access to Fair Board's public records, was deferred until the October 6 meeting at the request of the issuing agency.

503 KAR 5:040, Department of Justice, Bureau of Training, Law Enforcement Foundation Program Fund, Educational incentive plan; was deferred until the October 6 meeting on motion of Representative Mason, seconded by Senator Johnson.

803 KAR 2:032, Public Protection and Regulation Cabinet, Department of Labor, Occupational Safety and Health, Adoption of 29 CFR, Part 1928; was deferred until the October 6 meeting on motion of Senator Johnson, seconded by Representative Mason, until a copy of the federal regulations adopted by reference are made available to the subcommittee.

900 KAR 1:010, Department for Human Resources, Administration, Access to Human Resources' public records; was deferred until the October 6 meeting on motion of Senator Johnson, seconded by Representative Mason, to give the committee more time for study and, perhaps to discuss the regulation with the Department. This regulation is to be placed first on the agenda for the October meeting.

The following regulations were approved and ordered filed:

OFFICE OF THE LIEUTENANT GOVERNOR

Public Records

5 KAR 1:010. Access to public records of Office of Lieutenant Governor.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

Kentucky Tuition Grant Program

11 KAR 5:030. Student eligibility requirements.

11 KAR 5:060. Award determination procedure.

SECRETARY OF THE CABINET

Department of Revenue

Income Tax; General Administration

103 KAR 15:060. Estimated tax; amended declarations; short years.

Income Tax; Individual

103 KAR 17:020. Combined individual returns.

103 KAR 17:030. Filing requirements.

103 KAR 17:040. Military personnel; filing extension.

103 KAR 17:051. Repeals 103 KAR 17:050.

103 KAR 17:070. Personal tax credits.

103 KAR 17:080. Retirement income.

Income Tax; Withholding

103 KAR 18:050. Withholding statements; Form K-2.

103 KAR 18:100. Exemption certificates.

KENTUCKY EMPLOYEES RETIREMENT SYSTEM

General Rules

105 KAR 1:040. Actuarial assumptions and tables.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

Public Records

200 KAR 1:020. Access to public records.

Coal Producing Community Development Fund

200 KAR 4:020. Coal severance economic aid boards; fund; selection of projects.

Division of Occupations and Professions

Real Estate Commission

201 KAR 11:062. Retention of broker's records.

DEVELOPMENT CABINET

Department of Fish & Wildlife Resources

Fish

301 KAR 1:015. Boats and outboard motors; size limits.

Hunting and Fishing

301 KAR 3:010. Acts of depredation prohibited.

Department of Agriculture

Referendums

302 KAR 1:020. Burley Tobacco.

302 KAR 1:030. Bovine animals.

Fairs and Shows

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

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

Bureau of Environmental Quality

Division of Plumbing

401 KAR 1:010. Definitions. (Not amended after hearing)

401 KAR 1:030. Quality and weight of materials. (Amended after hearing)

401 KAR 1:100. House sewers and storm water piping; methods of installation. (Amended after hearing)

401 KAR 1:110. Inspection and tests. (Not amended after hearing)

DEPARTMENT OF JUSTICE

Bureau of Training

Law Enforcement Foundation Program Fund

503 KAR 5:010. Definitions.

503 KAR 5:030. Training and educational eligibility requirements.

503 KAR 5:050. Salary provisions.

503 KAR 5:060. Suspension or termination of incentive funds.

503 KAR 5:070. Appeals.

DEPARTMENT OF TRANSPORTATION

Bureau of Vehicle Regulation

Motor Carriers

601 KAR 9:012. Personalized license plates.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Mines & Minerals

Division of Explosives and Blasting

805 KAR 4:010. Licensing blasters. (Amended)

805 KAR 4:070. Definitions. (Amended)

805 KAR 4:075. General blasting provisions. (Amended)

805 KAR 4:080. Blasters' qualifications.

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

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

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

805 KAR 4:100. Surface transportation of explosives. (Amended)

805 KAR 4:105. Underground transportation of explosives.

805 KAR 4:110. Initiation of explosive charges; electric blasting. (Amended)

805 KAR 4:115. Safety fuses. (Amended)

805 KAR 4:120. Detonating cords.

805 KAR 4:125. Firing the blast.

805 KAR 4:130. Underwater blasting.

805 KAR 4:135. Blasting under compressed air. (Amended)

805 KAR 4:140. Misfires.

805 KAR 4:145. Inspection after blasting. (Amended)

805 KAR 4:150. Variances.

Division of Mining

805 KAR 5:010. Fees for licenses to operate.

DEPARTMENT FOR HUMAN RESOURCES

Bureau for Health Services

Communicable Diseases

902 KAR 2:060. Immunization schedules.

Mental Health-Mental Retardation Boards

902 KAR 6:040. Hospital district assignments.

Radiology

902 KAR 100:015. General requirements.

902 KAR 100:065. Reciprocal recognition.

902 KAR 100:075. Group classifications.

902 KAR 100:100. Industrial radiography.

902 KAR 100:165. Notices, reports and instructions to employees.

BUREAU FOR SOCIAL SERVICES

Medical Assistance

904 KAR 1:007. Supplemental AABD programs.

904 KAR 1:054. Primary care center services.

The meeting adjourned at 3:15 p.m., to meet again on October 6, 1976 at 10 a.m. EDT in room 307 of the Capitol.

Administrative Register ^{of} *kentucky*

Cumulative Supplement

Regulation Locator—Effective Dates	C2
KRS Sections Cited or Related to KAR	C4
Cumulative Index to Volume 3	C6

Regulation Locator—Effective Dates

Volume 2

Regulation	2 Ky.R. Page No.	Effective Date	Regulation	2 Ky.R. Page No.	Effective Date	Regulation	2 Ky.R. Page No.	Effective Date
103 KAR 40:090	547	7-7-76	200 KAR 6:010	571	7-7-76	301 KAR 2:100	555	7-7-76
103 KAR 44:010	548	7-7-76	200 KAR 6:015	572	7-7-76	301 KAR 2:110	556	7-7-76
105 KAR 1:010	550	7-7-76	301 KAR 2:045	552	7-7-76	701 KAR 1:020	572	7-7-76
105 KAR 1:030	571	7-7-76	301 KAR 2:047	553	7-7-76	902 KAR 20:059	525	7-7-76

Volume 3

Emergency Regulation	3 Ky.R. Page No.	Effective Date	Emergency Regulation	3 Ky.R. Page No.	Effective Date	Regulation	3 Ky.R. Page No.	Effective Date
101 KAR 1:050E	111	7-1-76	805 KAR 4:125E	138	6-18-76	201 KAR 14:115	324	
Expires		10-29-76	Expires		10-16-76	201 KAR 16:040	336	
105 KAR 1:040E	114	6-30-76	805 KAR 4:130E	138	6-18-76	201 KAR 16:050	337	
Expires		10-28-76	Expires		10-16-76	201 KAR 21:020		
106 KAR 1:010E	220	7-23-76	805 KAR 4:135E	139	6-18-76	Rejected	364	9-1-76
Expires		11-20-76	Expires		10-16-76	201 KAR 21:051		
200 KAR 1:020E	116	6-21-76	805 KAR 4:140E	139	6-18-76	Rejected	364	9-1-76
Expires		10-19-76	Expires		10-16-76	201 KAR 23:010	262	
200 KAR 4:020E	119	6-24-76	805 KAR 4:145E	140	6-18-76	201 KAR 23:020	263	
Expires		10-22-76	Expires		10-16-76	201 KAR 23:030	263	
200 KAR 10:040E	121	6-24-76	805 KAR 4:150E	140	6-18-76	201 KAR 23:040	263	
Expires		10-22-76	Expires		10-16-76	201 KAR 23:050	264	
301 KAR 1:015E	123	6-30-76	805 KAR 5:010E	140	6-24-76	201 KAR 23:060	264	
Expires		10-28-76	Expires		10-22-76	201 KAR 23:070	264	
301 KAR 2:023E	311	8-23-76	806 KAR 12:060E	225	8-6-76	201 KAR 23:080	266	
Expires		12-20-76	Expires		12-4-76	201 KAR 23:090	266	
400 KAR 1:010E	211	7-22-76	806 KAR 40:010E	141	7-8-76	301 KAR 1:015	152	9-1-76
Expires		11-19-76	Expires		11-5-76	301 KAR 2:105	289	8-4-76
503 KAR 5:010E	124	6-30-76	806 KAR 50:010E	226	8-6-76	301 KAR 3:010	153	9-1-76
Expires		10-28-76	Expires		12-4-76	302 KAR 1:020	182	9-1-76
503 KAR 5:030E	125	6-30-76				302 KAR 1:030	183	9-1-76
Expires		10-28-76				302 KAR 15:010	354	9-1-76
503 KAR 5:040E	126	6-30-76				302 KAR 20:060	325	
Expires		10-28-76				302 KAR 20:070	153	
503 KAR 5:050E	126	6-30-76				303 KAR 1:002	185	
Expires		10-28-76				305 KAR 1:010	267	
503 KAR 5:060E	128	6-30-76	Regulation	3 Ky.R. Page No.	Effective Date	400 KAR 1:010	267	
Expires		10-28-76	✓ 5 KAR 1:010	173	9-1-76	401 KAR 1:010	357	9-1-76
503 KAR 5:070E	128	6-30-76	✓ 11 KAR 5:030	146	9-1-76	401 KAR 1:011	337	
Expires		10-28-76	✓ 11 KAR 5:060	146	9-1-76	401 KAR 1:015	237	
601 KAR 9:012E	128	6-21-76	✓ 101 KAR 1:080	278	8-4-76	401 KAR 1:030		
Expires		10-19-76	✓ 101 KAR 1:090	280	8-4-76	Amended	313	9-1-76
803 KAR 2:020E	222	8-12-76	✓ 101 KAR 1:100	281	8-4-76	401 KAR 1:100		
Expires		12-10-76	✓ 101 KAR 1:110	281	8-4-76	Amended	314	9-1-76
803 KAR 4:020E	129	7-1-76	✓ 101 KAR 1:120	282	8-4-76	401 KAR 1:110		
Expires		10-29-76	✓ 101 KAR 1:140	283	8-4-76	Amended	362	9-1-76
803 KAR 25:060E	225	7-27-76	✓ 102 KAR 1:153	286	8-4-76	402 KAR 1:011		
Expires		11-24-76	✓ 103 KAR 15:060	147	9-1-76	Withdrawn		9-10-76
805 KAR 4:010E	130	6-18-76	✓ 103 KAR 17:020	147	9-1-76	✓ 503 KAR 5:010	155	9-1-76
Expires		10-16-76	✓ 103 KAR 17:030	148	9-1-76	✓ 503 KAR 5:030	156	9-1-76
805 KAR 4:070E	131	6-18-76	✓ 103 KAR 17:040	149	9-1-76	✓ 503 KAR 5:040	157	
Expires		10-16-76	✓ 103 KAR 17:050			✓ 503 KAR 5:050	158	9-1-76
805 KAR 4:075E	132	6-18-76	Repealed	173	9-1-76	✓ 503 KAR 5:060	159	9-1-76
Expires		10-16-76	✓ 103 KAR 17:051	173	9-1-76	✓ 503 KAR 5:070	159	9-1-76
805 KAR 4:080E	133	6-18-76	✓ 103 KAR 17:070	149	9-1-76	✓ 600 KAR 1:010	185	
Expires		10-16-76	✓ 103 KAR 17:080	150	9-1-76	Rejected	364	9-1-76
805 KAR 4:085E	133	6-18-76	✓ 103 KAR 18:050	150	9-1-76	✓ 601 KAR 1:010	293	8-4-76
Expires		10-16-76	✓ 103 KAR 18:100	151	9-1-76	✓ 601 KAR 1:095	294	8-4-76
805 KAR 4:090E	134	6-18-76	✓ 103 KAR 18:110	287	8-4-76	✓ 601 KAR 9:012	186	9-1-76
Expires		10-16-76	✓ 103 KAR 27:090	287	8-4-76	✓ 601 KAR 9:035	238	
805 KAR 4:095E	134	6-18-76	✓ 103 KAR 30:090	288	8-4-76	✓ 601 KAR 9:040	294	8-4-76
Expires		10-16-76	✓ 103 KAR 30:170	324		✓ 601 KAR 9:047	268	
805 KAR 4:100E	135	6-18-76	✓ 103 KAR 31:140	289	8-4-76	603 KAR 5:066 <i>Repealed</i>	2	7-7-76
Expires		10-16-76	✓ 105 KAR 1:040	173	9-1-76	603 KAR 5:096 <i>"</i>	4	7-7-76
805 KAR 4:105E	135	6-18-76	✓ 106 KAR 1:010	261		Amended	327	
Expires		10-16-76	✓ 200 KAR 1:020	175	9-1-76	702 KAR 1:090	269	
805 KAR 4:110E	136	6-18-76	✓ 200 KAR 2:065	334		702 KAR 3:185	269	
Expires		10-16-76	✓ 200 KAR 4:020	177	9-1-76	703 KAR 2:020	238	
805 KAR 4:115E	137	6-18-76	✓ 200 KAR 5:075	335		703 KAR 2:050	239	
Expires		10-16-76	✓ 200 KAR 10:040	179		704 KAR 3:010	241	
805 KAR 4:120E	137	6-18-76	✓ 201 KAR 9:075	180		704 KAR 3:055	269	
Expires		10-16-76	✓ 201 KAR 11:062	182	9-1-76			

ADMINISTRATIVE REGISTER

C3

Regulation	3 Ky.R. Page No.	Effective Date	Regulation	3 Ky.R. Page No.	Effective Date	Regulation	3 Ky.R. Page No.	Effective Date
704 KAR 3:175	270		804 KAR 4:210	341		807 KAR 2:061	192	
704 KAR 3:180	241		804 KAR 2:007	276		900 KAR 1:010	194	
704 KAR 6:010	270		✓ 804 KAR 12:020	302	8-4-76	✓ 902 KAR 1:020	303	8-4-76
704 KAR 10:022	271		✓ 805 KAR 4:010			✓ 902 KAR 1:085	304	8-4-76
704 KAR 15:015	271		Amended	317	9-1-76	✓ 902 KAR 1:100	304	8-4-76
704 KAR 20:005	242		✓ 805 KAR 4:070			✓ 902 KAR 1:130	305	8-4-76
704 KAR 20:030	243		Amended	318	9-1-76	✓ 902 KAR 1:141	306	8-4-76
704 KAR 20:170	243		✓ 805 KAR 4:075			✓ 902 KAR 1:160	306	8-4-76
704 KAR 20:222	272		Amended	319	9-1-76	✓ 902 KAR 1:190	306	8-4-76
705 KAR 1:010	243		✓ 805 KAR 4:080	364	9-1-76	✓ 902 KAR 1:290	307	8-4-76
Amended	327		✓ 805 KAR 4:085	364	9-1-76	✓ 902 KAR 1:312	307	8-4-76
705 KAR 4:131	273		✓ 805 KAR 4:090	364	9-1-76	✓ 902 KAR 1:314	307	8-4-76
705 KAR 4:151	274		✓ 805 KAR 4:095			✓ 902 KAR 1:316	307	8-4-76
705 KAR 7:050	244		Amended	320	9-1-76	✓ 902 KAR 1:318	308	8-4-76
Amended	328		✓ 805 KAR 4:100			✓ 902 KAR 1:320	308	8-4-76
705 KAR 10:021	275		Amended	321	9-1-76	✓ 902 KAR 1:322	309	8-4-76
706 KAR 1:010	244		✓ 805 KAR 4:105	364	9-1-76	✓ 902 KAR 1:324	309	8-4-76
Amended	328		✓ 805 KAR 4:110			✓ 902 KAR 2:060	162	9-1-76
707 KAR 1:003	244		Amended	321	9-1-76	✓ 902 KAR 6:040	163	9-1-76
✓ 707 KAR 1:050	295	8-4-76	✓ 805 KAR 4:115			902 KAR 11:010	197	
725 KAR 1:010	110	7-7-76	Amended	322	9-1-76	902 KAR 11:020	197	
725 KAR 1:020	110	7-7-76	✓ 805 KAR 4:120	364	9-1-76	902 KAR 11:030	198	
725 KAR 1:030	111	7-7-76	✓ 805 KAR 4:125	364	9-1-76	902 KAR 11:035	201	
730 KAR 1:005	338		✓ 805 KAR 4:130	364	9-1-76	902 KAR 11:040	202	
801 KAR 2:010	338		✓ 805 KAR 4:135			902 KAR 11:045	203	
✓ 803 KAR 1:075	301	8-4-76	Amended	323	9-1-76	902 KAR 11:050	204	
803 KAR 1:100	245		✓ 805 KAR 4:140	364	9-1-76	902 KAR 20:085	329	
✓ 803 KAR 2:020	160	9-1-76	✓ 805 KAR 4:145			✓ 902 KAR 100:015	164	9-1-76
Amended	246		Amended	323	9-1-76	✓ 902 KAR 100:065	165	9-1-76
803 KAR 2:030	248		✓ 805 KAR 4:150	364	9-1-76	✓ 902 KAR 100:075	166	9-1-76
803 KAR 2:032	162		805 KAR 5:010	187		902 KAR 100:077	348	
803 KAR 2:060	249		Amended	328		✓ 902 KAR 100:100	167	9-1-76
803 KAR 2:062	275		806 KAR 3:025	187		✓ 902 KAR 100:165	170	9-1-76
803 KAR 2:120	250		806 KAR 12:060	277		✓ 904 KAR 1:007	205	9-1-76
✓ 803 KAR 4:020	187		806 KAR 40:010	188		904 KAR 1:025	349	
Rejected	364	9-1-76	806 KAR 50:010	251		✓ 904 KAR 1:054	206	9-1-76
803 KAR 25:060	276		✓ 806 KAR 50:200	210	8-4-76	904 KAR 1:061	352	
804 KAR 1:090	341		806 KAR 50:205	341		✓ 904 KAR 2:045	217	8-4-76
						✓ 904 KAR 2:055	218	8-4-76

KRS Sections Related to KAR

KRS Section	Regulation	KRS Section	Regulation	KRS Section	Regulation
2.190	703 KAR 2:020	141.010	103 KAR 17:070	161.025	704 KAR 20:030
15.410-15.510	503 KAR 5:060	141.020	103 KAR 17:030		704 KAR 20:222
15.420	503 KAR 5:010		103 KAR 17:070	161.030	704 KAR 15:015
15.440	503 KAR 5:030	141.021	103 KAR 17:080		704 KAR 20:005
15.460	503 KAR 5:040	141.042	103 KAR 15:060		704 KAR 20:030
	503 KAR 5:050	141.050	103 KAR 17:020		704 KAR 20:170
15.470	503 KAR 5:050	141.081	103 KAR 17:051		704 KAR 20:222
15.490	503 KAR 5:050	141.082	103 KAR 17:051	161.220-161.710	102 KAR 1:153
15.510	503 KAR 5:070	141.180	103 KAR 17:020	163.020	705 KAR 1:010
16.505-16.652	105 KAR 1:040		103 KAR 17:030	163.030	705 KAR 1:010
18.110	101 KAR 1:090	141.215	103 KAR 17:040		705 KAR 4:131
	101 KAR 1:100	141.300	103 KAR 15:060		705 KAR 4:151
	101 KAR 1:110	141.305	103 KAR 15:060	163.110	706 KAR 1:010
18.140	101 KAR 1:120	141.325	103 KAR 18:100	163.120	706 KAR 1:010
18.170	101 KAR 1:090	141.330	103 KAR 18:050	163.130	706 KAR 1:010
	101 KAR 1:050	141.335	103 KAR 18:050	163.140	706 KAR 1:010
	101 KAR 1:080	141.370	103 KAR 18:110	163.170	706 KAR 1:010
	101 KAR 1:120	141.990	103 KAR 15:060	163.180	706 KAR 1:010
18.190	101 KAR 1:140	146.240	400 KAR 1:010	163.310-163.390	705 KAR 10:021
	101 KAR 1:050	146.250	400 KAR 1:010	164.740-164.764	11 KAR 5:030
	101 KAR 1:080	150.025	301 KAR 1:015		11 KAR 5:060
	101 KAR 1:110		301 KAR 2:105	164.780	11 KAR 5:030
18.210	101 KAR 1:140	150.090	301 KAR 1:015		11 KAR 5:060
	101 KAR 1:050	150.170	301 KAR 2:105	164.785	11 KAR 5:030
	101 KAR 1:080	150.176	301 KAR 2:105		11 KAR 5:060
	101 KAR 1:090	150.300	301 KAR 3:010	Ch. 171	725 KAR 1:010
	101 KAR 1:100	150.330	301 KAR 2:105		725 KAR 1:030
	101 KAR 1:110	150.340	301 KAR 2:105	171.313	730 KAR 1:005
18.220	101 KAR 1:120	150.360	301 KAR 2:105	171.450	725 KAR 1:020
18.240	101 KAR 1:140	150.460	301 KAR 3:010	171.600	725 KAR 1:020
	101 KAR 1:110	150.620	301 KAR 1:015	171.670	725 KAR 1:020
	101 KAR 1:050		301 KAR 3:010	Ch. 186	601 KAR 9:040
	101 KAR 1:080	150.625	301 KAR 1:015	186.115	601 KAR 9:047
18.250	101 KAR 1:120	150.640	301 KAR 3:010	186.174	601 KAR 9:012
	101 KAR 1:090	152.690	902 KAR 100:015	186.235	601 KAR 9:035
	101 KAR 1:100		902 KAR 100:065	189.222	601 KAR 1:010
18.270	101 KAR 1:110		902 KAR 100:075		603 KAR 5:066
	101 KAR 1:120		902 KAR 100:077		603 KAR 5:096
18.350	703 KAR 2:020		902 KAR 100:100	Ch. 202A	902 KAR 6:040
38.500	106 KAR 1:010		902 KAR 100:165	205.200	904 KAR 2:045
Ch. 42	200 KAR 2:065	152.810-152.930	305 KAR 1:010	205.231	904 KAR 2:055
	200 KAR 4:020	152.990	902 KAR 100:015	205.245	904 KAR 1:007
	200 KAR 10:040		902 KAR 100:065		904 KAR 2:045
Ch. 44	200 KAR 2:065		902 KAR 100:075	205.520	904 KAR 1:025
Ch. 45	200 KAR 2:065		902 KAR 100:077		904 KAR 1:054
	200 KAR 5:075		902 KAR 100:100		904 KAR 1:061
Ch. 61	200 KAR 1:020		902 KAR 100:165	210.300	902 KAR 6:040
	303 KAR 1:002	156.070	705 KAR 4:131	211.180	902 KAR 2:060
	900 KAR 1:010		705 KAR 4:151	214.032	902 KAR 2:060
61.510-61.692	105 KAR 1:040		705 KAR 7:050	214.034	902 KAR 2:060
61.870-61.884	5 KAR 1:010	156.100	705 KAR 1:010	214.036	902 KAR 2:060
	600 KAR 1:010		705 KAR 7:050	216.405-216.485	902 KAR 20:085
65.510-65.650	305 KAR 1:010		707 KAR 1:003	216.990	902 KAR 20:085
78.510-78.852	105 KAR 1:040	156.160	702 KAR 1:090	217.814-217.826	902 KAR 1:020
Ch. 121	801 KAR 2:010		704 KAR 6:010		902 KAR 1:085
131.130	103 KAR 17:020		704 KAR 10:022		902 KAR 1:100
131.180	103 KAR 31:140	157.200-157.305	707 KAR 1:003		902 KAR 1:130
131.182	103 KAR 31:140		707 KAR 1:050		902 KAR 1:141
131.990	103 KAR 31:140	157.350	703 KAR 2:050		902 KAR 1:160
Ch. 138	601 KAR 9:040	157.360	702 KAR 3:185		902 KAR 1:190
139.050	103 KAR 27:090		704 KAR 3:010		902 KAR 1:290
139.100	103 KAR 30:170		704 KAR 3:055		902 KAR 1:312
139.110	103 KAR 27:090		704 KAR 3:175		902 KAR 1:314
139.150	103 KAR 30:170		704 KAR 3:180		902 KAR 1:316
139.260	103 KAR 30:090	158.030	703 KAR 2:050		902 KAR 1:318
139.470	103 KAR 30:090	158.035	902 KAR 2:060		902 KAR 1:320
	103 KAR 30:170	158.060	703 KAR 2:020		902 KAR 1:322
139.480	103 KAR 27:090	158.070	703 KAR 2:020		902 KAR 1:324
	103 KAR 30:090	158.240	703 KAR 2:050	217.990	902 KAR 1:020
	103 KAR 31:140	159.030	704 KAR 6:010		902 KAR 1:085
139.570	103 KAR 31:140	159.035	703 KAR 2:050		902 KAR 1:100
139.610	103 KAR 31:140	161.020	704 KAR 15:015		902 KAR 1:130
139.640	103 KAR 31:140		704 KAR 20:005		902 KAR 1:141
139.650	103 KAR 31:140		704 KAR 20:222		902 KAR 1:160
139.710	103 KAR 31:140		704 KAR 15:015		902 KAR 1:190
139.980	103 KAR 31:140	161.025	704 KAR 20:005		902 KAR 1:290
139.990	103 KAR 31:140				

ADMINISTRATIVE REGISTER

C5

KRS Section	Regulation	KRS Section	Regulation	KRS Section	Regulation
217.990	902 KAR 1:312	335.010	201 KAR 23:040		
	902 KAR 1:314	335.010-335.150	201 KAR 23:010		
	902 KAR 1:316		201 KAR 23:030		
	902 KAR 1:318		201 KAR 23:080		
	902 KAR 1:320		201 KAR 23:090		
	902 KAR 1:322	335.010-335.160	201 KAR 23:020		
	902 KAR 1:324		201 KAR 23:050		
222.200	902 KAR 6:040		201 KAR 23:060		
222.210	902 KAR 20:085	335.080	201 KAR 23:070		
Ch. 227	807 KAR 2:061	335.090	201 KAR 23:070		
227.220	806 KAR 50:010	335.100	201 KAR 23:070		
227.570	806 KAR 50:205	335.150-335.160	201 KAR 23:040		
243.250	804 KAR 12:020	335.990	201 KAR 23:020		
243.300	804 KAR 12:020		201 KAR 23:050		
243.720	804 KAR 12:020	336.510-336.680	803 KAR 4:020		
244.130	804 KAR 1:090	337.275-337.285	803 KAR 1:075		
	804 KAR 2:007	Ch. 338	803 KAR 2:020		
244.260	804 KAR 12:020		803 KAR 2:030		
244.310	804 KAR 12:020		803 KAR 2:032		
244.330	804 KAR 4:210		803 KAR 2:060		
244.340	804 KAR 12:020		803 KAR 2:062		
244.510	804 KAR 2:007		803 KAR 2:120		
247.610-247.685	302 KAR 1:030	339.210-339.450	803 KAR 1:100		
247.710-247.785	302 KAR 1:020	Ch. 342	803 KAR 25:060		
Ch. 257	302 KAR 20:060	351.175	805 KAR 5:010		
	302 KAR 20:070	351.320	805 KAR 4:010		
Ch. 278	807 KAR 2:061	351.330	805 KAR 4:010		
Ch. 281	601 KAR 1:095	351.340	805 KAR 4:010		
	601 KAR 9:040	351.350	805 KAR 4:070		
304.3-240	806 KAR 3:025		805 KAR 4:075		
304.14-120	806 KAR 12:060		805 KAR 4:080		
304.40-250	806 KAR 40:010		805 KAR 4:085		
304.40-260	806 KAR 40:010		805 KAR 4:090		
304.40-310	806 KAR 40:010		805 KAR 4:095		
304.40-330	806 KAR 40:010		805 KAR 4:100		
311.530-311.620	201 KAR 9:075		805 KAR 4:105		
311.990	201 KAR 9:075		805 KAR 4:110		
317.410	201 KAR 14:115		805 KAR 4:115		
317.440	201 KAR 14:115		805 KAR 4:120		
Ch. 318	401 KAR 1:010		805 KAR 4:125		
	401 KAR 1:011		805 KAR 4:130		
	401 KAR 1:015		805 KAR 4:135		
	401 KAR 1:030		805 KAR 4:140		
	401 KAR 1:100		805 KAR 4:145		
	401 KAR 1:110		805 KAR 4:150		
321.330	201 KAR 15:050	351.990	805 KAR 4:010		
321.440	201 KAR 16:040		805 KAR 4:070		
321.450	201 KAR 16:040		805 KAR 4:075		
324.115	201 KAR 11:062		805 KAR 4:080		
Ch. 333	902 KAR 11:010		805 KAR 4:085		
	902 KAR 11:020		805 KAR 4:090		
	902 KAR 11:030		805 KAR 4:095		
	902 KAR 11:035		805 KAR 4:100		
	902 KAR 11:040		805 KAR 4:105		
	902 KAR 11:045		805 KAR 4:110		
	902 KAR 11:050		805 KAR 4:115		
			805 KAR 4:120		
			805 KAR 4:125		
			805 KAR 4:130		
			805 KAR 4:135		
			805 KAR 4:140		
			805 KAR 4:145		
			805 KAR 4:150		

Index

ADJUTANT GENERAL

(See Military Affairs)

AGRICULTURE

Livestock sanitation

Exhibition, sales; 302 KAR 20:060

Stockyards; 302 KAR 20:070

Referendums

Animals, bovine; 302 KAR 1:030

Tobacco, burley; 302 KAR 1:020

ALCOHOLIC BEVERAGE CONTROL

Advertising Malt Beverages

Athletic team sponsorship; 804 KAR 1:090

Inside signs; 804 KAR 2:007

Container Size

Metric standards of fill; 804 KAR 12:020

Licensing

Supplemental bar; 804 KAR 4:210

ANIMALS

(See Agriculture)

ARCHIVES

(See Library and Archives)

AREA DEVELOPMENT

(See Local Government)

BARBERING

Examination; school, board; 201 KAR 14:115

CERTIFICATE OF NEED AND LICENSURE

Mentally retarded, disabled, services for; 902 KAR 20:085

COAL SEVERANCE

Economic aid boards, fund, projects; 200 KAR 4:020; 200 KAR 4:020E

DEVELOPMENT

Agriculture; 302 KAR 1:020; 302 KAR 1:030; 302 KAR 20:070

Fair board; 303 KAR 1:002

Fish and Wildlife; 301 KAR 1:015; 301 KAR 1:015E; 301 KAR 2:105; 301 KAR 3:010

Industrial Development Finance Authority (KIDFA); 305 KAR 1:010

DISEASES, COMMUNICABLE

(See Health Services)

DRUG FORMULARY

Amitriptyline Hydrochloride tablet; 902 KAR 1:316

Ampicillin; 902 KAR 1:020

Chlorpromazine Hydrochloride; 902 KAR 1:130

Dexamethasone Elixir; 902 KAR 1:318

Ferrous Sulfate tablet; 902 KAR 1:290

Hyoscyamine, Atropine, Hyoscine, etc; 902 KAR 1:324

Imipramine Hydrochloride tablet; 902 KAR 1:320

Isosorbide Dinitrate; 902 KAR 1:085

Meprobamate tablet; 902 KAR 1:190

Oxyphenbutazone tablet; 902 KAR 1:312

Oxytetracycline Hydrochloride capsule; 902 KAR 1:160

Phenylbutazone tablet; 902 KAR 1:314

Reserpine; 902 KAR 1:100

Sulfisoxazole, Phenazopyridine, Hydrochloride tablet; 902 KAR 1:141

Triprolidine, Pseudoephedrine Hydrochloride syrups; 902 KAR 1:322

EDUCATION

Administration and Finance

ASIS, vocational and exceptional units; 702 KAR 3:185

Instructional fees, replacement of; 702 KAR 1:090

Exceptional Children

Handicapped, state plan for; 707 KAR 1:003

Programs for; 707 KAR 1:050

Instruction

Day schools, approval of; 704 KAR 6:010

Instructional coordinators; 704 KAR 3:055

Industrial education teachers; 704 KAR 20:222

Kentucky plan for preparation; 704 KAR 20:005

Non-tax supported schools; 704 KAR 20:170

Proficiency evaluation; 704 KAR 20:030

Psychologist; 704 KAR 3:175

Psychometrist; 704 KAR 3:180

Services, administrative, special; 704 KAR 3:010

Standards, elementary, middle, secondary; 704 KAR 10:022

Teacher preparation for psychologist; 704 KAR 15:015

Pupil Personnel

Attendance; 703 KAR 2:050

Calendar; 703 KAR 2:020

Rehabilitation Services

State plan; 706 KAR 1:010

Vocational Education

Adult program; 705 KAR 7:050

Industrial programs; 705 KAR 4:131

Practical arts; 705 KAR 4:151

Repeals; 705 KAR 10:021

State plan; 705 KAR 1:010

Teachers' Retirement

Benefit adjustment; 102 KAR 1:153

EDUCATION AND ARTS

(See also Education)

Historical Society

Cemetery information; 730 KAR 1:005

Library and Archives

Disposal, destruction of records; 725 KAR 1:030

Records officer; 725 KAR 1:010

Reproduction of records; 725 KAR 1:020

EDUCATION, HIGHER

KHEAA Grant programs

Award determination procedure; 11 KAR 5:060

Student eligibility; 11 KAR 5:030

ELECTION FINANCE

Hearings, complaints; processing; 801 KAR 2:010

ELECTRICAL INSPECTORS

(See Public Service Commission)

EMPLOYEES, STATE

Personnel

Appointments, types of; 101 KAR 1:090

Certification; 101 KAR 1:080

Compensation plan; 101 KAR 1:050E

Probationary period; 101 KAR 1:100

Promotion, transfer, demotion; 101 KAR 1:110

Separations, disciplinary actions; 101 KAR 1:120

Service regulations; 101 KAR 1:140

Retirement Systems

Actuarial assumptions, tables; 105 KAR 1:040; 105 KAR 1:040E

Travel Expense, Reimbursement

Expense allowance, per diem; 200 KAR 2:065

EXCEPTIONAL CHILDREN

Handicapped act, plan for; 707 KAR 1:003

Programs for; 707 KAR 1:050

EXPLOSIVES AND BLASTING

(See Mines and Minerals)

FAIR BOARD

Public records, access to; 303 KAR 1:002

FINANCE AND ADMINISTRATION

Coal

Economic aid boards, funds, projects; 200 KAR 4:020; 200 KAR 4:020E

Local Government

Area development fund, expenditures; 200 KAR 10:040; 200 KAR 10:040E

Occupations and Professions

Medical licensure; 201 KAR 9:075

Real estate; 201 KAR 11:062

Social work; 201 KAR 23:010 to 201 KAR 23:090

Veterinary examiners; 201 KAR 16:040; 201 KAR 16:050

Purchasing

Small businesses; classifications, definitions; 200 KAR 5:075

Records

Public, access to; 200 KAR 1:020; 200 KAR 1:020E

Travel Expense, Reimbursement

Expense allowance, per diem; 200 KAR 2:065

FIRE MARSHAL

Recreational vehicles; 806 KAR 50:205

Standards of safety; 806 KAR 50:010; 806 KAR 50:010E

FISH AND WILDLIFE

Fish

Boats, motors, size limits; 301 KAR 1:015; 301 KAR 1:015E

Game

Birds, migratory; season, limits; 301 KAR 2:023E

Deer gun and archery season; 301 KAR 2:105

Hunting and Fishing

Depredation acts prohibited; 301 KAR 3:010

FISHING

(See Fish and Wildlife)

GAME

Birds, migratory; season, limits; 301 KAR 2:023E

Deer, gun, archery season; 301 KAR 2:105

HEALTH SERVICES

Communicable Diseases

Immunization schedules; 902 KAR 2:060

Certificate of Need and Licensure

Mentally retarded, disabled, services for; 902 KAR 20:085

Drug Formulary; 902 KAR 1:020 to 902 KAR 1:324

Medical Laboratories

Equipment; methods, samples; 902 KAR 11:050

Licensure; application, fee; 902 KAR 11:010

Personnel; 902 KAR 11:030

Proficiency tests; 902 KAR 11:035

Reports; standards; 902 KAR 11:020

Specialty tests; 902 KAR 11:040

Test, specimen records; 902 KAR 11:045

HEALTH SERVICES (Con't)

Mental Health, Mental Retardation
Hospital district assignments; 902 KAR 6:040
Radiology
Group classifications; 902 KAR 100:075
Industrial radiography; 902 KAR 100:100
Notices, reports, instructions; 902 KAR 100:165
Reciprocal recognition; 902 KAR 100:065
Requirements, general; 902 KAR 100:015

HIGHER EDUCATION ASSISTANCE AUTHORITY

KHEAA Grant Programs
Award determination procedure; 11 KAR 5:060
Student eligibility; 11 KAR 5:030

HIGHWAYS

Classifications; 603 KAR 5:096
Truck weight limits; 603 KAR 5:066

HISTORICAL SOCIETY

Cemetery information; 730 KAR 1:005

HUMAN RESOURCES

Administration
Public records, access to; 900 KAR 1:010
Health Services
Certificate of need and licensure; 902 KAR 20:085
Communicable diseases; 902 KAR 2:060
Medical laboratories; 902 KAR 11:010 to 902 KAR 11:050
Mental health, mental retardation; 902 KAR 6:040
Radiology; 902 KAR 100:015 to 902 KAR 100:165
Social Insurance
Medical assistance; 904 KAR 1:007; 904 KAR 1:061
Public assistance; 904 KAR 2:045; 904 KAR 2:055

HUNTING

(See Fish and Wildlife)

INCOME TAX

General Administration
Estimated tax; amendments; short years; 103 KAR 15:060
Individual
Combined returns; 103 KAR 17:020
Credits, personal; 103 KAR 17:070
Deduction, standard; 103 KAR 17:050
Filing requirements; 103 KAR 17:030
Military personnel, extension for filing; 103 KAR 17:040
Repeals; 103 KAR 17:051
Retirement income; 103 KAR 17:080
Withholding
Exemption certificates; 103 KAR 18:100
Statements, form K-2; 103 KAR 18:050
Withholding methods; 103 KAR 18:110

INDUSTRIAL DEVELOPMENT FINANCE AUTHORITY (KIDFA)

Loans or grants; 305 KAR 1:010

INSTRUCTION, EDUCATION

Elementary, Secondary Education
Standards; 704 KAR 10:022
Instructional Services
Administrative, special services; 704 KAR 3:010
Instructional coordinators; 704 KAR 3:055
Psychologist; 704 KAR 3:175
Psychometrist; 704 KAR 3:180
Private and Parochial Schools
Day schools, approval of; 704 KAR 6:010
Teacher Education
Psychologist, preparation programs for; 704 KAR 15:015

INSTRUCTION, EDUCATION (Con't)

Teacher Certification
Industrial education teachers; 704 KAR 20:222
Non-tax supported schools; 704 KAR 20:170
Preparation approval, plan for; 704 KAR 20:005
Proficiency evaluation; 704 KAR 20:030

INSURANCE

Authorization of Insurers
Salvage, subrogation recoveries; 806 KAR 3:025
Health Care Malpractice
Patient's compensation fund; 806 KAR 40:010; 806 KAR 40:010E

JUSTICE

Law Enforcement Foundation Program
Fund; 503 KAR 5:010 to 503 KAR 5:070; 503 KAR 5:010E to 503 KAR 5:070E

LABOR

Elevator Safety
Inspection fees; 803 KAR 4:020; 803 KAR 4:020E
Occupational Safety and Health
Agriculture standards; 803 KAR 2:032
Citations; 803 KAR 2:120
Construction standards; 803 KAR 2:030
Employer's responsibilities; 803 KAR 2:060
Toxic substances, exposure to; 803 KAR 2:062
Industry, general, standards for; 803 KAR 2:020
Standards, Wages and Hours
Child labor; 803 KAR 1:100
Minimum wage, overtime exclusions; 803 KAR 1:075

LAW ENFORCEMENT FOUNDATION PROGRAM FUND

Appeals; 503 KAR 5:070; 503 KAR 5:070E
Definitions; 503 KAR 5:010; 503 KAR 5:010E
Educational incentive plan; 503 KAR 5:040; 503 KAR 5:040E
Eligibility requirements, training, education; 503 KAR 5:030; 503 KAR 5:030E
Fund suspension, termination; 503 KAR 5:060; 503 KAR 5:060E
Salary provisions; 503 KAR 5:050; 503 KAR 5:050E

LIBRARY AND ARCHIVES

Disposal, destruction of records; 725 KAR 1:030
Records officer; 725 KAR 1:010
Reproduction of records; 725 KAR 1:020

LIEUTENANT GOVERNOR

Public Records
Access to; 5 KAR 1:010

LIVESTOCK SANITATION

Exhibition, sales; 302 KAR 20:060

LOCAL GOVERNMENT

Area Development
Funds, expenditures; 200 KAR 10:040; 200 KAR 10:040E

MALPRACTICE

(See Insurance)

MEDICAL ASSISTANCE

(See Social Insurance)

MEDICAL LABORATORIES

(See Health Services)

MEDICAL LICENSURE

Education, continuing; 201 KAR 9:075

MENTAL HEALTH, MENTAL RETARDATION

(See Health Services)

MERIT SYSTEM

(See Personnel)

MILITARY AFFAIRS

National Guard
Educational encouragement fund; 106 KAR 1:010; 106 KAR 1:010E

MINES AND MINERALS

Explosives and Blasting
Blasting provisions; 805 KAR 4:075E; 805 KAR 4:075
Blasters' licensing; 805 KAR 4:010E; 805 KAR 4:010
Blasters' qualifications; 805 KAR 4:080E; 805 KAR 4:080
Charge initiation; electric blasting; 805 KAR 4:110E; 805 KAR 4:110
Compressed air blasting; 805 KAR 4:135E; 805 KAR 4:135
Cords, detonating; 805 KAR 4:120E; 805 KAR 4:120
Dealer registration, records; 805 KAR 4:085E; 805 KAR 4:085
Definitions; 805 KAR 4:070E; 805 KAR 4:070
Firing; 805 KAR 4:125E; 805 KAR 4:125
Fuses, safety; 805 KAR 4:115E; 805 KAR 4:115
Inspection after blast; 805 KAR 4:145E; 805 KAR 4:145
Loading; 805 KAR 4:095E; 805 KAR 4:095
Misfires; 805 KAR 4:140E; 805 KAR 4:140
Storage; 805 KAR 4:090E; 805 KAR 4:090
Surface transportation; 805 KAR 4:100E; 805 KAR 4:100
Underground transportation; 805 KAR 4:105E; 805 KAR 4:105
Underwater blasting; 805 KAR 4:130E; 805 KAR 4:130
Mining
Fees to operate; 805 KAR 5:010; 805 KAR 5:010E

MINING

(See Mines and Minerals)

NATIONAL GUARD

Educational encouragement fund; 106 KAR 1:010; 106 KAR 1:010E

NATURAL RESOURCES

Plumbing; 401 KAR 1:011 to 401 KAR 1:110
Wild Rivers; 401 KAR 1:010; 401 KAR 1:110E

OCCUPATIONAL SAFETY AND HEALTH

(See Labor)

OCCUPATIONS AND PROFESSIONS

Barbering; 201 KAR 14:115
Medical licensure; 201 KAR 9:075
Real estate; 201 KAR 11:062
Veterinary examiners; 201 KAR 16:040; 201 KAR 16:050

PERSONNEL

Appointments, types of; 101 KAR 1:090
Certification and selection; 101 KAR 1:080
Compensation plan; 101 KAR 1:050E
Probationary period; 101 KAR 1:100
Promotion, transfer, demotion; 101 KAR 1:110
Separations, disciplinary actions; 101 KAR 1:120
Service regulations; 101 KAR 1:140

PLUMBING

Definitions; 401 KAR 1:010
House sewers; stormwater piping; 401 KAR 1:100
Inspection, tests; 401 KAR 1:110
License application, examination; fees; 401 KAR 1:015
Materials, part list; 401 KAR 1:011
Materials; quality, weight; 401 KAR 1:030

PUBLIC ASSISTANCE

Adverse action, conditions for; 904 KAR 2:045
Hearings, appeals; 904 KAR 2:055

PUBLIC PROTECTION AND REGULATION

Alcoholic Beverage Control; 804 KAR 1:090 to 804 KAR 12:020
Election Finance; 801 KAR 2:010
Fire Marshal; 806 KAR 50:010 to 806 KAR 50:205

Insurance

Authorization of insurers; requirements; 806 KAR 3:025
Health care malpractice; 806 KAR 40:010; 806 KAR 40:010E
Health care replacement; 806 KAR 12:060; 806 KAR 12:060E

Labor

Elevator safety; 803 KAR 4:020; 803 KAR 4:020E
Occupational safety and health; 803 KAR 2:020; 803 KAR 2:032; 803 KAR 2:120
Wages and hours; 803 KAR 1:100; 803 KAR 25:060E

Mines and Minerals

Explosives and blasting; 805 KAR 4:010E to 805 KAR 4:145E; 805 KAR 4:010 to 805 KAR 4:145
Mining; 805 KAR 5:010; 805 KAR 5:010E
Public Service Commission
Utilities; 807 KAR 2:061

Workmen's Compensation

Hearing officers; 803 KAR 25:060; 803 KAR 25:060E

PUBLIC RECORDS ACCESS

Fair Board; 303 KAR 1:002
Finance and Administration; 200 KAR 1:020; 200 KAR 1:020E
Human Resources; 900 KAR 1:010
Lieutenant Governor's Office; 5 KAR 1:010
Transportation; 600 KAR 1:010

PUBLIC SERVICE COMMISSION

Utilities
Electrical inspectors certification; 807 KAR 2:061

PUPIL PERSONNEL

Attendance; 703 KAR 2:050
Calendar; 703 KAR 2:020

PURCHASING

Small businesses; classifications, definitions; 200 KAR 5:075

RADIOLOGY

(See Health Services)

REAL ESTATE

Broker's records, retention of; 201 KAR 11:062

REFERENDUMS

Animals, bovine; 302 KAR 1:030
Burley tobacco; 302 KAR 1:020

REHABILITATION SERVICES, EDUCATION

Vocational rehabilitation; 706 KAR 1:010

RETIREMENT SYSTEMS

Actuarial assumptions, tables; 105 KAR 1:040; 105 KAR 1:040E

REVENUE AND TAXATION**Income Tax**

General Administration
Estimated tax; amendments; short years; 103 KAR 15:060

Individual

Combined returns; 103 KAR 17:020
Credits, personal; 103 KAR 17:070
Deduction, standard; 103 KAR 17:050
Filing requirements; 103 KAR 17:030
Military personnel, extension for filing; 103 KAR 17:040
Repeals; 103 KAR 17:051
Retirement income; 103 KAR 17:080

Withholding

Exemption certificates; 103 KAR 18:100
Statements, form K-2; 103 KAR 18:050
Withholding methods; 103 KAR 18:110

Sales and Use Tax

Administration and Accounting
Interest, penalties, compensation; 103 KAR 31:140

General Exemptions

Containers, wrapping, packing materials; 103 KAR 30:170
Farm machinery; 103 KAR 30:090
Miscellaneous Retail Occupations
Memorial dealers; 103 KAR 27:090

SALES AND USE TAX

Administration and Accounting
Interest, penalties, compensation; 103 KAR 31:140

General Exemptions

Containers, wrapping, packing materials; 103 KAR 30:170
Farm machinery; 103 KAR 30:090
Miscellaneous Retail Occupations
Memorial dealers; 103 KAR 27:090

SOCIAL INSURANCE**Medical Assistance**

AABD programs, supplemental; 904 KAR 1:007
Primary care services; 904 KAR 1:054

SOCIAL WORK

Certified worker; 201 KAR 23:060
Code of practice; 201 KAR 23:080
Licensed worker; 201 KAR 23:060
Licensure

Application for; 201 KAR 23:010
Examination, fee; 201 KAR 23:020
Renewal fee; 201 KAR 23:030
Suspension, revocation, refusal to renew; 201 KAR 23:040
Termination, reinstatement; 201 KAR 23:050

Register of licensees; 201 KAR 23:090

Specialty certification; 201 KAR 23:070

TAXATION

(See Revenue and Taxation)

TEACHERS' RETIREMENT

Benefit adjustment; 102 KAR 1:153

TOBACCO

(See Agriculture)

TRANSPORTATION**Administration**

Public records, access to; 600 KAR 1:010

Highways

Classifications; 603 KAR 5:096
Truck weight limits; 603 KAR 5:066

Vehicle Regulation**Motor Carriers**

Complaints; 601 KAR 1:095
Truck tractors, semi-trailers; length; 601 KAR 1:010

Motor Vehicle Tax

Inspection before registration; 601 KAR 9:035
License plates, personalized; 601 KAR 9:012
Reciprocity; 601 KAR 9:040
Salvaged vehicle registration; 601 KAR 9:047

TRAVEL EXPENSE

(See Finance and Administration)

UTILITIES

(See Public Service Commission)

VEHICLE REGULATION**Motor Carriers**

Complaints; 601 KAR 1:095
Truck tractors, semi-trailers; length; 601 KAR 1:010

Motor Vehicle Tax

Inspection before registration; 601 KAR 9:035
License plates, personalized; 601 KAR 9:012
Reciprocity; 601 KAR 9:040
Salvaged vehicle registration; 601 KAR 9:047

VETERINARY EXAMINERS

Animal technicians; 201 KAR 16:040
Education, continuing; 201 KAR 16:050

VOCATIONAL EDUCATION**Administration**

State plan; 705 KAR 1:010

Adult Education

Adult program plan; 705 KAR 7:050

Instructional Programs

Industrial education programs; 705 KAR 4:131

Practical arts program; 705 KAR 4:151

Licensing Proprietary Schools

Repeals; 705 KAR 10:021

WILDLIFE

(See Fish and Wildlife)

WILD RIVERS

Boundaries; 400 KAR 1:010; 400 KAR 1:010E

WORKMEN'S COMPENSATION

Hearing officers; 803 KAR 25:060; 803 KAR 25:060E

