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This is an official publication of the Commonwealth of Kentucky, Legislative Research Commission, giving public notice of all proposed regulations filed by administrative agencies of the Commonwealth pursuant to the authority of Kentucky Revised Statutes Chapter 13.

Persons having an interest in the subject matter of a proposed regulation published herein may request a public hearing or submit comments within 30 days of the date of this issue to the official designated at the end of each proposed regulation.

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

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

## *Administrative Register of Kentucky*

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## Public Hearings Scheduled

### EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION Division of Occupations and Professions State Board of Accountancy

The State Board of Accountancy has scheduled a public hearing for 10:00 a.m. EST Wednesday, December 15, 1976 in the Dolphin Room, Executive Inn, Louisville, Kentucky, on the following regulations, published in this issue.

- 201 KAR 1:015. Meetings.
- 201 KAR 1:025. Quorum.
- 201 KAR 1:035. Application to take examination.
- 201 KAR 1:040. Examination; notice, procedure for conducting.
- 201 KAR 1:045. Subjects of examination; grading; reexamination.
- 201 KAR 1:050. Certificate application.
- 201 KAR 1:055. Certificate by waiver of examination.
- 201 KAR 1:060. Granting certificates.
- 201 KAR 1:065. Annual fees.
- 201 KAR 1:075. Registration of partnerships.
- 201 KAR 1:086. Repeal of 201 KAR 1:085.
- 201 KAR 1:090. Practice by non-resident.
- 201 KAR 1:095. Code of ethics.

### PUBLIC PROTECTION AND REGULATION CABINET Department of Insurance Office of the State Fire Marshal

The Department of Insurance has scheduled a public hearing on December 20, 1976 at 2:00 p.m. EST at the Department of Insurance, Second Floor, Capital Plaza Tower, Frankfort, Kentucky on the following proposed regulation, published in this issue:

- 806 KAR 50:015 Standards of safety; fire code.

## Emergency Regulations Now In Effect

**JULIAN M. CARROLL, GOVERNOR**  
Executive Order 76-1110  
November 8, 1976

### EMERGENCY REGULATION Crime Victims Compensation Board

WHEREAS, KRS Chapter 346 establishes a Crime Victims Compensation Board to reimburse innocent crime victims for their medical expenses and lost wages; and

WHEREAS, Kentucky residents who are innocent victims of crimes committed after June 18, 1976, are eligible for compensation under this act; and

WHEREAS, the Crime Victims Compensation Board and the Secretary of the Cabinet have determined and find that an emergency exists and that there is an immediate necessity to establish the procedures for handling crime victims' claims; and

WHEREAS, the Crime Victims Compensation Board and the Secretary of the Cabinet, pursuant to KRS 13.082 and KRS 346.040(2) have promulgated these Regulations for this purpose:

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 Crime Victims Compensation Board and the Secretary of the Cabinet that an emergency exists and direct that the attached Regulations become effective immediately upon being filed in the Office of the Legislative Research Commission.

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

### OFFICE OF THE SECRETARY OF THE CABINET Crime Victims Compensation Board

**107 KAR 1:005E. Claim filing.**

RELATES TO: KRS 346.040(2), 346.060(2) and (3)

PURSUANT TO: KRS 13.082

EFFECTIVE: November 9, 1976

EXPIRES: March 9, 1977

NECESSITY AND FUNCTION: KRS 346.060(2) provides that the Crime Victims Compensation Board shall adopt rules to carry out the Crime Victims Compensation law (KRS Chapter 346). This regulation provides the method for filing claims.

Section 1. (1) A claimant may supply in writing, in any form he desires, sufficient information to show that he qualifies for payment under the provisions of KRS Chapter 346; or

(2) By any means he chooses, a resident of Kentucky may notify the board at its office in Frankfort, Kentucky, of his intention to file a claim.

(3) The board shall then list for the claimant facts needed to determine whether the citizen is eligible for payment and the extent of his losses.

Section 2. The claimant shall supply requested information to the board's office in Frankfort within ninety (90) days in legible writing, printing, or typewriting.

EARL OSBORNE, Chairman

ADOPTED: November 4, 1976

APPROVED: JACKSON W. WHITE, Secretary

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

**OFFICE OF THE SECRETARY OF THE CABINET**  
Crime Victims Compensation Board

**107 KAR 1:015E. Decisions and hearings.**

RELATES TO: KRS 346.080

PURSUANT TO: KRS 13.082

EFFECTIVE: November 9, 1976

EXPIRES: March 9, 1977

NECESSITY AND FUNCTION: KRS 346.080(6) and (7) provide that the board member to whom a claim is assigned shall make a decision either granting an award or denying the claim and allowing him to order a hearing if necessary to reach a decision. To secure a speedy and just decision, this regulation sets the time limit for the board member to reach a decision or call a hearing.

Section 1. The board member to whom the chairman assigns a claim shall, in writing, approve, modify, or dismiss the claim or notify the board and claimant of the time and place of a hearing on the claim. The board member shall take one of the foregoing actions within thirty (30) days of the assignment or within thirty (30) days after he receives a report of investigation, whichever occurs last.

Section 2. Hearings, if held, shall be public. The presiding board member shall require each hearing to be conducted with decorum. The proof required to support a claim shall be that required to support a claim in any court of competent jurisdiction.

EARL OSBORNE, Chairman

ADOPTED: November 4, 1976

APPROVED: JACKSON W. WHITE, Secretary

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

**OFFICE OF THE SECRETARY OF THE CABINET**  
Crime Victims Compensation Board

**107 KAR 1:025E. Attorneys' fees.**

RELATES TO: KRS 346.040, 346.110

PURSUANT TO: KRS 13.082, 346.040, 346.110

EFFECTIVE: November 9, 1976

EXPIRES: March 9, 1977

NECESSITY AND FUNCTION: KRS 346.040(2) provides that the Crime Victims Compensation Board shall adopt rules for the approval of attorneys' fees for representation before the board or upon judicial review as provided for in KRS 346.110. This regulation sets forth the conditions of such payment.

Section 1. If a claimant is represented by an attorney, the attorney's fees shall be subject to approval by the board.

EARL OSBORNE, Chairman

ADOPTED: November 9, 1976

APPROVED: JACKSON W. WHITE, Secretary

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

**JULIAN M. CARROLL, GOVERNOR**  
Executive Order 76-1058  
October 27, 1976

**EMERGENCY REGULATION**  
Department of Labor

WHEREAS, it is in the best interest of the Commonwealth that the Elevator Safety Inspection Program be self-supporting; and

WHEREAS, the fee for inspections must be set by regulation; and

WHEREAS, The Department of Labor has determined and finds that an emergency exists and that there is an immediate necessity to establish the fee for elevator inspections; and

WHEREAS, the Commissioner of the Department of Labor, in conjunction with the Secretary of the Public Protection and Regulation Cabinet, pursuant to KRS 13.082 and 336.620, has promulgated the Regulation hereinabove referenced:

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

JULIAN M. CARROLL, Governor

DREXELL R. DAVIS, Secretary of State

**PUBLIC PROTECTION AND REGULATION CABINET**  
Department of Labor

**803 KAR 4:021E. Elevator and escalator inspection fees.**

RELATES TO: KRS 336.510 to 336.680

PURSUANT TO: KRS 13.082, 336.620

EFFECTIVE: November 3, 1976

EXPIRES: March 3, 1977

NECESSITY AND FUNCTION: KRS 336.620 authorizes the commissioner to prescribe the fee to be



charged for each inspection of an elevator. The function of this regulation is to set forth the fee to be charged in order to raise enough revenue to properly administer the inspection program.

Section 1. Schedule of Fees. (1) Construction permit fee for installation of each new elevator shall be thirty-five dollars (\$35) plus four dollars (\$4) per door opening.

(2) Alteration permit fee of existing elevator shall be thirty-five dollars (\$35) plus four dollars (\$4) per door opening. An alteration shall be anything as defined in Part XII of the American Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, as adopted by reference in 803 KAR 4:010.

(3) Construction permit fee for installation of each escalator shall be thirty-five dollars (\$35) per unit.

(4) General inspection fee for each passenger elevator and escalator shall be thirty-five dollars (\$35) per annual inspection.

(5) Inspection fee for each inspection by a general inspector made on request by the owner or user of each elevator shall be thirty-five dollars (\$35).

(6) As used in this section, an escalator shall mean a moving inclined continuous stairway or runway used for raising or lowering passengers that is independently powered by its own unit. If two (2) escalators serve each floor, one (1) up and one (1) down, this would be considered as two (2) separate units; such as, first to second, up; second to first, down. A four (4) story building using escalators to serve all four (4) floors would require a total of eight (8) units.

JAMES R. YOCOM, Commissioner

ADOPTED: October 26, 1976

APPROVED:

JAMES E. GRAY, Secretary

RECEIVED BY LRC: November 3, 1976 at 9:15 a.m.

## Amended Regulation Now In Effect

(The following regulation, as proposed to be amended, was published originally in the October issue of the *Administrative Register* [3 Ky.R. 328]. The issuing agency, following a public hearing, further amended the regulation. As finally amended, the regulation was approved for filing by the Administrative Regulation Review Subcommittee at its November 3, 1976 meeting and became effective on that date.)

### PUBLIC PROTECTION AND REGULATION CABINET Department of Mines and Minerals (As Amended)

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

RELATES TO: KRS 351.175

PURSUANT TO: KRS 13.082, 351.175

EFFECTIVE: November 3, 1976

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)8.*

*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) and (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 annual 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 annual license fee for mines with more than one (1) working section shall be \$100 plus \$25 for each additional working section. The maximum license fee shall not exceed \$1,000. [(2) The license fee for mines with two (2) working sections shall be \$200 per year. 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. 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) and (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 annual license fee for mines producing less than 100,000 tons per year shall be \$100 per year.]

(1) *The minimum annual license fee for mines shall be \$100 per year.*

(2) *The annual license fee for mines having produced, in the preceding calendar year, at or in excess of 100,000 tons per year shall be \$100 plus \$25 for each additional 100,000 tons or part thereof. The maximum license fee shall not exceed \$1,000.*

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: October 25, 1976

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: October 26, 1976 at 11:15 a.m.

## Proposed Amendments

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

#### 201 KAR 1:015. Meetings.

RELATES TO: KRS 325.230, 325.240

PURSUANT TO: KRS 325.240

NECESSITY AND FUNCTION: To *amend* [repromulgate] administrative regulations of the Board of Accountancy of Kentucky. *This regulation governs the meetings of the board.*

Section 1. The board shall meet in Louisville, or elsewhere in Kentucky as it may elect, at least once each year, and shall remain in session as long as necessary in order to transact its business and to conduct written examinations of persons applying for a certificate as a Certified Public Accountant. [Meetings shall be held upon call by the president of the board or by joint call of any three (3) of its members, and may be held at any time or place designated in the notice of the meeting.]

(1) *In additoion to the annual meeting, and in addition to future meetings the time and place of which may be fixed by resolution of the board, any meeting may be called by the president of the board or by joint call of four (4) of its members. Two (2) weeks' notice shall be given for such meetings and must designate the time and place.*

(2) *All meetings of the board shall be open and public, except that the board may hold executive sessions to deliberate on the decision to be reached after a hearing upon a complaint, or to consider the qualifications of candidates for certificates as certified public accountants.*

BERNARD W. GRATZER, Executive Secretary

ADOPTED: October 8, 1976

APPROVED: RUSSELL McCLURE, Secretary

RECEIVED BY LRC: November 15, 1976 at 3:30 p.m.

PUBLIC HEARING: A public hearing on this proposed amendment will be held at 10 a.m. EST Wednesday, December 15, 1976 in the Dolphin Room, Executive Inn, Louisville, Kentucky. For further information contact: Executive Secretary, State Board of Accountancy, 310 W. Liberty Street, Louisville, Kentucky 40202.

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

#### 201 KAR 1:025. Quorum.

RELATES TO: KRS 325.230, 325.240

PURSUANT TO: KRS 325.240

NECESSITY AND FUNCTION: To *amend* [repromulgate] administrative regulations of the Board of Accountancy of Kentucky. *This regulation provides for the number of board members required for a quorum to transact business.*

Section 1. *Four (4)* [Three (3)] members of the board shall constitute a quorum for the transaction of business, except that when hearings are held as prescribed in KRS 325.360 *five (5)* [every] members of the board, as well as the Attorney General of this state or one of his assistants designated by him, shall be present.

BERNARD W. GRATZER, Secretary

ADOPTED: October 8, 1976

APPROVED: RUSSELL McCLURE, Secretary

RECEIVED BY LRC: November 15, 1976 at 3:30 p.m.

PUBLIC HEARING: A public hearing on this proposed amendment will be held at 10 a.m. EST Wednesday, December 15, 1976 in the Dolphin Room, Executive Inn, Louisville, Kentucky. For further information contact: Executive Secretary, State Board of Accountancy, 310 W. Liberty Street, Louisville, Kentucky 40202.

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

#### 201 KAR 1:035. Application to take examination.

RELATES TO: KRS 325.265

PURSUANT TO: KRS 325.240

NECESSITY AND FUNCTION: To *amend* [repromulgate] administrative regulations of the Board of

Accountancy of Kentucky. *This regulation relates to the application for taking an examination.*

Section 1. The completed application, including all information requested therein, must be filed with the office of the State Board of Accountancy, Louisville, Kentucky, at least two (2) months prior to the first day of the month in which the examination is to be held. Thus, applications to sit for the May examination shall be filed with the board on or before the first day of March preceding; and applications to sit for the November examination shall be filed with the board on or before the first day of September preceding. Except that in the case of candidates filing for re-examination because of forfeiture or expiration of application, such applications shall be filed with the board within thirty (30) days after the results of the next preceding examination have been published. In submitting the application to the board, the applicant shall:

(1) Submit the application on the form prescribed by the board, signed and acknowledged before a notary public;

(2) Cause to be filed with the board three (3) letters from persons to whom the applicant is well known. Each letter must state an opinion as to the moral character of the applicant. All letters should be mailed by the writers to the State Board of Accountancy, Louisville;]

(3) Include in application the name and address of each person from whom letters are to be received in accordance with subsection (2) above. No applicant shall submit for reference the name of any person to whom he is related by either blood or marriage;]

(2) [(4)] Enclose with application two (2) photographs taken within two (2) years preceding application, the back of which must bear the signature in ink of the applicant;

(3) [(5)] Include with the application evidence of educational qualifications and experience qualifications when required;

(4) [(6)] The fee for the examination shall be *sixty-two dollars and fifty cents (\$62.50)* [fifty dollars (\$50)] in the case of a new applicant. On re-examination the fee is twelve dollars and fifty cents (\$12.50) [for each subject in which the candidate is examined.] *each for Theory of Accounts, Auditing and Business Law, and twenty-five dollars (\$25) for Accounting Practice.* Payment shall be made at the time requested by the board in the form of a check made payable to "Kentucky State Board of Accountancy." ["State Treasurer"].]

Section 2. The act of filing an application for examination shall be deemed to be and shall constitute an agreement upon the part of the applicant that he will observe and conform to the requirements expressed in these rules, or such as may be promulgated hereafter.

BERNARD W. GRATZER, Executive Secretary

ADOPTED: October 8, 1976

APPROVED: RUSSELL McCLURE, Secretary

RECEIVED BY LRC: November 15, 1976 at 3:30 p.m.

PUBLIC HEARING: A public hearing on this proposed amendment will be held at 10 a.m. EST Wednesday, December 15, 1976 in the Dolphin Room, Executive Inn, Louisville, Kentucky. For further information contact: Executive Secretary, State Board of Accountancy, 310 West Liberty Street, Louisville, Kentucky 40202.

## EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

### Division of Occupations and Professions Board of Accountancy (Proposed Amendment)

**201 KAR 1:040. Examination; notice, procedure for conducting.**

RELATES TO: KRS 325.270

PURSUANT TO: KRS 325.240

NECESSITY AND FUNCTION: To *amend* [repromulgate] administrative regulations of the State Board of Accountancy of Kentucky. *This regulation relates to the procedure for conducting examinations.*

Section 1. During the months of May and November the board will conduct an examination for qualified applicants whose applications have been approved by the board. The applicants accepted as candidates for examination will be notified in writing to the address stated in their application of the exact place of the examination, and the dates and hours at which each subject will be given. [Unless otherwise determined these examinations will be held in the City of Louisville, Kentucky.]

[Section 2. All examinations shall be written in pencil or in ink on paper provided by the board. The examination papers may not be taken away and shall remain the property of the board. All examination papers shall be preserved for a period of one (1) year after each examination.]

Section 2. [3.] Candidates for examination shall be given a card bearing a number and the card shall be placed in a sealed envelope and handed to the examiners at the first examination. The number is for identification only and shall be used on all papers submitted by the candidate. If any candidate shall sign his name or write his initials or other identification marks upon his examination papers, such action shall be considered as misconduct and shall be sufficient cause for rejecting his papers.

Section 3. *Answers to examination questions, identified by the proper question number, must be submitted by the candidate on stationery or forms furnished by the board. The candidate shall clarify his answers by noting such number on each answer sheet and in no other manner.*

Section 4. *All answers must be turned in to the examiner in charge in the time allotted. The time allotted is stated on the examination questions booklet. All papers, stationery and supplies, except for the examination questions booklet furnished by the board, shall remain its property and must be returned whether used or not. All examination papers shall be preserved for a period of one (1) year after each examination.*

Section 5. *Reference by a candidate during the examination to books or other matter, or exchange of information with other persons shall be considered misconduct sufficient to bar the candidate from further participation in that particular examination subject and to cause cancellation of all other papers submitted covering other subjects of that scheduled examination and*

*suspension of the right to sit for subsequent examinations.*

BERNARD W. GRATZER, Executive Secretary  
ADOPTED: October 8, 1976

APPROVED: RUSSELL McCLURE, Secretary

RECEIVED BY LRC: November 15, 1976 at 3:30 p.m.

PUBLIC HEARING: A public hearing on this proposed amendment will be held at 10 a.m. EST Wednesday, December 15, 1976 in the Dolphin Room, Executive Inn, Louisville, Kentucky. For further information contact: Executive Secretary, State Board of Accountancy, 310 West Liberty Street, Louisville, Kentucky 40202.

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

**201 KAR 1:045. Subjects of examination; grading; re-examination.**

RELATES TO: KRS 325.265, 325.270

PURSUANT TO: KRS 325.240, 325.270

NECESSITY AND FUNCTION: To amend [repromulgate] administrative regulations of the State Board of Accountancy of Kentucky. *This regulation relates to the subjects of examination, grading and re-examination.*

Section 1. Examinations will include questions or problems on the following subjects:

- (1) Accounting Practice;
- (2) Theory of Accounts;
- (3) Auditing;
- (4) *Business [Commercial] Law.*

Section 2. The candidate will be required to make a grade of not less than seventy-five (75) percent in each subject before he will be declared to have passed the examination.

Section 3. A candidate who [has earned no conditional credit, who] fails to receive a conditional credit or credits in any examination shall have the right to re-examination. [Should such candidate fail to pass the examination or to obtain a conditional credit as hereinafter provided, after taking three (3) consecutive examinations, he shall be considered to have failed the examination. Such candidate may, however, thereafter make a new application, which shall be reviewed by the board as in the case of any new applicant.]

Section 4. A candidate who fails to pass all subjects, but who received a passing grade in two (2) [one (1)] or more subjects, *or accounting practice alone*, shall receive a conditional credit for such subject or subjects, provided such candidate averages fifty (50) percent or more on the parts failed. *This minimum average grade requirement is waived if three (3) parts are passed at a single sitting.* [A candidate who receives such conditional credit or credits must pass the remaining subjects at any three (3) of the four (4) examinations next succeeding the examination at which the first conditional credit was earned. In the event of his failure thus to pass the examination within the above

prescribed period, he will be considered to have failed the examination. Such a candidate may, however, thereafter make a new application, which shall be reviewed by the board as in the case of any new applicant.]

*Section 5. To add to conditioned status, the candidate must obtain a grade of seventy-five (75) or more and an average grade of fifty (50) in all parts not passed. While an average grade of less than fifty (50) prevents the candidate from adding to his conditioned status, it alone does not remove or cancel conditioned status previously attained.*

*Section 6. A candidate who receives such conditional credit or credits must pass the remaining subjects at any six (6) examinations next succeeding the examination at which the first conditional credit was earned. In the event of his failure thus to pass the examination within the above prescribed period, he will be considered to have failed the examination. Such a candidate may, however, thereafter make a new application, which shall be reviewed by the board as in the case of any new applicant.*

Section 7. [Section 5.] Every candidate must sit for every examination for which he is eligible unless excused for a cause acceptable to the board. [, and at such examination he must, in good faith, submit a paper on each subject for which he is eligible to be examined.] *At any sitting, the candidate must sit for all parts for which he has not yet received a passing grade.* Failure to sit, if not excused, will void the application and failure of the candidate to so submit any such paper may, in the discretion of the board, result in the disqualification of all papers submitted by such candidate in said examination.

Section 8. [Section 6.] Any person licensed to practice law in this state need not be examined in the subject of *business [Commercial] law*. An applicant claiming waiver of the examination in *business [Commercial] law* by virtue of this section must include with his application a certification from the Kentucky State Bar Association to the effect that such candidate is duly licensed to practice law in this state and is in good standing as provided in KRS 30.170.

Section 9. [Section 7.] A candidate for the certificate of Certified Public Accountant who has written the uniform examination under the jurisdiction of another state and has failed to receive a passing grade in all subjects, but has passed two (2) [one (1)] or more subjects, *or accounting practice alone*, [as determined by the Advisory Grading Service,] may in the discretion of the board be given conditional credit for parts passed, provided that the applicant met all requirements of the Kentucky law and regulations, except for residence, at the time of writing the examination.

BERNARD W. GRATZER, Executive Secretary  
ADOPTED: October 8, 1976

APPROVED: RUSSELL McCLURE, Secretary

RECEIVED BY LRC: November 15, 1976 at 3:30 p.m.

PUBLIC HEARING: A public hearing on this proposed amendment will be held at 10 a.m. EST Wednesday, December 15, 1976 in the Dolphin Room, Executive Inn, Louisville, Kentucky. For further information contact: Executive Secretary, State Board of Accountancy, 310 West Liberty Street, Louisville, Kentucky 40202.

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

**201 KAR 1:050. Certificate application.**

RELATES TO: KRS 325.261, 325.280

PURSUANT TO: KRS 325.240

**NECESSITY AND FUNCTION:** To *amend* [repromulgate] administrative regulations of the State Board of Accountancy of Kentucky. *This regulation pertains to making application for certification.*

Section 1. Persons who have met the qualifications set forth in KRS 325.261 may make application for a certificate as Certified Public Accountant and a permit to practice public accounting provided such application is filed within five (5) years after successful completion of the examination. In submitting the application to the board, the applicant shall:

(1) Submit the application on the form prescribed by the board together with payment of the fee of twenty-five dollars (\$25).

(2) Cause to be filed with the board three (3) letters from persons to whom the applicant is well known, two (2) of which must be from *licensees of* [Certified Public Accountants registered by] this board. [or officers or directors of a bank located in the Commonwealth of Kentucky.] Each letter must state an opinion as to the moral character of the applicant and his fitness to practice as a Certified Public Accountant. All letters shall be mailed by the writers to the State Board of Accountancy, Louisville;

(3) Include in application the name and address of each person from whom letters are to be received in accordance with subsection (2) above. No applicant shall submit for reference the name of any person to whom he is related by either blood or marriage;

(4) Submit satisfactory evidence that the experience requirements have been met in accordance with 201 KAR 1:060, unless such is already in possession of the board;

(5) Enclose with application one (1) photograph taken within two (2) years preceding application, the back of which must bear the signature in ink of the applicant;

(6) Include with the application evidence of educational qualifications unless such is already in possession of the board;

(7) *Submit satisfactory evidence of completion of an examination on professional ethics and other related questions as the board may deem appropriate.* [Submit with the application satisfactory answers to questions on the Kentucky Accountancy Law, regulations, and official code of ethics, such questions being furnished by the board.]

Section 2. The act of filing an application for a certificate and permit to practice constitutes an agreement that the applicant will take the oath of the Kentucky Certified Public Accountant.

BERNARD W. GRATZER, Executive Secretary  
ADOPTED: October 8, 1976  
APPROVED: RUSSELL McCLURE, Secretary  
RECEIVED BY LRC: November 15, 1976 at 3:30 p.m.  
PUBLIC HEARING: A public hearing on this proposed

amendment will be held at 10 a.m. EST Wednesday, December 15, 1976 in the Dolphin Room, Executive Inn, Louisville, Kentucky. For further information contact: Executive Secretary, State Board of Accountancy, 310 West Liberty Street, Louisville, Kentucky 40202.

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

**201 KAR 1:055. Certificate by waiver of examination.**

RELATES TO: KRS 325.261, 325.280

PURSUANT TO: KRS 325.240

**NECESSITY AND FUNCTION:** To *amend* [repromulgate] administrative regulations of the State Board of Accountancy of Kentucky. *This regulation pertains to waiver of examination for certification.*

Section 1. The board may, in its discretion, waive the examination of, and issue a certificate as "certified public accountant" to any person who submits on the form or in the manner prescribed by the board, satisfactory evidence that:

(1) He holds a certificate as certified public accountant issued under the laws of another state as the result of a written examination comparable to those given by this board; or is the holder of a certificate, license, or degree in a foreign country constituting a recognized qualification for the practice of public accounting in such country, comparable to that of a certified public accountant of this state, which is then in force; and

(2) That he is either a resident of Kentucky, or has a place of business therein or is employed therein; and

(3) That he possesses all other qualifications required for eligibility for the certificate as certified public accountant as set forth in KRS 325.261; and

(4) Who takes the oath of the Kentucky Certified Public Accountant.

[Section 2. In the event the applicant has not met the requirements of subsection (2) above at the time of application, the board may at its discretion, for a fee of twenty-five dollars (\$25) issue a temporary practice permit for a period not to exceed six (6) months, which will qualify such applicant for the requirements of KRS 325.261. Failure by the applicant to meet the requirement of KRS 325.261(1) within the period of the temporary permit shall automatically void any registration.]

BERNARD W. GRATZER, Executive Secretary  
ADOPTED: October 8, 1976  
APPROVED: RUSSELL McCLURE, Secretary  
RECEIVED BY LRC: November 15, 1976 at 3:30 p.m.  
PUBLIC HEARING: A public hearing on this proposed amendment will be held at 10 a.m. EST Wednesday, December 15, 1976 in the Dolphin Room, Executive Inn, Louisville, Kentucky. For further information contact: Executive Secretary, State Board of Accountancy, 310 West Liberty Street, Louisville, Kentucky 40202.



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

**201 KAR 1:060. Granting certificates.**

RELATES TO: KRS 325.261, 325.265, 325.270, 325.280

PURSUANT TO: KRS 325.240

NECESSITY AND FUNCTION: To *amend* [repromulgate] administrative regulations of the State Board of Accountancy of Kentucky. *This regulation pertains to the granting of certificates.*

Section 1. The board shall issue a certificate as Certified Public Accountant to any person who meets the qualifications set forth in KRS 325.261.

Section 2. The educational requirement of KRS 325.261(3)(a), (b), and (c), referring to a baccalaureate degree and/or masters degree "conferred by a college or university recognized by the board," is defined as a degree at an institution whose credits would be accorded full recognition on transfer to the University of Kentucky or University of Louisville. Evidence that the applicant possesses the educational qualifications prescribed herein shall consist of an official transcript or transcripts issued by the institution(s) granting the degrees claimed. Such transcripts shall be submitted with an application for examination or certificate by waiver of examination and remain a part thereof.

Section 3. A major or concentration program in accounting is defined as a minimum of twenty (20) semester hours in accounting subjects. A total of thirty (30) semester hours in accounting, business law, economics and finance are required.

Section 4. In order to fulfill the experience requirements of KRS 325.261(3)(a), (b), (c), and (d), the applicant shall show to the satisfaction of the board that his experience has included participation in the examination of financial statements for third party reliance embracing the following:

(1) Experience in applying a variety of auditing procedures and techniques to the usual and customary financial transactions recorded in accounting records.

(2) Experience in the preparation of audit working papers covering the examination of the accounts usually found in accounting records.

(3) Experience in the planning of the program of audit work including the selection of the procedures to be followed.

(4) Experience in the preparation of written explanations and comments on the findings of the examination and on the content of the accounting records.

(5) Experience in the preparation and analysis of financial statements together with explanations and notes thereon.

Section 5. An applicant who relies in whole or in part on the experience of KRS 325.261(3)(f) or (g) must submit verification of said experience in affidavit form signed by the Chief of the Audit Section in the case of employment in the Internal Revenue Service[, or the Commissioner of

Revenue in the case of employment in the Kentucky Department of Revenue.] Such affidavit must set forth full and specific details of qualifications.

Section 6. The experience requirements of KRS 325.261(3)(a), (c) and (d) may be partially fulfilled by employment on a part-time [or internship] basis. *Any experience attained after high school graduation and before awarding of a baccalaureate degree shall be considered part-time.* In the case of part-time work experience, one half (½) hour credit will be given for each hour worked, such credit being limited to twenty (20) hours per week. [On applications received after November 1, 1967, not more than one (1) year of experience credit will be granted for such part-time work. In the case of qualifying experience gained as the result of work performed through a full-time internship program, full hour credit will be granted for hours worked. Not more than one (1) year of the experience requirement may be fulfilled by work performed through an internship program. For the purpose of this regulation, a year shall be defined as a minimum of 1,750 hours.]

Section 7. *Experience attained after receiving a baccalaureate degree shall be considered full-time provided such employment is on a full-time basis and is for a period of at least ninety (90) consecutive calendar days.* A maximum of one (1) year of the experience requirement may be obtained through part-time work. [or through internship programs or a combination of both.] Experience so gained must be submitted over the signature of the employer, showing the hours worked each week.

Section 8. *An applicant who relies in whole or in part on "such other experience or employment as the board in its discretion may regard as substantially equivalent thereto," as contained in KRS 325.261, shall submit to the board, in affidavit form, evidence, as required by the board, that such experience is of a nature as defined in Sections 1 to 5 above. Experience relied upon under this section will require at least an equal amount of experience as required by KRS 325.261 (3)(f) and (g).*

BERNARD W. GRATZER, Executive Secretary

ADOPTED: October 8, 1976

APPROVED: RUSSELL McCLURE, Secretary

RECEIVED BY LRC: November 15, 1976 at 3:30 p.m.

PUBLIC HEARING: A public hearing on this proposed amendment will be held at 10 a.m. EST Wednesday, December 15, 1976 in the Dolphin Room, Executive Inn, Louisville, Kentucky. For further information contact: Executive Secretary, State Board of Accountancy, 310 West Liberty Street, Louisville, Kentucky 40202.

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

**201 KAR 1:065. Annual fees.**

RELATES TO: KRS 325.330  
PURSUANT TO: KRS 325.240

**NECESSITY AND FUNCTION:** To *amend* [repromulgate] administrative regulations of the State Board of Accountancy of Kentucky. *This regulation pertains to annual permit fees.*

Section 1. Each certified public accountant who engages in practice in Kentucky must secure a permit from the Board of Accountancy by paying an initial fee of twenty dollars (\$20). Each such certified public accountant, each public accountant, [and] each partnership, *and each corporation* registered with this board shall pay to the Board of Accountancy an annual renewal fee of twenty dollars (\$20) on or before July 1 of each year, for his or its permit to practice public accountancy in Kentucky during the twelve month period beginning on that date.

BERNARD W. GRATZER, Secretary

ADOPTED: October 8, 1976

APPROVED: RUSSELL McCLURE, Secretary

RECEIVED BY LRC: November 15, 1976 at 3:30 p.m.

**PUBLIC HEARING:** A public hearing on this proposed amendment will be held at 10 a.m. EST Wednesday, December 15, 1976 in the Dolphin Room, Executive Inn, Louisville, Kentucky. For further information contact: Executive Secretary, State Board of Accountancy, 310 West Liberty Street, Louisville, Kentucky 40202.

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

**201 KAR 1:075. Registration of partnerships and corporations.**

RELATES TO: KRS 325.300, 325.320, 325.330  
PURSUANT TO: KRS 325.240

**NECESSITY AND FUNCTION:** To *amend* [repromulgate] administrative regulations of the State Board of Accountancy of Kentucky. *This regulation pertains to registration of partnerships and corporations.*

Section 1. Under the provisions of KRS 325.300 and 325.320, bona fide partnerships *and corporations* practicing accountancy in Kentucky *shall* [are permitted and required to] register [annually] with the State Board of Accountancy. Information and application blanks will be furnished upon request. One (1) partner *or shareholder* shall execute *the* affidavit [of general partner on page two (2) of] *contained within the Application for Registration of Partnership or Corporation.* All other partners *or shareholders* [must sign on the line opposite their listed name on the form.] *shall execute supplementary affidavits*

*furnished by the board.* In case of admission to a partnership *or corporation*, a supplementary affidavit properly executed by the new partner *or shareholder* shall accompany the notice of admission submitted to the board. Notice of admission of a partner *or shareholder* to, or his withdrawal from, a partnership *or corporation* must be given to the board within one (1) month where no change of partnership *or corporation* name is involved. If admission or withdrawal of a partner *or shareholder* is accompanied by a change in the partnership *or corporation* name, initial registration of the new partnership *or corporation* as such is required.

*Section 2. A licensee operating more than one (1) office for the practice of public accounting within this state shall register each office with the board on a form and in a manner prescribed by the board.*

BERNARD W. GRATZER, Executive Secretary

ADOPTED: October 8, 1976

APPROVED: RUSSELL McCLURE, Secretary

RECEIVED BY LRC: November 15, 1976 at 3:30 p.m.

**PUBLIC HEARING:** A public hearing on this proposed amendment will be held at 10 a.m. EST Wednesday, December 15, 1976 in the Dolphin Room, Executive Inn, Louisville, Kentucky. For further information contact: Executive Secretary, State Board of Accountancy, 310 West Liberty Street, Louisville, Kentucky 40202.

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

**201 KAR 1:090. Practice by non-residents.**

RELATES TO: KRS 325.390  
PURSUANT TO: KRS 325.240

**NECESSITY AND FUNCTION:** To *amend* [repromulgate] administrative regulations of the State Board of Accountancy of Kentucky. *This regulation pertains to practice by non-residents.*

Section 1. *Application for temporary permits as required by KRS 325.390(2) shall be submitted on a form as prescribed by the board.* [A Certified Public Accountant or registered Public Accountant holding a certificate, degree or license issued by the accountancy board or commission of another state may temporarily practice in this state on professional business incident to his regular practice; provided, however, that he shall in such practice be governed by regulations and rules of professional conduct promulgated by the State Board of Accountancy of Kentucky. Evidence of a violation of any such regulation or rule of professional conduct shall first be submitted to the accountancy board or commission of the state from which the Certified Public Accountant or registered Public Accountant holds his certificate, degree or license, and proceedings shall be instituted by this board only in the event that such board or commission fails or is unable to take appropriate action.]

*Section 2. Included in the application shall be a statement of the applicant, or if it is a partnership or*

corporation, by a partner or shareholder of the applicants, specifying the specific engagement or engagements to be performed during the period for which the temporary permit is requested. A resident of Kentucky may not obtain a permit to practice under these regulations. Such statement shall also certify that such engagements were obtained and shall be conducted in compliance with the rules of professional conduct promulgated by the board.

Section 3. The fee for submitting an application for a temporary permit shall be fifty dollars (\$50), which fee shall be non-refundable in the event the temporary permit is denied.

BERNARD W. GRATZER, Executive Secretary  
ADOPTED: October 8, 1976

APPROVED: RUSSELL McCLURE, Secretary

RECEIVED BY LRC: November 15, at 3:30 p.m.

PUBLIC HEARING: A public hearing on this proposed amendment will be held at 10 a.m. EST Wednesday, December 15, 1976 in the Dolphin Room, Executive Inn, Louisville, Kentucky. For further information contact: Executive Secretary, State Board of Accountancy 310 W. Liberty Street Louisville, Ky. 40202.

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

**201 KAR 1:095. Code of Ethics.**

RELATES TO: KRS 325.340

PURSUANT TO: KRS 325.240

NECESSITY AND FUNCTION: To amend [repromulgate] administrative regulations of the State Board of Accountancy of Kentucky. *This regulation pertains to the code of ethics.*

Section 1. [An official Code of Ethics containing r] Rules of professional conduct governing the activities of all persons holding a permit to practice issued by this board shall be promulgated, *incorporated herein by reference*, and copies shall be furnished to any interested person upon request. [The "Official Code of Ethics" containing rules of professional conduct governing the activities of all persons holding a permit to practice issued by this board are incorporated herein by reference and may be obtained from the State Board of Accountancy, 310 W. Liberty Street, Louisville, Kentucky 40202. No change in the official code of ethics (rules of professional conduct) shall be adopted until every permit holder shall have been notified in writing at his address last known to the board of the proposed change. Such notice shall be mailed at least sixty (60) days before the proposed effective date of such change and if at least ten (10) permit holders so request in writing an open hearing shall be held on the proposed changes.]

BERNARD W. GRATZER, Executive Secretary  
ADOPTED: October 8, 1976  
APPROVED: RUSSELL McCLURE, Secretary  
RECEIVED BY LRC: November 15, 1976 at 3:30 p.m.  
PUBLIC HEARING: A public hearing on this proposed

amendment will be held at 10 a.m. EST Wednesday, December 15, 1976 in the Dolphin Room, Executive Inn, Louisville, Kentucky. For further information contact: Executive Secretary, State Board of Accountancy, 310 W. Liberty Street, Louisville, Ky. 40202.

**EXECUTIVE DEPARTMENT FOR  
FINANCE AND ADMINISTRATION  
Board of Nursing Education and  
Nurse Registration  
(Proposed Amendment)**

**201 KAR 20:030. Registered nurse schools.**

RELATES TO: KRS 314.111, 314.011(5)

PURSUANT TO: KRS Chapter 314

NECESSITY AND FUNCTION: It is necessary to establish standards for registered nurse schools to assure that students will have an appropriate educational program to prepare them for licensure.

Section 1. Nurse Faculty. The number of faculty members shall be sufficient for the total number of students, number of students in each class, number of nursing laboratory areas used, and the curriculum design.

Section 2. Nurse faculty members shall be currently licensed in Kentucky. (1) The minimum educational qualification for the nurse administrator of the program shall be a master's degree with a major in nursing or baccalaureate degree with a major in nursing and a master's degree in a related field. The nurse administrator shall have educational preparation and/or experience appropriate to the responsibilities of the position.

(2) At least half of the nurse faculty members in programs established after September 1, 1968 shall have a master's degree. By 1980 at least three-fourths (3/4) of the nurse faculty members in all programs preparing graduates for licensure as registered nurses shall have a master's degree.

(3) All nurse faculty members employed after July 1, 1975 shall have had at least one (1) year of nursing experience as a registered nurse, and shall meet one (1) of the following educational requirements:

- (a) Baccalaureate degree with a major in nursing;
- (b) Master's degree in a related field subsequent to a baccalaureate degree with a major in nursing;
- (c) Master's degree with a nursing major;
- [(d) Doctoral degree.]

(4) All faculty members employed prior to July 1, 1975 who do not have a master's degree shall meet that requirement by September 1, 1980. Faculty members with only a BSN who are employed after July 1, 1975 will have five (5) years in which to earn a master's degree.

(5) All faculty members shall present evidence each year of continuing effort toward maintaining nursing competency and/or improving skills in the area of responsibility.

Section 3. Students. (1) Students shall have completed at least an approved four (4) year high school course or the equivalent as determined by an appropriate educational agency.

(2) Students shall meet the requirements established by

the school for admission to the program, progression and graduation.

Section 4. Curriculum. (1) The curriculum shall reflect the philosophy and objectives of the school and facilitate the achievement of the objectives of the program.

(2) The curriculum, designed to prepare the graduate for the practice of nursing as a registered nurse, shall include learning experiences whereby students develop:

(a) Understanding of the role of the nurse as a member of the profession and the nurse's relationship to other workers in health and related disciplines;

(b) Knowledge of facts, principles, and concepts from the natural and social sciences which are basic to nursing practice and to an understanding of plans for care;

(c) Ability to use the health-illness continuum as a basis for assessing the nursing and health care needs of people;

(d) Understanding of physical and emotional needs of individuals throughout the life cycle;

(e) Understanding of and the ability to use effective human relationships;

(f) Knowledge of incidence, causes and manifestations of common health problems; and

(g) Understanding of nursing principles and ability to apply them in the selection and implementation of appropriate nursing measures for people with specific needs.

(3) The curriculum shall provide instruction in:

(a) Biological and Physical Sciences. Content shall include facts, principles, and concepts of the biological and physical sciences which are basic to nursing practice and to understanding plans for health care.

(b) Social and Behavioral Sciences. Content in this area shall be the basis for the student to develop skill in understanding and relating to people.

(c) Nursing. Content shall be designed to guide the student in developing an understanding of and skill in assessing, planning, implementing, and evaluating nursing care. It shall include nursing care of adults and children of all age groups and both sexes, mothers and newborn infants, and patients with common medical, surgical and mental health problems. The concept of health maintenance shall also be included as well as care of individuals and groups of patients who are mildly, acutely and chronically ill.

(4) There shall be a general plan of the total curriculum, showing placement of courses and the number of hours allotted to class and laboratory learnings.

(5) A copy of each current course outline including objectives, planned instruction, learning activities and methods of evaluation shall be kept on file.

(6) The nursing program shall be at least two (2) academic years in length.

(7) Proposed major curriculum changes (e.g. addition or deletion of courses, decrease in total credit allotment for nursing content, but not rearrangement of content within nursing courses) must be submitted in writing for board approval before implementation of the changes.

ADOPTED: May 25, 1976

APPROVED: RUSSELL McCLURE, Secretary

RECEIVED BY LRC: November 1, 1976 at 11:00 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Doris McDowell, R.N., Executive Director, Kentucky Board of Nursing, 6100 Dutchmans Lane, Louisville, Kentucky 40205.

**EXECUTIVE DEPARTMENT FOR  
FINANCE AND ADMINISTRATION  
Board of Nursing Education and  
Nurse Registration  
(Proposed Amendment)**

**201 KAR 20:090. Temporary permit.**

RELATES TO: KRS 314.101(3)

PURSUANT TO: KRS Chapter 314

NECESSITY AND FUNCTION: To provide a means for applicants to be employed while application for a license is being processed.

Section 1. (1) An applicant for a license to practice nursing in Kentucky shall have a temporary work permit to practice until the license is issued.

(2) A graduate of an approved Kentucky school of nursing who applies to write the licensing examination within one (1) year after graduation shall be issued a temporary work permit upon payment of the examination and license fees. No charge will be made for the temporary work permit. *The new graduate with a work permit must work under the supervision of a registered nurse.*

(3) An applicant for a license by endorsement who holds a current license in another state shall be issued a temporary work permit upon payment of a fee of not more than five dollars (\$5) plus the regular license fee.

ADOPTED: May 25, 1976

APPROVED: RUSSELL McCLURE, Secretary

RECEIVED BY LRC: November 1, 1976 at 11:00 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Doris McDowell, R.N., Executive Director, Kentucky Board of Nursing, 6100 Dutchmans Lane, Louisville, Kentucky 40205.

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

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

RELATES TO: KRS Chapter 318

PURSUANT TO: KRS 13.082, 318.130, 224.033 [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 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 Sewer Piping and Corrugated Polyethylene Subsoil Drainage Tubing. (1) Vitrified clay pipe shall conform to A.S.T.M. Standard specifications C-200.

(2) Cement asbestos pipe shall conform to A.S.T.M. Standard Specification 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.)

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

(7) Corrugated polyethylene subsoil drainage tubing shall conform to A.S.T.M. Standard Specifications F-405-74. [and] Polyvinyl Chloride subsoil drainage tubing shall conform to A.S.T.M. D-2729. They shall have two (2) rows of three-fourths (¾) 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.

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 or using a coating conforming to A.S.T.M. A-174.

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 of [for] approval. All pipe and fittings shall bear the ASTM designation together with the NSF seal, the manufacturers identification and the size. The use of plastic pipe and fittings (PVC or ABS) as outlined herein shall be restricted to [for use in] *buildings where the soil and or waste and vent stack do not exceed thirty (30) feet in height, the verticle distance from the base of the stack to its terminus through the roof of the building.* [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 Pounds	Per Foot Ounces
1½	D XL	0.138	3	8
2	D XL	0.142	4	12
3	D XL	0.125	6	0
4	D XL	0.125	8	0

(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 specifications 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	2¼	2½	1 lb. 0 oz.
3	3¼	4½	1 lb. 12 oz.
4	4¼	4½	2 lb. 8 oz.

Section 14. Soldering Nipples. Soldering nipples shall be recessed red cast brass, iron pipe size. When cast, they shall be of 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 (¼) inch thick and shall have a two (2) inch caulking depth.

Section 16. New Materials. Any material other than 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: October 26, 1976

RECEIVED BY LRC: October 28, 1976 at 4:20 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO:  
Mr. Eugene F. Perkins, Director of Plumbing, Department for Natural Resources and Environmental Protection, 6th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

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

**401 KAR 1:040. Plumbing fixtures.**

RELATES TO: KRS Chapter 318

PURSUANT TO: KRS 13.082, 224.033, [211.090], 318.130 [and Executive Order 74-449]

NECESSITY AND FUNCTION: *This revised regulation would permit the use of a new concept for the treatment and purification of air in bath and toilet rooms. The cartridges in the fan unit contains a citrus by-product which removes bacteria and mold and eliminates the need to discharge and exhaust air to the outside of a building. It would also eliminate a certain amount of heat loss. This revised regulation would also permit the use of acrylic-faced bathtubs, a new concept for the protective coating used in the manufacture of fiberglass bathtubs. The test records*

*that were submitted by the manufacturer of this product indicates that this coating is an improvement over the gel-coating that is presently being used. [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 quality, type and kinds of plumbing fixtures that may be used in the installation of plumbing.]*

Section 1. Materials. All receptacles used as water closets, urinals, or otherwise for the disposal of human excreta, shall be of vitrified earthenware, hard natural stone, or cast iron with a light color porcelain enameled on the inside.

Section 2. Installation. All plumbing fixtures shall be installed free and open in a manner to afford access for cleaning. Where practical, all pipes from fixtures shall be run to the wall and no trap or pipe shall extend nearer to the floor than twelve (12) inches except laundry trays or similar fixtures.

Section 3. Water Closet Bowls. Water closet bowls shall be made of [in] one (1) piece and of such form as to hold a sufficient quantity of water when filled to the trap overflow to prevent fouling of its interior surfaces, and it shall be provided with an integral flushing rim so constructed as to flush the entire interior of the bowl.

Section 4. Frost-Proof Closet. A frost-proof water closet may be installed only in a building that has at least a twelve (12) inch air break between it and any building used for habitation or occupancy. The room shall be tightly enclosed and accessible from the outside only. The soil pipe between the trap and hopper shall be of extra heavy cast-iron, four (4) inches in diameter and shall be light colored porcelain enamel on the inside. The building must have a non-absorbent floor. Each frost-proof water closet shall have a four (4) inch vent.

Section 5. (1) Floor Drains and Shower Drains. A floor drain or a shower drain is considered a plumbing fixture and shall be provided with a strainer.

(2) Shower Drain Pan Construction. Shower drain pans shall be constructed of sheet lead weighing not less than four (4) pounds per square foot, non-plasticized chlorinated polyethylene conforming to ASTM D-412-66, D-1204-54 and D-568-61 not less than 0.040 inches or other approved material. Shower pans shall be constructed without seams and shall extend to a minimum height of six (6) inches on all vertical walls. Shower pans shall not be required on a concrete floor below the outside grade level.

(3) Fiberglass Bathtubs, Showers, Tub Enclosures and Shower Stalls. Fiberglass bathtubs and tub enclosures shall conform to Commercial Standards CS 221-59. *Acrylic-faced bathtubs shall conform to ASTM E-84B or E-162.* Fiberglass shower stalls and shower receptors shall conform to Commercial Standards CS 222-59.

(4) Metamorphosed Carbonate Aggregate Polyester Resinous Matrix-Marbleoid Bathtubs, Lavatories and Shower Stalls. Metamorphosed Carbonate Aggregate Polyester Resinous Matrix-Marbleoid bathtubs, lavatories and shower stalls shall conform to Commercial Standards CS 111-43.

Section 6. Floor Drains, Shower Drains or Urinal Drains in Inaccessible Places. Floor drains, shower drains or urinal

drains shall have a cast-iron P trap when installed under concrete floors or in inaccessible places. They shall be either caulk or screw type.

Section 7. Fixture Strainers. All fixtures other than water closets and pedestal urinals shall be provided with a fixed strong, metallic or porcelain strainer. The total outlet area shall not be less than that of the interior area of the trap.

Section 8. Fixture Overflow. The overflow pipe from a fixture shall be connected to the inlet side of a trap and be so arranged that it may be readily and effectively cleaned.

Section 9. Ventilation of Rooms Containing Fixtures. Plumbing fixtures, except bedroom lavatories, shall not be located in any room which does not contain a window placed in an external wall or is not otherwise provided with adequate ventilation. The minimum size of the external fresh air inlet shall be two and one-fourth (2-¼) square feet of opening. Where forced ventilation is used, the minimum change of air shall be six (6) times per hour and the vent must be extended to the outside of the building [...] or a ductless fan may be used, provided:

(1) The unit bears the label of the Underwriter's Laboratories, Inc.;

(2) The unit is installed so as to operate at all times when the lighting circuit is activated;

(3) The unit be installed in either the wall or ceiling;

(4) The unit is installed in accordance with the manufacturer's recommendations;

(5) The manufacturer make available cartridges that will be replaced on a six (6) month basis;

(6) A unit be provided for each 800 cubic feet of room volume.

Section 10. Fixture Additions. Any fixture or fixtures added to a plumbing system shall be installed to comply with the other sections of this code, and the discharge from the additional fixture or fixtures shall enter the soil pipe below the lowest vented opening.

Section 11. Defective Fixtures. All newly installed fixtures found defective or old fixtures found to be in an unsanitary condition, shall be repaired, replaced, or removed within thirty (30) days upon written notice from the department.

Section 12. Water Heaters. Water heaters shall be properly connected to the hot and cold water supply and shall be connected to an adequate size flue or chimney, but in no case shall this be connected to a flue serving a coal burning apparatus. The flue or chimney shall extend two (2) feet above the roof and be properly flashed and shall not terminate within six (6) feet of a door or window. If a water heater is placed in a closed room or closet the door must be a louver door.

ROBERT D. BELL, Secretary

ADOPTED: October 26, 1976

RECEIVED BY LRC: October 28, 1976 at 4:20 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Eugene F. Perkins, Director, Division of Plumbing, Department for Natural Resources and Environmental Protection, 6th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

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

401 KAR 1:070. Joints and connections.

RELATES TO: KRS Chapter 318

PURSUANT TO: KRS 13.082, 318.130, 224.033 [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 the methods that must be used in joining certain types of piping materials together as well as denoting the methods that must be used in securing plumbing fixtures to waste piping outlets.

Section 1. Water and Air-Tight Joints. All joints and connections shall be made permanently gas and water tight.

Section 2. Vitrified Pipe Joints; Concrete Pipe Joints; House Sewers-Combined Sewers. Joints in vitrified clay pipe shall conform to ASTM specification C-425. Joints in concrete pipe shall conform to commercial standard C-443. When it is necessary to use piping in other than standard lengths hot poured joints may be used. Joints between cast iron pipe and vitrified clay pipe or concrete pipe shall be made either of hot poured bitumastic compound or by a pre-formed elastomeric ring. The ring shall completely fill the annular space between the cast iron spigot and the vitrified clay or concrete pipe hub. Joints in pipe and fittings of not more than two (2) pipe sizes [the same size] between vitrified clay, asbestos cement, acrylonitrile-butadiene-styrene or polyvinyl chloride to cast iron pipe and fittings or the joining of either material to the other may be made with proper fittings by the use of a dispersion grade polyvinyl chloride ring conforming to ASTM C-443, C-425, C-594, C-564 and D-1829.

Section 3. Caulked Joints. All caulk joints shall be firmly packed with oakum or hemp and shall have at least one (1) inch of pure lead properly caulked. No paint varnish or putty will be permitted until tests have been performed.

Section 4. (1) Screw Joints. All screw joints shall be American Standard screw joints and all burrs or cuttings shall be removed.

(2) Mechanical Joint Couplings for Hot and Cold Water. Mechanical joint couplings for hot and cold water may be used above ground provided the couplings are galvanized and the gaskets conform to ASTM D-735-61, grade N-R-615 BZ.

(3) Mechanical Joint Couplings for Storm Water Piping. Mechanical joint couplings for storm water piping may be used above ground provided the couplings are either black iron or galvanized and the gaskets conform to ASTM D-735-61, grade N-R-615 BZ.

(4) Joints in PVC and ABS Schedule 40 or 80 Pipe and Fittings. Joints in polyvinyl chloride schedule 40 or 80 pipe and fittings shall be solvent welded joints and shall conform to ASTM D-2665-69. Joints in acrylonitrile-butadiene-styrene pipe and fittings shall be solvent welded joints and shall conform to ASTM D-2661-69.

Acrylonitrile-butadiene-styrene and polyvinyl chloride sewer piping that conforms to ASTM 3033 and 3034 shall be joined by solvent cement conforming to ASTM C-2665-69 for acrylonitrile-butadiene-styrene and ASTM D-2661-69 for polyvinyl chloride or with an elastomeric joint conforming to D-3212-73.

(5) Copper Pipe, Brass and Stainless Steel Tubing Joints. Copper pipe, brass and stainless steel tubing joints shall be soldered joints.

(6) Expansion. Every expansion joint shall be of approved type and its material shall conform with the type of piping in which it is installed.

(7) Brazed Joints. Brazed joints shall be made by first cleaning the surfaces to be joined down to the base metal, applying flux approved for such joints and for the filler metal to be used, and making the joint by heating to a temperature sufficient to melt the approved brazing filler metal on contact.

(8) Tapered Couplings. Every joint in bituminized fiber pipe shall be made with tapered type couplings of the same material as the pipe. Joints between bituminized fiber pipe and metal pipe shall be made by means of an approved adapter coupling properly caulked.

(9) Joints in Corrugated Polyethylene Subsoil Drainage Tubing. Joints in corrugated polyethylene subsoil drainage tubing shall be made by slip joints using appropriate fittings.

Section 5. Cast Iron Soil Pipe Joints. Joints in cast iron shall either be caulked, screwed, or joints made with the use of neoprene gaskets. Neoprene gaskets shall conform to either ASTM C-564-70 or CS 301-72. Joints that conform to commercial standard 301-69T shall have a stainless steel clamp.

Section 6. Borosilicate Joints. Joints and gaskets used for borosilicate pipe shall be made in a manner approved by the department.

Section 7. (1) Steel, Brass and Copper Connections to Cast Iron Pipe. Steel, brass and copper joints when connected to cast iron pipe shall be either screwed or caulked joints. All caulked joints shall be made by the use of a caulking spigot.

(2) PVC and ABS Pipe and Fitting Connections to Steel, Brass, Copper and Cast Iron Pipe. Polyvinyl chloride and acrylonitrile-[:] butadiene-[:] styrene pipe and fitting connections to steel, brass, copper or cast iron pipe shall either be a screwed or caulk joint. *Joints between Schedule 40 PVC or ABS pipe and cast iron pipe may be made by the use of a neoprene gasket conforming to ASTM C-564-70.* All caulk joints shall be made with the use of either a polyvinyl chloride or acrylonitrile-[:] butadiene-[:] styrene or cast iron caulking spigot.

(3) Stainless Steel Tubing to Cast Iron Pipe to Galvanized Steel Pipe and to Copper Tubing. Stainless steel tubing to cast iron pipe shall be made by caulking spigot. Stainless steel tubing to galvanized steel pipe or copper pipe shall be made by the use of an adaptor.

(4) Joints in Acid Waste Piping. Joints in vitreous glazed piping shall be made in a manner and of a material approved by the department. Joints in polyethylene and polypropylene piping must be made by the heat fusion process. Joints in borosilicate pipe may be a stain-

less steel mechanical joint. Joints between silicon iron pipe may be either caulk joint or stainless steel mechanical joint.

Section 8. Lead Pipe. Joints in lead pipe or between lead pipe and brass or copper pipes, ferrules, soldering nipples, or trap, shall be fullwiped joints, with an exposed surface of the solder at each side of the joint of not less than three-quarters ( $\frac{3}{4}$ ) of an inch. The minimum thickness of the thickest part of the joint shall be at least as thick as the material being used. In the event lead pipe is used for acid waste lines the pipe may be joined by burning.

Section 9. Lead Pipe to Cast Iron, Steel, or Wrought Iron Pipe. The joints between lead to cast iron, steel, or wrought iron shall be made by means of a caulking ferrule or a soldering nipple.

Section 10. Wall or Floor Flange Joints. Wall or floor flange joints shall be made by using a lead ring or brass flange and shall be properly soldered.

Section 11. Soil Pipe, Iron Pipe, Copper Pipe; Tubular Trap Joints. Joints between soil pipe, iron pipe, copper pipe and tubular traps shall be made by the use of heavy red cast brass adaptor. Tubular traps shall be soldered to the adaptor in a manner approved by the department.

Section 12. Slip Joints. Slip joints shall be permitted only on the inlet side of a trap.

Section 13. Unions. Unions shall be ground faced and shall not be concealed or enclosed.

Section 14. Roof Joints. The joint at the roof shall be made water-tight by use of copper, lead or other approved flashing or flashing material. It shall extend not less than six (6) inches from the pipe in all directions and shall extend upward twelve (12) or more inches and turn down into the pipe. A hub flashing may be used provided it is constructed so it can be caulked into a hub above the roof.

Section 15. Increases and Reducers. When different size pipes or pipes and fittings are to be concealed, the proper size increaser or reducer pitched at an angle of forty-five (45) degrees between the two (2) sizes, shall be used.

Section 16. Prohibited Joints and Connections. Any fitting or connection which has an enlargement chamber, or recess with a ledge shoulder, or reduction of the pipe area in the direction of the flow is prohibited.

Section 17. Hangers and Supports. All piping and fixtures shall be adequately supported by hangers or anchors securely attached to the building construction.

Section 18. Welded Pipe for Soil, Waste and Vent Systems. Mild steel pipe may be welded for a soil waste and vent system provided the welds are mechanically sound and the bore of the piping is smooth throughout its length. The welded piping shall be covered with a

metallic continuous coating. Written permission shall be secured from the department for such a system.

ROBERT D. BELL, Secretary

ADOPTED: October 26, 1976

RECEIVED BY LRC: October 28, 1976 at 4:20 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mr. Eugene F. Perkins, Director, Division of Plumbing, Department for Natural Resources and Environmental Protection, 6th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

DEPARTMENT FOR NATURAL RESOURCES  
AND ENVIRONMENTAL PROTECTION

Bureau of Environmental Protection

Division of Plumbing

(Proposed Amendment)

401 KAR 1:090. Water supply and distribution.

RELATES TO: KRS Chapter 318

PURSUANT TO: KRS 13.082, 224.033 318.130 [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 the types of piping, pipe sizes for a potable water supply system and the methods to be used to protect and control it.

Section 1. Quality. The bacteriological and chemical quality of the water supply shall comply with the regulations of the department.

Section 2. Distribution. The water supply shall be distributed through a piping system entirely independent of any other piping system.

Section 3. Water Service. The water service piping to any building shall be not less than three fourths ( $3/4$ ) inch but shall be of sufficient size to permit a continuous and ample flow of water to all fixtures on all floors at all times. The water service may be laid in the same trench with the house sewer provided the water piping is benched eighteen (18) inches above the sewer.

Section 4. Water Supply to Fixtures. Plumbing fixtures shall be provided with a sufficient supply of water for flushing to keep them in a sanitary condition. Every water closet or pedestal urinal shall be flushed by means of an approved tank or flush valve. The tank or valves shall furnish at least a four (4) gallon flushing capacity for a water closet and at least a two (2) gallon capacity for a urinal. When a water closet, urinal, or similar fixture is supplied directly from the water supply system through a flushometer or other valve, such valves shall be set above the fixture in a manner so as to prevent any possibility of polluting the potable water supply by back siphonage. All such fixtures shall have a vacuum breaker. Plumbing fixtures, devices or appurtenances shall be installed in a manner that will prevent any pos-

sibility of a cross connection between the potable water supply system, drainage system or other water system.

Section 5. Water Supply to Drinking Fountains. The orifice of a drinking fountain shall be provided with a protective cowl to prevent any contamination of the potable water supply system.

Section 6. Sizing of Water Supply Piping. (1) The minimum size water service from the property line to the water heater shall be three-fourths ( $3/4$ ) inch. The hot and cold water piping shall extend three-fourths ( $3/4$ ) inch in size to the first fixture branch regardless of the kind of material used. When galvanized iron pipe is used the distribution piping shall be arranged so that no two (2) one-half ( $1/2$ ) inch fixture branches are supplied from any one-half ( $1/2$ ) inch pipe.

(2) The following schedule shall be used for sizing the water supply piping to fixtures:

Fixture Branches	Size Minimum Inches
Sill Cocks	1/2
Hot water boilers	3/4
Laundry trays	1/2
Sinks	1/2
Lavatories	3/8
Bathtubs	1/2
Water closet tanks	3/8
Water closet flush valves	1

Section 7. Water Supply Pipes and Fittings, Materials. Water supply piping for a potable water system shall be of galvanized wrought iron, galvanized steel, brass, Types K, L, and M copper, cast iron, Types R-K, R-L and R-M brass tubing standard high frequency welded tubing conforming to ASTM B-586-73, *fusion welded copper tubing conforming to ASTM B-447-72 and ASTM B-251*, DWV welded brass tubing conforming to B-587-73, seamless stainless steel tubing, Grade H conforming to CS A-268-68, Polyethylene plastic pipe conforming to ASTM D-2239-69, PVC plastic pipe conforming to ASTM 1785, and CPVC plastic pipe conforming to CS D-2846-70, plastic pipe and fittings shall bear the NFS seal of approval. *Polybutylene hot and cold water connectors to lavatories, sinks and water closets shall conform to ASTM 3309*. Fittings shall be brass, copper or approved plastic or galvanized cast iron or galvanized malleable iron. Piping or fittings that have been used for other purposes shall not be used for the water distribution system. All joints in the water supply system shall be of the approved type. All joints in the water supply system shall be made of screw, solder, or plastic joints. Cast iron water pipe joints may be caulked, screwed, or machine drawn. When Type M copper pipe, Type R-M brass tubing, standard high frequency welded tubing or stainless steel tubing is placed within a concrete floor or when it passes through a concrete floor it shall be wrapped with an approved material that will permit expansion or contraction. In no instance shall Polyethylene, PVC or CPVC be used below ground under any house or building.

Section 8. Temperature and Pressure Control Devices for Shower Installations. Temperature and pressure control devices shall be installed on all shower installations that will maintain an even temperature and pressure and

will provide non-scald protection. Such devices shall be installed on all installations other than in homes or apartment complexes.

**Section 9. Water Supply Control.** A main supply valve shall be placed inside a foundation wall. Each fixture or each group of fixtures shall be valved and each lawn sprinkler opening shall be valved.

**Section 10. Water Supply Protection.** All concealed water pipes, storage tanks, cisterns, and all exposed pipes or tanks subject to freezing temperatures shall be protected against freezing. Water services shall be installed at least thirty (30) inches in depth.

**Section 11. Temperature and Pressure Relief Devices for Water Heaters.** Temperature and pressure relief devices shall be installed on all water heaters on the hot water side not more than three (3) inches from the top of the heater. Temperature and pressure relief devices shall be of a type approved by the department. When a water heater is installed in a location that has a floor drain the discharge from the relief device shall be piped to within two (2) inches of the floor; when a water heater is installed in a location that does not have a floor drain, the discharge from the relief device shall be piped to the outside of the building with an ell turned down and piped to within four (4) inches of the surface of the ground. Relief devices shall be installed on a pneumatic water system.

**Section 12. Protection of a Private Water Supply or Source.** Private water supplies or sources shall be protected from pollution in a manner approved by the department. Such approval shall be obtained before an installation is made.

**Section 13. Water Distribution and Connections to Mobile Homes.** (1) An adequate and safe water supply shall be provided to each mobile home conforming to the regulations of the department.

(2) All materials, including pipes and fittings used for connections shall conform with the other sections of this code.

(3) An individual water connection shall be provided at an appropriate location for each mobile home space. The connection shall consist of a riser terminating at least four (4) inches above the ground with two (2) three-fourths (3/4) inch valve outlets with screw connection, one (1) for the mobile home water system and the other for lawn watering and fire control. The ground surface around the riser pipe shall be graded so as to divert surface drainage. The riser pipe shall be encased in an eight (8) inch vitrified clay pipe or equal with the intervening space filled with an insulating material to protect it from freezing. An insulated cover shall be provided which will encase both valve outlets but not prevent connection to the mobile home during freezing weather. A shut-off valve may be placed below the frost depth on the water service line, but in no instance shall this valve be a stop-and-waste cock.

ROBERT D. BELL, Secretary

ADOPTED: October 26, 1976

RECEIVED BY LRC: October 28, 1976 at 4:20 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Mr. Eugene F. Perkins, Director, Division of Plumbing, Department for Natural Resources and Environmental Protection, 6th Floor, Capital Plaza Tower, 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 627

[AAA-From Jct. US 60 in Winchester to Jct. US 27 in Paris.]

AAA-From Jct. US 25, north of Richmond to Jct. US 27 in Paris. [Kentucky River Bridge at Boonesboro.]

[AA-From Kentucky River Bridge at Boonesboro to Jct. US 60 at Winchester.]

KY 1136

AAA-From Jct. US 31W in Elizabethtown and extending southwest 1.2 miles to the south entrance of the industrial subdivision.

A-From south entrance of the industrial subdivision in Elizabethtown to Jct. US 31W, 1.5 miles S. of Glendale Junction. [From Jct. US 31W, 1.5 miles S. of Glendale Junction to Jct. US 31W in Elizabethtown.]

\*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: October 20, 1976

RECEIVED BY LRC: October 20, 1976 at 2:30 p.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 Rehabilitation Services**  
**(Proposed Amendment)**

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

RELATES TO: KRS 163.110, 163.120, 163.130, 163.140, 163.170, 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 *October 1, 1976* [July 1, 1976] through September 30, 1977 [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: September 14, 1976

RECEIVED BY LRC: October 25, 1976 at 11:05 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

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

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

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

RELATES TO: KRS 157.200 to 157.305

PURSUANT TO: KRS 13.082, 156.070, 156.160

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

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

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

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

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

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

(4) Housing:

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

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

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

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

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

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

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

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

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

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

(8) Length of school day: The length of the school day shall be the same for non-handicapped children except as specified in *KRS 157.270 and 158.060*. [KRS 157.200 which relates to instruction in a child's home or in hospitals or sanatoria.]

(9) Admission and Release Committees: Local school

district personnel shall establish one (1) district-wide Administrative Admissions and Release Committee and a School-Based Admissions and Release Committee in each school with appropriate membership and functions *as [are]* listed below:

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

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

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

1. Receive information on identified children not currently enrolled in the local school district who are thought to need special educational services and/or programs.

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

3. Designate qualified persons to conduct appropriate evaluations on identified children.

4. Discuss results of the evaluation and make recommendations as to appropriate services and/or programs for the identified child. These recommendations shall include a written summary, in educationally relevant and common terms, of the referred pupil's special needs offering explicit strategies for meeting such needs and stating criteria by which the effectiveness of such intervention strategies may be determined.

5. Determine if the local school district can provide appropriate services, if local programs must be changed to accommodate the identified child, if additional services or programs will be developed, or if the child must receive services outside the local school district.

6. Review extreme cases where the School-Based Admissions and Release Committee is not able to reach a decision on appropriate educational placement for a referred pupil and make recommendations as to appropriate educational placement.

7. At least annually, review the placement of each exceptional child living in the local school district but receiving services outside the local school district in relation to his educational progress in that setting.

8. Serve as the review committee in cases in which parents disagree with the recommendations of the SBARC as to appropriate services to be provided for their child.

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

1. Building principal, chairperson.
2. Referring teacher(s).
3. Teacher(s) of exceptional children.
4. Parent(s) of the referred pupil or their designee (at parent's discretion).

5. Consulting members providing input into the referred pupil's educational program (i.e. guidance counselor, psychometrist, psychologist, school nurse, school social

worker, etc.).

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

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

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

3. Conduct or obtain appropriate evaluations on referred pupils.

4. Discuss results of formal and informal evaluations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Inform the parent(s) of alternative educational programs, *which would be appropriate to the child's needs*; [including reasons why such programs are not suitable;]

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

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

8. Describe the procedure for appeal;

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

(h) The local school district shall obtain written parental approval prior to the placement of their child in a program for exceptional children. In addition, at the beginning of each school year in which the child has continued placement in a program for exceptional children, the local school district shall provide the parents with written verification of the placement. *Any request for permission to place a child in a program for exceptional children shall be accompanied by statements which will inform the parent of:*

1. *The parent's right to deny permission for such placement, with the understanding that the local school*

*district can request a hearing to present its reasons for the placement decision and try to obtain approval for the placement.*

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

(i) *If a parent fails to respond to the local school district's repeated attempts to obtain consent for placement in the recommended program, the local school district may proceed with the placement. The local district shall provide notice to the parent(s) of the placement by written notice via certified mail, return receipt requested. The local school district shall:*

1. *Provide notice to the parent(s) regarding due process rights in this proceeding;*

2. *Demonstrate with documentation that it has repeatedly attempted to contact the parent(s) through efforts that were reasonably likely to succeed by means in addition to regular mail (e.g. telephone, home visit).*

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

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

2. The local school district shall provide factual information concerning the appropriateness of the proposed evaluation or educational placement of the child;

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

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

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

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

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

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

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

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

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

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

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

2. The decision shall be sent via certified mail to the parent(s), to the local school district, and to their respective representatives, return receipt requested, *within seven (7)*

*calendar days of the receipt of the hearing transcript by the hearing officer; [within five (5) days of the completion of the conference;]*

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

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

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

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

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

1. The Superintendent of Public Instruction shall designate an individual or individuals within the Department of Education of the Commonwealth of Kentucky to hear such appeals;

2. The appeal shall be conducted in accordance with state administrative procedures.

(m) [(l)] In order to provide every child eligible for a public education with the protection of procedural due process, even under circumstances where a child's parent(s) or guardian(s) are not known, are unavailable, or the child is a ward of the state, each child shall be assigned a parent surrogate.

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

1. Have no other vested interest that would conflict with their primary allegiance to the child they would represent;

2. Be committed to personally and thoroughly acquainting themselves with the child and the child's educational needs;

3. Be of the same racial, cultural, and linguistic background of the children they represent;

4. Be familiar with the educational system within the state;

5. Be readily accessible to the children they represent.

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

1. Any person may file a request for the assignment of a surrogate to a child with the child's local school district with a copy of the request to the State Department of Education.

2. The local school district shall send a notice of the request for a surrogate to the adult in charge of the child's place of residence and to the parent(s) or guardian(s) at their last known address in an effort to determine the need for a surrogate parent.

3. If the local school district determines need for a surrogate as provided in Section 1(11), the State Department of Education shall be notified of the need. The State Department of Education shall assign a surrogate within *seven (7) calendar* [five (5)] days of the notification.

4. The assigned surrogate shall represent the child through the time of the first periodic review of the child's educational placement.

5. Surrogates shall not be assigned to children who have reached the age of majority.

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

1. When a placement in a less restrictive environment is seen as more appropriate, the Admissions and Release Committee shall review the child's placement. If the committee determines the child's needs can be met in a less restrictive setting, the child's placement and educational program shall be changed and support services provided as necessary. The parent(s) and local school district shall be afforded all due process rights as described in Section 1(11).

2. When a review is requested for the purpose of securing a more restricted educational placement for the child, the review shall take place after the current educational program has been implemented for the minimum time of *thirty (30) calendar days* [one (1) month]. The Admissions and Release Committee shall conduct the review. The parent(s) and local school district shall be afforded all due process rights as described in Section 1(11).

Section 2. Programs for Crippled and Other Health Impaired. (1) Eligibility criteria: A pupil shall be eligible for enrollment in a program for crippled and other health impaired if a licensed physician determined that he is physically unable to attend regular class. A medical statement by a licensed physician shall be on file in the central office. The Admissions and Release Committee shall review this statement as well as any additional reports, information and assessments deemed necessary for placement of each individual child in an appropriate educational program.

(2) Program membership:

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

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

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

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

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

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

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

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

(2) Program membership:

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

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

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

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

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

(5) Home instruction of high school students: High school pupils on home instruction programs shall meet minimum State Board of Education requirements, follow the prescribed local course of study, and acquire the required number of units prior to graduation from high school. Credits shall be issued through the high school which the pupil would attend if he were not homebound. These credits shall be transferable to the same extent as credits earned in a regular high school program.

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

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

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

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

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

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

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

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

(d) A developmental history.

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

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

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

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

**Section 5. Programs for Trainable Mentally Handicapped Pupils.** (1) Eligibility criteria: Pupils who meet the definition pursuant to KRS 157.200(5) and who obtain intelligence quotient scores below fifty (50) on individual intelligence tests shall be eligible for enrollment in programs for the trainable mentally handicapped.

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

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

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

(c) A measure of social competence.

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

(e) A developmental history.

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

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

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

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

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

(5) Housing:



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

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

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

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

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

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

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

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

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

(3) Program Membership:

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

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

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

(b) Alternative III: Special class program membership:

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) A developmental and social history.

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

(3) Program membership:

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

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

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

(b) Alternative III: Special class program membership:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Program membership: Program membership shall be from five (5) to ten (10) pupils per teacher.

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

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

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

JAMES B. GRAHAM,

Superintendent of Public Instruction

ADOPTED: September 14, 1976

RECEIVED BY LRC: October 25, 1976 at 11:05 a.m.

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

**PUBLIC PROTECTION AND REGULATION CABINET**  
**Kentucky State Racing Commission**  
**(Proposed Amendment)**

**810 KAR 1:012. Horses.**

RELATES TO: KRS 230.210 to 230.360

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To regulate conditions under which thoroughbred racing shall be conducted in Kentucky. The function of this regulation is to outline the requirements for horses entered to be raced.

Section 1. Registration required. No horse may be entered or raced in this state unless duly registered and named in the registry office of the Jockey Club in New York and unless the registration certificate or racing permit issued by the Jockey Club for such horse is on file with the racing secretary; except, however, the stewards may for good cause, in their discretion, waive this requirement if the horse is otherwise correctly identified to the stewards' satisfaction.

Section 2. Ringers prohibited. (1) No horse may be entered or raced in this state designated by a name other than the name under which such horse is currently registered with the Jockey Club in New York. In the event a horse's name is changed by the Jockey Club, such horse's former name shall be shown parenthetically in the daily race program the first three (3) times such horse races after such name change.

(2) No person shall at any time cause or permit the correct identity of a horse to be concealed or altered, nor shall any person refuse to reveal the correct identity of a horse he owns, or which is in his care, to a racing official or member of the regular news media.

(3) No horse shall race in this state without a legible lip tattoo number applied by agents of the Thoroughbred Racing and Protective Bureau; except, however, the stewards may for good cause, in their discretion, waive this requirement if the horse is otherwise correctly identified to the stewards' satisfaction. The stewards shall require that a horse without a lip tattoo number be lip tattooed within a reasonably practical time.

(4) No horse may be entered or raced in this state if previously involved in a "ringer" case to the extent that: a person having control of such horse knowingly entered or raced such horse while designated by a name other than the name under which such horse was registered with the Jockey Club; or such person having control of such horse participated in or assisted in the entry or racing of some other horse under the name registered as belonging to such horse in question.

Section 3. Denerving. (1) Any horse on which a neutrectomy has been performed shall have such fact designated on its registration certificate or racing permit. It shall be the joint responsibility of the practicing veterinarian who performed the operation and the trainer of such denerved horse to insure that such fact is designated on the registration certificate or racing permit.

(2) Any horse whose ulnar, radial, or median nerve has been either blocked or removed (known as high nerved), or whose volar or plantar nerve has been blocked to remove bilaterally, shall not be entered or raced in this state.

(3) Any horse whose volar or plantar nerve has been removed unilaterally or which has had a posterior digital neurectomy (known as low nerved), may be permitted to race provided such denerving has been reported by the trainer to the stewards, and such horse has been approved for racing by the association veterinarian prior to being entered for a race.

(4) In the event a horse races in violation of this rule and participates in the purse distribution, then no protest thereon will be considered unless submitted in writing to the stewards within forty-eight (48) hours after such race.

(5) In the event a horse races in violation of this rule and is claimed, then no protest thereon will be considered unless the successful claimant submits such protest in writing within forty-eight (48) hours requesting the claim be voided. Should the claim be voided, the horse shall be returned to the owner who started such horse in such race, and the claim price shall be returned to the claimant.

(6) A list of all denerved horses shall be posted in the racing secretary's office. No person shall report a horse as having a neurectomy when in fact such horse has not.

Section 4. Bleeders. Any horse known to have bled from its nostrils during a race or workout may not be entered or raced without prior approval for racing by the association veterinarian. In the event a horse bleeds a second time, such horse shall be placed on the veterinarian's list and prohibited from racing for a minimum of six (6) months; in the event a horse bleeds a third time, such horse shall be thereafter prohibited from racing in this state.

Section 5. Health certificate required. No horse may be stabled on association grounds unless, within ten (10) days of arrival on association grounds, such horse has been examined by an accredited practicing veterinarian who certifies as to the identity of such horse, temperature at time of examination, and that to the best of his knowledge and belief such horse is free from any infectious or contagious disease or exposure thereto and observable ectoparasites, and further certifies as to such other matters as may be required from time to time by the Kentucky State Veterinarian in Frankfort. Notice of this requirement shall accompany stall applications and be included in the condition book.

Section 6. Workouts. No horse may be schooled in the paddock, or taken onto a track on association grounds for training or workout, other than during normal training hours posted by the association, without special permission of the stewards.

Section 7. Removal from association grounds. No horse may be removed from association grounds without

prior approval of the stewards and unless released by the racing secretary. No dead or sick horse may be removed from association grounds without prior approval of the commission veterinarian.

Section 8. *Age restrictions. No maiden five (5) years of age or older which has made five (5) life-time starts on the flat may be entered or start.* [Age restrictions. No horse five (5) years of age or older may be entered or raced in a race restricted to maidens. No horse thirteen (13) years of age or older may be entered or raced.]

Section 9. Fillies and mares bred. Any filly or mare that has been covered by a stallion shall be so reported to the racing secretary prior to being entered in a race. A list of all fillies and mares so reported, showing the names of stallions to which they have been bred, shall be posted in the racing secretary's office. No filly or mare that has been covered by a stallion may be entered in a claiming race unless a written release from the stallion owner is attached to such filly or mare's registration certificate indicating that the stallion service fee has been paid or satisfied.

Section 10. Serviceable for racing. No horse may be entered or raced that: (1) Is not in serviceable, sound racing condition. The stewards may at any time cause a horse on association grounds to be examined by a qualified person.

(2) Is posted on a veterinarian's list, or stewards' list, or starter's list, or is suspended, in any racing jurisdiction.

(3) Has been administered any drug in violation of 810 KAR 1:018.

(4) Is blind or has seriously impaired vision in both eyes.

(5) Is not correctly identified to the satisfaction of the stewards.

(6) Is owned wholly or in part by, or is trained by, an ineligible person.

Section 11. Equipment. (1) Whips and blinkers must be used consistently on a horse. Permission to change use of any equipment used on a horse in its last previous start must be obtained from the stewards. A horse's tongue may be tied down during a race with a clean bandage or gauze. A horse's bridle may weigh no more than two (2) pounds; war bridles are prohibited. No horse may race in ordinary training shoes; bar shoes may be used for racing only with permission of the stewards.

(2) Use on a horse either in a race or workout of any goading device, or chain, or spurs, or electrical or mechanical device, or appliance other than the ordinary whip which could be used to alter the speed of such horse, is prohibited.

(3) No whip shall be used that weighs more than one (1) pound or is longer than thirty (30) inches with one (1) popper. No stingers or projections extending through the hole of a popper or any metal part on a whip shall be permitted. Indiscriminate or brutal use on a horse of an ordinary whip, as determined by the stewards in their sole discretion, is prohibited.

Section 12. Sex alteration. Any alteration in the sex

of a horse must be reported by such horse's trainer to the racing secretary promptly, and the racing secretary shall note same on such horse's registration certificate.

WILLIAM H. MAY, Chairman

ADOPTED: November 4, 1976

APPROVED: JAMES E. GRAY, Secretary

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

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Keene Daingerfield, Senior State Steward, Kentucky State Racing Commission, P. O. Box 1080, Lexington, Kentucky 40501.

## Proposed Regulations

### OFFICE OF THE SECRETARY OF THE CABINET Crime Victims Compensation Board

#### 107 KAR 1:005. Claim filing.

RELATES TO: KRS 346.040(2), 346.060(2), 346.060(3)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 346.060(2) provides that the Crime Victims Compensation Board shall adopt rules to carry out the Crime Victims Compensation law (KRS Chapter 346.) This regulation provides the method for filing claims.

Section 1. (1) A claimant may supply in writing, in any form he desires, sufficient information to show that he qualifies for payment under the provisions of KRS Chapter 346; or

(2) By any means he chooses, a resident of Kentucky may notify the board at its office in Frankfort, Kentucky, of his intention to file a claim.

(3) The board shall then list for the claimant facts needed to determine whether the citizen is eligible for payment and the extent of his losses.

Section 2. The claimant shall supply requested information to the board's office in Frankfort within ninety (90) days in legible writing, printing, or typewriting.

EARL OSBORNE, Chairman

ADOPTED: November 4, 1976

APPROVED: JACKSON W. WHITE, Secretary

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

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Judge Earl Osborne, Chairman, Crime Victims Compensation Board, 113 East Third Street, Frankfort, Kentucky 40601.

### OFFICE OF THE SECRETARY OF THE CABINET Crime Victims Compensation Board

#### 107 KAR 1:015. Decisions and hearings.

RELATES TO: KRS 346.080

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 346.080(6) and (7) provide that the board member to whom a claim is assigned shall make a decision either granting an award or denying the claim and allowing him to order a hearing if necessary to reach a decision. To secure a speedy and just decision, this regulation sets the time limit for the board member to reach a decision or call a hearing.

Section 1. The board member to whom the chairman assigns a claim shall, in writing, approve, modify, or dismiss the claim or notify the board and claimant of the time and place of a hearing on the claim. The board member shall take one of the foregoing actions within thirty (30) days of the assignment or within thirty (30) days after he receives a report of investigation, whichever occurs last.

Section 2. Hearings, if held, shall be public. The presiding board member shall require each hearing to be conducted with decorum. The proof required to support a claim shall be that required to support a claim in any court of competent jurisdiction.

EARL OSBORNE, Chairman

ADOPTED: November 4, 1976

APPROVED: JACKSON W. WHITE, Secretary

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

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Judge Earl Osborne, Chairman, Crime Victims Compensation Board, 113 East Third Street, Frankfort, Kentucky 40601.

**OFFICE OF THE SECRETARY OF THE CABINET  
Crime Victims Compensation Board**

**107 KAR 1:025. Attorneys' fees.**

RELATES TO: KRS 346.040, 346.110

PURSUANT TO: KRS 13.082, 346.040, 346.110

NECESSITY AND FUNCTION: KRS 346.040(2) provides that the Crime Victims Compensation Board shall adopt rules for the approval of attorneys' fees for representation before the board or upon judicial review as provided for in KRS 346.110. This regulation sets forth the conditions of such payment.

Section 1. If a claimant is represented by an attorney, the attorney's fees shall be subject to approval by the board.

EARL OSBORNE, Chairman

ADOPTED: November 9, 1976

APPROVED: JACKSON W. WHITE, Secretary

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

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Judge Earl Osborne, Chairman, Crime Victims Compensation Board, 113 East Third Street, Frankfort, Kentucky 40601.

**EXECUTIVE DEPARTMENT FOR FINANCE  
AND ADMINISTRATION  
Division of Occupations and Professions  
Board of Accountancy**

**201 KAR 1:086. Repeal of 201 KAR 1:085.**

RELATES TO: KRS 325.380

PURSUANT TO: KRS 325.240

NECESSITY AND FUNCTION: To repeal a regulation that is no longer needed.

Section 1. 201 KAR 1:085 is hereby repealed.

BERNARD W. GRATZER, Executive Secretary

ADOPTED: October 8, 1976

APPROVED: RUSSELL McCLURE, Secretary

RECEIVED BY LRC: November 15, 1976 at 3:30 p.m.

PUBLIC HEARING: A public hearing on this proposed amendment will be held at 10 a.m. EST Wednesday, December 15, 1976 in the Dolphin Room, Executive Inn, Louisville, Kentucky. For further information contact: Executive Secretary, State Board of Accountancy, 310 West Liberty Street, Louisville, Kentucky 40202.

**EXECUTIVE DEPARTMENT FOR FINANCE  
AND ADMINISTRATION  
Division of Occupations and Professions  
Board for Proprietary Education**

**201 KAR 24:010. License fees.**

RELATES TO: KRS 165A.350(3), 165A.360(2), 165A.380

PURSUANT TO: KRS 165A.340(3)

NECESSITY AND FUNCTION: KRS 165A.350(3) requires the Board for Proprietary Education to establish fees and other charges necessary for the conduct of its business. This regulation establishes license fees covering both original and renewal applications from resident proprietary schools, and agents of either resident or non-resident proprietary schools operating in Kentucky.

Section 1. Annual License Fees. (1) Annual license fees for resident proprietary schools shall be based on "net tuition income" (defined as gross tuitions less refunds) on the following scale:

Net Tuition Income	Annual License Fee
Up to and including \$50,000	\$50.
For each \$10,000 over \$50,000	\$10.
Maximum License Fee \$1,000.	

(2) All agents' permit fees shall be \$100. annually.

(3) The board may direct pro-rata computation of the first year's fees under this new schedule in order to conform to the licensing year as prescribed in KRS 165A.360(8), thereafter annual license fees shall cover the school year beginning July 1 and ending June 30 following.

JOSEPH E. HURN, Chairman

ADOPTED: October 8, 1976

APPROVED: RUSSELL McCLURE, Secretary

RECEIVED BY LRC: November 15, 1976 at 4:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: David M. Kimbel, Sr., Executive Director, Board for Proprietary Education, c/o 39 Sterling Road, Louisville, Kentucky 40220.

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

**701 KAR 5:010. Public records.**

RELATES TO: KRS Chapter 61

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: To implement the provisions of the open records law with respect to procedures for obtaining records and specifying those records which may not be released.

Section 1. Records of the Department of Education, except those specifically exempted by this regulation, are open to public inspection at the principal offices or other offices or location at which the records are housed throughout the state. The principal office of the Department of Education and its records custodian, the Superintendent of Public Instruction, is located on the 17th

Floor of the Capital Plaza Tower, Frankfort, Kentucky 40601.

Section 2. Persons desiring to examine or obtain copies of records not exempt from public disclosure by the provisions of this regulation, may do so during the regular working hours of the principal office which are from 8:00 a.m. to 4:30 p.m., Monday through Friday, or during the regular working hours of any of its sub-offices or operational locations throughout the state, upon submission of a written application requesting the desired information.

Section 3. Written application shall be made to the records custodian or his designee and shall be specific so that the description of the information desired is such that it may be easily identified. Application for information containing requests that are global in nature and cannot be directly related to a specific purpose will be denied.

Section 4. Should the request not be granted, the reason for refusal will be stated in writing.

Section 5. Fees for copies or reproduction shall be paid in advance by cash or money order payable to the Kentucky State Department of Education.

Section 6. All records of the Department of Education are open to public inspection with the exception of: (1) Those records normally kept in the Division of Buildings and Grounds which relate to impending acquisition of properties in local school districts.

(2) Tests to be administered and the results of any student tests, examinations, psychological assessments or measures of aptitude which may be personally identifiable or used to individually characterize.

(3) Personnel data wherever located in the department or in whatever form the disclosure of which would be a breach of the right to privacy and which may be used to personally characterize an individual. This includes but is not limited to information concerning marital status, medical histories, health conditions, reputation, employers assessments and evaluations, and infirmities and disabilities.

(4) Preliminary working papers designed to provide the background study necessary to policy formulation, promulgation of regulations, or development of district facility surveys.

(5) Those records disclosed to the department with a promise of confidentiality.

Section 7. In order to meet the full requirements of the law, a copy of this regulation shall be displayed in a prominent location accessible to the public.

JAMES B. GRAHAM,

Superintendent of Public Instruction

ADOPTED: September 14, 1976

RECEIVED BY LRC: October 25, 1976 at 11:05 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

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

**EDUCATION AND ARTS CABINET**  
**Department of Education**  
**Bureau of Administration and Finance**

**702 KAR 1:100. Merger of independent and county school districts.**

RELATES TO: KRS 160.041

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: To provide an orderly procedure for merger of independent and county school districts.

Section 1. In the event a county board of education refuses an independent school district board of education's request for merger pursuant to KRS 160.041, each board of education shall, by resolution not later than fifty-five (55) days prior to the next regular election, request the County Board of Elections to submit the question of merger of the two (2) school districts to the qualified voters of the two (2) school districts at the next regular election. The question shall be so framed that the voter may by his vote answer "For" or "Against," and shall state: "Are you for or against the merger of . . . . . Independent School District with the . . . . . County School District."

Section 2. In the event merger is not consummated under the provisions of Section 1 above, and the independent board of education appeals to the Superintendent of Public Instruction citing financial inability to operate, the Superintendent of Public Instruction shall investigate the financial conditions of the independent school district and report his findings and his recommendations with respect to merger to the State Board of Education within ninety (90) days of receipt of such an appeal. Merger action shall be taken by the State Board of Education within ninety (90) days following receipt of the report of findings and recommendations of the Superintendent of Public Instruction.

Section 3. If the State Board of Education determines the independent school district should be merged with the county school district, it shall merge the districts stating the terms, conditions, and effective date.

JAMES B. GRAHAM,

Superintendent of Public Instruction

ADOPTED: September 15, 1976

RECEIVED BY LRC: October 25, 1976 at 11:05 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

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



**EDUCATION AND ARTS CABINET**  
**Department of Education**  
**Bureau of Administration and Finance**

**702 KAR 5:120. Blind and deaf pupils, reimbursement for.**

RELATES TO: KRS 157.280

PURSUANT TO: KRS 156.070, 156.130, 156.160

**NECESSITY AND FUNCTION:** Provides for the administration of a grant program for the purpose of providing home-to-school transportation for pupils enrolled at the Kentucky School for the Blind and the Kentucky School for the Deaf.

Section 1. The Superintendent of Public Instruction shall determine the number of pupils resident in each school district of the state who attend the Kentucky School for the Blind in Louisville, Kentucky, and who attend the Kentucky School for the Deaf in Danville, Kentucky, and shall determine the number of miles the county seat of the district in which the pupil resides is from Louisville or Danville. He shall then determine the aggregate number of pupil miles which would result in each child enrolled in either the School for the Blind at Louisville or the School for the Deaf in Danville, making nine (9) trips home each year. The aggregate number of pupil miles so determined will be divided into the total appropriation made by the General Assembly for this program in order to establish a tentative value per pupil mile.

Section 2. On or before October 15 of each year, the Superintendent of Public Instruction shall provide each school district with a "tentative allotment report" which contains the number of children in each program in each school district and the tentative allotment to that school district.

Section 3. Each school district on June 30 of each year shall certify to the Superintendent of Public Instruction the number of children and number of trips each child made home, not to exceed one (1) round trip for each month the child was enrolled in either of the schools and the number of pupil miles which was generated as a result of these trips. In no instance will distances used to generate pupil miles exceed the distance provided in the tentative allocation which is the distance from the cities of Louisville or Danville to the county seat of the district in which the pupil is a resident.

Section 4. On or before June 30 of each year, the superintendent of a local school district qualifying for reimbursement for transportation by reason of this regulation shall certify to the Superintendent of Public Instruction the aggregate pupil miles for which reimbursement is sought. The Superintendent of Public Instruction, based upon the certification of the local school district shall, on or before June 30 of each year, determine the final value of the pupil mile by dividing the aggregate pupil miles certified into the appropriation contained in the executive budget, and calculate a final allotment for each school district having children enrolled in the Kentucky School for the Blind and the Kentucky School for the Deaf.

**JAMES B. GRAHAM,**

Superintendent of Public Instruction

ADOPTED: September 14, 1976

RECEIVED BY LRC: October 25, 1976 at 11:05 a.m.  
 SUBMIT COMMENT OR REQUEST FOR HEARING  
 TO: James Melton, Secretary, State Board of Education,  
 17th Floor, Capital Plaza Tower, Frankfort, Kentucky  
 40601.

**EDUCATION AND ARTS CABINET**  
**Department of Education**  
**Bureau of Instruction**

**704 KAR 10:023. Emergency accreditation for 1980-81 school year.**

RELATES TO: KRS 156.160

PURSUANT TO: KRS 13.082, 156.070, 156.130

**NECESSITY AND FUNCTION:** To establish general standards to be used in the evaluation of elementary, middle and secondary schools.

Section 1. Pursuant to the authority vested in the Kentucky State Board of Education by KRS 156.070 and 156.160, beginning with the 1980-81 school year, there will be no basic accreditation classification and no public high school will be considered for emergency accreditation unless the local board can present documentation acceptable to the State Board of Education indicating that it is unable to provide funds to finance a standard school.

**JAMES B. GRAHAM,**

Superintendent of Public Instruction

ADOPTED: September 14, 1976

RECEIVED BY LRC: October 25, 1976 at 11:05 a.m.  
 SUBMIT COMMENT OR REQUEST FOR HEARING  
 TO: James Melton, Secretary, State Board of Education,  
 17th Floor, Capital Plaza Tower, Frankfort, Kentucky  
 40601.

**EDUCATION AND ARTS CABINET**  
**Department of Education**  
**Bureau of Instruction**

**704 KAR 20:266. Salary classification equivalency for Rank III.**

RELATES TO: KRS 157.390, 161.030

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

**NECESSITY AND FUNCTION:** KRS 157.390 authorizes the State Board of Education to determine equivalent qualifications for the salary ranks. This regulation defines an equivalency for the Rank III salary classification.

Section 1. For ranking purposes under KRS 157.390 the qualifications of a person shall be established as equivalent to the bachelor's degree for a Rank III classification provided the person holds a regular teaching certificate, has completed at least 128 semester hours of approved college credit, and has completed at least ten (10) years of acceptable teaching experience. This regulation shall apply only to those persons who meet these

qualifications as of July 1, 1976, and are employed in the public school system for the school year 1976-77.

JAMES B. GRAHAM,

Superintendent of Public Instruction

ADOPTED: September 14, 1976

RECEIVED BY LRC: October 25, 1976 at 11:05 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

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

# **PUBLIC PROTECTION AND REGULATION CABINET** **Department of Labor**

**803 KAR 1:025. Equal pay provisions, meaning and application.**

RELATES TO: KRS 337.420 to 337.433

PURSUANT TO: KRS 13.082, 337.425(4)

NECESSITY AND FUNCTION: KRS 337.425 authorizes the Commissioner of Labor to issue regulations appropriate to carry out the provisions of KRS 337.420 to 337.433. The function of this regulation is to make available official interpretations of the Department of Labor with respect to the meaning and application of the equal pay provisions set forth in KRS 337.420 to 337.433.

Section 1. Application of Provisions in General. (1) Application to employers. The prohibition against discrimination in wages on account of sex contained in KRS 337.423 is applicable to every employer who has eight (8) or more employees employed within the state in each of twenty (20) or more calendar weeks in the current or preceding calendar year. The employer may not discriminate on the basis of sex against such employees in any establishment in which such employees are employed by paying them wages at rates lower than he pays employees of the opposite sex employed in the same establishment for work on jobs which have comparable requirements relating to skill, effort and responsibility. The law excepts from this general prohibition such differences between the wage rates pursuant to established seniority systems or merit systems which do not discriminate on the basis of sex. It is clear in KRS 337.423(2) that where a wage rate differential in violation of the provision is paid, the violation cannot be corrected by reducing the wage rate of any employee.

(2) Application to establishments:

(a) The prohibition against discrimination in wages on account of sex applies within the same establishment. It should be kept in mind, in determining an employer's obligations under the law, that employer and establishment as used in the statute are not synonymous terms. An employer may have more than one (1) establishment in which he employs employees. In such cases, there shall be no comparison between wages paid to employees in different establishments.

(b) Although not expressly defined in the law, the term establishment has a well settled meaning in the application of the statute's provisions. It refers to a distinct physical place of business rather than to an entire business or enterprise which may include several separate places of business. Each physically separate place of business is ordinarily considered a separate establishment.

(c) Application to employees. There must be compliance by the employer with the equal pay requirements within the same establishment in which employees are employed by him. The statute speaks of the employment of employees in the establishment rather than of their engagement in work there. The statute applies to all work performed in the establishment even if the work is performed away from the physical premises of the establishment in which they are employed.

Section 2. Meaning of Wage Rate. The term "wage rate" used in KRS 337.420(3) shall include all payments made to or on behalf of the employee as remuneration for employment. This shall include such payments referred to as fringe benefits. Thus, vacation and holiday pay, and premium payments for work on Saturdays, Sundays, holidays, regular days of rest, pension benefits, insurance benefits, and other fringe benefits paid as remuneration for employment must be considered in applying the equal pay provisions of the law. On the other hand, payments made by an employer to an employee which do not constitute remuneration for employment are not wages to be compared for equal pay purposes. Examples are payments related to maternity, and such reasonable payments for reimbursable expenses of traveling on the employer's business.

Section 3. Male Jobs and Female Jobs. (1) Wage classification systems which designate certain jobs as male jobs and other jobs as female jobs frequently specify markedly lower rates for the female jobs. Because such a practice frequently indicates a pay practice of discrimination based on sex, where such system exists a serious question would be raised as to whether prohibited wage differentials are involved.

(2) The law was intended to eliminate sex as a basis for wage differentials between employees performing comparable work on jobs within the establishment, and if the rates paid for the same jobs are lower when occupants of the jobs are of one sex than they are when the jobs are filled by employees of the opposite sex, such discrimination within the establishment is equally in violation of the statutory prohibition whether or not employees of both sexes are employed in such jobs at the same time. Accordingly, where an employee of one sex is hired or assigned to a particular job to replace an employee of the opposite sex, comparison of the newly assigned employee's wage rate with that of the replaced former employee is required, whether or not the job is performed concurrently by employees of both sexes. For example, if a particular job which in the past has been performed by a male employee becomes vacant and is then filled by a female employee, it would be contrary to the equal pay requirement to pay the female employee a lower wage rate than was paid for the same job when performed by the male employee, even though employees of both sexes may not be performing the job at the same time. Payment of the lower wage rate in such circumstances is a prohibited wage differential. The same principle is involved if all employees of one sex are removed from a particular job by transfer or discharge so as to retain employees of only one sex in a job previously performed interchangeably or concurrently by employees of both sexes. If a prohibited sex-based wage differential had been established or maintained in violation of the law when the same job was being performed by employees of both sexes, the employer's obligation to pay the higher rate for the job cannot be avoided or evaded by the device of

confining the job to members of the lower paid sex. Compliance with the law in such circumstances can be achieved only by increasing the wage rate to the higher rate paid for the job when performed by employees of the opposite sex.

**Section 4. Inequalities in Pay That Raise Questions Under the Law.** It is necessary to scrutinize with especial care those inequalities in pay between employees of opposite sexes which may indicate a pattern of discrimination in wage payment that is based on sex. Thus, a serious question would be raised where such an inequality, allegedly based on a difference in job content, is in fact one on which the employees occupying the job purportedly requiring the higher degree of skill, effort, or responsibility receives the lower wage rate. Likewise, because the equal pay amendment was designed to eliminate wage rate differentials which are based on sex; situations will be carefully scrutinized where employees of only one sex are concentrated in the lower grades of the wage scale, and where there does not appear to be any material relationship other than sex between the lower wage rates paid to such employees and the higher rates paid to employees of the opposite sex. Such concentrations in rate range situations may occur also where an employer follows a practice of paying a range of rates to newly hired employees. Differentials in entrance rates will not constitute a violation of the equal pay principle if the factors taken into consideration in determining which rate is to be paid each employee or applied equally to men and women. This would be true, for example, if all persons who have a parent employed by the firm are paid at the highest rate of the rate range whether they are men or women. However, if in a particular establishment all persons of one sex tend to be paid at the lowest rate of the range and employees of the opposite sex hired to perform the same work tend to be paid at the highest rate of the range, and if no specific factor or factors other than sex appear to be associated with the difference in pay, a serious question would be raised as to whether the pay practice involves prohibited wage differentials.

**Section 5. Equality and Inequality of Pay in Particular Situations.** (1) **Overtime work.** Because overtime premiums are a part of wages for purposes of the equal pay provisions, where men and women receive the same straight-time rates for work subject to the equal pay standards, but the men receive an overtime premium rate of twice the straight-time rate while the women receive only one and one-half (1½) times the straight-time rate for overtime, a prohibited wage rate differential is being paid. On the other hand, where male and female employees perform comparable work during regular hours but employees of one sex only continue working overtime into another work period, work performed during this later period may be compensated at a higher rate where such is required by law or is the customary practice of the employer. However, in such a situation the payment of the higher rate to employees of one sex for all hours worked, including the non-overtime hours when they are performing comparable work with employees of the opposite sex, would result in a violation of the equal pay provisions. If male and female employees are performing equal work in the establishment during regular hours but only some of these employees continue working into an overtime period, payment of a higher wage rate for the overtime worked would not be in violation of the equal pay standard so long as it were paid for the actual overtime

hours worked by the employees, whether male or female.

(2) **Special assignments.** The fact that an employee may be required to perform an additional task outside his regular working hours would not justify payment of a higher wage rate to that employee for all hours worked. However, employees who are assigned a different and unrelated task to be performed outside the regular workday may under some circumstances be paid at a different rate of pay for the time spent in performing such additional duty provided such rate is commensurate with the task performed. For example, suppose a male employee is regularly employed in the same job with female employees in the same establishment in work which requires comparable skill, effort, and responsibility, except that the male employee must carry money to a bank after the establishment closes at night. Such an employee may be paid at a different rate for the time spent in performing this unrelated task if the rate is appropriate to the task performed and the payment is bona fide and not simply used as a device to escape the equal pay requirements of the statute.

(3) **Vacation or holiday pay.** Since vacation or holiday pay is deemed to be remuneration for employment included in wages within the meaning of the law, if employees of one sex receive vacation pay for a greater number of hours than employees of the opposite sex, a prohibited wage rate differential is being paid if their work is subject to the equal pay standard and the differential is not shown to come within any of the specified exceptions.

(4) **Contributions to employee benefit plans.** If employer contributions to a plan providing insurance or similar benefits to employees are equal for both men and women, no wage differential prohibited by the equal pay provisions will result from such payments, even though the benefits which accrue to the employees in question are greater for one sex than for the other. The mere fact that the employer may make unequal contributions for employees of opposite sexes in such a situation will not, however, be considered to indicate that the employer's payments are in violation of the law, if the resulting benefits are equal for such employees.

(5) **Commissions.** The establishment of different rates of commission on different types of merchandise would not result in a violation of the equal pay provisions where the factor of sex provides no part of the basis for the differential. For example, suppose that a retail store maintains two (2) shoe departments, each having employees of both sexes, that the shoes carried in the two (2) departments differ in style, quality, and price, and that the male and female sales clerks in the one (1) department are performing comparable work with those in the other. In such a situation, a prohibited differential would not result from payment of a lower commission rate in the department where a lower price line with a lower markup is sold than in the other department where the merchandise is higher priced and has a higher markup, if the employer can show that the commission rates paid in each department are applied equally to the employees of both sexes in the establishment for all employment in that department and that the factor of sex has played no part in the setting of the different rates.

**Section 6. The Equal Pay for Equal Work Standard; Generally.** (1) The job concept in general. KRS 337.423 prohibits an employer from paying to employees of one sex wages at rates lower than he pays employees of the opposite sex for comparable work on jobs described by the statute in

terms of equality of the skill, effort, and responsibility required for performances and similarity of the working conditions under which they are performed. This descriptive language refers to jobs. In applying the various tests of equality to the requirements for the performance of such jobs, it will generally be necessary to scrutinize the job as a whole and to look at the characteristics of the jobs being compared over a full work cycle. This will be true because the kinds of activities required to perform a given job and the amount of time devoted to such activities may vary from time to time.

(2) Effect of differences between jobs in general. The statute requires that jobs with comparable requirements should be compared in applying the equal pay for equal work standard. Jobs that require comparable skill, effort, and responsibility in their performance within the meaning of the law are usually not identical in every respect. Inconsequential differences in job content would not be a valid excuse for payment of a lower wage to an employee of one sex than to an employee of the opposite sex if the two are performing comparable work on essentially the same jobs in the same establishment.

(3) Job content controlling. Application of the equal pay standard is not dependent on job classifications or titles but depends rather on actual job requirements and performance. For example, the fact that jobs performed by male and female employees may have the same total point value under an evaluation system in use by the employer does not in itself mean that the jobs concerned are comparable according to the terms of the statute. Conversely, although the point values allocated to jobs may add up to unequal totals, it does not necessarily follow that the work being performed in such jobs is unequal when the statutory tests of the equal pay standard are applied. Job titles are frequently of such a general nature as to provide very little guidance in determining the application of the equal pay standard. For example, the job title "clerk" may be applied to employees who perform a variety of duties so dissimilar as to place many of them beyond the scope of comparison under the statute. Clearly, the equal pay standard would not apply where jobs require such substantially different duties, even though the job titles are identical.

(4) General guides for testing equality of jobs:

(a) What constitutes comparable skill, comparable effort, or comparable responsibility cannot be precisely defined. In interpreting these key terms of the statute, the broad remedial purpose of the law must be taken into consideration. The terms are considered to constitute three (3) separate tests, each of which must be met in order for the equal pay standard to apply. In applying the tests it should be kept in mind that comparable does not mean identical. Insubstantial or minor differences in the degree or amount of skill, or effort, or responsibility required for the performance of jobs will not render the equal pay standard inapplicable. On the other hand, substantial differences, such as those customarily associated with differences in wage levels when the jobs are performed by persons of one sex only, will ordinarily demonstrate an inequality as between the jobs justifying differences in pay. In determining whether job differences are so substantial as to make jobs unequal, it is pertinent to inquire whether and to what extent significance has been given to such differences in setting the wage levels for such jobs. Such an inquiry may, for example, disclose that apparent differences between jobs have not been recognized as relevant for wage purposes and that the facts as a whole support the

conclusion that the differences are too insubstantial to prevent the jobs from being comparable in all significant respects under the law.

(b) In determining whether differences in job content are substantial in order to establish whether or not employees are performing comparable work, the amounts of time which employees spend in the performance of different duties are not the sole criteria. It is also necessary to consider the degree of difference in terms of skill, effort, and responsibility. These factors are related in such a manner that a general standard to determine comparability of jobs cannot be set up solely on the basis of a percentage of time.

Section 7. Comparable Skill. (1) Jobs requiring comparable skill in performance. The jobs to which the equal pay standard is applicable are jobs requiring comparable skill in their performance. Where the amount or degree of skill required to perform one (1) job is substantially greater than that required to perform another job, the equal pay standard cannot apply even though the jobs may be comparable in all other respects. Skill includes consideration of such factors as experience, training, education, and ability. It must be measured in terms of the performance requirements of the job. If an employee must have essentially the same skill in order to perform either of two (2) jobs, the jobs will qualify under the statute as jobs the performance of which requires comparable skill, even though the employee in one of the jobs may not exercise the required skill as frequently or during as much of his working time as the employee in the other job. Possession of a skill not needed to meet requirements of the job cannot be considered in making a determination regarding comparability of skill. The efficiency of the employee's performance in the job is not in itself an appropriate factor to consider in evaluating skill.

(2) Comparing skill requirements of jobs. As an illustration of the principle of comparable skill, suppose that a man and a woman have jobs classified as typists. Both jobs require them to spend two-thirds (2/3) of their working time in typing and related activities such as proofreading and filing, and the remaining one-third (1/3) in diversified tasks, not necessarily the same. Since there is no difference in the skills required for most of their work, whether or not these jobs require comparable skill in performance will depend upon the nature of the work the employees must actually perform during this latter period to meet the requirements of the jobs. If it happens that the man, during the remaining one-third (1/3) of the time, spends twice as much time operating a calculator as does the woman who prefers and is allowed to do most of the copying work required in the office, this would not preclude a conclusion that the performance of the two (2) jobs requires comparable skill if there is actually no distinction in the performance requirements of such jobs so far as the skills utilized in these tasks are concerned. Even if the man were required to do all of the calculating work in order to perform his job, it is not at all apparent that the jobs would require substantially different degrees of skill unless it should appear that operation of that calculator requires more training and can command a higher wage than the typing and related work performed by both the man and the woman, and that the work required to be done by the woman in the remaining one-third (1/3) of the time requires less training and is recognized as commanding a lower wage whether performed by a man or a woman.

Section 8. Comparable Effort. (1) Jobs requiring

comparable effort in performance. The jobs to which the equal pay standard is applicable are jobs that require comparable effort to perform. Where substantial differences exist in the amount or degree of effort required to be expended in the performance of jobs, the equal pay standard cannot apply even though the jobs may be comparable in all other respects. Effort is concerned with the measurement of the physical or mental exertion needed for the performance of a job. Where jobs are otherwise comparable under the statute, and there is no substantial difference in the amount or degree of effort which must be expended in performing the jobs under comparison, the jobs may require comparable effort in their performance even though the effort may be exerted in different ways on the two (2) jobs. Differences only in the kind of effort required to be expended in such a situation will not justify wage differentials.

(2) Comparing effort requirements of jobs. To illustrate the principle of comparable effort exerted in different ways, suppose that a male checker employed by a supermarket is required to spend part of his time carrying out heavy packages or replacing stock involving the lifting of heavy items whereas a female checker is required to devote a comparable degree of effort during a similar portion of her time to performing fill-in work requiring greater dexterity, such as rearranging displays of spices or other small items. The difference in kind of effort required of the employees does not appear to make their efforts unequal in any respect which would justify a wage differential, where such differences in kind of effort expended to perform the job are not ordinarily considered a factor in setting wage levels. Further, the occasional or sporadic performance of an activity which may require extra physical or mental exertion is not alone sufficient to justify a finding of unequal effort. Suppose, however, that men and women are working side by side on a line assembling parts. Suppose further that one (1) of the men who performs the operations at the end of the line must also lift the assembly, as he completes his part of it and place it on a waiting pallet. In such a situation, a wage rate differential might be justified for the person who is required to expend the extra effort in the performance of his job, provided that the extra effort so expended is substantial and is performed over a considerable portion of the work cycle. However, a serious question would be raised about the bona fides of wage differential if it is paid to a male employee who is otherwise performing comparable work with female employees on the basis that the male is required to do some heavy lifting, unless a similar distinction in wage rates is made in the establishment as between male employees only where some do heavy lifting and others do not. In general, a wage rate differential based on differences in the degree or amount of effort required for performance of jobs must be applied uniformly to men and women. For example, if all women and some of the men performing a particular type of job do not perform heavy lifting, and some men do, payment of a higher wage rate to all of the men than to the women would constitute a prohibited wage rate differential if the equal pay provisions otherwise apply.

Section 9. Comparable Responsibility. Jobs requiring comparable responsibility in performance. The jobs to which the equal pay standard applies are jobs in the performance of which comparable responsibility is required. Responsibility is concerned with the degree of accountability required in the performance of the job, with

emphasis on the importance of the job obligation. Differences in the degree of responsibility required in the performance of otherwise comparable jobs cover a wide variety of situations. The following illustrations, which are by no means exhaustive, may suggest the nature or degree of differences in responsibility which will constitute uncomparable work:

(1) There are many situations where one (1) employee of a group performing jobs which are comparable in other respects is required from time to time to assume supervisory duties for reasons such as the absence of the regular supervisor. Suppose, for instance, that it is the employer's practice to pay a higher wage rate to such a relief supervisor with the understanding that during the intervals in which he performs supervisory duties he is in training for a supervisory position. In such a situation, payment of the higher rate to him might well be based solely on the additional responsibility required to perform his job and the equal pay provisions would not require the same rates to be paid to an employee of the opposite sex in the group who does not have a comparable responsibility. There would clearly be no question concerning such a wage rate differential if the employer pays the higher rate to both men and women who are called upon from time to time to assume such supervisory responsibilities.

(2) Other differences in responsibilities of employees in generally similar jobs may require similar conclusions. Sales clerks, for example, who are engaged primarily in selling identical or similar merchandise may be given different responsibilities. Suppose that one (1) employee of such a group is authorized and required to determine whether to accept payment for purchases by personal checks of customers. The person having this authority to accept personal checks may have a considerable additional degree of responsibility which may materially affect the business operations of the employer. In this situation, payment of a higher wage rate to this employee would be permissible.

(3) On the other hand, there are situations where one (1) employee of the group may be given some minor responsibility which the others do not have but which is not of sufficient consequence or importance to justify a finding of unequal responsibility.

Section 10. Exceptions to Equal Pay Standards. (1) The specified exceptions. KRS 337.423(1) provides two (2) specific exceptions to its general standard requiring that employees doing comparable work be paid equal wages, regardless of sex. Under these exceptions, where it can be established that a differential in pay is the result of a wage payment made pursuant to an established seniority system or merit increase system which does not discriminate on the basis of sex, the differential is expressly excluded from the statutory prohibition of wage discrimination based on sex.

(2) Establishing application of an exception. The facts necessary to establish that a wage differential has a basis specified in any of the exceptions are peculiarly within the knowledge of the employer. If he relies on the excepting language to exempt a differential in pay from the operation of the equal pay provisions, he will be expected to show the necessary facts. Thus, such a showing will be required to demonstrate that a payment of wages to employees at a rate less than the rate at which he pays employees of the opposite sex is based on a factor other than sex where it appears that such payments are for comparable work on jobs the performance of which requires comparable skill, effort, and responsibility.

(3) Sex must not be a factor in excepted wage

differentials. While differentials in the payment of wages are permitted when it can be shown that they are based on an established seniority system or merit increase system, the requirements for such an exception are not met unless the factor of sex provides no part of the basis for the wage differential. If these conditions are met, the fact that application of the system for measuring earnings results in higher average earnings for employees of one (1) sex than for employees of the opposite sex performing comparable work would not constitute a prohibited wage differential. However, to come within the exempting provisions, any system or factor of the type described pursuant to which a wage rate differential is paid must be applied equally to men and women whose jobs require comparable skill, effort and responsibility.

(4) Establishing absence of sex as a factor. A showing that a wage differential is based on a factor other than sex, so as to be exempt from the statute, may sometimes be incomplete without a showing that there is a reasonable relationship between the amount of the differential and the weight properly attributable to the factor other than sex. To illustrate, suppose that male clerks who work forty (40) hours each week and female clerks who work thirty-five (35) hours each week are performing comparable work on jobs the performance of which requires comparable skill, effort and responsibility. If they are paid weekly salaries for this work, a differential in the amounts could be justified as based on a difference in hours of work. But if the difference in salaries paid is too great to be accounted for by the difference in hours of work, as where the male clerks are paid ninety dollars (\$90) for their forty (40) hour week (equal to two dollars and twenty-five cents (\$2.25) an hour) and the female clerks receive only seventy dollars (\$70) for their thirty-five (35) hour week (equal to two dollars (\$2) an hour), then it would be necessary to show some other factor other than sex as the basis for the unexplained portion of the wage differential. To illustrate further, a compensation plan which provides for a higher rate of commission, draw, advance or guarantee for sales employees of one sex than for employees of the opposite sex would be in violation of the equal pay provisions of the statute unless the employer can establish that the differential in pay is pursuant to an established seniority system, merit increase system, or is based on any other factor other than sex. A compensation plan which provides for a "draw" based on a percentage of each employee's earnings during a specified prior period would not be in violation of the statute if the plan is applied equally to men and women. However, for all men to receive a higher draw, because it is the employer's experience that men generally earn more in commissions than women, would not be sufficient indication that the differential is based on a factor other than sex.

(5) Application of exceptions illustrated; in general. When applied without distinction to employees of both sexes, shift differentials, incentive payments, production bonuses, performance and longevity raises and the like will not result in equal pay violations. For example, in an establishment where men and women are employed on a job, but only men work in the night shift for which a night shift differential is paid, such a differential would not be prohibited. However, the payment of a higher hourly rate to all men on that job for all hours worked because some of the men may occasionally work nights would result in a prohibited wage differential. The examples in the following paragraphs illustrate a few applications of the exception provisions.

(a) Examples; "red circle" rates, in general. The term "red circle" rates describes certain unusual, higher than normal wage rates which are maintained for many reasons. An example of the use of a "red circle" rate might arise in a situation where a company wishes to transfer a long-service male employee, who can no longer perform his regular job because of ill health, to different work which is now being performed by women. Under the "red circle" principle the employer may continue to pay the male employee his present salary, which is greater than that paid to the women employees, for the work both will be doing. Under such circumstances, maintaining an employee's established wage rate, despite a reassignment to a less demanding job, is a valid reason for the differential even though other employees performing the less demanding work would be paid at a lower rate, since the differential is based on a factor other than sex. However, where wage rate differentials have been or are being paid on the basis of sex to employees performing comparable work, rates of the higher paid employees may not be "red circled" in order to comply with the statute.

(b) Examples; temporary reassignments. For a variety of reasons an employer may require an employee, for a short period, to perform the work of a job classification other than the employee's regular classification. If the employee's rate for his regular job is higher than the rate usually paid for the work to which he is temporarily reassigned, the employer may continue to pay him the higher rate, under the "red circle" principle. For instance an employer who must reduce help in a skilled job may transfer employees to less demanding work without reducing their pay, in order to have them available when they are again needed for their former jobs. Although employees traditionally engaged in performing the less demanding work would be paid at a lower rate than those employees transferred from the more skilled jobs, the resultant wage differential would not constitute a violation of the equal pay provisions since the differential is based on factors other than sex. This would be true during the period of time for which the "red circle" rate is bona fide. Temporary reassignments may also involve the opposite relationship of wage rates. Thus, an employee may be required, during the period of temporary reassignment, to perform work for which employees of the opposite sex are paid a higher wage rate than that paid for the duties of the employee's regular job classification. In such a situation, the employer may continue to pay the reassigned employee at the lower rate, if the rate is not based on quality or quantity of production, and if the reassignment is in fact a temporary one. If a piece rate is paid employees of the opposite sex who perform the work to which the employee in question is reassigned, failure to pay that employee the same piece rate paid such other employees would discriminate on the basis of sex. Also, failure to pay the higher rate to the reassigned employee after it becomes known that the reassignment will not be of a temporary nature would raise a question whether sex rather than the temporary nature of the assignment is the real basis for the wage differential. Generally, failure to pay the higher rate for a period longer than one (1) month will raise questions as to whether the reassignment was in fact intended to be a temporary one.

(c) Examples; training programs. Employees employed under a bona fide training program may, in the furtherance of their training, be assigned from time to time to various types of work in the establishment. At such times, the employee in training status may be performing comparable work with non-trainees of the opposite sex whose wages or



wage rates may be unequal to those of the trainee. Under these circumstances, provided the rate paid to the employee in training status is paid, regardless of sex, under the training program, the differential can be shown to be attributable to a factor other than sex and no violation of the equal pay standard will result.

(d) Examples; head of household. Sometimes differentials in pay to employees performing comparable work are said to be based on the fact that one (1) employee is head of a household and the other, of the opposite sex, is not. Accordingly, since the normal pay practice is to set a wage rate in accordance with the requirements of the job itself and since a "head of household" status bears no relationship to the requirements of the job or to the individual's performance on the job, the position of the Department of Labor is that they are not prepared to conclude that any differential allegedly based on such status is based on a factor other than sex within the intent of the statute.

(e) Examples; temporary and part-time employees. The payment of different wage rates to permanent employees than to temporary employees such as may be hired during the holiday season would not necessarily be a violation of the equal pay provisions even though comparable work is performed by both groups of workers. For example, no violation would result where payment of such a differential conforms with the nature and duration of the job and with the customary practice in the industry and the establishment, and the pay practice is applied uniformly to both male and female. Generally, employment for a period longer than one (1) month will raise questions as to whether the employment is in fact temporary. Likewise, the payment of a different wage to employees who work only a few hours a day than to employees of the opposite sex who work a full day will not necessarily involve non-compliance with the equal pay provisions, even though both groups of workers are performing comparable work in the same establishment. No violation of the equal pay standards would result if, for example, the difference in working time is the basis for the pay differential, and the pay practice is applied uniformly to both male and female. However, if employees of one sex work thirty (30) to thirty-five (35) hours a week and employees of the other sex work forty (40) to forty-five (45) hours, a question would be raised as to whether the differential is not in fact based on sex since different rates for part-time work are usually for workweeks of twenty (20) hours or less.

JAMES R. YOCOM, Commissioner

ADOPTED: October 26, 1976

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: October 29, 1976 at 3:50 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

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

## PUBLIC PROTECTION AND REGULATION CABINET Department of Labor

### 803 KAR 4:021. Elevator and escalator inspection fees.

RELATES TO: KRS 336.510 to 336.680

PURSUANT TO: KRS 13.082, 336.620

NECESSITY AND FUNCTION: KRS 336.620 authorizes the commissioner to prescribe the fee to be charged for each inspection of an elevator. The function of this regulation is to set forth the fee to be charged in order to raise enough revenue to properly administer the inspection program.

Section 1. Schedule of Fees. (1) Construction permit fee for installation of each new elevator shall be thirty-five dollars (\$35) plus four dollars (\$4) per door opening.

(2) Alteration permit fee of existing elevator shall be thirty-five dollars (\$35) plus four dollars (\$4) per door opening. An alteration shall be anything as defined in Part XII of the American Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, as adopted by reference in 803 KAR 4:010.

(3) Construction permit fee for installation of each escalator shall be thirty-five dollars (\$35) per unit.

(4) General inspection fee for each passenger elevator and escalator shall be thirty-five dollars (\$35) per annual inspection.

(5) Inspection fee for each inspection by a general inspector made on request by the owner or user of each elevator shall be thirty-five dollars (\$35).

(6) As used in this section, an escalator shall mean a moving inclined continuous stairway or runway used for raising or lowering passengers that is independently powered by its own unit. If two (2) escalators serve each floor, one (1) up and one (1) down, this would be considered as two (2) separate units; such as, first to second, up; second to first, down. A four (4) story building using escalators to serve all four (4) floors would require a total of eight (8) units.

JAMES R. YOCOM, Commissioner

ADOPTED: October 26, 1976

APPROVED:

JAMES E. GRAY, Secretary

RECEIVED BY LRC: November 3, 1976 at 9:15 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

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

**PUBLIC PROTECTION AND REGULATION CABINET**

Department of Insurance  
Office of Fire Marshal

**806 KAR 50:015. Standards of safety; fire code.**

RELATES TO: KRS 227.220

PURSUANT TO: KRS 13.082, 227.300

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

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

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

(a) By establishing minimum requirements governing the design and construction of buildings, particularly those involving the public interest or welfare, and including any building or structure, permanent or temporary which is used or occupied or is to be used or occupied by persons who are employed, lodged, housed, cared for, assembled, served, entertained, or instructed, therein, including, but not limited to, hotels, motels, apartments, schools or other educational institutions, colleges, hospitals of all kinds, penal institutions, asylums, nursing homes, convalescent homes, or homes for the aged, mercantile establishments, office buildings, apartment houses, theaters, churches, restaurants, auditoriums, grandstands and stadiums, gymnasiums, armories, night clubs, lodge halls, dance halls, factories, work shops, meeting rooms, bowling alleys, manufacturing and processing establishments, and all other buildings and structures of same or similar character or of same or similar use.

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

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

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

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

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

(4) Unless otherwise provided, the "standards of safety" are intended primarily to apply to new or remodeled buildings, installations, equipment, or conditions; however, they shall also apply to existing buildings, installations,

equipment, conditions and occupancies where safety to life or protection of the public interest requires their enforcement.

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

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

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

(8) Many of the "standards of safety" are specific. Others, for the sake of brevity and simplification, are of general nature. All features of construction and occupancy, and operations of any nature, shall be such as to provide reasonable safety to life and property from fire and shall conform to recognized safety practice requirements. Unless specifically covered by a provision of these standards, the following nationally recognized codes, standards, and regulations shall be deemed safe practice requirements. These codes, standards, and regulations have been approved by the commissioner, and copies have been placed on file in the Office of the State Fire Marshal and with the Legislative Research Commission.

(a) Standards of the National Fire Protection Association known as the National Fire Codes, Volume 1-16, (1976-77 Edition).

1. Copies of the 16 volumes, or of any pamphlet contained therein are available for a fee from: National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210.

2. The National Fire Codes contain the following codes, standards, recommended practices, and manuals:

<b>"Volume 1."</b>	
<b>Pamphlet</b>	<b>Title and Edition</b>
10	Portable Fire Extinguishers, '75
11	Foam Extinguishing Systems, '75
11A	High Expansion Foam Systems, '70
11B	Synthetic Foam and Combined Agent Systems, '74
12	Carbon Dioxide Systems, '73
12A	Halon 1301 Systems, '73
12B	Halon 1211 Systems, '73
13	Sprinkler Systems, Installation, '75
<b>"Volume 2."</b>	
14	Standpipe & Hose Systems, '74
15	Water Spray Fixed Systems, '73
16	Foam-Water Sprinkler & Spray Systems, '74
17	Dry Chemical Systems, '75
18	Wetting Agents, '72
19B	Respiratory Protective Equipment For Fire Fighters, '71
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3. Incorporated by reference on December 1, 1976.

(b) National Building Code recommended by the American Insurance Association, 1976 Edition, hereafter referred to as "The National Building Code."

1. Copies of the National Building Code are available for a fee from: American Insurance Association, 85 John Street, New York, New York 10038.

2. The National Building Code contains the minimum standards for the construction, alteration, equipment, use and occupancy, location and maintenance, moving and demolition of buildings and structures.

3. Date incorporated by reference December 1, 1976.

(c) One and Two Family Dwelling Code 1975 Edition, hereafter referred to as "The One and Two Family Dwelling Code," except Part V (Plumbing).

1. Copies of the One and Two Family Dwelling Code are available for a fee from: Southern Building Code Congress International, 3617 Eighth Avenue, South Birmingham, Alabama 35222.

2. The One and Two Family Dwelling Code applies to the construction, prefabrication, alteration, repair, use, occupancy and maintenance of detached one (1) and two (2) family dwellings not more than three (3) stories in height, and their accessory structures.

3. Data incorporated by reference December 1, 1976.

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

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

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

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

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

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

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

(e) "Approved" as applied to a material, device, or mode of construction, means materials, devices or equipment listed by Underwriter's Laboratories, Inc., the

testing laboratory of the American Gas Association, or other recognized testing authority or approved by the Fire Marshal.

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

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

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

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

(j) "Basement" means that portion of a building the average height of which is more than half below grade. However, the space shall not be considered a basement if its ceiling is seven and one-half (7½) feet or more above the grade level at any point next to the building. If this space is used for human habitation it shall be considered a story.

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

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

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

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

(o) "Court" means any open, uncovered, unoccupied space on the same lot with a building.

1. Inner court means any court other than an outer court or yard.

2. Outer court means a court other than a yard having at least one (1) side thereof opening to a street, alley, or yard or other permanent open space.

3. Yard means a court on the same lot with a building extending along the entire length of a lot line.

(p) "Dwelling" means a building occupied exclusively for residence purposes and having:

1. One (1) dwelling unit; or

2. Two (2) dwelling units; or

3. One (1) or two (2) dwelling units with a total of not more than fifteen (15) boarders or roomers in these units served with meals or sleeping accommodations or both.

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

(r) "Elevator" means a hoisting and lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction, and which serves two (2) or more floors of a building or structure.

1. Freight elevator means an elevator ordinarily used for carrying freight and on which only the operator and the persons necessary for unloading and loading the freight are permitted to ride.

2. Passenger elevator means an elevator used primarily

to carry persons other than the operator.

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

(t) "Fire chief" means the authorized head of a fire department that is recognized by the Fire Marshal's Office.

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

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

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

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

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

(z) "Fire walls." (See walls.)

(aa) "Grade" with reference to a building or structure, means the elevation of the ground adjoining the building.

(bb) "Heavy timber construction" means construction conforming to the requirements of Section 706 of the National Building Code.

(cc) "Height:"

1. As applied to buildings, means the vertical distance from grade to the highest finished roof surface, or to a point at the average height of a roof having a pitch of more than one (1) foot in four and one-half (4½) feet; "height" of a building in stories does not include basements. (See basement.)

2. As applied to a story, means the vertical distance from top to top of two (2) successive tiers of floor beams or finished floor surfaces.

3. As applied to a wall, means the vertical distance to the top measured from the foundation wall, or from a girder, or other immediate support of such wall.

(dd) "Horizontal separation" means a permanent open space between the building wall under consideration and the lot line or the center line of a facing street, alley or public way. Where two or more buildings are on a lot, the horizontal separation of the wall under consideration shall be measured from an imaginary line drawn at a distance from the facing wall equal to the horizontal separation applicable for that wall.

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

1. Class A interior finish-flame spread rating, 0-25.
2. Class B interior finish-flame spread rating, 26-75.
3. Class C interior finish-flame spread rating, 76-200.

4. Class D interior finish-flame spread rating, 201-500.

5. Class E interior finish-flame spread rating over 500.

(ff) "Legislative body" means a city council, fiscal court, board of directors, commissioners, committee, or any group however named, which governs a recognized fire department.

(gg) "Masonry" means a built-up construction or combination of building units of such materials as clay, shale, concrete, glass, gypsum or stone set in mortar; in plain concrete.

1. "Hollow masonry unit" means a masonry unit whose net cross-sectional area in any plane parallel to the bearing surface is less than seventy-five (75) percent of its cross-sectional area measured in the same plane.

2. "Masonry of hollow units" means masonry consisting wholly or in part of hollow masonry units laid continuously in mortar.

3. "Solid masonry" means consisting of solid masonry units laid continuously in mortar, or consisting of plain concrete.

4. "Solid masonry unit" means a masonry unit whose net cross-sectional area in every plane parallel to the bearing surface is seventy-five (75) percent or more of its gross cross-sectional area measured in the same plane.

5. "Reinforced masonry" means unit masonry in which reinforcement is embedded in such manner that the two (2) materials act together in resisting forces.

(hh) "Multifamily house" means a building or portion thereof containing three (3) or more dwelling units; including tenement houses, apartment houses, flats, etc.

(ii) "Noncombustible" as applied to a building construction material, means a material which, in the form in which it is used, falls into one of the following groups:

1. Materials no part of which will ignite or burn and which will not liberate flammable gases or melt when heated to a temperature of 1,380 degrees F. and to the maximum temperature to which it will be subjected under its normal use under the applicable conditions as follows:

a. Where the combustibility of material is a factor in the application or requirements for clearance of the material from a heating appliance, flue, or other device which is a source of high temperature and such clearance is the only consideration requiring that the material be non-combustible.

b. When the material other than backing is used to support only interior finish.

c. When the material is used for window sashes, doors, trims, or frames required to be non-combustible but not required as opening protectives to prevent the spread of fire through an opening.

2. Materials having a structural base of a non-combustible material as defined in paragraph (ii) with surfacing not over one-eighth (1/8) inch thick which has a flamespread rating not higher than fifty (50).

3. Materials other than as described in subparagraphs 1 or 2 having a surface flamespread rating not higher than twenty-five (25) without evidence or continued progressive combustion when tested (as per ASTM E84) for a duration of thirty (30) minutes. It does not apply to surface finishes or coatings which are applied to the surface of combustible materials. Flamespread rating as used herein refers to a rating obtained according to the standard test method for fire hazard classification of the building materials of Underwriter's Laboratories, Inc., U.L. 723, NFPA 255, ASTM E84.

(jj) "Noncombustible" as applied to the installations of heating equipment, means any material which will not



ignite and burn.

(kk) "Occupancy:"

1. "Assembly occupancy" means the occupancy or use of a building or structure or any portion thereof by a gathering of persons for civic, political, travel, religious, social, or recreational purposes; including among others:

Armories	Lecture Rooms
Assembly Halls	Lodge Rooms
Auditoriums	Motion Picture Theaters
Bowling Alleys	Museums
Broadcasting Studios	Night Clubs
Chapels	Opera Houses
Churches	Passenger Stations
Clubrooms	Pool Rooms
Community Buildings	Recreation Areas
Courthouses	Restaurants
Dance Halls	Skating Rinks
Exhibition Rooms	Television Studios
Gymnasiums	Theaters

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

Banks	Service Stations
Barber Shops	Offices
Beauty Parlors	Stores
Department Stores	Radio Stations
Garages	Telephone Exchanges
Markets	Television Stations

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

Academies	Pre-school Child
Care Centers	Relocable Classroom Unit
Colleges	Schools
Kindergartens	Seminaries
Libraries	Universities

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

Aluminum Power Factories	Grain Elevators
Charging or filling stations	Lacquer Factories
Distilleries	Liquefied Petroleum Gas
Dry Cleaning Plants	Mattress Factories
Dry Dyeing Plants	Paint Factories
Explosive-Manufacture, Sale or Storage	Pyroxylin-Factories, or Warehouses
Flour and Feed Mills	Rubber Factories
Gasoline Bulk Plants	Sales Rooms

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

Assembly Plants	Mills
Creameries	Power Plants
Electrical Substations	Processing Plants
Factories	Pumping Stations
Ice Plants	Repair Garages
Laboratories	Smokehouses
Laundries	Workshops
Manufacturing Plants	

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

Asylums	Nursing Homes
Homes for the Aged	Orphanages
Hospitals	Penal Institutions
Houses of Correction	Reformatories
Infirmaries	Sanitariums
Jails	Nurseries

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

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

8. "Storage occupancy" means the occupancy or use of a building or structure or any portion thereof for the storage of goods, wares, merchandise, agricultural, or manufactured products or the sheltering of livestock and other animals except where the occupancy is classified as high hazard.

(ll) "Ordinary construction" means construction conforming to the requirements of Section 707 of the National Building Code.

(mm) "Penthouse" means an enclosed structure other than a roof structure, located on the roof, extending not more than twelve (12) feet above a roof and used primarily for living or recreational accommodations. (See story.)

(nn) "Place of assembly" shall apply to all buildings or sections of buildings used for the gathering of more than 100 persons in one (1) room or space for religious, recreational, educational, political, social, or amusement purposes, or for the consumption of food or drink.

(oo) "Pre-fabricated" means fabricated prior to erection or installation on a building or structure foundation.

(pp) "Protected noncombustible construction" means construction conforming to the requirements of Section 704 of the National Building Code.

(qq) "Public place" means a thoroughfare or open space over twenty-one (21) feet wide which is dedicated to a governmental body maintaining accessibility to the fire department and other public services.

(rr) "Public way" means a thoroughfare over twenty-one (21) feet wide on a privately owned, privately maintained property but designated for public use and which by agreement is kept accessible at all times to the fire department and other public services.

(ss) "Repair" means the replacement of existing work with equivalent materials for the purpose of its maintenance; but not including any addition, change or modification in construction, exit facilities, or permanent fixtures of equipment.

(tt) "Required" means required by some provision of these standards.

(uu) "Self-close" as applied to a fire door or other protective, means normally closed and equipped with approved device which will insure closing after having been opened for use.

(vv) "Shaft" means a verticle opening or passage

through two or more floors of a building or through floors and roof.

(ww) "Shall" indicates mandatory provisions of these standards.

(xx) "Should" indicates advisory provisions of these standards which, while not mandatory, are highly desirable and strongly recommended.

(yy) "Solid wooden door or the flush type" means a door of solid wooden construction (no indented panels or hollow spaces) not less than one and three-fourths ( $1\frac{3}{4}$ ) inch in thickness at any point.

(zz) "Sprinklered" means equipped with an approved automatic sprinkler system.

(aaa) "Story" means that part of a building comprised between a floor and the floor or roof next above. A mezzanine shall be considered a story if it exceeds thirty-three and one-third ( $33\frac{1}{3}$ ) percent of the area of the floor immediately below. A penthouse shall be considered a story if it exceeds 1,000 square feet or thirty-three and one-third ( $33\frac{1}{3}$ ) percent of the roof area. The basement of a building used for educational occupancy shall be considered a story if it is used for purposes other than storage, mechanical, or electrical equipment.

(bbb) "Street" means any public thoroughfare or space twenty-one (21) feet or more in width, which has been dedicated or devoted to the public for public use.

(ccc) "This office" means the State Fire Marshal's Office.

(ddd) "Unprotected noncombustible construction" means conforming to the requirements of Section 705 of the National Building Code.

(eee) "Walls:"

1. "Bearing wall" means a wall which supports any vertical load in addition to its own weight.

2. "Cavity wall" means a wall built of masonry or of plain concrete, or a combination of these materials, so arranged as to provide an air space within the wall, and in which the inner and outer parts of the wall are tied together with metal ties.

3. "Curtain wall" means a nonbearing wall between columns or piers and which is not supported by girders or beams.

4. "Faced wall" means a wall in which the masonry facing the bracing is so bonded as to exert common action under load.

5. "Fire wall" means a wall constructed in accordance with Section 800, for the purpose of subdividing a building or separate buildings to restrict the spread of fire and which starts at the foundation and extends continuously through all stories through and above the roof, except where the roof is fire-resistive and wall is carried up tightly against the underside of the roof slab.

6. "Foundation wall" means a wall below the first floor extending below the adjacent ground level and serving as a support for a wall, pier, column, or other structural part of a building.

7. "Hollow wall" of masonry means a wall built of masonry units so arranged as to provide an air space within the wall, and in which the inner and outer parts of the wall are bonded together with masonry units.

8. "Nonbearing wall" means a wall which supports no load other than its own weight.

9. "Panel wall" means a wall used or adapted for joint services between two (2) buildings.

(11) "Veneered wall" means a wall having a facing which is not attached and bonded to the backing as to form an integral part of the wall for purpose of load bearing and

stability.

(fff) "Wood frame construction" shall mean construction conforming to Section 708 of the National Building Code. Buildings having exterior masonry veneer, metal, or stucco, on wooden frame, constituting wholly or in part the structural support of the building, are considered "frame" buildings.

#### Section 4. Administration, Enforcement, and Permits.

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

##### (2) Permits:

(a) General: Permits required by this subsection will be issued when the requirements of the standards of safety have been complied with, and they may be suspended or revoked if the requirements are violated. Application for such permits shall be made in writing. When submission of plans and specifications is required by the standards of safety, it is strongly recommended that preliminary plans and specifications be submitted for review in order to eliminate unnecessary delays to the registered architect through minimizing any changes to the final working drawings. Any deviation from the final plans and/or specifications shall have prior approval from the Office of the Fire Marshal in writing.

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

(c) State permits: A permit or license shall be obtained from the Fire Marshal, for the following:

1. The transportation, selling, storing for resale, or delivering of liquefied petroleum gases, or for engaging in the business of installing or servicing liquefied petroleum gas equipment; or for persons who actually perform such installations or servicing operations. Licenses issued under this subparagraph shall be in accordance with the provisions of KRS 234.120. Under this subparagraph, licenses or permits are not required for storage or transportation in quantities of ten (10) gallons or less by the ultimate consumer, handling in quantities of less than one (1) gallon where the gas is an integral part of a device for its utilization, or for use as a motor fuel while in the fuel tank of the motor vehicle.

2. The construction, or substantial remodeling, of any plant or building of a class listed in subsection (3) (b) of this section "Design Responsibility - Plans and Specifications."

3. The construction of substantial remodeling of any plant or building containing an occupancy for which a license is required under KRS 234.120 relating to the storage and handling of liquefied petroleum gases.

4. Conditions where permits are required by Section 6, Flammable Liquids, Section 7, Dry Cleaning, Section 8, Airports, and NFPA Pamphlet 495 Explosives.

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

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

(3) Design responsibility, plans and specifications:

(a) Responsibility for the design, plans, and specifications, covering the construction or substantial remodeling of any building of the classes listed below, shall be entrusted to a professional architect registered in Kentucky, acting within the scope of his professional registration in accordance with KRS Chapter 323. The responsibility for the design, plans, and specifications for the mechanical and electrical systems within such buildings, and, when in the discretion of the Fire Marshal the circumstances so require, the structural design for such buildings, shall be entrusted to a professional engineer acting within the scope of his professional registration in accordance with KRS Chapter 322. Such architects' and engineers' seals and signatures shall be attached to the data covering each area of construction for which the particular professional is responsible.

(b) Plans and specifications in specific detail and in conformity with good architectural and engineering practices shall be submitted to the Office of the Fire Marshal, Department of Insurance, Frankfort, Kentucky, and approval received (see "state permits" preceding) before construction or substantial remodeling is started for the following:

1. Asylums, hospitals, nursing or convalescent homes for the aged; however named, and regardless of capacity.

2. A school or other educational facility, regardless of capacity.

3. A residential occupancy, defined, for the purpose of this section only, as:

a. Hotels, includes buildings or groups of buildings under the same management in which there are more than fifteen (15) sleeping accommodations for hire, primarily used by transients who are lodged with or without meals, whether designated as a hotel, inn, club, motel, or by any other name. So-called apartment hotels shall be classified as hotels because they are potentially subject to transient occupancy like that of hotels.

b. Apartment buildings. Includes buildings containing three (3) or more living units with independent cooking and bathroom facilities, whether designated as apartment house, tenement, garden apartments, or by any other name.

c. Dormitories. Includes buildings where group sleeping accommodations are provided for persons not members of the same family group in one (1) room or in a series of closely associated rooms under joint occupancy and single management, as in college dormitories, orphanages, fraternity houses, military barracks, ski lodges; with or without meals.

4. A place of assembly, regardless of capacity.

5. Mercantile buildings having a capacity in excess of 100 persons (30 square feet per person) or the type construction exceeds the height and/or area limits as set forth in Table 510, Section 510-2, Article V of the National Building Code, 1976 Edition.

6. Industrial buildings having a capacity in excess of 100 persons or the type construction exceeds the height and/or area limits as set forth in Table 510, Section 510-2, Article V of the National Building Code, 1976 Edition.

7. Office buildings having a capacity in excess of 100 persons or the type construction exceeds the height and/or area limits as set forth in Table 510, Section 510-2, Article V of the National Building Code, 1976 Edition.

8. Any building having more than 20,000 square feet of

floor area or the type construction exceeds the height and/or area limits as set forth in Table 510, Section 510-2, Article V of the National Building Code, 1976 Edition.

(c) The architects shall notify this office before the end of construction or re-modeling of any building listed above, in order that a final inspection may be made prior to occupancy. When supervision of the construction is not conducted by the architect it shall be noted on the Fire Marshal's "project information sheet."

(4) Inspection:

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

(b) If any owner fails to comply with an order issued pursuant to KRS 227.380 or with an order as modified on appeal to the commissioner, the officer may cause the property to be repaired or removed if repair is not feasible, and all fire hazard conditions remedied at the expense of the owner. (KRS 227.390) The fire chief shall have primary responsibility for the safety of places under his jurisdiction. Regulations of this office establish minimum standards, which shall not prevent any city from enacting more stringent regulations; but this office will cooperate with local officials in enforcing all fire safety laws and ordinances of the state and of its political subdivisions. (KRS 227.220, 227.230, 227.320) Inspection of property in the territory served by the fire department shall be made as often as practicable or as often as the legislative body may direct. A written report of continued violations should be sent to the Fire Marshal who will cooperate with local authorities to secure compliance with standards of safety and other laws, ordinances, and regulations of the state and its political subdivisions relating to matters within the scope of this office. (KRS 227.220 et seq.)

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

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

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

(1) State permits:

(a) A permit subject to the provisions of Section 4(2) shall be obtained from the Fire Marshal for the construction, substantial remodeling, or operation of any refinery, bulk storage plant, distributing station, or service station; and for the transporting of flammable liquids in tank vehicles other than in drums, cans, or other containers, of less than sixty (60) gallons individual capacity.

(b) Every owner of a tank vehicle used for the transportation of flammable liquids in Kentucky shall make application annually to the Fire Marshal for a permit to operate such vehicle. Such application shall be accompanied by a statement of the condition of the vehicle at the time application is made. The Fire Marshal will issue annually numbered permits upon receipt of proper application and certification of conditions.

(c) The annual permit number shall be displayed at the top of the rear of each tank. Such numbers shall be of a sharply contrasting color and a minimum of three inches in height.

(d) No person shall place any flammable liquid in a tank vehicle for transportation in Kentucky until such vehicle has received, and displayed a permit number as required in paragraph (c) above from the Fire Marshal.

(2) Local permits: A permit, subject to the provisions of Section 4(2), shall be obtained from an authorized city official for:

(a) The storage or handling of Class I liquids in excess of one (1) gallon in any building of "residential occupancy," in excess of ten (10) gallons inside any other building, and in excess of fifty (50) gallons outside of any building.

(b) Storage or handling of Class II liquids in excess of ten (10) gallons in any building of "residential occupancy," in excess of sixty (60) gallons in any other building, and in excess of 120 gallons outside any building.

(c) The storage or handling of Class III liquids in excess of 275 gallons inside any building, and in excess of 1,100 gallons outside of any building.

(d) The construction, substantial remodeling, or operation of a refinery, bulk storage plant, distributing station or service station.

(e) Quantities of paints, oils, varnishes, and similar flammable liquids in excess of those given above, for use on the premises, stored for not more than thirty (30) days.

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

(a) For the purposes of the standards of safety, "dry cleaning" shall be considered the process of removing dirt, grease, paints, and stains from wearing apparel, textiles, fabrics, rugs, etc., through the use of nonaqueous liquid solvents by one or more of the following methods:

1. Immersion and agitation in open vessels.

2. Immersion and agitation in approved closed machines.

3. Spotting or local application of solvents to spots of dirt, grease, paints and stains not removed by immersion and agitation processes.

4. Brushing or scouring with solvents.

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

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

(2) Permits and plans:

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

(b) Plans shall be drawn to an indicated scale and shall show the relative location of the dry cleaning building, boiler room, finishing building or department, storage tanks for solvents, and in the location and arrangement of all

equipment, such as pumps, washers, drying tumblers, extractors, filter traps, stills, condensers, and piping. Such plans and specifications, based on NFPA Pamphlet No. 32, shall be submitted with the application for a permit. Where a dry cleaning operation is intended to meet Class III requirements as specified in NFPA Pamphlet No. 32, specifications shall include sufficient information to identify listed equipment and solvents (listees' name and model designation on equipment, and name and trade designation for solvents).

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

(2) If the permit is subject to the provisions of Section 4(2) it shall be secured from the Fire Marshal for the storage, handling and dispensing of flammable liquids.

#### Section 9. Drilling or Operation of Oil and/or Gas Wells:

(1) Permits:

(a) The drilling of any oil or gas well shall be prohibited within the fire limits, and should be prohibited within the corporate limits of any city or town. No person, firm or corporation shall drill, bring in, or operate any oil or gas well, or install any tanks, pipe lines, or other equipment for the storage or handling of oil or gas in connection with such wells, inside the corporate limits of any city or town, without having first secured a permit from an authorized city official and the Fire Marshal, subject to the provisions of Section 4(2).

(b) Application for such permit shall be accompanied by plans and specifications in duplicate, showing the location of well, sludge pond, tank or tanks, and pipe lines, with reference to surrounding structures, roads, streets, and alleys; and the capacity of any tank, tanks, or containers.

(2) Location and shooting of well:

(a) No gas or oil wells shall be drilled or brought in within 150 feet of any building or structure (except derrick or auxiliary building), or within twenty-five (25) feet of any road, street, or alley.

(b) Nitroglycerine may be used for shooting or bringing in wells provided the shooting is done by a representative of a licensed torpedo company. All transportation, handling, and use of explosives shall be in conformity with the regulations of the Division of Explosives and Blasting, Department of Mines and Minerals.

(c) No well shall be loaded, or any torpedo set, except during daylight hours.

(d) Empty nitroglycerine cans, or other explosive containers shall be returned to a magazine the same day they are used. Leaky or discarded containers shall be properly destroyed, as provided in the regulations of the Division of Explosives and Blasting, Department of Mines and Minerals.

(3) Sludge ponds:

(a) No sludge pond shall be located with any point of its border closer than fifty (50) feet to any building, structure (except derrick or auxiliary buildings), highway, street, or alley.

(b) All sludge ponds shall be drained and covered with earth as soon as practicable after drilling operations have been completed.

(4) Tanks and containers:

(a) No receiving tanks, or other containers, for the storage of oil or gas shall be located closer than fifty (50)

feet to any building or structure (except derrick or auxiliary building), or closer than twenty-five (25) feet to any highway, street, or alley.

(b) No such tank or container having a capacity in excess of 100 barrels, and no group of more than two (2) such tanks or containers having an aggregate capacity in excess of 500 barrels, shall be located within 100 feet of any building or structure (except derrick or auxiliary building).

(c) The individual capacity of any tank or container shall not exceed 500 barrels, and the aggregate capacity of any group of tanks or containers shall not exceed 1,000 barrels.

(d) The location, installation, diking, and protection of tanks or containers shall be in conformity with the requirements of NFPA Pamphlet No. 30, with particular attention given to those regulations pertaining to tanks or containers holding crude oil.

(5) Piping: All piping installed for use in handling of petroleum shall be suitable material, and shall be installed and tested in accordance with the applicable provisions of NFPA Pamphlet No. 30.

(6) Valves:

(a) Cut-off control valves shall be provided in pipe lines at points where such valves are needed to prevent drainage of tanks or pipes, or continuous flow from pumps, in event of rupture or during repairs involving any part of the equipment.

(b) In installations where the rock pressure is such that wells are of the "gusher" type, a cut-off control valve shall be installed in the shaft pipe at the point where this pipe rises above the ground; or, in the case of a wildcat well, an oil and gas saver shall be properly installed on the casing head.

Section 10. 806 KAR 50:010 is hereby repealed.

WARREN SOUTHWORTH, State Fire Marshal

ADOPTED: November 11, 1976

HAROLD B. McGUFFEY, Commissioner

APPROVED:

JAMES E. GRAY, Secretary

RECEIVED BY LRC: November 15, 1976 at 1:30 p.m.

PUBLIC HEARING: A public hearing has been scheduled on these proposed regulations December 20, 1976 at 2 p.m. EST at the Department of Insurance, Second Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

## PUBLIC PROTECTION AND REGULATION CABINET Department of Banking and Securities

### 808 KAR 1:070. Application and hearing procedures.

RELATES TO: KRS 287.061, 288.450, 289.031, 290.040, 291.440

PURSUANT TO: KRS 287.011, 288.610, 289.702, 290.070, 291.530

NECESSITY AND FUNCTION: To provide procedures for the handling of applications for new or branch facilities submitted by financial institutions pursuant to KRS Chapters 287, 288, 289, 290 and 291.

Section 1. Notice of Application; Hearing. (1) Notice to the public on the application shall be published in accordance with KRS Chapter 424.

(2) Individual notice of the application shall be afforded as follows:

(a) Upon application for a new bank certificate or approval of a branch bank, to all state and national banks doing business within the county;

(b) Upon application for a small loan license, to all financial institutions doing business within the county;

(c) Upon application for a savings and loan certificate, to all state and federal savings and loan associations doing business within the county;

(d) Upon application for a credit union certificate, to all state and federal credit unions doing business within the county;

(e) Upon application for an industrial loan certificate, to all industrial loan companies doing business within the county.

(3) Each notice shall contain a statement of the applicant's name, the nature and location of proposed business and the address for the filing of protests. The notice shall appraise all parties opposed to the approval of the application of the right to file a written protest with the department, that only those parties filing timely protests shall be permitted to introduce evidence and cross-examine witnesses at a subsequent hearing, and that said protest to be timely filed must be received by the department not later than twenty (20) days after notice is afforded.

(4) A hearing in regard to the application need not be held if, after publication of notice, no protests are received. However, nothing shall prevent the commissioner from requesting a hearing. If so requested, a hearing shall be commenced as if a written protest under subsection (3) above had been filed.

(5) If no hearing is held, the commissioner shall make the determination required of him by the appropriate statutory sections. If such determination is adverse to the applicant, said applicant alone may request, within twenty (20) days of the adverse order, a public hearing. If requested, such hearing shall be convened as if a written protest under subsection (3) above had been filed except that only the department shall be permitted to act as adverse party to the applicant.

(6) Upon the filing of a timely protest, request of the commissioner, or appeal by the applicant of an adverse determination, a hearing shall be held. Notice to the public at large setting forth the time, place, and nature of the hearing shall be given in compliance with KRS Chapter 424. Individual notice shall be afforded all parties filing timely protests and the applicant. A pre-hearing conference may be held at the discretion of the department or upon request by any party.

Section 2. Hearing. When a hearing is required, then: (1) The commissioner or someone designated by him shall serve as hearing officer and shall be in charge of the hearing. The hearing officer may be assisted by a departmental attorney as legal officer.

(2) Those parties who have filed timely protests and the department, if it so desires, shall be afforded an opportunity to appear, respond to and present evidence and argument on all issues involved. Such parties may conduct cross-examination required for a full disclosure of the facts. Individuals who fail to file timely protests shall be permitted to make statements for the record and file petitions and/or communications germane to the proceedings, but shall not be permitted to otherwise participate.

(3) All irrelevant, immaterial, or unduly repetitious evidence shall be excluded. Any evidence may be admitted if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. The rules of privilege shall be given effect. Objections to evidentiary offers may be made and shall be noted in the record.

(a) Documentary evidence may be received in the form of copies or excerpts. Upon request, parties shall be given an opportunity to compare the copy and/or excerpt with the original. All documentary evidence shall be presented such that there will be one (1) copy for the hearing officer, one (1) copy for the department, and one (1) for each party. The applicant shall provide a large map (certified as to its correctness) of the relative county(ies). Such map shall be used at the hearing to point out the exact location of the proposed application.

(b) Notice may be taken of judicially cognizable facts within the agency's specialized knowledge. Parties may be notified either before or during the hearing of the material noted, including any staff memorandum or data, and they shall be afforded an opportunity to contest the material so noticed. The agency's expertise may be utilized in the evaluation of the evidence.

(4) The maximum amount of time that shall be allotted to each side is three (3) hours. This time limitation shall serve as an overriding constraint on all permissible activities. This time may be spent in direct examination of the witness, cross-examination of opposing witnesses, opening remarks, closing arguments, or any other provident purpose. The fact that there is more than one protestant shall not increase the allotted time for the protestants; rather, it shall necessitate the dividing of such time between protestants.

(5) Order of proceeding. The following shall be the typical order of the proceeding of any hearing. Variations and additions shall be permitted at the discretion of the hearing officer.

(a) Appearances of all parties shall be entered for the record.

(b) Each party may make a short statement of position and identification of witnesses.

(c) All witnesses shall be sworn.

(d) The department shall introduce any exhibits desired to be included in the record.

(e) The hearing officer shall rule on all motions heretofore made.

(f) The applicant shall produce his evidence. Each protestant and the department may cross-examine each witness upon completion of that witness' testimony.

(g) Upon exhaustion of the applicant's evidence, the protestant(s) shall produce his (their) evidence. Upon completion of each witness' testimony, all other parties

(including the department) may cross-examine that witness. Upon completion of the protestants' case, the applicant may offer evidence in rebuttal. The protestant may then have the opportunity to offer rebuttal.

(h) Upon completion of the introduction of evidence, direct and/or rebuttal, the parties may submit or argue the case. In the argument, the protestant shall open and the applicant conclude.

(i) Prior to the final submission of the case, members of the public, deserving to be heard, shall be permitted to make statements for the record and may file petitions or communications germane to the matter of record.

(j) The hearing officer may at his discretion continue the hearing for the purpose of receiving additional evidence for argument in the form of written briefs.

Section 3. Hearing Officer's Report, Decision and/or Orders Where a Hearing Has Been Held. The final report, decision or order, shall be in writing or stated in the record. It shall include findings of facts and conclusions of law, separately stated. Findings of facts shall be based exclusively on the evidence and on matters officially noticed. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If the hearing officer is other than the commissioner, his findings and conclusions together with his recommendations, shall be presented to the commissioner, who shall make the final decision and disposition of the matter. Parties shall be notified either personally or by mail of any final report, decision or order and a copy of such shall be delivered to each party.

Section 4. Costs. A hearing reporter shall be arranged for by the hearing officer. The cost of the reporter and the cost of the transcript and one (1) copy thereof for the department shall be borne by the parties on a pro-rated basis, i.e., the costs above divided by the number of parties.

Section 5. Appeal. An appeal to the appropriate court from a final order of the commissioner pursuant to Section 3 above may be taken within a reasonable time (if such a time is not set forth within the statutes) by anyone who was aggrieved by such order and who was a party to a hearing held pursuant to Section 1(6) above. Upon appeal, the department shall file a copy of the record, duly certified by the commissioner or one of his agents, with the court. An appeal from an order of the commissioner does not, unless specifically ordered by the commissioner or the court, operate as a stay of the commissioner's order.

JOHN L. WILLIAMS, JR., Commissioner

ADOPTED: October 29, 1976

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: November 1, 1976 at 11:55 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Peter R. Held, Banking and Security, 911 Leawood Drive, Frankfort, Kentucky 40601.



## ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

November 3, 1976

(Subject to Subcommittee approval at its next meeting on December 1, 1976.)

The Administrative Regulation Review Subcommittee held its regularly scheduled meeting on Wednesday, November 3, 1976, at 10 a.m. in Room 327 of the Capitol. Present were:

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

Guests: Eugene Attkisson and Arthur S. Curtis, Department for Natural Resources and Environmental Protection; Charles Satterwhite and Robert Harrison, Department of Labor; Lewis C. Woods, Jr., Kentucky Historical Society; Micki Johnson, State Racing Commission; Gene Record, State Barber Board; Mack J. Morgan, Jr., Ron Sheets and John D. Hinkle, Kentucky Retail Federation; C. J. Henry, Department of Transportation; Arvil C. Reeb and William T. Burkett, Board of Examiners of Social Work; William F. Hill, Joyce A. Morse, Edgar C. Ross, George Reuthebuck and Jay Douds, Department for Finance and Administration; Thomas O. Harris, Dr. Tom S. Mattox and J. B. Wolf, Department of Agriculture; Thomas C. Jacobs, Office of Attorney General; H. N. Kirkpatrick and Sam S. Johnson, Department of Mines and Minerals; Judy Hagler and Joe Witherington, Kentucky Medical Association; John W. Craig and Lamar E. Garon, Kentucky Registry of Election Finance; E. Logan Brown, farmer; Carl E. Kays, Department of Fish and Wildlife Resources; Dandridge F. Walton, Alcoholic Beverage Control Board; Dr. J. P. Broderson; Ray Kring, Department of Revenue; Stella A. Edwards, Royce A. Justice, Gayle B. Bowen, Gloria Romanek, Lynette Uhl, Don Bale, Sidney Simandle, Lee Tyler and Fred Johnson, Department of Education; Ked R. Fitzpatrick, James B. Gooding, Roy Butler, Janinne Morris, W.O. Hubbard, Douglas B. Beasley and Bob Lewis, Department for Human Resources; Bruce M. Pearce, Bourbon Stockyards and Kentucky Livestock Auction Market Assn.; James Doty, Blue Grass Stockyards; Joe B. Orr, Gerald Belcher and Joe Lewis, Bowling Green Livestock Market; Thomas J. Meyer, Kentuckiana Livestock Yards; Alex Miller and John J. Brannen, Paris Stockyards; Carl Smith, Taylor County Stockyard; James C. Clay, Kentucky Livestock Auction Markets.

LRC Staff: William H. Raines, Mabel D. Robertson, Ollie J. Fint, Garnett Evins, Janie Jones and Pat Howell.

The minutes of the October 6 meeting were approved.

The following regulations were withdrawn at the request of the issuing agency:

#### EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

##### Travel Expenses and Reimbursement

200 KAR 2:065. Per diem expense allowance. This regulation will be amended and resubmitted at the December meeting.

#### DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance

##### Medical Assistance

904 KAR 1:061. Payments for medical transportation. A public hearing has been requested.

The following regulations were deferred until the December meeting:

#### EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

##### Purchasing

200 KAR 5:075. Small businesses; classifications and definitions. This regulation was deferred on motion of Senator Johnson, seconded by Representative Mason and carried unanimously, with the request that Mr. David Pritchett be invited to attend the December meeting to answer questions from the subcommittee relating to the regulation.

#### DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

##### Division of Plumbing

401 KAR 1:011. Parts or materials list. This regulation was deferred on motion of Senator Johnson, seconded by Representative Mason and carried unanimously, to permit the agency to amend the regulation to provide more adequate notice to the affected parties.

#### EDUCATION AND ARTS CABINET

##### Kentucky Historical Society

730 KAR 1:005. Family cemetery information. This regulation was deferred until the December meeting on motion of Senator Johnson, seconded by Chairman Brinkley. Representative Mason voted "No" because in his opinion the regulation was very good and it complied with statutory authority.

The following regulation was rejected and returned to the issuing agency:

#### EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

##### Board of Veterinary Examiners

201 KAR 16:040. Animal technicians. This regulation was rejected on motion of Senator Johnson, seconded by Representative Mason and carried unanimously, for the reason it does not conform to legislative intent. The subcommittee was of the opinion that licensed animal technicians should be permitted employment by any licensed veterinarian rather than being limited to the veterinarian who signed the technician's application for a license.

#### Department of Education

During the subcommittee's consideration of proposed regulations 704 KAR 6:010, Private and Parochial Schools, approval of regular day schools; attendance, and 704 KAR 10:022 Elementary and Secondary Education Act, Elementary, middle and secondary schools standards; Senator Johnson was of the opinion that an ambiguity exists in the provisions for the approval of private schools employing less than eight teachers and the accreditation of private schools employing eight or more teachers. The subcommittee expressed the opinion that the department should draft a regulation to define the terms "approval" and "accreditation," which would remove the existing ambiguity. Thereupon, Senator Johnson moved the approval of 704 KAR 6:010 and 704 KAR 10:022, Representative Mason seconded the motion, and the subcommittee voted unanimously to file the regulations.

**Department of Agriculture**

Proposed regulation 302 KAR 20:070, Livestock Sanitation, Stockyards, deferred from the October meeting was brought before the subcommittee. Testimony was heard from proponents Commissioner Thomas O. Harris and Dr. Tom S. Mattox, and from opponents James C. Clay, Bruce M. Pearce and individuals representing various stockyards and markets throughout Kentucky. The subcommittee questioned all parties at great length, and Senator Johnson moved reluctantly to file the regulation. He said he had grave doubts as to the benefits to be derived from the program, but he cited KRS 257.020 and 257.030(4) which gives the Department of Agriculture the statutory authority to promulgate the regulation. Representative Mason seconded the motion with reservation, and stated that he felt Commissioner Harris would work with the stockyards in every way to make the program livable. Chairman Brinkley made the vote unanimous, and noted that Commissioner Harris and Dr. Mattox stated they would do everything to make this program as palatable as possible. Proposed regulation 302 KAR 20:070 was approved and ordered filed.

The following regulations on motion of Senator Johnson, seconded by Representative Mason and carried unanimously, were ordered filed with the exception of 401 KAR 1:015 with Chairman Brinkley voting "No."

**SECRETARY OF THE CABINET****Department of Revenue****Sales and Use Tax; General Exemptions**

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

**EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION****Division of Occupations and Professions****Board of Barbering**

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

**Board of Veterinary Examiners**

201 KAR 16:050. Continuing education.

**Board of Examiners of Social Work of Kentucky**

201 KAR 23:070. Specialty certification.

**DEVELOPMENT CABINET****Department of Agriculture****Livestock Sanitation**

302 KAR 20:060. Sales and exhibitions.

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

401 KAR 1:015. License application; examination.

**DEPARTMENT OF TRANSPORTATION****Bureau of Highways****Traffic**

603 KAR 5:096. Highway classifications.

**EDUCATION AND ARTS CABINET****Bureau of Administration and Finance****School District Finance**

702 KAR 3:185. Vocational and exceptional children units; deduction of average daily attendance, calculation of ASIS.

**Bureau of Pupil Personnel Services****School Terms, Attendance and Operation**

703 KAR 2:020. Calendar.

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

**Bureau of Instruction****Instructional Services**

704 KAR 3:010. Administrative and special services.

704 KAR 3:055. Criteria for the unit of instructional coordinator.

**Teacher Certification**

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

704 KAR 20:030. Proficiency evaluation.

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

704 KAR 20:222. Industrial education teachers.

**Bureau of Vocational Education****Administration**

705 KAR 1:010. State plan.

**Instructional Programs**

705 KAR 4:131. Industrial education programs.

705 KAR 4:151. Practical arts education programs.

**Adult Education**

705 KAR 7:050. Adult program plan.

**Licensing Proprietary Schools**

705 KAR 10:021. Repeals 705 KAR 10:010 to 705 KAR 10:120.

**Bureau of Rehabilitation Services****Administration**

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

**Bureau of Education for Exceptional Children****Exceptional and Handicapped Programs**

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

**PUBLIC PROTECTION AND REGULATION CABINET****Registry of Election Finance****Reports and Forms**

801 KAR 2:010. Processing complaints; hearings.

**Department of Labor****Occupational Safety and Health**

803 KAR 2:032. Adoption of 29 CFR, Part 1928.

**Labor Standards; Wages and Hours**

803 KAR 1:100. Child labor.

**Department of Alcoholic Beverage Control****Advertising Distilled Spirits and Wine**

804 KAR 1:090. Athletic team sponsorship.

**Licensing**

804 KAR 4:210. Supplemental bar license.

**Department of Mines and Minerals****Division of Mining**

805 KAR 5:010. Fees for licenses to operate. (Amended after hearing)

**DEPARTMENT FOR HUMAN RESOURCES****Bureau for Health Services****Certificate of Need and Licensure Board**

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

**Radiology**

902 KAR 100:077. Group licensing.

The meeting adjourned at 4:00 p.m. to meet again at 10:00 a.m., Wednesday, December 1, 1976, in Room 327, if available.

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

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## Regulation Locator—Effective Dates

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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
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105 KAR 1:040E	114	6-30-76	805 KAR 4:105E	135	6-18-76	102 KAR 1:050		
Expired		10-28-76	Expired		10-16-76	Amended	376	
106 KAR 1:010E	220	7-23-76	805 KAR 4:110E	136	6-18-76	102 KAR 1:055		
Expired		11-20-76	Expired		10-16-76	Amended	377	
107 KAR 1:005E	435	11-9-76	805 KAR 4:115E	137	6-18-76	102 KAR 1:060		
Expires		3-9-77	Expired		10-16-76	Amended	377	
107 KAR 1:015E	436	11-9-76	805 KAR 4:120E	137	6-18-76	102 KAR 1:110		
Expires		3-9-77	Expired		10-16-76	Amended	378	
107 KAR 1:025E	436	11-9-76	805 KAR 4:125E	138	6-18-76	102 KAR 1:120		
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200 KAR 4:020E	119	6-24-76	805 KAR 4:135E	139	6-18-76	102 KAR 1:153	286	8-4-76
Expired		10-22-76	Expired		10-16-76	102 KAR 1:185		
200 KAR 10:040E	121	6-24-76	805 KAR 4:140E	139	6-18-76	Amended	379	
Expired		10-22-76	Expired		10-16-76	102 KAR 2:010		
301 KAR 1:015E	123	6-30-76	805 KAR 4:145E	140	6-18-76	Amended	381	
Expired		10-28-76	Expired		10-16-76	103 KAR 1:010		
301 KAR 2:022E	367	9-27-76	805 KAR 4:150E	140	6-18-76	Amended	381	
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301 KAR 2:023E	311	8-23-76	805 KAR 5:010E	140	6-24-76	Amended	382	
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Expired		11-19-76	Expires		12-4-76	103 KAR 16:060		
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503 KAR 5:040E	126	6-30-76				Amended	147	9-1-76
Expired		10-28-76				103 KAR 17:030		
503 KAR 5:050E	126	6-30-76				Amended	148	9-1-76
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503 KAR 5:060E	128	6-30-76				Amended	149	9-1-76
Expired		10-28-76				103 KAR 17:050		
503 KAR 5:070E	128	6-30-76				Repealed	173	9-1-76
Expired		10-28-76				103 KAR 17:051	173	9-1-76
601 KAR 9:012E	128	6-21-76	11 KAR 5:030			103 KAR 17:070		
Expired		10-19-76	Amended	146	9-1-76	Amended	149	9-1-76
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805 KAR 4:080E	133	6-18-76	Amended	281	8-4-76	103 KAR 31:140		
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805 KAR 4:085E	133	6-18-76	Amended	281	8-4-76	105 KAR 1:040	173	9-1-76
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200 KAR 10:040	179	10-6-76	400 KAR 1:010	267		Amended	243	11-3-76
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201 KAR 1:035			Amended	237	11-3-76	704 KAR 20:266	464	
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Amended	442		Amended	314	9-1-76	Amended	244	11-3-76
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Amended	443		Amended	362	9-1-76	705 KAR 10:010		
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201 KAR 1:086	461		Withdrawn		9-10-76	Repealed	275	11-3-76
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201 KAR 1:095			503 KAR 5:030			Repealed	275	11-3-76
Amended	444		Amended	156	9-1-76	705 KAR 10:040		
201 KAR 9:075	180		503 KAR 5:040			Repealed	275	11-3-76
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201 KAR 12:031	417		Rejected	433	10-6-76	Repealed	275	11-3-76
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201 KAR 12:101	418		Amended	159	9-1-76	Repealed	275	11-3-76
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201 KAR 14:115			Rejected	364	9-1-76	Repealed	275	11-3-76
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201 KAR 16:050	337	11-3-76	Amended	293	8-4-76	Repealed	275	11-3-76
201 KAR 20:030			601 KAR 1:095			706 KAR 1:010		
Amended	444		Amended	294	8-4-76	Amended	244	10-6-76
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201 KAR 21:020			Amended	238	10-6-76	707 KAR 1:003		
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201 KAR 23:020	263	10-6-76	Amended	393		725 KAR 1:030	111	7-7-76
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201 KAR 23:040	263	10-6-76	603 KAR 5:096	4	7-7-76	801 KAR 2:010	338	11-3-76
201 KAR 23:050	264	10-6-76	Amended	327	11-3-76	802 KAR 1:010		
201 KAR 23:060	264	10-6-76	Amended	451		Amended	398	
201 KAR 23:070	264	11-3-76	701 KAR 5:010	461		803 KAR 1:025	469	
201 KAR 23:080	266	10-6-76	702 KAR 1:090	269	10-6-76	803 KAR 1:075		
201 KAR 23:090	266		702 KAR 1:100	462		Amended	301	8-4-76
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803 KAR 5:010	425		Amended	409	
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804 KAR 2:007	276	10-6-76	Amended	409	
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804 KAR 4:210	341	11-3-76	Amended	306	8-4-76
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805 KAR 4:010			Amended	306	8-4-76
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805 KAR 4:075			Amended	411	
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805 KAR 4:085	364	9-1-76	902 KAR 1:290		
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805 KAR 4:105	364	9-1-76	902 KAR 1:314	307	8-4-76
805 KAR 4:110			902 KAR 1:316	307	8-4-76
Amended	321	9-1-76	902 KAR 1:318	308	8-4-76
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808 KAR 1:070	481		902 KAR 100:065		
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Amended	408				
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15.410-15.510	503 KAR 5:060	139.150	103 KAR 30:170		704 KAR 6:010
15.420	503 KAR 5:010	139.260	103 KAR 30:090		704 KAR 10:022
15.440	503 KAR 5:030	139.470	103 KAR 30:090		704 KAR 10:023
15.460	503 KAR 5:040		103 KAR 30:170	157.200-157.305	707 KAR 1:003
	503 KAR 5:050	139.480	103 KAR 27:090		707 KAR 1:050
15.470	503 KAR 5:050		103 KAR 30:090	157.280	702 KAR 5:120
15.490	503 KAR 5:050	139.570	103 KAR 31:140	157.350	703 KAR 2:050
15.510	503 KAR 5:070	139.610	103 KAR 31:140	157.360	702 KAR 3:185
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	101 KAR 1:120	139.980	103 KAR 1:010	157.390	704 KAR 20:266
18.140	101 KAR 1:090		103 KAR 31:140	158.030	703 KAR 2:050
18.170	101 KAR 1:050	139.990	103 KAR 31:140	158.035	902 KAR 2:060
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