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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

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Public Hearing Scheduled

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

A public hearing will be held at 10 a.m. EST on January 10, 1978 in the Auditorium of Capital Plaza Tower, Frankfort, Kentucky 40601 on the following proposed regulations [4 Ky.R. 184-192]:

- ✓ 401 KAR 1:030. Quality and weight of materials.
- ✓ 401 KAR 1:060. Soil, waste and vent systems.
- 401 KAR 1:080. Traps and cleanouts.
- ✓ 401 KAR 1:090. Water supply and distribution.
- ✓ 401 KAR 1:100. House sewers and storm water piping; methods of installation.

Emergency Regulation Now In Effect

JULIAN M. CARROLL, GOVERNOR
Executive Order 77-1129
December 9, 1977

EMERGENCY REGULATION Department of Transportation

WHEREAS, the multi-year registration plate for motor vehicles registered under KRS 186.050(1) to be issued for use initially in the 1978 registration year does not, and should not, have the county of registration actually embossed upon the plate; and

WHEREAS, KRS 186.240 apparently requires the county of current registration to appear legibly in some manner on the registration plate; and

WHEREAS, a county decal being thus necessitated and the Department of Transportation having determined that such should appear on the registration plate in the traditional manner and place, said department has found that an emergency exists and that there is an immediate necessity to provide for a county decal to be affixed to the bottom of the registration plate; and

WHEREAS, the Commissioner of the Bureau of Vehicle Regulation, in conjunction with the Secretary of the Department of Transportation, pursuant to KRS 13.082, has promulgated the regulation attached hereto:

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 Transportation 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

DEPARTMENT OF TRANSPORTATION Bureau of Vehicle Regulation

601 KAR 9:014E. County decals for license plates.

RELATES TO: KRS 186.170, 186.240

PURSUANT TO: KRS 13.082

EFFECTIVE: December 9, 1977

EXPIRES: April 7, 1978

NECESSITY AND FUNCTION: KRS 186.240(3) requires that the motor vehicle registration plate prescribed by the Department of Transportation (except for commercial and certain other vehicles) contain "the name of the county in which the plate is issued." From a reading of that entire statutory subsection along with other statutory provisions, dealing specifically with the use of multi-year registration plates, said requirement is presently interpreted to mean that the county of current registration must appear on a registration plate. Such, however, would not always be possible under the multi-year system if the county name is embossed on the plate since many people (because of a change in residence) will register their vehicles in different counties during succeeding years of the use of a single multi-year plate, thus making the use of a county decal imperative. KRS 186.170(1), moreover, requires the Department of Transportation, under the multi-year system, to "select and give to the owner (of a motor vehicle being registered) as . . . evidence of registration some insignia which may conveniently be attached permanently and conspicuously to the motor vehicle during each registration year;" that subsection, also, places a duty upon the owner of a motor vehicle to display his registration plate conspicuously and legibly. This regulation implements said statutory interpretation and duties and allows for the necessary county decal to appear prominently and legibly on the bottom of the registration plate, in the

same position and manner the embossed county name has traditionally appeared.

Section 1. Upon the issuance, for use on a motor vehicle registered under KRS 186.050(1), of a multi-year registration plate, or the replacement thereof pursuant to KRS 186.180, by a county court clerk, the clerk shall issue a conspicuous decal designating the county in which the vehicle is then currently registered, said decal to be affixed to the bottom of the registration plate by the owner of the vehicle.

Section 2. If, at any time thereafter and while the same multi-year registration plate itself is still in use, the vehicle's registration is renewed in a different county, the county court clerk of the new county of registration shall issue a decal designating the new county of registration, said decal

to be affixed to the registration plate by the owner of the vehicle in a similar manner, replacing the county decal then affixed to the plate.

Section 3. The registration plate of a vehicle the registration of which is made and renewed in the same county during the years a particular multi-year plate is in use may retain the initially issued county decal, provided such has remained legible, but it is the duty of the owner of any vehicle to request, obtain, and affix to the registration plate a replacement for a county decal whenever such, for any reason, is no longer legible.

O. B. ARNOLD, Commissioner

ADOPTED: December 8, 1977

APPROVED: CALVIN GRAYSON, Secretary

RECEIVED BY LRC: December 9, 1977 at 2:30 p.m.

Amended Regulations Now In Effect

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION As Amended

200 KAR 6:030. Real property leases and rentals.

RELATES TO: KRS Chapters 45, 56.

PURSUANT TO: KRS 13.082; 45.360(3), (8), 56.463(8).

EFFECTIVE: December 7, 1977

NECESSITY AND FUNCTION: Except as provided by KRS Chapters 175, 176, 177, and 180, the Executive Department for Finance and Administration is responsible for the acquisition of all real property needed by the state. This regulation establishes the procedures for the acquisition by lease of all real property rentals required for use by all agencies of the state government.

Section 1. General: The Bureau of Public Properties in the Executive Department for Finance and Administration shall be responsible, except as otherwise provided by law, for the lease of all real property rentals required for use by all branches, departments and agencies of the state government and no lease of real property shall be binding against the Commonwealth of Kentucky or any agency thereof unless made and entered into as provided in this regulation.

Section 2. Agency Space Request: When an agency determines that [it will need] office or other space *will be required in order to fulfill its statutory functions and duties*, it shall submit a request for the acquisition to the Bureau of Public Properties on a form prescribed by the bureau and containing such information descriptive of the type of space desired as the bureau may require. The agency shall, except as enumerated in Section 5, submit its space request to the Bureau of Public Properties at least ninety (90) calendar days before the space requested will be required [needed] by the agency.

Section 3. Review of Space Request and Advertising: The Bureau of Public Properties shall review each agency space request to determine whether space suitable to meet the agency's reasonable requirements [needs] may be

available in a state-owned or occupied building. If it is determined that there is no suitable space available in a state-owned or occupied building, *the Commissioner of the Bureau of Public Properties shall certify this fact in writing to the Office for Policy and Management and forward the [bureau will send the] space request [to the Office for Policy and Management in the Executive Department for Finance and Administration] for approval by the office as to the availability of funds in the budget of [to] the requesting agency [of funds] for the payment of rent for the space required [desired].* When the Office for Policy and Management has approved the *agency space request[ed]* for funding, the bureau shall, except as provided in Section 5, cause an advertisement to be placed in a newspaper having general circulation in each county where space is sought, soliciting sealed written proposals for the negotiations of a lease to the Commonwealth of space meeting the agency's general requirements. The advertisement shall be published two (2) times during any seven (7) day period in daily newspapers and one (1) time in weekly newspapers. *Whenever an advertisement for space is made in a weekly newspaper, it shall also be made in a newspaper of daily publication in the county of closest geographic proximity to the county in which the space is sought and for which advertisement has been made in a weekly newspaper. All leases of space in Franklin County, and all leases in any county for which the annual rental charge is estimated to exceed \$100,000 shall be published in the Louisville Courier-Journal and in the Lexington Herald, in addition to a newspaper published and of general circulation in the county in which the space is sought.* The advertisement shall contain such general information concerning the agency requirements for the space sought as will reasonably inform persons having property to let in the county of the type of space wanted, i.e., office, storage, etc., the general location and number of square feet of space desired, and shall state the time, date and place stated in the advertisement, all proposals received shall be opened and publicly read; proposals not made in writing and all proposals received after the time fixed for opening and reading of the proposals shall not be considered [unless no other proposals had been received as of the time fixed in the advertisement]. *Whenever it is anticipated that*

a lease may be negotiated containing deviations or variations from the terms and conditions of the state standard lease form, Form B217-5, any such deviations or variations shall be noted in the advertisement. If any persons submitting a proposal in response to an advertisement, proposes terms and conditions of lease different from those contained in the state standard lease form which are determined to be advantageous to, and in the Commonwealth's best interest to accept, but no mention has been made in the advertisement of the acceptability thereof, then all other persons submitting proposals on the basis of such advertisement shall be advised in writing of such terms and conditions and allowed to conform their proposals in accordance therewith for purposes of establishing more competitive positions upon which lease negotiations may be based.

Section 4. Inspection of Premises and Award of Lease: Following the opening of the proposals, each person submitting a proposal shall be informed that at a time during normal business hours to be selected by the Bureau of Public Properties, an inspection team composed of a representative of the bureau and a representative of the agency for whose use the leased space is being sought, will inspect the space proposed to be leased to determine the suitability of the property to the agency's reasonable needs and its conformity to the requirements of the advertisement. The owner or other person submitting the proposal shall provide access to the property for such inspection. The inspection team shall report its findings about each property inspected to the Commissioner of the Bureau of Public Properties who shall, in consultation with the head of the agency for whose use the space is sought, or his designee, determine which of the proposals received is the best proposal in the interest of the Commonwealth. In making his determination, the commissioner shall take into account factors including, but not limited to, the location and accessibility to the public of the property; its condition and state of repair; its conformity with the requirements of occupational health and safety regulations, regulations of the State Fire Marshal and health and sanitation regulations, *the proposed rental rates*, as well as its conformity to the advertised requirements. [and the proposed rental rate.] The lease of the space shall be awarded in the sound discretion of the Commissioner of the Bureau of Public Properties to the person whose proposal most closely conforms to the general requirements of the advertisements and meets *applicable fire, health, safety and sanitation code requirements* and the requesting agency's reasonable space needs. The bureau shall notify in writing all persons submitting a lease proposal of its action of awarding the lease.

Section 5. When Advertisement Not Required: Newspaper advertisements soliciting written proposals for the lease of space by the Commonwealth shall not be required if space suitable to the needs of agencies for whose use space is sought is determined to be available for lease in a building owned [or maintained] by a political subdivision or municipality, [is required for the use of the Court of Justice;] or the space is required as the result of a bona fide emergency.

Section 6. Emergency Leases: (1) A bona fide emergency, authorizing dispensation of newspaper advertisement for leased space, shall be deemed to exist only in cases where the head of an agency already occupying leased

premises certifies in writing to the Secretary of the Executive Department for Finance and Administration that:

(a) The leased premises have been damaged or destroyed by fire, windstorm or other casualty; or

(b) The leased premises are found to be in violation of regulations of the Kentucky Occupational Health and Safety Commission and such violations *cannot be* [are not] remedied within thirty (30) days after the issuance of a citation to the lessor of the premises; or

(c) The leased premises are found to be unsafe or unfit for occupancy due to any condition constituting a violation or infraction of fire or health laws and regulations and cannot be made safe within a reasonable time; or

(d) The necessity for leased premises arises from the enactment or adoption of federal legislation or regulations or state legislation, the effective date of which *mandates compliance* before there is [does not allow a sufficient] time for space to be acquired by advertisement; and

(e) The agency's functions will be impaired or have to be discontinued unless other quarters to house the agency's operations are immediately located and occupied by the agency.

(2) Upon receipt of such certification, the Executive Department for Finance and Administration through the Bureau of Public Properties shall take such action as appears appropriate under the circumstances to locate and negotiate for the lease of suitable replacement quarters. The [except as provided in this section, the] lease by the Commonwealth of any real property under conditions deemed of an emergency nature by the heads of the several departments and agencies of the state government shall be undertaken only with the express written approval of the Governor of the Commonwealth.

Section 7. The Lease: Mere notice of award of a lease shall not constitute a contract binding against the Commonwealth of Kentucky. Unless some other form of lease is specifically approved by the Secretary of the Executive Department for Finance and Administration in an exceptional case, all leases by the Commonwealth of office and other space shall be made and entered into on the basis of the state standard lease agreement, Form B217-5, and all persons to whom a lease to the Commonwealth of Kentucky has been awarded shall be deemed to have assented in advance to the terms and conditions thereof.

Section 8. Lease Terms and Renewal of Expired Leases: Except when another lease term is approved by the Secretary of the Executive Department for Finance and Administration, the terms of all leases made under this regulation shall, as provided in the state standard lease agreement, provide for an initial lease term beginning on a date certain and ending on or before the 30th day of June in each year, subject to automatic extension for additional periods of twelve (12) months each, not to exceed five (5) such extension periods, provided that the Commonwealth, within the time specified in the lease (thirty (30), sixty (60) or ninety (90) days), does not give written notice that the lease will not be extended beyond the end of the then current term. Subject to the agreement of the lessor, an expired lease, i.e., a lease in which the final automatic extension period has expired or will expire as of the end of the then current term, may be renewed upon [substantially] the same terms and conditions without newspaper advertisement for space. In case of expired leases which have been in effect for at least five (5) years, an [equitable] adjustment may be made in the rent not to exceed the average

prevailing rate for similar property in the community in which the leased space is located as determined by the Bureau of Public Properties, subject to the provisions of Section 9, subsection (4).

Section 9. Modifications in Leases: (1) When a lease of space has been made and entered into after advertisement as provided in Section 3 or Section 5, and the agency determines that it has a need for space in the same location in addition to that provided for in the lease, and space is available in the same building, the lease may be modified with the agreement of the lessor to increase the square footage of the leased space provided, that the rental rate paid for such additional space shall in no case exceed the per square foot rental rate fixed by the original lease. Conversely, when an agency determines that the amount of space called for by the lease exceeds the area actually needed for its use, it may with the agreement of the lessor modify the lease to decrease the number of square feet covered by the lease to conform to its space needs and the rent shall be reduced accordingly. [An existing lease may also be modified to provide for an increase in the rental rate when the lessor has made improvements in the leased premises at the request of and for the benefit and convenience of the state agency occupying the leased premises; provided however, that the Commonwealth of Kentucky shall not be bound by nor have any liability for any improvements made in leased premises unless such agency request for the improvement of the premises has been approved in advance by the Executive Department for Finance and Administration.]

(2) Appropriate modification shall be made in all leases to reflect changes in ownership in the leased premises or when the lessor has given notice of a change in the lessor's name or address. When there has been a change in ownership in the leased premises the new owner shall furnish to the Bureau of Public Properties a copy of the deed or other instrument of conveyance by which the new owner acquired title to the property or the right to payment of the rent under the lease, and such other evidence in support of his claim to payment of the rent as the bureau may request. When information is received by either the agency occupying leased premises or the Executive Department for Finance and Administration that there may have been a change in ownership of the leased premises, payment of the rent shall be suspended and shall not be resumed until the ownership of the premises and the identity of the party entitled to payment of the rent has been determined.

(3) No improvement of a permanent nature shall be made in privately leased property at direct public expenses. No improvement of a permanent nature shall be made in publicly owned leased property at direct public expense unless the Commonwealth shall have a leasehold interest in such property of sufficient duration to permit amortization of the cost of the improvement over the life of the lease as in cases where the lease is for a relatively nominal consideration or the full rental consideration is paid in advance for a term of years. An existing lease may also be modified to provide for an increase in the rental rate when the lessor has made improvements in the leased premises at the request of and for the benefit and convenience of the state agency occupying the leased premises; provided, however, that the Commonwealth of Kentucky shall not be bound by nor have any liability for any improvement made in leased premises unless such agency request for improvement of the premises and increase in the rent has been approved in advance by the Executive Department for

Finance and Administration, and further subject to the provisions of subsection (4) of this section.

(4) The Bureau of Public Properties shall establish and maintain a register of proposed modifications or renewals of leases which shall be filed and kept available for public inspection and comment all proposals for the modification and renewal of any lease which, if approved, will result in the payment of rent for leased space in an amount greater than that provided for in the original lease. No lease modification or renewal providing for the payment of increased rent shall be effective or binding against the Commonwealth or any agency thereof until the proposal for such modification or renewal has been filed in the register for thirty (30) calendar days. Comments received from the public during such period shall be considered before the lease modification or renewal is executed by the parties and becomes binding against the Commonwealth. After receiving such comments should the commissioner determine that the proposed modifications are not in the interest of the Commonwealth, he may then require the agency to continue operation in its present space or cancel the lease and seek more suitable space. After receiving comments on any proposed renewal, the commissioner may determine the renewal is not in the best interest of the Commonwealth and cause the requirement for space by the occupying agency to be readvertised. The lessor under any lease proposed to be modified or renewed as contemplated therein shall be advised of the requirements of this subsection and cautioned that the Commonwealth shall have no liability for any action undertaken by the lessor in anticipation of, but prior to execution of the modification or renewal of the lease.

Section 10. Disclosure of Ownership Interests: Whenever the owner of real property leased to the Commonwealth is a corporation or a partnership, a list of the names of all persons owning five (5) percent or more of the shares in such corporation, and the names of all partners, including silent and limited partners, shall be furnished to the Bureau of Public Properties. The bureau shall maintain such lists in the file pertaining to the particular lease or leases of property owned by such corporation or partnership and make them available for public inspection as provided in 200 KAR 1:020.

Section 11. Calculation of Rent: The amount of rent to be paid shall be finally determined during the process of negotiations with persons submitting proposals in response to advertisements for leased space. If only a part of a building is to be leased, the rent shall be calculated by multiplying the agreed per square foot rental charge by the number of square feet for all space in the building exclusively occupied by the agency for whose use the space is sought. Where the Commonwealth occupies an entire leased building, the rental payment shall be calculated by multiplying the agreed per square foot rental charge by the number of square feet of floor space as determined by its exterior dimensions, times the number of floors in the building.

Section 12. [10.] Commonwealth not bound by unauthorized acts or representations: (1) No officer or employee of any state agency shall engage in any act or make any representation or commitment to any person relative to the lease of any real property by the Commonwealth of Kentucky without specific written authorization from and approval by the Executive Department for

Finance and Administration and neither the Commonwealth nor the Executive Department for Finance and Administration shall be bound by any such act, representation or commitment unless so authorized and approved.

(2) No officer or employee of any state agency shall disclose to any person or firm who might reasonably be expected to submit a proposal, any approved plans by the department for the lease of real property for which advertisement is required prior to the advertisement of such approved plans. Discussions may be held after advertisement with persons interested in submitting a proposal pertaining to the space requirements. Discussions and disclosures may be held with any potential bidder after the advertisement.

RUSSELL R. McCLURE, Secretary

ADOPTED: December 1, 1977

RECEIVED BY LRC: December 1, 1977 at 4:25 p.m.

CABINET FOR DEVELOPMENT Department of Fish and Wildlife Resources As Amended

301 KAR 1:132. Sale of live bait.

RELATES TO: KRS 150.025, 150.175, 150.180, 150.280, 150.450, 150.485

PURSUANT TO: KRS 13.082

EFFECTIVE: December 7, 1977

NECESSITY AND FUNCTION: This regulation gives the conditions and provisions under which live bait may be taken, transported, and sold. It is necessary to protect the state's aquatic resources. [fish populations]. It is necessary to amend this regulation to more clearly designate licenses needed to take and sell live bait, and to add a more effective method to take Asiatic Clam (*Corbicula fluminea*), a recently recognized live bait.

Section 1. Live bait means [includes] minnows; shad; herring; crayfish; salamanders; all frogs, except bull frogs; all tadpoles; native lampreys; *Corbicula* and aquatic invertebrate organisms. [as herein referred to is defined in 301 KAR 1:130.] Live bait refers to the condition of the animal when taken even though it may eventually be sold as a part no longer living.

Section 2. Live bait may be sold by a licensed live fish and bait dealer if [:] purchased from a legal source as specified in this regulation. Live bait can be sold by a licensed commercial fisherman only if taken in accordance with this regulation. *Corbicula* may be taken and sold as bait by a licensed mussel fisherman. The source of live bait is legal if:

(1) They were hatched and [or] reared by a licensed propagator in standing private water (ponds or lakes) or commercial hatchery raceways within the boundaries of Kentucky.

(2) They were purchased from legal commercial sources [licensed commercial live bait dealers] located in states other than Kentucky; however, [all] licensed live fish and bait dealers doing [with a] business [establishment] in Kentucky having possession of live bait obtained [purchased] from sources outside of Kentucky must have a bill of sale showing the date and number of each kind of organism purchased or obtained.

(3) Purchased from a licensed mussel fisherman, *Corbicula* [Asiatic Clam] may, if taken by means of a legal brail, be resold as bait. No other species of mussel may be sold for bait.

(4) Purchased from a licensed commercial fisherman, *Corbicula* taken by means of a tagged commercial bait rake may be resold as bait as specified in Section 3. [Shad, and herring only taken by use of a dip net diameter three (3) feet or less or cast net nine (9) feet maximum diameter and three-eighths (3/8) inch maximum mesh in the Tennessee River, Kentucky River downstream from Lock 14, Ohio River, Cumberland River below Barkley Dam, Mississippi River and in all lakes 1,000 acres or larger.]

(5) Purchased from a licensed commercial fisherman. Shad, herring, and other live bait may be sold in whole or part if taken as specified in Section 3. [If taken by the use of a seine no larger than thirty (30) feet long, six (6) feet deep and one-fourth (1/4) inch mesh from the Mississippi and Ohio Rivers only.]

[(6) Unless otherwise stated in this regulation, gear must conform to those specifications listed in 301 KAR 1:130; except, special gear may be specifically permitted in a propagation permit.]

Section 3. Live bait may not be harvested by any method from any public stream for commercial purposes except as specified [noted] in this section [2(4) and (5)].

(1) Licensed commercial fishermen may sell live bait taken in legally set commercial fishing gear.

(2) Licensed commercial fishermen may take and sell shad and herring only if taken by use of a dip net of a diameter of three (3) feet or less made of any type material or cast net nine (9) feet maximum diameter with three-eighths (3/8) inch maximum mesh in the Tennessee River, Kentucky River downstream from Lock 14, Ohio, Cumberland River below Barkley Dam, Mississippi River and in all lakes 1,000 acres or larger.

(3) Licensed commercial fishermen may sell live bait if taken from the Mississippi and Ohio rivers only by the use of a one-fourth (1/4) inch mesh seine no more than thirty (30) feet long and six (6) feet deep.

(4) Licensed commercial fisherman may take and sell *Corbicula* by use of a tagged commercial live bait rake in commercial waters only.

(a) The rake may be no more than twenty (20) inches wide, have tines no longer than five (5) inches, the tines may be set no more than one (1) inch apart, and the basket of any material may be no larger than eight (8) inches by twenty (20) inches by ten (10) inches with a rigid handle no longer than twenty (20) feet. A commercial gear tag must be permanently attached to the handle.

(b) The rake must be operated with the handle in hand. No bridle to permit dragging is allowed.

(c) All mussels taken other than *Corbicula* must be immediately returned to the water unharmed.

(d) It shall be illegal to have a commercial live bait rake in a boat that also has a mussel brail aboard or attached to the boat regardless of what type licenses the occupants possess.

Section 4. Possession of live bait by a licensed live fish or bait dealer obtained in any other manner than those specified in Section 2 is prohibited.

Section 5. All individuals, corporations, or other business entities transporting, selling, or possessing live

bait for sale in Kentucky are required to have an appropriate live fish and bait dealers license issued in the name of the individual, corporation, or other business entity that is transacting business in this Commonwealth. This license or exact copy thereof must be in the possession of the persons who are transporting, selling, or possessing these organisms in Kentucky. This license is not in lieu of a propagation or transportation permit if they also are applicable to the operation.

Section 6. Those individuals, corporations, or other business entities transporting live bait from one state to another state through Kentucky without conducting any type of business in this Commonwealth are not required to have a live fish and bait dealers license, but must have a valid transportation permit.

Section 7. Those individuals, corporations, or other business entities who sell any of the organisms above mentioned for food in establishments licensed by another state agency to sell retail or wholesale food stuffs are not required to have a live fish and bait dealers license.

DEPARTMENT OF TRANSPORTATION
Bureau of Highways
As Amended

603 KAR 5:010. Types of limited access; permits for other access.

RELATES TO: KRS 175.450, 176.050, 177.220, 177.240, 177.310, 177.410, 177.440

PURSUANT TO: KRS 13.082, 174.080

EFFECTIVE: December 7, 1977

NECESSITY AND FUNCTION: The need exists to define, design, construct, and maintain a system of roads whereby the access (ingress and egress) is controlled. A highway facility will operate at a level of service proportional to the control of access; therefore, the greater the control of [or] access, the higher the level of operation service. In order that the public is properly informed as to the access provided on a specific highway, the roadway plans designate the type of facility that is used to serve this function.

Section 1. Limited access, as defined in KRS 177.220 and 177.240, shall be of the following two (2) types:

(1) A fully controlled access highway which gives preference to through-traffic and which shall have access only at selected public roads or streets and which shall have no highway grade crossings or intersections. *The termini for control of access shall be as shown on the department's plans.*

(2) (a) A partially controlled access highway gives preference to through-traffic. However, access to selected public roads and streets will be provided and there may be some highway grade and some private driveway connections. *The termini for control of access shall be as shown on the department's plans.*

(b) *On a partially controlled access highway, access shall be provided only where specifically shown on the department's plans. No additional points of access other than those indicated on the approved plans shall be allowed. An access point of this type of facility may be relocated, shifted, or modified by mutual agreement of the property*

owners served by the entrance and the Bureau of Highways. The modification shall be of the width or type, and the relocation or shifted entrance shall comply with the department's current design criteria for highway design. Modifications, relocations, or shiftings must be done by a permit from the Bureau of Highways. An entrance may be relocated for the purpose of accommodating new commercial development or to provide a safer point of ingress and egress to the highway facility. Generally, only entrances to undeveloped land in the planning stage for development may be considered for relocation unless an engineering study is made and it has been determined that the relocation would provide a safer point of ingress and egress. [On a partially controlled access highway, access shall be provided during construction of the road only where specifically shown on plans. No new or additional points of access other than those indicated on the approved plans shall be allowed. An access point on this type of facility may be modified as to width and type provided that the modification is approved by department permit. Access points shall not be relocated or shifted.]

Section 2. On all state highways which are not constructed as limited access facilities, access will be controlled by permits. New points of access may be added and existing ones modified, shifted or relocated, provided that a permit to do so is approved by the Department.

Section 3. All applications for permits pertaining to access shall be filed with the district highway office for the county in which the highway is located.

Section 4. One (1) of the three (3) appropriate boxes with applicable notes inserted, shown below, shall be placed on the title sheet and summary sheet of the plans for all state and federal aid projects.

**THIS PROJECT IS A FULLY CONTROLLED ACCESS
HIGHWAY.**

**THIS PROJECT IS A PARTIALLY CONTROLLED ACCESS
HIGHWAY. ACCESS SHALL BE PROVIDED
ONLY WHERE SPECIFICALLY SHOWN ON PLANS.**

**THE CONTROL OF ACCESS ON THE PROJECT SHALL
BE BY PERMIT.**

Section 5. Every deed of conveyance of property acquired by the Department of Transportation for purposes of right of way for any state or federal project shall, in addition to the official order number, show the designation of the type of access highway involved as defined in Sections 1 and 2.

Section 6. The Department of Transportation shall maintain records for public inspection at its office in Frankfort, Kentucky, of all completed state and federal projects, together with the designation of the type of ac-

cess to be allowed on that project as defined in Sections 1 and 2.

CALVIN GRAYSON, Secretary

ADOPTED: November 2, 1977

RECEIVED BY LRC: November 2, 1977 at 10 a.m.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Rehabilitation Services
As Amended

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

EFFECTIVE: December 7, 1977

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 for Occupational Education [of Education] by *Executive Order 77-453* [KRS 163.120] the Kentucky State Plan for Vocational Rehabilitation Services incorporated in P.L. 93-112, as amended, for the period October 1, 1977 [1976] through September 30, 1978 [1977] is presented herewith for filing with Legislative Research Commission, and incorporated by reference.

Proposed Amendments

CABINET FOR DEVELOPMENT
Kentucky State Fair Board
(Proposed Amendment)

303 KAR 1:080. Exposition Center, grounds; dissemination of material; demonstrations.

RELATES TO: KRS 247.145

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To regulate dissemination of material and demonstrations on the Kentucky Fair and Exposition Center grounds.

Section 1. (1) The peaceful noncommercial distribution of leaflets, the setting up of tables and the peaceful holding of discussions with patrons of the Kentucky Fair and Exposition Center to aid in that distribution, and the peaceful carrying of placards shall be permitted *on the grounds of the Kentucky Fair and Exposition Center* in the following manner at the locations [of the main entrance to the Coliseum and inside the Coliseum building] designated on a diagram of the Kentucky Fair and Exposition Center, a copy of which is filed herein by reference. Copies may be obtained from the Kentucky State Fair Board, P. O. Box 21179, Louisville, Kentucky 40221.

(a) Main Entrance to the Coliseum: Areas A, B, C and D.

[1. Area A: Two (2) persons shall be permitted to peacefully distribute leaflets and/or carry placards and/or hold discussions with patrons of the Kentucky Fair and Exposition Center. No table shall be permitted in this area.]

[2. Area B: Two (2) persons shall be permitted to peacefully distribute leaflets and/or carry placards and/or hold discussions with patrons of the Kentucky Fair and Exposition Center. No table shall be permitted in this area.]

[3. Area C: Two (2) persons shall be permitted to peacefully distribute leaflets and/or carry placards and/or hold discussions with patrons of the Kentucky Fair and Ex-

position Center. Additionally, these persons may set up one (1) table at this location to aid in such distributions.]

[4. Area D: Two (2) persons shall be permitted to peacefully distribute leaflets and/or carry placards and/or hold discussions with patrons of the Kentucky Fair and Exposition Center. Additionally, these persons may set up one (1) table at this location to aid in such distribution.]

(b) Inside the Coliseum Building: Areas E and F.

[1. Area E: One (1) person shall be permitted to distribute leaflets and to hold discussions with patrons. No placards shall be permitted nor shall a table be permitted in this area. This area shall be unavailable when control gates for admission charges and/or registration for an event are set up at the main entrance to the Coliseum.]

[2. Area F: One (1) person shall be permitted to distribute leaflets and hold discussions with patrons. No placards shall be permitted nor shall a table be permitted in this area. This area shall be unavailable when control gates for admission charges and/or registration for an event are set up at the main entrance to the Coliseum.]

(c) Main entrance to East Hall: Areas G and H.

(d) Inside East Hall Entrance: Areas J and K.

(e) Main Entrance to East Wing: Areas L and M.

(f) Inside Entrance to East Wing: Areas N and O.

(g) Main Entrance to West Hall: Areas P and Q.

(h) Inside Entrance to West Hall: Areas R and S.

(i) Main Entrance to West Wing: Areas T and U.

(j) Inside Entrance to West Wing: Areas V and W.

(k) Main Entrance to Broadbent Arena: Areas X and Y.

(l) Inside Entrance to Broadbent Arena: Areas Z and Z-1.

(m) Entrance to Stadium: Areas AA through OO.

(n) Pavilion: Area Z-2.

(o) New Market Hall: Areas Z-3 and Z-4.

(p) In the event that functions are scheduled on the grounds of the Kentucky Fair and Exposition Center at locations with respect to which no areas for distributions and demonstrations have been above designated, the ex-

executive director shall designate such additional areas for such activities as he may deem appropriate.

(q) One (1) table may be set up at all areas, other than Areas E and F, in order to aid distribution activities.

(r) Placards shall be permitted at all areas other than Areas E and F.

(s) Areas E and F shall be unavailable when control gates for admission charges and/or registration for an event are set up at the main entrance to the Coliseum.

(2) Any person or group who wishes to conduct any of the above activities at the locations specified shall apply to the Executive Director of the Kentucky Fair and Exposition Center on forms provided by him for this purpose. Application shall be made not less than seventy-two (72) hours nor more than two (2) weeks before commencement of the activities. The application shall set forth the type of activities to be conducted, the expected number of participants in such activities, the time, location and duration of the activities, and the name, address and telephone number of the person making the application. [If] in the case of a group it shall be sufficient to supply the name, address and telephone number of one (1) person who can be contacted if problems arise concerning the grant of the application).

(a) A deposit of twenty-five dollars (\$25) cash or money order shall be submitted with the application, and shall be returned to the applicant within twenty-four (24) hours after the termination of the activities if there has been no extra clean-up time required by the Kentucky Fair and Exposition Center staff as a result of the litter created by the aforesaid activities.

(b) The executive director shall grant each [all] application[s] to engage in the activities permitted hereunder, unless he and the President of the Kentucky State Fair Board determine that the proposed number of participants contained in an application will unreasonably and substantially interfere with either:

1. The safety of patrons attending the Kentucky Fair and Exposition Center;

2. The orderly movement of vehicle and pedestrian traffic on the grounds of the Kentucky Fair and Exposition Center; or

3. The normal functions of the Kentucky Fair and Exposition Center.

4. In the event that the executive director and the president of the Kentucky State Fair Board find that the proposed number of participants will create such unreasonable and substantial interference, the executive director, after consultation with the President of the Kentucky State Fair Board, shall grant the application subject to a reduced number of participants in the proposed activities, and shall notify the applicant in writing of the grounds for reducing the number of participants. In the event of multiple applications for any given times and locations, the executive director shall have discretion to:

a. Allocate such locations, on a proportional basis, among the various applicants;

b. Allocate times, on a proportional basis, during which the various applicants may conduct their activities; or

c. Allocate any given period of time or location, on a proportional basis, among the various applicants.

d. In exercising such discretion, the executive director shall try, to the maximum extent possible, to accommodate the location and time requests of all applicants. [on a first come, first served basis so long as the number of persons, the activities and the time, duration and location applied for are in compliance with the provisions set forth in

subsection (2), paragraph (a).]

(c) The grant of the application by the executive director shall be in the form of a permit which shall set forth the number of persons covered by the permit, the activities which are permitted, the permitted time and duration of those activities, and the location at which the activities may be conducted.

(d) The duration of each permit issued shall not be in excess of two (2) days. Any person or group may renew a permit for successive two (2) day periods. Renewal applications shall be made on the same form as new applications and shall be processed as if they were new applications.

(3) No signs, leaflets, placards or other material shall be affixed to the building facilities. No leaflets or other material shall be distributed by leaving them *unattended* [unattended] throughout the Kentucky Fair and Exposition Center.

(4) No voice amplification equipment of any kind shall be used by any person or group to aid in the conducting of any of the [above] activities *permitted hereunder*.

(5) No signs, leaflets, placards or other material distributed shall contain any obscene, subversive, salacious, or libelous material.

(6) The executive director may suspend any permit already granted in the event that the conduct of the applicant or any of his agents or associates unreasonably and substantially interferes with either:

(a) The safety of patrons attending the Kentucky Fair and Exposition Center;

(b) The orderly movement of vehicle and pedestrian traffic on the grounds of the Kentucky Fair and Exposition Center; or

(c) The normal functions of the Kentucky Fair and Exposition Center; [of violence caused by the applicant or his agents or associates, or in the event of any emergency which renders the traffic flow in any of the areas covered by the permit such that conduct of the activities would create a dangerous condition or substantially interfere with traffic at the Kentucky Fair and Exposition Center]

(d) Or in the event of the failure of the applicant or any of his agents or associates to comply with any of the provisions set forth in this section. [this regulation.] The executive director shall suspend the permit by notice in writing to the applicant; and such notice shall state the grounds for the suspension.

(7) No person shall engage in the activities permitted hereunder without first securing a permit pursuant to the provisions of this section.

WYNDALL SMITH, President

ADOPTED: September 23, 1977

APPROVED: WILLIAM L. SHORT, Secretary

RECEIVED BY LRC: December 9, 1977 at 10:45 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Donald Johnston, Kentucky State Fair Board, Kentucky Fair and Exposition Center Office, Louisville, Kentucky 40221.

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 56

AAA—From the Illinois State Line to Jct. KY 109; and from Jct. US 41 at Sebree to Jct. KY 136 at Beech Grove [Pennyriple Parkway]; and from Jct. KY 81 west of Owensboro Beltline to Jct. US 431 in Owensboro.

AA—From Jct. KY 109 near the Illinois State Line to Jct. US 60 in Morganfield.

A—From Jct. US 60 in [at] Morganfield to Jct. US 41 at Sebree; and from Jct. KY 136 at Beech Grove [Pennyriple Parkway, east of Sebree] to Jct. KY 81, west of Owensboro Beltline.

*COMPILERS NOTE: Only those particular highways affected by the proposed amendment are shown here. 603 KAR 5:096 is printed in full in Volume 2, "Kentucky Administrative Regulations Service."

CALVIN G. GRAYSON, Secretary

ADOPTED: November 17, 1977

RECEIVED BY LRC: November 22, 1977 at 2:10 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Ed W. Hancock, Deputy Secretary for Legal Affairs,
Department of Transportation, Frankfort, Kentucky
40601.

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

803 KAR 2:015. General industry standards.

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules, regulations, and standards. Consistent with this authority the following regulations contain those standards to be enforced by the Division of Occupational Safety and Health Compliance. The Occupational Safety and Health Standards Board hereby adopts the following regulations applicable to general industry.

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

Section 2. *Batteries.* [(2)] Changing and charging storage batteries (for automotive-type battery charging installations and in-vehicle charging of batteries):

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

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

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

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

(a) [1.] In the open; or

(b) [2.] In a mechanically ventilated space; or

(c) [3.] In a space providing at least twenty (20) cubic feet per ampere of charging capacity.

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

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

(7) [(g)] The following instructions shall be posted at each charging installation and on each battery charger: "Wear Face Shield" (Batteries may explode). "Turn Off Charger to Connect or Disconnect Battery." "Wash Acid Spills Immediately." "First Aid for Acid in Eyes or on Skin Quickly Flush With Water For Ten (10) Minutes."

Section 3. [2.] Confined Spaces. Definitions: A confined space is a space having limited means of ingress and/or egress and so enclosed that adequate dilution ventilation cannot be obtained by natural air movement, or mechanically induced movement. In order to be a confined space for purposes of this standard, a space must be subject to the accumulation of toxic, combustible, or corrosive agents, or to a deficiency of oxygen. Any of the following, among others, may be a confined space if it meets the

criteria set forth in the definition above.

(1) Storage tanks, tank cars, process vessels, bins, trailers and other tank-like compartments usually with one or more manholes for entry.

(2) Open-topped spaces of more than four (4) feet in depth such as bins, silos, pits, vats, tubs, vaults, vessels or floating roof storage tanks.

(3) Ventilation or exhaust ducts, manholes, sewers, underground utility tunnels, pipelines and similar structures.

(4) Ovens, furnaces, kilns and similar structures.

Section 4. [(3.)] Confined Space Entry; Non-Utility Operations: Except as provided in Section 5, [4] entry into a confined space shall not be made unless the following procedures have been accomplished.

(1) Insure that all lines containing harmful agents, e.g., supply, discharge, overflow, vent, drain or similar connections entering the space are physically separated or blocked by means of blinds or other devices, capable of insuring complete closure.

(2) Fixed mechanical devices and/or equipment which utilize electric, air or hydraulic power shall be placed in zero mechanical state by disconnecting. Electrical service equipment, excluding lighting, shall be padlocked or tagged.

(3) The internal atmosphere shall be tested for combustible gas, toxics and corrosives where there is reason to suspect their presence and, except when adequate natural air movement or adequate continuous forced ventilation is provided, the atmosphere shall also be tested for oxygen deficiency.

(4) Ventilation:

(a) If the tests made in accordance with subsection (3) above indicate that the atmosphere is unsafe, before any employee is permitted to enter the confined space, the space shall be ventilated until the concentration of hazardous substance is reduced to a safe level or removed, and ventilation shall be continued as long as recurrence of the hazard is probable.

(b) As an alternative to ventilation or if ventilation does not adequately reduce or remove the hazardous substance, an employee may enter a confined space only if that employee wears a supplied air respirator, approved by NIOSH for that purpose. If the employee utilizes a self-contained respirator, sufficient primary air capacity shall be available as well as reserve capacity to perform the task inside the confined space. Under no circumstances shall the wearer of the respirator be permitted to remain in the confined space when the primary air system is depleted or is being replaced. The reserve air supply shall be used only in the event of an emergency.

(5) No employee shall enter a confined space unless:

(a) Provisions have been made for constant communication with an employee in the immediate vicinity not in the confined space; and

(b) Provision has been made for adequate rescue procedure including rescue equipment specifically designed for rescue from the confined space in which work is being performed; and

(c) The employees working inside and outside the confined space have been adequately trained in rescue procedures; the training having been renewed at least yearly.

(6) An employee entering a confined space for rescue shall wear a respirator that meets NIOSH certification and shall have sufficient capacity to effect the rescue from the confined space.

(7) Lighting:

(a) Temporary lights shall be equipped with guards to prevent accidental contact with the bulb, except that guards are not required when the construction of the reflector is such that the bulb is deeply recessed.

(b) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension. Splices shall have insulation equal to that of the electric cord.

(c) Working spaces, walkways, and similar locations shall be kept clear of cords so as not to create a hazard to employees.

(d) Portable electric lighting used in moist and/or other hazardous locations, as, for example, drums, tanks, and vessels, shall be operated at a maximum of twelve (12) volts.

Section 5. [4.] Emergency Confined Space Entry:

(1) Definition. "Emergency" is a sudden and unexpected condition requiring immediate action.

(2) The employer shall establish a written procedure covering confined space entry under emergency conditions. The emergency may exclude Section 4 [3,](1), (3) and (4)(a).

Section 6. [5.] Confined Space Entry; Utility Operations including Gas, Water and Sewage: (For Electric Utility Operations See 1926.956(b). For Tele-Communication Utility Operations See 1910.268(o).)

(1) When work by gas, water, or sewage utility is performed in a manhole, unvented vault, tunnel, pit, pipe or pipeline, the following steps shall be taken before an employee enters:

(a) The internal atmosphere shall be tested for combustible gas, toxics and corrosives where there is reason to suspect their presence and, except when adequate natural air movement or adequate continuous forced ventilation is provided, the atmosphere shall also be tested for oxygen deficiency.

(b) When unsafe conditions are detected by testing or other means, the work area shall be adequately ventilated and otherwise made safe before entry.

(2) An adequate continuous supply of air shall be provided while work is performed under any of the following conditions:

(a) Where combustible or explosive gas vapors have been initially detected and subsequently reduced to a safe level by ventilation;

(b) Where organic solvents are used in the work procedures;

(c) Where open flame torches are used in the work procedures;

(d) Where the manhole is located in that portion of a public right of way open to vehicular traffic and/or exposed to a seepage of gas or gases; or

(e) Where a toxic gas or oxygen deficiency is found.

(3) An employee with basic first-aid and rescue training shall be available in the immediate vicinity to render emergency assistance as may be required. The employee whose presence is required in the immediate vicinity for the purposes of rendering emergency assistance is not to be precluded from occasionally entering to provide assistance other than in an emergency. The requirement of this paragraph does not preclude a qualified employee, working alone, from entering for brief periods of time for the

purpose of inspection, housekeeping, taking readings, or similar work if testing for oxygen deficiency, combustible gas and suspected toxic substances has been performed.

(4) Ladders or other safe means shall be used to enter and exit manholes exceeding four (4) feet in depth.

(5) When open flames are used, the following precautions shall be taken to protect against the accumulation of combustible gas:

(a) A test for combustible gas shall be made immediately before using the open flame device, and at least once per hour while using the device; and

(b) A fuel tank (e.g. acetylene) may not be in the manhole unless in actual use.

Section 7. [6.] This regulation shall not pre-empt any specific applicable standard; and shall not preclude any specific applicable standard now in effect.

Section 8. Safety and Testing of Supply Lines in Excess of 600 Volts. (1) Definitions:

(a) *Disconnected*: means disconnected from any electrical source of supply.

(b) *Guarded*: Protected by personnel, covered, fenced, or enclosed by means of suitable castings, barrier, rails, screens, mats, platforms, or other suitable devices in accordance with standard barricading techniques designed to prevent dangerous approach or contact by persons or objects. (Note: Wires, which are insulated but not otherwise protected, are not considered as guarded.)

(c) *Hold cards*: (Also called "hold tags.") A card or tag-type device, usually having a predominant color of white or red which warns against or which cautions against the operation of a particular switch, device, circuit, tool, machine, etc.

(d) *Near*: A distance no closer than that shown in the table in subsection (3)(c) of this section.

(e) *Qualified person*: A person who, because of experience and training is familiar with the construction and operation of the apparatus or equipment and the hazards involved in the performance of the job.

(2) Purpose:

(a) The intent and purpose of this regulation is to provide and establish safety procedures for testing equipment to protect electrical workers from hazards resulting from exposure to high voltage.

(b) This regulation shall apply to non-utility electrical workers who are engaged in electrical construction and/or maintenance of electrical conductors and equipment rated at 600 volts and above.

(3) Energized conductors and equipment:

(a) Only qualified employees shall work on or near high voltage conductors or equipment.

(b) Personal protective equipment shall be provided by the employer and used by the employee when working on or near energized, ungrounded high voltage conductors or equipment.

(c) No employee shall approach or take any conductive object, without an approved insulating handle, within the minimum distance specified in the table below, unless the energized part is insulated or guarded from the employee, or the employee is effectively insulated from the live parts. Rubber gloves (sleeves if necessary) rated for the voltage involved shall be considered effective insulation of the employee from the energized part.

Minimum Clear Distance From Live Parts

Voltage Phase to Phase (Kilovolts)	Distance Phase to Employee
0.6 to 34.5	2 Ft.
34.5 to 46	2½ Ft.
46 to 69	3 Ft.
69 to 115	3 Ft. 4 Ins.
115 to 138	3 Ft. 6 Ins.
138 to 169	3 Ft. 8 Ins.

(4) De-energized conductor or equipment:

(a) Existing conditions shall be determined before starting work on electrical conductor and/or equipment.

(b) Before any work is performed, all electrical switches, breakers and associated disconnecting devices shall be opened, made inoperable and hold tagged out by the person in charge. Employees shall be trained and thoroughly instructed in the tagging procedure. One (1) qualified person, for example: foreman, general foreman or first class electrician, of each crew shall be responsible for attaching hold tags and/or hold cards to the disconnecting means. When more than one (1) crew is involved in the work, multiple hold tags or hold cards shall be placed in the handle of the disconnecting equipment. The use of such tags must be respected. Equipment or items so tagged must not be activated or used without full and proper authority of a responsible person whose signature appears on the tag.

(c) Conductors shall be short circuited and grounded wherever possible.

(d) Capacitors may be components of apparatus of the disconnected electrical system. Before employees are allowed to work, the capacitors shall be discharged, short-circuited and grounded.

(e) When de-energizing conductors and equipment and the means of disconnecting from the energy source is not visibly open, a voltage test shall be made before starting work. An operational check shall be made of the voltage tester prior to and following the voltage test to determine reliability of the testing device. The test device must be handled and used while wearing or using approved protective equipment during the test.

(f) All conductors and equipment shall be treated as energized until tested, short circuited and effectively grounded except when the circuit involved is isolated from all possible sources of energizing voltage from another circuit, induced voltage or back feed.

(g) The voltage condition of de-energized conductors and/or equipment shall be determined with testing equipment designed for the applicable voltage.

(h) Upon completion of work on de-energized conductors and equipment, the person responsible shall ascertain that all employees under his jurisdiction are clear that all protective short-circuit and grounding lines are removed. The qualified person(s) shall then remove his hold tag(s). Only at this time shall conductors and equipment be re-energized.

JAMES R. YOCOM, Commissioner

ADOPTED: November 17, 1977

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: December 14, 1977 at 9:05 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Executive Director, Kentucky Department of Labor, Occupational Safety & Health Program, 151 Elkhorn Court, Frankfort, Kentucky 40601.

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

803 KAR 2:016. Construction industry standards.

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules, regulations, and standards. Consistent with this authority, the following regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance. The Occupational Safety and Health Standards Board hereby adopts the following regulation applicable to the construction industry.

Section 1. Confined Spaces. Definitions: A confined space is a space having limited means of ingress and/or egress and so enclosed that adequate dilution ventilation cannot be obtained by natural air movement, or mechanically induced movement. In order to be a confined space for purposes of this standard, a space must be subject to the accumulation of toxic, combustible, or corrosive agents, or to a deficiency of oxygen. Any of the following, among others, may be a confined space if it meets the criteria set forth in the definition above.

(1) Storage tanks, tank cars, process vessels, bins, trailers and other tank-like compartments usually with one or more manholes for entry.

(2) Open-topped spaces of more than four (4) feet in depth such as bins, silos, pits, vats, tubs, vaults, vessels or floating roof storage tanks.

(3) Ventilation or exhaust ducts, manholes, sewers, underground utility tunnels, pipelines and similar structures.

(4) Ovens, furnaces, kilns and similar structures.

Section 2. Confined Space Entry; Non-utility Operations: Except as provided in Section 3, entry into a confined space shall not be made unless the following procedures have been accomplished:

(1) Insure that all lines containing harmful agents, e.g., supply, discharge, overflow, vent, drain or similar connections entering the space are physically separated or blocked by means of blinds or other devices, capable of insuring complete closure.

(2) Fixed mechanical devices and/or equipment which utilize electric, air or hydraulic power shall be placed in zero mechanical state by disconnecting. Electrical service equipment, excluding lighting, shall be padlocked or tagged.

(3) The internal atmosphere shall be tested for combustible gas, toxics and corrosives where there is reason to suspect their presence and, except when adequate natural air movement or adequate continuous forced ventilation is provided, the atmosphere shall also be tested for oxygen deficiency.

(4) Ventilation:

(a) If the tests made in accordance with subsection (3) above indicate that the atmosphere is unsafe, before any employee is permitted to enter the confined space, the space shall be ventilated until the concentration of hazardous substance is reduced to a safe level or removed,

and ventilation shall be continued as long as recurrence of the hazard is probable.

(b) As an alternative to ventilation or if ventilation does not adequately reduce or remove the hazardous substance, an employee may enter a confined space only if that employee wears a supplied air respirator, approved by NIOSH for that purpose. If the employee utilizes a self-contained respirator, sufficient primary air capacity shall be available as well as reserve capacity to perform the task inside the confined space. Under no circumstances shall the wearer of the respirator be permitted to remain in the confined space when the primary air system is depleted or is being replaced. The reserve air supply shall be used only in the event of an emergency.

(5) No employee shall enter a confined space unless:

(a) Provisions have been made for constant communication with an employee in the immediate vicinity not in the confined space; and

(b) Provision has been made for adequate rescue procedure including rescue equipment specifically designed for rescue from the confined space in which work is being performed; and

(c) The employees working inside and outside the confined space have been adequately trained in rescue procedures; the training having been renewed at least yearly.

(6) An employee entering a confined space for rescue shall wear a respirator that meets NIOSH certification and shall have sufficient capacity to effect the rescue from the confined space.

(7) Lighting:

(a) Temporary lights shall be equipped with guards to prevent accidental contact with the bulb, except that guards are not required when the construction of the reflector is such that the bulb is deeply recessed.

(b) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension. Splices shall have insulation equal to that of the electrical cord.

(c) Working spaces, walkways, and similar locations shall be kept clear of cords so as not to create a hazard to employees.

(d) Portable electric lighting used in moist and/or other hazardous locations, as, for example, drums, tanks, and vessels, shall be operated at a maximum of twelve (12) volts.

Section 3. Emergency Confined Space Entry: (1) Definition. "Emergency" is a sudden unexpected condition requiring immediate action.

(2) The employer shall establish a written procedure covering confined space entry under emergency conditions. The emergency may exclude Section 2(1), (3) and (4)(a).

Section 4. Confined Space Entry; Utility Operations Including Gas, Water and Sewage: (For Electric Utility Operations See 1926.956(b). For Tele-Communication Utility Operations See 1910.268(o).)

(1) When work by a gas, water, or sewage utility is performed in a manhole, unvented vault, tunnel, pit, pipe or pipeline, the following steps shall be taken before an employee enters:

(a) The internal atmosphere shall be tested for combustible gas, toxics and corrosives where there is reason

to suspect their presence and, except when adequate natural air movement or adequate continuous forced ventilation is provided, the atmosphere shall also be tested for oxygen deficiency.

(b) When unsafe conditions are detected by testing or other means, the work area shall be adequately ventilated and otherwise made safe before entry.

(2) An adequate continuous supply of air shall be provided while work is performed under any of the following conditions:

(a) Where combustible or explosive gas vapors have been initially detected and subsequently reduced to a safe level by ventilation;

(b) Where organic solvents are used in the work procedures;

(c) Where open flame torches are used in the work procedure;

(d) Where the manhole is located in that portion of a public right of way open to vehicular traffic and/or exposed to a seepage of gas or gases; or

(3) An employee with basic first-aid and rescue training shall be available in the immediate vicinity to render emergency assistance as may be required. The employee whose presence is required in the immediate vicinity for the purposes of rendering emergency assistance is not to be precluded from occasionally entering to provide assistance other than in an emergency. The requirement of this paragraph does not preclude a qualified employee, working alone, from entering for brief periods of time for the purpose of inspection, housekeeping, taking readings, or similar work if testing for oxygen deficiency, combustible gas and suspected toxic substances has been performed.

(4) Ladders or other safe means shall be used to enter and exit manholes exceeding four (4) feet in depth.

(5) When open flames are used, the following precautions shall be taken to protect against the accumulation of combustible gas:

(a) A test for combustible gas shall be made immediately before using the open flame device, and at least once per hour while using the device; and

(b) A fuel tank (a.g. acetylene) may not be in the manhole unless in actual use.

Section 5. This regulation shall not pre-empt any specific applicable standard; and shall not preclude any specific applicable standard now in effect.

Section 6. Safety and Testing of Supply Lines in Exc. of 600 Volts. (1) Definitions:

(a) *Disconnected*: Means disconnected from any electrical source of supply.

(b) *Guarded*: Protected by personnel, covered, fenced, or enclosed by means of suitable castings, barrier, rails, screens, mats, platforms, or other suitable devices in accordance with standard barricading techniques designed to prevent dangerous approach or contact by persons or objects. (Note: Wires, which are insulated but not otherwise protected, are not considered as guarded.)

(c) *Hold cards*: (Also called "hold tags.") A card or tag-type device, usually having a predominant color of white or red which warns against or which cautions against the operation of a particular switch, device, circuit, tool, machine, etc.

(d) *Near*: A distance no closer than that shown in the table in subsection (3)(c) of this section.

(e) *Qualified person*: A person who, because of

experience and training is familiar with the construction and operation of the apparatus or equipment and the hazards involved in the performance of the job.

(2) *Purpose*:

(a) The intent and purpose of this regulation is to provide and establish safety procedures for testing equipment to protect electrical workers from hazards resulting from exposure to high voltage.

(b) This regulation shall apply to non-utility electrical workers who are engaged in electrical construction and/or maintenance of electrical conductors and equipment rated at 600 volts and above.

(3) *Energized conductors and equipment*:

(a) Only qualified employees shall work on or near high voltage conductors or equipment.

(b) Personal protective equipment shall be provided by the employer and used by the employee when working on or near energized, ungrounded high voltage conductors or equipment.

(c) No employee shall approach or take any conductive object, without an approved insulating handle, within the minimum distance specified in the table below, unless the energized part is insulated or guarded from the employee, or the employee is effectively insulated from the live parts. Rubber gloves (sleeves if necessary) rated for the voltage involved shall be considered effective insulation of the employee from the energized part.

Minimum Clear Distance From Live Parts

Voltage Phase to Phase (Kilovolts)	Distance Phase to Employee
0.6 to 34.5	2 Ft.
34.5 to 46	2½ Ft.
46 to 69	3 Ft.
69 to 115	3 Ft.-4 ins.
115 to 138	3 Ft.-6 ins.
138 to 169	3 Ft.-8 ins.

(4) *De-energized conductor or equipment*:

(a) Existing conditions shall be determined before starting work on electrical conductor and/or equipment.

(b) Before any work is performed, all electrical switches, breakers and associated disconnecting devices shall be opened, made inoperable and hold tagged out by the person in charge. Employees shall be trained and thoroughly instructed in the tagging procedure. One (1) qualified person, for example: foreman, general foreman or first class electrician, of each crew shall be responsible for attaching hold tags and/or hold cards to the disconnecting means. When more than one (1) crew is involved in the work, multiple hold tags or hold cards shall be placed in the handle of the disconnecting equipment. The use of such tags must be respected. Equipment or items so tagged must not be activated or used without full and proper authority of a responsible person whose signature appears on the tag.

(c) Conductors shall be short circuited and grounded wherever possible.

(d) Capacitors may be components of apparatus of the disconnected electrical system. Before employees are allowed to work, the capacitors shall be discharged, short-circuited and grounded.

(e) When de-energizing conductors and equipment and the means of disconnecting from the energy source is not visibly open, a voltage test shall be made before starting work. An operational check shall be made of the voltage tester prior to and following the voltage test to determine reliability of the testing device. The test device must be

handled and used while wearing or using approved protective equipment during the test.

(f) All conductors and equipment shall be treated as energized until tested, short circuited and effectively grounded except when the circuit involved is isolated from all possible sources of energizing voltage from another circuit, induced voltage or back feed.

(g) The voltage condition of de-energized conductors and or equipment shall be determined with testing equipment designed for the applicable voltage.

(h) Upon completion of work on de-energized conductors and equipment, the person responsible shall ascertain that all employees under his jurisdiction are clear that all protective short-circuit and grounding lines are removed. The qualified person(s) shall then remove his hold tag(s). Only at this time shall conductors and equipment be re-energized.

JAMES R. YOCOM, Commissioner

ADOPTED: November 17, 1977

APPROVED:

JAMES E. GRAY, Secretary

RECEIVED BY LRC: December 14, 1977 at 9:05 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Executive Director, Kentucky Department of Labor, Occupational Safety and Health Program, 151 Elkhorn Court, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Labor
Occupational Safety and Health
(Proposed Amendment)

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

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS 13.082

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

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

(1) 29 CFR Part 1910.2 shall read as follows:

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

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

(a) "Act" means KRS Chapter 338.

(b) "Assistant Secretary of Labor" means the Commis-

sioner of Labor, Commonwealth of Kentucky.

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

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

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

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

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

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

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

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

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

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

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

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

(8) 29 CFR 1910.106(d)(2)(iii) of the Federal Register, Volume 39, Number 125, June 27, 1974, shall be amended by adding Table H-12 of the Federal Register, Volume 40, Number 18, page 3982, January 27, 1975, a copy of which is attached hereto, is adopted by reference.

(9) 29 CFR 1910.151 relating to medical services and first aid shall be changed to read as follows:

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

"(b) Employers with eight (8) or more employees within the establishment shall have persons adequately trained to render first aid and first-aid supplies approved by a consulting physician, along with a signed list of these supplies, shall be readily available. Outside salesmen, truck drivers, seasonal labor, and others who while performing their

duties, are away from the premises more than fifty (50) per cent of the time are not to be included in determining the number of employees.

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

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

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

(11) 29 CFR 1910.141(d)(2)(i) of the Federal Register, Volume 40, Number 82, April 28, 1975 amended by deleting the last half of Table J-2, a copy of which is hereby adopted by reference.

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

(13) 29 CFR 1910.94 which was amended by revoking paragraphs (b)(2)(i) and (b)(2)(ii) and by revising paragraph (b)(2), as published in the Federal Register, Volume 40, Number 111, June 9, 1975, a copy of which is attached hereto, is adopted by reference.

(14) 29 CFR 1910.217(b)(7)(xii) relating to machines using part revolution clutches shall be amended by adding the following: "This provision will not prevent the employer from utilizing a reversing means of the drive motor with the clutch-brake control in the 'inch' position."

(15) 29 CFR 1910.94(d)(4)(i) Table G-14, Page 23594, published in the Federal Register, Volume 39, Number 125, Thursday, June 27, 1974, as adopted, contains a typographical error and is hereby revoked. The corrected version published in the Federal Register, Vol. 37, No. 202, Wednesday, October 18, 1972, Table G-14, Page 22155, a copy of which is attached hereto, is hereby adopted by reference.

(16) 29 CFR 1910.1001(i)(1) which was revised by the U. S. Department of Labor, for retention of records of Asbestos Exposure Monitoring from three (3) years to twenty (20) years, as published in the Federal Register, Volume 41, No. 55, Friday, March 19, 1976, a copy of which is attached hereto, is hereby adopted by reference.

(17) 29 CFR 1910.184(f)(6) which was amended by the U. S. Department of Labor, to delete the paragraph which prohibits the use of knots or wire rope clips to form eyes in wire rope slings, as published in the Federal Register Volume 41, No. 62, Tuesday, March 30, 1976, a copy of which is attached hereto, is hereby adopted by reference.

(18) Paragraph 1910.1005(c)(7) of the 29 CFR 1910 General Industry Standards shall read as follows:

"Premixed Solutions: Where 4, 4' Methylene bis (2-Chloroaniline) is present only in a single solution at a temperature not exceeding 120 degrees Celsius the establishment of a regulated area is not required; however, (i) only authorized employees shall be permitted to handle such materials."

(19) 29 CFR 1910.101(b) shall be amended by revocation

of referenced pamphlet P-1-1965 and the adoption of P-1-1974, herein filed by reference.

(20) 29 CFR 1910.1029 Exposure to Coke Oven Emissions as printed in the Federal Register, Volume 41, Number 206, Friday, October 22, 1976, a copy of which is attached hereto, is adopted by reference.

(21) Corrections and omissions which have been adopted by the U. S. Department of Labor, relating to Coke Oven Emissions Standards, 29 CFR 1910.1029, published in the Federal Register, Volume 42, Number 12, Tuesday, January 18, 1977, a copy of which is attached hereto, is hereby adopted by reference.

(22) 29 CFR 1910.309 is hereby amended by revising paragraph (c) to require either the use of ground-fault circuit interrupters or the implementation of an assured equipment grounding conductor program on construction sites. This amendment as published in the Federal Register, Volume 41, No. 246, Tuesday, December 21, 1976, a copy of which is attached hereto, is hereby adopted by reference with the following modification:

"Effective Date: Page 55704, 2nd paragraph is changed to read, 'These amendments of Part 29 CFR 1910 become effective August 22, 1977.'"

(23) The following corrections and omissions which have been adopted by the U. S. Department of Labor, copies of which are attached hereto, are hereby adopted by reference:

(a) Federal Register, Volume 39, No. 233, December 3, 1974, Standard for Exposure to Vinyl Chloride, corrections;

(b) Federal Register, Volume 40, No. 18, January 27, 1975;

1. Mechanical Power Presses, corrections;

2. Correct error of omission, Table H-12;

(c) Federal Register, Volume 40, No. 58, March 25, 1975, Standard for Exposure to Vinyl Chloride, effective date;

(d) Federal Register, Volume 40, No. 82, April 28, 1975, National Fire Protection Association mailing address change;

(e) Federal Register, Volume 40, No. 125, June 27, 1975, Overhead and Gantry Cranes, Paragraph 1910.179(j)(2)(iv), corrections and (v) revoked; Paragraph 1910.190 Standards Organization, amended;

(f) Federal Register, Volume 40, No. 145, July 28, 1975, Industrial Slings, correction.

(24) 29 CFR 1910.401 through 1910.441, Subpart T, the Occupational Safety and Health Commercial Diving Standard, published in the Federal Register, Volume 42, No. 141, Friday, July 22, 1977, a copy of which is attached hereto, is hereby adopted by reference.

(25) 29 CFR 1910.1044 Emergency Temporary Standard, "Occupational Exposure to 1,2 Dibromo-3-Chloropropane (DBCP)," printed in the Federal Register, Volume 42, No. 175, September 9, 1977, a copy of which is attached hereto, is hereby adopted by reference.

JAMES P. YOCOM, Commissioner

ADOPTED: November 17, 1977

APPROVED:

JAMES E. GRAY, Secretary

RECEIVED BY LRC: December 14, 1977 at 9:05 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Executive Director, Kentucky Department of Labor, Occupational Safety and Health Program, 151 Elkhorn Court, Frankfort, Kentucky 40601.

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

811 KAR 1:035. Claiming races.

RELATES TO: KRS 230.630[(1), (3)], 230.640

PURSUANT TO: KRS 13.082, 230.630[(3), (4), (7)]

NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to regulate claiming races.

Section 1. Who May Claim. *A horse entered in a claiming race may be claimed for its entered price by a licensed horse owner who has a horse programmed to start in a pari-mutuel race at that meeting, or by a licensed horse owner who has received a claim certificate from the commission, or by any person who has qualified for a license as a horse owner and who has received a claim certificate from the commission. [An owner and/or lessee of a horse that has been declared and programmed to start in a purse race at that meeting.] An authorized agent may claim for a qualified owner. To qualify for a license as an owner, the applicant must have a current United States Trotting Association membership as an owner or membership as an associate-member. Any person seeking to effect a false claim by inducing another to claim a horse for him will be subject to the penalties provided by Section 9 herein.*

Section 2. Prohibitions: (1) No person shall claim his own horse nor shall he claim a horse trained or driven by him.

(2) No person shall claim more than one (1) horse in a race.

(3) No qualified owner or his agent shall claim a horse for another person.

(4) No owner shall cause his horse to be claimed directly or indirectly for his own account.

(5) No person shall offer, or enter into an agreement, to claim or not to claim or attempt to prevent another person from claiming any horse in a claiming race.

(6) No person shall enter a horse against which there is a mortgage, bill of sale, or lien of any kind, unless the written consent of the holder thereof shall be filed with the clerk of the course of the track conducting such claiming race.

(7) Any entry in a claiming race may be entered in a subsequent race [provided the entry is for a minimum of twenty (20) percent more] and if claimed, the successful claimant shall have the option to scratch from the following race.

Section 3. Claiming Procedure. (1) **Owner's Credit.** The owner must have to his credit with the track giving the race an amount equivalent to the specified claiming price plus the existing Kentucky sales tax and requisite fees for transfer of registration. By accepting the claim, the race track assumes responsibility for payment to the owner of the horse claimed. The money due for a claimed horse is to be paid to the owner losing said horse within forty-eight (48) hours (Sundays excepted) by the track, provided that said horse has a current test complying with Section 3(14) of this regulation.

(2) **Owner's Consent.** No declaration may be accepted unless written permission of the owner is filed with the

race secretary at the time of declaration.

(3) **Program.** The claiming price shall be printed on the program and all claims shall be for the amount so designated and any horse entered in a claiming race may be claimed for the designated amount.

(4) **Claim Box.** All claims shall be in writing, sealed and deposited at least fifteen (15) minutes before the time originally scheduled for the race to begin in a locked box provided for this purpose by the association.

(5) **Opening of Claim Box.** No official shall open said box or give any information on claims filed until after the race. Immediately after the race, the claim box shall be opened and the claim, if any, examined by the judges.

(6) **Multiple Claims on Same Horses.** Should more than one (1) claim be filed for the same horse, the owner shall be determined by lot by the judges.

(7) **Delivery of Claimed Horse.** A horse claimed shall be delivered immediately by the original owner or his trainer to the successful claimant upon authorization of the presiding judge. The horse's halter must accompany the horse. Altering or removing the horse's shoes will be considered a violation of this rule. The hopple measurements of a claimed horse must be made available to the successful claimant by the paddock judge.

(8) **Refusal to Deliver Claimed Horse.** Any person who refuses to deliver a horse legally claimed out of a claiming race shall be suspended together with the horse until delivery is made.

(9) **Vesting of Title to Claimed Horse.** Every horse claimed shall race in all heats or dashes of the event in the interest and for the account of the owner who declared it in the event, but title to the claimed horse shall be vested in the successful claimant from the time the word "go" is given in the first heat or dash, and said successful claimant shall become the owner of the horse whether it be alive or dead or sound or unsound, or injured during the race or after it; provided, however, that the final vesting of title to a claimed horse is subject to the conditions and provisions of Section 3(14) of this regulation.

(10) **Affidavit by Claimant.** The judges may require any person making a claim for a horse to make affidavit that he is claiming said horse for his own account or as authorized agent and not for any other person. Any person making such affidavit willfully and falsely shall be subject to punishment as hereinafter provided.

(11) **Penalty for Thirty Days.** For a period of thirty (30) days after the claim, a claimed horse shall not start in a race in which the claiming price is less than the price at which it was claimed. The day claimed shall not count, but the following calendar day shall be the first day and the horse may be entered whenever necessary so that the horse may start on the 31st calendar day following the claim for any claiming price. [If a horse is claimed it shall not start in another claiming race until thirty (30) days have elapsed unless such horse is entered for a claiming price at least twenty (20) percent greater than the price at which it was claimed. The day following the date of claiming shall be the first day.] If a horse is claimed no right, title or interest therein shall be sold or transferred except in a claiming race for a period of thirty (30) days following the date of claiming. Further, such horse shall be required to continue to race at the track where claimed for a period of thirty (30) days or the balance of the current racing meeting

whichever comes first, unless released by the presiding judge.

(12) **Return of Claimed Horse to Owner or Stable.** No horse claimed out of a claiming race shall be eligible to start in any race in the name or interest of the original owner for thirty (30) days, nor shall such horse remain in the same stable, or under the care of management of the first owner or trainer, or anyone connected therewith unless reclaimed out of another claiming race.

(13) **Scratched Horse.** The successful claimant of a horse programmed to start may, at his option, acquire ownership of a claimed horse, even though such claimed horse was scratched. The successful claimant must exercise his option by 9:00 a.m. of the day following the claiming race to which the horse was programmed and scratched.

(14) **Blood Sample Where Horse Is Claimed.** No blood sample shall be taken of a horse which has been claimed, if said horse has a valid veterinarian certificate within six (6) months of said claim, which certificate includes the horse's lip tattoo number and which is negative for Equine Infectious Anemia. In the event that said horse does not have said certificate, then a blood sample shall be taken immediately after the race in the paddock by a licensed veterinarian, and the sample identified as being from a claimed horse shall be forwarded within twenty-four (24) hours to an approved laboratory to be tested for Equine Infectious Anemia. Pending the receipt of a negative test for Equine Infectious Anemia the monies paid for the claimed horse shall be held by the track. In the event of a positive test for Equine Infectious Anemia the ownership of the claimed horse shall revert to the owner from whom the horse was claimed and the claiming monies shall be returned to the person or persons who claimed the horse. The cost of the test is to be borne by said owner and the test may be waived by the claimant at his discretion by so indicating on the claiming slip.

Section 4. Subject to the conditions of Section 3(14) of this regulation, the track shall pay the claiming price to the owner at the time the registration certificate is delivered for presentation to the successful claimant and shall withhold and pay the Kentucky sales tax to the Commonwealth as required by law.

Section 5. **Claiming Conditions.** Whenever possible claiming races shall be written to separate horses five (5) years old and up from young horses and to separate males from females. If sexes are mixed, mares shall be given a ten (10) percent minimum price allowance. The lowest claiming class written at a specific meeting may be conditioned.

Section 6. **Minimum Price.** No claiming race shall be offered permitting claims for less than the minimum purse offered at that time during the same racing week.

Section 7. **Determination of Claiming Price.** Except as provided in Section 3(11) of this regulation, and except as provided in 811 KAR 1:030, Section 21, no horse owner shall be prohibited from determining the price for which his horse shall be entered.

Section 8. The current registration certificate of all horses entered in claiming races must be on file with the racing secretary together with a separate claiming authorization form signed by the registered owner or owners and indicating the minimum amount for which the horse may be entered to be claimed. To facilitate transfer of claimed horses the presiding judge may sign the transfer provided that he then send the registration certificate and claiming authorization to the registrar for transfer.

Section 9. Any person violating any of the provisions of this regulation shall be fined, suspended or expelled.

Section 10. **Fraudulent Claim:** (1) If the judges determine that the declaration of any horse to a claiming race is fraudulent on the part of the declarer they may void the claim and at the option of the claimant order the horse returned to the person declaring it in.

(2) If the judges determine that any claim of a horse is fraudulent on the part of the person making the claim, they may void the claim and may, at the option of the person declaring it in, return the horse to the person declaring it in.

Section 11. (1) Should any stable be eliminated by sale or removal from the grounds, the right to claim is void. However, when a stable has been eliminated by claiming, the owner so affected shall have the right to claim a horse during the next thirty (30) racing days at any recognized meeting in this state even though all or a portion of the next thirty (30) racing days take place in the following calendar year. The owner or trainer of a stable eliminated by claiming shall get a written statement from the deputy commissioner or his assistant stating the date and place that the said stable was eliminated by claiming. Should such stable acquire a horse before availing itself of the privilege, then the privilege shall be void.

(2) Should any stable be eliminated by fire or other hazards, such stable shall have claiming privilege under the conditions indicated for the stable eliminated by claiming, at the discretion of the deputy commissioner or his assistant.

CARL B. LARSEN, Deputy Commissioner

ADOPTED: November 7, 1977

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: December 12, 1977 at 3:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Betty Burton, Acting Executive Secretary, Kentucky Harness Racing Commission, 369 Waller Avenue, Lexington, Kentucky 40504.

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

811 KAR 1:125. Pari-mutuel rules.

RELATES TO: KRS 230.630 [(1), (3)], 230.640, 230.690, 230.710

PURSUANT TO: KRS 13.082, 230.630 [(3), (4), (7)]

NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to provide and regulate pari-mutuel wagering at race meetings.

Section 1. Equipment. (1) The commission considers it desirable for licensees to use vending machines for the sale of pari-mutuel tickets. All licensees will be required to employ the use of totalizator equipment or its equivalent of a type approved by the commission.

(2) The controls necessary to operate the odds board in the infield, relative to the way the horses finish, (if the finish is being contested, if there is a photo, dead heat, time or race) are to be located in the judge's stand and controlled only by the presiding judge, or one associate judge designated to do so.

Section 2. Definitions for Pari-Mutuel Rules. (1) For the purpose of pari-mutuel betting, every heat or dash shall be a separate and distinct race.

(2) Where the term "race" is used throughout the following rules, it shall not be considered to apply as if the term "heat" had been used. Wagering shall be prohibited on more than ten (10) races, heats excluded, during the course of a single racing program, provided that the commission may extend the number of races authorized.

Section 3. Tax. Each day's tax imposed by KRS Chapter 138 shall be remitted to the Kentucky Department of Revenue by the licensee by check or bank draft within twenty-four (24) hours after the close of the racing program. Such remittance shall be accompanied by a tax return executed by the licensee on a form furnished by the Kentucky Department of Revenue. A copy of said form will be filed daily with the commission.

Section 4. Sale of Pari-Mutuel Tickets. (1) Only one method of selling pari-mutuel tickets shall be used for the sale of tickets on individual races during any racing day.

(2) Unless prior commission approval has been obtained no pari-mutuel tickets shall be sold except through regular ticket windows properly designated by signs showing type of tickets sold at that particular window.

(3) No pari-mutuel tickets shall be sold on any race prior to thirty (30) minutes before scheduled off-time of that race, except daily double, perfecta, double perfecta, quinella, [and] double quinella and trifecta tickets may be sold one (1) hour before scheduled off-time.

(4) Book making or betting other than pari-mutuel betting is strictly prohibited.

(5) No minor shall be allowed to bet and no mutuel employee shall sell or pay a wager to a minor.

(6) All wagering shall stop as soon as the word "go" shall be given by record or by voice of the starter. Vend-

ing machines for the sale of pari-mutuel tickets shall be electrically locked by the presiding judge from the judge's stand.

(7) When the sale of pari-mutuel tickets has closed, it shall remain closed until after the race has finished and has been declared official, unless an objection imposes a delay in which case the sale of pari-mutuel tickets for the next succeeding race may be begun without waiting for the race to be declared official.

(8) Without approval of the commission, no pari-mutuel ticket shall be sold for less than two dollars (\$2). Without approval of the commission, no pari-mutuel ticket combining win and place, win and show, or place and show, shall be sold for less than four dollars (\$4). Without approval of the commission, no pari-mutuel ticket combining win, place, and show, shall be sold for less than six dollars (\$6). Without approval of the commission, no pari-mutuel tickets for perfecta, double perfecta, quinella or double quinella combinations shall be sold for less than two dollars (\$2).

(9) The method of selling pari-mutuel tickets shall be approved by the commission.

(10) The manager of the pari-mutuel department shall be properly and timely advised by the presiding judge, prior to the beginning of wagering on each race, of the horses that will compete in the race.

(11) At meetings of more than ten (10) days, if less than six (6) interests qualify to start in a race, the manager of the pari-mutuel department, with the consent of the representative of the commission, shall be permitted to prohibit show wagering on that race.

(12) At meetings of more than ten (10) days, if less than five (5) interests qualify horses to start in a race, the said manager, with the consent of the representative of the Kentucky Harness Racing Commission shall be permitted to prohibit both place and show wagering on that race.

(13) At meetings of more than ten (10) days, if less than three (3) interests qualify horses to start in a race, the said manager, with the consent of the representative of the commission shall be permitted to prohibit wagering on that race.

(14) At meetings of more than ten (10) days, the said manager with the consent of the representative of the commission, may prohibit wagering on any particular horse or entry in any race. Such consent shall be sought by the manager of the pari-mutuel department from the representative of the commission. Such exclusions, if consented to by the representative of the commission, shall be clearly indicated on the program or score card or announced and horses excluded shall be numbered so as to in no way infer that they are coupled in "the field." Horses once excluded from the betting shall remain excluded during the day or race in which they are scheduled to start.

(15) When more horses representing separate interests are started in a race than the number of post positions on the infield tote board, all horses in excess of a number of interests one less than the total number of post positions on the infield tote board shall be grouped in the betting as the "field."

(16) A refund at cost value shall be made to all holders of a purchased ticket bearing the number of a horse in any race which has been scratched or withdrawn before said horse has become a starter in the race under

the rules, unless such horse is part of an entry, and one (1) or more of said entry starts.

Section 5. Payments. (1) Payments due on all wagers shall be made in conformity with well established practice of the pari-mutuel system. The practice is to work in dollars and not in the number of tickets. Money wagered on winning tickets is returned in full plus the profits. In all cases of a winning mutuel pool each licensee must redistribute not less than one dollar and ten cents (\$1.10) on each one dollar (\$1) wager and two dollars and twenty cents (\$2.20) on each two dollars (\$2) wager.

(2) At the end of each race, the judges shall advise the manager of the pari-mutuel department by the use of tote equipment or by telephone of the official placement of the horses, and no payoffs shall be made until the receipts of such notice.

(3) If a horse wins and there is no money wagered on him to win, the win pool shall be apportioned among the holders of the place tickets on that horse, if any, otherwise among holders of the show tickets.

(4) If no money has been wagered to place on a horse which is placed first or second in a race, the place pool for that race shall be apportioned among the holders of the place tickets on the other horse which was placed first or second.

(5) If no money has been wagered to show on a horse which has placed first, second or third in a race, the show pool in that race shall be apportioned among the holders of show tickets on the other horses which are placed first, second or third in that race.

(6) In the event that only two (2) horses finish in any one (1) race, the show pool shall be figured the same as the place pool and monies apportioned to the holders of show tickets on the two (2) finishing horses. In the event only one (1) horse finishes in any one (1) race all three (3) pools shall be figured separately as straight pools and all the monies shall be awarded to the ticket holders of the finishing horse. In the event no horse finishes the race, then the entire pool shall be refunded to all ticket holders.

(7) If two (2) horses finish in a dead heat for first place, the money in the win mutuel pool is divided between the two (2) dead-heaters according to their proportionate shares in the pool.

(8) If two (2) horses finish in a dead heat for second place, the division is made as follows: There shall be allotted to the pool of the winner of the race one-half ($\frac{1}{2}$) of the place pool and the two (2) dead-heaters one-half ($\frac{1}{2}$) each of the remaining half of the place pool.

(9) If two (2) horses coupled in the betting as an "entry" or "the field" finish first and second, first and third, or second and third, two-thirds ($\frac{2}{3}$) of the net show pool shall be allotted to the pool of the entry and the balance one-third ($\frac{1}{3}$) to the other horse.

(10) In the event that one (1) horse of the entry or the field finishes first or second and the other part of the entry or field finishes in a dead heat for third with another horse, the division of the net show pool shall be as follows: one-half ($\frac{1}{2}$) of the net show pool shall be allotted to the pool of the entry, one-third ($\frac{1}{3}$) to the non-entry horse not involved in the dead heat, and one-sixth ($\frac{1}{6}$) to the non-entry horse finishing in the dead heat.

(11) If the entry or field horses should finish first,

second and third, the entire money in each pool goes to the entry or field tickets, no other tickets participating.

(12) No mutilated pari-mutuel ticket that is not easily identifiable as being a valid ticket shall be accepted for payment.

(13) No claims for lost pari-mutuel tickets shall be considered.

(14) In the event an error is made in calculation resulting in a price being too high, the association shall lose such amount between the proper price and the one paid. If the error in calculation results in a price being too low, such amount between proper price and price paid shall be added to the net pool of the same position in the following race on the same day or if it is the last race of the day then it shall be added to the net pool of the same position in the same race on the following day. If such an error occurs causing underpayment on the last race of the entire racing meeting, the underpayment shall be paid to the Kentucky Department of Revenue.

Section 6. Daily Doubles. (1) Positively no exchange of daily double tickets after purchaser thereof has left the sales window.

(2) The daily double is not a parlay, and has no connection with or relation to the "tote" betting. All tickets on the daily double will be calculated in an entirely separate pool. Without prior commission approval, only one (1) daily double will be permitted during any single program.

(3) All tickets will be to win (straight) only. Entries and the field run as one (1) horse in the daily double. If two (2) or more horses in a race are coupled on the same totalizator ticket, there shall be no refunds, unless all of the horses so coupled are excused before off time.

(4) Selections are to be made of one (1) horse for each of two (2) races in the daily double by "tote" program numbers.

(5) If no ticket is sold combining the two (2) winners of the daily double, the pool shall then be apportioned equally between those having tickets including the winner in the first race of the daily double and those having tickets including the winner in the second race of the daily double in the same manner in which a place pool is calculated and distributed.

(6) If no ticket is sold on the winner of the first race of the daily double on any combination, the entire pool is apportioned to the holders of tickets on the winner of the second race of the daily double. Likewise, if no ticket is sold on the winner of the second race of the daily double or any combination, the entire pool is apportioned to the holders of tickets on the winner of the first race of the daily double.

(7) If a dead heat to win should result in either the first or second race of the daily double, the total pool is calculated as a place pool. In case of a dead heat for the winner of the first race of the daily double, the posting of payoff prices will be made after winner of second race of the daily double is official.

(8) Should no ticket be sold containing the numbers of either winner on any combination, the pool shall be allotted to those having tickets on horses finishing next to the winners.

(9) In the event any horse or horses in the first half of the daily double should be excused by the judges after the horses shall have left the paddock for the post, or af-

ter the betting on the daily double has been closed, or should any horse or horses in the first half of the daily double be prevented from racing because of failure of the arm or arms of the starting gate to open, the money wagered on any horse or horses so excused or prevented from racing shall be deducted from the daily double pool and refunded to the purchaser or purchasers of tickets on the horse or horses so excused or prevented from racing.

(10) If a horse is scratched from the second half of the daily double before it becomes a starter in the second half, but after the first half of the daily double has been run, all daily double tickets combining the scratched horse in the second race of the daily double with the actual winner of the first race of the daily double shall be paid a price equivalent to that fraction of the net pool derived by dividing the net pool by the total purchase price of all tickets combining the winner of the first race of the daily double with all horses in the second race of the daily double. The total payoff on all tickets combining the winner of the first race of the daily double with the scratched horse in the second race of the daily double as determined by the method set forth in this rule shall be deducted from the net daily double pool.

(11) The possible payoff prices shall be posted or announced to the public before the start of the last race of the daily double, and as soon as possible after the horses in the race of the last half of the daily double have entered upon the track on the way to the post.

(12) If for any reason the second race of the daily double is cancelled or declared "no race" by the judges after the first daily double race is declared official, then the net daily double pool shall be distributed to wagering combinations which include the horse or betting interest which finished first in the first daily double race.

(13) If a daily double is scheduled to be held, subsections (1) to (12) of this section shall be printed in conspicuous places in the grandstand area and an abbreviated version shall be printed on the day's racing program, and notice printed on said program as follows: "Retain Your Tickets Until The Result Of the Daily Double Has Been Posted."

Section 7. Perfecta Wagering. (1) The "perfecta" (also known as exacta or correcta) is a contract by the purchaser of a ticket combining two (2) horses in a single race, selecting the two (2) horses that will subsequently finish first and second in that race. Payment of the ticket shall be made only to the purchaser who has selected the same order of finish as officially posted.

(2) The perfecta is not a "parlay" and has no connection with or relation to the win, place and show betting and will be calculated as an entirely separate pool.

(3) If no ticket is sold on the winning combination of a perfecta pool, the net pool shall be distributed equally between holders of tickets selecting the winning horse to finish first and/or holders of tickets selecting the second place horse to finish second.

(4) If no ticket is sold that would require distribution of a perfecta pool to winner as above defined, the asso-

ciation shall make a complete and full refund of perfecta pool.

(5) In case of a dead heat between two (2) horses for first place the net perfecta pool shall be calculated and distributed as a place pool to holders of tickets of the winning combination(s). In case of a dead heat between two (2) horses for second place, the perfecta pool shall be figured as a place pool, the holders of tickets combining the winning horse and the two (2) horses finishing second participating in the payoff.

(6) In the event of a dead heat for second place, if no ticket is sold on one (1) of the two (2) winning combinations, the entire net pool shall be calculated as a win pool and distributed to those holding tickets on the other winning combination. If no tickets combine the winning horse with either of the place horses in the dead heat, the perfecta pool shall be calculated and distributed as a place pool to holders of tickets representing any interest in the net pool.

(7) No entries or field horses shall be allowed in any race that the perfecta is being sold.

Section 8. Quinella Wagering. (1) The "quinella" is a form of pari-mutuel wagering consisting of selecting the first two (2) horses to finish, irrespective of their place of finish.

(2) The quinella is not a "parlay" and has no connection with or relations to the win, place or show betting and will be calculated as an entirely separate pool.

(3) In case of a dead heat between two (2) horses for first place, the combination shall be the winner of the quinella pool. In case of a dead heat between two (2) horses for second place, the quinella pool shall be figured as a place pool, the holders of tickets combining the winning horse and the two (2) horses finishing second participating in the payoff.

(4) In the event of a dead heat for second place, if no ticket is sold on one (1) of the winning combinations, the entire net pool shall be calculated as a win pool and distributed to those holding tickets on the other winning combination. If no tickets combine the winning horse with either of the place horses in the dead heat, the net pool shall be calculated and distributed as a place pool to holders of tickets combining either of the place horses; however, if any tickets combine both horses in the dead heat for place, the net pool shall be calculated and distributed as a win pool to holders of such tickets.

(5) If no ticket is sold on the winning combination of a quinella pool, the net pool shall then be apportioned equally between those having tickets including the horse finishing first and those having tickets including the horse finishing second in the same manner in which a place pool is calculated and distributed.

(6) If no ticket is sold that would require distribution of a quinella pool to a winner as above defined, the association shall make a complete and full refund of the quinella pool.

(7) If a perfecta and/or quinella is scheduled to be held, each association shall print an abbreviated version of this rule on the day's racing program.

Section 9. Double Perfecta Wagering. (1) The double perfecta is a form of pari-mutuel wagering in which the bettor selects the two (2) horses that will finish first and second in each of two (2) consecutive races in the exact order as officially posted.

(2) Double perfecta tickets shall be sold only at double perfecta windows and only from automatic double issue machines.

(3) Each bettor purchasing double perfecta tickets shall designate his two (2) selections as the first two (2) horses to finish in that order in the first of two (2) consecutive races.

(4) After the official declaration of the first two (2) horses to finish in the first race of the double perfecta, each bettor holding a ticket combining the first two (2) horses in the exact order of finish must, prior to the running of the second double perfecta race exchange ticket at the double perfecta window and at such time shall select the two (2) horses to finish in the second race of the double perfecta in the exact order as officially posted. No further money shall be required of the holder of the ticket in order to make the exchange.

(5) No double perfecta exchange ticket upon the second race shall be issued except upon the surrender of the double perfecta ticket from the first race as described in these rules. The double perfecta pool obtained from the sales of double perfecta tickets upon the first race shall be held, subject to these rules, and divided among the winning tickets of the double perfecta exchange tickets, subject to those rules to the contrary. Double perfecta windows shall be open for the purpose of making the exchange as described only after the first race has been declared official.

(6) If a winning double perfecta ticket from the first race is not presented for exchange within the time provided the bettor forfeits all rights to any distribution or refund except in the event the second half of the double perfecta is cancelled or declared "no race."

(7) If a horse is scratched in the first race of the double perfecta races, all double perfecta tickets on the scratched horse will be refunded.

(8) If a horse is scratched in the second race of the double perfecta, after the first race of the double perfecta has been declared official, all exchange tickets combining the scratched horse shall become consolation tickets and shall be paid a price per dollar denomination calculated as follows: the net double perfecta pool (gross pool less commission) shall be divided by the total purchase price of all tickets combining the winners of the first race of the double perfecta. The quotient thus obtained shall be the price to be paid to holders of exchange tickets combining the scratched horse in the second race of the double perfecta. The entire consolation pool (number of eligible tickets times the consolation price) shall be deducted from the net double perfecta pool.

(9) If no double perfecta ticket is sold as a winning combination in the first race of the double perfecta, the double perfecta pool shall be divided among those having tickets including the horse finishing first and those having tickets including the horse finishing second and such distributions shall be calculated and made as a place pool. In such an instance the double perfecta race shall end and the pool be closed for the day.

(10) If no double perfecta exchange ticket is sold on the winning combination the net pool shall then be apportioned equally between those having tickets including the horse finishing first and those having tickets including the horse finishing second in the same manner in which a place pool is calculated and distributed.

(11) If a double perfecta exchange ticket combines only one (1) of the two (2) winners and no double perfecta exchange ticket combines the other winner, the entire pool shall be distributed as a straight pool to the holders of those tickets.

(12) If no exchange ticket includes either the first or second horse of the second half of the double perfecta the entire net pool shall be distributed as a straight pool to all holders of exchange tickets.

(13) In the event of a dead heat for place in the first race of the double perfecta races, all double perfecta tickets combining the first horse and either of the place horses shall be eligible for exchange for double perfecta exchange tickets.

(14) In the event of a dead heat for place in the second race of the double perfecta, the double perfecta pool shall be divided, calculated and distributed as a place pool to the holders of double perfecta exchange tickets combining the first horse and either of the place horses. In the event of the dead heat to place and there are no tickets sold on one combination, then the other combination having the winning horses shall be declared the winner. If no exchange tickets combining the winning horse with either of the place horses in the dead heat, the double perfecta pool shall be calculated and distributed as a win pool to holders of tickets representing any interest in the net pool.

(15) If for any reason the second of the double perfecta races is cancelled or declared "no race," the pool shall be calculated as a straight pool and shall be distributed among the holders of the tickets combining the first two (2) horses of the first race of the double perfecta otherwise eligible for double perfecta exchange tickets and also distributed to holders of the double perfecta exchange tickets.

(16) If there is a dead heat for the winning horse in either of the two (2) consecutive races for the double perfecta, such calculation of distribution of the double perfecta pool shall be made in the manner in which any ordinary perfecta pool would be made should there be a dead heat for the win despite the number of horses involved in the dead heat.

(17) The purchase of double perfecta tickets other than through pari-mutuel machines and the sale of double perfecta tickets from one individual to another shall be deemed illegal and is prohibited.

Section 10. Big "Q" Rules (1) Each operator wishing to conduct Big "Q" wagering must first petition the board for permission to do so.

(2) Each operator shall either print in the daily program or prominently post at all areas where Big Q wagering is conducted the complete rules for Big Q wagering as set forth in the following sections:

(a) The Big Q consists of selecting the quinella (the first two (2) horses to finish) of each of two (2) consecutive races. Pari-mutuel wagering tickets are to be sold upon the first race of the two (2) races only. The division of the pool shall be calculated as in a straight pool, subject to provisions of these rules to the contrary.

(b) No entries or field horses shall be allowed to start in any race comprising the Big Q.

(c) Tickets shall be sold only at Big Q windows and only from automatic double issuing machines.

(d) Each bettor purchasing tickets shall designate his two (2) selections as the first two (2) horses to finish in the first race of the two (2) races.

(e) After the official declaration of the first two (2) horses to finish the first of the Big Q races, each bettor holding a ticket combining the said two (2) horses to finish must, prior to the running of the second race, exchange such winning ticket for a Big Q exchange ticket at the Big Q windows and at such time the said holder shall select the first two (2) horses to finish in the second race of the Big Q. No further money shall be required of the holder of the ticket in order to make the exchange.

(f) No Big Q exchange ticket upon the second race shall be issued except upon the surrender of the Big Q ticket from the first race as described in these sections. The Big Q pool obtained from the sales of the Big Q tickets upon the first race shall be held subject to these sections, and divided among the winning tickets of the Big Q exchange tickets, subject to these sections to the contrary. Big Q windows shall be open for the purpose of making the exchange as described only after the first race has been declared official and such windows shall close at post time at the start of the second race of the Big Q races.

(g) If a winning Big Q ticket from the first race is not presented for exchange within the time provided, the bettor forfeits all rights to any distribution or refund except in the event the second half of the Big Q is cancelled or declared "no race" or if no exchange ticket includes either the first or second horse of the second half of the Big Q.

(h) If a horse is scratched in the first race, all Big Q tickets on the scratched horse will be refunded. If a horse is scratched in the second race, the holders of tickets on the scratched horse will be entitled to exchange their tickets for another selection. In the event of a late scratch, after the exchange windows have been closed, all exchange tickets combining the scratched horse shall become consolation tickets and shall be paid a price per dollar denomination calculated as follows: The net Big Q pool (gross pool less commission) shall be divided by the total purchase price of all tickets combining the winnings of the first race of the Big Q. The quotient thus obtained shall be the price to be [ba] paid to holders of exchange tickets combining the scratched horse in the second race of the Big Q. The entire consolation pool (number of eligible tickets times the consolation price) plus the breakage shall be deducted from the net Big Q pool.

(i) If no ticket is sold as a winning combination in the first race of the Big Q, the Big Q pool shall be divided among those having tickets including the horse finishing first or second and such distributions shall be calculated and made as a place pool. In such an instance, the Big Q race shall end and the pool be closed for the day.

(j) If no Big Q exchange ticket is sold on the winning combination, the net pool shall be apportioned equally between those having tickets including the horse finishing second in the same manner in which a place pool is calculated and distributed.

(k) If a Big Q exchange ticket combines only one (1) of the winners and no Big Q exchange ticket combines the other winner, the entire pool shall be distributed as a straight pool to the holders of those tickets.

(l) If no exchange ticket includes either the first or

second horse of the second half of the Big Q, the entire net pool will be distributed as a straight pool to all holders of exchange tickets and winning combinations of the first half that have not been exchanged.

(m) In the event of a dead heat for place in the first race of the Big Q races all Big Q tickets combining the first horse and either of the place horses shall be eligible for exchange for Big Q exchange tickets.

(n) In the event of a dead heat for place in the second race of the Big Q races the pool will be divided, calculated and distributed as a place pool to the holders of Big Q exchange tickets combining the first horse and either of the place horses. In the event of the dead heat to place and there are no tickets sold on one combination, then the other combination having winning horses shall be declared the winner.

(o) If no exchange tickets combine the winning horse with either of the place horses in the dead heat, the Big Q pool shall be calculated and distributed as a place pool to holders of tickets combining either of the place horses, however if any exchange tickets combine both horses in the dead heat for place, the Big Q pool shall be calculated and distributed as a place pool to holders of such tickets.

(p) If for any reason the first race of the Big Q races is cancelled or declared "no race" full and complete refund shall be made from the Big Q pool.

(q) If for any reason, the second of the Big Q races is cancelled or declared "no race" the pool shall be calculated as a straight pool and shall be distributed among the holders of tickets combining the first two (2) horses of the first race of the Big Q otherwise eligible for Big Q exchange tickets and also distributed to holders of the Big Q exchange tickets.

(r) If there is a dead heat for the winning horses in either of the two (2) consecutive races for the Big Q such calculation of distribution of the Big Q pool shall be made in the manner in which any ordinary quinella pool would be made should there be a dead heat for the win despite the number of horses involved in the dead heat.

(s) In the event that an incorrect exchange ticket is issued during the second half of the Big Q pool, such incorrect exchange ticket must be turned in to the State Auditor prior to the running of the second half. Said tickets shall be deducted from both exchange and individual combination totals. The ticket shall be voided and filed with the performance worksheets and a report including the seller's name and license number, shall be made to the board of the complete incident.

Section 11. Trifecta Wagering. (1) The "Trifecta" is a contract by the purchaser of a ticket combining three (3) horses in a single race, selecting the three (3) horses that will subsequently finish first, second and third in that race. Payment of the ticket shall be made only to the purchaser who has selected the same order of finish as officially posted.

(2) The "Trifecta" is not a parlay and has no connection with or relation to the Win, Place and Show betting and will be calculated as an entirely separate pool.

(3) Trifecta tickets shall be sold in not less than two dollars (\$2) denominations.

(4) If no ticket is sold on the winning combination of a Trifecta Pool, the net pool shall be distributed to the holders of tickets selecting the win and place finishers in

that order. If no ticket is sold combining the win and place finish, the net pool will be distributed to the holders of tickets selecting the winner.

(5) If no ticket is sold that would require distribution of the net Trifecta Pool to a winner as above defined, the association shall make a full refund of the Trifecta Pool.

(6) In the event of a dead heat or dead heats, all Trifecta tickets selecting the correct order of finish, counting a horse in a dead heat as finishing in either position dead heated, shall be winning tickets. The payoff will be calculated as a place pool.

(7) In the event of a scratch in the Trifecta no exchanges will be made. All tickets which include the scratched horse are eliminated from further participation in the Trifecta Pool and will be refunded.

(8) No entries or field horses shall be allowed in any race that the Trifecta is being sold.

(9) Trifecta tickets shall be sold only by the licensee through pari-mutuel machines programmed to print all selections on one (1) ticket. Resale of such tickets from one (1) individual to another is prohibited and shall be grounds for ejection.

(10) Each association shall print in heavy type in a conspicuous place in its printed program all the provisions of this section and post printed copies of this section about the track in such places as it may deem advisable.

Section 12. [11.] Types of Wagering Allowed. The following types of wagering shall be permitted at all tracks given racing dates by the commission:

(1) Normal win, place and show betting on each race.

(2) A daily double on the first and second races.

(3) Any other methods of betting approved in advance by the commission.

CARL B. LARSEN, Deputy Commissioner

ADOPTED: March 8, 1977

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: December 12, 1977 at 3:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Betty Burton, Acting Executive Secretary, Kentucky
Harness Racing Commission, 369 Waller Avenue, Lexington, Kentucky 40504.

Proposed Regulations

CABINET FOR DEVELOPMENT Department of Fish and Wildlife Resources

301 KAR 3:053. Spring gun and archery season for wild turkey.

RELATES TO: KRS 150.175, 150.176, 150.305, 150.310, 150.360, 150.390.

PURSUANT TO: KRS 13.082.

NECESSITY AND FUNCTION: This regulation pertains to the spring gun and archery season and limits for wild turkey. The Commissioner with the concurrence of the Commission finds this regulation necessary for the continued protection and conservation of wild turkey populations and to insure a permanent and continued supply for present and future residents of the state. The function of this regulation is to provide for the prudent taking of wild turkeys within reasonable limits based upon an adequate supply.

Section 1. Seasons and Counties Open to Wild Turkey Hunting. (1) Statewide Seasons and Counties:

(a) Opens the fourth Saturday in April for nine (9) consecutive days. Jackson; Owsley; Bath; Rockcastle; Lee; Rowan; Pike, except Breaks Interstate Park; Letcher, except Pine Mountain Wildlife Management Area and that portion of Menifee County north of U.S. Highway 460.

(b) Opens the fourth Saturday in April for five (5) consecutive days. That portion of Butler County east of Green River Parkway.

(2) All other counties, portions of counties and wildlife management areas are closed to wild turkey hunting unless specified below.

Section 2. Seasons on Wildlife Management Areas. (1) Fort Knox Wildlife Management Area located in Hardin, Bullitt and Meade Counties. Season: any and all Saturdays

and Sundays in April depending upon military training priorities.

(2) Land Between the Lakes Wildlife Management Area located in Trigg and Lyon Counties. Season: opens the second Wednesday in April for twelve (12) consecutive days.

(3) Pioneer Weapons Wildlife Management Area located in Bath and Menifee Counties. Season: opens the fourth Saturday in April for nine (9) consecutive days.

Section 3. Bag and Possession Limits for All Areas Open to Turkey Hunting. Only one (1) turkey gobbler with visible beard per hunter per calendar year shall be taken.

Section 4. Requirements and Restrictions for Gun and Archery Turkey Hunting in All Designated Counties and Wildlife Management Areas: (1) A successful hunter cannot assist any other hunter in taking turkey.

(2) The use of dogs in turkey hunting is prohibited.

(3) Any person hunting turkey must have in his or her possession a valid annual Kentucky hunting license.

(4) Residents of states that do not allow residents of Kentucky to hunt turkey during open seasons in those states are prohibited from hunting turkey in Kentucky.

(5) Turkey may be taken from one-half (1/2) hour before sunrise until 12 noon except at Land Between the Lakes, where hunting is allowed from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset. All hours are prevailing time.

(6) Turkey may be taken with the aid of hand or mouth operated calls, or both. Electronic calls are prohibited.

(7) Permitted and Prohibited Weapons. (See exceptions under Wildlife Management Areas.)

(a) Guns. Turkey may be taken with breech-loading shotguns, muzzle-loading shotguns, breech-loading rifles and muzzle-loading rifles. Shotguns must be no larger than 10-gauge or smaller than 20-gauge. Fully automatic firearms are prohibited. Handguns are prohibited for taking turkeys

except for muzzle-loading handguns on Pioneer Weapons Wildlife Management Area.

(b) Bows and arrows. Turkey may be taken with any longbows and compound bows which are not fitted with any device designed to hold an arrow at full draw without human aid and are not capable of release by a triggering device. Only barbless arrows without chemical treatment or chemical attachments, with broadhead points at least seven-eighths (7/8) inch wide are permitted.

(c) Crossbows. Crossbows are permitted only on the Pioneer Weapons Wildlife Management Area. Crossbows must be of at least eighty (80) pounds pull. Arrows must be barbless with broadhead points at least seven eighths (7/8) inch wide.

(8) Mandatory turkey check stations. Any hunter harvesting a wild turkey must have it checked at the nearest check station or by the nearest available conservation officer no later than 12 noon the day after the turkey is taken except as required on specified wildlife management areas. This also applies to the last day's hunt. A list of check stations may be obtained from any county clerk's office, conservation officer or by writing to Game Division, Department of Fish and Wildlife Resources, Frankfort, Kentucky 40601.

Section 5. Wildlife Management Area Regulations. (1) Land Between the Lakes Wildlife Management Area. Wild turkey may be taken on the Kentucky portion of Land Between the Lakes only in designated areas. Permits for the hunt are required and may be obtained free of charge after March 1 at the Golden Pond Information Office and at the North Information Station twenty-four (24) hours per day. Firearms transported in vehicles during authorized hunts must be unloaded. Target practice is prohibited. Turkey may be taken with shotguns, including muzzle-loaders, no larger than 12-gauge or smaller than 20-gauge; only Number 2 shot or smaller is permitted. Permitted archery equipment is the same as that listed in Section 4, subsection (7)(b) of this regulation. Rifles, crossbows and handguns are prohibited. Hunters are not required to check in or out, but all turkey taken must be checked out and must be tagged with area tags provided at the check station at no charge. Check stations will be located near the junction of The Trace and U.S. Highway 68, and on The Trace about one (1) mile south of Barkley Canal.

(2) Fort Knox Wildlife Management Area. Turkey hunting is restricted to military and civilian personnel assigned to or working on the post, except a limited number of off-post civilians will be permitted to hunt provided areas are available. Off-post civilian hunters must apply in person at the hunt control headquarters building, Fort Knox, Kentucky, beginning March 28 at 8:30 a.m. Turkey may be taken with shotguns no larger than 12-gauge or smaller than 20-gauge and muzzle-loading rifles no smaller than .32 caliber firing a single projectile. Buckshot and slugs are prohibited. All turkeys harvested must be checked in at a place designated by Fort Knox authorities.

(3) Pioneer Weapons Wildlife Management Area. Turkey may be taken with all weapons listed under Section 4, subsection (7), with the exception of breech-loading rifles and breech-loading shotguns. Crossbows are permitted.

DR. JAMES C. SALATO, Chairman
ARNOLD L. MITCHELL, Commissioner
ADOPTED: December 11, 1977
APPROVED: WILLIAM SHORT, Secretary

RECEIVED BY LRC: December 12, 1977 at 3:00 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, Frankfort, Kentucky 40601.

CABINET FOR DEVELOPMENT Kentucky State Fair Board

303 KAR 1:041. Certain objects and attire prohibited on premises.

RELATES TO: KRS 247.145

PURSUANT TO: KRS 13.082, 247.145

NECESSITY AND FUNCTION: KRS 247.145 authorizes the Kentucky State Fair Board to adopt reasonable regulations necessary to maintain decency and good order, to protect the peace or safety of the general public, or to protect the public interest, convenience or necessity. The purposes of this regulation are to protect the peace and safety of the general public by prohibiting the bringing of dangerous weapons and certain objects that can be used as missiles into buildings owned or operated by the Kentucky State Fair Board, and by prohibiting the throwing of such objects in such places; and to maintain decency and good order and protect the public interest, convenience and necessity and safety by requiring proper attire.

Section 1. No person is licensed to enter or remain in any building or stadium owned or operated by the Kentucky State Fair Board while in possession of a firearm or other deadly weapon (as defined in KRS 500.080(4)), regardless of whether such person would be licensed to enter such building if he did not possess such firearm, provided that this section shall not apply to a peace officer who is permitted by law to carry such weapon concealed or who is carrying such a weapon in the line of duty.

Section 2. No person, except with specific permission from the Kentucky State Fair Board, shall bring any liquid or beverage container, firearm, deadly weapon as defined in KRS 500.080(4), incendiary material, dangerous instrument (meaning any instrument, article or substance which is readily capable of being used to cause death or serious physical injury if thrown, slung, or swung in a public gathering), sound recorder, or professional movie camera into any building or stadium owned or operated by the Kentucky State Fair Board. Any person entering any such building or stadium consents to and authorizes the Kentucky State Fair Board or its agents to conduct a reasonable search of his person, parcels or handbags to determine whether such person has in his possession any prohibited item. The Kentucky State Fair Board reserves the right to refuse admission to any person refusing or resisting such a search, but will refund to any such person refused admittance the purchase price of any valid admission ticket presented by him. The prohibition against bringing or transporting liquid or beverage containers shall not apply to persons bringing or transporting such for delivery to a lawful concession located in a building or stadium owned or operated by the Kentucky State Fair Board.

Section 3. No person not wearing proper attire, including upper and lower torso clothing and shoes, shall enter any building or stadium owned or operated by the Kentucky State Fair Board.

Section 4. No person, except with authorization or permission of the Kentucky State Fair Board, shall throw or otherwise cause to be propelled through the air, at any place on any grounds or in any building or stadium owned or operated by the Kentucky State Fair Board, any object of any kind.

WYNDALL SMITH, President

ADOPTED: September 23, 1977

APPROVED: WILLIAM L. SHORT, Secretary

RECEIVED BY LRC: December 9, 1977 at 10:45 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Donald Johnston, Kentucky State Fair Board, Kentucky Fair and Exhibition Center Office, Louisville, Kentucky 40221.

CABINET FOR DEVELOPMENT Kentucky State Fair Board

303 KAR 1:075. Conduct and operation of concessions and exhibits.

RELATES TO: KRS 247.145, 247.160

PURSUANT TO: KRS 13.082, 247.145

NECESSITY AND FUNCTION: KRS 247.160 grants to the Kentucky State Fair Board exclusive control of concessions, exhibitions, entertainment, and attractions at any place on the state fair grounds and exhibition center. The purpose of this regulation is to regulate and control the conduct and operation of concessions and exhibits by prohibiting unauthorized persons from conducting them.

Section 1. No person, except with authorization or permission from the Kentucky State Fair Board, shall set up, conduct, carry on, operate or maintain, or make sales, sales promotions, or sales demonstrations from any booth, table, exhibit display or attraction of any sort on the grounds of the Kentucky Fair and Exposition Center or do any of the foregoing acts from any motor vehicle or other mobile apparatus on such grounds.

Section 2. No person, except with authorization or permit from the Kentucky State Fair Board, shall operate any concession or offer for sale or sell any articles or objects of any sort on the grounds of the Kentucky Fair and Exposition Center.

Section 3. (1) No person shall carry on any commercial activity at the Kentucky Fair and Exposition Center without permission of the Kentucky State Fair Board;

(2) No person shall post, distribute or display commercial signs, circulars or printed or written materials within the grounds of the Kentucky Fair and Exposition Center without permission of the Kentucky State Fair Board.

Section 4. No person is licensed to enter or to remain upon the grounds of the Kentucky Fair and Exposition Center for the purpose of doing any of the acts described in

Sections 1, 2, and 3 of this regulation unless such person has received authorization or permission from the Kentucky State Fair Board for such acts.

Section 5. Authority to authorize or grant permission to do any of the acts described in Sections 1 and 2 of this regulation is hereby delegated to the Executive Director of the Kentucky State Fair Board and may be redelegated by him to other employees or agents of the Kentucky State Fair Board or, for specific events only, to the group or person conducting or sponsoring such events.

WYNDALL SMITH, President

ADOPTED: September 23, 1977

APPROVED: WILLIAM L. SHORT, Secretary

RECEIVED BY LRC: December 9, 1977 at 10:45 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Donald Johnston, Kentucky State Fair Board, Kentucky Fair and Exhibition Center Office, Louisville, Kentucky 40221.

DEPARTMENT OF TRANSPORTATION Bureau of Vehicle Regulation

601 KAR 9:014. County decals for license plates.

RELATES TO: KRS 186.170, 186.240

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 186.240(3) requires that the motor vehicle registration plate prescribed by the Department of Transportation (except for commercial and certain other vehicles) contain "the name of the county in which the plate is issued." From a reading of that entire statutory subsection along with other statutory provisions, dealing specifically with the use of multi-year registration plates, said requirement is presently interpreted to mean that the county of current registration must appear on a registration plate. Such, however, would not always be possible under the multi-year system if the county name is embossed on the plate since many people (because of a change in residence) will register their vehicles in different counties during succeeding years of the use of a single multi-year plate, thus making the use of a county decal imperative. KRS 186.170(1), moreover, requires the Department of Transportation, under the multi-year system, to "select and give to the owner (of a motor vehicle being registered) as . . . evidence of registration some insignia which may conveniently be attached permanently and conspicuously to the motor vehicle during each registration year;" that subsection, also, places a duty upon the owner of a motor vehicle to display his registration plate conspicuously and legibly. This regulation implements said statutory interpretation and duties and allows for the necessary county decal to appear prominently and legibly on the bottom of the registration plate, in the same position and manner the embossed county name has traditionally appeared.

Section 1. Upon the issuance, for use on a motor vehicle registered under KRS 186.050(1), of a multi-year registration plate, or the replacement thereof pursuant to KRS 186.180, by a county court clerk, the clerk shall issue a conspicuous decal designating the county in which the vehicle

is then currently registered, said decal to be affixed to the bottom of the registration plate by the owner of the vehicle.

Section 2. If, at any time thereafter and while the same multi-year registration plate itself is still in use, the vehicle's registration is renewed in a different county, the county court clerk of the new county of registration shall issue a decal designating the new county of registration, said decal to be affixed to the registration plate by the owner of the vehicle in a similar manner, replacing the county decal then affixed to the plate.

Section 3. The registration plate of a vehicle the registration of which is made and renewed in the same county during the years a particular multi-year plate is in use may retain the initially issued county decal, provided such has remained legible, but it is the duty of the owner of any vehicle to request, obtain, and affix to the registration plate a replacement for a county decal whenever such, for any reason, is no longer legible.

O. B. ARNOLD, Commissioner

ADOPTED: December 8, 1977

APPROVED: CALVIN GRAYSON, Secretary

RECEIVED BY LRC: December 9, 1977 at 2:30 p.m.

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

EDUCATION AND ARTS CABINET
Department of Education
State Board for Occupational Education

705 KAR 1:020. Occupational and vocational appeals officer.

RELATES TO: KRS 156.070(3), 163.020 to 163.470
PURSUANT TO: KRS 13.082, 156.070(3), 163.050(3),
163.140

NECESSITY AND FUNCTION: The State Board for Occupational Education finds it to be necessary to promulgate regulations providing for appeal from a suspension or expulsion order.

Section 1. There is hereby established within the Department of Education the occupational and vocational appeals officer. The appeals officer shall be the Deputy Superintendent for Occupational Education or his designee.

Section 2. The appeals officer shall hear all appeals involving the suspension or expulsion of vocational students.

Section 3. The appeal shall be perfected by filing a notice of appeal within twenty (20) days after notice of entry of the order or administrative action from which the appeal is taken with the Secretary of the State Board for Occupational Education. The notice of appeal shall designate the administrative action or order from which the appeal is taken.

Section 4. The administrative agency from which the

appeal has been taken shall file the complete record of all action including any official transcript with the Secretary of the State Board for Occupational Education.

Section 5. The hearing officer shall notify the parties within ten (10) days after the filing of the appeal of the date, time and place of the hearing. The hearing shall be set within twenty (20) days after the date of the notice, unless the parties mutually agree to another time.

Section 6. The hearing shall be conducted by the Deputy Superintendent for Occupational Education or his designee and he shall not be bound by formal rules of evidence.

Section 7. The appellant shall have the burden of proof at the hearing and shall introduce proof in support of the appeal as the first order of proof. The appellee shall then submit its proof. The appellant may then submit rebuttal proof. All witnesses shall be subject to cross-examination.

Section 8. The appeals officer shall then hear oral arguments or may request written briefs allowing a reasonable time for the submission thereof.

Section 9. The hearing shall be transcribed by an official court reporter.

Section 10. The hearing officer shall make findings of fact, conclusions of law and recommendations to the State Board for Occupational Education at its next regular or special meeting.

JAMES B. GRAHAM,
Superintendent of Public Instruction

ADOPTED: December 6, 1977

RECEIVED BY LRC: December 8, 1977 at 2:30 p.m.

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

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of December 7, 1977 Meeting

(Subject to Subcommittee approval at its next meeting on January 4, 1978.)

The Administrative Regulation Review Subcommittee held its regularly scheduled meeting on Wednesday, December 7, 1977 at 10 a.m. in Room 327 of the Capitol. Members present: Representative William T. Brinkley, Chairman, and Representative Albert Robinson.

Chairman Brinkley welcomed Representative Albert Robinson from Pittsburg, Kentucky, as a member of the subcommittee. Representative Robinson was appointed to fill the vacancy caused by the resignation of Representative David G. Mason who did not seek re-election.

Chairman Brinkley expressed his appreciation for the excellent job Representative Mason did for the subcommittee and wished him success in his new position as County Attorney for Henry County.

Chairman Brinkley said that Senator Johnson would be unable to attend because of a recent death in his family.

Others present were: Representative Robert A. Jones.

Guests: Charles D. Wickliffe, Executive Department for Finance and Administration; Charles Bowers and Carl Kays, Department of Fish and Wildlife Resources; Lowell V. Thompson, Jr., Attorney for Board of Dentistry; Eugene F. Perkins and Thomas H. Glover, Department for Natural Resources and Environmental Protection; Charles Henry, Department of Transportation; Howard Jones, Department of Education; Greg Lawther, Certificate of Need and Licensure Board; Robert W. Keats and Bob Watkins, Louisville and Jefferson County Metropolitan Sewer District.

LRC Staff: Mabel D. Robertson, Ollie Fint, Joe Hood, Garnett Evins, E. Hugh Morris, Paul Oakley, Grant Winston and William Miller.

Press: Dan Adkins, Public Information, and Livingston Taylor, The Courier-Journal.

The minutes of the November meeting were approved.

The following regulations were deferred until the January 4, 1978 meeting:

401 KAR 1:105, Division of Plumbing, was deferred on motion of Representative Robinson because he had not had adequate time to properly review the regulation and he also felt that Senator Johnson should have an opportunity to review the changes submitted by the agency at this meeting.

902 KAR 20:007, Bureau for Health Services, was deferred and the agency requested to clarify authority for regulating areas proposed to be licensed.

The following regulations were approved after they were amended to meet the objections of the committee during the meeting:

201 KAR 8:220, Board of Dentistry, to become effective upon receipt of amendment adding a clause that an applicant would have an opportunity to appeal to the Board of Dentistry.

301 KAR 1:132, Fish, was amended by deleting the word "includes" in Section 1 and inserting in lieu thereof the word "means."

On motion of Representative Robinson, seconded by Chairman Brinkley, the following regulations were approved and ordered filed:

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

Property

200 KAR 6:030. Real property leases and rentals.

DEVELOPMENT CABINET Department of Fish and Wildlife Resources

Fish

301 KAR 1:140. Experimental commercial fishing permit.

Hunting and Fishing

301 KAR 3:020. License fees.

DEPARTMENT OF TRANSPORTATION Bureau of Highways

Traffic

603 KAR 5:010. Types of limited access; permits for other access.

DEPARTMENT OF EDUCATION Bureau of Rehabilitation Services

Administration

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

After having discovered an erroneous statutory citation in a regulation, Chairman Brinkley cautioned agency personnel to be very careful and to check regulations thoroughly before submitting them.

The meeting adjourned at 11:45 a.m. to meet again on January 4, 1978, at 10 a.m. in Room 327, if available, in the Capitol.

Administrative Register ^{of} *kentucky*

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301 KAR 2:024E	119	8-22-77	201 KAR 19:095			401 KAR 1:100		
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301 KAR 2:026E	143	10-4-77	201 KAR 20:130			Amended	192	
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601 KAR 9:014E	223	12-9-77	301 KAR 1:055			Repealed	41	8-3-77
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			302 KAR 20:070			Amended	19	9-7-77
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			Amended	60	11-2-77	704 KAR 20:080		
			303 KAR 1:041	246		Amended	19	9-7-77
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			303 KAR 1:080			704 KAR 20:212	104	8-3-77
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			401 KAR 1:030			704 KAR 20:235		
			Amended	184		Amended	20	9-7-77
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			Amended	100	8-3-77	Amended	21	9-7-77
			Amended	186		704 KAR 20:255		
			401 KAR 1:080			Amended	21	9-7-77
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808 KAR 2:016	52	8-3-77	902 KAR 1:280					
808 KAR 2:025			Amended	113	8-3-77			
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808 KAR 2:026	108	8-3-77	Amended	216				
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